

Opinion is King

Emma Lawson and Emily Jenke are CEOs of democracyCo and conveners of the recent citizens' jury on nuclear waste storage in South Australia. In this article, they explore the trend towards individualism, its consequences for public policy and the opportunities offered by deliberative democracy in forging a new way forward.

It seems of late that opinion, no matter how uninformed, rules.

We all want to have our say and have our political leaders respond to our every whim.

The fact that our politicians can't respond positively to every whim, without causing internal conflicts seems to be lost on us.

We, individually and collectively bear a considerable level of responsibility for the unrealistic expectations placed on our politicians and for the elevation of our own opinion to something akin to 'fact'; even where we haven't read a thing on the subject matter.

However, governments bear considerable responsibility as well. Over many decades there has been an erosion of many of the vital foundations of democracies and this has alienated large segments of the population from the decision-making process.

We have seen ...

- A significant trend towards political parties promising one thing in an election campaigns and doing another, when in government.
- A focus on careful phrasing and clever, mealy-mouthed sound bites that say nothing but appear to try to placate.
- Years of running community consultation sessions – but not listening to a word people say and instead pursuing a predetermined outcome.
- Community consultation that allows 'opinion' to rule and doesn't seek to enable a two-way conversation that starts from the sharing of information.
- The nation's economic gains not flowing through to a large segment of society
- A rift between the social priorities of the community and the government.

All of this has resulted in an electorate prepared to vote for people that don't sound or look like your traditional politician; politicians like President-elect Donald Trump in the United States and Pauline Hanson in Australia; who appear to say what they think and provide simple solutions to complex issues.

The major risk of this trend to policy making, as we know it, is that governments are increasingly responding to the 'opinion of day'. The results for policy and hence for the future of our country are increasingly confused. Policy is often ill-founded and, hence, doesn't work. Policy has increased volatility and a lack of sustainability, so when created it doesn't even get a chance to establish and start to deliver change. Or even worse, reform just doesn't get past first base as it is impossible to get the ideas through a risk-averse bureaucracy, Cabinet and the Parliament. There is reduced trust in the institutions of government and increased political instability.

The upshot - reform to protect the environment and or to secure our economic future is becoming increasingly difficult to achieve.

We can point to a long list of high-profile policy 'road kill', over recent years; the carbon tax, taxation reform in any guise, reform to the superannuation system, Murray River Basin Plan implementation... just to name a few significant scalps.

It is not a pretty picture and we are seeing it play out every day, largely without comment.

So, what can our politicians and institutions of government more broadly do about it? Well there are the obvious things;

- Be honest about their intent and plans. If their plans must change, for reasons outside their control, be honest about why,
- Listen,
- Be prepared to hold a genuine, respectful conversation where ideas are exchanged.
- Establish and respect institutions and processes that hold governments to account.

But how do we address the issue of uninformed opinion? How do we improve the level of information available to the public and give time for considered discussion around the issues about the best way forward? How do we move beyond an individualistic approach and enable the community to reconcile self-interests? How do we address conflicting values and perspectives?

Can we bring people to consensus, around a way forward?

The answer is yes, we can bring the community to consensus and we can do it through the clever application of deliberative democratic techniques to wicked and complex policy issues. What's more, we would argue that we have no choice but to apply these techniques. It is vital that we introduce currently excluded voices into a conversation with government. Either this or governments will continue to succumb to the lowest common denominator. Then we will all suffer the impact of poor policy making on our economy, environment and society.

The nuclear waste storage facility citizens jury of 350 people recently returned a verdict that didn't neatly advance the government's agenda. Some have since argued that citizens' juries don't offer a useful approach to democratic decision making. After all, the Jury voted down the government's proposal that a nuclear waste storage facility be hosted in SA. It is widely understood that the government wanted further consideration of this issue.

However, a large portion of the Jury (66%) found, after 6 days of formal deliberation and countless additional hours of reading and analysis, that this was **not** a proposal the state should pursue.

But what is interesting is 'why' and in particular the issues that the Jury didn't raise in their report. It is what they *didn't* say that highlights the power of citizen juries or similar deliberative processes to help the community to understand the facts, in a way not possible through the media or traditional opinion polling.

In over 40 pages of feedback – the Jury explained its findings. What is quite astonishing is that the issue you might have expected to cause the Jury most concern hardly rated a mention.

The chief obstacle facing those in the nuclear industry in the establishment of waste storage facilities or nuclear energy generation has been public concerns of safety.

Concerns about leaks, concerns about the potential impact of terrorism, concerns about the risks of radiation to human health and impact on food chains – all feature highly in the public's consciousness.

Several significant events globally have fuelled these concerns to the extent that they have become firmly embedded on the psyche. The combined impact of Chernobyl, Three Mile Island, Maralinga and most recently Fukushima have created an entrenched view that nuclear is high risk and a direct threat to humanity. Significant market research by the nuclear industry has found that these issues raise concerns in people's minds about the pursuit of initiatives in the nuclear fuel cycle. Yet safety and fears of radiation did not feature in the Jury's report to government.

The Jury called 14 witnesses from both sides of the debate on the safety of nuclear waste storage and the safety of storage and transport. Scientists and experts came together to brief the Jury and respond to their questions.¹ With the assistance of these experts the Jury explored and analysed the transport of waste, the storage vessels used for waste, the arrangements for above ground storage, the impact of radiation on health and the construction of underground facilities.

They explored the issues and delved into the science and through this process it appears they resolved a lot of concerns, as safety hardly rated a mention in their report. Infact one juror remarked "the most influential witnesses were the speakers in the safety session - I am now satisfied with this aspect".

This is the power of deliberative process, having had the opportunity to explore the issues (from both sides) with experts that they (the Jury) chose, experts that they trusted, enabled them to resolve the issues that generally plague the public about the nuclear industry.

This is significant and points to the power of deliberative processes in enabling the community to understand and reconcile issues in a way that other more traditional forms of engagement can't do as well.

Instead, the reasons for the strong 'no' vote from the Jury related to issues beyond the reach of science and 'facts' (as we understand them). They raised concerns about consent from indigenous communities, economic benefits, reliability of modelling and, especially, trust in government.

The issue of trust in government goes to the heart of the issue facing all democracies and the rise of 'non-politicians' like Donald Trump and Pauline Hanson in democracies worldwide. That is, trust. The Jury raised concerns about the ability of the government to manage such significant projects successfully and raised concerns about the lack of transparency around government community engagement processes.

Therein lies the rub, unless governments change their current *modus operandi* and start bringing communities into their decision-making processes in a way that is robust, honest and transparent communities will continue to distrust them.

A key lesson from the nuclear citizens' jury process and Jury report is that trust is earned from opening up conversations. It is a brutal mistake to think that citizens will simply rubber stamp an existing government **proposal. Jurors will view that cynically as an attempt to manipulate them.**

Rather, those commissioning a deliberative process should focus on establishing a process with integrity with a well-constructed **open** question which goes to the heart of the problem that needs to be addressed. In doing so they can expect to be challenged. But they can also expect innovative,

¹ The jury heard from the CSIRO, the Australian Nuclear Science and Technology Organisation, International Atomic Energy Agency, Medical Association for the Prevention of War, Public Health Association, Environmental Protection Agency, World Nuclear Transport Institute, Unions and academics on issues of safety.

comprehensive and evidence based solutions which don't second guess politics (because jurors are the politics!) and ideas which will resonate with the common sense of the electorate.

Establishing trust is at the heart of deliberative process; governments trusting citizens and citizens trusting government.

If they (the community) don't understand or trust politicians, our public service or institutions of government, they won't support them and they will continue to express their discontent by voting for those who seek to address complex social, economic and environmental challenges through simple solutions that have perceived direct benefits for the individual. Trump-esque.

Is that the kind of democracy we want or need?