The NSW State Plan, community participation and affordable housing: Tensions between democracy and market-centric development

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Marg Barry: A community participation tour de force

I would like to start by honouring Margaret Barry, who it must be said, was a tour de force when it comes to community participation in Sydney and indeed the Redfern/Waterloo area. In fact, in 2001 the Honourable Deirdre Grusovin, in a private members statement to NSW Parliament, stated, and I quote, that

"Marg Barry was a voice for those who could not speak, a fighter for those too frail and disabled to fight, and she did it so well. She always acted with integrity and commitment to social justice, and in that process she



empowered those for whom she was such an effective advocate. It was Marg Barry who led the fight in 1976 to prevent the then Labor Government from implementing the Housing Commission plan for Waterloo. Jack Ferguson, as Minister for Housing, was committed to a government policy of slum clearance for Waterloo, which already had two tower blocks, and more were scheduled for construction. At that time it was unheard of—and there was certainly no obligation or requirement on government—to have community consultation or negotiation with resident action and local activist groups. That all changed when Marg challenged government and organised Community Resistance".

Marg sadly passed away in 2001, and so missed the emergence of community participation as a specific government strategy from the early 2000's. A strategy that has been linked into political projects as diverse as social inclusion and market-centric redevelopment programs. Programs that are currently being rolled out through the NSW State Plan and the Sydney Metropolitan Strategy.

Market-centric development and democracy

In fact, the recent New South Wales State Plan outlines an approach to state building that explicitly combines new democratic practices at the local level with an increasing role for the private sector in the delivery and management of infrastructure and services across the state. The plan includes a renewed commitment to local regimes of democratic participation that are being deployed through political frameworks such as social inclusion.

So we get statements such as the following from the

NSW State Plan, and I quote, "Essential to our strong democracy ... [is] enabling citizens to critique government services, and finding more ways to involve people in government decision making ... Making it easier for citizens to interact with government through modern, innovative and engaging tools".

So my task in preparing for this lecture was to ask: what would Marg make of community participation in an era of market-centric urban redevelopment? To being to answer this question, I think it's important to remember two key features about Marg's approach to community participation. The first was her commitment to disadvantaged people within her community. And

MARKET-CENTRIC DEVELOPMENT AND DEMOCRACY "Essential to our strong democracy ... [is] enabling citizens to critique government services, and finding more ways to involve people in government decision making ... Making it easier for citizens to interact with government through modern, innovative and engaging tools". the second was her *modus operandi* for community participation; in short she was a political and social activist.

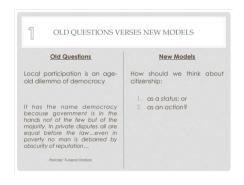
And with the word activism kept in the front of our minds, I would like start by talking about two different types of community participation. The first type is the participation space we now think about when we discuss tenant participation; spaces like community consultations, tenant committees, tenant advisory groups and the like. The second type is a much older form of citizen participation that involves citizen-driven community organising and activism. And I going to argue that with the move from state managed and state funded public services and infrastructure, towards private and non-for-profit managed and funded public services and infrastructure, we need both types of community participation.

Using citizenship as a lens, I want to highlight 10 tensions that occur over and over between the expectations of local citizens when they enter local governance processes with the *reality* of local level democracy. Because what is at stake within community participation is local level democracy.

My board focus in this lecture will be on tenant organizing, noting that citizenship is always connected to people and place, and housing is central to discussions of people and place. People such as public housing communities and places such as public housing neighbourhoods. And further, it is through the practices of citizenship, practices like community organising and political advocacy, that people make claims to community and place. So I want to work through some democratic theory to outline 10 tensions between democratic expectations and democratic realities.

Tension number 1, old questions verses new models.

So to start, lets be clear about local level democracy. We know that the local participation of citizens is an age-old dilemma of democracy. Pericles, over 2500 years ago in ancient Athens, stated we call it a democracy because government is in the hands of the people. And he went on to say, everyone is equal and that poverty should not prevent a citizen from participating in local governance. Now this is a very important and foundational component of democracy, that everybody, rich and poor, has the right to participate in local governance. But ancient Athens was a direct democracy, and I'll return to that in a minute.

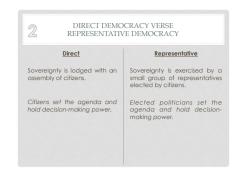


Now if we fast-forward 2500 years, there are new political commitments to involving the rich and the poor in local governance, and new models of public participation that attempt to realise this goal. Social inclusion, for instance, is premised on notions of democracy, so notions and practices of citizenship are central to questions of citizen participation. The term citizenship is often evoked when people are asked to participate in local governance processes like community consultations and tenant committees. We hear people say "its tenants' right to participate in their housing governance".

And here lies the first tension, should we think about citizenship as a right, such as a constitutional right because I'm a citizen of Australia and a member of a housing community? Or should we think about citizenship as an action, something that only makes sense, that only means something, when we perform an act of citizenship like voting, submitting a public submission, sitting on a tenant committee, attending a safety audit or dare I say, even protesting? We will return to this 1st tension again; the tension between citizenship understood as *status* and citizenship as *action*.

Tension number 2, direct democracy verse representative democracy.

And here lies one of the most fundamental tensions between *expectations*, or what we might expect to occur within a community participation space, and *reality*, or what actually occurs within that community participation space. Some of the new models of community participation and community organising draw on very old direct democracy processes, sometimes even using the same names, such as 'citizens juries' and 'peoples assemblies'. But models of direct democracy and models of representative democracy are not always easy bedfellows.



In a direct democracy, the citizens set the agenda and hold decision-making power. Everyone comes together and votes as a group on matters affecting the political community. In ancient Athens this was always at the local level and only ever involved several thousand people. So direct democracy processes are too onerous for large nation-states like Australia, we can't involve every person in every policy decision all of the time. So we created representative democracy, where the people elect politicians to set the agenda and hold decision-making power. Not surprises here, we all know this.

But when we attempt to bring these two very different notions of democracy together, the tensions become more evident. Do we really want, and indeed is it even possible, to share decision-making power at the local level within a technocratic and market-driven representative democracy?

For the supposed strength of a representative democracy is that it is a form of government in which experts in planning and social policy hold the decision making power. The assumption of technocratic government is that the government will make the right decision on behalf of citizen because they are the experts. So when we think about concepts like community participation, community consultation, social inclusion, etcetera, we should think about these terms as the intersection of two uneasy democratic bedfellows, direct and representative democracy.

Tension number 3, constitutional verse substantive citizenship.

Constitutional citizenship is a legal relationship between citizens and the state. Within former welfare states, such as Australia, constitutional rights were constructed as the right to social security which equated to a right to housing protection; i.e. public housing. But within the more recent move toward the privatization of social service provision, tenants' constitutional rights have been detached from their rights to housing protection. So constitutional rights no longer equate to a right to welfare protection for poor citizens, like they did in the old days of the welfare state. So constitutional rights are a problematic way of thinking about tenants rights within the current policy environment in Australia, when we're discussing public or social housing.

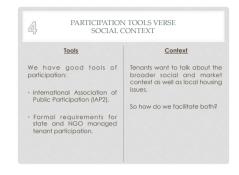


Another way of thinking about tenants' rights is as a set of substantive rights, or acts of citizenship, the things tenants do. Remembering that citizenship is always a set of rights (things you get) and responsibilities (things you do). So there are two types of actions that tenants can undertake, (1) they can meet their responsibilities to the government or the market by becoming a consumer citizen. The 'consumer citizen' is as a citizen who performs citizenship in observance with the responsibilities mediated by the marketisation of the state. i.e. a good tenant is someone who participates in the marketplace for all their housing, goods and services needs. The tagline here is, welfare is a hand up, not a hand out, and this is code for housing is no longer a right.

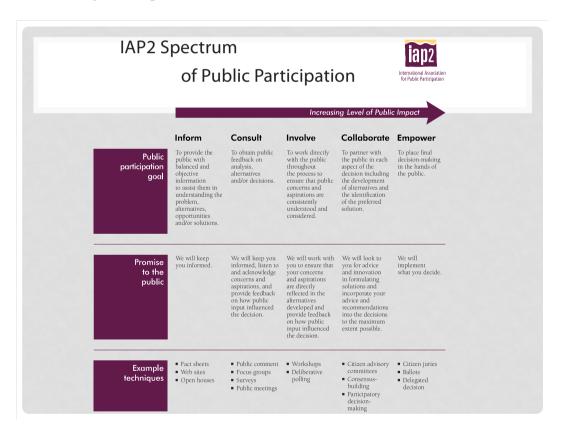
So for public housing tenants who cannot secure employment or who cannot secure their housing in the private rental market, they are performing citizenship in other ways. And here is the important thing for community participation, tenants can undertake, or perform citizenship in different ways. (2) Tenants don't have to accept the 'consumer citizenship' framework. In fact, they can even challenge it. One of the most important, and perhaps oldest forms of community participation, is the monitoring of the power of individuals, organisations and governments. We might call this monitory democracy, and I'll return to this idea in a minute.

Tension number 4, participation tools verse social context

For a while now there has been a discussion and a good deal of academic and practitioner attention placed on developing good community participation tools, 'best practice models' if you like for community participation. And there are now some fairly rigorous models for community participation. Models and participation techniques, such as IAP2's spectrum, which provides both a theoretical rationale and practical communications tools that have been rolled out in a range of government settings in Australia.



[Slide of IAP2's Spectrum]



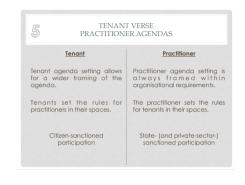
So, as you can see here, the IAP2 model outlines the types of activities you might like to undertake, *inform, consult, collaborate* etcetera across the top. And then we see some familiar techniques for undertaking 'direct democracy' down the bottom, 'citizen juries', 'delegated decision-making' etcetera. What is missing from this model and many community participation spaces is the way, the method or the process, by which these techniques of direct democracy will be incorporated into our of system representative democracy. What is missing here is the broader social and political context in which these participation techniques are practiced; it is this context that is key. This can create a huge tension between *expectations* and *realities* for tenants.

Tenants want to talk about the broader social and market context as well as their local housing issues. Sure, there might be formal requirements for government and social housing providers to undertake tenant participation at the local level, but tenants often report they can't discuss or be involved in decisions about, for instance, the move from 'public' to 'social' housing, or the forced relocation of tenants. They state they can only discuss local issues such as maintenance, or small changes within predetermined policy frameworks, and not the policy frameworks themselves. And tenants want to talk about both, yes they want to be involved in the formal tenant participation spaces with government and social housing providers, but they also want to be involved in other political debates that directly affect their lives.

Tension number 5, tenant verse practitioner agendas

Tenants want to set the agenda of community participant because this allows for a wider framing of the issues that concern tenants. And this leads to the question, who should manage tenant participation, which organisations should be tasked with the job, how should they be funded, and what government bodies should be involved and how?

We can think about this as the need for two different types of community participation 'spaces'. The first is what I've called citizen-sanctioned participation spaces,

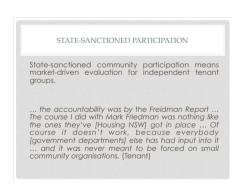


those spaces that tenants create themselves to perform an act of citizenship; these spaces are solely managed by tenants or their representatives and that have no, or very little, state or housing manager control or input. Independent tenant groups, and by 'independent' I mean no strings attached to funding, which is increasingly difficult within a market-driven policy environment as will become clearer in a minute.

These types of groups need to be free to question government decisions, free to talk to the media, and have free access to information about government policy and the actions of governments and housing managers. But with the economic rationalisation of public housing in Australia there has been a recalibration of the funding mechanisms for independent tenant groups. And to give you a concrete empirical example,

[Slide of Housing NSW's review of tenant participation]

Housing NSW's 2009 tenant participation policy review was central to the reconfiguring of local tenant groups in NSW. Housing NSW amalgamated the funding programs for the "Public Tenants Councils" and the "Regional Tenant Resources Services" into the "Tenant Participation Resource Services" or TPRS. Through this restructure, existing tenant groups were required to reapply for their funding under a new set of TPRS funding provisions that linked, and I quote, "the foundations for the new TPRS proposal" to "a number of recent Government reform processes". i.e. They linked the funding to the marketization and economic rationalisation



of public housing. In keeping with a market-centric audit culture that is now pervasive in NSW, the new tenant groups were now called "Services" and were required to develop "Service Plans" and to submit to, and I quote, "annual outcomes monitoring reports using Results Based Accountability outcomes monitoring tools".

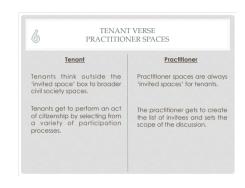
Through this process, some tenant groups that were previously funded by the state, but also a tenant group that was funded by a new private sector developer under a public-private partnership contract in Bonnyrigg, were either partly or completely defunded. In the Bonnyrigg case, the non-government housing manager, essentially under contract to the private sector developers, cut the funding for the NGO that was managing the 'independent' tenant group by

half. So the 'independence' of state-sanctioned participation spaces such as community consultations or local committees that are set up by the state or funded by social housing managers, or even the private sector by *de facto*, to involve tenants, have clear limitations. In state-sanctioned participation spaces the practitioner, the government or non-for-profit employees, even the private sector, now set the agenda for tenants. The agenda is always framed within the requirements of their organisation. The practitioner sets the rules for tenants in their spaces, so tenants are limited in their capacity to monitor the power of the state, the housing manager, or the private sector in these spaces. And this leads us to the different types of participation spaces tenants and practitioners might create.

Tension number 6, tenant verse practitioner spaces

When tenants create a participation space to perform an action of citizenship, they think outside the 'invited space' box to broader civil society spaces. They think about going to the media, challenging the dispersal of public housing tenants, or rejecting the idea that the market is the best way to address structural discrimination within housing provision.

By comparison, in the spaces that the government and housing managers create, and invite tenants into to be involved or consulted within, these questions are off the



agenda. I'm not arguing for one participation space over another, but that we need a multitude of participation spaces that will meet the diverse political needs of tenants.

The commitment by government to set up local consultative processes is good, *in-principle*, but it has to be one of many participations spaces within a network, spanning the local to the national, of active tenant participation, or tenant activism, to put it another way.

So I argue that we need both practitioner and tenant participation spaces if we want to start to bridge the gap between expectations and reality for tenants. Going to the media or protesting might be just as important to tenants, as an act of citizenship, as going to a community consultation or being involved in a committee that is put on by the government or a housing manager. And this leads to the next tension,

Tension number 7, transparency verse selective release of information

Democracy requires transparency, but can we really make everything available in a market-centric representative democracy? The renewal of public housing estates in NSW, and indeed an emerging trend within other Australian states, is to use the market, the private sector and non-government sector, to redevelop large public housing estates through contractual arrangements such as public-private-partnerships.

Bringing together the public and private sectors in this way introduces new challenges to transparency and therefore democracy and therefore community

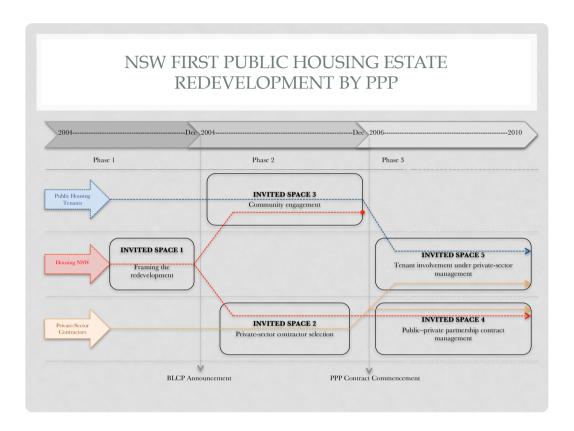


participation. Commercial-in-confidence and other legal and market requirements mean that governments cannot release information about government contracts and private sector negotiations until after key decisions have been made. The selective release of information by governments is often cited by tenants as a key barrier to their participation in housing governance at the local level.

This raises the question, how are tenants to monitor the power of the public, non-government and private sectors if they don't have timely and free access to the information that is guiding policy reforms and the reconfiguration of public and social housing? Here the tensions between direct democracy and representative democracy raise their heads again, but in a new way.

Using the market to deliver social services and infrastructure means that the market – economic evaluation and financial measurements – become important decision-making processes that override, and are undertaken before, local community participation. These market processes are in direct conflict and often trump local level decision-making. Again, to give you a concrete empirical example, I turn to the redevelopment of the Bonnyrigg public housing estate by public-private-partnership.

BLCP Community Consultation



(Reference: Rogers D. (2012) The politics of space and time within market-centric urban policy: The case of the Bonnyrigg Living Communities Project. Special Issue: Thinking about space. *Polymath: An Interdisciplinary Arts and Sciences Journal* 1.)

As you can see here, in this diagrammatic representation of the various spaces that the NSW Government created to roll out the Bonnyrigg PPP, they created two spaces into which they solely invited the private sector developers. The first was invited space no. 2, or the PPP contract negotiation space where the Government negotiated the PPP contract with the private sector. And second was invited space no. 4, the PPP contract management space, or where the Government is project managing the PPP.

Local residents were, of course, not invited into these two spaces. In fact they were explicitly restricted from these spaces under financial and legal 'commercial-in-confidence' stipulations. Local residents were restricted, in short, because of the property developers' involvement. So where were local residents invited? Well they weren't in invited space no. 1, where the decisions about, and the framing of, the redevelopment project took place. Only the NSW Government occupied that space. Instead, local residents were invited into another space that the NSW Government created and called 'community engagement', or invited space no. 3.

Then when the PPP was under private sector management, the NSW Government forced the local community into invited space no. 5 by making the private sector, through a not-for-profit housing manager, responsible for funding community participation. And it was within invited space no. 5 that the funding cut to the independent tenant group that I noted earlier occurred.

Three key points should be highlighted here. First, the Bonnyrigg case represents a serious reconfiguration of local level democracy, whereby different social actors were granted different rights. Second, what is clear from this case is that the NSW Government remained central to the design and implementation of the PPP, that is, the government continues to set the scale and scope of urban interventions. And third, once granted the power by the state, the private sector will, almost by definition, seek to cut costs and reduce completion and opposition to their projects.

Tension number 8, state-managed verse market-managed policy

So as noted earlier, under the former welfare state models, when the government managed and rolled out social policy and large infrastructure projects, tenants could use their constitutional rights to monitor the power of the government and the government's various social and infrastructure projects. But as the state moves toward market-managed policy, the introduction of public-private-partnerships and the like, tenants rights to call the government to account become more complex as a direct result of these new contracting and private financing arrangements and the selective release of information these legal and market frameworks mandate.



Additionally, in market-managed policy environments new rights are created for different parties. So called 'market rights' give raise to questions like, can social housing tenants call the private sector companies that are redeveloping their estates to account in the same way they could government agencies in the past?

For instance, the suggestion in the NSW State Plan of strengthening the powers of the state and federal power scrutinizing mechanisms of government, including the NSW Ombudsman, is therefore a necessary step in mounting a challenge to the move towards a market-centric city. But this too is complicated by the marketisation of urban and social policy in NSW. In interviews I've conducted, public housing tenants have stated that when they moved from 'public housing' managed by the state to 'social housing' managed by non-government organisations, that the NSW Ombudsman no longer had political oversight of the 'non-government' housing sector. Therefore, the political reconfiguration of our cities is at the very heart of the processes that will reshape citizens' rights. Tenants can no longer use their constitutional rights to monitor the power of a state as their landlord.

So how should we think about community participation and citizen rights?

Tension number 9, interests verse consensus. What are we aiming for here?

Monitory democracy, or monitory citizenship where tenants monitor power instead of trying to share decision-making power, and activism are long-standing and tried and tested as effective tenant participation models in a representative democracy. They are perhaps the best 'best practice' models we have. They accept that inherent political differences are a reality and operate across and through different political organisations and community groups.

Interests

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Monitory democracy and activism are effective local participation models.

Representative democracies function better with more diverse voices in the debate.

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More importantly, monitory and pressure group models also accept that we have deferred our responsibility to elected

representatives, who have in turn, deferred their decision-making power to technocrats, or experts such as urban and social planners, architects, and policy makers. So when tenants ask for, or are told that, decision-making power is being given back to them at the local level, are we saying that we are removing this decision-making power from the housing managers, urban and social planners, architects, and policy makers, or the elected representatives themselves? And

if so, how, to what degree and by what political mechanisms will this transfer, back to the local, taking place?

In a representative democracy where experts make decisions that will affect tenants lives in very real and significant ways, including moving them out of their homes and changing the terms by which their tenancies are secured, we need to ask if its possible to give tenants the same decision-making power as other experts; such as urban and social planners etcetera. This, to me at least, seems unlikely so it might be important to maintain monitory and pressure group models of participation that will allow tenants to pressure governments for change. This would require no strings attached to funding for independent tenant groups who can advocate through media and other political campaigns at the local, state and federal levels.

So why are independent citizen-sanctioned tenant groups needed?

It is well know that urban and housing policy reforms, such as housing subsidies, taxation exemptions, or welfare provisions, are not entirely driven by rational and objective assessments of the needs of those who live in Australian cities. Instead, these reforms are also an outcome of the politics and actions of citizen, government, industry, business, and non-government organisations. In short, and as Marg Barry astutely understood, housing provision and housing policy is primarily an issue of politics.

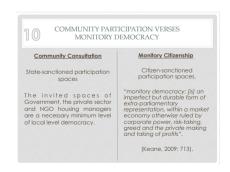
As shown in the previous examples, market-centric housing approaches are changing the way civil and political power is distributed in Australian cities. In particular, these market-centric approaches often serve to frame the debates about what is politically feasible and the actions that can be mounted to improve housing provision or address housing need. Low-income and disadvantaged citizens, and their representatives, need to be involved in these political debates; but how?

Well, if we look at the different types of rights that are being granted to different social actors within the current market-centric policy system, we see that not all citizens or groups have equal access to these civic participation tools. The playing field is uneven when it comes to community participation. Low-income tenants, for instance, cannot access shareholder rights because they don't have a financial stake in the assets involved in the urban redevelopments.

What low-income citizens do have is the capacity to hold the government to account; to monitor the power of the government and the private sector. But it is only through a well-resourced and coordinated network of independent community organisations that these political projects can be mounted in the interests of low-income citizens. And on political resolve, I reach my final point.

Tension number 10, community participation verse monitory citizenship

Yes, we need, and indeed we should expect and demand, the public, private and non-for-profit sectors to provide community participation spaces for citizens when their activities so drastically affect the lives of low-income citizens. But these state-sanctioned participation spaces will always have limitations. Therefore we also need monitory organisations and individuals. As power monitors, those implicitly or explicitly disenfranchised from political power at any level of government can deploy a suite of rights, in additional to their constitutional rights, to monitor and discipline the power of individuals, the state and private



corporations. Monitory citizenship often operates outside the boundaries of state and private sector sanctioned participation processes and encourages different interest positions. That is, it is not consensus seeking, it depends on conflict, dissidence and represents a challenge to oppressive power relations. It is what Chantal Mouffe calls Radical Democracy. And, on my view, one of the most successful monitory organisations in Australia is located right here in Redfern/Waterloo, an organization I'm sure you all know, indeed many of you are members; REDWatch.

The monitory focus of REDWatch did not emerge as a 'consensus position' for the organisation, but instead as a process for mediating between different 'community interests' for the benefit of the local community.

REDWatch is the monitory democracy organisation par excellence

As we all know, REDWatch, an acronym formed in part from the Sydney suburbs of Redfern, Eveleigh, Darlington and Waterloo and over which the organisation has a political interest, has a membership that includes local residents and representatives from non-government orgainsations and several political parties. REDWatch area has been subject to various NSW Government bodies including the Redfern Waterloo Partnership Project, the Redfern Waterloo Authority (RWA) and currently the Sydney Metropolitan It had Development Authority (SMDA). its own



Government Minister from 2004 to 2011 and interventions have included removing planning responsibilities from local government and placing specific responsibilities on various human services and planning departments.

Certainly the Government has conducted community consultations that REDWatch attends and even promotes. But it is REDWatch's organisational mission that makes it a monitory democracy organization *par excellence*. In the words of REDWatch, and I quote their website:

"REDWatch exists to monitor Government involvement in our area and to push for outcomes that benefit the community and not just the Government."

REDWatch shares information and encourages other individuals, community groups, journalists, academics and even different government departments to 'do their own research and analysis' to monitor the power of government and the private sector. REDWatch is, in short, a good old-fashioned activist organization with sharp new media teeth. It is an organization in keeping with the old fashioned activist tradition that Marg Barry laid the foundations for four decades ago.

Thank you.