

Bullying ... but who bullies who?

The destruction of public interest in professional ethics in South East Queensland transport policy and project consultation

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Presented at

Responding to Professional Abuse

Third International Conference
Beyond Bullying Association Inc
2-3 July 1999

Summary

Continued "improvements" to transport infrastructure seem an inevitable outcome of a growing population. But who decides what improvements and where they occur is highly contested. "Independent" professional consultants are increasingly being engaged to advise both politicians and bureaucrats instead of government expertise. Community consultation can expose the extent of independence of such consultants.

Consultants invariably do not take public interest raised in consultation into account because the scope and project brief is defined by confidential client-consultant agreements. Increasingly, community groups include similarly qualified expert "consultants" who can make explicit, not only the politicisation of technical advice but the credibility and power imbalances currently used to convince a compliant public. These include deliberate exclusion, marginalisation and personal abuse; classic "bullying" techniques. This paper discusses current practice and the benefits of informed consultation.

Introduction

Before addressing the topic, it is essential to introduce the setting and approach taken. The author has over 30 years experience as a practicing architect, masters degrees in environmental management science and in environmental education and is currently undertaking doctoral research into the role and potential of community consultation in transport planning and policy in south east Queensland. Not only is the current paper informed by both research and professional experience, the author is advocate and adviser assisting interest groups to achieve improved conditions for public transport, walking, cycling and people with access disabilities. The author is also involved in several local and state advisory and/or reference groups and in the international arena. The perspective is multi-disciplinary "generalist" rather than "specialist". However, paradoxically, the lack of research in this and related areas repositions the

work as specialist and to a considerable extent, critical of current practice.

South east Queensland is currently undergoing considerable growth in population and development. Subject to a series of regional plans including the *Integrated Regional Transport Plan* (IRTP, undated), the political context of the support for growth and the concern about the environmental and social impacts of a doubling of car traffic over the next 10 years in which current and previous forms of community consultation increasingly raises ethical issues as to the role of professionals (Yeates, 1994, 23-5). Professional consultants (eg engineers, planners, architects) are increasingly engaged to undertake and manage consultation processes. Conflict between briefs (clients instructions for projects) and local community interests, and more broadly the public interest, inevitably arises during consultation. Who resolves such conflicts when the consultants are contracted to carry out the client's (usually confidential) requirements?

Codes of professional ethics (eg of bodies representing engineers) confirm no satisfactory means for resolving such conflicts or indeed, even raising them. Concerns or complaints are inevitably referred to a panel of members of the professions professional body. This is both more explicit and more serious when projects originate from government organisations (eg local authorities, transport or road authorities) whose briefs and preliminary advice are also prepared by professionals either within, or as consultants to, the authorities.

Faced with dependency on continuing work, professionals become less "professional" and more "commercial" or "political". Faced with ensuring future work, why would professionals advise against clients instructions? How can the public interest be determined when raised in consultation if the project has already been determined? Professionals answer such questions by locating issues outside the project brief or scope or by confirming issues have already been decided and therefore, in both cases, beyond consultation or critique.

Conflict between public, local and private interests also emerges when professionals define the issue, problem or topic using their professional language, skills and knowledge to coerce public interest or concern. By defining issues as technical, public interest can be excluded. For example, Queensland Transport (QT) engineers decided that community representatives cannot participate in local technical committees to manage and adjust local street speed limits thus excluding residents, cyclists, school childrens interests (briefing, State Cycle Committee members, 25 June 1999). Any public participation was excluded. Engineers alone will represent the public interest. It is their view and not a public view, which decides the public interest.

Transport policy and planning

Similarly, transport and accessibility issues can be defined to suit the interests of professionals. Faced with the "problem" of rapid growth in car use and concerns about air pollution, health and access for those with an access disability, increased use of public transport, walking and cycling has been defined as the "solution" (IRTP). Implementation might reasonably be expected to be facilitated by clear policy.

However, transport professionals have long supported a form of social or sociological research which estimates growth in use, provides for that growth and then monitors the growth:- "predict and provide". More people are likely to make use of better facilities or improved conditions and capacity if it suits their needs. By predicting the need for and then providing more road space, more people use it. Can such a method support IRTP "solutions"? Rather than identifying needs and constraints restricting increased use of the "solutions" and then implementing projects to increase their use, "predict and provide" allows professionals to improve the "problem" area (eg more roads) by competing for priority and funding with identified "solutions" while increasing negative impacts.

Policy and planning consultation processes raise the futility of providing more of the same. When challenged, professionals defend the necessity for current implementation by use of their technical knowledge and by excluding critics. Potential and current users, informed advocates and those suffering negative impacts of current and previous "expertise" are easily excluded from assessing alternative futures and the possibility of significant change with public support.

"Professional" decision making

Professionals inside and outside government can be "bullies" (eg coercive in dealing with others) yet also be "bullied" (eg coerced by politicians, interest groups or other professionals). This raises the question of "political" or rational expedient behaviours as distinct from and perhaps opposed to "technical" and "ethical" behaviours. By exposing issues to critique, consultation tends to make political, expedient, technical and ethical behaviours by professionals more explicit. Increased public knowledge and awareness about issues and, surprisingly frequently, emergence of "experts" within communities being consulted or potentially exposed to negative impacts, has generated better informed critique. Politicised professional advice which is potentially flawed and/or self-serving thus contributes to reduced credibility of professional standing (Illich 1976).

Whether accepting and defending client briefs or managing consultation processes which exclude local community and public interest, professionals act as agents, ie commercially or politically rather than ethically or independently. Despite trying to be agent for the client and ethically professional, inevitably, advice is influenced by clients interests. Rather than being technical, ethical and independent, advice influenced by political and commercial interests is often detrimental to local and public interests and in particular, those excluded from or by the process. Professionals promoting an ethical position reduce the credibility of professional advice if shown by expert critique to be politicised. Adoption of bullying tactics to coerce support and to exclude or reduce critique only serves to confirm politicised professional behaviours. However, professionals can adopt processes to make the political as distinct from professional and technical issues more explicit, thereby preserving a more ethical professional role.

Consultation

Consultation in communities with increased awareness and expertise can threaten decision making processes with unforeseen as well as foreseen conflicts. Such conflict is inevitable and potentially beneficial whether explicit, contained or repressed. Despite threats to and critique of professional behaviours and advice, resolving or reducing inherent conflicts suggests better outcomes in the short and long term.

Rather than excluding potential or interested participants, increased participation by diverse groups enhances proposed policy or planning outcomes, maximises benefits and minimises impacts for both local and broader interests. Concern about conflict being generated by consultation and/or participation and the need for conflict to be managed or reduced often signifies intentions to avoid critique by excluding groups or interests identified as potentially or inherently in disagreement with the proposal or policy. Exclusion by avoiding consultation or by exclusion from consultation using legal, political or discriminatory power is coercive ie it is bullying.

So what is "consultation" and why do it? The view most consistent with Australian forms of governance suggests extension of participatory democracy to include local and broader interests in decision making regarding relatively specific issues, projects or policies as distinct from more general policies upon which elections of local, state and national governments are based. While this suggests specific issues, the issues are inevitably both complex and inter-related with other issues including political party positions or policies previously subject to elections. Consultation is therefore inherently complex and "political". It is inherently controversial. It provides more democratic, political means for enhanced awareness raising, decision making and dispute resolution about difficult technical and social issues and questions.

By increasing awareness, consultation encourages more informed community decision making if adequate time and resources are made available. Consultation provides opportunities for both an educative and a critical decision making role for people. As with environmental education, it "... should always be slightly subversive, beneficially subversive. And above all, it should make people self reliant and self confident, and equip them for reshaping society" [Hoogendijk in Sterling, 1993,94].

Providing more assistance for people to better assess outcomes and the notion that consultation might be "beneficially subversive" potentially threaten only those whose rhetoric is about better futures but whose practice is not. Consultation can make explicit the power of various participants in the political and technical decision making processes by assessing community and policy rhetoric against implementation (Yeates 1998). It assists "keep the bastards honest" by reviewing implementation decisions against policy goals and diverse informed community views. When equity and equality are politically and ethically valued, resolution of diverse views is essential to reduce discrimination and exclusion, especially since groups seeking equality are most likely advocates seeking inclusion of issues excluded by professionals and/or politicians in power.

Given that consultation is an extension of participatory democracy rather than "market survey", the extent that consultation processes influences decision making processes and ultimately implementation measures power of the consultation process. However, it does not follow that consultation processes will change proposals. In theory, well researched and resolved proposals would be endorsed unchanged by a consultation process. In practice, the complexity of issues and diversity of interests requires consultation processes to resolve conflicting issues and accordingly, must have that ability. In assessing the range or scope of consultation processes, a continuum of influence has been identified as with Arnstein's "ladder of citizen participation" (Arnstein,1969). Participation ranges from informing and manipulation through consultation to partnership, delegated power and citizen control.

Despite current rhetorical support for consultation (eg IRTP Sec.14.1), most processes provide limited, often controlled, information to assess opposition or in exchange for community support. Thus much current consultation is market research at a point in time without providing sufficient time and resources for communities to develop awareness and confidence to rigourously scrutinise and comprehend outcomes and the many, often undocumented, impacts of complex proposals. Given one-project-at-a-time consultation and an absense of longitudinal studies, changes in community awareness and attitudes to important issues over time are not being assessed despite evidence significant changes in attitudes appear to be occurring (eg increasingly informed resistance to road building). Such changes can be strong indicators of significant community-wide changes in consciousness (Hsiao, 1990).

By one-project-at-a-time consultation, professionals eliminate detection of attitudinal changes and the opportunity for communities to develop awareness thereby ensuring professional and political interests dominate the local community and the broader public interest. Manuals and guidelines extend power by giving control to professionals as to whether, and if so, how and when, to consult (eg QT/MR,1996; BCC,1999).

Despite suggestions that "(c)ommunity consultation has sometimes been viewed as a process of 'selling' a pre-determined solution or project to the local community" and that "(t)he need for the project must be established and alternative ways of meeting the project's objectives seriously considered before a preferred option is selected" (IRTP 1998:95), these remain the basis of many concerns about current consultation. Little has changed since 1991 when, in reviewing purposes of consultation, reviewers stated that "(t)he SEPTS Report contains some contradictory statements about the purposes of consultation. In some places it is stated that the aim is 'To have the community accept some responsibility and ownership of the recommended course of action ...'. The meaning of this is unclear - it seems to imply co-option as a central goal. In others, consultation is described as a 'useful adjunct to expert advice', which seems to imply a peripheral role for consultation." (SEPTS Review Group,1991). Current practice appears similar. Few consultation processes have been reviewed in detail. Some case studies illustrate current practice and issues previously raised.

The IRTP prescribes a major importance to the role for steering and implementation arrangements (IRTP Chapter 13) including the highest level of community input into the process through the *Regional Transport Reference Group* (RTRG), the convening of which is Action 14.2 (IRTP,p95). "The RTRG (was) established to provide *high level, balanced advice from a cross-section of interest groups on SEQ strategic transport planning issues* related to the IRTP" (QT IRTP Fact Sheet #1, italics added). The phrases in italics confirm the RTRG as a means for encouraging resolution of conflicting and diverse understandings to assist IRTP implementation. The RTRG first met on 3 December 1997, commencing a process developed by barrister Dr Ted Christie as an independent initial chairperson, and QT officers to provide an effective representation of over 70 interest groups including various local and state government authorities. The independent Chair and deputy were elected by the RTRG from a panel selected by QT and QT undertook secretarial support to the RTRG.

Ultimately the RTRG comprised some 18 interest groups, refined as groups of interests, some representing government agencies including QT and others industry, advocacy and interest groups. Although a wide range of inherently diverse and often opposed positions and interests, their agreement is essential to enable RTRG support for many politically difficult government decisions implicit in the IRTP. The process and arguably the RTRG itself were designed to bring diverse interests to an understanding to allow differences to be best resolved. The process for addressing such divergence formed a major part of initial RTRG meetings to develop a better understanding in support of the consensus-building objective. QT provided interest groups with a very useful guide based on Canadian round table experience which provided an agreed protocol to ensure minority interests were not disempowered by the majority.

If one or a few Members disagree with a proposed decision, then that Member is responsible for demonstrating clearly that the item at issue is a matter of such principle that he or she cannot accept the decision. Or, the Member must clearly show why and how he or she would be specifically and differentially impacted by the proposed decision.

If the dissenting Member can demonstrate either condition, then it becomes incumbent upon the rest of the Members to make an explicit effort to address those concerns.
(Cormick et al 1996:36-7)

In practice as predicted by the literature (Cormick,1996; Yankelovich,1991;Yeates, 1994), working through such a complex array of issues and diverse positions inevitably took considerably more time than many foresaw. Participants, in particular QT, also sought to address projects prior to the higher order "SEQ strategic transport planning issues" (QT IRTP Fact Sheet #1). Some participants (including the road freight interest group and the RACQ representing private motorists) reportedly considered the RTRG too biased against their interests and towards public transport and, rather than following the agreed protocol, wrote directly to QT (ie not QT as RTRG secretariat) and withdrew from the RTRG without their concerns being addressed or recorded.

Despite requests by the RTRG and some of its member groups, to date, QT appears to have failed to act as the RTRG secretariat and the matter remains unresolved. (see end footnote).

Other significant interventions by QT officers over the period of the RTRG process include the reduction of meeting frequency from monthly to two monthly, reluctance to schedule regular meetings such that participants including the chairperson could allocate dates for forward meetings, and ultimately, partly as a direct result of not having regular meetings, and, with no reference to the RTRG, QT replaced the elected chair by substituting the deputy chair on the basis of the chair's unavailability. This only emerged when, after a year, the RTRG met as scheduled to elect and confirm the chair and deputy for the following year, and the chair, unable to attend the meeting made a written submission explaining his absence but seeking re-appointment as deputy. Extraordinarily, when the RTRG sought clarification from QT, no QT person in attendance advised of or was able to confirm the chair's submission and further, no QT person had brought the chair's submission to the meeting. Concerned as to the role of QT officers in these events, the RTRG decided to retain the chair and deputy chair until the matters had been resolved and agreed to refer this and certain other related matters to the Minister for Transport.

Given the above, it might be assumed the RTRG achieved little. In fact, several studies and submissions were jointly agreed and submitted, a number of policy papers and the next phase of the IRTP were reviewed, and of particular relevance, interests and groups which might previously have been considered to be opposed developed useful contacts and found considerable common ground. Thus the RTRG and its process provide an exemplary model in the difficult field of consultation. Each groups efforts and difficulties developing and using the process emerged were invaluable to developing both the process and the skill of working through to resolve diverse issues.

Regional Communities

On being elected, the Beattie government implemented a state-wide consultation process *Regional Communities* led by the Queensland Department of Communication and Information, Local Government and Planning thus implementing an electoral policy. Constituted in major regional areas across the state, *Regional Communities* aims to provide more effective communication between state cabinet ministers, local authorities and local communities by scheduled meetings, regional offices and staff at the locations. Meetings are attended by two ministers, one of whom will have been at the previous meeting and the other who will attend the following meeting. Thus all ministers will be exposed to communities and their interests across the state in addition to their own portfolio.

Given the importance of transport, access, traffic, congestion and environmental impacts, interestingly, these issues were not identified by *Regional Communities* yet emerged strongly during first round regional meetings. Although an explanation was sought from both the department and the Premier, no reason for the exclusion of transport issues has yet been given. In the absence of any formal ongoing consultation process in QT, QT and/or the government appear to not want transport and transport related matters subject to ongoing scrutiny.

Your City, Your say

Your City, Your say is the generic branding of the citywide Brisbane City Council (BCC) consultation programme. Those who volunteer to be participants are forwarded mailouts often with simple surveys on specific topics and invitations to attend community meetings which are also advertised in local newspapers. The programme recently included a major day-long process involving several hundred participants seeking to identify key issues and their relative support. Participants have little if any explicit "say" in the topics or the organisation. To date, few if any outcomes have been published. A process for ensuring policies actually get implemented and assessed by the community has been identified as a major issue so it seems clear participants remain at the level of being consulted and lack any explicit power in decision making.

Evolution in Motion

Evolution in Motion, the BCC transport plan, forms part of the IRTP and other regional plans and strategies for growth management in south east Queensland. Produced in 1998, *Evolution in Motion* was not subject to consultation despite supportive rhetoric for consultation (IRTP) and major funding from the state government for projects identified. Major controversial projects include extending the *Busways* network (a system of off-road freeways for buses), construction of the *Inner Northern Bypass* (formerly *City Valley Bypass*) and widening of Coronation Drive and Waterworks Road which thus received extensive funding without effective public review or consultation.

Council increasingly uses single project one-at-a-time project management, promotion and implementation without any form of public review in which to challenge or seek expert review of reports by professionals directly involved and with a high level of interest in promoting projects. Increasingly more authorities accept that providing more road space by either widening roads or provision of new roads is likely to attract more traffic and thus increase air pollution yet BCC requires more roads prior to more public transport as it and its consultants report.

In response to community concerns, additional investigations were carried out into air quality implications, including emissions of ultrafine particulates and regional air quality impacts. This investigation involved additional measurement of the air quality along the route. The results of this extra work found that, on balance, the Bypass would itself improve human health as it is affected by vehicle emissions.

(Inner City Bypass newsletter #4 December 1998)

A recent decision to establish a *7am-7pm clearway* along Milton Road through Toowong to Moggill Road also indicates a failure to consult. While giving local businesses some 10 days notice, the taxi industry was consulted 6-8 weeks prior to the public. Impacts, assumed inadvertant, include the inability of a church in High Street Toowong to hold funerals or other services on weekdays and extremely difficult access to shops and services for disabled or aged people due to loss of local parking.

Conclusions

Consultation describes a range of participatory decision processes. Current consultation practice in SEQ planning is limited to the lower rungs of Arnstein's ladder, ie provision of limited information about predetermined projects in exchange for opinions. When increased information and participation is sought by community groups, responses include exclusion, marginalisation and personal abuse; classic techniques of "bullying" (McCarthy et al,1998). Current practice confirms professionals are also aware of and concerned by conflict inevitably arising when the public interest and various diverse views inherent in a community are made more explicit and actively preclude or restrict critique and debate.

Professionals prefer to ignore, constrain or delay conflict and criticism until after the project is committed or completed as it is in their interest to complete the project according to the clients brief ensuring minimum delay, earlier payment, maximum profit and greater client satisfaction thus improving the likelihood of ongoing or new projects. In this situation, as with other researchers engaged by government agencies, the public interest is at best at risk and at worst able to be ignored, leaving its defence to community interest groups because the process and outcome are predetermined.

But what of the public interest and that of local or specific interests? Unless specifically empowered, such interests cannot be addressed by current consultation while professionals control project and community consultation processes by exclusion, marginalisation and abuse of community groups and individuals.

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Footnote Without any prior reference to the RTRG or its chairperson, on 6 July 1999, the Transport Minister wrote to advise members of the RTRG that he had decided to discontinue the RTRG and was considering personally convening an advisory group to meet six monthly.