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# Nightlife policy and citizen engagement in a 'post-truth' world



# Generating nightlife policy

Designing and developing policies

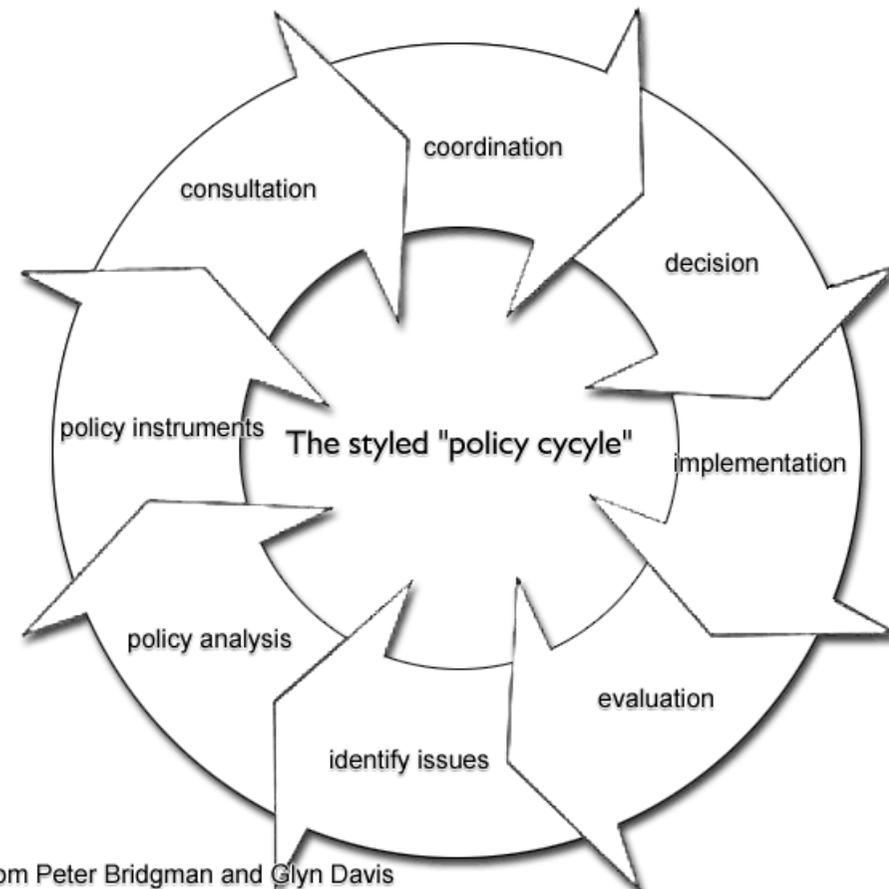
A usual paradigm: (Altman, Bridgeman etc, policy cycle)

Logical, technical-rational approach to policy

Evidence-based policy:

- Policy designed based on best available evidence

What's wrong with this?



From Peter Bridgman and Glyn Davis  
The Australian Policy Handbook, 3rd ed. Allen and Unwin 2004, p26

# What's wrong?

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Evidence-based policy has not lived up to its promise

- In many cases, we simply do not have the evidence
- It tends to ignore uncertainty, unknowns

Policy cycle is not actually how policy gets made

- The path to policy change is complex, multi-determined, driven by multiple actors

Does not deal with values and goal conflicts

- More evidence does not help to adjudicate between values
- A vibrant nightlife, economic and cultural value versus safety, public amenity

Where does democracy, the public, and collective will fit in?

# Policy cycle marginalises the engagement of the public

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Expert knowledge has been seen as the basis for policy decisions, but governments need to act in ways which accord with what the people want (expression of collective will)

Engaging the public beyond “community consultation”

Policy works when people have trust in the government and their policy actions

Jasanoff: the public is the “theatre for establishing the credibility of state actions” (2005, p. 258).

# The public?

Policy support for	General population (NDSHS: n=24,898)	People who inject drugs (IDRS: n=839)
<b>Needle and syringe programs</b>		
Strongly support/ support	53.0%	96.8%
Oppose/ strongly oppose	12.8%	1.0%
Don't know enough to say	22.7%	1.8%
<b>Regulated injecting rooms</b>		
Strongly support/ support	39.8%	80.5%
Oppose/ strongly oppose	23.9%	8.6%
Don't know enough to say	22.7%	4.7%
<b>Legalisation of heroin use</b>		
Strongly support/ support	5.5%	54.9%
Oppose/ strongly oppose	4.6%	33.1%
Don't know enough to say	81.9%	2.2%

- Don't know responses
- Not necessarily thoughtful, considered
- Which 'public'?

Lancaster, K., Ritter, A., & Stafford, J. (2013). Public opinion and drug policy in Australia: Engaging the 'affected community'. *DAR*, 32, 60-66

# Key challenge

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How to engage in an inclusive, democratic, deliberative/thoughtful process in order to generate democratic nightlife policy

Luckily, other people (political scientists and philosophers) have been thinking about and studying this for many years:

- Democratic theory
- Participatory and discursive democracy
- **Deliberative democracy**

# Features of Deliberative Democracy

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## 1. Political equality

- Equal power, equal liberty, does not preference science or 'experts'

## 2. Inclusive participation

- All voices at the table

## 3. Deliberation

- All arguments are given, listened to with open mind
- "The force of the better argument" wins the day

# Types of Deliberative Democracy Approaches

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Citizen's Assemblies

Deliberative Polling™

A variety of “mini-publics” processes (eg Summits, roundtables)

Citizen's Juries

# Citizens' Jury

Aim to overcome the domination of voices from “activist interest groups, powerful lobbyists and superficial media comment” (newDemocracy Foundation, 2019)

Structured process (conforming to equality, inclusiveness, deliberation)

## Features

- Delegates represent the community (random selection)
- High quality balanced information
- Clear remit and productive deliberation
- Sufficient time
- Clear operations (eg decision-making processes)
- Recommendations are taken up.

The Jefferson Center (2019). <http://jefferson-center.org/>

newDemocracy Foundation (2019). <https://www.newdemocracy.com.au/>

# Citizens' Juries - nightlife

Two case examples from Australia (both newDemocracy Foundation)

Adelaide, 2013 “How can we ensure we have a vibrant and safe Adelaide nightlife.”

- Randomly selected jurors (n=43) met five times over a period of three months (Jul-Oct 2013) and considered written submissions, a live blog and evidence from experts (including calling experts of their own choosing).

Sydney, 2014 “How can we ensure we have a vibrant and safe Sydney nightlife”

- Randomly selected jurors (n=43), six face-to-face meetings (Feb-Apr 2014)
- provided with written materials, heard evidence from a variety of experts, conducted a tour of the area, and deliberated.
- The report, released in April 2014 at the conclusion of the jury deliberations, contained 25 unanimously agreed recommendations, under five headings: Diversity; Transport; Policing and safety; Education and media; and Lockouts and licensing

# 25 unanimous recommendations....

	Recommendation
<b>Diversity</b>	<ol style="list-style-type: none"> <li>1. Implement varied and diverse night-time entertainment options (eg art installations, night-time libraries; pop-up food outlets etc)</li> <li>2. Prioritise new public toilets, lighting, improved pedestrian experience</li> <li>3. Budget to support night-time innovation &amp; diversity</li> <li>4. Provide financial and regulatory support for small and major activities</li> <li>5. Reduce red tape and streamline approval processes for events, festivals etc. (establish a night-time events coordination department to encourage extending trading hours etc)</li> <li>6. More water refill stations/bubblers</li> </ol>
<b>Transport</b>	<ol style="list-style-type: none"> <li>7. Increase the availability of public transport</li> <li>8. Research patron numbers &amp; investigate late-night trains</li> <li>9. Increase night-time bus services</li> <li>10. Fund additional public transport through revenue from “risk based licensing fee” or find other sources of funds</li> <li>11. Provide better info about public transport, marshals to provide info at key hubs;</li> <li>12. Employ a transport app (UrNav)</li> </ol>
<b>Police and Safety</b>	<ol style="list-style-type: none"> <li>13. Increase visibility and coverage of police in night-time precincts</li> <li>14. Extend the current ambassadors program</li> <li>15. Continue to increase CCTV coverage based on NSW Police recommendations &amp; community need</li> <li>16. Install new signage to increase awareness of CCTV cameras</li> </ol>
<b>Education and Media</b>	<ol style="list-style-type: none"> <li>17. Endorsed the NSW govt community awareness campaign to address the culture of binge drinking and the associated drug and alcohol-fuelled violence</li> <li>18. Increase prominence of health messaging on alcohol packaging</li> <li>19. Full restoration of funding to NSW Education Department for mandatory schools-based alcohol and drug education</li> <li>20. Advocate to the federal govt to remove alcohol advertising on TV, cable, radio prior to 10pm</li> </ol>
<b>Lockouts &amp; Licensing</b>	<ol style="list-style-type: none"> <li>21. Supported the independent statutory review of the effectiveness of the lockout and trading controls, but conduct within 12 months, not 24 months</li> <li>22. Exemptions (from trading restrictions) be made available to venues based on good behaviour</li> <li>23. Supported the increase in the number of Office of Liquor, Gaming &amp; Racing inspectors</li> <li>24. Supported introduction of an annual periodic risk-based licensing fee, following best practice in other states (ACT and Vic)</li> <li>25. The revenue raised from the risk-based licensing fee be used to contribute to funding the recommendations in this report.</li> </ol>

# Did it work?

Complicated question

Of the 25 rec's, 8 fell into City of Sydney jurisdiction, 2 with federal govt and remaining 15 with NSW government

Some recommendation supported, others not (eg exemptions from trading restrictions)

Other policy changes had already been occurring. Citizens' Jury overtaken by other policy processes

- Feb 2014 when CJ started, the NSW govt announced 1.30am lockout laws, bans on takeaway alcohol sales after 10pm, mandatory minimum penalties for "one punch" fatal assaults
- Overall sense that NSW govt intent on tough stance on alcohol, increasing law enforcement, not concerned with 'increasing vibrancy'
- Ongoing evolution of Sydney's night-time entertainment policy (by 2019 we have returned to a very similar suite of policies to 2012, when the focussing event (the death of Thomas Kelly) triggered major reform

# What can Citizens' Juries do?

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Form part of a suite of citizen engagement strategies, that move beyond 'consultation' to meaningful engagement and opportunities for deliberation

Signal the commitment to democratic policy development processes

**BUT: is this what we want?**

Do we trust the ability of the public to make sound judgements?

- Trump
- Brexit

# Public knowledge

“Perils of Perceptions” poll (Ipsos, 35 countries <https://perils.ipsos.com/index.html>)

Measures extent of misperception in the general population on public policy topics

Results vary by country, and by topic, but reveal many misperceptions

	Average guess	Actual data
% of Muslims in your population	20%	8%
Unemployment rate	34%	7%
% women who say they experience sexual harassment	39%	60%
How many of the last 18 years have been the hottest (since data collection began, 1961)	9	17

This suggests that everyday people are misinformed on important information surrounding public policy topics

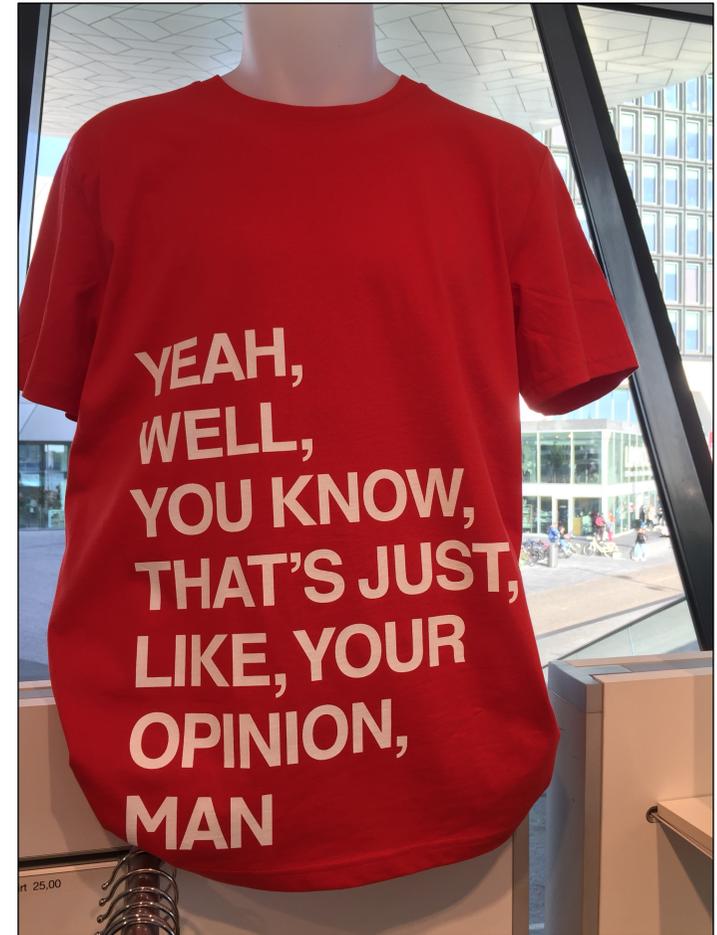
Nothing to suggest that this is also not true for NTE, and substance use

# Experts do not trust the public

“I just know” replaces systematic reviews at the top of the evidence pyramid



Figure 1. Levels of evidence



# And there is now a backlash against experts

## The rise of anti-elite sentiment

- Trump “drain the swamp”
- Michael Gove (Leave Vote, UK) “I think people in this country have had enough of experts.”

## And the rise of populism

### Populism, two core principles:

- that it claims to speak on behalf of everyday people;
- and that these everyday people stand in opposition to an elite establishment which stops them from fulfilling their political preferences

The rise of populism reflects public sentiment that governments are unresponsive, and disconnected from the concerns of the everyday person. “Government serves only the elite that constitutes it” (Grayling, 2017, p.116)

Anti-elite, anti-expert sentiment provides fertile soil for concerns about whether the people (the demos) are trustworthy.

# Helped along by ‘fake news’

Sources of information available to the public are manipulated and distorted (by industry interests, by government interests, by ideology).

Not a new idea (Habermas, 1964; Chomsky 2002)

“Fake news”: not even an agreed definition

- Stories that are factually incorrect
- Stories that are intended to generate profit (click bait)
- Stories that are designed to deliberately obfuscate/confuse the public

What do the public think ‘fake news’ is? (international sample, Ipsos poll)

- 56% fake news is stories where facts are wrong
- 44% fake news is stories where the news outlets and/or politicians only pick facts that support their side of the argument
- 36% saw fake news as a term politicians use to discredit news they do not agree with (51% in USA; 11% in Italy)

# Profound implications – for democracy & engagement

Post-truth world: populism, ‘fake news’, notions of ‘truth’, anti-expert sentiment is profound:

- “The Death of Expertise ” (Tom Nichols, 2017)
- “Democracy and its Crisis” (A.C. Grayling, 2017)
- “The Death of Truth” (Michiko Kakutani, 2018)

## Damaging

- Obfuscates the truth, exhausts critical thinking abilities
- Results in resignation, nihilism, chaos, and cynicism (Kakutani)
- Not new, Hannah Arendt (1951), on totalitarianism: “The ideal subject of totalitarian rule is not the convinced Nazi or the convinced Communist, but people for whom the distinction between fact and fiction (ie the reality of experience) and the distinction between true and false (ie the standards of thought) no longer exist.”

We need to do something...

# Two options

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## Resurgence of facts, science and ‘truth’

- Restore the public’s trust in science
- A return to technocratic policy (and EBP)
- “March for Science” and “Public Understanding of Science” movement

OR

## Re-invigorate democracy and engagement

- It is precisely the rise of populist causes, the presence of ‘fake news’, and the defensive calls to arms by some scientists that demand a democratising solution.

# Why?

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Delegation of policy to experts - promotes citizen ignorance

Expert disrespect of citizen engagement “provokes a reciprocal disdain of experts on the part of citizens” (Mansbridge et al., 2010 p. 14)

Self-perpetuating vicious cycle

Democratising policy development affords the opportunity to break the self-perpetuating negative spiral between “uncivil behavior by elites and pathological mass communication” (Dryzek, 2019)

The exclusion of non-experts from policy deliberation, “threatens the foundation of democracy itself” (Mansbridge et al p.14)

The moment that trust in people fails is the moment that democracy fails (Jasanoff, 2005, 2013)

# Conclusions

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Relying on experts likely to be misplaced, and may alienate the community and citizens

Meaningful citizen engagement in nightlife policy development

Multiple methods (beyond tokenistic 'community consultation')

Citizens' Juries as one methodology

- Advantages – deliberation (thoughtful considerations, diverse perspective)

Meaningful, democratic citizen engagement will not only improve nightlife policy development

**BUT** also contribute to a solution for our current times

# Thank you

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