

The Reflexive Governance of Urban Catchments: A Case of Deliberative Truncation

Toni Darbas



Urban Policy Program

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Abstract

Integrated, collaborative governance is increasingly proposed as a solution to the limitations of the liberal, democratic state in the face of 'wicked' policy dilemmas such as urban ecological disarray. The nature of institutional resistance to such affronts to conventional governmental practises, however, has yet to receive equal attention. This paper explores a case of such resistance by the New South Wales political system. The decision to disband the highly regarded Hawkesbury Nepean Catchment Management Trust, so discontinuing the administrative coordination and community mobilisation aimed at saving Sydney's major river system, is characterised as a deliberative truncation. Discussion of what would constitute constructive ecological institutional and policy settings was disallowed by intolerant notions of efficacy sustained by political/administrative routines. This analysis is progressed through a nexus between three competing theories of modernity that deal with increasing tension between state and society in liberal democratic societies. These mutually informative accounts of modernity build on disparate points of departure - social reflexivity (Beck and Giddens), democratic deliberation (Habermas) and system complexity (Luhmann). It is suggested that these theories form an important resource informative of analyses of resistance to the institutionalisation of innovative discourses.

Introduction

The increasing complexity, diversity and dynamism of developed societies are placing increasing pressure on liberal democratic states. Multi-dimensional and chronic policy dilemmas and their requisite cross-cutting solutions are being highlighted by multifarious stakeholders (Kooiman, 1993:3). Two components of this changing pattern of policy questions and answers form a profound challenge to the established architectonic of the liberal democratic state. First, ecological sustainability is steadily becoming a foundational socio-political concern. This reorientation to what Beck (1992) conceptualises as the side effects of industrial modernity is unsettling the terms of modern societies' foundational compromise between capitalism and democracy (Offe, 1984). Second, a collaborative, dialogic approach to the formulation of policy has captured professional imaginations (Healey, 1997). This fluid attitude to policy contradicts the two-party political system's emphasis on authoritative electoral mandates.

The intersection of these two normative goals delivers a program emphasising integrated governmental endeavour built upon collaboration with non-government stakeholders in order to tackle the systemic generation of environmental degradation. The enemy has become a functionally fragmented administrative apparatus, insulated from novel perspectives, that imagines space to be empty, natural sinks unlimited, communities malleable, and needs divisible. The green and discursive turns have led directly to the advocacy of governance over government to overcome the strictures of the liberal democratic state in Europe and the English speaking realm (Cars et al 2002, Flinders, 2002, Healey, 1997, Innes and Booher, 2001, Madanipour et al, 2001, and Rhodes, 2000).

The promotion of integrated, collaborative governance has encouraged an assumption to take root in the political, public administration and policy literature that a linear drift from government to governance is taking place (MacLeod and Goodwin, 1999:522). This assumption eclipses confrontations between the new governance orthodoxy and the structural logic of sectorial, hierarchical forms of administration. Hajer, for example, has consequently cautioned that even when inclusive and cross-cutting policy networks succeed in articulating new objectives such as ecological modernisation (1993) or the prevention of acid rain (1995), the *institutionalisation* of that discourse is by no means ensured:

Discourse structuration would take place where actors would start to frame their policy realities in terms of a particular discourse. Discourse institutionalisation, on the other hand, would require that institutional ways of handling problems, organisational routines and legal arrangements would be changed accordingly (Hajer, 2001:186).

Analyses of administrative resistance to sustainable transport policy (Low and Gleeson, 2001,) and empirical evaluations of governance experiments (Benneworth et al, 2002, Healey et al, 2002, Kooiman, 1993) confirm that a shift from government to governance cannot be assumed.

Contemporary theories of modernity offer causative accounts of the widening gulf between state and society, and by extension, of the advocacy of integrated, collaborative forms of governance to bridge this gulf. Neglect of the problem of institutional resistance to innovative solutions to "wicked policy problems" (Rittel and Webber, 1973) such as environmental degradation, can in part be attributed to the uneven translation of

competing accounts of modernity into the literatures concerned with the liberal democratic state's conundrums.

Habermas' theory of communicative action (1984, 1987) has manifested in planning discourses as the discursive turn (Twedwr-Jones and Allmendinger, 1998, Yiftachel and Huxley, 2000). Beck and Giddens' theory of reflexive modernity (Beck, Giddens and Lash, 1994) has encouraged exploration of the implications of a changed lay-expert relationship for democracy generally and policy formulation specifically (for example Bohman, 1996, Dryzek, 1990, 2000). In contrast, Habermas' statement on deliberative democracy, which theorises how novel policy discourses could be administratively facilitated by the liberal democratic state, has received little attention.

Furthermore, Luhmann's theory that modernity is the story of systemic differentiation (1982), and Habermas' long engagement with that theory, has gained even less purchase in Anglo-American debates despite its relevance to public administration (Brans and Rossbach, 1997). Luhmann argues that systemic political, economic, legal, scientific, administrative domains each possess an inner logic based on their differentiation from their environment, a logic that is highly resistant to critique or reform. Luhmann's cybernetic portrait¹ explains precisely the implacable nature of the barriers to the institutionalisation of policy approaches that perturb the political-administrative status quo.

The view is taken in this paper that the manner in which institutional inertia subverts inventive approaches to policy warrants empirical probing. I therefore explicate the nature of obstacles to the translation of social reflexivity (learning) into parliamentary deliberations, political decision-making, and administrative sensibilities. To further this aim, this paper employs a nexus between the reflexive, deliberative and complexity theories of modernity to drive the socio-theoretic analysis of a case of resistance to the institutional embedding of an environmental governance discourse.

The case study investigated concerns the dismantling of an innovative regional environmental institution in 2001 after seven years of operation by the New South Wales (NSW) State. Western Sydney's Hawkesbury-Nepean Catchment Management Trust (HNCMT, or 'the Trust') was conceived in, and conducted according to, catchment management principles emphasising community engagement and administrative coordination. Its success was opaque to the political system on which continued funding depended. I conclude that the failure to refund the HNCMT resulted from a deliberative truncation. The term deliberative truncation is here coined to capture the process by which discussion of what would constitute the most productive ecological institutional designs and policy settings was sabotaged by unyielding understandings of efficiency, success and progress.

The Hawkesbury-Nepean River Catchment is Australia's most pressured and, paradoxically, marginalised urban catchment. Sydney is Australia's largest city and experiences global economic and migration pressures most acutely. The headwaters of the Hawkesbury-Nepean River provide 97% of Sydney's reticulated water supply (NSW Legislative Council, 2002:xi) while its catchment accommodates 80% of Sydney's

¹ Luhmann imports the term "cybernetic" from the biological theory of Maturana and Varela (1980). Cybernetics concerns the "study of automatic feedback and control processes in mechanical, electronic, and biological systems, especially processes in which negative feedback keeps the system in a particular state or on course towards a particular goal" (Colman, 2001).

population growth (Davies, personal communication, 8/8/2003). The lower reaches of the river are used to absorb the sewage effluent and urban run-off of Western Sydney's population. While this degradation of the river is eclipsed by Eastern Sydney's spectacular harbour, an international icon, it is nonetheless emblematic of the type of inherently spatial dilemma that is unresponsive to conventional administrative remedies.

This paper is based on three resources. A study by Darbas (2002) provides the theoretical framework employed as well as the historical background to this case study. The parliamentary debates triggered by the decision to dismantle the HNCMT in NSW's upper and lower houses as well as the findings of a Senate Committee Inquiry are used as empirical data. Interviews were conducted with the HNCMT's CEO and two of its Trustees for the purposes of amplification and clarification of these debates and findings.

A Complexity/Reflexivity/Deliberation Nexus

In the contemporary era described by some as globalised capitalism, Australia's governments face a policy context profoundly altered from the physical and social engineering tasks comprising the post- World War Two reconstruction project. Australia's bipolar politics, dominated by the Liberal and Labor parties, and its functionally rigid welfare state (Marsh, 1995) are struggling to find the common grounds on which to integrate an increasingly fluid and volatile society.

Australian state and federal administrations congealed into their current institutional framework since the establishment of federal government at the turn of the century. By 1909, judicial arbitration of industrial disputes, a minimum "family" wage and the pursuit of prosperity through industrialisation were adopted as a coherent national policy program (Marsh, 1995:17-27). This stabilisation of the relationship between capital and labour allowed the two party system of political representation to coalesce and a constellation of engineering and social welfare responsibilities arose out of post world war two fiscal and spatial expansion (Marsh, 1995, Latham, 2001).

However, the evolution from industrial to globally footloose capitalism has dramatically loosened the socio-political traction of the old class compact. As the old structures of interest representation (rust bucket industries and blue collar unions) have frayed, the clamour of complaints provoked both by the side effects of the welfare state class compromise and the new threats posed by a globalised capitalism have become louder. To constituents dissatisfied about threats such as environmental degradation, intergenerational welfare dependence, and the decimation of communities built on tariff protected industries, the political/bureaucratic system appears slow to tackle social ills and frequently wrong footed when it does. From the protestor's point of view, the state's institutions are "overhung", built on a social accord that is no longer in step with current realities.

The poor fit between an institutionally overhung state and a highly dynamic society uneasy about chronic policy deficits raises the question as to how this state/society tension could best be mitigated. This issue has been theorised in three significant and mutually informative ways using disparate points of departure, namely social reflexivity, systemic complexity and a system/society dichotomy. Each theory suggests a platform of reform for democratic liberal states.

Modernity as Reflexive

Beck and Giddens (Beck, Giddens and Lash, 1994) are the prime theorists of the processes resulting in today's complex, diverse and dynamic social conditions as well as their implications for the liberal democratic state. Beck, a German sociologist, puts forward the thesis that industrial society has been replaced by a 'risk society', societies that are dominated by the unanticipated and worrying side effects of industrialisation such as climate change (Beck, 1995).

Beck vividly dissects the state's veiled relationship with technologically-fuelled economic growth in capitalist societies. He describes the discourses concerning technoscientific risks as 'subpolitical' as they lie outside the democratic processes for generating consent. Beck argues that risk societies are by their nature socially reflexive. By reflexivity, Beck means that social actors have increasingly digested the risk-laden nature of technoscientific transformations and the manner in which such transformations recursively inform further interrogations of nature, new technologies and hence new risks. Civil activists have reacted to this conveyor belt of risks by agitating against economic and administrative willingness to turn the world into an open experiment, a laboratory written large, without first seeking democratic consent (Lash and Wynne, 1992). For Beck, social reflexivity can be institutionally embedded by abandoning hierarchical and technocratic decision-making in favour of public administration democratised via negotiation with lay perspectives and preferences (Beck, Giddens and Lash, 1994:29-30).

Giddens analyses the same social phenomena but probes the inability of expertise to replace the pre-modern certitude afforded by religion. Giddens' motif is that abstract systems, constructed and underwritten by experts (eg electricity grids, transport networks, modern medicine etc), 'disembed' or 'lift out' social relations from local contexts of interaction (1990:21). Abstract systems imply an attitude of blind trust on the part of lay people because they are incomprehensible as a whole. As complex technoscientific systems are prone to 'normal accidents', Giddens argues, the fragility of this trust is routinely exposed. Social traditions are, furthermore, systematically evacuated and undermined by abstract systems, he claims, a process that throws individuals onto their own resources in terms of life direction and guidance. Contemplating the explosion in self-help and therapy in everyday life, Giddens concludes that life choices have not only dramatically expanded but have become obligatory:

In the post-traditional society ... routinisation becomes empty unless it is geared to processes of institutional reflexivity. There is no logic, or moral authenticity, to doing today what one did yesterday ... (Giddens, 1994:71).

Detraditionalisation, the erosion of familiar ways of life, places individuals and communities under duress. For example, it is highly uncertain what would constitute the best way to proceed in the face of rapidly changing labour and education markets, new regimes of medical, environmental and dietary risks, and revolutionised gender and family relations. Consequently, outbreaks of new and old fundamentalisms – such as intolerant evangelical religious and anti-immigrant movements - appear alongside social adaptation and innovation. Giddens avers that political parties ought to ameliorate the risk of fundamentalism with civic repair policies that seek to “enhance social solidarity, protect continuity and connect past, present and future generations” (1993:19). Giddens' prognosis points to a reconfiguration of the relationship between democracy and civil society that rebuilds social trust through the democratic management of abstract systems.

The project of reknitting the state-society relationship by increasing the bank of public trust would serve to attenuate reflexive modernity's structural facilitation of hyper-individuation and alienation.

We can summarise the Beck/Giddens theory of reflexive modernisation by characterising reflexivity as a society's capacity to learn by democratically negotiating the fundamentally indeterminate and recursive nature of technoscientific knowledge in order to better manage the massive and rapid social change such knowledge fuels. In effect, the theory encapsulates the process by which the social experience of modernity's side effects yields new reformist impulses.

Neither Beck nor Giddens, however, delve deeply into how the innovative discourses arising out of the social unease they so elegantly analyse might be institutionally translated or, more to the point, the nature of resistance of the existing institutional landscape to such a project. Beck posits the collapse of current institutions under the weight of their inadequacies and contradictions in the face the emerging reflexive society. The state's role as mediator between disputing parties and issuer of collective decisions is by and large ignored.

In contrast, Luhmann draws a very different conclusion regarding the liberal democratic state, by taking the exponential increase in the complexity of formal domains of action, rather than grassroots protest or self-help movements, as an analytic point of departure. Instead of being anachronistic, the state is seen as an achievement in the reduction of potentially overwhelming complexity (Luhmann, 1990).

Modernity as Systemic Differentiation

Luhmann re-draws the conventional understanding of society as composed of individuals by claiming that:

The self-observation of psychical systems involves consciousness. That of social systems involves communication (1990:30).

This definition allows him to subsequently assert that:

Society is not composed of human beings, it is composed of the communication among human beings (1990:30).

He describes the establishment and self-momentum of modern society's formal spheres of action (law, science, economy, politics etc) as systems that result from specialised communication:

... modern society ... is characterised by a primacy of functional differentiation with the consequence of an immense enhancement of highly specialised communication and communicational successes. In this way human potential for action can be organised, specialised, and co-ordinated as never before. Scientifically proven truth, money and power ... precipitate action [which] ... a person of himself, viewed anthropologically, would never perform. That which is improbable becomes possible, indeed routinely expectable. It can increase in its effects, reinforce itself and, along with all this, have profound effects on the environment of society, on the ecosystem of the planet including man himself. As a result of this development a plurality of social systems have come into being that combine *intense sensibility to specific questions with indifference towards everything else* (1990:31, emphasis original).

These idiosyncratic functional systems enable action to be extended through space and time by stabilising expectations and so increasing the predictability of individual decisions and their consequences. For example, legal penalties ensure general safety; markets enable consumerism and wealth accumulation; and the aggregation of political preferences legitimises collective decisions. Systems are in effect multiple, counter-balanced stabilisations of expectations that we play a variety of roles in, such as, for example, as entrepreneurs, employees, voters, taxpayers, clients, consumers etc (Blühdorn, 2000:342).

Luhmann's theses ripple out from this formulation of society as structured by the functional differentiation of its action systems:² First, every system constitutes itself by focusing on its particular topic and perceives everything around it, including other systems, as its environment. These environments:

have no clearly defined boundaries but only horizons that imply further possibilities while making it meaningless or inconvenient to pursue them indefinitely (Luhmann, 1982:230)

Second, this environment is always more complex than the system such that consequently, the system represents its environment to itself according to its own needs for information and orientation. Third, this representation is achieved through binary codes such as legal/illegal, profit/loss or government/opposition. While a code frees a system to act decisively, thinking outside of the dichotomy it forms is highly problematic, as Luhmann argues:

The code does not ... become immune to reflection, but only relatively well sheltered. Contesting the disjunction becomes difficult because an interest in doing so (in contrast to a simple interest in truth or property) cannot be formulated or made intelligible very easily. (Luhmann, 1982:172).

Crucial to understanding how and why deliberative truncations routinely occur in democracies, information about the political system's environment is made useful by schematising or coding it in terms of a bifurcation between government opposition. This code facilitates the reduction of the system's complex environment by schematising political inputs in terms of whether 'public opinion' favours the government or the opposition. Political parties orient themselves to statistical constructions of public opinion in their quest to obtain or retain government (Luhmann, 1990). The dyadic government/opposition logic of the political system makes it very difficult for "subpolitical" issues that arise outside the major parties' socio-economic preoccupations to become aired. Subpolitical issues such as environmental degradation tend to be spatially specific and consequently are not easily captured by aggregating individual preferences.

The second binary code of interest in this paper is the administrative distinction between program and non-program. This code allows a department or agency to firstly, define its jurisdiction in contradistinction to other agencies, and secondly, subdivide that policy domain into manageable portions. These demarcations have (to date) been eased by the simplifying assumptions that space is empty, nature can be used as an unlimited sink, communities are malleable, and needs divisible.

² Luhmann's formulation is artificial in the sense that in order to deploy it, and enjoy its considerable analytic power, you first have to assume that it is true (Podak, 1986).

Luhmann argues that major political parties, currently constituted around socio-economic preoccupations, could be organised according to socio-environmental priorities (1989:92-93) and that administrative programs could be made more reflexive and hence adaptable (Brans and Roszbach, 1997). However, he urges analysts and activists alike to acknowledge that such reforms can only be achieved through systems and their codes which offer the only steering, manoeuvrability or rationality available in modern societies.

Luhmann explicitly disputes that social protest constitutes an impetus for reform, instead arguing that protest is a type of functional specialisation (1989). While he is respectful of what has been achieved via systemic complexity, most notably high standards of material welfare, Luhmann is sceptical towards critique that implies de-differentiation (the disruption of specialisation for the sake of amorphous goals). Crude disruption of modernity's communicative matrix, he argues, could reverse the achievements of modernity by triggering recessions, mass unemployment or inflationary surges. Habermas' famous distinction between 'system' and 'lifeworld', (Habermas, 1984, 1987) described below, attempts to address Luhmann's prosecution of critical social science and much socio-theoretical critique as essentially naive.

Modernity as the Interaction between System and Lifeworld

Habermas' response to Luhmann's thesis is to retrieve society from Luhmann's conceptualisation of it as existing only in the sense of highly specialised communication (Habermas, 1984, 1987). Habermas argues instead that society, or as he terms it, the 'lifeworld' should be conceptualised as an organic bedrock that preconditions functional specialisation. The term 'lifeworld' refers to the cement of sociality, incorporating the quasi-natural bank of traditions, practices, and customs, which is facilitated and cemented through language.

Habermas asserts that the innate presuppositions of discourse, that is, those concerning truth, trust and validity, are what make mutual understanding and co-operation between people possible and as such underwrite more rarefied forms of communication. Systemically organised spheres of action achieved partial independence from the lifeworld by augmenting and extending the latter's reliance on the discursive achievement of mutual understanding with the 'abstract mechanisms of power', that is, the medium of state coordination, and money, being the coordinative medium of economy (Habermas, 1987).

The generalisation of money and formally defined power have afforded an explosion in organisational complexity that burst the boundaries of lifeworlds, marked by shared languages, histories and norms, with relative ease. For example, the power and reach of a transnational corporation is facilitated by its ability to take advantage of both the profit imperative and the hierarchical, bureaucratic organisation of power. Such systemic arenas become independent from, and indifferent to, lifeworlds (Habermas, 1987:307).

Habermas then uses this system/lifeworld dichotomy to critique Luhmann's claim that society is system and therefore cannot be treated as the Euclidean point for the reform of systemic domains. He argues that when systemic domains intrude into the lifeworld to the extent that our collective capacity to communicate in a manner that is rooted in morally animated social life is eroded, system colonisation can be said to have taken

place. Severe colonisation will ultimately undermine the foundations of systemic domains as social dysfunction exponentially increases the complexity of their environments.

Habermas gives the example of the welfare state's use of categories and strategies that are administratively convenient but socially destructive. These 'violent abstractions' undermine social networks and self-reliance, creating an increasingly dependent population whose dependency can only grow and will ultimately overload the state (Habermas, 1987:363, Offe, 1984). In short, the unconstrained instrumental rationality of systemic domains cannibalises its social foundations.

Habermas' proposition has proved persuasive to theorists assessing recent attempts to simplify the policy inputs and outputs of the welfare state. Pusey, for example, critiques the incoherent impact of economic liberalist assumptions about the nature of the social world on Australian socio-economic policy in terms of the lifeworld colonisation thesis (1991). Gleeson and Low make the sub-argument that the economic liberalism doctrine has degraded the capacity of planning to address collective needs which is, after all, the purpose of planning (2000).

Habermas' theory of communicative action has contributed to the discursive turn in policy thought, a turn underpinning the current attention to governance as a corrective to the aporias of government. In contrast, Habermas' position concerning the institutional implications of the lifeworld colonisation thesis works though the limitations systemic complexity place on any translation of discourse into action (1996). In this work, Habermas argues that the insights yielded by increases in social rationality, that is, what Beck and Giddens see as social reflexivity, can be used to steer systemic domains. Such steering could be achieved by couching widespread social concerns in terms capable of reconfiguring the manner in which systems simplify and schematise the inputs of their environments. Habermas sees this translation taking place through the deliberative and legislative efforts of parliaments.

The political sphere can, in Habermas' understanding, only maintain its legitimacy by basing executive decision making upon parliamentary deliberations informed by discourses flourishing in public spheres open to lifeworld themes. The 'public sphere' refers to the debates facilitating opinion formation that take place in and by the public in forums and media. The legislature should deal with the full range of discourses distilled in the penultimate public sphere, the parliament, where in ideal practice the better argument has prevailed.

It is the parliament's role in a constitutional democracy to debate, distil and legally encode norms that can then be administratively applied (Habermas, 1996:168-193). From this point of view, the administrative apparatus should be periodically directed by the political executive to reorientate its institutions, programs and policies in order to address social dissatisfactions articulated in public spheres that have been generalised and codified by parliamentary debate.

These competing accounts of modernity are merely sketched here. The debate as to how they can be resolved and integrated is obviously multifaceted. However, for the purposes of this paper, Beck and Giddens' theory of modernity as one of reflexive agitation over the social side effects of the technoscientific juggernaut is read within

Habermas' scheme as the unfolding of reflexive social learning in public spheres that inform democratic decision-making.

Habermas' reading of Luhmann's theory of modernity as the story of functional differentiation, that systemic domains can be democratically steered, is viewed as subject to empirical assessment. The advantage of this reading is that it permits us to push past reflexive theory's silence on the State's definitive role of integrating society as a whole and the sense of helplessness in the face of a relentlessly unfolding future Luhmann's work tends to inspire. Crucially, the above reading of the relationship between these three theories of modernity allows us to ask whether social reflexivity is translated into systemic complexity in the form of encoded public norms via deliberative democratic processes, or truncated through reassertions of the self-constituting logic of systemic domains.

Governance and Institutional Flexibility

Central to the question of whether democratic deliberation can transform institutions, or institutions routinely subvert such deliberations, is the degree and nature of institutional flexibility. Administrative institutions are neutral vehicles in Habermas' analysis, able to be normatively framed and directed. The integrated, collaborative governance orthodoxy, reliant on an understanding of innovative discourse as intrinsically powerful, has similarly assumed that institutions are responsive to insightful new lexicons. Luhmann's more sober and sobering analysis, is that institutions by their very nature have self-referential and self-perpetuating agendas. However, a discursively protean approach to policy remains compelling despite Luhmann's question mark over institutional ability to cope with substantial discussion. This is because complex policy dilemmas are simply not amenable to, and are in many cases actually caused by, segmented and hierarchical administrative tactics.

The environmental degradation of urban catchments illustrates the limitations of technically standardised, delegated and clearly demarcated forms of authority as a means of instituting more ecologically rational arrangements. The number of jurisdictions whose routine decisions impact upon the Hawkesbury-Nepean catchment's health poses a formidable problem of coordinating functions and regulations. There are 21 local government areas fully or partially within the Hawkesbury-Nepean catchment.

The impacts on water flow and quality in the Hawkesbury-Nepean catchment from reticulated water, sewerage, road and waste agency services are profound. The attentiveness of responsible regulatory agencies, such as the Department of Land and Water Conservation (DLWC), Environmental Protection Authority, Planning NSW, National Parks and Wildlife, NSW Agriculture, NSW Fisheries, NSW Forestry Commission, Sydney Water, and Waterways Authority, to these impacts is diluted by limited resources in the face of state-wide mandates. Even if these agency activities could be coordinated enough by an orthodox agency to be brought to bear on a spatial environmental dilemma, a depoliticised consensus between the other catchment stakeholders necessary to facilitate a purely technical policy program could hardly be assumed, for two main reasons. First, in a 'global' city such as Sydney that is open to international flows of people, industries and finance, the number, intensity and conflictual nature of land uses are redoubtable. Tension between economic and environmental goals forms a profound fault line as space is both limited and expensive, making the stakes involved in land use extremely high. Second, unlike rural

communities, urban landholders are largely detached and disinterested in water flow and quality such that catchment management and repair requires long-term cultural shifts and behavioural modification (Smith, personal communication, 5/8/2003).

Although an integrated and collaborative governance approach to urban catchment management is a convincing answer to such impediments to effective and cohesive environmental policy, such an approach also expects the political system to adopt a radically different procedural logic to “silo” based programs of action. The establishment of the HNCMT set a regionally grounded integrated and collaborative exercise in governance in the context of a centralised style of political decision-making and segmented administrative arrangements reflective of an earlier socio-political epoch.

The remainder of this paper employs the nexus between deliberative, reflexive and systemic complexity theory outlined above as a vantage point from which to critically evaluate this confrontation between government and governance. The social unease regarding the degradation of the Hawkesbury-Nepean River that resulted in grass roots, and then peak group lobbying for a solution is to this end characterised as generative of social reflexivity. Deliberative democratic processes are primarily understood as focused in the NSW parliament, where the strands of various public spheres are taken up, voted on and converted into decisions by the political executive. The HNCMT is treated as a deliberative, democratic resolution of reflexive discourses. The system focused on in this case study is the political system, which functions through the interchanges between its electoral, major political party, and administrative subsystems (thereby discarding the conventional distinction between politics and administration).

Social Reflexivity and Institution Building

When the NSW State pondered the problem of housing Sydney’s relentless population growth in the 1960’s it turned its gaze westwards, perceiving not an ecologically rich and fragile river catchment, but empty space. The thirty years between 1961 and 1991, for example, witnessed a tripling of the population in the urbanised sections of the Hawkesbury-Nepean Catchment (hereon referred to as the Western Sydney/Hawkesbury-Nepean (WS/HN) region) representing 85 per cent of Sydney's growth over this period (see Darbas, 2002). This population surge was accommodated by the State Planning Authority’s Sydney 1968 Regional Outline Plan (SROP). In 1973, a National Trust symposium reacted to the effect of urbanisation on the Hawkesbury-Nepean River by recommending the establishment of a river authority (Conybeare, 1977). It was envisaged that this authority would overcome the administrative fragmentation allowing the river’s degradation through the incremental effect of decisions governing and conditioning urbanisation. Liberal MP for the electorate of Hawkesbury, Hon. K. Rozzoli doggedly lobbied for this recommendation’s implementation in the NSW Parliament for the following twenty years.

A decade later, a State Pollution Control Commission (SPCC) water quality study, a response to mounting public concern, confirmed that water degradation was closely correlated with increased sewage discharges (SPCC, 1983). Nonetheless, the NSW Government ordered investigations into the region’s capacity to support further urbanisation (Department of Environment and Planning (DE&P), 1984:11). The resulting Regional Environmental Study (RES) admitted that recommended sewage treatment plant (STP) upgrades would only conserve the existing poor water quality in the short term (DE&P, 1984: 93-4).

The ongoing threat to water quality formed a "significant concern of many submissions" to the RES (Department of Planning, 1989: 6), a dissatisfaction confirmed by a qualitative study of community attitudes by a local university (The Hawkesearch Team, 1990:8). The formation of a regional peak environmental lobby group, the Coalition of Hawkesbury and Nepean Groups for the Environment (CHANGE), in 1989 was instrumental in converting this growing public unease into strategic political pressure to obtain an "effective single river management body that has an ecological basis for the Nepean-Hawkesbury River system" (CHANGE, undated: objective n).

A series of health controversies concerning river users saw the issue surface in Sydney's leading newspapers in the early 1990s (SMH, 9/10/1992:1, 11/9/1992:5). A second dispute developed in the lead up to a NSW election when three WS/HN region Liberal MPs broke government ranks and joined a Labor MP's protestations against a proposal to site a 'supertip' in Western Sydney to solve Sydney's looming waste disposal crisis (Sun Herald, 3/3/1991:18). A third front of contestation opened when an air quality pilot study exposed a gap in the air quality monitoring grid (Hyde and Johnson, 1990). The pilot study established that air quality in the WS/HN was rapidly deteriorating, leading the NSW government to hold an Air Summit in 1991. CHANGE used the forum to state that:

The public of the Western Sydney Basin ... want degradation of their air and water quality halted, after all, it was the environmental amenity of the valley that provided some compensation for having to move out there in the first place ... we are told by water quality experts and the Water Board, that we stand to effectively lose Sydney's major river system due to urban runoff alone if one million people are allowed to move into the area soon (Hughes, 1991:125-6).

In response to this regional political muscle flexing, the government established a Hawkesbury-Nepean Task Force comprised of community, agency and government representatives. The Task Force recommended the establishment of the HNCMT (Hawkesbury-Nepean Task Force, 1991) taking up the institutional model proposed by Hon. K. Rozzoli MP (Rozzoli, personal communication, 15/10/03). The HNCMT was established through a Catchment Management Act regulation under the guidance of five full time and 10 part time trustees, two of whom were members of CHANGE (CHANGE, 1993:1).

The HNCMT constituted a significant departure from the establishment of a department, functional agency or regulative authority. The Trust operated less as an extension of the government's authority than as an environmentally expert voice arising out of socially reflexive critique that influenced state agencies and mobilised the catchment's local governments and communities (HNCMT Forum, 2/7/94, personal notes). The Trust, in short, sought to mediate between the systemic and socially reflexive sides of the WS/HN socio-environmental dilemma. As an exercise in civic repair, the HNCMT aimed to re-knit public trust by environmentally sensitising NSW State's policy repertoire in spatial terms. The decision to disband the Trust a mere decade later is a poignant illustration of how this discursive coup failed to perturb the NSW political system's ongoing machinations.

Systemic Complexity and Deliberation

The basis for the decision by the Labor Government to disband the Trust was made in the language of economic efficiency, currently the predominant Australian idiom for standardising decision-making (Pusey, 1991). A letter from Mr Amery MP, Minister for Agriculture as well as Land and Water Conservation to the Premier of NSW claimed that the Trust's resources had been wasted on inappropriate staffing levels and administrative overheads leaving only \$69,285 available to local groups for on-the-ground community projects (Legislative Council, 2002:95). The Premier, Mr Carr, consequently announced the abolition in early 2001 (Legislative Council 2002, p.xi). The Minister spoke to his decision in reply to the Hon. K. Rozzoli MP's motion of no confidence in the Lower House by arguing that:

The Trust was a bureaucracy at a very local level with a CEO-chairmanship arrangement which is the same as the structure for a massive council (NSW, Legislative Assembly, 29/5/2001, *Debates*, 12 of 26).

The Minister argued that the 10 year process of strategic planning undertaken by the HNCMT should end in order that the identified strategies, plans and priorities could be implemented (NSW, Legislative Assembly, 29/5/2001, *Debates*, 13 of 26). Senior DLWC officials underpinned the Minister's view that the Trust did not provide value for money, had a budget bias towards overheads (Legislative Council, 2002:25-26), and did "too much in the way of research and policy" (Legislative Council 2002:45).

The Hon. K. Rozzoli MP rejoined that the Minister's figure for the Trust's on-the-ground works expenditure amounted to an inaccurate slur. He calculated instead that the Trust had spent \$7.5 million on on-ground works over the previous three years. (NSW, Legislative Assembly, 11/4/2001, *Debates*, 9 of 10). Hon. K. Rozzoli MP furthermore pointed out that the DLWC spent a higher proportion of its resources on administrative overheads than the HNCMT (NSW, Legislative Assembly, 29/5/2001, *Debates*, 6 of 26). Trust employees additionally cited a 1999 economic evaluation of the Trust's operations by the consultants Atech Group which found that only 11% of the Trust's total resources were spent on administration (Legislative Council, 2002:27).

Pivotal to the divergent figures placed on the HNCMT's on-the-ground expenditure was the issue of leverage. Trustees estimated that volunteer community labour could be valued at \$4.30 for every dollar received from Treasury (Legislative Council, 2002:29). The Upper House Inquiry emphasised the Trust's success in attracting additional monies and in-kind resources from the commonwealth and local governments, resources that would not be donated to a government department (NSW, Legislative Council, 21/4/2001, *Debates*, 7 of 13). The Inquiry found no independent evidence to support the Minister's view that the Trust was ineffective and failed to provide 'value for money' (Legislative Council, 2002:xiii) and queried "... whether there will be an additional \$1 million available annually for projects in the Hawkesbury Nepean or whether these savings will be used to improve the Department's budgetary situation" (Legislative Council, 2002:63).

These conflicting assessments of the Trust's economic efficiency drew on incompatible understandings of the HNCMT's role. From the Minister's perspective, the decision constituted a: "routine change in administration of the portfolio" that removed the duplication of high operating costs at a local level (NSW, Legislative Assembly, 29/5/2001, *Debates*, 11 of 26). Hon. K. Rozzoli MP retorted that believing that the Trust

could be reshuffled and renamed like another government department or agency not only constituted a fundamental misunderstanding of its role (NSW, Legislative Assembly, 29/5/2001, *Debates*, 4 of 26) but failed to establish that more effective outcomes would result (NSW, Legislative Assembly, 29/5/2001, *Debates*, 17 of 23). Hon. K. Rozzoli MP defended the Trust's structure:

We wanted a central organisation not duplicating any of the work done by government departments or local councils but an organisation that knitted the fabric together so that agencies would work consistently together. (NSW, Legislative Assembly, 11/4/2001, *Debates*, 4 of 10).

The Trust's former CEO claimed that it was precisely the lack of traditional management responsibilities that enabled the Trust to deliver a range of programs to the organisations that did have that role (Legislative Council, 2002:20). According to the Hon. I. Cohen MP, more than 400 government agencies and civic and economic groups were drawn into catchment management by the Trust (NSW, Legislative Council, 11/4/2001, *Debates*, 3 of 13). The NSW Senate Committee Inquiry found that the HNCMT was highly regarded for raising levels of awareness within these organisations (Legislative Council, 2002:19) and commented that the loss of this coordinative role risked the integrated management of the catchment (Legislative Council, 2002:69).

A polarisation between a view of administration as wholly subordinate to the political executive armed with a democratic mandate, and a view that this administrative apparatus was so feudalised and sprawling as to suffer coordinative deficits beyond the capacity of any executive to correct was thus established. This schism was underscored by debate over the financial advantages garnered through community engagement and mobilisation. It was stressed by the Trustees that by gaining the trust and confidence of landowners, industry and environmentalists alike, the Trust was able to influence behavioural change in the wider community (Legislative Council, 2002:23). This behavioural change was viewed as an astute financial investment (NSW, Legislative Council, 11/4/2001, *Debates*, 8 of 13).

It was posited that this reconfiguration of behaviour was contingent on the restoration of social trust in public endeavour, that unlike government agencies, people felt they were in genuine partnership with the HNCMT (NSW, Legislative Council, 11/4/2001, *Debates*, 11 of 13). That the Trust had increased the number of Streamwatch groups from 35 to 160, "one of the biggest water quality monitoring networks in any catchment in Australia" was proffered as an emblematic example (NSW, Legislative Assembly, 28/6/2001, *Debates*, 7 of 23). The value of the Trust's newsletter mailing list of 6000 and volunteer base of 7000 was also emphasised:

The Trust had a huge volunteer base of at least 7000 volunteers. Multiply this by the networks of the volunteers, their families and their friends, and importantly, their children, and you would have some understanding of the value of this group in their efforts to improve the health of the catchment ... Dump this group, take away their aspirations and their hope of "being useful" in the scheme of improving the environment, and you have killed the most valuable tool the Trust had (Legislative Council, 2002:28).

The Hon. K. Rozzoli MP argued that these volunteers were brought together by the Trust and would disappear without the cohesive role the HNCMT performed (NSW, Legislative Assembly, 11/4/2001, *Debates*, 6 of 10).

In the face of the futility of these arguments concerning leverage, coordination and community engagement to reverse or soften the Minister’s decision, the Trust’s constituencies widely attributed the disbanding of the Trust to its advocacy role. An underlying divide was articulated – the incompatibility of a regional institution representing the interests of an ecological entity with a highly centralised political system premised on intertwined population and economic growth. A local government General Manager submitted that:

... the HNCMT is the only credible vehicle by which the problems facing the Hawkesbury can be addressed. The removal of the HNCMT by the Government would seem to convey the Government’s desire to suppress information as to the extent of damage the current intensification of development in the Hawkesbury Nepean catchment is causing ... (NSW, Legislative Assembly, 29/5/2001, *Debates*, 7 of 26).

The Inquiry noted that the decision to disband the Trust coincided with the Trust’s delivery of a letter to the Minister expressing a preference that a 1500 hectare site proposed for residential development within the WS/HN region be made a reserve. The Trust recommended stringent environmental standards be employed if the development was permitted.

The HNCMT’s former CEO defended the Trust’s unique degree of administrative independence in enabling such unwelcome advice in terms of the need to speak authoritatively and publicly in defence and promotion of the catchment in the face of enormous development pressures (Legislative Council, 2002:23). The former CEO and Trustees argued that the HNCMT’s advocacy positions were made responsibly and were thus reconcilable with executive powers. The Trust, it was averred, first consulted with other agencies, avoided contradicting Government policy, did not join partisan struggles, and did not allow its views to be conflated with Government positions. Minister Amery labeled these claims as ‘conspiracy theories’ and too absurd to require a response (NSW, Legislative Assembly, 29/5/2001, *Debates*, 18 of 26). The DLWC response, that the HNCMT “did not respond well to external change or take direction well”, was more telling (Legislative Council, 2002:51). The Upper House Committee Inquiry concluded that the independence of the Trust structure was a source of friction between the Department and HNCMT (Legislative Council, 2002: 52) while, *by definition*, the independent advocacy role could not be taken up by a government department (*ibid*:59).

Table 1: Contours of Dispute over the Defunding of the HNCMT

| | Governance | Government |
|------------------------------------|--|---|
| Basis for Decision | | |
| Economic Efficiency | Value adding to existing program expenditure through leveraging—pulling diverse sources of funding and volunteer labour into coherent catchment management Spent \$7 million on works | Money wasted on administrative costs, high wages and glossy documents which should have been spent on on-the-ground works Spent \$67 thousand on works |
| Underpinning Understandings | | |
| Coordination | Dialogic coordination to overcome policy discord caused by multiple jurisdictions | Effective action achievable through existing jurisdictions without adding a bureaucratic layer at local level |
| Community Engagement | Re-knitting civic trust by engaging communities through education and nourishing a large volunteer | Volunteers can be kept by existing department. More important to engage electorates with lists of on- |

| | | |
|---------------------------------------|--|---|
| | base – behavioural change prevents remediation bill | the-ground works expenditure |
| Reasons Attributed to Decision | | |
| Administrative Independence | Government finds Trust’s independence unnerving – lacks the sophistication to cope with independent agency advice | Trust has become a special interest club prone to conspiracy theories |
| Complexity | Government is dumbing down catchment management and excluding community input to fit political and administrative comfort zone | Government is making catchment management more standardised and therefore efficient |
| Electoral Implications | | |
| Regionalism | Without specialist institutions Western Sydney will generate a electoral backlash | Western Sydney’s needs can be encompassed within traditional arrangements |

The second sharp issue raised as to the tensions underlying the dismantling decision arose out of unflattering comparisons between the HNCMT’s sophisticated policies and strategies and the offerings of conventional administrative agencies. The Trust’s draft Strategic Plan for the lower Hawkesbury-Nepean Catchment was posited as superior to any plan produced by a regulatory authority (Legislative Council, 2002:24). The Inquiry articulated the widely held view that:

the strategic planning work and the unusual structure of the Trust enabled more sophisticated catchment management than occurred elsewhere in the state ...[such that] rather than adequately resource other areas the Minister chose to abolish the Trust (Legislative Council, 2002:49)

Indeed, subsequent to the HNCMT’s dismantling, this plan was converted into a catchment ‘blueprint’ conforming to those being produced for the rest of the state. The process reduced the plan’s catchment targets from 13 to 4 and subordinate targets from 45 to 18. The former CEO of the Trust described this process as symptomatic of state-wide dilution of Total Catchment Management that translated a two way partnership with the community into a one way street and “dumbed-down the strategic planning process because it cannot handle too much complexity” (Legislative Council, 2002:50-51). This comment is remarkably Luhmannian.

The parliamentary debates, finally, pointed to the political short-sightedness of a decision that withdrew an avenue for an intensely felt regional need. The Hon. J. Ryan MP accused the Labor Party of taking Western Sydney for granted by dispatching without trial one of its icons (NSW, Legislative Council, 11/4/2001, *Debates*, 6 of 13). The Hon. K. Rozzoli MP believed alienating Western Sydney’s environmental community misread the politics of the situation (NSW, Legislative Assembly, 29/5/2001, *Debates*, 3 of 10). It was noted that the matter was not discussed in Cabinet or Caucus and that the Ministers for the Environment and Western Sydney did not speak in defence of the Minister’s action (NSW, Legislative Assembly, 28/6/2001, *Debates*, 17 of 23). Minister Amery, in contrast, regarded the Motion of No Confidence as an overreaction and misuse of Westminster conventions (NSW, Legislative Assembly, 29/5/2001, *Debates*, 10 of 26). His colleague Mr Stewart MP went so far as to describe the motion as ‘perplexing’ considering “such motions are moved only in relation to important issues” (NSW, Legislative Assembly, 28/6/2001, *Debates*, 10 of 23).

The lists of achievements cited by the Minister for Agriculture and Land and Water Conservation and the Minister for Mineral Resources and Fisheries during the debates suggest that executive members felt on sure electoral ground engaging voters in press release sympathetic format and indifferent to the political advantages of re-knitting social trust according to spatially embedded priorities. The dyadic government/opposition logic of the political system eclipsed any recognition of a need to renegotiate the state-society relationship and the long-term advantages of such a renegotiation. The resultant polarisation between catchment management by government rather than governance is summarised in Table 1 above. As the right column shows, this logic dictates that votes are won from individuals, not communities, on socio-economic, not ecosocial grounds, and that a majority vote translates directly into a legitimate mandate for the political executive that bypasses the need for parliamentary deliberations on an issue by issue basis.

Analysis and Summary

The purpose of this paper was to analyse the nature of confrontations between the integrated, collaborative governance and the structural logic of the liberal democratic state. I developed a nexus between the deliberative, reflexive and systemically complex theories of modernity in order to assess whether and how new policy discourses are translated into parliamentary deliberations, political decision making and administrative sensibilities. Beck and Giddens' social reflexivity was understood as resulting in public discourse promoting innovative responses to multi-dimensional policy dilemmas that in Habermas' deliberative democratic theory should result in political directives and administrative adaption. The degree of institutional neutrality assumed by Habermas' model was viewed as subject to empirical assessment. The HNCMT case study instead confirmed Luhmann's contentions regarding the limits to institutional flexibility (Luhmann, 1982, 1989, 1990). A successful exercise in regional ecological governance was aborted because it did not conform to prevailing state bureaucratic understandings of efficiency, success and progress.

The perfunctory dismantling of the HNCMT can be characterised as exemplary of a deliberative truncation. Parliamentary deliberation on the Trust's achievements and political decision making concerning its ongoing funding were divorced. A sleight of hand exercising of executive prerogatives prevented an institutional expression of social reflexivity from influencing and altering surrounding systemic routines. This truncation brings four systemic routines to the foreground:

1. Analysis of the HNCMT's performance by Mr Amery MP, Minister for Agriculture as well as Land and Water Conservation and the Department of Land and Water Conservation was restricted to an economic liberalist simplification. The shortcomings of this analysis were only unpacked as a post-mortem exercise in the debates triggered by the decision to defund the Trust. The unfamiliar notions of leverage of external funding and in-kind contributions, and the economic value of behavioural change were too 'lumpy' for the schematic skim-reading of phenomena characteristic of the economic liberalist paradigm. The caucus and cabinet discussions that could have explored these notions were dispensed with on the strength of this highly reductive economic calculation.

2. Having dispensed with the internal party mechanisms for debate and analysis, the conventions of party loyalty precluded a vote on the merit of the arguments articulated in the parliamentary houses. Such oversights are exceedingly common and reflect the steady attenuation of deliberative processes in parliament since the dominance of politics by the two major parties became entrenched (Marsh, 1995, Uhr, 1998).
3. As the Trust's fate was reduced to a 'routine ministerial decision', the well worn conjunction between public administration as the provision of tangible things, that is, on-the-ground works, and the politician's instinct to promote themselves as the provider of such goods prevailed.
4. Furthermore, the absence of debate that precedes and informs decision-making favoured the on-going political marginalisation of Western Sydney. The dominance of NSW politics by entrenched Eastern Sydney interests and worldviews, a particular instance of institutional overhang, was left unperturbed.

Contributing to this deliberative truncation and its four components was the poor alignment between the HNCMT's endeavours and the political interests of the minister and government. The Trust's achievements were not wedded to the Minister's authority. A contractual relationship did not exist between the agency and the Minister (Vincent, 1999:51) but lay instead with the WS/HN community on behalf of an ecological entity. In a context where electoral mandates are viewed as the ultimate source of political authority, the Trust's independence was unprecedented and irritating.

The belated spirited defence made by the Trust's advocates of investment in analytic skill does not in itself amount to ingraining of a sense of indispensability of this analytic expertise to the government. Consequently, the agents democratically authorised to continue funding the HNCMT felt no compelling reason to do so. Instead the Trust was treated as a one-off trial that deviated from the public sector norm (Vincent, 1999:54).

While an opportunity to embed and generalise a reflexive form of urban governance was lost, the fact of the HN/WS region's environmental degradation remains. There is little evidence that traditional policy mechanisms can deal with such a multi-faceted problem as ecological decay. Indeed, conventional administrative arrangements are implicated in the mismanagement of urban catchments. This culpability manifests as the erosion of public trust in government and, ultimately, a social susceptibility to conspiracy theories that serious environmental remediation has been deliberately disallowed by political and economic elites, which it is worth noting, Giddens would view as a type of fundamentalist relapse into rigid dogmatism. There is a genuine risk that the current poor management of tension between environmental and economic goals will manifest in a politically destabilising backlash from those regions and communities that feel they are suffering the bulk of environmental degradation while others benefit from the economic growth causing that degradation.

This case study points back to Beck and Giddens' contention that the standoff between the state's historically overhung rigidity and an increasingly fluid, dynamic and reflexive society begs mediation. It also confirms the relevance of Luhmann's argument that such critique needs to pay attention to the logic of systemic complexity. The conundrum thereby formed is inadequately resolved by Habermas' propositions regarding a

deliberative understanding of liberal democracy. Administrative and political institutions are not neutral, a fact which causes deliberations to be routinely truncated. I suggest, further to Habermas, that reform be understood not as simply democratically discussed, legally encoded and administratively applied, but as necessitating re-calibration within and between systemic domains. That is, the minutia of messages (for example, increasing social unease and declining biophysical indicators) need to form meaningful inputs into organizational routines and result in a minutia of decisions that nourish a tendency towards increasing environmental sustainability.

The notion of re-calibration pays due respect to the resilience and interwoven nature of systemic routines. These routines are mutually reinforcing and institutionally hardened constellations of beliefs and practises that constitute fronts of resistance to the institutional embedding of the solutions to policy dilemmas highlighted by social reflexivity. Fascinating in itself, resistance to innovative discourse institutionalisation forms a worthy analytic topic. A diversified and balanced translation of theories of modernity into public administration and policy literature form an important resource in the furthering of such analyses.

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