LOCAL GOVERNMENT AND THE INTER GOVERNMENTAL AGREEMENT ON THE ENVIRONMENT-HOW DOES LOCAL GOVERNMENT IMPLEMENT THE GRAND VISION?

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THE BIG PICTURE

The Intergovernmental Agreement on the Environment (IGAE) is a document with a lot of history. I'd like to briefly describe the context within which the IGAE was developed and the direction it is coming from (and, hopefully, going to). From there I will discuss how, and why, Local Government fits into the scheme of things.

The rhetoric of environmental responsibility for the common good by government is a relatively recent change in paradigm from the "statist" philosophies of individual governments, and their protection of what were perceived as the proprietary rights of individuals within that state, especially with regard to the individual's property rights.(1)(2)

In a practical sense, legislative frameworks for environmental matters throughout the world have reinforced that philosophy and entrenched those principles in the implementation of environmental law. That is particularly true of the environmental and local government regulatory framework currently in operation in Queensland.

Signs of a change in such philosophies occurred in the late 60's and early 70's with the recognition that many of the global environmental problems took no heed of geo-political boundaries, and that the general community had great concerns for the preservation of their quality of life and the physical environment.

The role of Local Government as the implementers of the new paradigm, and the evolution of government responsibility for environmental management and decision making are matters of great importance in implementing the IGAE.

INTERNATIONAL POLICY FRAMEWORK

On the international level, the Treaty of Rome recognised the connection between economic and social progress(3). The European Economic Community (EEC), as an example, has for some years embraced the environment as not only incidental but as crucial to the maintenance of the international economy.

The Community objectives for the environment note that "environmental measures are an integral component of the Community's economic activity, because environmental protection improves the quality of life and safeguards natural resources, thus permitting full realisation of the benefits of economic activity, in the form of better patterns of economic growth and employment, with consequent beneficial effects on the competitiveness of the industry." (4)

Following the proclamation of the Single European Act in 1986, the EEC may direct members on legislation for environmental matters. Indeed, the Act requires that environmental actions by members should :

- preserve, protect and improve the quality of the environment;
- contribute towards protecting human health;
- ensure a prudent and rational utilisation of natural resources. (5)

The United Nations has played a significant role in the development of many of the international treaties and agreements in operation today. Many examples of environmental policy and law that we are seeing introduced in Australia, and Queensland, are the result of "paradigm setting" at the international level.

Possibly its most auspicious program was the appointment of the World Commission on Environment and Development in 1983. The resultant Brundtland Report as it became known ("Our Common Future") was delivered in 1987 after considering the connection between environmental and economic issues, and coined the concept of "sustainable development".(6)

AUSTRALIAN POLICY FRAMEWORK

In June 1990, the Australian Commonwealth Government set about identifying how to implement what became known as "ecologically sustainable development" (after a short and ideologically unsound life as "economically sustainable development") following the release of Ecologically Sustainable Development : A Commonwealth Discussion Paper.

Nine working parties were established to guide the deliberations, with members from industry, government officials, unions, community and environmental groups. In November 1991, the working groups produced reports on agriculture, forest use, fisheries, manufacturing, mining, energy use, energy production, tourism and transport. By January 1992, more reports were drafted and some 500 recommendations were produced on ways of implementing ESD.

At its meeting on 7 December 1992 the Council of Australian Governments endorsed the National Strategy for ESD. Whilst the ESD process was underway another related Commonwealth initiative brought the Commonwealth, the States, Territories and Local Governments together in the Intergovernmental Agreement on the Environment (IGAE). (7)

The IGAE was one of a number of related processes put into place to implement the principles of ESD within Australia, including the National Strategy for Ecologically Sustainable Development, National Greenhouse Response Strategy, the National Strategy for the Conservation of Australia's Biological Diversity, the National Waste Minimisation and Recycling Strategy, the Commonwealth Major Projects.

Facilitation initiative and the National Forest Policy Statement. Also worth bearing in mind is the Government's stated intentions to implement the UN Framework Convention on Climate Change and the UN Convention on Biological Diversity. (8)

IGAE PRINCIPLES OF ENVIRONMENTAL MANAGEMENT

The principles of environmental management accepted by all parties to the Agreement are clearly enunciated in the IGAE and include :

- the precautionary principle - where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- intergenerational equity - the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefits of future generations;
- conservation of biological diversity and ecological integrity should be a fundamental consideration;
- improved valuation, pricing and incentive mechanisms, where:
  - environmental factors should be included in the valuation of assets and services;
  - polluter pays;
  - full life cycle cost recovery from users of goods and services;
  - established environmental goals should be pursued in the most cost effective way possible. (9)

Bearing these terms of reference in mind the IGAE was drafted to act as the medium to provide mechanisms for :

- a cooperative national approach to the environment ;
- a better definition of the roles of the respective governments ;
- a reduction in the number of disputes between the Commonwealth and the States and the Territories on environmental issues;
- greater certainty of Government and business decision making;
- better environmental protection. (10)

The Agreement essentially establishes the ground rules under which the three spheres of government have agreed to interact on matters relating to the environment. It provides a framework for governments to integrate their activities in relation to environmental issues, and it includes a mechanism for a cooperative approach, whereby governments agree to work together and with the community to achieve these objectives. (11)

The Agreement is in two parts:

1 Roles and Responsibilities of Government

The first part establishes the common goals for the Agreement and a detailed memorandum of understanding of the roles and responsibilities within the individual spheres of government, with the other spheres of government and to the community at large.

PRINCIPLES OF ENVIRONMENTAL POLICY

The basic tenet of the Principles of Environmental Policy is that the adoption of sound environmental practices and procedures "requires the effective integration of economic and environmental considerations in decision making processes, in order to improve community well being and to benefit future generations." (12)

This carefully worded statement encapsulates the principles of approximately thirty years of international policy rhetoric, from the Treaty of Rome in 1958; through the United Nations Conference on the Human Environment held in Stockholm in 1972; the list of agreements, treaties, conventions and protocols over the years; the EEC initiatives and Directives to Community Members and the recommendations coming from the World Commission on Environment and Development in 1987.

ROLES AND RESPONSIBILITIES OF LOCAL GOVERNMENT

Local Government is recognised as an equal partner in the Agreement and the Australian Local Government Association, on behalf of all Local Governments, is a co-signatory. Clearly there is an acknowledged role for Local Government in environmental management and decision making in Australia.

As an aside, there are some questions as to the legality of citing a sphere of Government which is not recognised by the Constitution. This issue will be discussed in a moment. Section 2.4 notes the "Responsibilities and Interests of Local Government", as:

"2.4.1. Local Government has a responsibility for the development and implementation of locally relevant and applicable environmental policies within its jurisdiction in cooperation with other levels of Government and the local community.

2.4.2. Local Government units have an interest in the environment in their localities and in the environments to which they are linked.

2.4.3. Local Government also has an interest in the development and implementation of regional, Statewide and national policies, programs and mechanisms which affect more than on Local Government unit." (13)

2. Schedules/Action Plans

The second part of IGAE are 9 Schedules which are the "action plans" for the enabling provisions of the first part, and relate to specific areas of environmental policy and management. It is anticipated that additions and deletions will be made to the Schedules to cater for emerging issues, to facilitate a more pro active government response.

For the Schedules to be implemented, the Commonwealth or States are required to undertake to nominate an agency or Ministry to assume primary responsibility within its jurisdiction for the issues covered in the Schedules and to involve all relevant parties (Section 4 Implementation and Application of Principles).

Those Schedules presently include :

1. Data Collection and Handling;
2. Resource Assessment, Land Use Decisions and Approval Processes;
3. Environmental Impact Assessment;
4. National Environmental Protection Measures;
5. Climate Change;
6. Biological Diversity;
7. National Estate;
8. World Heritage;
9. Nature Conservation.

CONSTITUTIONAL RESPONSIBILITIES FOR THE ENVIRONMENT

It is important to identify the role (both legally and conceptually) that international treaties play in setting the Australian environmental law agenda.

International treaties do not bind the governments of Australia unless the Commonwealth passes legislation giving effect to the treaty. (14)

The specific responsibilities of the Commonwealth, at the time of drafting the Constitution, related to external affairs, trading corporations, defence, race relations, financial assistance to the States, acquisitions, taxation, quarantine and territorial powers, and do not include environmental matters. The residual powers to control and regulate the environment have generally fallen to the States'.(15)

Legislative reform at the Federal and State level in Australia in environmental matters evolved sequentially from the international fora of agreements and treaties which established the agreed principles on specific environmental issues, ie. the Convention on Wetlands of International Importance Especially Waterfowl Habitat (RAMSAR) provided the framework for the NSW State Environmental Planning Policy No. 14 "Coastal Wetlands".

Once those environmental "visions" are established and agreement on the principles between parties is reached, it is then incumbent (if only in a moral sense) upon the individual protagonists to incorporate those principles in their countries' legislation. That practice has been extensively utilised by the EEC who issue Directives to members of the Community.

In Australia the generally accepted roles of the Federal and State Governments in environmental management have been reassessed by High Court challenges brought by the Commonwealth Government to conserve specific areas of national or international significance, or to halt particular State practices that were seen as degrading the environment.

The external affairs powers of the Commonwealth was used as a basis for a number of significant court cases that challenged the States' proprietary rights and tested the basis of intergovernmental relations on environmental matters. e.g *Murphyores Incorporated Pty Ltd v. Commonwealth* (1976) 136 CLR 1; *Koowarta v. Bjelke-Petersen ; Queensland v. Commonwealth* (1982) 153 CLR 168; *Richardson v. Forestry Commission (Tasmania)* (1988) 164 CLR 261; *Queensland v. Commonwealth* (1985) 63 ALJR 473; *Commonwealth v. Tasmania* (1983) 158 CLR 1.

Local Government Where do they fit in?

Local Government, on the other hand, are not recognised by the Constitution and are the result of enabling legislation enacted by the individual States. As a consequence of the very specific powers laid down in the Constitution, it is uncertain whether Local Government is technically a bona fide signatory to the IGAE.

Regardless of the correct legal interpretation of this point, it is clear that in practical terms the Federal and State Governments acknowledge the role that Local Government will play in the implementation of ESD in Australia.

Queensland's Local Government is the most autonomous of all states in environmental management decision making, in particular with land use planning decisions. The reasons for this are largely historical, and perhaps locational, with the Councils making decisions on all matter of things within the broad ambit of their jurisdiction without state or regional guidance.

The State Government has traditionally affected a hands-off strategy with Local Government, allowing local decisions to be made by the local decision makers and only occasionally over- ruling the local decisions when the issue was a contentious one or of state wide significance.

Local Government in Australia, and particularly Queensland, has not been traditionally involved in the management of the environment as we use the term today. Local Government in Australia was formed to act as a works authority at the turn of the century. That initial role has over time broadened to include what we now consider the "traditional" role of government: the three R's of government; roads, rates and rubbish.

In the '90's, this view of Local Government is out dated and facile.

Over the last 20 to 30 years there has been a revolution in Local Government throughout Australia. The 60's and 70's saw the mobilisation of community groups taking their local government to task over social and community issues, often the result of insensitive infrastructure proposals, eg. the social upheaval caused by freeway construction and redevelopment of inner city residential areas , the dearth of community services and infrastructure in fringe metropolitan development.

During the 70's and 80's, the community foresaw the exponential degradation of the earth's natural ecosystems and the amenity of their immediate neighbourhood. Community action demanded the preservation of their local parks (for recreation and peace of mind) or native ecosystems (for their wilderness values), sensitive development of new urban areas, and resolution of the mounting waste problems of urban areas.

The Rio Conference (Agenda 21)

The recommendations of the Rio Conference (Agenda 21) included a chapter on Local Government and the basis for actions at the local level was developed " because so many of the problems and solutions being addressed by Agenda 21 have their roots in local activities, the participation and cooperation of local authorities will be a determining factor in fulfilling their objectives. Local authorities construct, operate and maintain economic, social and environmental infrastructure, oversee planning processes, establish local environmental policies and regulations, and assist in implementing national and subnational environmental policies. As the level of governance closest to the people, they play a vital role in educating, mobilising and responding to the public to promote sustainable development." (16)

The Tasque Report

In a study commissioned by the Local Government Minister's Council, the University of Tasmania found that Local Government in Australia played a key, if unrecognised, role in environmental management

through its functions of land and building development, provision of community services and construction of local amenities.(17)

The TASQUE Report, as it became known, was published in 1992 and evaluated the broadly defined role of Local Government in environmental management and decision making. The study found that Local Government throughout Australia is undergoing a transformation. This is the result of changes to:

- political and community organisations and expectations;
- rationalisation of Federal, State and Local Government functions and responsibilities;
- micro economic reform;
- award restructuring and productivity considerations;
- financial constraints;
- the impact of extensive legislative reviews and reforms;
- deregulation and privatisation;
- considerations to "think globally and act locally" (18)

Perhaps as a consequence of these imperatives Local Government has demonstrated an increasing capacity for environmental management functions, in addition to the so-called traditional roles, including:

- local conservation strategies;
- involvement in state and federal programs such as Landcare and Better Cities;
- pollution monitoring and control;
- heritage protection programs;
- coastal zone management;
- integrated catchment management;
- flora and fauna protection;
- waste minimisation programs;
- solid and liquid waste management;
- energy management plans;
- environmental impact assessment;
- urban regeneration,eg. urban consolidation;
- rural regeneration,eg. whole farm planning;
- traffic calming;
- environmental education. (19)

The recognition of the important role that Local Government plays in environmental management comes at an important time in Queensland.

Queensland, in particular, is undergoing a period of widespread government reform in both the legislative and administrative arenas, unparalleled in Queensland's history. Although many of these initiatives started well before the signing of the IGAE, they represent significant government commitment to the implementation of the Agreement.

LEGISLATIVE REFORM

Legislative reform in the environmental area effects Local Government primarily in their role of implementers of the operational aspects of the legislation. I am referring here to the recent enactments, proposed amendment to existing acts and the development of new legislation. Examples of these significant State Government initiatives include:

- Contaminated Land Act 1992
- Nature Conservation Act 1992
- proposed Environmental Protection legislation (due end 1993)
- proposed Natural Resource Management legislation (due end 1993)
- current amendments, and proposed redrafting, of the Local Government (Planning and Environment) Act (due end 1994)

During March this year I accompanied a Department of Environment and Heritage representative on a regional seminar circuit throughout Queensland to speak with elected members, administrators, policy makers and professional officers of Local Government about the devolution of environmental management responsibilities under the soon to be proclaimed Environmental Protection legislation.

The Department has carried out extensive consultation with Local Government and communities over the past 18 months, and has shown a clear indication of a whole of government approach to the devolution process. In this example the State Government is attempting to implement Schedule 2 of the IGAE, Resource assessment, Land Use Decisions and Approval Processes and Schedule 4 National Environmental Protection Measures.

The overwhelming response from Local Government was an acceptance of the principle of rationalising the existing nightmare of regulations and responsibilities for environmental management in Queensland. In effect that means the State Government deals with major pollution control and monitoring of state significance, and Local Government should deal with the more local pollution control and monitoring.

Pretty basic logic really, but one that is not enunciated in the current legislation for pollution control and monitoring.

In the transferral of duties from the State to Local jurisdiction ("devolution" is the politically correct terminology) there is an appreciation that Local Government needs to be in a position to accept these legal responsibilities. If Local Government is currently not in, or can not in the future be put into, that position the legislation will simply fail. That is not a position in which any community can afford to place itself.

It often comes as a surprise to people outside of Local Government to learn of that professional expertise is not a permanent part of most Councils. Approximately 30% of Councils in Queensland do not employ a full time Environmental Health Officer, whilst almost 70% do not employ staff Town Planners. Indeed it is common for Local Government to only see a visiting EHO or Planner a couple of days in the week/month, or have a consultant on call, west of an imaginary line drawn between Toowoomba and Herberton (approx. 90% of the State).

In many respects, the success of the existing and proposed environmental legislation depends largely on Local Government professional staff expertise (and numbers), administrative resources and access to technical advice from the State lead agency.

Bearing in mind national and international trends in environmental management and regulatory reform, it is obvious that devolution to Local Government will be established, and bolstered, in future environmental legislation throughout Australia. The rationalisation of environmental management responsibilities between State and Local Government is occurring now in Queensland.

The recent amendments to the Planning and Environment Act in regard to the development of Strategic Plans and the rationale for the resultant lines on zoning maps are important initiatives. The Act now requires that a Local Government consider a range of social, economic and physical environmental issues in formulating their Strategic Plans (20) Therefore, the public as well as government is able to understand the reasoning for the subsequent land use planning decisions by Council. This level of scrutiny is unprecedented in Queensland and will, I believe, lead to a more accurate and accountable system.

Combined with the (enforceable) provisions of the Freedom of Information Act 1992, the decision making process becomes more transparent and understandable to the public.(Refer to Schedule 2 IGAE).

The amendments also included the provision that the Courts shall take account of the Strategic Plan in assessing planning appeals before it. This has not always been the case and critics of the Local Government appeal process have highlighted the replacement of "common sense" by "common law" decision making principles as one of the most fundamental problems with the current system. Future Court precedents based on this amendment will be viewed with interest by many Local Government practitioners.

The recent gazettal of the Nature Conservation Act 1992 attempts to address a number of the IGAE Schedules, including Schedule 4 National Environmental Protection Measures, Schedule 6 Biological Diversity, Schedule 7 National Estate and Schedule 9 Nature Conservation. This Act will be an extremely useful tool for Local Government to utilise in conjunction with the development of Strategic Plans and strategic decision making on environmental protection matters.

ADMINISTRATIVE REFORM

The administrative reforms are myriad. The present State Government's proposal for an Integrated Development Approval System (IDAS) and the redrafting of the Local Government Act will result in fundamental changes to the way Local Government operates in Queensland in the future. The IDAS process will see the Local Government vested with the responsibility of coordinating technical advice through the lead agency departments of the State Government on applications made to it for land use planning decisions.(refer Schedule 2 IGAE)

Environmental Impact Assessment (EIA) for Local Government will become a significant component of the decision making process. At the conference today representatives of the Department of Housing, Local Government and Planning (DHLGP) will discuss the future direction of EIA in Qld.

As I understand it, DHLGP are gracefully retreating from the arena of EIA to allow a more local response to environmental assessment of private development applications. This direction may have something to do with the distinct lack of success of the current EIA procedures that were introduced into Section 8.2 of the LG(P&E) Act in 1991 and the difficulty that the Department has as a lead agency in coordinating other Departments to share their environmental vision. The Dept has over the last 18 months become bogged down in the essentially clerical tasks involved in the EIA procedures (drafting Terms of Reference and referring to "relevant authorities") without really coming to grips with the fundamental reasoning for EIA ; the provision of adequate information on the environmental impact of a proposal to the determining authority.

It appears that the onus for EIA is to be placed onto Local Government with only the "major" EIS's being considered by the State Government. This unsatisfactory arrangement is regressing to the ad hoc scene of pre-Planning and Environment Act days and shows a clear disregard for the successful implementation of a meaningful EIA process in Queensland.

Clearly, the State Government is not addressing the letter or spirit of the IGAE's Schedule 3 on EIA.

CONSTRAINTS TO IMPLEMENTATION OF THE IGAE

In general terms there may be a number of constraining factors for Local Government to achieve the goals of efficient and effective implementation of the IGAE, and the TASQUE Report identified the following constraints:

- Fiscal imbalance between State, Federal and Local Governments;
- lack of recognition by State/Federal Government of Local Government as an equal partner;

- duplication and competition in the development and delivery of environmental policies and programs
- poor consultative mechanisms;
- no capacity for Local Government to give itself powers to deal with environmental issues;
- limit in training and skills development to deal with increasing and complex environmental problems;
- lack of regional cooperation;
- political interest and/or resistance. (21)

SUMMARY

One of the areas of deep concern for Local Government in the devolution process, at least in the initial stages, is that Federal and State Governments expect Local Government to come up to speed very quickly without the associated funding, guidance from the State Government, access to technical expertise and the legislative powers to effectively carry out that function.

I would like to commend the Department of Environment and Heritage on the efforts and funding provided to Local Government to effectively manage environmental issues in Queensland as part of their devolution plans. It is yet to be seen if these actions are sufficient but only time will tell. In the spirit of implementing the IGAE this sort of inter governmental support is necessary to achieve the outcome of better environmental management and better decision making environmental issues by all levels of government.

Evidence from overseas of the cooperative arrangements of different levels of government are quite educational. Lambert and Wood reviewed the implementation of the EEC Directives on EIA by Local Government in the United Kingdom. They found that Local Government was having difficulty in implementing the Directives for a number of reasons, including :

- the criteria for assessment of proposals was ambiguous and confusing. In particular identifying the most appropriate level of assessment for proposals;
- the lack of technical assistance from the lead agency (Department of the Environment);
- the lack of training for Council officers who were expected to implement the Directives;
- the suggestion that the EIA Directive could be implemented in the UK with "limited" extra cost to authorities in terms of manpower or finances. This did not turn out to be the case for the majority of UK Councils;
- the claim that the EIA process could streamline the development consent procedure and lead ultimately to administrative savings. Again, experience in Local Government showed this not to be the case;
- there is a danger that the training of staff, especially those Councils that would expect to attract only a handful of EIA's, is seen as a low priority for that organisation and that the expertise will dissipate or be lost entirely;
- the cost of appointing consultants to assess EIA's which are outside the staff's expertise to assess, is likely to be a strong deterrent for all but the most major of proposals. There are concerns of a possible lack of rigour for all levels of EIA;
- the lack of knowledge by industry participants eg. developers and consultants. This had a detrimental effect on the timing of development, misunderstanding between industry and authorities and the quality of EIA's (especially unscientific analysis of probable impacts and mitigation measures, lack of data and alternative sites/processes, and an inferior standard of presentation).(22)

The findings of this review accorded with a number of other studies including Lee and Colley (23), and included :

- guidance needs to be available that is tailored to the needs of the protagonists;
- training for the different issues is required for the various players, generally and group specific;

- research need be undertaken to identify and remove faults into the system and to disseminate examples of best practice;
- research needs to be instituted into the quality of the decisions made, and the level of compliance with initial goals and objectives;
- the aim of protagonists have largely been to satisfy the mandatory administrative requirements of the Directive, rather than satisfy the spirit of the document. (24)

In a similar fashion, the cumulative effect of the last 20 years of environmental legislation in America threatens to overwhelm many Local Governments. Relations between the levels of government in America has shifted from a cooperative arrangement based on an established grants system to one marked by conflict and enforcement of regulatory requirements, often by threat of criminal or civil penalties. (25)

Indeed the Environmental Protection Agency (EPA) have recognised "that the increasing costs of compliance with new environmental requirements, shortfalls in available resources, and competing demands for limited ratepayer and taxpayer dollars mean that EPA, states and local governments need to find new ways of doing business", and to "find ways to support state and local government priority setting and build flexibility into program implementation". (26) Such flexibility includes consideration of:

- legislation to protect small towns (below 2500 population) from onerous environmental mandates to be reintroduced this year;.
- that part of the Congress' $20 billion package to stimulate the economy be invested in environmental infrastructure, like water quality programs rather than investments in road transport infrastructure; and
- the need for Local Government flexibility in attracting funding for environmental programs, like the $25 per ton emissions fee in the revised Clean Air Act to assist in defraying the costs of mandatory regulation. (27)

A measure of the magnitude of the problem is provided by the example of the State of Missouri spending 35% of its annual budget and potentially 80% of new general revenue on compliance with all mandates from the Congress and federal courts, including the environmental mandates.(28)

A taskforce was established as a result of these findings and defined its main mission " to educate federal and state decision makers concerning the cumulative impact of environmental mandates and build coalitions with other organisations on key legislative and regulatory issues" (29)

Just as importantly Kelly identified a need for the local government decision makers to become more active in the legislative and regulatory process of environmental management without waiting for mandatory regulation frameworks to be foisted upon them by state or federal governments. (30)

I believe these are valuable lessons both State and Local Governments in Queensland should bear in mind when formulating the strategic planning for implementation of the IGAE. There are enormous opportunities for Local Government to become appropriately incorporated in the process of developing a better environmental management and decision making system in Queensland. Such opportunities should not be missed.

ACKNOWLEDGMENT

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BIBLIOGRAPHY

1. Duncan.W.D. (ed) 1993 Planning and Environmental Law in Queensland The Federation Press in association with the Centre for Commercial and Property Law Queensland University of Technology pp.6-10.

2. Auster.M. The Harmonisation of Environmental Law : A European - Australian Comparison Environmental and Planning Law Journal December 1988 p.276.
3.—Auster ibid p.277.
4.—Auster ibid p.278.
5.—Auster ibid p.277.
6.—National Strategy for Ecologically Sustainable Development December 1992 Commonwealth of Australia 1993 p 7
7.—National Strategy for ESD ibid pp 13 - 14
8.—National Strategy for ESD p 15
9.—Intergovernmental Agreement on the Environment February 1992 p 13 - 14
10.—IGAE ibid pp 1 - 2
11.—Resource Assessment Commission Coastal Zone Inquiry Draft Report December 1992 Commonwealth of Australia 1993 p 159
12.—IGAE ibid p 13
13.—IGAE ibid p 7
14.—Duncan ibid p 12
15.—Duncan ibid p 13
16.—Agenda 21 Proceedings of the Rio Conference Chapter 28
17.—Brown.V.A., Orr.L. and Smith.D.I. 1992 Acting Locally : Meeting the Environmental Information Needs of Local Government Centre for Resource and Environmental Studies ANU p.6.
18.—TASQUE University of Tasmania The Role of Local Government in Environmental Management March 1992 Report to the Local Government Ministers Council p 42
19.—TASQUE Report ibid p 36
20.—Local Government (Planning and Environment) Act 1991 as amended
21.—TASQUE Report ibid p 42
22.—Lambert.A.J. and Wood.C.M. UK Implementation of the European Directive on EIA : Spirit or Letter? Town Planning Review Vol 61 No.3 July 1990 Liverpool University Press pp 247 - 260
23.—Lee.N. and Colley.R. Reviewing the Quality of Environmental Standards (Occasional Paper 24) Department of Planning and Landscape University of Manchester 1990
24.—Lambert and Wood ibid p 260
25.—Kelly C.C. Escalating Environmental Mandates : Can Local Governments Cope? Public Management March 1993 pp2-8
26.—Kelly ibid p 4
27.—Kelly ibid p 4
28.—Kelly ibid p 4
29.—Kelly ibid p 8
30.—Kelly ibid p 2

Appendix A - The United Nations Conference on Environment and Development (Rio Conference)

LOCAL AUTHORITIES' INITIATIVES IN SUPPORT OF AGENDA 21

Chapter 28 - Local Government Basis for action

28.1.—Because so many of the problems and solutions being addressed by Agenda 21 have their roots in local activities, the participation and cooperation of local authorities will be a determining factor in fulfilling its objectives. Local authorities construct, operate and maintain economic, social and environmental infrastructure, oversee planning processes, establish local environmental policies and regulations, and assist in implementing national and subnational environmental policies. As the level of

governance closest to the people, they play a vital role in educating, mobilising and responding to the public to promote sustainable development. Objectives

28.2.—The following objectives are proposed for this program area:

(a) By 1996, most local authorities in each country should have undertaken a consultative process with their populations and achieved a consensus on "a local Agenda 21" for the community;

(b) By 1993, the international community should have initiated a consultative process aimed at increasing cooperation between local authorities;

(c) By 1994, representatives of associations of cities and other local authorities should have increased levels of cooperation and coordination with the goal of enhancing the exchange of information and experience among local authorities;

(d) All local authorities in each country should be encouraged to implement and monitor programs which aim at ensuring that women and youth are represented in decision-making, planning and implementation processes.

Activities

28.3.—Each local authority should enter into a dialogue with its citizens, local organisations and private enterprises and adopt "a local Agenda 21". Through consultation and consensus-building local authorities would learn from citizens and from local, civic, community, business and industrial organisations and acquire the information needed for formulating the best strategies. The process of consultation would increase household awareness of sustainable development issues. Local authority programs, policies, laws and regulations to achieve Agenda 21 objectives would be assessed and modified, based on local programs adopted. Strategies could also be used in supporting proposals for local, national, regional and international funding.

28.4.—Partnerships should be fostered among relevant organs and organisations such as UNDP, the United Nations Centre for Human Settlements (Habitat) and UNEP, the World Bank, regional banks, the International Union of Local Authorities, the World Association of the Major Metropolises, Summit of Great Cities of the World, the United Towns Organisation and other relevant partners, with a view to mobilising increased international support for local authority programs. An important goal would be to support, extend and improve existing institutions working in the field of local authority capacity-building and local environment management. For this purpose:

(a) Habitat and other relevant organs and organisations of the United Nations system are called upon to strengthen services in collecting information on strategies of local authorities, in particular for those that need international support;

(b) Periodic consultations involving both international partners and developing countries could review strategies and consider how such international support could best be mobilised. Such a sectoral consultation would complement concurrent country-focused consultations, such as those taking place in consultative groups and round tables.

28.5.—Representatives of associations of local authorities are encouraged to establish processes to increase the exchange of information, experience and mutual technical assistance among local authorities.

Means of implementation

(a) Financing and cost evaluation

28.6.—It is recommended that all parties reassess funding needs in this area. The UNCED Secretariat has estimated the average total annual cost (1993-2000) for strengthening international secretariat services for implementing the activities in this chapter to be about $1 million on grant or concessional terms. These are indicative and order of magnitude estimates only and have not been reviewed by governments.

(b) Human resource development and capacity-building

28.7.—This program should facilitate the capacity-building and training activities already contained in other chapters of Agenda 21.