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Submission to Productivity Commission

Draft report: Implementation of Ecologically Sustainable Development by  
Commonwealth Departments and Agencies

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In my view, the Draft Report has exposed and advanced the issue of ESD;  
considerably, and the Commission is to be congratulated on its efforts thus far.

**The following** comments deal with a few specific issues, which the Commission may  
wish to consider in finalising its inquiry:

1. First, I was surprised to not see reference to the papers prepared for the  
Academy of the Social Sciences (Hamilton and Throsby (eds) 1998, *The ESD  
experiment: evaluating a policy experiment*). Although only released late last  
year, it does stand as the only independent review of the ESD process and  
aftermath apart from the Draft Report. It represents a substantial record and  
analysis of process and critique of implementation, and offers much to support,  
expand upon or supplement the Commission's discussion.  
(Much of the following, and especially that relating to overarching institutional  
arrangements, is argued in more detail in my paper in the above set of  
proceedings, entitled "Institutionalising ESD".)
2. I would endorse the recommendations of the Draft Report, particularly those  
aiming to ensure ongoing performance evaluation (6.1, 7.1-3), although would  
imagine that the detail of these mechanisms would need to await resolution of  
the issue of national institutional arrangements (see below).  
However, I view recc. 7.3 as premature in endorsing the framework of the  
National Land and Water Resources Audit. This is as yet an unproved process,  
and may indeed be found wanting generally, and with respect the repeatability  
of the process and the degree to which it usefully connects with past  
data-gathering exercises to give longitudinal views (esp. Water Review 85).  
Wide consultation on the framework for such activities is warranted.
4. Recc. 7.4 is crucially important - whatever the eventual mechanism - and the  
recognition of the role and capability of the ABS in this regard is long overdue.  
However, it is important that stakeholders have a close engagement with  
defining information needs, flows and ownership, and it is not clear that ABS is  
a suitable vehicle for a more participatory approach. Again, the overarching  
institutional issue is important here. Current activity by LWRRDC  
(incidentally, a body that should have featured more strongly in the report) in  
seeking greater collaboration in social and institutional R&D is relevant.

5. Regarding recc. 7.5, I would argue strongly that evaluation and comparative analysis of policies and programs can only be effective if it ongoing. This raises two questions. First, what common or at least reconcilable frameworks can be used for description and evaluation (an issue requiring extensive thought and debate). Second, through what institutional arrangement can an *ongoing* process be undertaken, allowing the memory and persistence required for policy learning over time? As I have argued elsewhere, cognate policy fields may offer guidance here (and on other issues). More specifically to the second point, the non-training function of the Australian Emergency Management Institute offers a model at least to initiate discussion as to possible forms of a 'policy learning/informing' institutional arrangement for resource and environmental management. Further, local government should be involved as well.
6. With the issue of possible Commissions or Councils for Sustainable Development, I have discussed this in the "Institutionalising ESD" paper referred to above. The failure to properly institutionalise ESD at the national scale has been the singly most important failure since 1992. Suggestions for "a commissioner" should be resisted - I do not think the ACT or NZ models would carry to the different scale and federal context. There is no reasons why a number of the functions canvassed in the Draft Report cannot be designed into the one arrangement. An NCESD, with broad stakeholder representation and a proper statutory basis (both essential), could carry out a number of functions - overview state of environment reporting, overview policy and program evaluations across government, carry out or commission investigations cutting across portfolios, provide advice to government, and promote continual discourse on ESD issue amongst key stakeholder groups. To take this issue further than will be possible in the PC's report, a useful next step would be to request or commission competing conceptual designs of such institutions and their roles, as a starting point for an informed debate. This would open this issue up to a wider array of ideas than the Inquiry process has been able to elicit, for example revisiting alternative suggestions such as resurrecting the Resource Assessment Commission, establishing Offices of ESD in first minister's departments, and creating a biodiversity R&D corporation or a national ESD research council.
7. I do not believe that voluntary codes of conduct have any great potential to create commitment to ESD, at least no more than they do already in the private sector and professions. Voluntary codes do not ensure adherence to good policy making, and indeed the very notion of this being voluntary in public administration is alarming. Whether the 'duty of care' notion has potential is debatable, and would require detailed, further legal and administrative analysis along with other possible mechanisms (eg. public trust, stricter statutory expression of ESD principles).

I trust the foregoing can be construed as helpful to the Commission's remaining task, and to what may flow from that.

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