

WESTERN AUSTRALIA'S RESPONSE TO ~ PRODUCTIVITY COMMISSION ISSUES PAPER ON COMMONWEALTH IMPLEMENTATION OF ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

The following comments relate to the Productivity Commission's Issues Paper on Commonwealth Implementation of ESD.

INTERGOVERNMENTAL COORDINATION ON THE ENVIRONMENT

The Commission is interested in receiving information on the role, adequacy, and effectiveness of intergovernmental coordination on matters relating to ESD, both between levels of government and between Commonwealth departments and agencies

Currently, there is no effective Commonwealth/State co-ordination mechanism for ESD. There are several bodies, for example the Australian and New Zealand Environmental Minerals and Energy Council (ANZMEC), the Australian and New Zealand Environment and Conservation Council (ANZECC) which are pursuing the implementation of ESD objectives for sector specific issues. It is noted that COAG's focus is changing, thus limiting its role in examining issues that have cross sector implications.

There is a lack of communication between Commonwealth Government agencies in regards to matters relating to ESD. For example the Australian Heritage Commission and World Heritage Commission office of Environment Australia both listed Shark Bay for heritage status

Are the objectives outlined in these agreements (IGAE and NSESD) being met in practice? To what extent do existing institutional arrangements, frameworks and processes assist Commonwealth departments and agencies in meeting these objectives?

Under the terms, of the Intergovernmental Agreement on the environment (IGAE) ratified in 1992, the States and Territories were to be accredited for environmental assessment and heritage matters. This has not happened. The Commonwealth has set in motion a review of the Commonwealth environmental legislation and introduced the Environment Protection and Biodiversity Conservation Bill. This provides for increased involvement by the Commonwealth in State environmental matters and has the potential to duplicate and override the State's environmental assessment, approval, monitoring and enforcement processes. Despite numerous letters from different States indicating reservations with this proposed legislation, no response from the Commonwealth has been forthcoming.

At a national level sectors (agriculture, fisheries, forestry etc) are developing measures of sustainability. These have been developed from different perspectives, starting points, using different frameworks and reporting to different Ministerial Councils

There is a lack of interaction either between sectors and/or the broader state of environment reporting.

Presently, there is great difficulty in translating ESD principles into practical terms which can be applied by decision makers. A key issue for the Inquiry is to further develop the definitions of ESD, agreed upon by the National Strategy for Ecologically Sustainable Development (NSESD), to increase its certainty and workability.

The greatest difficulty facing the implementation of ESD will always be in agreeing where the balance should lie between development and environmental protection and how this should be determined.

What problems do intergovernmental institutions coordinating environmental responsibilities face? How can their effectiveness be enhanced? How can intergovernmental coordination be approved, both between governments and across sectors? Is the Commonwealth's role in intergovernmental coordination on matters relating to ESD adequately defined ?

The current structure of intergovernmental bodies is effective, but coordination between bodies could be enhanced, particularly at the Commonwealth officer support level.

Often unrealistic time frames are imposed by the Commonwealth for responses to documents. For example, the National Environment Protection Council sets unrealistic time frames for comments on National Environment Protection Measures.

There is clearly a need to establish an intergovernmental cross sectoral body to coordinate implementation of ESD. National coordination for the implementation of ESD used to be through the Intergovernmental Committee on Ecological Sustainable Development (ICESD) but since its demise no single organisational structure nationally has the responsibility to coordinate and report on the implementation of ESD or provide cross sectoral views and a whole of government perspective.

The Commonwealth's role in intergovernment co-ordination is not clearly defined and its role tends to vary depending on the nature of the intergovernmental committee or issue involved

Which ESD or environmental concerns highlighted in the State of the Environment report (SEAC 1996) are local/interstate/national/global in nature, and which jurisdiction or level of government is best placed to redress/intervene in these issues?

The different categories identified in the State of Environment Report are relevant issues at a state/local level. The administrative frame work set up at these levels adequately provides for management of these issues and as such are best placed to redress/intervene at the practical level. Other categories identified in the report ie biodiversity and atmosphere are issues recognised at a national and international level.

COMMONWEALTH ENVIRONMENT ADMINISTRATION

The Commission is interested in receiving further information from the public as well as government departments and agencies on the nature of, rationale for and effectiveness of policies and programs promoting ESD outcomes that are administered by the Commonwealth.

As identified in the OEGD 1998 Review of Australia's Environmental Performance p28 it is considered that Commonwealth agencies focus on processes rather than outcomes. This view is shared by Western Australia. The proposed Commonwealth environmental legislation is process orientated and does not focus on environmental results.

This State's environmental impact assessment focuses on environmental outcomes through ongoing management which encompasses ESD principles.

The Natural Heritage Trust (NHT) is an example of a Commonwealth environment program that focuses on processes rather than outcomes with overlap and duplication at numerous levels between Commonwealth and State government agencies. Based on experience over the past two years, the effectiveness of the program must be questioned in light of the administrative difficulties in delivering such a complex program that attempts to deliver environment, natural resource management and sustainable agricultural outcomes. Program performance cannot be adequately monitored or evaluated as performance indicators for the program are still being developed.

The State of the Environment report (SEAC 1996) lists a number of different categories of environmental issues, including biodiversity, the atmosphere, land resources, and inland and coastal waters, Is it sufficiently clear which Commonwealth departments and agencies have responsibility for different categories of environmental issues?

The above mentioned report does not clearly identify responsible Commonwealth agencies for different categories of environmental issues and the level of consultation across Commonwealth agencies does not appear to be as well developed as it is for this State. For example the Departments of Conservation and Land Management, Minerals and Energy and Environmental Protection have a coordinated approach to the management of environmental issues with agreed procedures endorsed by Chief Executives in an Memorandum of Understanding.

What are the prioritiesand how effective have the Commonwealth's policies been in changing community or corporate behaviours in ways which promote ESD outcomes?

No comment.

MECHANISMS FOR INCORPORATING ESD PRINCIPLES INTO GOVERNMENT DECISION MAKING

To what extent have ESD principles been incorporated into Commonwealth policies and programs? are there factors hindering the ability of departments and agencies to incorporate ESD into their policies and programs? If so, how could these factors be overcome?

The Commonwealth has attempted a range of programs and policies to incorporate ESD principles. This has been considered not always to be successful. A frequent concern is that intergenerational equity may not be attainable due to complexity of decision making. For example under the Australian Heritage Commission program of listing areas on the Register of the National Estate, items are assessed without due consideration of economic factors This is not in accord with ESD principles. A more balanced approach by the Commonwealth agencies to implement all of the ESD principles in their policies and programs would be more acceptable.

The Commission would like to receive information on cases where the incorporation of ESD considerations into government decision making is working effectively. What lessons could be drawn from these cases?

The National Principles and Guidelines for Ecologically Sustainable Rangeland Management, developed through ANZECC and ARMCANZ is one example of ESD principles being taken into account

Agencies in WA incorporate ESD principles in many of their programs. For example the Department of Land Administration incorporates the principles of ESD in many of its programs ie Fire Control on Crown Land, Declared Weed and Vermin Control Program and Rangeland Management.

The Commission has recently recommended that a duty of care for the environment be imposed on natural resource owners, managers and users, which requires them to take all reasonable and practical steps to prevent their activities causing foreseeable harm to the environment (IC1997). Is it useful to consider applying the duty of care concept to government departments and agencies which have significant ESD responsibilities or impact on the achievement of ESD?

No comment

INCREASING THE FOCUS ON OUTCOMES AND OUTPUTS

The Commission is interested in receiving information and examples of OBM and other approaches that could be used to provide an incentive for Commonwealth departments and agencies to incorporate ESD considerations in their decision making. What are the strengths and limitations of these approaches?

The information requested by the Commission can be obtained from the State Treasury Department papers as agencies have to report on outputs and outcomes on an annual basis.

This is a key issue for the Commission and it should be encouraged to direct significant resources to analysing this question with a view to making specific recommendations on developing ESD indicators (type, application etc.) which can then be used to measure, with significant objectivity, ESD performance in the context of Commonwealth policies and legislation

CONCLUSION

Overall it is important for the Commonwealth and States to provide a policy framework for national issues which takes into account ESD principles. Further development is required to achieve this goal. It is important that ESD principles are implemented through the State governments which are constitutionally responsible for land management and more directly in contact with local economic, environmental and social issues.

At the Commonwealth level, the incorporation of environmental considerations during the formulation of public policy would assist the orderly and systematic implementation of ESD.