

Environment Institute of Australia and New Zealand (EIANZ)

POLICY STATEMENT PUBLIC PARTICIPATION IN ENVIRONMENTAL DECISION-MAKING

This is a policy statement on Public Participation in Environmental Decision-Making adopted by the Council of the Environment Institute of Australia and New Zealand on 26 May 2004

Background

Planning legislation in all Australian jurisdictions makes provision for planning and development proposals to be made public and for public objections and appeals.

Environment protection legislation throughout Australia favours more effective public participation in decision-making than most previous Acts relating to the use of natural resources (ANZECC 1997).

Public participation in environmental decision-making applies particularly to decisions whose outcomes are likely to affect the community in some way. Public participation involves the community's right to be informed, to have an input to the decision-making process, for that input to be seriously considered, and to be advised of the responses to the input and the reasons for the responses.

The ethical, pragmatic and democratic grounds supporting the principle of public participation in environmental decision-making may be summarised as follows (McAllister 1980; Conacher and Conacher 2000):

1. Those involved in the problem and its outcomes have the right to be consulted and involved in decision-making;
2. Support for policies and programs depends on those who will have to pay for them;
3. Through citizen participation, the tendency for people to misuse power, given the opportunity, will be checked;
4. Citizens will become more informed about public affairs and thereby make wiser choices at the ballot boxes;
5. Planning should serve the interests of the public, which is difficult to do when those interests are not known. Plans have been abandoned due to lack of public support;
6. Citizens are demanding a stronger voice in decision-making. They want to have the opportunity to participate actively in discussing major issues and developing programs for addressing them. Simply selecting decision-makers every four or so years is not enough;
7. The process of citizen participation, if properly organised, can help promote conflict resolution.

Communities represent a huge pool of valuable knowledge that should be tapped in the problem-solving process. General education levels have risen steadily over the decades, and citizens include all of our experts, only a small fraction of whom officially assume this role in each public planning action.

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The EIANZ supports the principle that communities should be involved as fully as possible in all stages of environmental decision-making.

The EIANZ advocates the incorporation of provisions for full and effective public participation in decision making in all Federal, State and Territory environment-related legislation.

Environmental decision-making should be open and transparent.

The EIANZ encourages the use of the full range of methods to achieve public participation – including communicating through the media, workshops, submissions, public hearings or inquiries, opinion surveys, provisions for objections and appeals, access to the courts, and the use of techniques such as Delphi and weighting-scaling and weighting-ranking to quantify community views.

The EIANZ notes that many methods obtain input which is not fully representative of community views and recommends that sample surveys be used more widely. It should not be assumed that those (often disadvantaged groups or individuals) who do not make submissions or participate in workshops do not have a genuine or valid interest in the issue (James 1991).

The EIANZ encourages community involvement at the *earliest* stages of environmental decision-making, including the setting of objectives or agendas. Objections and appeals made after the event do not constitute participation in the making of the original decision.

The EIANZ notes that effective public participation requires effective two-way communication between decision makers and communities. Feedback to communities at key stages in the decision-making process is essential: people must know that their views have been heard and considered, even though outcomes may not meet with their complete approval. Feedback also needs to include advice as to how community views have been considered and what was done about them.

Communities must be well-informed for public participation to be effective; and that information must be readily obtainable and inexpensive. Communities also need to be provided with the more technical information and assistance to analyse it if necessary.

The EIANZ supports more liberal Freedom of Information legislation: access to information needs to be less costly and simpler to obtain than at present.

The EIANZ supports the relatively informal conduct of public hearings and inquiries and the opportunity for participants to respond to one another.

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The EIANZ supports the provision of funds to assist groups to participate in the process, particularly for disadvantaged minority groups.

The EIANZ recommends that the roles of local governments in environmental decision-making be strengthened (Stein 1998). Means of achieving this include amending local government and environment-related legislation, re-educating existing local government professional staff and appointing additional environmental officers to local governments.

The EIANZ supports the principle that members of the public should be able to obtain 'standing' for environmental issues and disputes to be resolved in a court of law. The EIANZ also supports class actions and third party rights in relation to environmental decision-making.

The EIANZ supports the use of mediation as a means of resolving environmental disputes (Naughton 1995).

The EIANZ supports continued government funding of Environmental Defenders' Offices.

The EIANZ is opposed to the emergence of strategic litigation against public participation.

References

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