
Public participation -

International perspective

Results of our report

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Plan

- Why is it important?
- What is the international context?
- What makes effective public participation?
- Brief background to our report.
- Results of the audit:
 - What we do well – best practice examples
 - Room for improvement?
- Conclusion



Why is it important?

- Acceptance by the community
- Essentials
 - Empowering the community
 - Taking community views into account in coming to a decision
 - Recognising the expertise that sits within the general community
 - Decisions are complex – need for capacity building



International context

- Rio Declaration
 - Principle 10 - Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.
- The Aarhus Convention – in force on 30 October 2001.



Principles - Access to information

- Provision for capacity building
- Full and meaningful information
- Available in hard copy and via internet for no charge
- Notification to be widely accessible
- Mechanisms for access to board members and members of statutory authorities
- Publication of all submissions
- Publication of all decisions



Principles - Public participation

- Community involvement in setting the protocols for the participation process – removing barriers to participate
- Provide safe environment for conflicting views
- Written and oral submissions – accept all regardless of format
- Remove barriers such as cost and intimidation
- Reasonable timeframes for submission
- Use of independent facilitators or mediators
- Consult with indigenous Australians
- Legal obligation to follow outcome of the consultation



Principles - Access to justice

- Provide for open standing
- Right to appeal
- Own cost provision in public interest litigation and no security for costs in these circumstances
- Adequate time to lodge proceedings



Background to our Report

- *This project is an audit of 29 pieces of SA environmental legislation*
- *Funded – Law Foundation of South Australia*
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What we do well?

- Some have community engagement as an object
 - *Environment Protection Act 1993(SA)*
 - *Natural Resources Management Act 2004 (SA)*
 - (j) the involvement of the public in providing information and contributing to processes that improve decision-making should be encouraged;
 - *Green Industries Act 2004 (SA)*
 - (b) the principle that government policies relating to [waste](#) management, [resource recovery](#) and [green industry](#) should be developed through a process of open dialogue with local government, industry and the community in which local government, industry and the community are encouraged to contribute to decision making.
- Some have third party merits review and/or civil enforcement
 - *Natural Resources Management Act 2004(SA)*
 - *Development Act 1993(SA)*

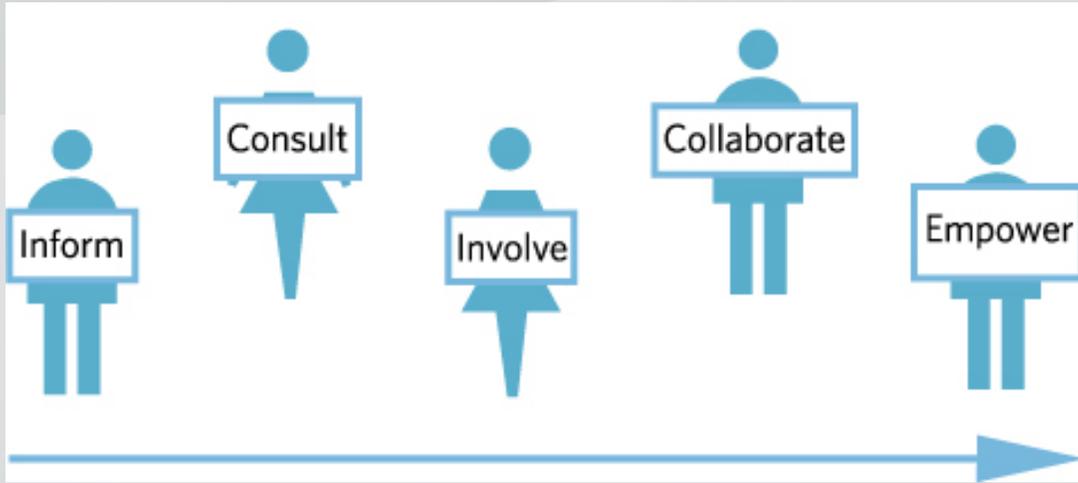


Room for improvement

- Include community engagement as an object
- Require decision-makers to have regard to these objects
- All Acts to require consultation
- All legislation to require free and open online access to relevant information
- Current notification processes are outdated.
- Employ email subscription services to inform interested community members
- Longer timeframes to comment
- Require decision-makers to take submissions into account and give reasons for their decision.
- Access to justice – open standing; third party appeals and enforcement; removal of cost barriers



Conclusion and recommendations



- Provide for public consultation in the objects
- Remove cost barriers
- Provide for open standing for third party appeals and civil enforcement
- Update notification processes
- Lengthen time for comments
- Require decision-makers to consider comments, provide reasons for their decision
- Require decision-makers to follow the outcome of the consultation.
- Comply with best practice principles

