

# **Betrayal of the Australian People on an Unprecedented Scale as Australia Moves Away from Democracy**

## **How Successive Governments Have Deceived the People, Usurped the Constitution, & Subverted Democracy, for More than 20 Years**

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### **EXECUTIVE SUMMARY**

Previously it has been shown that the Agenda 21/ESD program is the most massive policy initiative in the history of Australian Federation. It has also been shown that the implementation of this program has not only never been democratically approved by the people, but further, successive governments have deliberately kept the people misinformed and ignorant of this entire agenda. This paper seeks to document some of the methods successive governments have used to deceive and betray the people.

When it comes to AG21/ESD, the overwhelming message that pervades the Australian political literature of the past 2 decades, as considered in this paper, is the extraordinary lengths to which successive governments have gone to avoid political accountability and deny Australians any democratic choice. There is a constant and pervasive theme of political deception, devious and persistent avoidance of democratic scrutiny, and outright betrayal of the Australian people. To achieve these ends successive governments have used a startling array of tactics including:

- 1. the use of the foreign affairs powers of the Commonwealth to invite the UN to interfere in Australian internal affairs;**
- 2. the establishing of unconstitutional intergovernmental agreements to dictate UN or imported international policies to states;**
- 3. the establishment of unconstitutional intergovernmental organisations such as COAG to dictate unpopular or undemocratic policies to states and local councils;**
- 4. the dictating of policy to Councils by funding, by embedding Commonwealth trained officers within Councils, and by working with Local Government Associations;**
- 5. working with the judiciary to enable judicial decisions based upon political ideology, international agreements, or judicial activism rather than impartiality;**
- 6. having critical policies implemented at the executive or bureaucratic level, and the use of “skeleton” Acts of parliament or “delegated” legislation, to enable avoidance of parliamentary scrutiny and transfer of undemocratic regulatory power to the executive.**

These tactics, which the records clearly show have been used systematically and pervasively by both major political parties for a staggering period of 20 years, have enabled deception and betrayal of the Australian people on an unprecedented scale. Furthermore, these tactics confirm our political leaders have been systematically attacking and subverting the fundamental democratic institutions which have enabled Australia to lead the world.

As part of this process successive governments have even sought to undermine the voting and electoral system in various ways. Since the right to vote, which is considered a fundamental human right, includes the right to be fully and accurately informed, this right has been consistently violated by successive Australian governments as a result of their consistent determination to keep the people misinformed.

**These various anti-democratic mechanisms have enabled and fostered an allegiance to, a foreign agency (the UN), and a simultaneous betrayal of the Australian people. Experts reveal that these mechanisms are also systematically transforming the system of government in Australia away from democracy and towards a dictatorship. The democratic rights of Australians are being progressively removed by successive governments.**

**The solution is up to the people.**

## Introduction

Being a policy that has been implemented Australia wide by successive Commonwealth governments, State governments, and local councils, we know that the United Nations driven Agenda 21 program is by far the most massive policy initiative in Australian history ([1](#), [2](#), [3](#), [4](#)). We also know that Agenda 21 is UN designed, monitored, and controlled, and Australian politicians have consistently chosen, over a period of 20 years, to avoid giving Australians any democratic choice about implementation of this insidious, pervasive, foreign program ([1](#), [2](#), [3](#), [4](#)). And we know that in the decade following introduction of Agenda 21, Commonwealth government environmental expenditure exploded, [going from \\$80 million in 1992 to \\$1.557 billion in 2002](#). This of course does not include the incalculable amounts spent in total by State governments and local councils. And since Agenda 21 embraces cultural, social, and economic policies in addition to environmental policies, the true cost of Agenda 21 implementation is obviously many times greater.

In spite of all this, politicians generally display extreme sensitivity about any discussion of Agenda 21 ([1](#), [2](#), [3](#), [4](#)), perhaps even pretending it is a ‘[conspiracy](#)’. This refusal to discuss Agenda 21 is remarkably endemic amongst politicians at all levels and in all parties ([1](#), [2](#), [3](#), [4](#)). Although noting Agenda 21 had gone way beyond environmental issues and become the “[world’s greenprint for change](#)”, [Gwydir Council admitted during their Committee Meeting on 20<sup>th</sup> Feb 2013](#), that Agenda 21 had “[encouraged conspiracy theories about the real agenda.](#)” But the Council pointed out that Agenda 21 had, “[for 21 years, been very influential in developing public policies that directly impact upon every level of government](#)”, including regulations pertaining to ecologically sustainable development. [As the Council pointed out:](#)

***“Many of the subsequent matters introduced to encourage a sustainable society, such as the carbon tax, are the outcome of the Australian Government’s attempt to introduce the objectives of Agenda 21.”***

But how many people are aware that the carbon tax is simply part of the government’s Agenda 21 campaign? The complete failure of our elected representatives, at all levels, to make these facts clear to the public, especially during election campaigns, is no doubt the single greatest reason that the Agenda 21 program has created the perception that it is a ‘conspiracy’. **However, when those who have been involved in implementing Agenda 21 describe the program they have been**

implementing as a ‘conspiracy’, it is hardly surprising that they would be extremely reluctant to discuss either the conspirators or their handiwork!

It is clear that vital questions need to be answered.

1. How have Australian politicians managed to deceive the public and implement this program so effectively for 20 years while consistently avoiding a democratic mandate?
2. Why have politicians in all parties, and at all levels, consistently refused to give Australians a democratic choice regarding implementation of UN Agenda 21?
3. How much has been spent, by all 3 levels of public administration, on implementing this foreign program in Australia and why haven’t these costs been publicly announced?
4. What are the end goals of Agenda 21 and when will they be achieved?
5. Where are the estimates for projected final costs and studies confirming cost effectiveness and value for money?
6. What steps will the government take to ensure increased political transparency and accountability and ensure the public are better informed?
7. What proactive actions does the government intend to take to prevent future interference in Australian politics from foreign agencies?

This article will examine the roles of the 3 major players in this subversion of democracy, namely, the United Nations, successive Australian governments, and the judiciary. In doing so it is hoped that the answer to at least some of the above questions will become much clearer. And those questions which remain unanswered, will be placed firmly on the agenda.

## PART 1

### The United Nations Demands AG21 Compliance From Strong Independent Nations to ‘Fragile’ Interdependent Nations – the UN gets their way

#### ‘Global Fragility’, the UN, Agenda 21, & the Earth Charter

In 1987 the United Nations published The Brundtland Report, otherwise known as Our Common Future ([5](#), [6](#)). This report marked the beginning of the UN’s campaign to create ecologically sustainable development as a global issue which necessitated all countries surrendering control to the UN with progressive weakening of nation states to produce global interdependence ([5](#), [6](#), [7](#), [8](#)). These themes were further developed at the [Earth Summit at Rio](#) ([9](#)) where [Agenda 21](#) was born. The importance of global interdependence rather than independent nation states was further emphasised by the [Earth Charter](#) during its development from 1994-2000. [The Earth Charter noted that global interdependence would produce global fragility](#) but, [according to the Charter](#):

*“the future at once holds great peril and great promise” as long as we form a “global partnership”, and “the nations of the world must renew their commitment to the United Nations, fulfill their obligations under existing international agreements, and support the implementation of Earth Charter principles with an international legally binding instrument on environment and development.”*

The Earth Charter, like Agenda 21, [was created to](#) *“provide clear guidelines for the conduct of nations and peoples regarding the environment and sustainable development.”* When it comes to

'sustainability', [according to Deweese](#), "if Agenda 21 is the blue print – the Earth Charter is the manifesto."

But the UN had announced that the era of strong independent nations must cease. All nations must become weak and unable to fend for themselves. Global fragility and interdependence were the keys to a UN controlled future.

### **Agenda 21 Renamed as Ecologically Sustainable Development**

Agenda 21 is based upon the undefinable concept of ecologically sustainable development and many **authorities prefer to avoid the term "Agenda 21"**, and use instead terms such as "sustainability", "smart growth", "growth management", "local environmental plans" or **Sustainable Development 21 or SD21 (3)**. Some local authorities have also changed the name of Local Agenda 21 to 'Local Climate Strategy' (3). The United Nations **Sustainable Cities** program is yet another spin off of Local Agenda 21 & the UN Habitat agenda . In fact, Agenda 21 and ESD are one and the same thing (3).

In December 1992, a few months after agreeing to Agenda 21 at Rio, the Australian government developed [Australia's National Strategy for Ecologically Sustainable Development](#) (NSESD) in order to implement Agenda 21 in Australia. [According to the NSESD](#):

*A number of direction setting documents were signed at UNCED, including the Rio Declaration and Agenda 21.....the Rio Declaration and Agenda 21 provide a broad framework for global sustainable development.*

In September 1999 the [Institute for Sustainable Futures](#) issued the final report of their project, Policy Integration, Ecologically Sustainable Development (ESD) and Local Agenda 21 – Councils in NSW (3). In this report, which was prepared for the NSW Department of Local Government, Stella Whittaker and colleagues noted that "fear" of the "Agenda 21" label often resulted in the use of other, presumably less fearful, names (3):

*"ESD is called different things at different levels. If ESD is mandated by the Federal Government, the group discussed whether it should be in the form of Local Agenda 21, Cities for Climate Protection or a more general ESD framework. There is fear from some councils of the LA21 label, so councils should adopt whichever definition or framework best suits their purpose at hand. Whilst it is time consuming for each council to invent its own definition of ESD, there are benefits in that the community will feel a greater sense of ownership of the concept."*

The evidence clearly confirms the fact that [Australia's National Strategy for Ecologically Sustainable Development](#) is simply Australia's renamed and presumably less fearful, version of Agenda 21. According to the OECD report, "[Good practices in the National Sustainable Development Strategies of OECD Countries 2006](#)":

*Most OECD countries now have in place National Sustainable Development Strategies (NSDS) as agreed as part of Agenda 21 signed at the United Nations Conference on Environment and Development (the Rio Earth Summit) in 1992.....Governments first agreed to prepare national sustainable development strategies as part of Agenda 21, signed at the United Nations Conference on Environment and Development (the Rio Earth Summit) in 1992. The purpose of these strategies was to translate the Summit's ideas and commitments into concrete policies and actions. Governments agreed to "adopt national strategies for sustainable development [which should] build upon and harmonise the various sectoral, economic, social and environmental policies and plans that are operating in the country. Its goals should be to ensure socially responsible economic development for the benefit of future generations".*

Similarly, according to the OECD report [\*"The DAC Guidelines, Strategies for Sustainable Development"\*](#):

*"At the 1992 UN Conference on Environment and Development held in Rio, governments made a commitment in Agenda 21 to 'adopt national strategies for sustainable development [which should] build upon and harmonise the various sectoral, economic, social and environmental policies and plans that are operating in the country.[...] Its goals should be to ensure socially responsible economic development for the benefit of future generations'. The OECD's 'Shaping the 21st Century' strategy (1996) called for the **formulation and implementation** of a sustainable development strategy in every country by 2005. This is one of the seven International Development Goals (IDGs) agreed by the international community."*

The history of Agenda 21 and national sustainability programs is outlined by the UN in [\*"Guidance in Preparing a National Sustainable Development Strategy: Managing Sustainable Development in the New Millennium, Background Paper No. 13"\*](#):

*"The 1992 United Nations Conference on Environment and Development (UNCED), declared that, 'Governments, in cooperation where appropriate with international organizations, should adopt a national strategy for sustainable development... This strategy should build upon and harmonize the various sectoral, economic, social and environmental policies and plans that are operating in the country.'*

*Five years later in 1997, the Special Session of the UN General Assembly on the review of Agenda 21, reaffirmed that national sustainable development strategies are important mechanisms for enhancing and linking priorities in social, economic and environmental policies. It called upon all countries to complete, by the year 2002, the formulation and elaboration of national sustainable development strategies that reflect the contributions and responsibilities of all interested parties. More recently in September 2000, 147 Heads of States and Governments signed the Millennium Declaration and reaffirmed their '...support for the principles of sustainable development, including those set out in Agenda 21 and agreed upon at the United Nations Conference on Environment and Development.' The associated Millennium Development Goals include one relating to environmental sustainability, to: 'integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources'."*

The Australian government's [\*"Defence Ecologically Sustainable Development Strategy"\*](#) further underlines the fact that [\*Australia's National Strategy for Ecologically Sustainable Development\*](#) is in reality, simply a renamed rebadged version of the United Nations Agenda 21 program:

*"The United Nations 1992 environmental summit in Rio de Janeiro developed Agenda 21, which sets out a blueprint for sustainable activity across all areas of human activity. The Council of Australian Governments endorsed the National Strategy for Ecologically Sustainable Development (NSES) to illustrate Australia's commitment to ESD, and implementation of Agenda 21. The NSES has become the benchmark for ESD in Australia.*

*The NSES, finalised in 1992, outlines a broad strategic and policy framework under which Australian governments at all levels will cooperatively make decisions and take actions to pursue ESD in key industry sectors that rely on the use of natural resources. Defence is required to respond to the Government's ESD initiatives."*

As the UN points out in their paper [\*"Guidance in Preparing a National Sustainable Development Strategy: Managing Sustainable Development in the New Millennium, Background Paper No. 13:"u>\*](#)

*“Agenda 21 promotes National Sustainable Development Strategies (NSDSs) as mechanisms for translating a country’s goals and aspiration of sustainable development into concrete policies and actions..... The particular label applied to a national sustainable development strategy is not important, as long as the underlying principles characterizing a national sustainable development strategy are adhered to and that economic, social and environmental objectives are balanced and integrated..... The **political process** involves ensuring the existence of a strong political commitment from the top leadership as well as from local authorities of a country. There must be effective engagement and close involvement of the Ministry of Finance and Planning as well as the Council of Ministers in the strategy development process right from the beginning.”*

The UN had obviously issued very clear instructions about the implementation of AG21/ESD and the Australian government obediently followed those instructions.

### **UN Says AG21/Sustainability Must be Enforced in all Countries**

[The Agenda 21 document](#), which describes itself as a “*blueprint for action in all areas relating to the sustainable development of the planet*”, clearly elaborates the goal to enforce sustainability/environmental law throughout the world:

*“8.13 Laws and regulations suited to country-specific conditions are among the most important instruments for transforming environment and development policies into action, not only through ‘command and control’ methods, but also as a normative framework for economic planning and market instruments...”*

*8.14 To effectively integrate environment and development in the policies and practices of each country, it is essential to develop and implement integrated, enforceable and effective laws and regulations that are based upon sound social, ecological, economic and scientific principles. It is equally critical to develop workable programmes to review and enforce compliance with the laws, regulations and standards that are adopted...*

*8.15 The enactment and enforcement of laws and regulations (at the regional, national, state/provincial or local/municipal level) are also essential for the implementation of most international agreements in the field of environment and development, as illustrated by the frequent treaty obligation to report on legislative measures...*

*8.18 Governments and legislators, with the support, where appropriate, of competent international organisations, should establish judicial and administrative procedures for legal redress and remedy of actions affecting environment and development that may be unlawful or infringe on rights under the law, and should provide access to individuals, groups and organisations with a recognised legal interest”.*

*“39.2. The overall objective of the review and development of international environmental law should be to evaluate and to promote the efficacy of that law and to promote the integration of environment and development policies through effective international agreements or instruments taking into account both universal principles and the particular and differentiated needs and concerns of all countries.*

*39.3. Specific objectives are:*

*b. To set priorities for future law-making on sustainable development at the global, regional or subregional level, with a view to enhancing the efficacy of international law in this field through, in particular, the integration of environmental and developmental concerns;*

*e. To ensure the effective, full and prompt implementation of legally binding instruments and to facilitate timely review and adjustment of agreements or instruments by the parties concerned, taking into account the special needs and concerns of all countries, in particular developing countries;”*

And [Principles 7, 8, 11 & 13 of the Rio Declaration](#) clearly state the United Nations instructions for nations:

*States shall co-operate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem.....To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.....States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and development context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries.....States shall also co-operate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction."*

Further, in [Principle 12](#) the UN emphasises that nation states should surrender policy to what is termed the "international consensus":

*Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus.*

### **All Countries Required to Report AG21 Implementation to UN**

The Agenda 21 document also lays out the UN's global implementation plans and emphasises that countries around the world will be [monitored by the UN Commission on Sustainable Development \(CSD\)](#) to check implementation progress. In 2012 the CSD was replaced by the [High-level Political Forum](#), a move which was [endorsed by the Australian government](#). Agenda 21 stipulates that countries will be required to send regular detailed reports to the UN in order to check compliance with the requirements of the United Nations. [According to Agenda 21](#):

*8.7. Governments, in cooperation, where appropriate, with international organizations, should adopt a national strategy for sustainable development based on, inter alia, the implementation of decisions taken at the Conference, particularly in respect of Agenda 21.*

*8.21. Each country should develop integrated strategies to maximize compliance with its laws and regulations relating to sustainable development, with assistance from international organizations and other countries as appropriate. The strategies could include:*

- a. Enforceable, effective laws, regulations and standards that are based on sound economic, social and environmental principles and appropriate risk assessment, incorporating sanctions designed to punish violations, obtain redress and deter future violations;*
- b. Mechanisms for promoting compliance;*
- c. Institutional capacity for collecting compliance data, regularly reviewing compliance, detecting violations, establishing enforcement priorities, undertaking effective enforcement, and conducting periodic evaluations of the effectiveness of compliance and enforcement programmes;*
- d. Mechanisms for appropriate involvement of individuals and groups in the development and enforcement of laws and regulations on environment and development.*
- e. National monitoring of legal follow-up to international instruments*

*8.22. Contracting parties to international agreements, in consultation with the appropriate secretariats of relevant international conventions as appropriate, should improve practices and procedures for collecting information on legal and regulatory measures taken. Contracting parties to*

*international agreements could undertake sample surveys of domestic follow-up action subject to agreement by the sovereign States concerned.*

*38.11. In order to ensure the effective follow-up of the Conference, as well as to enhance international cooperation and rationalize the intergovernmental decision-making capacity for the integration of environment and development issues and to examine the progress in the implementation of Agenda 21 at the national, regional and international levels, a high-level Commission on Sustainable Development should be established in accordance with Article 68 of the Charter of the United Nations. This Commission would report to the Economic and Social Council in the context of the Council's role under the Charter vis--vis the General Assembly. It would consist of representatives of States elected as members with due regard to equitable geographical distribution.*

*The Commission on Sustainable Development should have the following functions:*

- a. To monitor progress in the implementation of Agenda 21 and activities related to the integration of environmental and developmental goals throughout the United Nations system through analysis and evaluation of reports from all relevant organs, organizations, programmes and institutions of the United Nations system dealing with various issues of environment and development, including those related to finance;*
- b. To consider information provided by Governments, including, for example, information in the form of periodic communications or national reports regarding the activities they undertake to implement Agenda 21, the problems they face, such as problems related to financial resources and technology transfer, and other environment and development issues they find relevant;*

*38.36. States have an important role to play in the follow-up of the Conference and the implementation of Agenda 21. National level efforts should be undertaken by all countries in an integrated manner so that both environment and development concerns can be dealt with in a coherent manner.*

*38.37. Policy decisions and activities at the national level, tailored to support and implement Agenda 21, should be supported by the United Nations system upon request.*

*38.38. Furthermore, States could consider the preparation of national reports. In this context, the organs of the United Nations system should, upon request, assist countries, in particular developing countries. Countries could also consider the preparation of national action plans for the implementation of Agenda 21.*

*39.8. The parties to international agreements should consider procedures and mechanisms to promote and review their effective, full and prompt implementation. To that effect, States could, inter alia:*

- a. Establish efficient and practical reporting systems on the effective, full and prompt implementation of international legal instruments;*
- b. Consider appropriate ways in which relevant international bodies, such as UNEP, might contribute towards the further development of such mechanisms.*

In fact , according to [the ICLEI Agenda 21 Implementation Survey of 1997, two essential criteria for defining an Agenda 21 process include:](#)

*“It must establish a monitoring and reporting framework”, and,*

*“It must establish indicators to monitor progress.”*



**Agenda 21 is therefore a UN program which requires, as one of its core features, compulsory reporting and monitoring to permit effective control by the UN.**

[As I have pointed out elsewhere:](#)

*“Agenda 21 is a UN designed and monitored program. Australia has been surrendering control to a foreign power for 20 years as the Australian Government has been required to complete regular extensive AG21 compliance or implementation reports for the [United Nations Commission on Sustainable Development or CSD](#)”*

### **Countries Must be Prepared to Surrender Sovereignty to the UN**

Since the global aspirations of the UN are clearly opposed to the concept of independent nation states, the sovereignty, democracy, and constitution of countries like Australia are regarded as a frustrating nuisance, a fact that is made clear by the [“Pocket Guide to Sustainable Development Governance”](#), an official precursor document for [Rio+20 \(9\)](#):

*“The current governance of the global commons through the prism of national sovereignty remains one of the most fundamental obstacles to progress. Whilst global public goods that lie within national boundaries continue to fall under the jurisdiction of the nation state, it is likely that decisions will be made on the basis of national interests rather than global concerns. Nation states continue to be often ideologically opposed to governance arrangements that involve ceding sovereign authority over natural resources to a supranational institution making decisions in the global interest,<sup>5</sup> especially when there is little short-term incentive to do so. This explains the absence of effective compliance mechanisms and enforcement regimes for many global environmental agreements.”*

### **UN Says AG21 Must be Embedded into Bureaucracy to Avoid Political Rejection**

Of course it was commonly realised that widespread deception and covert action would be necessary, especially in democratic countries, if there was to be any hope of success in the plan to get all nations to surrender full control to the UN. As a result, one of the requirements of the UN was that the ESD strategy must be continuous, across different political parties, and must not be interrupted by change of government. In other words, it must be thoroughly embedded into policy at the administrative or bureaucratic level, as the UN pointed out in their document, [Guidance in Preparing a National Sustainable Development Strategy](#):

*“the strategy development process should also be backed by strong political commitment at both the national and local levels and such commitment should be there on a continuous and long-term basis.....Ensure continuity of the strategy development process. A national strategy for sustainable development requires long-term and uninterrupted effort. Mechanisms, thus, need to be put in place that would enable the strategy development to be carried out as a continuous and cyclical process with broad national support, regardless of the political party in power.....The sustainable development strategy process should be developed as a way of life.....Activities for the formulation and implementation of the strategy should also be fully mainstreamed in development policy and day-to-day functioning of government and other stakeholders.”*

This instruction by the UN explains the mechanisms used by the Australian government (discussed below) to avoid democratic scrutiny of Agenda 21 by using unconstitutional intergovernmental agreements and embedding it in policy at the executive or bureaucratic level.

## **Countries too Slow to Surrender Full Control to the UN**

But, in spite of their extraordinary efforts to destroy democracy, weaken nation states, and produce global fragility and the 'need' for global governance, the UN has recently complained, in their report, [UN System Task Team on the Post 2015 UN Development Agenda](#), **that countries are too slow surrendering control to the UN:**

*“the transition to global sustainable development has not been successful yet....increasing interdependence among States has not been accompanied by sufficient adjustments in the global governance regime..... A global governance regime, under the auspices of the UN, will have to ensure that the global commons will be preserved for future generations.....In a more interdependent world, a more coherent, transparent and representative global governance regime will be critical to achieve sustainable development in all its dimensions”*

**In other words, although the UN has been successful in its plan to render nations 'fragile' and unable to fend for themselves, nations nevertheless are still trying to continue to exist without surrendering full control to an all-powerful global administrator.**

**How disappointing for the UN. But how incredibly naïve and foolish (or complicit) have our elected representatives been.**

## **PART 2**

### **The Australian Government**

#### **Successive Australian Governments, State Governments, & Councils, Rush to Surrender Control to the UN**

##### **Australia Invites UN to Take Control & Subvert Democracy**

Since the UN was powerless, in itself, to enforce its dictates upon Australia, it relied upon the naivety or deliberate treachery of Australian politicians in order to realise its dreams. The UN found many [willing anti-Australian partners amongst democratically elected Australian politicians](#) even though the Commonwealth was hamstrung by a [lack of environmental powers accorded by the Australian Constitution](#). As a result of this Constitutional deficiency, the Commonwealth relied heavily upon their ability to enforce international agreements through the external affairs powers of the Constitution. According to the [Industry Commission Enquiry](#) into [Ecologically Sustainable Land Management](#):

*“Australia is a signatory to 56 multilateral treaties related to the environment. These include:*

- *the Convention on International Trade in Endangered Species of Wild Fauna and Flora (1 July 1975);*
- *the Convention on Wetlands of International Importance especially as Waterfowl Habitat (the Ramsar Convention) (21 December 1975);*
- *Convention for the Protection of the World Cultural and Natural Heritage (17 December 1975);*
- *the Convention on Biological Diversity (29 December 1993); and*
- *the United Nations Framework Convention on Climate Change (21 March 1994).*

*These commit the Commonwealth to protecting Australia's environment in the interests of the global environment. Domestically, many of Australia's obligations are reflected in 17 Commonwealth Acts (for example, the Endangered Species Protection Act 1992, the Wildlife Protection (Regulation of Exports and Imports) Act 1982, and the World Heritage Properties Conservation Act 1983).*

*Australia is also a signatory to Agenda 21, the global action plan for sustainable development, which was adopted at the United Nations Conference on Environment and Development in June 1992.”*

As a Federation of States the first task of Australian politicians was to enhance Commonwealth environmental powers and draw the States together and somehow design a framework within which the principles of AG21/ESD could be embedded while at the same time close democratic scrutiny could be avoided. As a first step in centralising environmental control a Commonwealth Environment Protection Agency was proposed by Prime Minister Bob Hawke in 1990 (10). At the same time the State Premiers were becoming involved and during the Special Premiers Conference held in Brisbane in September 1990 it was suggested that an Intergovernmental Agreement on the Environment (IGAE) should be established to link the Commonwealth and the States (10). Although a spirit of cooperative goodwill prevailed initially, comments by Paul Keating, first as Treasurer in the Hawke government, signalled an increasing [dictatorial attitude by the Commonwealth](#).

In order to emphasise the Commonwealth’s determination to centralise environmental power in Canberra, then Environment Minister Ros Kelly announced in February 1991 that the Commonwealth would go it alone if the States refused to co-operate (**Sydney Morning Herald**; 18/02/1991; cited by [Fowler](#)):

*“In an effort to silence the criticism that she is pushing a soft option, Ms Kelly has warned that a unilateral assumption of power by the Federal government would occur if certain States proved intransigent towards an upgraded cooperative approach.”*

What followed was 2 decades of creeping centralism as the Commonwealth exerted increasing power over the States.

### **IGAE, NSESD, & COAG are Created to Embed AG21 into Bureaucracy at all 3 Levels of Government**

A series of meetings followed as the Commonwealth and the Premiers resolved their differences until the [IGAE was finally endorsed by all parties in May 1992](#) (10). Although the signatories to the agreement included Prime Minister Keating, all the State Premiers, and the President of the [Australian Local Government Association \(ALGA\)](#), *“none of the (IGAE) discussions were subject to any public consultation or input”* (10), and therefore received *“strong criticism that it was developed with no public involvement.”*

Meanwhile, at the [Special Premiers Conference in July 1991, a Communique was issued](#) announcing “far reaching” (but undemocratic) discussions to radically reform intergovernmental relations. This resulted in the formation of [the Council of Australian Governments \(COAG\) in May 1992](#). COAG is comprised of the Prime Minister, the State Premiers, and the president of ALGA. [The role of COAG](#) was to assist in implementation of policies of national significance, including international treaties:

*“The role of COAG is to initiate, develop and monitor the implementation of policy reforms that are of national significance and which require cooperative action by Australian governments (for example, health, education and training, Indigenous reform, early childhood development, housing, microeconomic reform, climate change and energy, water reform and natural disaster arrangements). Issues may arise from, among other things: Ministerial Council deliberations; international treaties which affect the States and Territories; or major initiatives of one government (particularly the Australian Government) which impact on other governments or require the cooperation of other governments.”*

COAG, though not officially established until May 1992 because of differences with the Commonwealth, [actively participated in the development of ESD policy, and development of the IGAE, as early as 1990](#), and [according to Christie](#):

*“Australia once led the world following the Council of Australian Governments (COAG) endorsement of an innovative national environmental policy for sustainable development in December 1992.....From 1993, the COAG policy acted as the trigger for incorporating sustainable development into new or amended environmental protection and planning legislation by the States, Territories and the Commonwealth.”*

Having reached what [Justice Brian Preston called](#) “a broad consensus between the Commonwealth, the States and Territories and local government as to the importance of implementing ecologically sustainable development”, Australia then “sent representatives to the United Nations Conference on Environment and Development (UNCED), also known as the Earth Summit, which was held in June 1992 in Rio.” While our political representatives may well have reached a ‘consensus’ they specifically avoided seeking the democratic will of the people, and they have continued to deny the people a democratic say for more than 20 years.

Preston notes the vital importance of [the IGAE](#) and the [National Strategy for Ecologically Sustainable Development](#) (National ESD Strategy) for the implementation of AG21/ESD in Australia.:

*“The international instruments signed at UNCED by attending countries, including Australia were:*

- *The Rio Declaration on Environment and Development;*
- *Agenda 21;*
- *The Convention on Biological Diversity;*
- *The Framework Convention on Climate Change; and*
- *The Statement of Forest Principles.*

*The documents enunciate the concept of ecologically sustainable development and recommend a programme of action for the implementation of the concept at international, national and local levels.....*

*In partial fulfilment of its promise entered into upon signing the various instruments at UNCED, Australia finalised the National Strategy for Ecologically Sustainable Development (National ESD Strategy). The National ESD Strategy was launched in December 1992 and has been adopted by the Commonwealth and each of the States and Territories in Australia. The National ESD Strategy is a form of intergovernmental agreement which records the public policy commitment of each of the governments and their agencies to implement the measures agreed to in the Strategy. It includes as appendices a summary of the Intergovernmental Agreement on the Environment, the Rio Declaration on Environment and Development and a guide to Agenda 21. In a sense, there has been an incorporation of these national and international instruments as policies of each of the governments of the Commonwealth, and the States and Territories.”*

[As the Commonwealth government notes in their WSSD Assessment Report](#), sustainability programs were largely implemented at a bureaucratic level, beyond democratic scrutiny, and the whole program was monitored by, and driven by, the UN Commission for Sustainable Development and the OECD:

*“Initially, implementation of the Intergovernmental Agreement on the Environment, the National Strategy for Ecologically Sustainable Development, and the National Greenhouse Response Strategy were overseen by an intergovernmental committee of officials reporting to the Council of Australian Governments. This arrangement operated between 1994 and 1997 at which time that responsibility*

*was assumed by Ministerial Councils. The Ministerial Councils comprise Ministers responsible for similar portfolios in all Australian jurisdictions, for example the (then) Australian and New Zealand Environment and Conservation Council and the Agricultural and Resource Management Council of Australia and New Zealand.....In meeting our international reporting obligations (see below on reporting to the Commission for Sustainable Development, and to the Organisation for Economic Cooperation and Development)”*

The [Commonwealth reiterates its allegiance to foreign organisations](#) rather than the Australian people:

*“At the international level, the department is responsible for reporting Australia's environmental performance and progress towards sustainable development commitments to international agencies such as:*

- [Organisation for Economic Cooperation and Development \(OECD\)](#)
- [United Nations Commission on Sustainable Development”](#)

In fact, the “*strong leadership*” of the Commonwealth regarding ESD implementation not only extended to foreign agencies and included all 3 levels of government and bureaucrats, [it also included taking advice from NGO's](#) such as the [World Wide Fund for Nature](#), [Australian Conservation Foundation](#), and [Greenpeace](#). According to [compliance data supplied by the Australian government to the 5th Session of the United Nations Commission on Sustainable Development:](#)

*“A cooperative approach with strong leadership at the national level on environmental issues has provided the cornerstone to Australia's policy development and program delivery since 1992. This approach within the Government extends as well to non-governmental organizations and community groups. In order to oversee the development of national strategies and policy issues concerning the environment and ecologically sustainable development there is a range of mechanisms, which provide an administrative and Ministerial framework for advice and input. Overall coordination is effected through the Council of Australian Governments (COAG), relevant Ministerial Councils, including Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ), Australian and New Zealand Environment and Conservation Council (ANZECC), Murray Darling Basin Ministerial Council (MDBC), National Environment Protection Council (NEPC) and related working groups reporting to these bodies.*

*In addition, the ICESD regularly consults with the following non-governmental organizations: World Wide Fund for Nature, Australian Conservation Foundation, Greenpeace, Australian Council for Overseas Aid, National Farmers Federation, Business Council of Australia, Minerals Council of Australia, Australian Council of Trade Unions, Aboriginal and Torres Strait Islander Commission, National Environmental Law Association, Environment Management Industry Association of Australia, Australian Association for Environmental Education, Institute of Engineers, Women and the Environment Network, Action for Solidarity Equality Environment and Development (Youth NGO), Community Aid Abroad, National Association of Forest Industries, and Environs Australia (formerly the Municipal Conservation Association).”*

Clearly, although many unelected bodies, special interest groups and foreign organisations were invited by the Commonwealth to participate in AG21/ESD implementation, Australian voters were consistently denied any democratic choice.

### **Keating Government Introduces AG21 to Parliament**

On the 26th May 1993, Ros Kelly, then Environment Minister in the Keating government, [introduced Agenda 21 to Australia in Parliament](#), even though there had been no democratic mandate and even

20 years later most people are ignorant of AG21:

*“Let me start by outlining the action we have already taken in Australia to give effect to the two conventions and to **agenda 21** . Along with 153 other countries, we signed the climate change convention in Rio. Although called a framework convention, indicating that there is much left to negotiate and agree, the climate change convention represents the end of a phase of global consensus building and education on the rationale and need for action on greenhouse gas emissions. The convention will enter into force and become legally binding on parties 90 days after it has been ratified by 50 countries. Australia ratified the convention in December 1992 and is one of 19 countries so far to have done so. Our expectation is that the convention will achieve the necessary 50 ratifications in 1994.....Agenda 21 is a truly massive document—40 chapters covering matters as diverse as poverty, population, technology transfer, consumption patterns, forests, freshwater, pollution avoidance, trans boundary air pollution, and radioactive waste. It is a blueprint or set of guidelines, not just for individual countries but, importantly, for the entire United Nations system as well as for individuals and organisations of every size and type. Australia contributed significantly to its preparation and negotiations. .... The recommendations of agenda 21 cover a wide range of issues and responsibilities for implementation, cutting across virtually every Commonwealth and State government agency as well as local government and the non-government sector. .... My department has the responsibility for the overall coordination of the domestic follow-up of agenda 21 , although other agencies will have a more direct implementation task. The General Assembly then looked at **agenda 21** as the principle action document from UNCED and identified a number of issues or recommendations requiring immediate action. It took action to establish a commission for sustainable development as a senior body within the UN system. The establishment of the commission was a centrepiece of **agenda 21** . The commission has been formally established and will now meet annually in June. The main role of the commission will be to monitor the implementation of **agenda 21** . Countries are expected to provide reports on their own efforts and the operational agencies of the UN system, such as the UN development program, the Food and Agriculture Organisation and the UN environment program, as well as organisations such as the World Bank, will be reporting to the commission on their own efforts to give effect to the recommendations of **agenda 21** ..... we will be working within the Commission for Sustainable Development, the UN environment program and the global environment facility to ensure a rapid and effective uptake of the summit's priority recommendations.”*

**Ros Kelly made the following vital points in the above address.**

- **Agenda 21 is a “massive document” or “blueprint” which will enable control of all organisations and individuals within Australia and around the world.**
- **This control of Australians will be implemented undemocratically by the United Nations, especially through their division, the [Commission on Sustainable Development](#).**
- **The Commonwealth assumes full responsibility for controlling the national implementation of Agenda 21, as required by the United Nations.**
- **Agenda 21 will be implemented under the [1992 Intergovernmental Agreement on the Environment](#) and the [National Strategy for Ecologically Sustainable Development \(ESD\)](#).**
- **Agenda 21 was expected to be legally binding after ratification by 50 countries, which was expected to occur in 1994 (verified by [Senator Christabel Charmarette, 16<sup>th</sup> March 1994](#)).**

Subsequently, Christine Gallus, Liberal member for Hawker, responded to Ros Kelly’s address:

*“In her speech today, the Minister for the Environment, Sport and Territories (Mrs Kelly) addressed the responses the Government has taken to give effect to these two conventions and to **agenda 21** ..... The Minister is confident that the Government can meet the obligations that **agenda 21** places on Australia through the arrangements established under the [1992 intergovernmental agreement on the environment](#). By abolishing the cabinet committee on sustainable development, the Prime Minister (Mr Keating) has cast some doubt on the genuineness of his commitment to the ESD process. The Minister indicated that she believed [Australia's only ESD strategy](#) is already seen as something of a model in implementing the recommendations of **agenda 21**..... **The Minister mentions using the IGAE and ESD policy as mechanisms to implement agenda 21 .”***

[As the government indicated on their web site](#) in regard to implementation of Agenda 21, Australia made a “strong national response” to the “obligations” imposed by the UN:

*“Agenda 21 is an international framework agreement for pursuing global sustainable development that was endorsed by national governments, including the Australian Government, at the 1992 Rio Earth Summit. Australia's commitment to Agenda 21 is reflected in a strong national response to meet our obligations under this international agreement.”*

But although all 3 levels of government in Australia were required to utilise vast resources to compile AG21 compliance reports in an attempt to satisfy the UN, this fact was consistently omitted from political policies and election campaigns as the voters were kept very much in the dark ([1](#), [2](#), [3](#), [4](#)). In fact regular reports to the UN [required input from the following Ministers and their departments](#):

***“Key National Sustainable Development Coordination Mechanism(s)/Council(s).***

***[Intergovernmental Committee on Ecologically Sustainable Development \(ICESD\)](#)***

*ICESD is the peak, officials-level, forum for coordination of ecologically sustainable development related strategies and policies which effect Federal, State and Territory, and local government jurisdictions. The committee reports to the Council of Australian Governments. Implementation of strategies and policies is carried out by the relevant agency/jurisdiction.*

#### ***2a. List of ministries and agencies involved:***

*Australian Government Departments: Prime Minister and Cabinet; Environment, Sport and Territories; Foreign Affairs and Trade; Primary Industries and Energy.*

*State Government Departments: Premier's, New South Wales; Premier & Cabinet, Victoria; Office of the Cabinet, Queensland; Premier & Cabinet, Western Australia; Premier and Cabinet, South Australia; Premier and Cabinet, Tasmania; Chief Minister's, Northern Territory; Environment, Land and Planning, Australian Capital Territory. Australian Local Government Association.”*

Unbeknown to most Australians, the Australian government supported the UN in establishing the [CSD](#) to monitor Australia's implementation of AG21 and in fact, [Australia proudly claims to have been a member of the CSD since its inception](#):

*“Australia supported the establishment of the UNCED and has been a member of the commission since its inception. Australia's commitment to the principles of Agenda 21 are also reflected in the appointment of an Ambassador for the Environment. Australia has consistently supported an expanded role for NGO participation throughout the UNCED process. This commitment has been reinforced by having NGO representatives on Australian delegations to all sessions of the CSD.*

*Australia funds key international institutions involved in promoting multilateral solutions to environmental problems. Among these organisations are United Nations Environment Program (UNEP), World Health Organisation (WHO), United Nations Fund for Population Activities (UNFPA), United Nations Development Fund for Women (UNIFEM), World Meteorological Organisation (WMO), United Nations Development Program (UNDP), International Maritime Organisation (IMO), United Nations Education and Scientific Cooperation Organisation (UNESCO), Food and Agriculture Organisation (FAO), and the twenty-two international agricultural research centres, including the sixteen centres of the Consultative Group on International Agricultural Research.*

*Since 1992, Australia has undertaken a range of substantial measures to integrate and promote the principles of sustainable development throughout the development cooperation program. The policy basis for the development program is contained in the document 'Towards a Sustainable Future'. This policy focuses on the key themes contained in Agenda 21, namely; the economic and social dimensions of development, the conservation and management of resources for development, and strengthening the role of major groups. In particular the policy basis is targeted towards sustainable development priorities in the Asia-Pacific region. The environmental expenditure component of Australia's aid program increased from A\$ 120 million in 1992 to over A\$ 160 million in 1995."*

But while the Australian government wanted the [UNCSO](#) to oversee Australia's compliance with AG21, they neglected to inform Australian voters that [CSD](#) decisions would be made by member states which, from time to time, included countries like [Zimbabwe, Ghana, Iran, and Bolivia](#). Apparently the Australian government valued their judgement more than they did the judgement of Australian voters. Nevertheless, [successive Australian governments pledged their undying allegiance the UNCSO process](#):

*"Australia has the following objectives concerning United Nations institutional arrangements dealing with sustainable development: to ensure proposals related to the United Nations system are developed within existing resources; to encourage an open and transparent system of national review by the commission, as well as regular preparation of national sustainable development reports; to expand the role of NGOs in the UNCED follow-up process; to clarify the role of the United Nations system, particularly the UNCSO, in implementing the outcomes of UNCED and to ensure that clear links are established between the commission and other United Nations bodies.....Australia has consistently supported an expanded role for NGO participation throughout the UNCED process. This commitment has been reinforced by having NGO representatives on Australian delegations to all three sessions of the CSD.....Australia has international environmental reporting responsibilities to a number of international forums. These include: the Organisation for Economic and Cooperative Development (OECD) Group on the State of the Environment; the OECD Group on Environmental Performance; UNEP; the United Nations Economic and Social Council for Asia and the Pacific; and the WMO. In addition, Chapter 38 of Agenda 21 calls for voluntary national reports on the implementation of Agenda 21. Australia has provided national reports to the CSD since 1994 and has encouraged the evolution of a culture of voluntary reporting addressing the work program of the commission.....Most State and Territory governments have now developed state of the environment reporting programs in response to Agenda 21 and through specific legislation. Local Governments are also beginning to assume environment reporting responsibilities."*

But while neither Commonwealth or State governments wished to hear the views of voters at election times regarding Agenda 21, [they did consistently seek advice from unelected NGO's](#):

#### ***"2c. Names of non-governmental organizations:***

*ICESD ([ICESD now disbanded](#)) regularly consults with the following organizations: World Wide Fund for Nature, Australian Conservation Foundation, Greenpeace, Australian Council for Overseas Aid,*



*National Farmers Federation, Business Council of Australia, Minerals Council of Australia, Australian Council of Trade Unions, Aboriginal and Torres Strait Islander Commission, National Environmental Law Association, Environment Management Industry Assoc. of Australia, Australian Association for Environmental Education, Institute of Engineers, Women and the Environment Network, Action for Solidarity Equality Environment and Development (Youth NGO), Community Aid Abroad, National Association of Forest Industries, Environs Australia (formerly the Municipal Conservation Association).”*

Of course the Australian government’s sudden surrender to the advice of non-government organisations was just another directive of the United Nations, in [Section 27 of Agenda 21](#):

*“27.1. Non-governmental organizations play a vital role in the shaping and implementation of participatory democracy. Their credibility lies in the responsible and constructive role they play in society. Formal and informal organizations, as well as grass-roots movements, should be recognized as partners in the implementation of Agenda 21.....*

*27.3. .... The community of non-governmental organizations, therefore, offers a global network that should be tapped, enabled and strengthened in support of efforts to achieve these common goals.*

*27.4. To ensure that the full potential contribution of non-governmental organizations is realized, the fullest possible communication and cooperation between international organizations, national and local governments and non-governmental organizations should be promoted in institutions mandated, and programmes designed to carry out Agenda 21.....*

*27.6. With a view to strengthening the role of non-governmental organizations as social partners, the United Nations system and Governments should initiate a process, in consultation with nongovernmental organizations, to review formal procedures and mechanisms for the involvement of these organizations at all levels from policy-making and decision-making to implementation.*

*27.8. Governments and international bodies should promote and allow the participation of nongovernmental organizations in the conception, establishment and evaluation of official mechanisms and formal procedures designed to review the implementation of Agenda 21 at all levels.*

*27.10. Governments should take measures to:*

*a. Establish or enhance an existing dialogue with non-governmental organizations and their self-organized networks representing various sectors, which could serve to: (i) consider the rights and responsibilities of these organizations; (ii) efficiently channel integrated non-governmental inputs to the governmental policy development process; and (iii) facilitate non-governmental coordination in implementing national policies at the programme level;*

*b. Encourage and enable partnership and dialogue between local non-governmental organizations and local authorities in activities aimed at sustainable development;*

*c. Involve non-governmental organizations in national mechanisms or procedures established to carry out Agenda 21, making the best use of their particular capacities, especially in the fields of education, poverty alleviation and environmental protection and rehabilitation;*

*27.13. Governments will need to promulgate or strengthen, subject to country-specific conditions, any legislative measures necessary to enable the establishment by non-governmental organizations of consultative groups, and to ensure the right of non-governmental organizations to protect the public interest through legal action.”*

In response to the UN’s directive to engage [NGO’s](#) and other [minority groups](#) rather than Aussie voters in the implementation of AG21, [the Australian government announced their plans](#):

*“The formal mechanism for Australian Commonwealth Government and State and Territory Governments to consult with non-government organisations (NGOs) on issues arising from the National Strategy for Ecologically Sustainable Development is the Ministerial level intergovernmental*

roundtable. The roundtable has met twice since the strategy was endorsed in 1992 and is due to meet again in 1996. To supplement these meetings, the Intergovernmental Committee for Ecologically Sustainable Development (ICESD) has invited NGOs to participate in annual ICESD/NGO consultative meetings and the inaugural meeting was held in April 1995. Meetings of a group of peak conservation organisations with the Environment Portfolio Minister, department and agencies are held on a regular basis and an informal dialogue is maintained at officer level with both industry and environment NGOs. More detailed consultations take place on a range of specific environmental issues covered by chapters in [Agenda 21](#). Forests, coastal areas, and ocean and freshwater resources, are all areas of particular importance for Australia and consultations on them with NGOs are extensive.

There are individual consultative groups on the major conventions which meet on an ongoing basis; climate change, biodiversity, desertification, transboundary movement of hazardous wastes, and ozone layer depletion conventions are all covered in this way.

The Australian Government established a high-level NGO Consultative Forum on International Environmental Issues in 1993 which looks at the international agenda in an integrated way. It was set up as part of Australia's follow up to the Rio Earth Summit (UNCED) which saw a need for community participation and involvement at all levels of the ESD process.

The forum provides a channel between the Government at Ministerial level and the community for the exchange of views and information on international environmental issues and conventions. There are seventeen peak community bodies on the forum, drawn from conservation groups, business and industry groups, the Australian Council of Trade Unions (ACTU), the Aboriginal and Torres Strait Islander Commission and women's and youth organisations. The forum meets biannually with the Minister for Foreign Affairs and the Minister for the Environment, Sport and Territories.

The Australian Government encourages participation by NGOs on Australian delegations to international environment convention meetings, at their own expense. Two NGO advisers join Australian delegations to a number of the major environmental meetings, one from an environment/development organisation and one from business. In the case of delegations to meetings of the Convention on Climate Change, the Government made a third place available for a union representative/adviser."

But the Commonwealth government went further, stating their plans to channel taxpayer's funds to [NGO's](#) and other [minority groups](#) to assist in obeying the UN's directives in implementing AG21:

*"The Commonwealth Department of the Environment, Sport and Territories administers a program of grants to voluntary conservation organisations (the GVCO program). The program aims to help environmental organisations, both nationally and internationally, to protect and enhance ecological processes and conserve natural resources as essential components of the well-being of current and future generations. Assistance is given to organisations which raise community awareness and understanding of environmental issues and ecologically sustainable development principles. Funding is provided under the program to maintain or enhance the operational capacity of eligible organisations to pursue their programs.*

*The purpose of the grants is to assist eligible environmental organisations with their administrative costs as distinct from program, project or campaign costs. These costs include salaries and salary on-costs for executive and administrative staff, office accommodation and equipment, communications, photocopying, printing and travel.*

*In 1995-96, sixty-two separate groups received assistance under the program through grants which totalled \$A1.691 million.*

*Assistance is also provided by some State Governments; the Queensland program of grants to conservation groups, for example, provided a total of \$170 000 to twenty-five different groups in 1994-95.*

## *NGOs and Australia's development cooperation program*

*NGOs contribute in a unique way to grass roots development and the building of personal contacts between Australians and people in the developing world. In 1995-96 total Australian Government funding to NGOs is expected to exceed A\$100 million as official development assistance. In addition the Government will contribute an estimated A\$40 million in revenue forgone on tax deductible private donations to NGOs. The central mechanism through which the Australian Government provides funding to NGOs is the allocation of development project subsidies from the AusAID-NGO Cooperation Program (ANCP). AusAID administers this program in consultation with the NGO community through the Committee for Development Cooperation (CDC). AusAID provides funding to an Australian NGO peak agency, Australian Council for Overseas Aid (ACFOA), to assist with the coordination of efforts between Australian NGOs to represent the NGO community's views on significant issues and to improve professional standards of NGOs.*

*The Australian Government holds consultations every four months with Australian environment and development NGOs on environment aid policy and programs. An NGO Environment Initiative was introduced in 1989. The scheme is open to all Australian NGOs that have the capacity to implement environmental projects in developing countries. Funding is expected to total A\$1.6 million in 1995-96. Biannual consultations on gender and development are held by AusAID with NGOs. AusAID also chairs the Advisory Group on International Health (AGH) which is a departmental advisory committee consisting of representatives of peak Australian health and medical organisations.*

*NGOs also participate in a wide range of special programs funded by Australia's development cooperation program including women in development, human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), and maternal and child health. Projects are in various locations including South Africa, the Philippines, Cambodia and Vietnam, and for development education in Australia. Australian NGOs also cooperate extensively with AusAID in the delivery of emergency relief and refugee assistance, and implementing activities under country programs."*

Unbeknown to most Australians who had been disenfranchised by their own government when it comes to AG21/ESD, the government was consistently delegating powers to unelected NGO's.

### **Prime Minister Paul Keating Says Australia Proud to Conform to UN AG21 Requirements**

In the [Foreword to Australia's report to the UNCSD in 1995](#), then Prime Minister Paul Keating reinforced again how diligently Australia is complying with the UN's Agenda 21 implementation requirements:

*"As the pressures on world resources continue to grow, the concept of Sustainable Development becomes an imperative for the global community. Australia is proud to present its second report to the Commission on Sustainable Development. This details our nation's efforts toward implementing Agenda 21 through the principles of Ecologically Sustainable Development..... In this National Report, Australia sets out its experience in natural resource and environmental management. The report should not be seen just as a scorecard of our activities relevant to Agenda 21. With it, Australia shares its experiences with the world in the belief that others can build on our successes and learn from our mistakes."*

Although Keating claimed *"Australia is proud to present its second report to the Commission on Sustainable Development"*, most Australians had never heard of the Commission for Sustainable Development, let alone be proud we were sending regular compliance reports to them.

### **Vital Role of COAG in Reporting Australia's AG21 Progress to UN**

Though the Keating government announced in Parliament that it was introducing a "massive" policy which would control everyone, no democratic approval for this policy was sought and neither was it

explained how such a massive policy would be implemented without such approval. But the central role of COAG in implementation of AG21/ESD throughout Australia, and reporting progress to the UN, [has been noted by UN reports](#):

*“At a national level there has been a range of work undertaken on reviewing and monitoring national agreements and strategies. Concurrent with the five year timeframe of the United Nations General Assembly review of progress since UNCED, a number of these reviews are currently underway. The focal point for these review processes is the senior Intergovernmental body, the Council of Australian Governments (COAG).*

*The National Strategy for ESD has been reviewed on two occasions with reports on implementation prepared for 1993 and the period 1993-95. Outcomes from the second review process are currently being directed towards targeting key areas for further progress. The IGAE was reviewed in 1995. Currently in progress is a review of respective governmental roles and responsibilities with respect to the environment with an overarching aim of improving the cooperative framework established under the IGAE. This review will be completed through a report to COAG in June 1997.”*

[COAG](#), the [IGAE](#), and the [NSES](#), were central to the implementation of AG21 in Australia and the avoidance of democratic scrutiny.

### **IGAE & COAG Enable Bypassing of Constitution and Avoidance of Democracy**

So the formation of COAG and the introduction of [intergovernmental agreements](#) such as the [IGAE](#) marked the beginning of a new era in Australian politics. It was now possible to introduce policies in all States and local council areas, including implementation of international agreements, behind closed doors using “executive or bureaucratic processes” and thereby avoid democratic scrutiny ([11](#), [12](#), [13](#)). Furthermore, this permitted constitutional restrictions to be effectively bypassed. Indeed, [the IGAE itself endorsed abandonment of the Australian constitution](#):

*“AND WHEREAS the Parties to this Agreement*

*RECOGNISE that environmental concerns and impacts respect neither physical nor political boundaries and are increasingly taking on interjurisdictional, international and global significance in a way that was not contemplated by those who framed the Australian Constitution;*

*RECOGNISE that the concept of ecologically sustainable development including proper resource accounting provides potential for the integration of environmental and economic considerations in decision making and for balancing the interests of current and future generations;”*

And of course, in keeping with the requirements of the United Nations that Agenda21/ESD must be embedded in the executive or bureaucracy, the [IGAE stresses the importance of compliance with international environmental agreements](#):

*“2.1 RESPONSIBILITIES AND INTERESTS OF ALL PARTIES*

*2.1.1 The following will guide the parties in defining the roles, responsibilities and interests of all levels of Government in relation to the environment and in particular in determining the content of Schedules to this Agreement.*

*2.2 RESPONSIBILITIES AND INTERESTS OF THE COMMONWEALTH*

*2.2.1 The responsibilities and interests of the Commonwealth in safeguarding and accommodating national environmental matters include:*

- i. *matters of foreign policy relating to the environment and, in particular, negotiating and entering into international agreements relating to the environment and ensuring that international obligations relating to the environment are met by Australia;*

*2.3.3 The States have an interest in the development of Australia's position in relation to any proposed international agreements (either bilateral or multilateral) of environmental significance which may impact on the discharge of their responsibilities.*

#### *2.5.2 International Agreements*

*2.5.2.1 The parties recognise that the Commonwealth has responsibility for negotiating and entering into international agreements concerning the environment. The Commonwealth agrees to exercise that responsibility having regard to this Agreement and the Principles and Procedures for the Commonwealth-State Consultation on Treaties as agreed from time to time. In particular, the Commonwealth will consult with the States in accordance with the Principles and Procedures, prior to entering into any such international agreements.*

*2.5.2.2 The Commonwealth will, where a State interest has become apparent pursuant to the Principles and Procedures and subject to the following provisions not being allowed to result in unreasonable delays in the negotiation, joining or implementation of international agreements:*

- i. *notify and consult with the States at the earliest opportunity on any proposals for the development or revision of international agreements which are relevant to Australia and which relate to the environment and will take into account the views of the States in formulating Australian policy, including consultation on issues relating to roles, responsibilities and costs;*
- ii. *when requested, include in appropriate cases, a representative or representatives of the States on Australian delegations negotiating international agreements related to the environment. Any such representation will be subject to the approval of the Minister for Foreign Affairs and Trade, and will, unless otherwise agreed, be at the expense of the States;*
- iii. *prior to ratifying or acceding to, approving or accepting any international agreement with environmental significance, consult the States in an effort to secure agreement on the manner in which the obligations incurred should be implemented in Australia, consistent with the roles and responsibilities established pursuant to this Agreement.*

*2.5.2.3 The States will establish and advise the Commonwealth on the appropriate channels of communication, and persons responsible for consultation, to ensure that the Commonwealth can discharge its international responsibilities in a timely manner.*

*2.5.2.4 When ratifying, or acceding to, approving or accepting any international agreement with environmental significance, the Commonwealth will consider, on a case by case basis, making the standard Federal Statement on ratification, accession, approval or acceptance."*

And under [Schedule 5 of the IGAE](#) our political representatives sought to surrender Australia to the dictates of the UN as far as climate change was concerned, even if there were no abnormal climate change:

1. *"The parties acknowledge the potentially significant impact of greenhouse enhanced climate change on Australia's natural, social and working environment, as well as on the global community and global environments. The parties accept and support the need for Australia to participate in the development of an effective international response to meet the challenge of greenhouse enhanced climate change and note Australia's participation in the development of an international convention on climate change."*

Clearly these agreements were remarkably compliant with the requirements of the UN, even though they were made with no public mandate or scrutiny and represented a deliberate subversion of democracy within Australia. [According to Botterill](#):

*“COAG can limit parliamentary scrutiny of key national policy positions as Premiers and Chief Ministers commit their governments to action without first exposing policy positions to examination by their respective legislatures, and by extension to the broader community. The increase in executive power over the policy agenda has been facilitated since the 1990s when State governments strengthened the role of the so-called central agencies, such as Departments of Premier and Cabinet. Portfolio ministers attending intergovernmental meetings are increasingly required to have executive clearance of their policy positions before attending such meetings. The involvement of heads of government in policy areas formerly handled by portfolio ministers has been reflected in COAG's interest in issues which were previously the responsibility of ministerial councils. A good example is the National Water Initiative which, while being implemented by the Natural Resource Management Ministerial Council, is a policy initiative of COAG. The centralising trend that results is exacerbated by the nature of COAG. As the Prime Minister decides if and when COAG is to meet and what will be discussed, the Council's priorities are more likely to align with the Commonwealth's policy agenda than the concerns of the States. “*

But as pointed out by Griffith in [Managerial Federalism - COAG and the States](#), these reforms are not just undemocratic, they also make it possible to effectively bypass the Australian Constitution:

*“In respect to democratic accountability, it is the case that COAG and the Ministerial Councils and other organisations that operate under its auspices are non-parliamentary bodies. They embody executive and bureaucratic processes, managed and guided by officials, by which deep inroads can be made into the constitutional jurisdictions of the States.....The fruits of intergovernmental agreements, in the form of proposed legislation, are presented to State Parliaments for approval but only after the details have been agreed to. While State Parliaments are not powerless to amend or reject these agreements, it is fair to say that for practical purposes their powers are constrained. It might also be said that, if accountability is a guiding concept of the COAG process, its application tends to be more at the executive than parliamentary level, at least as far as the States are concerned.....What is new is the integrated and systematic nature of the current reform agenda and the level of Commonwealth oversight of its application. In terms of strict constitutional law, nothing is altered; in terms of public administration, it seems that profound change is being worked in the actual operation of Australian federalism and, practically speaking, in the status of the States as separate and distinct political entities. For the States, these developments present concerns as well as opportunities. It can be argued that, for the Parliaments of the States, they represent a weakening of control over major areas of constitutional jurisdiction. Indeed, a subtle re-working of the constitutional model of parliamentary government may be underway. In broad terms Australian federalism is founded on the idea that jurisdictional competencies are divided between the Commonwealth and the States and that, under this scheme, State governments and State government Ministers are to be held accountable to their respective State Parliaments for what is done within their jurisdictional areas of competence. It may be that, under the managerial model of federalism that is now emerging, based largely on cross-jurisdictional decision making bodies, these traditional constitutional relationships are rendered less robust.”*

And in Western Australia in 1996 a [Standing Committee on Uniform Legislation and Intergovernmental Agreements](#) found that the IGAE was unconstitutional and unenforceable:

*“The Report indicates the Intergovernmental Agreement on the Environment is not legally*

*enforceable. That is, Western Australia is not legally bound by the terms of the Agreement. However the Intergovernmental Agreement presupposes that all jurisdictions will embrace the spirit of the Agreement.*

*The IGAE, together with the enabling legislation of its constituent parties, represents an attempt to deal with two very difficult tensions:*

*(1) The tension between the central and regional Governments in a federal system, particularly in the area of environmental matters where recent High Court decisions have significantly empowered the Federal Government at the expense of the States and Territories.*

*(2) The tension between environmental reforms and development, that is, the public's desire for both meaningful environmental reform and economic prosperity, which forces governments to make very difficult and often politically costly compromises.*

*The IGAE impliedly requires the reservation of significant parliamentary powers to the Executive in the interests of meaningful environmental regulation, save only for the provision for scrutiny by the Commonwealth Parliament. In signing on to the IGAE, the State of Western Australia and other States appeared to have accepted that compromise. Western Australia's enabling legislation now appears to suggest otherwise, and the provisions of Western Australia's section 22, by endeavouring to rescue a measure of parliamentary scrutiny, if that is its intent, are probably illusory. The Committee in an effort to address this, makes an important recommendation later in the Report concerning proposed section 22.*

*Second, responsibility for adopting NEPMs is clearly vested in the executive, that is, the nominated Minister serving on the NEPC. Moreover, it is within the Minister's discretion to table or not table an adopted NEPM for legislative scrutiny. Hence the Committee makes a recommendation on this matter. Thus, most of Parliament's legislative power to review and adopt NEPMs is delegated under the Bill to the Executive, and by extension to the NEPC composed of the Commonwealth Minister and the States' and Territories' Ministers. Such a result is perhaps, inevitable given the nature of the NEPC as a national standard setting body for environmental protection policies*

## **Recommendation 2**

**Section 22 of the Bill be amended/replaced to:**

**(a) provide that all NEPMs adopted by the NEPC shall be tabled before both Houses of Parliament for 21 days; and**  
**(b) that all NEPMs shall be incorporated as State Environmental Protection Policies as administered under the Environmental Protection Act (Western Australia) unless disallowed by either House of Parliament.**

*If implemented, these recommendations ensure that Western Australia complies substantially with the IGAE by providing for the essentially automatic adoption of NEPMs approved by the NEPC. Incorporation of NEPMs in the manner suggested, unless disallowed by either House of Parliament, preserves legislative scrutiny of NEPMs to a greater degree than in the other States. It more properly balances the discretion of the Executive to propose policy with the discretion of the Legislature to review and adopt that policy. At the same time, requiring a majority of either House of Parliament to disallow an NEPM, sets a high standard for overriding mandatory incorporation of NEPMs into State law.*

*Although NEPMs are intended to be incorporated automatically into State law without any scrutiny beyond that given by the NEPC and the Commonwealth Parliament, as a practical*

*matter, no jurisdiction has followed that path. All States and Territories provide for some discretion. The Committee recognises that the IGAE/NEPC regime is intended to avoid the potential for Legislative disallowance of NEPMs by the States and Territories. That is why the regime can be characterised as an exercise in Executive Federalism.”*

So COAG and intergovernmental agreements such as the IGAE, represented a subversion of the Constitution as the government attempted to fabricate constitutional powers which it lacked in order to avoid democratic scrutiny and enforce international agreements such as Agenda 21.

### **The Use of “Skeleton Acts” of Parliament or “Executive Legislation” to Avoid Parliamentary Scrutiny & Subvert Democracy**

In order to avoid parliamentary scrutiny of the full details of legislation it is common practice for government’s to omit much of the important details from an Act and enable the full regulatory details to be subsequently covertly inserted by the executive. This is referred to as “[skeleton Acts](#)”, “executive legislation”, “[unproclaimed legislation](#)”, or “[delegated legislation](#)”. Skeleton Acts have been defined as “[nothing more than vehicles for extensive delegated powers](#)”. [According to Aronson:](#)

*“A persistent theme was the prevalence of ‘skeleton legislation’, by which was meant primary legislation (acts) which contained precious little, if any, matters of substance or policy, leaving all of that to be developed and exposed later in subordinate legislation. Skeleton acts raise a number of concerns, ranging from the transfer of substantively important legislative power from the parliament to the executive, and the diminution in the transparency of a legislative process increasingly conducted without parliamentary debate..... A couple of American articles prompted the suggestion that the shift to executive legislation was not just an inevitable consequence of the administrative state requiring masses of detailed rules. They suggested that the shift to skeleton acts at least correlated with (and perhaps was caused by) a loss of interest on the part of elected politicians themselves, and/or a reduction in the time available for members to work on the detail of bills..... My own view is that the skeleton act is one of the regrettable outcomes of a lethal combination of two forces. These are our drift towards a presidential-style of government, and a crippling rigidity of party discipline.”*

Recently this matter has been considered in some detail by the [Australia-New Zealand Scrutiny of Legislation Conference in Brisbane: Bones without flesh - the issues with skeletal legislation](#). The Hon Adele Farina MLC, Chairman of the Uniform Legislation and Statutes Review Committee, Western Australian Legislative Council, drew particular attention to the threat posed to State sovereignty by intergovernmental agreements made at the executive level and administered by organisations such as COAG:

*“Factors which appear to have contributed to this growth in skeletal acts include: pressure to meet COAG/National Seamless Economy IGA deadlines as well as Commonwealth requirements tied to funding of states, regardless of the state of readiness of the legislation..... a lack of respect for the institution of Parliament by a belief that Parliamentary scrutiny takes too long.”*

[The Report continues:](#)

*“One of the main concerns that have been raised with respect to uniform legislation is its ramifications for the sovereignty of state parliaments..... The creation of the Committee arose out of the realization that procedures were required to safeguard the powers of the State Parliament, given the limits uniform legislation placed on this..... The consequences are obvious - the subversion of the parliamentary process by the Executive and inherent uncertainty of what is being asked of*



Parliament to be approved. This has serious implications for the future of legislative scrutiny and state sovereignty.

Additionally, it is not just the lack of parliamentary scrutiny which presents an issue. It is more difficult for skeletal legislation to afford an adequate basis for judicial review of the powers as their description can be so broad so as to cover almost all executive action..... Some proposed legislation is so skeletal in nature that in order to give it any substance and effect, it relies entirely on the making of subordinate legislation. Hence, there is a clear link between the increases of both..... Of all the tactics a government may employ to control the legislative process, the use of skeletal legislation is one of the most worrying, not least because, despite being discussed in relevant texts and raised in parliamentary debates, it appears to have received relatively little mainstream coverage. It is no doubt a very tempting tactic for governments, given how effective it is in subverting the parliamentary process..... **Increased use of skeletal legislation may, arguably, move us closer to what could be termed an 'elected dictatorship',** whereby the substance of laws are left to be decided by a purely administrative process by the Executive, there being little oversight by Parliament between elections. The path we appear to be going down may well leave no real role for state parliaments, making them irrelevant.

**While its use may be well intentioned, there is simply no substitute for proper parliamentary scrutiny and the deliberate avoidance of this by successive governments could lead to an increasing loss of confidence in the machinery of responsible government and the parliamentary process, which is one of the foundations of parliamentary democracy."**

The unconstitutional executive powers granted to organisations like COAG are fundamental to the undemocratic proliferation of intergovernmental agreements such as have increasingly been used to enforce foreign programs such as Agenda 21 upon the Australian people. [As noted by Gastaldon](#), "Since the 1990s, there has been an increased incidence of uniform legislation, particularly due to globalisation of the economy." Gastaldon notes however, that Western Australia leads the country because of its "[Uniform Legislation and Statutes Review Committee](#) of the Western Australian Legislative Council which is considered unique amongst Australian parliaments in the sense that it is specifically dedicated to scrutinising proposed legislation that is uniform in nature."

[As pointed out by Gastaldon](#), intergovernmental agreements are commonly used by the Commonwealth in order to enforce legislation which is beyond its normal constitutional capacity:

### **1.3 Intergovernmental agreements**

*"Intergovernmental agreements are political compacts which represent agreements reached by Executive branches of Government at the Council of Australian Governments (COAG) and/or Ministerial Councils, to a scheme involving the passage of uniform legislation in different jurisdictions. The agreement usually describes the substantive principles upon which the legislation will be based.<sup>10</sup>*

*Intergovernmental agreements can be utilised to effect uniform laws where the Commonwealth does not have the power to legislate in a particular area.....COAG has stated that where it has directed Ministerial Councils to carry forward issues on its behalf, there is an expectation that any substantive decisions requiring legislation will be "enshrined in intergovernmental agreements". COAG states that:*

*'This provides members of COAG with an opportunity to review and scrutinise these ministerial decisions before signing and entering into an agreement at head of government level.'*

*There have been occasions when because of the nature of the issues and the urgency to have legislation in place ... the political compact forged at the relevant COAG meeting has not been consolidated through an intergovernmental agreement. However, it must be emphasised that this is the exception rather than the rule. COAG level agreements make clear that the outcomes have had government support and have greater currency and force than ministerial reports and communiqué text which may not always contain detailed policy and/or operational matters.”*

**These anti-democratic mechanisms have enabled and fostered an allegiance to a foreign agency (the UN) and a simultaneous betrayal of the Australian people. As noted above, these mechanisms are also transforming the system of government in Australia away from democracy and towards a dictatorship.**

### **Peter Costello Wants more Sustainability**

In 1998 Peter Costello instructed the Productivity Commission to complete a [report into the Implementation of Ecologically Sustainable Development by Commonwealth Departments and Agencies](#) in order to “make recommendations designed to further implement the objectives and principles of the National Strategy for Ecologically Sustainable Development.” The Commission subsequently noted that although implementation was rather ad hoc, the principles of ESD were thoroughly embedded into the bureaucracy. [According to the report:](#)

*“The Commonwealth’s commitment to ESD implementation means all departments and agencies are expected to incorporate ESD principles in their decision making processes. At a minimum, all agencies should abide by some general mechanisms to ensure decision making processes actually consider any economic, environmental and social impacts. Several agencies (for example, the Australian Fisheries Management Authority) are subject to specific legislation which requires them to explicitly address ESD principles.”*

[As the Commission noted](#), ESD requirements had even been embedded into the Productivity Commission:

#### **“Box 4.7 Productivity Commission and ESD**

*The Productivity Commission was established in 1998 through the amalgamation of three separate bodies — the Industry Commission, the Bureau of Industry Economics, and the Economic Planning Advisory Commission.*

*The Productivity Commission Act requires the Commission to incorporate ESD objectives in its decision making. Specifically, part 2, s. 8 requires the Commission ‘... to ensure that industry develops in a way that is ecologically sustainable’. Other guidelines related to ESD include the need for the Commission:*

- *to encourage the development and growth of Australian industries that use resources efficiently;*
- *while facilitating adjustment to structural changes in the economy, aim to minimise the social and economic hardships arising from those changes; and*
- *to consider Australia’s international obligations and commitments.*

*Furthermore, the Act requires that at least one Commissioner has extensive skills and experience in applying the principles of ESD, and in environmental conservation.”*

### **Robert Hill wants more Sustainability**

At around the same time however, Environment Minister Robert Hill “announced plans for perhaps the most far-reaching changes to Federal environmental laws in twenty years”, [Shades of Green? Proposals to Change Commonwealth Environmental Laws](#). And amazingly, in spite of the proliferation of laws based upon ESD at that time, the [government claimed](#) current “legislation does

not include or make reference to the principles of ecologically sustainable development (ESD)” and one of the government’s aims therefore was to [further embed the principles of ESD into Commonwealth laws](#):

*“The package is likely to introduce a number of new provisions into the core of Commonwealth's environmental law regime, such as the principles of ecologically sustainable development..... A significant feature of the proposed legislation is a requirement that decisions are to be based on the principles of ecologically sustainable development (ESD), including the precautionary principle (see below at p. 11) and the principle of 'inter-generational equity'.”*

In line with the requirements of the UN that AG21/ESD be thoroughly embedded into the bureaucracy at all levels the Australian government continued to devote enormous resources to this end, unbeknown to most Australians of course.

### **New Enquiry Confirms COAG Intergovernmental Agreements are Unconstitutional**

So for 20 years our elected representatives obediently followed the dictates of the UN and thoroughly embedded the UN AG21/ESD policy into the bureaucracy so that it would become bipartisan policy at all 3 levels of public administration and completely avoid democratic scrutiny, a feat that was made possible by Commonwealth bullying and centralising of power in Canberra. But the centralising of power in Canberra has a long history indeed, as has been noted in some detail by former WA Premier Richard Court in [Rebuilding the Federation](#).

The democratic weaknesses which produced this situation were brought to the fore again in 2008 as a result of the Commonwealth’s [Inquiry Into Constitutional Reform](#). As [David Ash summarised in the Sydney Morning Herald on 23<sup>rd</sup> August 2008](#):

*“This is serious stuff. As the committee says, ‘Australia now has a system of government that relies on hundreds of complex agreements between federal and state authorities made through **intergovernmental** forums that have no formal authority under the constitution’. What is happening, and happening behind closed doors, is the silent spread of a quasi-legislative scheme.”*

The Committee of Enquiry, which was chaired by Mark Dreyfuss, had much to say in their [Reforming Our Constitution](#) report, about so called cooperative federalism, as carried out by COAG and undemocratic unconstitutional intergovernmental agreements:

*“Australia now has a system of government that relies on hundreds of complex agreements between Federal and State authorities made through inter-governmental forums that have no formal authority under the Constitution.....*

*4.12 There was consensus among roundtable participants that the Constitution no longer reflects the way Australia is actually governed in relation to Federal-State relations. Informal conventions of inter-governmental approaches through COAG, ministerial councils and working groups have attempted to respond to cross-jurisdictional issues by various means including mutual recognition between States of their differing legislative provisions.*

*4.13 However, this approach, known since the 1960s as ‘cooperative federalism’, brings with it additional problems. For example, inter-governmental bodies have no formal status, are slow in responding to complexity, often do not generate legislative responses and generally lack accountability and transparency.*

*4.14 Professor Saunders noted that there are literally hundreds of inter-governmental agreements in Australia. Closer relations with New Zealand also mean that many agreed arrangements include an*

international dimension. Professor Saunders pointed out that the Commonwealth has no tradition of scheduling inter-governmental agreements to Acts of Parliament, nor is there any specific arrangement for parliamentary scrutiny of inter-governmental agreements, although such schemes exist for legislative instruments and international treaties.<sup>6</sup>

In 2006 the Legal and Constitutional Affairs Committee of the 41<sup>st</sup> Parliament considered the problems of federalism as part of inquiry into the harmonisation of law within Australia and with New Zealand. ....

In relation to federalism and issues of transparency and accountability, the Committee recommended:

- the circulation of draft intergovernmental agreements for public scrutiny and comment;
- the parliamentary scrutiny of draft intergovernmental agreements; and
- the augmentation of the COAG register of intergovernmental agreements so as to include all agreements requiring legislative implementation with a view to the implementation of these reforms throughout the jurisdictions.

The Committee notes the similarity of the themes raised in its previous inquiries into Federal-State relations and the 2020 Summit and roundtable discussions. They all suggest that Australia's experience of federalism is a muddle of complex routes around the Constitution, supported by governments choosing a 'path of least resistance' which in turn leaves the public confused and disengaged.

#### **Recommendation 1**

**The Committee recommends that the Australian Government introduce the requirement for intergovernmental agreements to be automatically referred to a parliamentary committee for scrutiny and report to the Parliament.**

In relation to federalism and issues of transparency and accountability, the Committee recommended:

- the circulation of draft intergovernmental agreements for public scrutiny and comment;
- the parliamentary scrutiny of draft intergovernmental agreements; and
- the augmentation of the COAG register of intergovernmental agreements so as to include all agreements requiring legislative implementation with a view to the implementation of these reforms throughout the jurisdictions."

**Given the vital importance of these issues for democracy, national sovereignty, and good government, and the outcome of the enquiry, it is an indictment against political integrity in this country that as a result of this enquiry our political representatives proposed a [referendum to recognise local Councils in the constitution](#). No, our political representatives DID NOT seek a referendum to strengthen democracy and increase democratic scrutiny of intergovernmental agreements. Neither did they seek a referendum to protect Australia from foreign agreements such as Agenda 21. What they wanted was to recognise Councils in the referendum, a move which would have further consolidated power in Canberra.**

But while our political representatives have been very busy devising ways in which they could assist the UN to progressively undermine national sovereignty and democracy in Australia, when it comes to the crunch they relied upon their colleagues in the judiciary to see that Australian citizens were punished for failing to comply with the dictates of the UN.

**PART 3**  
**The Judiciary do Their Part**  
**Punishing Ordinary Aussies for Daring to Disobey the United Nations and Their**  
**AG21/ESD Program**

**Sustainability Means Enforced Sharing & Protecting Rights of those Who do not Exist**

Since the UN version of [sustainability](#) is central to [Agenda 21](#), [ecological economics](#) and environmental law in Australia it is essential to understand what is meant by this term. According to the Australian government ([14](#)):

*“Sustainability requires that the wellbeing of society - the combination of community liveability, environmental sustainability and economic prosperity - is maintained or improved over time. Measuring sustainability is about monitoring how each of these is tracking over time - or, put another way, measuring our stock of social and human, natural and economic 'capital'.”*

In December 1992 the Australian [National Strategy for Ecologically Sustainable Development](#), which was endorsed by the Council of Australian Governments, established a framework for the implementation of ecologically sustainable development. Justice Peter Biscoe, in an address entitled [“Ecologically Sustainable Development in New South Wales”](#), described the introduced objectives and principles thus:

**“The Goal is:**

*Development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.”*

**“The Core Objectives are:**

- to enhance individual and community well-being and welfare by following a path of economic development that safeguards the welfare of future generations
- to provide for equity within and between generations
- to protect biological diversity and maintain essential ecological processes and life-support systems”

Sustainability or ESD is based upon two very important concepts, namely [distributive justice](#), & [intergenerational equity](#).

**Distributive Justice**

The socialistic principle of [distributive justice](#) seeks to override individual human rights in preference for a more collective, community, national or global, viewpoint, often described as *“intragenerational equity”* ([15](#), [16](#), [17](#)). There must be *enforced sharing* or wealth redistribution to ensure equity between all persons and all countries. The individual person or country has no right to reap the rewards of their efforts, there must be **enforced** sharing for the common good. Resources must be transferred to those who are not so well off, a central tenet of socialism and globalism ([18](#)):

*“The poor have a claim on the actions and products of others, whether or not those others freely entered into relationships that might give rise to such claims, whether or not they voluntarily take these claims upon themselves, in charity or as part of an exchange.”*

Distributive justice is a fundamental part of climate change & sustainability ([19](#)).

### **Intergenerational Equity**

As noted above, sustainable development is defined by the [Brundtland Commission report](#) in equity terms as "*development which meets the needs of current generations without compromising the ability of future generations to meet their own needs.*" This is [intergenerational equity](#) ([15](#), [16](#), [17](#)), which dictates that fundamental human rights will be considered secondary to the rights of the "environment" and persons who do not yet exist. According to [Justice McClellan](#):

*"It cannot be assumed that environmental law and the role of the Land and Environment Court will be free of controversy in the future. Some of the issues which the Court must deal with raise questions of fundamental human rights. All of them affect the lives of some or a group of people in our community. Many will involve very substantial money profits or losses to individuals or corporations. The court must contribute to the task of balancing the immediate needs of the present generation with the trust we hold for those who will come after us."*

With this bold new sense of 'justice' an assumption is made that the actions of one or more persons currently in existence will somehow reduce the quality of life of one or more persons who do not yet exist. The fact that the victim does not exist and the precise nature or degree of the loss of quality of life of the victim/s has not been elucidated seems of no concern to those who merely seek to force their unjust philosophy upon others. The law once dealt with facts and real people but now this has been abandoned in support of crystal ball gazing and clairvoyance. **Of course we should all be mindful of our responsibility to care for the environment, but to legally convict a perpetrator when the victim cannot be named, does not exist, and his/her degree of suffering cannot be determined, is an astonishing corruption of traditional legal and moral principles.** Yet, this has now become reality and many see this ideologically motivated corruption of our legal system as being just, even seeking to justify it as "equity".

**But how can it be confirmed that the granting of political and legal powers to enforce intragenerational equity and intergenerational equity are not in direct violation of the principles of intergenerational equity? Will the next generation benefit from having their rights removed?**

### **Sustainability Legally Enforced, though not Definable**

Sustainability is clearly a vague undefinable term, yet it forms the basis of many laws and political policies. Sustainability is about a journey, and destination, located at some undefined time in the future ([20](#)):

*"Sustainable development as defined by the UN is not universally accepted and has undergone various interpretations..... A universally accepted definition of sustainability remains elusive because it needs to be factual and scientific, a clear statement of a specific 'destination'."*

As is noted by ANPED in their [EU Sustainable Lifestyles Roadmap](#):

*"The transitions to sustainable societies are like discovery journeys into the unknown, they are about exploration, learning, discovery and change. Since the destination (what is a sustainable society) is unclear and the road towards it highly uncertain, the only way forwards is to take small steps and regularly evaluate whether we are coming closer to or drifting away from our ideal situation."*

Similar doubts are expressed in the Australian government's brochure, [Education For Sustainability](#):

*“There is no proven recipe for success. Sustainability is an ongoing learning-by-doing process that actively involves stakeholders in undertaking change.”*

And according to the [National Strategy for Ecologically Sustainable Development](#):

*“Ecologically Sustainable Development (ESD) represents one of the greatest challenges facing Australia's governments, industry, business and community in the coming years. While there is no universally accepted definition of ESD.....Governments recognise that there is no identifiable point where we can say we have achieved ESD.”*

Yet, in spite of these facts, the global forces driving [Agenda 21](#) and sustainability have convinced our politicians to base our legal framework, political policies, and economic policies, upon a concept which is undefinable.

### **Embedding Indefinable Sustainability in Legislation**

Notwithstanding these facts, the incorporation of the provisions of UN driven Agenda 21 or sustainability into Australian or State laws has been considered in detail by Justice Preston, Chief Justice of the Land and Environment Court of New South Wales, in the following three papers:

- [The Role of the Judiciary in Promoting Sustainable Development: The Experience of Asia and the Pacific](#) - A Paper Presented to the Kenya National Judicial Colloquium on Environmental Law Mombasa, Kenya, 10-13 January 2006
- [Ecologically Sustainable Development in the Courts in Australia and Asia](#) - A paper presented to a seminar on environmental law organised by Buddle Findlay, Lawyers Wellington, New Zealand, 28 August 2006
- [Judicial Implementation of the Principles of Ecologically Sustainable Development in Australia and Asia](#) - A paper presented to the Law Society of New South Wales Regional Presidents Meeting, Sydney, NSW, 21 July 2006.

[Justice Preston details the history of sustainable development and Agenda 21](#), which was agreed to at the [United Nations Conference on Environment and Development \(UNCED\)](#) in 1992, and their inclusion in Australian laws through two guiding documents developed by the Australian government, the [Intergovernmental Agreement on the Environment](#), and the [National Strategy for Ecologically Sustainable Development](#).

*“Agenda 21, a programme of action for sustainable development worldwide, was adopted unanimously at UNCED. Together with the **Rio Declaration**, and the **Statement of Forest Principles**, they fulfil the mandate given to UNCED by the United Nations General Assembly when, in 1989, it called for a global meeting ‘to devise integrated strategies that would halt and reverse the negative impact of human behaviours on the physical environment and promote environmentally sustainable economic development in all countries’.....*

*In partial fulfilment of its promise entered into upon signing the various instruments at UNCED, Australia finalised the **National Strategy for Ecologically Sustainable Development (National ESD Strategy)**. The **National ESD Strategy** was launched in December 1992 and has been adopted by the Commonwealth and each of the States and Territories in Australia. The **National ESD Strategy** is a form of intergovernmental agreement which records the public policy commitment of each of the governments and their agencies to implement the measures agreed to in the Strategy. It includes as appendices a summary of the **Intergovernmental Agreement on the Environment**, the **Rio Declaration on Environment and Development** and a guide to **Agenda 21**.<sup>52</sup> In a sense, there has*

*been an incorporation of these national and international instruments as policies of each of the governments of the Commonwealth, and the States and Territories.”*

[Justice Peter Biscoe](#) has also noted the “blossoming” environmental laws in Australia since the Rio Conference:

*“In Australia in the last decade of the twentieth century and the first decade of the twenty-first century, the concept of ecologically sustainable development (ESD) was planted in numerous statutes and blossomed in a significant number of cases.....*

*The main impetus for Australian legislation came from three national and international instruments created in 1992. The first was the Intergovernmental Agreement on the Environment between the Commonwealth, States and Territories of Australia and the Australian Local Government Association in May 1992. The second was the Rio Declaration (and associated instruments) created by the United Nations Conference on Environment and Development in June 1992. The third was the National Strategy for Ecologically Sustainable Development endorsed by the Council of Australian Governments in December 1992.....*

*Four of the Rio Declaration principles are substantially reflected in subsequent Australian legislation, namely:*

- *Principle 3. The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.*
- *Principle 4. In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.*
- *Principle 15. In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.*
- *Principle 16. National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.*

*In 1993, a United Nations Commission on Sustainable Development was created to progressively administer the implementation of Agenda 21. Many nations, including Australia, have committed to reporting regularly to the Commission on their actions to achieve sustainable development... In December 1992, as foreshadowed in the Intergovernmental Agreement of May 1992 and following the Rio Conference a month later, the Australian National Strategy for Ecologically Sustainable Development was endorsed by the Council of Australian Governments. It set out the broad strategic and policy framework under which governments would cooperatively make decisions and take actions to pursue ESD. ....*

*Both the Intergovernmental Agreement and the National Strategy acknowledged that while the Australian Local Government Association endorsed the ESD policy and would do all within its power to ensure compliance, it could not bind local government authorities to observe its terms. Nevertheless, it has been held by the Land and Environment Court of New South Wales that a proper exercise of the powers of local government authorities would mean that they (and the Land and Environment Court of New South Wales on a merits appeal) would apply the ESD policy unless there were cogent reasons to depart from it.”*

And as noted by Collins, who cited Ros Kelly, [the environment now has statutory rights](#):



*“For the first time you had governments engaged, the community engaged and you had the private sector. There was (Swiss industrialist) Stephan Schmidheiny, who lead, for the first time, discussion with the environment business groups. That was one of the big turning points,” she said. The summit produced several international treaties, the grassroots Agenda 21 action plan and, critically, a sense of optimism. Among achievements in Australia is the embedding of ecologically sustainable development in more than 130 pieces of legislation and countless more policy statements, industry action plans and regional management schemes. The environment now has statutory rights, including for water.”*

In line with the requirements of the UN, Agenda 21/ESD laws had become pervasively embedded in legislation right around Australia.

### **Australian Government Helps UN Take Control of Councils**

And, in order to spread the tentacles of the UN Agenda 21 program into councils, in 1993 the Local Government Act of NSW was rewritten, as [noted by Nicola Pain and Sara Wright](#):

*“The new LG Act emphasises the environmental responsibilities of Councils. The LG Act states that its purposes include “to provide the legal framework for an effective, efficient, environmentally responsible and open system of local government in New South Wales” and “to require councils, councillors and council employees to have regard to the principles of ecologically sustainable development in carrying out their responsibilities”. A council’s charter includes “to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development”.*

In 1997 the NSW government sought to further [attack property rights](#) and [prosecute NSW citizens for clearing their own land](#) and violating the Native Vegetation Act 1997 ([21](#), [22](#), [23](#), [24](#), [25](#), [26](#)).

As noted by Cripps, Binning, and Young, in [Opportunity Denied](#), the UN Local Agenda 21 program was driving this attack on property rights in local council areas around Australia:

*“The merit of a stronger role for local governments in environmental management, including native vegetation management, is now well recognised, both at an international level through the development of Local Agenda 21 (ICLEI, 1996) and at a national level through numerous policy statements, including the Inter-Governmental Agreement on the Environment (Brown, 1994).”*

As promised by Ros Kelly in parliament only 4 years earlier, [the UN AG21/ESD program would be used to control all Australians](#).

*“About 30 per cent of farmers are now members of local landcare groups. Their activities are enhanced by the operations of local government councils who are increasingly implementing local strategies for sustainable land use.”*

In 2002, 10 years after introduction of AG21, the Commonwealth government [proudly announced](#), in [the WSSD Assessment Report](#), that *“it is impossible to document all of the initiatives which Australia has put in place to turn the principles to which we agreed into action”* since the 1992 Rio summit. Given the multitude of pervasive across the board regulations the government had introduced it is hardly surprising that they found the changes *“impossible to document”*. But the Commonwealth, unbeknown to most taxpayers and ratepayers, [was also working with local councils to make sure no one escaped the demands of the UN](#):

*“The Federal Government is also working in partnership with local government through its Environmental Resource Officer and Local Agenda 21 programs to promote sustainable development at the local government level.*

#### **Box 7: Federal-Local Government Partnerships**

*With funding provided by the federal government, the **Environmental Resource Officer Scheme** places dedicated officers in the peak local government associations in each State and the Australian Local Government Association, to assist councils to better manage their local environments, especially through improved take-up of Federal programs.*

*The **Local Agenda 21 program** assists local governments to apply the framework from Agenda 21 for local government in order to integrate environmental, economic and social objectives. Elements of the Local Agenda 21 Program include: a National Local Leaders in Sustainability Forum, corresponding State and Territory fora, pilot projects to test regional approaches to sustainable development and to develop appropriate models for the implementation of Local Agenda 21 on a regional basis, a Local Agenda 21 Award, and a national Local Agenda 21 Conference. The Federal Government is also developing a national framework of milestones for adoption and use of Local Agenda 21 by local government.”*

**The politicians, with the assistance of the judiciary, slowly strangled ordinary Australians with burdensome regulations and green tape to make sure none could escape the clutches of the UN. They did so at all 3 levels of government, the Commonwealth using its muscle to coerce both the States and Councils into subserviently obeying the dictates of the UN. And when they lacked the constitutional power to do so, they simply invented additional constitutional powers.**

#### **‘Impartial’ Judges Become ‘Activists’ in Support of Sustainability**

And in 2002 judges from around the world met in Johannesburg for the [Global Judges Symposium on Sustainable Development](#) in order to discuss the best ways of advancing the United Nation’s global objectives. [Robinson drew attention to the vital importance of the Judiciary](#) for enforcing the UN’s sustainability campaign:

*“Today, in 2002, environmental law is at once the most extensive and most rapidly developing field of law among all fields of law. It has emerged as the foundation, or bedrock, for sustainability. Without a robust system of environmental law, States cannot attain sustainable development. It is no wonder, then, that as the field of environmental law matures, it becomes the province of the judiciary around the world. Judges are shaping environmental law no less so than parliamentarians in legislation and diplomats in treaties. Indeed, the courts may have perhaps the most profound influence on attaining sustainable development of all branches of government, since judicial decisions today ultimately shape how future generations regard whether our generation effectively observes environmental law as a guarantor of sustainable development, or fails to do so.”*

In February the same year judges from the Pacific area met in Brisbane for the [Pacific Islands Judges Symposium on Environmental Law and Sustainable Development](#). The Symposium was sponsored by the United Nations Environment Programme (UNEP), the Commonwealth Secretariat (ComSec), the South Pacific Regional Environment Programme (SPREP) and the United Nations University (UNU) and hosted by the Queensland Department of the Premier and Cabinet.

In the [Journal of South Pacific Law, 7\(1\)](#), December 2003, [Gregory Rose reports on the outcome of the Symposium](#) noting that *“there was evident excitement at the opportunity to explore with peers the delicate issues of **judicial activism**.”* Activism of course, which is based upon deliberate bias, is a [“doctrine or practice that emphasizes direct vigorous action especially in support of or opposition to](#)

[one side of a controversial issue](#)". Any suggestion that sustainability law is dependent upon one eyed judicial activism suggests that members of the judiciary, [like scientists](#), should be required to openly state any political biases.

### Specialist Courts Biased & Unjust

Interestingly, [Murray Wilcox and Paul Stein claimed, during the Symposium](#), that specialist environmental courts were needed to enforce sustainability:

*"For **Australia**, the Honourable Justice Murray Wilcox - Federal Court - and Honourable Justice Paul Stein - Court of Appeal of New South Wales - discussed the roles of specialist environment courts in implementing sustainable development. It was argued that specialist courts are more finely attuned and speedier than general courts in addressing environmental questions but are more independent and immune to political pressure than are tribunals."*

Any suggestion that ordinary courts are in some way negligent or incompetent when it comes to sustainability are serious indeed. In fact, specialist courts have been heavily criticised for biased outcomes. According to Justice Heydon, [as cited by Phillips](#), who referred to the potentially unjust nature of specialist courts and tribunals in [Kirk v Industrial Relations Commission of NSW](#):

*"This led in turn to Justice Heydon stating how sometimes the legislature elects to create separate or specialist courts to determine particular types of litigation (at [122]). He said some specialist courts "tend to lose touch with the traditions, standards and mores of the wider profession and judiciary". And that they become over-enthusiastic about vindicating the purposes for which they were set up and exult that purpose above all other considerations. He cited Walker on the Rule of Law (1988) (at p 35) as follows (at [122]):*

*'History teaches us to be suspicious of specialist courts and tribunals of all descriptions. They are usually established precisely because proceedings conducted in accordance with normal judicial standards of fairness are not producing the outcomes that the government wants. From the Court of Star Chamber to the multitude of military courts and revolutionary tribunals in our own century, this lesson has been repeated time and time again.'*

[Walker's comments have been cited again and reinforced by Judge ME Rackemann](#) of the Queensland Planning and Environment Court:

*"There is a related danger in that course in that the courts on which the jurisdiction has been conferred, while in some sense specialist, are not familiar with all the relevant rules... Another difficulty in setting up specialist courts is that they tend to become over-enthusiastic about vindicating the purposes for which they were set up... So too courts set up for the purpose of dealing with a particular mischief can tend to exalt that purpose above all other considerations, and pursue it in too absolute a way. They tend to feel that they are not fulfilling their duty unless all, or almost all, complaints that that mischief has arisen are accepted. Courts which are "preoccupied with special problems"||, like tribunals or administrative bodies of that kind, are "likely to develop distorted positions".*

**Perhaps the 'need' for specialist courts is not surprising given the fact that the judiciary seeks the power to convict Australians for violating an undefinable concept and infringing the rights of persons who do not exist. And all this based upon the use of unconstitutional Commonwealth powers and the subverting of democracy.**

## CONCLUSION

### Successive Australian Governments Reveal Allegiance to Foreign Agencies as they Betray the People

The United Nations has clearly been very thorough in inventing global 'problems' for which they alone have the (global) 'solution'. While it is not surprising that those who lust for power would hunger for ultimate power, what is surprising is the degree to which successive Australian governments have betrayed their own people. Many people no doubt still find the sheer magnitude of this betrayal is unbelievable. But the facts, from the evidence reviewed here are very clear.

The 'problems' of 'sustainability' and human caused 'climate change' have been politically created, justified by pseudoscience, and politically promoted. The 'solutions' to these problems have not only been politically created, they have also been very effectively globalised in order to render nation states impotent and promote the belief that the only possible 'solution' is a (UN) global solution. Any suggestion of local 'solutions' or 'solutions' based upon a coordinated democratic response from nations has been removed from the agenda so thoroughly and consistently that the global political goals of ESD/AGW are glaringly exposed.

In fact, those with an extreme world view favouring globalisation and undemocratic domestic interference from global organisations such as the UN no doubt see these 'problems' as a unique opportunity to subvert democracy and achieve their goals. And the determination of politicians to refuse the people a democratic choice in this regard creates the clear perception that ESD/climate change are little more than a façade to conceal the power lust of those supporting an extreme undemocratic globalist ideology.

Political decisions to covertly hand power to the UN under the guise of sustainability or climate change, while simultaneously eroding sovereignty and democracy, occur so consistently and pervasively that they inarguably confirm a fundamental anti-Australian philosophy and deliberate betrayal of Australians by successive Australian governments over a 20 year period. The deliberate nature of this betrayal is further confirmed by the determination with which both sides of politics, during this 20 year period, have carefully avoided any attempts to strengthen national sovereignty to protect Australia from foreign agencies such as the UN. Successive Australian governments have moved in exactly the opposite direction and *invited* the UN to interfere in Australian politics and undermine national sovereignty.

[As I have pointed out previously](#) in respect to climate change, rather than separate the various issues, the **government has deliberately and systematically combined them into a confusing undemocratic 'package deal'. This deliberate and continuing refusal to offer the people a genuine democratic choice regarding foreign interference in Australian internal affairs is a subversion of democracy and a crime against humanity.**

The overwhelming message that pervades the Australian political literature of the past 2 decades, as considered above, is the extraordinary lengths to which successive governments have gone to avoid political accountability and deny Australians any democratic choice. There is a constant and pervasive theme of political deception, the exceeding of constitutional powers, devious and persistent avoidance of democratic scrutiny, and outright betrayal of the Australian people. To achieve these ends successive governments have used a startling array of tactics including:

- 1. the use of the foreign affairs powers of the Commonwealth to invite the UN to interfere in Australian internal affairs;**

2. **the establishing of unconstitutional intergovernmental agreements to dictate UN or imported international policies to states;**
3. **the establishment of unconstitutional intergovernmental organisations such as COAG to dictate unpopular or undemocratic policies to states and local councils;**
4. **the dictating of policy to Councils by funding, by embedding Commonwealth trained officers within Councils, and by working with Local Government Associations;**
5. **working with the judiciary to enable judicial decisions based upon political ideology, international agreements, or judicial activism rather than impartiality;**
6. **having critical policies implemented at the executive or bureaucratic level, and the use of “skeleton” Acts of parliament or “delegated” legislation, to enable avoidance of parliamentary scrutiny and transfer of undemocratic regulatory power to the executive.**

These tactics, which the records clearly show have been used systematically and pervasively by both major political parties for a staggering period of 20 years, have enabled deception and betrayal of the Australian people on an unprecedented scale. Furthermore, these tactics confirm our political leaders have been systematically attacking and subverting the fundamental democratic institutions which have enabled Australia to lead the world.

The right to vote, which includes the right to be accurately informed and also the right to a genuine choice between different parties/policies, is a [fundamental human right and the fundamental basis of democracy](#). [According to Gray for instance:](#)

*“One of the reasons why the Court thought the right to freely speak about political matters was important was so that citizens could make an informed decision at election time. McHugh J explicitly made the link;*

*‘Before (the electors) can cast an effective vote at election time, they must have access to the information, ideas and arguments which are necessary to make an informed judgment as to how they have been governed and as to what policies are in the interests of themselves, their communities and the nation’.*”

In, **“If Democracies Need Informed Voters, How Can They Thrive While Expanding Enfranchisement”**, Hothschild further underlines the importance of informed voters ([Election Law Journal: Rules, Politics, and Policy. 2010;9\(2\):111-123](#)):

*“Political scientists concur that a knowledgeable citizenry is necessary for effective and gratifying democratic governance. As Michael Delli Carpini and Scott Keeter put it in the most authoritative study of the subject,*

*‘Factual knowledge about politics is a critical component of citizenship, one that is essential if citizens are to discern their real interests and take effective advantage of the civic opportunities afforded them.... Knowledge is a keystone to other civic requisites. In the absence of adequate information neither passion nor reason is likely to lead to decisions that reflect the real interests of the public’.*”

**In fact, the strength and stability of a democracy in many ways is directly proportional to the degree to which the people are accurately and fully informed, both by government and media.**

**But successive Australian governments, and State governments, have been wilfully violating the fundamental right to make an informed vote for more than 20 years.**

**These various anti-democratic mechanisms have enabled and fostered an allegiance to a foreign agency (the UN) and a simultaneous betrayal of the Australian people. These mechanisms are also**

**transforming the system of government in Australia away from democracy and towards a dictatorship.**

**This paper has documented this violation of human rights and betrayal of the Australian people which is continuing today. And this paper has also revealed the various tactics used by governments to deceive and betray the people.**

**The solution is up to the people.**