

# SERVICE DELIVERY BY LOCAL AUTHORITIES: ISSUES AND CHALLENGES

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# **Public Access to Environmental Rights and Justice: A Legal Perspective for an Improved Public Service System of the Local Authorities**

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## **Introduction**

Environmental quality of both urban and rural areas can greatly affect the quality of life of the public that are vulnerable particularly when issues such as deteriorating state of air and water quality, lack of proper solid waste management and inadequate sanitation happened within their area. Coincidentally many of these issues also concerned with environmental rights which is available to them. Thus, on the part of the local authority, it is necessary that these rights are understood in the context of Malaysian laws. In relation to environmental issues, this paper argues that what is considered as 'effective' provision of services of the local authority should be appraised against legal, social and ethical values, as well as the actual state of the environment. What is meant here are values that are applicable and important to environmental governance and local good practice. These include the recognition of public's rights to the environment, and their contribution to the resolution of environmental problems associated with the quality of service delivery. Such recognition is important particularly considering that in the event of environmental harm, such as the pollution of water resources, it is the public that will be mostly affected by such harm. In this regard, it is pertinent to identify environmental functions of the local authority, as well as public environmental rights under the law, so that it can serve as a guideline especially towards the improvement of service delivery. At present, there are many areas of law dealing with the matters. In what follows, this paper identifies existing legal measures and decided cases relevant to the issues.

## **Local Authority in General**

Administratively, Malaysia is organized based on a three-tier system of government that consists of federal, state and local governments. The Federal Constitution as the supreme law of the land provides for three legislative lists, i.e. Federal List, State List and Concurrent List, allowing each of these three levels of government to have jurisdiction over certain matters. The lowest in the hierarchy is the local authority. Item 4 in List II of the Ninth Schedule of the Federal Constitution stipulates that local authority to be a subject under the State List. Hence, all local authorities fall under the exclusive jurisdiction of the state governments.

By virtue of the Town and Country Planning Act 1976, local authority is being classified into two groups: municipality for large towns and district council for small urban centres. The Local Government Act of 1976 provides local authorities in Malaysia with a very comprehensive set of functions and responsibilities. Under Section 5 of the Act, a local authority is the local planning authority and thus the authority that approves and controls all planning and development applications