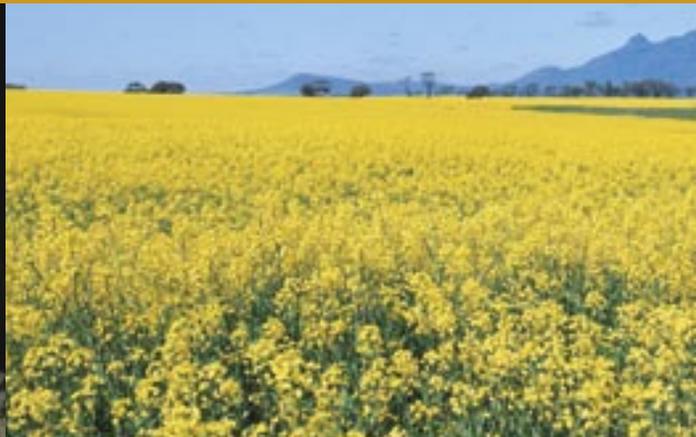
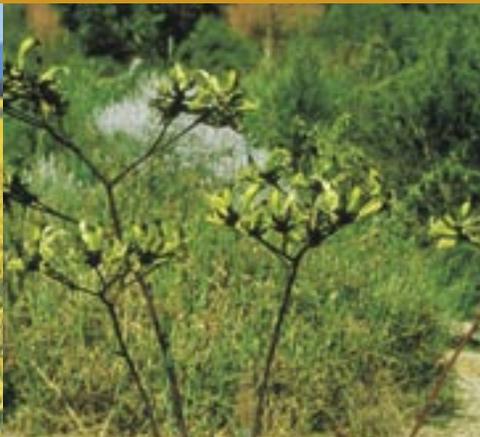


The delivery of
**Natural Resources
Management**
in Western Australia



A Review



2006

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Management**
in Western Australia



A Review



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Appreciation

Natural Resources Management is a consultative partnership.

In compliance with its terms of reference, and with natural justice, this Review has been carried out with the help and guidance of many individuals and groups. I am grateful for the expert and friendly willingness of the many who responded to my queries and concerns.

Extending from the Ministers for Agriculture & Forestry and for Environment, my gratitude includes their respective offices, Government agencies, committees and councils, Regional Groups and private citizens, experts and practitioners.

Fionnuala Hannon, South West Programme Manager of the Department of Environment, acted as executive officer to the Review with efficiency and good grace.

A handwritten signature in black ink, consisting of a large, stylized initial 'S' followed by a series of connected loops and a final flourish.

Stuart Hicks

22 February 2006

Terms of Reference

In excess of \$300 M of State and Commonwealth funds will be invested in NRM in Western Australia over the next three years. Under bilateral agreements with the Commonwealth, this funding is invested in regional strategies developed by six regional natural resource management groups which have been designated to represent the community.

The government also receives advice from the NRM Council which comprises of 10 community representatives and five from government.

The six regional NRM groups, which are all independent and incorporated, have different structures, constitutions and *modus operandi*. They have evolved over the last 15 years and have had an important partnership with government in implementing NRM Programs.

However, with State/Commonwealth funding of between \$5 M and \$20 M/yr flowing to these groups, there are some concerns about the capacity of these groups to adequately represent the community, implement appropriate governance and accountability procedures and deliver the outcomes required by the community.

It is therefore proposed that the consultancy review the current NRM regional delivery arrangements and recommend to government on:

1. The development of a recommended overarching governance framework and structures for regional delivery of NRM in Western Australia which will:
 - Represent the full range of regional NRM stakeholders and is seen as legitimate by those stakeholders and the broader community;
 - Incorporate democratic principles in the selection of representatives and in processes for community and stakeholder consultation;
 - Operate under governance and accountability practices which are considered best practice and meet the standards set for state government agencies;
 - Have the capacity to identify the NRM priorities for the region, implement policy and manage programs to achieve appropriate outcomes in an efficient and effective manner, and
 - Protect the State's constitutional responsibility for managing land, water and the environment.
2. The changes required by regional NRM groups (recognising they are at different stages of development and that governance arrangements should reflect the particular social and cultural characteristics of the region) to move to the recommended timeframe.
3. An appropriate structure for the provision of high level NRM policy and strategic advice from the community to government.
4. A pathway and timeframe for the development of the above overarching governance framework and structures.

In preparing the report, the consultant should review organisational and governance frameworks in other states, consult with the Chairs of the existing regional NRM groups, the NRM Council, WALGA, WA Farmers and PGA, the Conservation Council of WA and other relevant environment non-government organizations, relevant State government agencies and other appropriate stakeholders.

Summary of Recommendations & Findings

No.	Key Recommendation or Finding	Page	Proposed Responsibility	Proposed Timing
1	Leadership is an imperative for good NRM management, within Government, its agencies and the community. Government and agencies should recognise and promote efforts to foster and back strong leadership.	26	Government and NRM agencies.	Ongoing.
2	This is not the time to entirely re-invent Western Australia's NRM institutional structures. Yet the NRM institutional arrangements are in need of being clarified, simply re-stated and re-focused.	27	Endorsement by Cabinet decision.	Immediate.
3	Based on the recommendations of this Review, the Framework for NRM in Western Australia should be finalized, endorsed by Cabinet, and published at the earliest possible date.	29	Endorsement by Cabinet decision.	Immediate.
4	The body of existing Western Australian legislation with relevance to NRM is large and diverse. Before any new legislation is considered, it is necessary to assess what exists already, its effectiveness in the light of a clarified and agreed Framework and a State NRM Plan. Concomitant with the recommended work on a State NRM Plan (below) there should be a Review of legislative arrangements to identify and recommend on any major gaps or inconsistencies.	35	Endorsement by Cabinet decision, with responsibility for the Review allocated to Ministerial NRM Committee and CONRACE.	September 2006.

5	A draft State NRM Plan should be commenced forthwith. It should be prepared by a newly established Council of NRM Chief Executives (see below). It should be consultatively developed with the community, the Regional Groups, Local and Commonwealth governments.	38	Endorsement by Cabinet decision, with responsibility for the draft State NRM Plan allocated to CONRACE, under Ministerial NRM Committee supervision.	September 2006.
6	The draft NRM Plan should address the key concerns and characteristics outlined in this Review.	39	CONRACE, under Ministerial NRM Committee supervision.	September 2006.
7	In support of the clarified NRM objectives and plans, the Department of Planning & Infrastructure and the Western Australian Planning Commission should be active participants within the established NRM Framework, as proposed in this Review.	43	Endorsement by Cabinet decision, supported by the Minister for Planning & Infrastructure and DPI and WAPC.	Immediate.
8	As NRM structures are developed in the future, they should to the highest practical degree reflect a convergence towards a consistent and agreed definition of what constitutes a "region" within the various portfolios and agencies.	44		Ongoing.
9	Regional NRM Groups and Local Government should explore opportunities for more co-operative approaches to NRM at regional and local levels. Regional Groups and Local Government should identify synergies and opportunities that exist within their respective planning and delivery frameworks.	45	Regional Groups and Local Government.	Ongoing.
10	In consultation with Regional Groups and WALGA the draft State NRM Plan should address means by which the capacity of project officers and their managers is raised to enable the strategic delivery of the NRM Plan.	46	CONRACE, under Ministerial NRM Committee supervision.	September 2006.

11	Agency responsibility for policy and regulation on drainage matters should be clarified, and a structure instituted to ensure that this accountability is resourced and carried out.	47	Cabinet decision.	asap.
12	The establishment of a State Indigenous Natural Resource Management Committee should be investigated. Such a Committee, if it were deemed appropriate, would need to be fully integrated within the structures of the overall NRM Framework.	49	CONRACE, under Ministerial NRM Committee supervision.	August 2006.
13	A Ministerial NRM Committee to lead and co-ordinate NRM policy in the State should comprise the Minister for Agriculture & Forestry, the Minister for Environment, the Minister for Water Resources and the Minister for Planning & Infrastructure.	51	Endorsement by Cabinet decision.	Immediate.
14	A Council of Natural Resources Agency Chief Executives ("CONRACE") should be formed. This Council would assume collective responsibility for developing and serving the State's NRM framework and planning needs, as set out in this Review, under the direction of the Ministerial NRM Committee.	55	Ministerial NRM Committee, following Cabinet endorsement.	Immediate.
15	The Western Australian NRM Council should be revamped in accordance with the Framework proposed in this Review.	61	Ministerial NRM Committee, following Cabinet endorsement.	June 2006.
16	The Office of NRM should be reconstituted in order better to fit and serve its functions as identified in this Report. While not requiring more resources than are represented in its current FTE complement, the Office will require a balance of technical and strategic skills.	65	CONRACE.	June 2006.
17	NRM Regional Groups will not benefit at this time from a wholesale restructure or re-arrangement. They are working to evolve and mature within the existing guidelines and the State will do well to encourage and facilitate that work.	69	[Finding]	—

18	The accreditation, approval and monitoring powers and responsibilities imposed within the terms of the Bilaterals—if consistently applied and administered—are sufficient to ensure that Regional Groups comply with their responsibilities.	70	[Finding]	—
19	The Commonwealth Government, like Local Government, has a significant and continuing role to play in NRM. The best protection for what can be viewed as the State’s constitutional responsibility for managing land, water and the environment is for the State to promulgate and pursue clear and coordinated NRM frameworks and plans as proposed in this Review.	71	[Finding]	—
20	Regional NRM Groups are the custodians of their own legitimacy within their own communities. The Groups’ constitutions, communications and behaviour must carry the assurance of the highest level of partnership and inclusiveness among those communities. This criterion reasonably lies among the measures of their performance.	74	[Finding]	—
21	The perceived legitimacy of Regional Groups within their respective communities depends to large measure on their ability to maintain strong, two-way, face-to-face dialogue with their communities. Any hint of exclusivity, bias or secretiveness can undermine the work and reputation of the Groups, and they should continue to develop and apply rigorous communications plans.	74	Regional Groups.	Ongoing.

22	Guided by appropriate legal advice, the Regional Groups' constitutions should be amended in order to maximize the continued involvement of State agency representatives in the affairs of the Groups whilst removing them from deliberative, governing or decision-making roles within the Groups.	76	Regional Chairs' Co-ordinating Group, in consultation with CONRACE.	<i>asap.</i>
23	The State NRM Plan should give special attention to the capacity-building needs of the Regional Groups, the nature of future roles that they might be asked to play, and future funding sources. This will need to dovetail with the work currently under way at the Commonwealth level, looking beyond the expiry of the current Bilaterals.	76	CONRACE, under Ministerial NRM Committee supervision.	September 2006.
24	The recommendations of this Review should be submitted to Cabinet for endorsement, and the Review should be published immediately thereafter.	77	Minister for Agriculture, in consultation with other NRM Ministers.	Immediate.

THE DELIVERY OF NRM IN WESTERN AUSTRALIA A REVIEW

1. Some NRM Principles

Natural Resources Management (NRM) is the management of all activities that use, develop and/or conserve our air, water, land, plants, animals and micro-organisms, and the systems they form.¹

In Western Australia NRM has been defined as follows:

Natural Resources Management is the ecologically sustainable management of the land, water, air and biodiversity resources of the State for the benefit of existing and future generations, and for the maintenance of life support capability of the biosphere. It excludes mineral resources but includes coastal and marine resources up to the State's three nautical mile boundary.²

Supporting this view, an NRM goal for the State has been expressed as:

Conservation and sustainable management of the State's natural resources, with efficient and effective partnerships between all levels of Government, industry and the community.³

NRM is identified as a form of social contract, a collaboration. This distinguishes NRM from the pure science, the biophysics or the orthodox management issues. It is commonly pointed out that it is people who underlie the concept of NRM: it is their activities, whether co-ordinated or haphazard, that makes the difference. It is people who do the managing—or the repair, if you will.

In mapping a future for those human activities this Review is mindful of a set of simple principles, which should be made explicit. They are as follows:

¹ See Tasmanian Natural Resource Management Framework, 2002

² See Damian Crilly, Bruce Hamilton, and Rob Edkins, *Key Issues for Natural Resources Management in Western Australia: a Discussion Paper*, May 2004, p.1; Natural Resources Management Council, *Proposed NRM Framework for Western Australia*, 28 June 2005, p. 14.

³ See Damian Crilly, Bruce Hamilton, and Rob Edkins, *Key Issues for Natural Resources Management in Western Australia: a Discussion Paper*, May 2004, p.1; Natural Resources Management Council, *Proposed NRM Framework for Western Australia*, 28 June 2005, p. 14.

- NRM is important and, in many cases, urgent
- NRM is evolutionary
- NRM is characterized by highly consultative, community involvement; partnership, public and private
- NRM crosses boundaries; it crosses orthodox divisions between private and government responsibilities, across various levels of government, and across many government agencies
- NRM offers significant urban challenges; it is not just an “issue for the bush”
- NRM is about actions/outcomes, not documents/processes
- NRM requires simple accessible structures
- NRM requires clear accountabilities
- NRM needs WA to be clear about State role & responsibility

This Review of the framework and delivery of natural resource management (NRM) in Western Australia recognises both its relatively recent history and its ongoing evolution. Implicit within this recognition is an appreciation of the key planks of its delivery.

These are:

Partnerships:	Federal /State/ Community Scientific knowledge and local knowledge and experience
Balance:	Statutory and contextual management approaches Local and regional scales Community and government intent
Integration:	Local plans with government policy Biophysical, social and economic qualities of the landscape
Investment:	Targeted investment using both public and private funds.
Accountabilities	Of the public purse; of decisions made and to the next generation.

Underpinning these planks of delivery is the assumption that the manifestation of these tenets will yield environmental health, economic development and social well-being.

While there may be varying emphases as to what approach will lead to sustainable systems, there is a generally held view that if NRM were to meet its intent, WA will have realised social, economic and ecologic stability and restoration.

It is important neither to disregard nor discount the achievements and direction NRM has already realised within the WA. Many good things have been done, and are being done. However there are aspects of NRM delivery that can be improved.

The Review offers recommendations that will enable NRM to remain flexible, accountable and strategic. These will ensure that regional delivery will continue to maintain its capacity to respond to specific circumstances and resource management priorities, and that it will occur within a framework that helps maintain energy and effectiveness.

2. The NRM Challenge in Western Australia

Western Australia struggles to reduce the spread of salinity, the decline of the structure and health of its soil, the degradation of its waterways and the impoverishment of its biodiversity.

The issues are urgent and complex. There are no easy fixes. The load we place on our State's natural resources is the product of inter-related and imperfectly understood pressures, of the demands of food and fibre production, of the legacy of decisions made in other times, of the spread of population, the expansion of the metropolis, of recreation and tourism, of the combined effects of piecemeal responses to land-use planning demands. The current boom in the resources sector has added further pressure as the Western Australian economy takes advantage of profitable times heightening pressures and demands on natural resources.

The Review was grateful to be briefed at its outset by the WA NRM Council on the current position. It was told that Western Australia has slipped to "last place" in Australia in having a broader NRM framework to establish and support fully integrated NRM across landscapes, organizations, government, industry and social settings. While the Review has had no opportunity to study all aspects of arrangements in other States sufficiently to verify where Western Australia might fit on a "league ladder" of NRM performance, there is general agreement that the State can do better in its NRM planning and investment.

So diverse and complex are the NRM challenges—and so universal are their occurrence—that there is no chance of meeting them with a top-down, autocratic approach. Individual and local decisions and actions are required, to address a host of specific problems and opportunities. In fact, so central and urgent has work on the Regional Delivery model been that it is unsurprising that some people in the State appear to equate the work of the Regional NRM groups with the totality of the State's NRM effort. When they do this, they look only at the tip of the NRM iceberg. Although each Regional Group will be responsible for programs of some \$5-\$20 million per year, no more than 15 per cent of the NRM effort is occurring through the Regional Delivery model. The Regional Delivery work is extremely important, but it is only a comparatively small part of the total effort. In too many minds, this seems to have been forgotten. A Regional Delivery Model makes good sense. It is apparent that the NRM focus in recent years has been so much concerned with getting the Regional Delivery model up and running, that it has become easy for the Regional Delivery model to be misunderstood as being the State's NRM framework.

The State's current NRM position is a victim of these considerations. With the necessary focus on the Regional Delivery model, two gaps seem to have widened.

Firstly, the overall institutional framework—the *architecture*—within which the Regional Delivery model should sit has become so unclear as to be almost dysfunctional, even to the able and energetic people who work within it.

Secondly, the absence of a State NRM Plan means that each Region's plan must operate without benefit of an overarching strategy which links the work of the Regions to each other or to the work of others in the State, including the State agencies.

The effort necessary to redress this will be significant. A true strategic approach dictates a high level of consultation during the process, with the community and the regions, with scientists and other experts, with three levels of Government, with companies and individuals and with a full range of Government agencies. It will need to be more than just a stitching-together of the various regional and agency sub-plans that have been developed and deployed to date.

3. The Background to Western Australia's Current NRM Arrangements

It is impossible to view the current arrangements for NRM in Western Australia without recognising the context in which they have developed.

Historically, land management planning and governance in Western Australia has been influenced by a dominating issue or pressure. At the turn of the twentieth century, the priority of the West Australian Government was to retain regional populations and encourage gold miners in Kalgoorlie to remain living in the regions. Having opened up agricultural land, the next major land use goal was singularly influenced by a determination to make the land more productive and profitable. Investment was by respective state governments throughout the 1950-1970's into the Department of Agriculture to find ways to improve soil productivity potential, particularly in plant nutrition.

Salinity and water quality emerged during the 1980's as being the next most significant issue to dominate government investment and decision-making in agricultural land-use planning. Federal and state funding programmes and amendments to the Soil and Land Conservation Act to form Land Conservation District Committees (LCDC's) saw the state Government supporting community involvement in local land management planning and action with the view to 'deal with salinity'.

The historical approach by both governments and communities to deal with these single, albeit significant, issues, led to approaches that were simplistic in themselves; for example, revegetation on waterways to increase water-use on farm, land management planning whereby the production potential of the soil would be realised and the use of drains and banks to manage surface and sub-surface water where recommended as solutions to increase water use and manage salinity.

The evolution of the Soil and Land Conservation programme to the original Natural Heritage Trust program (NHT1), reinforced the approach of dealing with issues at farm and catchment scales. NHT1 also reinforced the State Government's position of formally involving the community in dealing with salinity and did so by establishing Regional Groups, whose role was to represent the interests and decisions made by local LCDC's.

NHT1 was criticised for having spread funds far too thinly and for failing to make any sort of impact on the resource management issues of the state, particularly salinity. The outcome of NHT1 was a broad understanding that managing salinity was far more complex than what had been appreciated in the mid 1980's. The most salient points emerging from this understanding were: that the state must be far more strategic in its investment of public monies; that the declining status of the natural resources was having substantial social and economic impacts; other management

options such as arterial drainage systems needed further investigation and dealing with NRM and salinity as issues isolated from mainstream farm production was flawed.

From the criticism, three key points were made.

- Investment in NRM should continue; however, it must be planned and targeted.
- The Regional Groups are an important tier in the planning and delivery of NRM in WA.
- NRM is complex, long-term and difficult.

The extended Natural Heritage Trust program (NHT2) and the National Action Plan for Salinity and Water Quality (NAP), are Federal/State Government programs that have replaced NHT1. Both these funding programmes acknowledge the above three points in that regional delivery was endorsed, that Regional Groups were to provide Regional NRM and that NRM plans demonstrating targeted and strategic investment of the natural resources and that all resource issues, including social and economic issues were to be accounted throughout the process.

Concomitant with these funding programs, was the establishing of the WA NRM Council. This decision to establish the NRM Council signified a shift in thinking from managing environmental issues, such as salinity, by separate Councils (eg the State Salinity Council) to where NRM as a complex concept would be addressed. The membership and objectives of the council reflected this growing appreciation of the complex nature of NRM and that while regional delivery was required to ensure plans were contextually relevant; the NRM council was seen as being needed to ensure that the government was kept informed and that existing legislation was relevant to NRM management. The NRM Council also was seen as an appropriate vehicle for high level representation from each of the state's NRM agencies, Department of Conservation and Land Management (CALM), Department of Agriculture (DAWA), Department of Environment (DoE) and Forest Products Commission (FPC) to participate in setting policy direction and providing strategic advice in partnership with key community representation.

This Review begins at a key juncture of NRM delivery in this State. There is mounting criticism of the role and influence the NRM Council has at a political level as well as questioning of its role by regional and local groups. Regional Groups have commenced investing a considerable amount of public monies based on their endorsed and accredited NRM regional strategies. There is a requirement by the governments to demonstrate accountability of these investments and such mechanisms to do so are unclear at best. There is a general agreement that the State must provide a much stronger framework for the integration of NRM delivery and regional strategies by the NRM agencies and Regional Groups.

Predictably, in this environment there is a measure of personal and institutional tension.

An emerging issue of influence is the opinion held by some people that the current forms and philosophy of NRM is in fact ineffectual. The impact of arterial drainage

and deep drainage networks, and the confronting argument of retiring poor agricultural land back to nature are issues that the current form of NRM is unable to manage with any degree of satisfaction by most parties. Additional to these points, has been the recent tensions surrounding the challenge of providing potable water for public water supply. Pressure on the natural and social system to maintain water quality must also be considered.

The evolution of NRM in WA has occurred over a relatively short period. In taking stock, much has been achieved in a short time. This Review acknowledges the evolution of land management in this state from a largely single issue policy approach, to a multi faceted/multi dimensional integrated approach that requires a review of its framework, strategic direction, accountability and legislative needs. In meeting with a number of individuals representing both personal and public interests as well as reviewing approaches taken by other states, this Review will propose to government recommendations that will enable NRM to remain relevant, responsible and adaptive.

The Commonwealth and State Governments signed a Bilateral Agreement on 17 December 2002 to extend the Natural Heritage Trust (“NHT2”) under a framework agreed by the National NRM Ministerial Council. The agreement reflected the three overarching aims agreed to by the Council on 3 May 2002:

- (a) *Biodiversity conservation*: the conservation of Australia’s biodiversity through the protection and restoration of terrestrial, freshwater, estuarine and marine ecosystems and habitat for native plants and animals
- (b) *Sustainable use of natural resources*: the sustainable use and management of Australia’s land, water and marine resources to maintain and improve the productivity and profitability of resource based industries, and
- (c) *Community capacity building and institutional change*: support for individuals, landholders, communities, industry and organizations with skills, knowledge, information and institutional frameworks to increase capacity to implement biodiversity conservation, and sustainable resource use and management.

The two Governments signed a second Bilateral Agreement on 11 September 2003 to implement an Intergovernmental Agreement on a National Action Plan for Salinity and Water Quality (“NAP”). This initiative sought to apply coordination and targeted action to:

- (a) *Salinity*: Prevent, stabilize and reverse trends in salinity, particularly dryland salinity, affecting the sustainability of production, conservation of biological diversity and the viability of our infrastructure, and
- (b) *Water quality*: Improve water quality and secure reliable allocations for human uses, industry and the environment.

In line with the Ministerial Council decision, both agreements are built with an emphasis on the identification and delivery of NRM outcomes at a regional level. A *Regional Delivery Model* underpins both NHT2 and NAP.

In Western Australia, as in other States, a great deal of work proved necessary to develop a Regional Delivery Model through which the important NHT2 and NAP initiatives could be delivered. So detailed and time-consuming were these efforts that commensurately less attention risked being given to wider questions of NRM strategy and framework in the State. By the end of 2005 each Regional Strategy has been accredited and approved. The Rangelands investment plan was not part of this but has since been approved.

It is clear that the last two or three years have imposed a lot of work on institutional structures and systems in order to accommodate the Regional NRM Delivery model that was negotiated and agreed in the State-Commonwealth bilateral agreement.

The senior officers with responsibility for NRM matters in the State's departments, who collectively meet as the Senior Officers' Group (or "SOG"), state:

“During the last 2-3 years, with the development of ... Regional Strategies and Investment Plans, the SOG has been aware of a lack of an overall framework or architecture of NRM policy or strategy for the State. ... Whilst work is being undertaken to update the Preliminary Agency Statement, and concurrent work is being done with agency staff and the NRM Council on the development of an NRM Investment Framework (based on the Salinity Investment Framework), there is still a paucity of an overarching framework or strategy for NRM in the State. With this lack, and therefore limited articulation of the NRM benefits to be achieved at a state level, the institutional and legislative frameworks to underpin this have also been haphazard.”⁴

If the 1990s represented the “Decade of Landcare,” the first decade of the 2000s seems destined to be the “Decade of the Regional Delivery model.” Of course, the proof will be in the pudding, and the next few years are the all-important delivery-years. Just as we are getting out of the woods, the State must not turn and re-enter them. This fact profoundly colours the view taken by this Review. Wholesale reinvention of the Regional Delivery Model at this time would likely deal a mortal blow to many of the useful initiatives that are being pursued at a regional level.

⁴ Senior Officers' Group, *Information for Review Into Regional Structures*, September 2005.

4. The Current NRM Institutions in Western Australia

The State's current institutional arrangements for NRM are complex. The arrangements are summarised in *Figure 1*.

The current structure reflects the involvement of various levels of government—particularly the Commonwealth and the State—as well as of the community. Importantly, though, it also reflects the fact that NRM cuts across many different parts of government: there is no single agency and no single Minister with responsibility for NRM in Western Australia. Indeed, since the chart was prepared by the WA NRM Council, and during the undertaking of this Review, the State Government has announced the creation of a new Department of Water.

Despite the complexity of the total NRM institutional arrangements, it is possible to single out a much smaller number of key elements of the structural framework of NRM in Western Australia. They are as follows:

Ministerial Committee

A Ministerial group, formerly a Cabinet Sub-Committee, currently comprising the Ministers for Agriculture & Forestry and Environment, meeting to agree on joint strategic and policy interests. The Chief Executive Officers of the Departments of Environment, Agriculture, and Conservation and Land Management also attend these meetings.

NRM Director General's Group

The Directors General meet from time to time consider NRM matters of mutual interest. It comprises the CEOs of Agriculture, Environment, CALM, Fisheries and Planning & Infrastructure.

Senior Officers' Group (SOG)

The NRM Senior Officers' Group ("SOG") was originally set up to assist to develop and implement the Salinity Action Plan of 1996. It has evolved into a group with membership from a wide range of State government agencies who provide inter-departmental coordination and leadership on NRM matters, and supports the Director General's Group. It liaises with other key organizations, including the NRM Council and Local Government. SOG has also played a role as a conduit between the State and the Regional Groups. Its decisions are by consensus. The Chairmanship of the Group is intended to rotate about two-yearly.

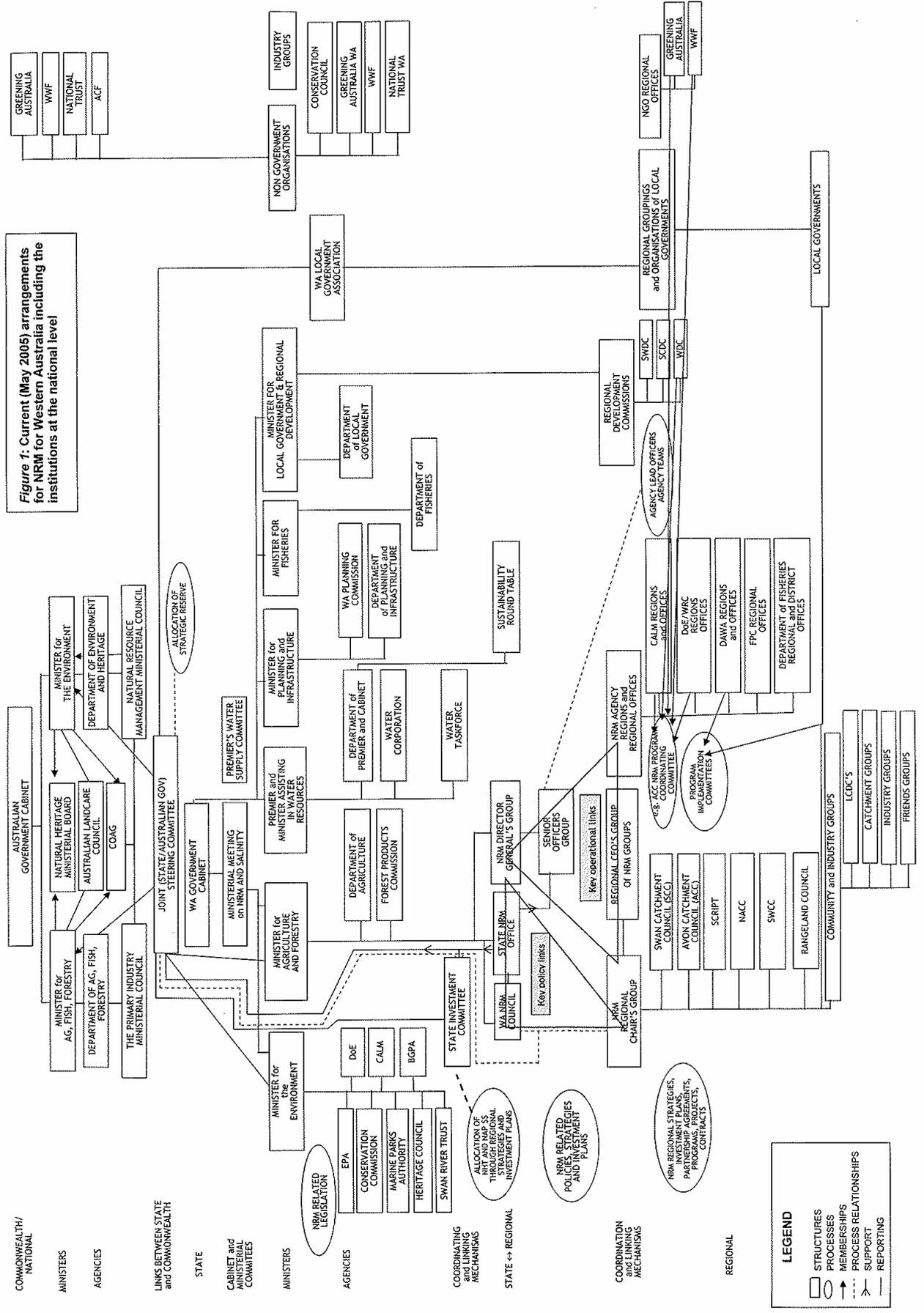
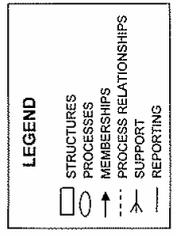


Figure 1: Current (May 2008) arrangements for NRM for Western Australia including the institutions at the national level



WA NRM Council

A fifteen-member body comprising government chief executives and other NRM identities, selected by the Ministers, whose main function is to advise the Lead NRM Minister on high-level strategic directions for NRM in Western Australia.

State NRM Office

A small office to coordinate and manage NHT and NAP program delivery and also to support NRM initiatives in the State.

Joint Steering Committee (JSC)

The Joint Steering Committee is the main coordinating and Ministerial advisory link between the Commonwealth and the State. The JSC includes membership from State and Commonwealth agencies as well as local government and the community. Its primary function is to make recommendations to State and Commonwealth Ministers on NAP/NHT program management and project funding. It is funded from a 5 per cent administration fee drawn from NHT2 and NAP funds.

Regional Groups

The six Regional NRM Groups in Western Australia are the incorporated bodies through which the NHT2 and NAP programs are delivered.

- Rangelands NRM Coordinating Group (RCG)
- Northern Agricultural Catchment Council (NACC)
- Avon Catchment Council (ACC)
- South Coast Regional Initiative Planning Team (SCRIPT)
- South West Catchments Council (SWCC)
- Swan Catchment Council (SCC)

The coverage of the six Regional NRM Groups is depicted in *Figure 2*.

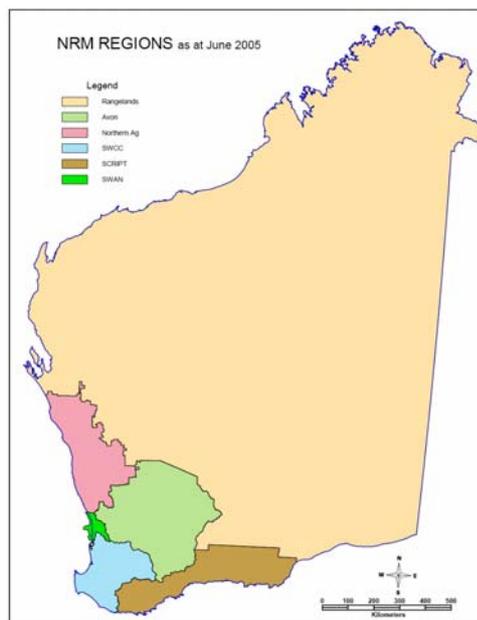


Figure 2: Western Australia's Six Regional NRM Groups

Regional Chairs' Coordinating Group

The Regional Chairs' Group meets to discuss issues of mutual interest to the Regional Groups. It is chaired by the "Chair of Chairs."

It has become clear to this Review that there is a deal of misunderstanding and misapprehension about the structural framework for NRM in Western Australia. The Regional Group Chairs observed to this Review:

"The State structure of decision making and implementation for natural resource management in Western Australia is made up of silos, is complex to work with and in most cases confusing. There is a spider's web of agencies, groups, committees, and working groups all working in natural resource management."⁵

Indeed, many of those on the complicated web seem to be uncertain of the roles of others. Some appear uncertain of their own roles. One group representing landholders identifies "uncertainty at all levels regarding what NRM is meant to be achieving." This, it says, reflects the "soup of bureaucracy" in the State's NRM arrangements.

In the experience of Regional Groups' chairs, "Many times the different groups may meet with the same people over similar issues within hours of another meeting."⁶ For this confusion we ought have some sympathy, for at least two reasons. Firstly, the NRM institutional structure, like NRM itself, has evolved quickly. It continues to evolve. Secondly, given the very wide range of involvements, the structural framework is probably destined always to appear complex when attempted to be plotted on a single sheet of paper.

Yet the time has come to re-define the framework. Without clarification, it is confusing and inefficient.

⁵ *The Structure of Natural Resources Management in Western Australia: A proposal from the Regional Natural Resource Management Coordinating Group, August 2005.*

⁶ *The Structure of Natural Resources Management in Western Australia: A proposal from the Regional Natural Resource Management Coordinating Group, August 2005.*

5. NRM Leadership

In the interests of helping dispel the confusion, it is helpful to identify four simple building-blocks for the State's NRM future. They are illustrated in *Figure 3*. Ideally, each of these building-blocks might be considered as a pre-condition for the one that follows. Hence, it is difficult to envisage comprehensive NRM improvements which do not build from a comprehensive *Plan*. In turn, it is difficult to imagine a *Plan* without an underpinning *Framework*. And it is scarcely possible that a *Framework* can succeed without *Leadership*.

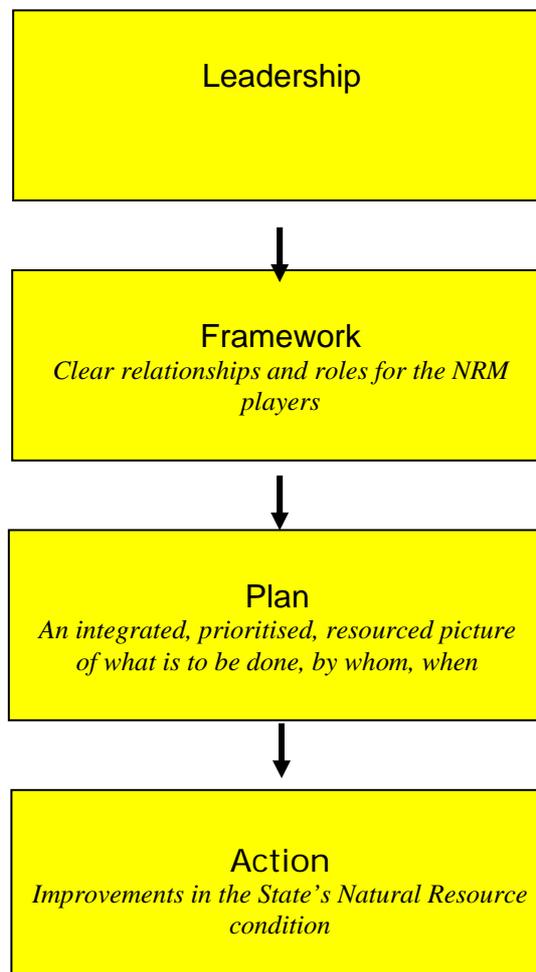


Figure 3: A Simple NRM Sequence

If this sequence is followed, bureaucracy is greatly reduced. Without the sequence, there will be much reinvention and paperwork, and a lot of process and system meetings, false starts and disappointments which require corrective action.

The model implies a feedback loop. As actions come into effect, strong leadership will be monitoring progress and updating framework and plan in the light of experience and new challenges.

At this time in Western Australia, leadership is uncertain, the framework is unclear, and there is no State NRM Plan.

At the starting point, therefore, for sustained and comprehensive NRM progress is the concept of leadership. NRM being a human endeavour, it cannot otherwise succeed.

NRM leadership requires a range of things, among them:

- The ability to hold an overview of what is happening and needs to happen, to plan
- The ability clearly to articulate required directions, to help keep activities, focussed, in perspective, on time and in line with the broader plan
- A bias towards action⁷
- Integrity
- And the ability to help harness disparate views and approaches in service of the overall, to empower people

Recommendation/ Finding 1	Leadership is an imperative for good NRM management, within Government, its agencies and the community. Government and agencies should recognise and promote efforts to foster and back strong leadership.
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Responsibility for action: Government and NRM agencies. Ongoing.

The Review celebrates the efforts and dedication of the many individuals and organizations that have contributed to NRM in the State. We can honour with gratitude those in the community who have worked hard, in many cases for many years, for the cause. Often they have done this for little reward or recognition, and frequently at considerable personal cost. Likewise, it admires the work of the Government agencies and the individuals within them who have pursued the cause of NRM with energy and persistence.

Yet at times the work has been somewhat disorganised, highly individualistic, sometimes at cross purposes, and with slim guidance on overall priorities. The Review sees little evidence of concerted, rigorous resourced, timetabled State processes.

⁷ Whilst not supporting premature, impulsive, ill-informed actions, this Review considers that progress in Western Australian NRM is vulnerable to the (understandable) reluctance to take firm actions or commit significant resources until more information is available.

6. The Need for a Western Australian NRM “Framework”

What is an NRM “Framework”?

An NRM “Framework” clarifies roles and accountabilities for the various key players in the State’s NRM activities. It gives order and promotes efficiencies and inter-relationships, developing shared objectives and directions for NRM in the State, building communications loops, helping co-ordinate and prioritise efforts.

For many, the “Framework” will be institutionally expressed, identifying key committees and organizations, their membership, duties, resources and aims. Western Australia has such an institutional Framework now, and much useful work is underway within those various institutions. There is risk, in this Review’s opinion, of submitting to the temptation to entirely re-create the institutional Framework because the current one is less well articulated or understood than it ought be. Enhancements and clarifications to current arrangements are imperatives, but a temptation to begin again must be resisted.

In a nutshell, Western Australia’s basic institutional arrangements would not benefit from revolutionary change at this time. A wholesale reinvention of the framework would divert attention away from important current NRM plans and outcomes, and back onto institutions and organizations. That would waste resources. In this Review’s opinion it would cause many good people to walk away.

**Recommendation/
Finding 2**

This is not the time to entirely re-invent Western Australia’s NRM institutional structures. Yet the NRM institutional arrangements are in need of being clarified, simply re-stated and re-focused.

Responsibility for action: Endorsement by Cabinet decision.

Sustainability and Natural Resources Management are comparatively young segments of public policy endeavour. Other sectors, like industry, resources, trade, transport, land-use planning and regional development, have had much longer to mature their frameworks (although much could be written, nonetheless, of imperfections in some of their frameworks.) In the case of NRM, the framework will continue to evolve. This is both reasonable and positive, and care must be exercised not to cast the NRM framework so firmly in stone that this evolutionary process is frozen. Equally, one must be mindful that any significant reorganisation carries with it penalties in terms of transitional costs and time delays while the new order is put in place.

7. Fundamentals of an NRM Framework

In fact, the architecture of the State's NRM arrangements comprises at least three overlaid yet inter-related Frameworks:

- A Delivery Framework
- A Regulatory Framework
- A Policy and Planning Framework

A simplified picture of the Western Australian Delivery Framework is offered in *Figure 4*. Individuals, community groups, organizations and three levels of Government are all involved in delivering NRM outcomes. Sometimes it may be forgotten that NRM is not simply (nor even largely) the role of the six Regional NRM Groups. However, as a combination of the full range of players, the Delivery Framework in Western Australia is quite sensible and robust enough to persist with.

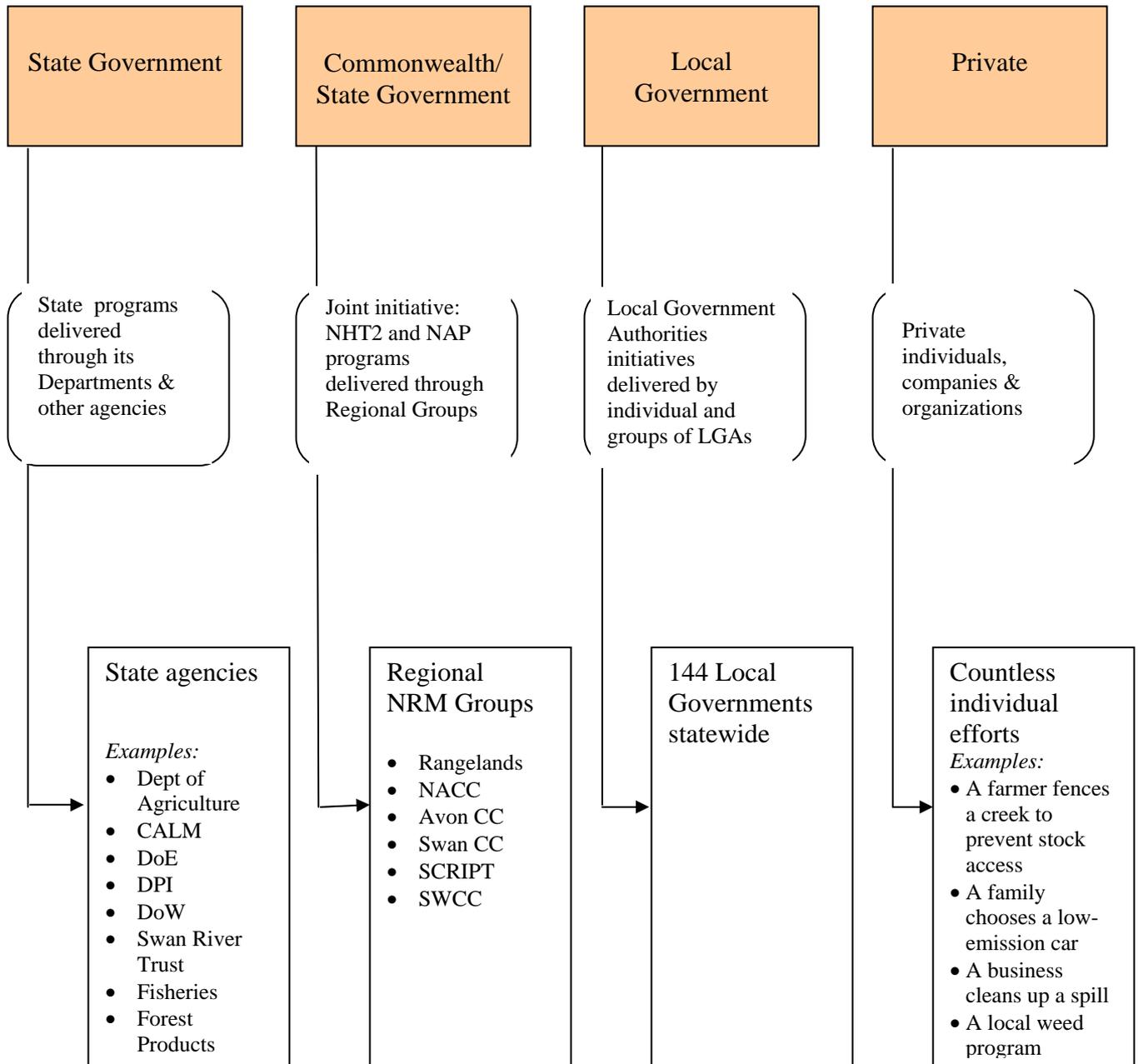
The regulatory framework comprises a rich variety of laws addressing matters such as biodiversity, environmental protection and soil and land conservation. The regulatory framework, of course, is an important part of the overall framework for NRM, and needs to be compatible with and supportive of government policy tools for NRM.

In the opinion of this Review, the NRM deliverers are currently let down by the NRM Policy and Planning Framework. Their admirable efforts occur within confusing or vague policy and planning arrangements. This Review has failed to find certainty as to how the overall Framework is currently meant to be working.

Recommendation/ Finding 3

Based on the recommendations of this Review, the Framework for NRM in Western Australia should be finalized, endorsed by Cabinet, and published at the earliest possible date.

Responsibility for action: Endorsement by Cabinet decision. Immediate.



NRM Delivery Framework

Figure 4: A Simple Framework for Western Australian NRM Delivery

In essence, Western Australia's NRM Framework document should comprise:

- The meaning and principles of NRM as practised in the State
- The overall NRM objectives and priorities for NRM in the State
- The institutional arrangements, duties and responsibilities for
 - NRM Delivery
 - NRM Policy & Planning, and
 - NRM Resourcing
- Guidance on how the framework is to be sustained, governed and coordinated.

Tasmania provides an example,⁸ although other models are available. The *Tasmanian Natural Resource Management Framework*, published in 2002, is a straightforward and readable 36-page document that described the following basic areas for the State:

- The meaning of Natural Resources Management
- Existing NRM Policies, Objectives and Processes
- Principles of Natural Resource Management
- Priorities
- An Integrated NRM Framework
- Implementation of the Framework

The document is not exhortative. For this reason, it is also not exhausting.

In Tasmania's case, the Framework was later enshrined in legislation to ensure the Framework is implemented throughout the State on a consistent basis and to provide certainty.

A State carries a solemn responsibility to ensure that it is equipped with a clear, co-ordinated and resourced approach to NRM in the State. The responsibility cannot be delegated. The Regional Groups are not formal organs of *State* NRM policy. Nor is local government. Nor are private citizens and organizations. A mechanism to assist the State to fulfil this responsibility is suggested below.

⁸ Department of Primary Industries, Water and Environment (Tas.), *Tasmanian Natural Resource Management Framework*, Hobart, 2002. The document is available electronically.

8. On the Need for Western Australian Legislation

On one matter there seems to be widespread agreement: that Western Australia would benefit from legislation that asserts and clarifies the overall NRM institutional framework in the State. Currently there is no such statute.

Such a law is frequently referred to as “Enabling Legislation,” in line with the title used in some other States. This Review seeks to avoid that name, however, because it implies that Western Australia’s NRM institutions would somehow not be “enabled” unless such legislation were passed. This is no mere semantic point. Legislation would be an immediate and urgent imperative if the NRM framework required a piece of legislation before it could operate effectively. This Review does not consider that is the case. Instead, therefore, the Review refers to *NRM Framework Legislation*.

Those who support *NRM Framework Legislation* for Western Australia do so because they see need to clarify the framework in a cohesive and durable form. In supporting it, for example, the NRM Council has argued for NRM legislation to “set high level NRM values and objectives and clarify the roles, responsibilities and accountability of the NRM partners (State Government agencies, Local Government, NRM Regional Groups, industry, NGOs, land owners, and other community groups) to establish the status of NRM in Australia as core Government business.”⁹

Likewise, the Regional Group Chairs contend that the perceived impermanence of the current arrangements threatens to undermine the good work that has been done. “The past decade,” they say, “has seen at a State level, a shift to electoral driven, non-statutory committees and Councils that have no long term tenure and with terms of reference that restrict achievement in bringing about ‘on ground’ change. The effort put in by some of the members of those bodies has been a lost opportunity.”¹⁰ There is concern that the Regional Groups must live on a 2008 time-horizon, when NHT/NAP current funding finishes.

If new *NRM Framework Legislation* were instant and free of transaction costs, if it didn’t risk taking the institutional or political eye off the NRM ball, if it reliably achieved what it set out to do, and if it confidently would not prove to be an impediment to the continued evolution of arrangements for NRM in the State, then it would deserve support.

In Western Australia support for such legislation is no doubt fuelled by frustration with the current fog, together with the attractiveness of the word “enabling” in the term. No doubt, *NRM Framework Legislation* is also appealing because it offers the

⁹ Natural Resources Management Council, *Proposed NRM Framework for Western Australia*, 28 June 2005, p.30.

¹⁰ *The Structure of Natural Resources Management in Western Australia: A proposal from the Regional Natural Resource Management Coordinating Group*, August 2005.

hope of a tractive force to help impel NRM forward in a more orderly and reliable fashion.

In September 2003, similar objectives guided the Government's commitment to a Sustainability Bill, as part of the State's Sustainability Strategy. In 2004 a draft Sustainability Bill was released for public comment.¹¹ This simple 19-clause Bill might reasonably be described as *Framework Legislation* for sustainability. The Bill defines principles of sustainability, provides for certain institutional arrangements, including annual Sustainability Reports from State Government agencies and establishes a "Sustainability Roundtable" (a kind of sustainability equivalent of the NRM Council). The Bill has not been submitted to the Parliament. However certain key aspects of the framework envisaged in the Bill—the various reporting mechanisms, as well as the Sustainability Roundtable—are already in place. In fact, changes in the light of experience with these mechanisms may render the draft Bill redundant before it is introduced to Parliament.

There is a message here. The main need is the *framework*, not the *legislation*. This Review believes there may be often be confusion between *ends* and *means*. Laws are not always the best, fastest or most effective *means* to achieve clarity and certainty. Certainty and clarity are the desirable *ends*, not legislation per se.

A clarified and more certain NRM Framework can be pursued through Cabinet endorsement and concerted effort of the key players.¹² Legislation is not imperative at this time. In this Review's opinion, an undue and early focus on new legislation faces the following risks:

- It would be premature. An assessment of all current WA legislation, an assessment of the success of legislation in other States, and the perspective and benefits of experience with the Regional Delivery Model would beneficially precede a rush to legislation.
- New legislation would almost certainly divert attention from the main work, and the delivery of real improvements at Regional level through the NHT2 and NAP programs. Because of the permanency of a statute, it can reasonably be expected that individual groups and stakeholders might have strong views on what the legislation should contain—or not contain. The legislation would necessarily be a high priority for all who otherwise would be engaged in progressing NRM forward.
- It would likely absorb at least two years. New legislation would require a significant consultation period leading towards a draft Bill which would then be open to community scrutiny, followed by finalisation, Government agreement and then would be subject to the priorities and legislative program of the Parliament. If other legislation is any guide, it is difficult to envisage legislation taking effect before the year 2008.
- It is not evident that new legislation will necessarily add certainty or other imperatives that cannot be achieved through other means. To be certain,

¹¹ See <http://www.sustainability.dpc.wa.gov.au/docs/consultation.htm>.

¹² There are those who argue that this has been tried, and has failed for Western Australian NRM. Even if they were right, this Review does not accept that there is to suggest there is evidence that new Statutes offer reliable solutions.

legislation adds fixity, but given the evolutionary nature of NRM, it is not clear that such permanence is of highest importance.

Subsequently, as the other actions recommended in this Review come into play, there may well be need for legislative changes. They are best driven out of specific identified needs and with a clear eye as to what the State's NRM priorities and plans are, and the framework that is best suited to deliver them.

This Review does not consider that further legislation is the highest priority for the State, and is concerned about the risks if such a path was chosen. It argues, though, that there is most certainly the need for urgent clarification of the NRM Framework in the State. Indeed, the need is so urgent that there can be no waiting for a legislative process that would be likely to take two years or more.

Putting aside the question of *NRM Framework Legislation*, there is no shortage of Western Australian legislation with relevance to NRM.

Says the Bessen Review:

“...there is a large amount of legislation in Acts and Regulations that could be used to support NRM in WA. This is especially true with recent amendments to the Rights in Water and irrigation Act, the Environmental Protection Act and the Conservation and Land Management Act. Unfortunately amendment of these statutes does not appear to have been coordinated, so while there are many useful provisions, it is not clear how and when they can best be used. Other key aspects include the Soil and Land Conservation Act, the Local government Act, planning legislation and fisheries legislation. The Land Administration Act needs to be considered for its ability to have significant, long-term effect on sustainable management of vast tracts of land, water and biodiversity / habitat resources, while balancing the economic and social needs of people and industry that are reliant on these resources.”¹³

The Bessen Review proposes a review of all legislation “to determine how it can be used in a coordinated and integrated way to deal with NRM issues across landscapes and institutional boundaries”.¹⁴ The proposal is sound, but in conjunction with other initiatives, rather than preceding them.

**Recommendation/
Finding 4**

The body of existing Western Australian legislation with relevance to NRM is large and diverse. Before any new legislation is considered, it is necessary to assess what exists already, its effectiveness in the light of a clarified and agreed Framework and a State NRM Plan. Concomitant with the recommended work on a State NRM Plan (below) there should be a Review of legislative arrangements to identify and recommend on any major gaps or inconsistencies.

Responsibility for action: Endorsement by Cabinet decision, with responsibility for the Review allocated to Ministerial NRM Committee and CONRACE. September 2006.

¹³ Bessen Consulting Services, *Support for Regional NRM Groups: Draft Report*, 11 June 2004, p.13.

¹⁴ *Ibid.*

This work will also be informed by the experience of other jurisdictions, although their experience and their pre-existing institutional condition should be taken into account.

Appendix 1 surveys the rich range of arrangements that currently apply in Australian jurisdictions.

Other States have introduced NRM legislation recently, for a range of reasons. In South Australia's case, an imperative was to immediately reduce and rationalise the large number of NRM-related regional bodies that already existed. In that State, the new Regional Groups were replacing more than 70 pre-existing ones, and assumed certain regulatory and levy-raising powers held by those bodies. Legislation was necessary in South Australia. In Tasmania, the State's NRM Framework advanced a Regional Delivery Model with three Regional Groups. Tasmania's issue was the opposite of South Australia's: there was little pre-existing regional structure in place, and the State's patchy experience with regionalism made it wise to attempt to provide a statutory set of expectations and limitations.

9. A Western Australian Natural Resources Management Plan

There is no comprehensive, integrated Western Australian NRM Plan. There never has been. It is difficult to imagine how a field as complex and inter-related as NRM will be fully advanced in its absence.

The NRM Council has submitted to this Review that there is an “urgent need” for a State NRM Policy and Strategy. It is understood that there have been moves, even during this Review, within the NRM CEO’s committee as well as within the NRM Council to redress this gap. To date, however, there has been little traction,

Western Australia is not short of policies, strategies, discussion papers, reports and analyses of relevance to NRM. There may be those who understandably feel that the greatest threat to the State’s natural resources may be the quantity of paper consumed by these documents.

Certainly Western Australia has had pieces of an NRM Plan. Says the Bessen Report:

“Western Australia has a number of specific Natural Resources Management Policies and Strategies ranging from land clearing to management of rangelands and wetlands. There are also a large number of Management Programs and Plans, which show how particular NRM issues are being tackled. All of these are focussed on specific issues and problems and are only integrated across the landscape in a few places.”¹⁵

Added to this, of course, is the Bessen Report itself, and now the current Review. The inter-relationship between the documents is more labyrinthine even than the institutional structure that was depicted in *Figure 1*.

To have a Framework is imperative, as this Review argues. Yet the most important questions are not related to the *how*, but instead to the *what* of NRM. As in most areas of human endeavour, there is likely to be more than one way to skin the NRM cat. What matters most of all, is the NRM outcome that the State is trying to achieve. If this is not crystal clear, no amount of re-invention of the organisational structures will compensate for it.

There is need to help ensure that the Regional Groups are motivated or act within a (known and shared) State NRM policy and framework. If Groups are under-informed in this, they are liable to sub-optimalise, go off at tangents, or be susceptible to other agendas that are not in accord with the Western Australian view.

¹⁵ Bessen Consulting Services, *Support for Regional NRM Groups: Draft Report*, 11 June 2004, p.12.

Despite its importance, the recommendation to embark on a State NRM Plan is made with some trepidation. Amongst the wealth of strategic reports prepared, and being prepared, in recent times in Western Australia are the Annual Reports and strategic and investment plans of the respective organizations, as well as specific research projects. Notable among them are—

- *State of the Environment Reports*

Under the auspices of the Environmental Protection Authority, the State's third State of the Environment report is due to be completed in late 2006.¹⁶

- *Preliminary Agency Statement of Natural Resources Management Priorities in Western Australia*

A fifth draft of a *Preliminary Agency Statement of Natural Resources Management Priorities in Western Australia* was prepared by the Senior Officer's Group in October 2003. The document is qualified: it does not represent a final priority listing of assets for investment. The document is described as "a starting point or guide for further discussion."¹⁷ An update of this work is currently under consideration by SOG.

- It is understood that a State Water Plan is due for completion in 2007.

Another reporting process, inter-layered with others, is unlikely to be the answer if it does not succeed in establishing a subsidiarity, that is, a relationship of the parts to the whole. Although not promoting anything that might be judged to be encyclopaedic or mind-numbingly detailed, this Review is concerned that key parts of the NRM structure and plans should not be omitted; urban issues, for example, or pests and weeds. The Government has given special priority to water resources issues, and these require inclusion. There needs to be recognition of other initiatives, including the State's Sustainability Plan and the Draft *Swan and Canning Rivers Management Bill 2005*.¹⁸

**Recommendation/
Finding 5**

A draft State NRM Plan should be commenced forthwith. It should be prepared by a newly established Council of NRM Chief Executives (see below). It should be consultatively developed with the community, the Regional Groups, Local and Commonwealth governments.

Responsibility for action: Endorsement by Cabinet decision, with responsibility for the draft State NRM Plan allocated to CONRACE, under Ministerial NRM Committee supervision. September 2006.

¹⁶ See *About the Western Australian State of the Environment*, at http://portal.environment.wa.gov.au/portal/page?_pageid=673,1213664&_dad=portal&_schema=PORTAL

¹⁷ p.4.

¹⁸ See Swan River Trust, *New Era for the Rivers: Draft Swan and Canning Rivers Management Bill*, Perth, 8 July 2005.

The draft State NRM Plan should be completed and published no later than 30 September 2006.

The Plan should display the following characteristics:

- It should be consultatively derived
- It should be set at the State level, informing and guiding all agencies, Regional Groups, communities and individuals who make NRM decisions
- It should provide a cohesive and co-ordinating umbrella for the NRM strategies of the Regional Groups
- It should be comprehensive across all aspects of NRM
- It should be practical, readable, accessible
- It should be based on a specific long-term picture of what is to be achieved, yet focus attention on realizable targets and actions within the next five years
- It should be clear about accountabilities
- It should nest within the State's overarching social, and economic policies, and reflect its Sustainability Strategy
- Its progress should be monitored
- It should be periodically updated and revised, in a rolling format.

In line with the approach in the already accredited Regional Strategies, the State NRM Plan should look 50 years ahead, but focus on Action Targets within three to five years.

Recommendation/ Finding 6	The draft NRM Plan should address the key concerns and characteristics outlined in this Report.
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Responsibility for action: CONRACE, under Ministerial NRM Committee supervision. September 2006.

The first consultative draft of the first South Australian NRM Plan is now available. It is an impressive document.

The South Australian Plan is required, amongst other things, to—

- Assess the state and condition of the State's natural resources;
- Identify existing and future risks of damage to, or degradation of, the State's natural resources;
- Provide for monitoring and evaluating the state and condition of the natural resources of the State on an ongoing basis;
- Identify goals, set priorities and set strategies for NRM
- Promote the integrated management of natural resources¹⁹

Regional Plans are required to be consistent with the State Plan.

¹⁹ See South Australia, *Natural Resources Management Act 2004*, s.74(3).

10. Some Tools for NRM

We are stuck with it. The term *Natural Resources Management*—or NRM for short—is here for keeps.

Maybe there is a problem with it, in the word *Management*.

To practical people, it imbues the concept of NRM with a sense of comfortable, steady-as-she-goes orthodoxy, a kind of technical managerialism. Those who participate in NRM are, by definition, *managers*, all of them. As managers, it seems, they issue directions and take actions to keep Natural Resources regular, systematic and effective, a sort of biophysical equivalent of Human Resources Managers. Hands to the tiller, the Natural Resources Managers make sure that our Natural Resources are in control and on track. Somehow, also, the term implies that the Natural Resources Manager's is a specialist role. No organisation wants too many *Human Resources Managers*. By extension, too many *Natural Resources Managers* is not a good thing either.

More than ten years ago, a frustrated player made a call for action to an LCDC Conference in Albany:

“There is only one way to achieve catchment repair, and that is to do it. You can plan it, policy it, research it, argue over it, tour it, publicise it, make a career out of it, you can even make a film on it, but if you are about repairing something that is damaged eventually you have to repair it. That involves putting your hands on it and making a start, fixing it; and the sooner the better. *Repair* is also a word that acknowledges that we are dealing with something that is damaged. It can be very hard to recognise that things we have done with good intentions have severely damaged the landscape; but they have, and we can only go forward from that initial recognition.”²⁰

The speaker contrasted real-world action with the “paper warfare emanating from Perth, and the pressure for neatness.”

Many of the regulatory and control tools for NRM lie within the existing powers of the Department for Planning & Infrastructure (DPI) and Western Australian Planning Commission (WAPC). Many more are in the hands of Local Government.

The evidence to this Review is that neither the State's land planning agencies nor its Local Government authorities are fully confident of the direction of NRM in the State.

The word “management,” combined with a Regional Delivery Model for NRM, places an admirable focus on the *doing*. NRM is essentially not about research and

²⁰ Keith Bradby, “Catchment Repair: Nett Progress or Neat Progress?” *South Coast LCDC Conference*, Albany, 25 October 1994.

processes; it is about getting things done. Delivery is also about acknowledging the complex and heuristic nature of planning and action that NRM has become. But where does that leave those who have planning and control mechanisms of prospective assistance?

The Strategic Reserve has funded an initiative jointly sponsored by DPI and WALGA to provide two NRM land-use planning officers to advise on more effective integration of NRM considerations with land use planning.

The Role of the Department of Planning & Infrastructure and the Western Australian Planning Commission

On the face of it, the Department for Planning & Infrastructure (DPI) is deeply involved in the State's NRM activities. Formally, DPI is represented on the NRM Council, the JSC, the SIC, the NRM Directors General Group and the SOG.

In reality, the involvement of the Department in NRM is more patchy. In a number of these cases, the Department does not reliably exercise its membership. With Regional Groups, the Department's involvement varies from full membership of some Group councils (at Swan Catchment Council, the Department is represented by its Executive Director, Urban Policy) through to negligible ongoing associations. There are many reasons, reflecting historical and personality issues, as well as a host of technical and organizational matters.

The Western Australian Planning Commission (WAPC), the statutory land-use planning authority within the Planning & Infrastructure portfolio, is likewise involved unevenly with NRM matters.

Yet both DPI and WAPC have mature and established planning systems and processes, significant statutory powers and an unquestionable impact on the condition of the State's natural resources. Many land-use planning strategies with significant NRM implications. In the last five years, these have included:

- Warren-Blackwood Regional Planning Strategy (2000)
- Bush Forever (2001)
- Gnamagara Land use and water Management Strategy (2001)
- Avon Arc Sub-regional Strategy (2001)
- Busselton Wetlands Conservation Strategy (2003)
- Warren-Blackwood Rural Strategy (2004)
- Ningaloo Coast Regional Strategy (2004)

A Perth Coastal Planning Strategy is currently being prepared.

In June 2003 the Western Australian Planning Commission published its Statement of Planning Policy No.2, "Environment and Natural Resources Policy". This document enunciates guidelines for land-use strategies and schemes as they affect water resources, air quality, soil and land quality, biodiversity, agricultural land and

rangelands, minerals production, marine resources and aquaculture, landscape and greenhouse gas emissions. On issues of implementation, the Policy states that—

“Measures for implementing the policy are many and varied. Primarily, implementation will be through the preparation of strategic plans, regional and local statutory schemes, conservation and management strategies, and other relevant plans to achieve the objectives of the policy. Implementation will also occur through the day to day process of decision-making on subdivision and development applications, and the actions of other State agencies in carrying out their responsibilities.”²¹

The Policy acknowledges the role accorded to Regional NRM Groups. It states that the Western Australian Planning Commission is “committed to assisting these groups to achieve government policy objectives.”²² The Policy was promulgated at the same time as the Minister for Planning & Infrastructure was a signatory to the Memorandum of Understanding between the State Government and the Regional Groups (June 2003).

In addition to the Environment and Natural Resources Policy, significant Statements of Planning Policy include:

- Basic Raw Materials (SPP No.2.4, 2000)
- Agriculture and Rural Land Use Planning (SPP No.2.5, 2002)
- State Coastal Planning Policy (SPP No 2.5, 2002)
- Leeuwin-Naturaliste Ridge Policy (SPP No. 6.1, 2003)
- Ningaloo Coast (SPP No.6.3, 2004)
- Draft Bushland Policy for the Perth Metropolitan Region (SPP, No.2.8, 2004)

There can be no question that the Planning & Infrastructure portfolio has both statutory tools and regional planning and delivery machinery (both real and potential) to assist and support the NRM agenda. Good land-use planning is an important part of good NRM.

Recommendation/ Finding 7	In support of the clarified NRM objectives and plans, the Department of Planning & Infrastructure and the Western Australian Planning Commission should be active participants within the established NRM Framework, as proposed in this Review.
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Responsibility for action: Endorsement by Cabinet decision, supported by the Minister for Planning & Infrastructure and DPI and WAPC. Immediate.

²¹ Western Australian Planning Commission (WAPC), Statement of Planning Policy No.2, *Environment and Natural Resources Policy*, Special Government Gazette, No.90, 10 June 2003, p. 2056.

²² Western Australian Planning Commission (WAPC), Statement of Planning Policy No.2, *Environment and Natural Resources Policy*, Special Government Gazette, No.90, 10 June 2003, p. 2049.

The Definition of Regions

The boundaries of what are termed “regions” in the State are surprisingly varied. The “regions” as defined for NRM Regional Groups have historical and catchment rationales. Other State agencies have other boundaries. The regional planning undertaken by DPI and WAPC is underpinned by an entirely different definition. Layered each upon the other, the problem is visible across Government generally. It means that as often as not any region in one field of responsibility overlaps with more than one region in another field.

The problem is not of any one field’s making. Western Australian Government “regions” have long been a mish-mash. Yet their different boundaries make a hard job harder in so many cases. One agency regional representative sitting on another board or committee is likely to find that (s)he talks partly within jurisdiction and partly outside it. A representative of any one region can find (s)he must attend upon the representatives of more than one counterpart region within the jurisdiction of another authority. The viewpoint for members of the public or agencies centralized in Perth can also be confused by these differing definitions.

Not for the first time, this Review makes a plea for a move towards more consistent definitions of Regions within the State. Maybe it will take time: but a beginning can be made.

Recommendation/ Finding 8

As NRM structures are developed in the future, they should to the highest practical degree reflect a convergence towards a consistent and agreed definition of what constitutes a “region” within the various portfolios and agencies.

Responsibility for action: Ongoing.

The Role of Local Government

The NHT and NAP bilateral agreements specifically recognise the need to assist Local Government to engage in the development and implementation of regional NRM strategies.²³ To date, Local Government’s involvement has been sporadic, “somewhat opportunistic rather than strategic.”²⁴ While structures and frameworks for NRM in the State may not have helped identify clear entry-points for Local Governments that wish to be more deeply involved in NRM, it is fair also to observe that Local Government itself includes a wide variety of opinions about the extent of desirable involvement in NRM, reflecting the diverse range of views amongst their ratepayers. Some Councillors and officers are suspicious of “cost-shifting,” that is, the transfer by other levels of government of responsibilities that then become a cost

²³ See NHT bilateral, cl. 2.39.

²⁴ Nathan Malin, “A Local Government Perspective to Implementing the Regional NRM Model,” October 2005.

burden for Local Government. On the other hand, others have been actively pursuing new NRM involvements and initiatives.²⁵

Among them has been the work of the North East Wheatbelt Regional Organisation of Councils (NEWROC), comprising the seven Shires of Koorda, Mt Marshall, Mukinbudin, Nungarin, Trayning, Westonia and Wyalkatchem. The smallest of these Shires has a total operating budget of \$1.4 million and the biggest has a budget of \$4.2 million. Between them, they have some 125 employees. None are big enough to sustain the skills and resources that a strategic approach to NRM would entail. Collectively, however, they have been able to tackle the environmental and sustainability challenges more systematically. There appear to be great benefits in furthering this form of collaboration, of benefit to Regional Groups, Local Governments and the communities they serve. Between them, Local Government and Regional Groups represent the pillars for NRM delivery within communities. The more collaboratively they work amongst themselves and together, the more opportunity there is for NRM progress.

**Recommendation/
Finding 9**

Regional NRM Groups and Local Government should explore opportunities for more co-operative approaches to NRM at regional and local levels. Regional Groups and Local Government should identify synergies and opportunities that exist within their respective planning and delivery frameworks.

Responsibility for action: Regional Groups and Local Government. Ongoing

As is commonly asserted, nobody wants the Regional Groups to become a Fourth Tier of Government in NRM. They can and should make use of the resources and skills that are available to the three tiers of Government. Nowhere is this more obvious than at the local level, where the Regional Groups and Local Government are the hands-on, community-based agents for progress. For this reason, it is important that they find ways to better support and work with each other.

A barrier to progress in Local Government is likely to be shortage of capacity.

“There is a general need for capacity building (training) of Local Government Councillors and staff as to their role and responsibility in relation to NRM. From a review of the Draft Regional Strategies there is also a need for capacity building of Regional Group staff and NRMO’s in relation to the role and responsibility of Local Government generally (opportunities and constraints) and their realised and potential role and responsibility in relation to NRM.”²⁶

The Local Government Association of Queensland instigated a three-year \$1.4 million Local Government NRM Capacity Building Project.

²⁵ Some of these are described in Western Australian Local Government Association, *Natural Resource Management: Environmental Case Studies* (West Perth: WALGA, n.d.).

²⁶ Nathan Malin, “A Local Government Perspective to Implementing the Regional NRM Model,” October 2005.

**Recommendation/
Finding 10**

In consultation with Regional Groups and WALGA the draft State NRM Plan should address means by which the capacity of project officers and their managers is raised to enable the strategic delivery of the NRM Plan.

Responsibility for action: CONRACE, under Ministerial NRM Committee supervision. September 2006.

Drainage

The business of removing excess or unwanted water from the landscape, offers a neat case-study of some of the issues.

Drainage is a key concern, throughout the South-West particularly. In urban areas drainage is necessary to manage stormwater. In the wheatbelt, where clearing has led to groundwater rise, there are complex and imperative interrelationships to manage: four million hectares are said to be at risk from rising ground-waters.²⁷

There seems to have been no shortage of good work on drainage technical and governance issues in Western Australia, both urban and country.

Despite various reviews and increasing frustrations, there is no current process for systematizing and regulating drainage efforts in the State. Landholders often attempt to do the best they can with their own land-holding, but the process is akin to a state attempting to devise an efficient road network when each authority builds each road just as far as its boundary. The issues are complex, involving public and private land, perhaps intensified by the various unco-ordinated solutions that have been implemented to date. The resolution of drainage issues involves delicate judgements between contradictory expectations and stakeholder interests.

As has been put to this Review,

“Landowner frustration and disillusionment is resulting in an ad-hoc approach to on-ground drainage solutions. It is inevitable that if we don’t act soon this situation will escalate as community members lose confidence in the ability of Catchment groups to deliver outcomes.”²⁸

The PGA has suggested to this Review that primary producers are “actively disengaging from the Regional Groups as the last of the goodwill dries up.”²⁹

However drainage has immense implications for urban areas as well, not just because a number of the State’s main settlements are located at the end of various catchments. In the Perth-Peel region, 370,000 new homes will be built by 2031.

²⁷ Agriculture Western Australia, <http://www.abc.net.au/learn/silentflood/stats.htm>.

²⁸ Max Hudson, Yarra Yarra Group, WA Wheatbelt Drainage Alliance.

²⁹ Belinda Thomson, Policy Director, Pastoralists and Graziers Association, letter to the Review, n.d.

There appears to be broad agreement on this risk. Some argue that the decline is already under way.

There have been various drainage advisory groups over the years. What is lacking is a willingness to make hard decisions without instituting further reviews, obtaining still more information, checking and double checking. The Government must show it is serious about drainage by way of declaring its decision-making processes, and instituting quality checks. There seems to be little transparency in this process, although the Department of Environment has been making good progress. The State does not have a mechanism that harnesses available knowledge and recognises that drainage decisions are being made on a daily basis without any consistent guidance or co-ordination.

**Recommendation/
Finding 11**

Agency responsibility for policy and regulation on drainage matters should be clarified, and a structure instituted to ensure that this accountability is resourced and carried out.

Responsibility for action: Cabinet decision. *asap*.

Although Cabinet has now confirmed that the new Department of Water (DoW) will have “lead” responsibility for drainage, there is a need for clarity of roles between the various agencies with existing roles in managing and regulating drainage. If responsibility is to be shared among more than one State agency, it will be necessary to support the mechanism with clear guidance as to how the responsibility is split, and how co-ordination between agencies is to be achieved. Importantly, whatever the institutional adjustments, the need is to turn plans to action.

11. The Role of Indigenous People in NRM

For 40,000 years, aborigines were custodians of Western Australia's NRM. Some 14 per cent of Western Australia's land area is held or managed by indigenous communities in the form of reserves, pastoral and other leases, and freehold. Other land is subject to native title determinations.

NRM needs to take account of the traditional knowledge and experience of indigenous people. Much has been done to recognise this. Regional Managers have responsibility for representing their community, including indigenous interests and each Regional NRM Group has access to Indigenous Land Management Facilitators (ILMF's) and Indigenous NRM Officers (INRMO's). The NRM Council includes an indigenous member.

Yet there is no systematic method to ensure that aboriginal views are taken into account in a way that adequately represents the range of experience and geographical and cultural differences. ATSIC's demise may have widened the representational gap for aborigines. It is not the purpose of the State's Department of Indigenous Affairs to play a representative role.

Recommendation/ Finding 12

The establishment of a State Indigenous Natural Resource Management Committee should be investigated. Such a Committee, if it were deemed appropriate, would need to be fully integrated within the structures of the overall NRM Framework.

Responsibility for action: CONRACE, under Ministerial NRM Committee supervision. August 2006.

If a State Indigenous Natural Resource Management Committee proves feasible, it would be appropriate to recognise its representative nature through membership of Regional Group councils as well as the NRM Council.

In addition to the NRM policy objectives, the move may assist Indigenous policy objectives too. Aboriginal people in a position to work with and in the land will be healthier and more resilient to the pressures that too often threaten to undermine current communities' efforts.

A State Indigenous NRM Committee will need to be creative and sensitive in its establishment and determining of representatives. The location and forms of meetings should be adjusted away from the non-indigenous style of committee in order that this Committee is truly reflective of indigenous culture and perspectives.

12. A Ministerial NRM Committee

In March 2005 the Cabinet Standing Committee (CSC) for NRM and Salinity and the CSC for Environment were deleted from the Government's list of CSCs. Regardless of whether Cabinet chooses to recognise the NRM responsibility of various members through a CSC, there must be a Ministerial NRM Committee (MC).

Membership of the Ministerial NRM Committee should comprise at least the following core NRM Ministers:

- Hon Minister for Agriculture and Forestry
- Hon Minister for Environment
- Hon Minister for Water Resources
- Hon Minister for Planning and Infrastructure

Membership would need to change in line with any future portfolio allocations.

By invitation, other Ministers may join the Ministerial NRM Committee.

The Ministerial NRM Committee would be chaired and convened by the Minister who has been allocated lead responsibility for NRM. Currently the Lead Minister is the Hon Minister for Agriculture and Forestry.

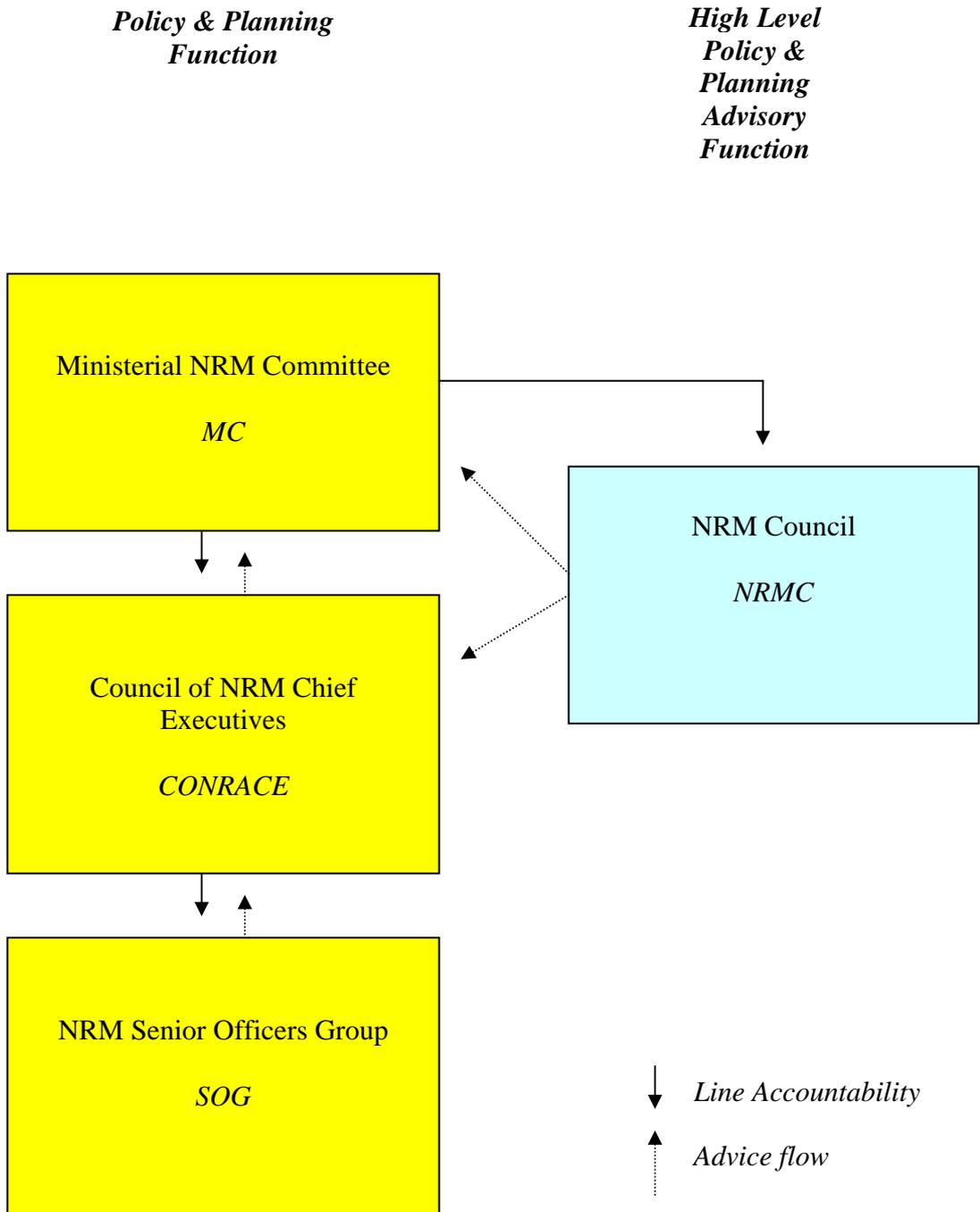
The function of the NRM Ministerial Committee should be to lead and coordinate NRM policy in the State. In the first instance, the Committee will need to focus on satisfactory establishment of an NRM Framework as recommended in this Review, and the commencement of the proposed State NRM Plan. Within the Committee, of course, it is imperative that each Minister on the Ministerial Committee should continue to carry Ministerial responsibility for their respective portfolio duties.

Recommendation/ Finding 13

A Ministerial NRM Committee to lead and co-ordinate NRM policy in the State should comprise the Minister for Agriculture & Forestry, the Minister for Environment, the Minister for Water Resources and the Minister for Planning & Infrastructure.

Responsibility for action: Endorsement by Cabinet decision. Immediate.

The Ministerial NRM Committee should sit at the head of the State's Policy and Planning Framework, as illustrated in *Figure 5*. The other key bodies within the NRM Policy and Planning Framework will now be addressed.



Proposed NRM Policy & Planning Framework

Figure 5: A Simple Framework for Western Australian NRM Policy & Planning

13. A New Chief Executives' Council (*CONRACE*)

Nothing in policy or practice identifies any State Government agency as responsible for the State's NRM. At this time, it might be argued, the Department of Agriculture is the NRM agency first-among-equals, although this would also be challenged in some quarters. To the extent that NRM includes a range of important urban issues, it might be argued, the Department of Agriculture's remit places it entirely outside certain key NRM challenges. Equally, to the extent that the Department's primary remit addresses agricultural production on private land, it does not address other land uses or public land. In reality, each relevant agency pursues some part of what might be considered an NRM agenda inasmuch as its responsibilities overlap with NRM agendas.

In general, as is the nature of such agencies, their more confident territory is probably the science—the biophysics—of NRM. Traditionally, government agencies are not so confident in the less clear-cut arena of social collaboration, inter-governmental and private mixes, community investment and the “social asset condition” of people, relationships, processes and shared responsibilities. In short, there are some cases where parts of the NRM agenda sit astride the responsibilities of more than one State Government agency and other cases where NRM risks falling unnoticed between stools. No overall co-ordination duty is performed by any State agency. It is unreasonable to expect a “super-department” with complete and unambiguous NRM accountability. Therefore the challenge is to develop mechanisms which can help provide policy and planning cohesion whilst involving a range of different government ministers and agencies.

In proposing a way forward, this Review reasserts the sovereign and solemn duty of the State Government and its responsible agencies to develop, promulgate, sustain, implement, and monitor a co-ordinated State NRM Policy/Strategy.

The Review also understands the obligation to recognise and support the State Sustainability Strategy. The State Sustainability Strategy identifies 71 actions in pursuit of the goal to “value and protect our environment and ensure the sustainable management and use of natural resources.”³⁰

It is proposed that there should be a re-constituted council of those State Chief Executives who carry significant and special responsibilities to aspects of NRM in the State. The new council's role is sufficiently different from the current informal arrangement between CEOs that it is best viewed as a new organism. For ease of identification let us call it *CONRACE*—the Council of Natural Resources Agency Chief Executives.

³⁰ See Department of the Premier & Cabinet, Western Australia, *Hope for the Future: the Western Australian State Sustainability Strategy: Year One progress Report 2004* (Perth, 2004), pp.11-15.

Collectively, CONRACE should be charged by Cabinet with the obligation to

- support and advise the Ministerial NRM Council, and
- under, the guidance of the Ministerial Council—
 - promulgate and sustain an NRM Framework for the State
 - develop, implement, nourish and sustain a comprehensive and integrated NRM Plan for Western Australia.

In addition to their singular responsibilities to their respective Ministers, the CEO members of CONRACE hold joint responsibility for this work to the Ministerial Council.

Within CONRACE there will be a collective responsibility for the NRM State Plan, but equally each Director General will continue to carry direct responsibility for that part of the plan which belongs to that Director General's agency (as well, of course, for any Departmental responsibilities that lie outside the remit of the Plan). To facilitate this, some Departmental accountabilities may need to be more distinctly drawn. This will require special attention as the new Department of Water is drawn into the NRM realm.

This finding is not a subsidiary or discretionary role for CEOs. Rather, it should be seen as a crucial and fundamental aspect of the responsibility of the NRM CEOs. Their performance ought to be assessed against this role, just as their other singular duties as heads of their agencies are reviewed. For this reason, membership of CONRACE should not be delegated by a CEO. Only CEOs should be members.

To fulfil the role proposed for it CONRACE will need:

- To maintain a strategic overview of the condition of the State's natural resources and on the measures and methods necessary to achieve identified targets.
- To advise and support the Ministerial NRM Committee in developing and implementing NRM policy.
- To maintain the key planks of delivery of NRM and constantly review where the emphasis of investment may need to lie.
- To maintain the partnership between community and institutions.
- To ensure that the NRM Council is consistently and unambiguously informed of CONRACE's plans and activities.

A first fully consulted draft of a Western Australian NRM Plan should be available before November 2006. The State NRM Plan should be fully operational by the time of the Second WA NRM Conference, scheduled for October 2007. The State NRM

Plan should integrate with the State Water Plan, scheduled for completion at the same time.

On behalf of the Ministerial NRM Committee CONRACE should also keep an eye on operationalization and implementation of the relevant recommendations of this Review.

Membership of CONRACE should be the Directors General of the five core NRM agencies, namely:

- Department of Agriculture
- Department of Conservation & Land Management
- Department of Environment
- Department of Planning & Infrastructure, and
- the new Department of Water.

CONRACE should be chaired by a Chief Executive who carries direct line accountability to whichever Minister is identified from time to time by the State Government as the Minister with Lead Responsibility in NRM. Currently the Lead Minister is the Minister for Agriculture and Forestry. It follows then that the inaugural Chair of CONRACE should be the Director General of the Department of Agriculture.

Other NRM-related State agency CEO's may join CONRACE by invitation of the Ministerial NRM Committee.

**Recommendation/
Finding 14**

A Council of Natural Resources Agency Chief Executives ("CONRACE") should be formed. This Council would assume collective responsibility for developing and serving the State's NRM framework and planning needs, as set out in this Review, under the direction of the Ministerial NRM Committee.

Responsibility for action: Ministerial NRM Committee, following Cabinet endorsement. Immediate.

If CONRACE fails in this mission, the Government seems to have little alternative to a much more revolutionary model which locates authority more centrally in one agency.

Senior Officers' Group

Given the role of the new CONRACE, the senior officers within the participating State NRM agencies will have a reinvigorated role. They will be required to underpin and support their respective CEOs in pursuit of the responsibilities of CONRACE.

Current membership of the Senior Officers Group (SOG) includes:

- Department of Agriculture
- Department of Conservation & Land Management
- Department of Environment
- Department for Planning & Infrastructure
- Department of Fisheries
- Forest Products Commission, and
- Department of Premier & Cabinet.

Representatives of other departments have also attended. These have included:

- Department of Land Information
- Department of Indigenous Affairs
- Department of Local Government and Regional Development, and
- Main Roads.

Whilst the protocol of SOG currently foreshadows a change in Chairmanship of SOG about every two years, the NRM Framework proposed herein would suggest the SOG should be chaired as a matter of course by the Department that has lead responsibility in NRM. With the Department of Agriculture playing that role, the current Chair of SOG from the Department of Agriculture would continue to occupy the Chair.

With the necessary inclusion of the new Department of Water around the SOG table,, and with the redefined strategic support role for SOG, it may be desirable for its membership to be re-assessed by CONRACE to ensure that it does not become so large as to be unmanageable, or that it should accidentally create a decision-making bottleneck.

Joint Steering Committee and State Investment Committee

No changes are proposed to the Joint Steering Committee or to the State Investment Committee.

14 The Western Australian NRM Council

Assessment

Its terms of reference require this Review to advise on “an appropriate structure for the provision of high level NRM policy and strategic advice from the community to government.” Before proceeding, it must be observed that a community’s views ought ideally be expressed to Government through the widest range of formal and informal means. Of course, there is no single “appropriate structure” to play such a role. While it is proposed hereunder that a revamped NRM Council would play a key part in providing advice from the community to the State, the proposal is not intended to replace the other orthodox and wide avenues by which a community can and ought to communicate with its Government.

It is not proposed that the NRM Council’s purpose should change from its essentially *advisory* current role. With clarified responsibility on the State side, however, the Council will no doubt find it easier to play this advisory role than it has hitherto.

The special benefit of an NRM Council is the contribution it can make to dialogue between community and government on the big NRM questions.

The Cabinet-endorsed terms of reference for the NRM Council require it to “provide high level policy and strategic advice on natural resource management to the Chair of the Cabinet Standing Committee ... on ... the development of NRM policy and strategy.” The circularity of these words serves to emphasize one fact: there can be no doubt the Council is required to advise the Minister on NRM policy and strategy. Nonetheless the Council has submitted to this Review that the Council’s terms of reference should be “changed to focus on provision of policy and high level advice” to the Minister.³¹

There seems to be wide agreement with the view of one senior government officer who suggested that, after four years of existence, the NRM Council has “failed in its primary role of providing high level strategic and policy advice to government.” Regional Groups Chairs submit that the Council is seen as irrelevant or unknown by many.³²

Yet this Review resists harsh judgement. From the NRM Council’s perspective in the past, it may have been difficult for it to have played this role if—

³¹ Natural Resources Management Council, *Proposed NRM Framework for Western Australia*, 28 June 2005, p.8. Certainly some of the Council’s current terms of reference are more obscure. It is unclear, for example, how the Council might best advise the Minister on how legislation can best be used to support NRM.

³² *The Structure of Natural Resource Management in Western Australia: A Proposal from the Regional Natural Resource Management Group*, August 2005.

- There appeared to be no determination in either government or its agencies to pursue an overall NRM policy or strategy; or
- The NRM Council was not equipped with the skills or back-up necessary to consistently and rigorously participate in a high-level dialogue on NRM policy and strategy; or
- The NRM Framework had become so soft that nobody was absolutely clear what anybody's role was, or what constituted useful advice.

Role of the NRM Council

Regardless of what may have been the case, the time has come for the Western Australian NRM Council to be revamped.

Within the NRM Framework proposed by this Review, the new NRM Council should have the following duties:

- to provide advice on the preparation, content, and implementation of the WA State NRM Plan to the Council of Natural Resources Management Chief Executives (CONRACE) and the Ministerial Committee on NRM;
- to review and provide advice on the State NRM Plan, the efficient and effective delivery of programs in pursuit of the Plan, and specifically the NHT and NAP programs;
- to convene forums on a State-wide basis to discuss NRM issues, to promote sound NRM practices and to help support and progress the State NRM Plan
- to provide such other advice or assistance as the Ministerial NRM Committee may seek.

The Council should publish an Annual Report in line with the State NRM plan. .

In pursuing its duties the NRM Council will need to have a keen eye to promote integration, to filling of gaps, prioritisation and the identification of new opportunities and directions. It should see itself as a facilitative instrument, not a watchdog. It will have no NRM delivery function, and its members will need to steadfastly resist the temptation to be drawn into operational issues.

Because the work of the Council will not occur exclusively at its meetings, Council members should be equitably recompensed for time they spend on the Council's work outside of meetings.

Membership of the NRM Council

Given its proposed task, there are a number of key considerations for membership of the NRM Council.

The Council's particular purpose, this Review suggests, is not to provide a team of NRM "experts" who attempt to second-guess the expertise directly available to the Ministers, Departments and Groups that carry out NRM work. A "Committee of Experts" is a notoriously inefficient way to acquire timely and relevant advice on technical issues. Technical experts are not always best equipped to provide high-level strategic and policy advice. This, it should be hastily added, does not mean to imply that the Council's members should be anything other than interested in, and knowledgeable of, the conservation and sustainable use of natural resources. Technical expertise brings laudable insights. But nor need it be a question of the "greatest expert wins."

In Australia, each jurisdiction has had to grapple with considerations such as these in its own way. Those that have chosen to legislate, of course, have locked their State into arrangements that are permanent, at least until the legislation is amended or rescinded. The *South Australian Natural Resources Management Act 2004*, for example, creates an NRM Council in that State which comprises just nine members, one of whom is appointed by the Minister from each of the panels of names submitted by the Local Government Association, the Conservation Council, the Farmers Federation and aboriginal bodies. Collectively, the nine Council members are required ("as far as is reasonably practical in the circumstances") to provide "knowledge, skills and practical experience" in twelve nominated areas, including natural and social science, pest animal and plant control, and business administration, as well as providing geographic representation from across the State. There are also gender balance considerations in the statute.³³

Each State has its own set of conditions and needs. There is no one size that fits all.

In the opinion of this Review, the Ministers and the Directors General in Western Australia will benefit from the advice of an NRM Council that is robust and strategically-minded, knows what it is talking about, is committed to the State's NRM aims, and is exceptionally well plugged into the community and key NRM stakeholder groups. It is not necessary that its views be held unanimously among its members.

For Western Australia it is proposed that the NRM Council should comprise fifteen members,³⁴ the same number as currently.

These would comprise:

³³ See the Act, s.13.

³⁴ The Review is mindful that any committee's deliberations and immediacy starts to diminish once its membership exceeds 8-12. Nevertheless the range of desired representation and the precedent of the current Council have tipped the scale as high as fifteen.

- an independent Chair,
- the six Regional NRM Chairs,
- four “ordinary members”,
- and a representative from each of the following
 - the Western Australian Local Government Association (WALGA)
 - landholders with pastoral and grazing interests (as represented through the WA Farmers Federation & Pastoralist & Graziers)
 - the Conservation Council, and
 - an Indigenous NRM Consultation Group³⁵.

Each Regional NRM Chair would hold membership of the Council *ex officio*, for so long as he or she occupies the position of Chair of their respective Regional Group.

All other appointments to membership of the NRM Council should be made by the Minister with lead responsibility on NRM matters, after consultation with, and on behalf of, the Ministerial Council on NRM. The four representative members would be appointed from a panel of three names submitted by their respective organisations.³⁶

To the highest degree possible, the Council should collectively possess expertise in the following:

- sustainable agriculture and land management
- nature conservation and biodiversity
- water management and aquatic ecosystems
- coastal and marine management
- economics and financial management.

The NRM Council should be chaired by a person independent of current NRM structures who has high level strategic and policy skills, a record of high level leadership and an understanding of NRM.³⁷

Regional Chairs advise this Review that they currently work 20 to 45 hours per week in their roles. Their obligations as members of the revamped NRM Council are likely to increase demands on their time further. Whilst Chairs can claim sitting fees and up to \$20,000 for their Regional activities, it is important that they be equitably treated. The cost of Chairs’ participation in the Regional NRM Chairs’ Coordinating Group is currently met by their respective Regions. The Chair of the Chairs Co-ordinating Group carries his responsibility with the support of his Region, and, like others, a fair effort *pro bono*. Few people expect to get rich doing NRM work. At the Regional level, it is built firmly on a base of voluntarism.

³⁵ See Section 11 above.

³⁶ The WAFF and PGA would be required to submit a joint panel of names. If they fail to be able to do so, the Minister can at his discretion, appoint a suitable member to represent pastoral and agricultural landholders’ interests.

³⁷ The Current Chair of the NRM Council, Mr Rex Edmondson, has advised that he will not be seeking a further term on the Council. He has agreed to stay on in the position pending changes that may follow from this Review.

The ordinary members of the NRM Council should be appointed not as representatives of any particular group or interest. Each should have strategic and policy skills.

It will be necessary to “spill” current NRM Council membership. In the first instance, the ordinary members of the revamped NRM Council could be appointed on a range of one-, two- and three-year terms in order to ensure a healthy rollover of members. Thereafter, terms ought customarily be for three years.

Recommendation/ Finding 15	The Western Australian NRM Council should be revamped in accordance with the Framework proposed in this Review.
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Responsibility for action: Ministerial NRM Committee. June 2006.

Some argue that State NRM departments should hold membership of the NRM Council. The view is held by the Council itself, which suggests that it is essential to retain agencies on Council as full and equal members.³⁸ With the clarification of the role of Directors General on the new CONRACE, however, this Review considers it would be a fundamental conflict if Directors General or other State agency officers were members of a Council whose central function would be to advise the same Directors General and their Ministers. There is no reason why State agencies should not be invited to attend meetings of the NRM Council; but they should not be members of the Council.

³⁸ Rex Edmondson, Chair, NRM Council, letter to Hon. Kim Chance, 23 May 2005.

15. The Office of NRM

The Western Australian Office of NRM comprises a dozen approved positions, four of which are currently vacant and are in the process of being filled. The Office comprises three small sections: Monitoring and Evaluation (M&E), NRM Programs, and Policy. It is hosted and administered by the Department of Agriculture.

Its primary functions are to:

- Support CONRACE in its role to develop and coordinate ‘whole of government’ NRM policy and planning
- Negotiate and interact with the Commonwealth on matters related to NHT and NAP delivery
- Identify WA’s commitments to match Commonwealth requirements
- Provide strategic advice for regional project and investment plan development
- To assist in evaluating the success of the regional plans
- Manage the process to coordinate the State’s position on accreditation of regional plans
- Administer funds allocated to State-wide NHT and NAP projects
- Communicate with stakeholders and the broader community on NRM matters, and
- Service Ministerial Committee and NRM Council.³⁹
- Provide administrative support as needed in order to manage the HR issues and financial reporting requirements placed on the regional groups.

There is scope also for the NRM office to provide legal advice to the Regional Groups in terms of managing contracts etc

A reconstituted Office of NRM

To assist it in its duties, CONRACE should be assisted by a re-constituted Office of NRM.

The current Office, while obliging on regional program matters, struggles to play a clear role in policy and in M&E.

In the policy area, of course, the Office of NRM has not been assisted by continuing lack of clarity on the State’s NRM Policy and Planning Framework. Arguable, nonetheless, the Office of NRM has been well placed to help overcome the problem, rather than to be its victim.

³⁹ Slightly amended, these duties reflect those of a Cabinet decision in September 2003.

On M&E, Western Australia is no orphan. It appears that all States are lagging in M&E structures. There are those who argue that uncertainty about long-term arrangements for Regional delivery makes M&E virtually meaningless.⁴⁰

⁴⁰ The NHT Bilateral Agreement states:

- 12.1 The Parties agree that the National NRM Monitoring and Evaluation Framework and the National Framework for NRM Standards and Targets, agreed at the May 2002 NRM Ministerial Council meeting, will be the basis for development of monitoring and evaluation frameworks at both State and regional scales.
- 12.2 The Parties will develop by 30 June 2003 monitoring, evaluation and reporting frameworks including appropriate performance indicators, for monitoring and evaluating investments made under the Agreement and including mechanisms to report annually to the Ministerial Council and the NHT Board.
- 12.3 The monitoring and evaluation framework will incorporate reporting on:
- (a) inputs, outputs and progress towards intermediate and ultimate outcomes;
 - (b) progress in the implementation of regional plans;
 - (c) progress towards meeting regional resource condition and management targets;
 - (d) progress in implementation of other NHT extension elements including capacity building, and communications;
 - (e) compliance with the commitments under section 3 of this agreement; and
 - (f) progress in implementing regional investments.
- 12.4 The framework will include, but not be limited to, the following components:
- (a) the development of baselines and indicators at regional, state and national scales consistent with the requirements of both parties and, as appropriate, in the context of other natural resource management policy initiatives at State and Commonwealth level;
 - (b) performance against indicators at the state, regional and national scales agreed as part of the National Natural Resource Management Monitoring and Evaluation Framework and the National Framework for NRM Standards and Targets and other indicators if required;
 - (c) independent auditing of progress against baselines, indicators and regional targets;
 - (d) a schedule of nationally coordinated evaluations over, and at the end of, the life of the Trust Extension, as agreed through the forums of the NRM Ministerial Council, addressing the effectiveness of planning and delivery arrangements and progress made against the long-term objectives of the Trust Extension;
 - (e) other evaluations to be conducted as jointly agreed between the Parties; and
 - (f) effective communications of results and a commitment to the use of monitoring and evaluation for both adaptive management and accountability.
- 12.5 The parties agree that Partnership Agreements will require the regional NRM groups to undertake monitoring and evaluation activities consistent with the State monitoring and evaluation framework. Regional reporting will be the basis of the parties' reports to the NRM Ministerial Council required under the National Natural Resource Management Monitoring and Evaluation Framework and the National Framework for NRM Standards and Targets.
- 12.6 Under the Partnership Agreement Regional NRM Groups will be required to report on:
- (a) progress and achievement of agreed milestones under the contract between the State and the agreed service provider;
 - (b) performance against management action targets identified in the regional monitoring and evaluation framework; and
 - (c) progress towards resource condition targets.
- 12.7 Reporting will be in accordance with the reporting arrangements outlined under section 8 of this Agreement.
- 12.8 The Parties acknowledge that progress made towards achieving targets will be partly influenced by the success of investment by community groups. In addition, progress may also be influenced by factors that do not form part of regional plans, such as new information or an enhanced understanding of natural resource management processes which require the revision of targets. Some components of landscape change will take more than five years to detect.
- 12.9 The Parties also agree on the importance of monitoring and evaluating the implementation of Capacity Building and other statewide activities funded under this Agreement.

This Review does not suggest that the re-constituted office needs be any larger than the existing one. It does however need a re-organization to better meet the demands that will be placed on it.

Contrary to what is suggested in some quarters, the Office of NRM must not be *independent*, at least not independent of the State Government. It should be responsible directly to CONRACE, through its Chief Executive.

The Office of NRM should be hosted by one of the State agencies that are represented at CONRACE. If the Department of Agriculture were willing, it would seem ideal that Agriculture should continue to host the Office, as now. As now, it is imperative that the Office of the NRM not become the creature of its host agency.

Recommendation/ Finding 16	The Office of NRM should be reconstituted in order better to fit and serve its functions as identified in this Report. While not requiring more resources than are represented in its current FTE complement, the Office will require a balance of technical and strategic skills.
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Responsibility for action: CONRACE, June 2006

12.10 The State and the Commonwealth will contribute equally to the resources required to implement the monitoring, evaluation and reporting systems arising from this Agreement.

16. Regional Groups

State Responsibility for Regional Groups

The most commonly raised issues concerning the Regional Groups have been:

- Control
- Traction and clarity
- Protection of the State's constitutional position.

Each will be addressed here in turn.

Control

The NHT2 and the NAP Bilateral Agreements each require that:

“...the State will ensure that each Regional NRM Group designated for the purposes of this Agreement:

- (a) is a single legal entity such as an incorporated body;
- (b) balances the representation of stakeholders with conservation and sustainable production interests, and comprises a majority of community members, with an appropriate gender balance, and which seeks effective participation by other relevant stakeholders;
- (c) includes representation of land managers/agencies with statutory NRM planning and management responsibilities;
- (d) includes adequate representation of local government and regional development interests;
- (e) engages Indigenous people in the region and ensures adequate representation of their interests;
- (f) has skills and experience covering environmental protection, including biodiversity conservation, sustainable agriculture, natural resources management, threatened species and coastal management where relevant;
- (g) maintains and provides proper audited financial accounts and detailed records for funds received and expended in order to provide reports in accordance with this Agreement;
- (h) has transparent and equitable decision-making and ensures adequate public access to information including on priority setting and expenditure; and
- (i) has the necessary skills and capacity to facilitate the development of, and manage the implementation of, a Regional NRM Strategy that meets the accreditation criteria and guidelines ... or the ability to co-opt this ability and capacity.”⁴¹

⁴¹ Section 4.2, *Bilateral Agreement Between the Commonwealth of Australia and the State of Western Australia to Deliver the Natural Heritage Trust Extension (NHT2)*, 17 December 2002; Section 11.1, *Bilateral Agreement Between the Commonwealth of Australia and the State of Western Australia for*

These provisions place unequivocal responsibilities on the State for key characteristics of each Regional Group. A shortfall in any of these areas is an issue that the State must ensure is corrected. The State not only has a right but an obligation to put in place whatever measures it sees fit to ensure that Regional Groups comply. In Western Australia, under the terms of a Financial Agreement, the State's Department of Agriculture has responsibility for administering the Commonwealth funds made available under NHT2 and NAP.

Moreover, regardless of the role imposed on the State by agreements with the Commonwealth, there remains the State's obligation to safeguard its own NRM investment. The State matches Commonwealth NHT dollars in kind while matching Commonwealth NAP dollars with State dollars. This Review understands that, when approving the substantial additional funding for the NAP in the 2004/05 budget, the State Cabinet's Economic Review Committee (ERC) required controls be put in place to ensure Government received value for money from its significant investment. The ERC requested four-monthly reports to ensure they are fully informed on progress throughout the life of the NAP.

In essence, then, the question is not *whether* the State has a role to ensure that Regional Groups are equipped with appropriate skills and processes, but *how* the State should play that role.

The answer to this question requires a balance between a number of considerations.

It is clear that the State should not impose unnecessarily interventionist or bureaucratic requirements on the Regional Groups. The Groups must not become petty bureaucracies, consumed by paperwork and mindlessly complex systems, hogtied by ever-increasing demands from Perth for more information and more new processes and systems. In the extreme, the prospect of good local NRM outcomes could be jeopardised by Regional Group skills and resources being continuously diverted into paper warfare.

Equally, the Regional Groups cannot be permitted to become so tightly controlled by the State that they lose their community identity. The Regional Delivery Model for NRM requires a certain suspension of disbelief. If it is truly not considered possible for local communities to get on with the business of delivering NRM outcomes, then why continue the pretence that they are? It would be a contradiction in terms if Regional Groups carried the outward appearance of being run by their communities yet, underneath, had every significant decision and direction made by the State. The Regional Chairs Group has told this Review that it is "very aware of community mistrust of top down, bureaucratic decision making, and the perception of wasted time and money in top heavy structures."

Much of the power of the Regional Delivery model for NRM comes from the horses-for-courses philosophy on which it is built. The best course of action is likely to differ from situation to situation and community to community. People with hands-on

the Implementation of the Intergovernmental Agreement on a National Action Plan for Salinity and Water Quality, 11 September 2003.

knowledge, on the scene, need to make decisions and take actions on the ground. If that were not the case, then NRM could well be better to be driven centrally. In turn, this means that the identity of the right people and the nature of the right decisions will vary from region to region. It is also apparent that the Regional systems and arrangements are evolutionary. The Bilateral Agreements specifically acknowledge the fact.

In essence, the Regional Groups are manifested by their contractual relationship with Government. Within this relationship lie all the usual accountabilities and responsibilities of a contract, with duties on both sides.

In the opinion of this Review, this contractual arrangement is sufficient to enable the State and the Regional Groups to fulfil their obligations.

**Recommendation/
Finding 17**

NRM Regional Groups will not benefit at this time from a wholesale restructure or re-arrangement. They are working to evolve and mature within the existing guidelines and the State will do well to encourage and facilitate that work.

A statutory arrangement has superficial appeal, of course, in part because it seems likely to place all accountability with the Regional Groups themselves. With the help of a statute, there may be no doubt as to where blame lies when things go wrong. From the point of view of State officers who face the requirements of the current NHT2 and NAP Bilaterals to ensure that Regional Groups do the right thing, it can be appealing to imagine those requirements being imposed by law on the Regional Groups. To greater or lesser extent, this already applies in some other States.

Efficiency & Effectiveness of NRM Groups

In November 2004, the Auditor General published a performance examination of the management of NRM funding by the Regional Groups.⁴² The Auditor General found that the Groups' management of the funds preceding accreditation were adequate. His report highlighted the need (which, he noted, was also recognised by the Department of Agriculture and the Regional Groups) to further strengthen governance arrangements in advance of the significantly larger funds that they were shortly to become responsible for. In turn, the Auditor General found, the Department would need to develop a process to obtain "reasonable assurance" of the reliability of financial and output reports made by the Groups.

⁴² Auditor General (WA), "Report on Ministerial Portfolios at November 1, 2004, and Performance Examination of Management of Natural Resource Management Funding", *Report 9*, Perth, November 2004.

The basic tools to promote efficiency and effectiveness lie within the accreditation, approval and monitoring powers imposed within the Bilaterals. These are supported by:

- A *Funding Agreement* so that the Department of Agriculture requires a legal undertaking from each Group as a pre-condition for the NHT and NAP funding to be provided (whether it be State funds or Commonwealth funds which the Department is responsible for managing).
- In addition, some regions have negotiated a *Memorandum of Understanding (MoU)* such that the Department of Agriculture provides business services to a Regional Group in corporate areas such as procurement, finance, records, information and communications technology support, human resources functions and payroll.

The *Funding Agreement* is a pro forma contractual relationship that requires each funded Regional Group, among other things, to —

- comply with detailed quarterly financial reporting requirements;
- establish rigorous risk management techniques;
- abide by FAAA principles;
- equal or exceed WA Public Sector Standards in human resources management;
- institute high standards of behaviour and ethics;
- establish procurement and contract standards.

On the face of it, transfer of accountability to the Groups seems complete. The Funding Agreement imposes upon the “Regional Group and its officers, members, employees and agents” the duty to “ensure that the State can perform its obligations under the NAP and NHT Bilateral Agreements.”⁴³ The Agreement states: “The Regional Groups must do all things necessary to ensure the State is able to comply with the terms and conditions of the NAP and NHT Bilateral Agreements.” It gives the Department of Agriculture the power to cease funding a Group if, in the Department’s view, the Group has not complied.

Rather than introducing an entirely new control structure, the task from here is more to do with assisting the Regional Groups to respond efficiently and effectively to the significant controls that are already in place. Here lies a continuing role for the Office of NRM.

**Recommendation/
Finding 18**

The accreditation, approval and monitoring powers and responsibilities imposed within the terms of the Bilaterals—if consistently applied and administered—are sufficient to ensure that Regional Groups comply with their responsibilities.

⁴³ S.18(8).

Constitutional Protection

Its terms of reference require this Review to examine means to “protect the State’s constitutional responsibility for managing land, water and the environment.” There is no apparent constitutional threat to the State’s NRM responsibility.

Recommendation/ Finding 19

The Commonwealth Government, like Local Government, has a significant and continuing role to play in NRM. The best protection for what can be viewed as the State’s constitutional responsibility for managing land, water and the environment is for the State to promulgate and pursue clear and coordinated NRM frameworks and plans as proposed in this Review.

Legitimacy and Democracy in NRM Groups

Its terms of reference require the Review to assist to ensure that Regional Groups represent the full range of regional NRM stakeholders, are seen as legitimate by stakeholders and the broader community and incorporate democratic principles in the selection of representatives and in processes for community and stakeholder consultation

The growth and role of the Regional NRM Groups is bound to be troublesome at times. With their investment plans in place, they move now to a new set of challenges.

This Review has attempted no systematic assessment of the views within the Western Australian community. That would require additional detailed work not included in its terms of reference. But the Review can touch on some of the concerns that are being expressed. How widespread they are, has not been assessed. For the purposes here, that is not so important. What is under consideration is a set of perceptions which, accurate or not, can undermine the legitimacy of the Regional Delivery Model for NRM.

The Regional Groups now have significant funds available to them. Some critics see them as having grown rapidly from what one affectionately referred to as “tennis clubs,” that is, comfortable voluntary gatherings. One study is concerned by “the unworkability of running, what are effectively multi-million dollar organizations on a voluntary basis.”⁴⁴ The space they have grown into was not a vacuum: people who have worked hard and long to make certain things happen in NRM can be understandably envious of the Groups. Those not “inside” the Groups can feel left outside them. Some feel they are witnessing the growth of an “NRM bureaucracy.” Some feel that things move slowly, that paid paperwork is in danger of supplanting good-hearted voluntary work on the ground. Some see endless committee and sub-committee meetings—navel-gazing when “everybody knows what needs to be done.” On the other hand, there is concern about the adequacy of consultation, and the possibility that decisions are therefore less than optimal. In other cases there are

⁴⁴ Sally Gomes-Trent, *Which Way Forward for Regional NRM Organizations?*, May 2005.

people who feel that they simply can't tell what is going on. They feel excluded from the action by not being told. Some geographical areas or sub-regions feel that they are disadvantaged within their Region. Some Regions feel that they are unfairly funded compared with others. Equity across stakeholder groups is a concern for some. There is concern about too much, or too little, involvement by one stakeholder or another. Some feel that the State agencies are muscling in on the Groups. There are those who are bamboozled by the failure of certain projects to attract funding, and even more flabbergasted that it might prove necessary to run courses to teach people how to make funding applications. Some believe governance in Regional Groups is not up to scratch, while others feel that nothing much more than governance is produced by some Groups. There are people who are not fellow-travellers of NRM, who know next to nothing about the Group in their Region, who is on it, what it is trying to do; and, in many cases, don't want to know. One expressed the view to this Review that "NRM is not engaging the top 30% of farmers." Agricultural consultants were not always NRM converts either, it was argued. There are those who once tried to work from within but who have become tired or disenchanted. One long-standing and respected community member of one Regional Group shared with me his frustrated letter to the group's chief executive: "There are many people in the community," he had written, "who are unaware of its [the Group's] existence or do not understand its role. It is perceived by many to be the employer of people who expend taxpayer funded monies with little result and is generally held in low regard in the agricultural industry."

Democratic principles are appealing, of course.

Like "equity," "democracy" has endless manifestations. The Avon Catchment Council's constitution, for example, provides nine "community members" on its council. In ACC's case, there is a Council, but no general membership. Up to three "community members" are elected in each of the three sub-regions by the local government authorities and Land Conservation District Committees (LCDC's) within those sub-regions. It is a matter of imperfect judgement whether this approach is more democratic than that which applies in, say, SCRIPT where each member of the wider group must "identify an interest" in NRM and management committee members must demonstrate a commitment to SCRIPT and its objectives, while Rangelands members must "have an active interest."

Another set of arguments run against democracy.

- Those who are concerned about the need for good and professional governance of the large amount of funds available to Regional Groups will place much higher emphasis on the skills and expertise of the Groups than on their democratic election. They have a point.⁴⁵
- One possibility is to run elections for Regional Groups that attempt to engage all members of the community in a voting process, perhaps as part of, or back-to-back with, Local Government elections. This approach, however, causes concern for those fearful that it would place complex and

⁴⁵ It was reported recently that an inquiry into failings at the discharged Joondalup Council made a case for appointed experts to replace elected councillors.

technical NRM issues in the hands of an uninterested or ill-informed majority, and that NRM public policy is as yet too immature to take such a risk.

- Equally there are those who argue that NRM’s impact falls most heavily on certain stakeholders—agricultural landholders, for example. These, it has been argued to this Review, are the “Platinum Stakeholders,” the people who need to have most say in what is done and how.
- And there will be those who insist that Regional Groups will quickly die if the people who are willing to get in and do the work for little or no monetary reward should be subjected to the democratic whim of a much greater number of people who don’t.

The search for *democratic* Regional Groups will be a chimera if it becomes a search for voting mechanisms and other constitutional arrangements that satisfy all people in the community.⁴⁶ As one Regional Group has pointed out to the Review: “not even institutions such as constituted governments have *every* stakeholder perceiving it as legitimate.”⁴⁷ Certainly, Regional Managers of the Department of Environment report that “most Regional Groups had frameworks that represent the full range of NRM stakeholders and that the broader community in general accepted these groups”.⁴⁸

It is perfectly appropriate to seek to maximize the trust, goodwill and support that is accorded each Regional Group by its community, and the extent to which it is seen to carry out its difficult task with wise and appropriate outcomes on the ground.

The task is to find ways to extend inclusiveness, to get people involved, for them to be fellow-travellers, committed and confident in pursuit of the strategies and investment plans of the Regional Groups.

It is not evident to this Review that there is one ideal membership model that should be superimposed on the Regional Groups. Different communities are likely to have different views; any new model now applied is likely to excite a sense a sense of disenfranchisement from interests or individuals who hitherto were represented. The transition costs could be high, and the end result is unlikely to be universally agreed.

Instead, the Review takes the view that it is important to recognise—indeed, insist on—Groups being custodians of their own legitimacy within their own community. It may be difficult for the State (and by invitation the Commonwealth) to make this a

⁴⁶ The search for democracy and legitimacy is not automatically met by any piece of law. Arguably it can even thwart it. In Tasmania one Regional Group executive told this Review that the Group is finding it hard to retain the representation on its Council that the Tasmanian statute requires. One key NRM-related State agency is not mentioned in the legislation because it has been created since the legislation was passed.

⁴⁷ South West Catchments Council, *Submission to the Review of Delivery and Management of NRM in WA*, 19 September 2005

⁴⁸ Fred Tromp, Director NRM and Salinity, DoE, *Memo*, “Regional Managers Feedback on the Delivery and Management of NRM in WA for the Hicks Review.,” September 2005.

condition of continued funding. But a Regional Group that loses the good faith of its community should expect to come under scrutiny.

**Recommendation/
Finding 20**

Regional NRM Groups are the custodians of their own legitimacy within their own communities. The Groups' constitutions, communications and behaviour must carry the assurance of the highest level of partnership and inclusiveness among those communities. This criterion reasonably lies among the measures of their performance.

Communications

A substantial benefit of the Regional Delivery Model is that it can replace "broadcast" communications like newsletters and media releases with person-to-person dialogue.

A long-standing and respected community member of one Regional Group shared with me his frustrated letter to the group's chief executive: "There are many people in the community," he had written, "who are unaware of its [the group's] existence or do not understand its role. It is perceived by many to be the employer of people who expend taxpayer funded monies with little result and is generally held in low regard in the agricultural industry." He explained to this Review:

- His concern that the large and unprecedented amount of money available to the community stood to be wasted if spent on re-inventing wheels or being hijacked by government agencies for their own particular agendas.
- His concern that the groups needed to grow in professionalism, to develop an ability to tap into the undoubted skills and experience available in government agencies whilst at the same time not becoming beholden to those same agencies.

It ought be said that these sorts of concerns appear to have different expression in different Regions. It is also important to say that Regions are not unaware of such accusations, and to the extent of their validity, things are being done to correct them. Finally, it is important to say that not all these issues are the Regions' responsibility.

**Recommendation/
Finding 21**

The perceived legitimacy of Regional Groups within their respective communities depends to large measure on their ability to maintain strong, two-way, face-to-face dialogue with their communities. Any hint of exclusivity, bias or secretiveness can undermine the work and reputation of the Groups, and they should continue to develop and apply rigorous communications plans.

Responsibility for action: Regional Groups. Ongoing.

In the final count, each Regional Group is the custodian of its legitimacy within its own Region.

To the extent that there are shortcomings in any of these areas, they should be corrected, not compensated for.

Government Agency Membership of Regional Groups

Senior regional officers of a range of State agencies sit as members of Regional Group councils. Their contribution and numbers are significant. They make up between one-quarter and one-third of the Group council’s members, as *Table 1* testifies.

	Swan	Avon	SWCC	SCRIPT	NACC	Range lands
Number on Council	17	20	16	19	17	10
Community members	11	14	12	13	11	6
Government members	6	6	4	6	5	4

Table 1: Composition of WA Regional Groups⁴⁹

For example, the Swan Catchment Council’s constitution appoints to its council a representative of the Water Corporation as well as State Government “representatives” from the Department of Environment, Department of Agriculture, CALM, Department of Planning & Infrastructure and the Swan River Trust.

Government representatives are welcomed as equal members around Regional Groups’ tables. The Groups are grateful for the officers’ contribution, their skills and their assistance in smoothing the connections back to agency head offices in Perth. They see the participation of the officers as manifestation of the ideal partnership approach for NRM. Their participation is also helpful for the Government agencies involved, assisting to keep each agency involved and up-to-date with what is happening at the regional level of delivery. For agency regional managers, their task would be harder if they were not included within the Regional Groups’ deliberations and activities. This Review would not wish to meddle with this admirable arrangement.

However, as an incorporated body, the council of each Regional Group is legally required to make decisions on behalf of the Group and its goals, not on any other grounds. There is a well-established body of law on this.⁵⁰ No doubt the potential

⁴⁹ Natural Resources Management Council, *Proposed NRM Framework for Western Australia*, 28 June 2005

⁵⁰ As Justice Street’s judgement in *Bennets v. Board of Commissioners of NewSouth Wales* (1967) 87 WN (part 1) New South Wales 207 famously put it: “a Board member must not allow himself to be compromised by looking to the interest of the group which appointed him rather than the interest for which the Board exists. He most certainly is not a mere channel of communication or listening post on behalf of the group which elected him. There is cast upon him the ordinary obligation of respecting the confidential nature of Board affairs where the interests of the Board itself so require. ... It is entirely foreign to the purpose for which this or any other Board exists to contemplate a member of the Board being representative of a particular group or particular body. Once a group has elected a member he assumes office as a member of the Board and becomes subject to the overriding and predominant duty to serve the interest of the Board in preference, on every occasion upon which any conflict might arise,

exists for conflict of interest for “State Government representatives” in their capacity on the one hand as government employees and on the other hand as office holders of the (non-Government) Regional Groups. This vulnerability must be removed. A statute could do this. But amendment of the Groups’ constitutions is simpler and easier than a change in the entire status of the Groups.

**Recommendation/
Finding 22**

Guided by appropriate legal advice, the Regional Groups’ constitutions should be amended in order to maximize the continued involvement of State agency representatives in the affairs of the Groups whilst removing them from deliberative, governing or decision-making roles within the Groups.

Responsibility for action: Regional Chairs’ Co-ordinating Group, in consultation with CONRACE, *asap*

The Future of the Regional Groups: Resources, Skills and Roles

Including in-kind State contributions, the Regional NRM Groups have access to some \$400 million over four years. In the case of the Swan and Rangelands Groups, the funding is based primarily on a single scheme, the NHT.⁵¹ In turn the Groups can scarcely plan beyond the expiry of those schemes, in 2008. Staff are generally on short-term contracts which reflect this horizon.

The availability, number, variety and skills of future Group council recruits is a concern. No community has an endless supply of people with expertise in NRM, with the leadership and communications skills, the strategic and big-picture vision, and the resilience to perform a demanding task without burn-out.

The Regional Delivery Model is built on the funding foundation provided by NHT and NAP.

The Strategic Reserve, comprising 20 per cent of the NAP and NHT funding was laid aside to help meet NRM objectives that cross Region boundaries or are helpful to address Statewide issues.

**Recommendation/
Finding 23**

The State NRM Plan should give special attention to the capacity-building needs of the Regional Groups, the nature of future roles that they might be asked to play, and future funding sources. This will need to dovetail with the work currently under way at the Commonwealth level, looking beyond the expiry of the current Bilaterals.

Responsibility for action: CONRACE, under Ministerial NRM Committee supervision, September 2006

to serving the basic interest of the group which appointed him. With this basic proposition there can be no room for compromise.”

⁵¹ The NAP scheme was based on an agricultural analysis which focussed on salinity and water quality.

17. A Final Consideration for Action

The trigger for action is this Report.

**Recommendation/
Finding 24**

The recommendations of this Review should be submitted to Cabinet for endorsement, and the Review should be published immediately thereafter.

Responsibility for action: Minister for Agriculture, in consultation with other NRM Ministers. Immediate.

Every action and decision made in NRM over the next three years will need to be in pursuit of a workable, State NRM strategy. A measure of the success of this Review will not only be in the delivery of a State NRM Plan, but such that the Plan provides for the necessary platform for functional and responsible NRM planning and action, both individually and collectively, at the Regional level as well as at the State level.

Appendix: State NRM Legislation

Topics/Acts	Governance						Relationships	
	Objectives	Framework	Board membership and accountabilities	HR	Managing Liabilities	Reporting requirements	Government	Private
NSW – Natural Resources Commission Act 2003	<p>To establish an independent body with investigative and reporting functions for the purposes of:</p> <ul style="list-style-type: none"> Establishing a sound scientific basis for the properly informed management of natural resources in social, economic and environmental interests of the state; Enabling the adoption of state-wide standards and targets for NRM issues; and Advising on the circumstances in which broadscale clearing is to be regarded as improving or maintaining environmental outcomes for the purposes of the <i>Native Vegetation Act 2003</i>. 	<p>Establishment of NRM Commission and is a body corporate</p> <p>The functions of the Commission are exercisable by the Commissioner.</p>		<p>Staff of the Commission are employed under <i>Public Sector Employment and Management Act 2002</i></p> <p>A full time Commissioner or Assistant Commissioner is entitled to be paid remuneration in accordance with the <i>Statutory and Other Officers Remuneration Act 1975</i>.</p>	<p>A matter of thing done or omitted to be done by the Commission, the Commissioner an Assistant Commissioner or a person acting under the direction of the Commission does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this or any other act, subject the Commissioner, an Assistant Commissioner or a person so acting personally to any action, liability, claim or demand.</p>	<p>The NRM Commission is to provide Government with independent advice on NRM.</p> <p>The NRM Commission is to recommend the approval of catchment action plans under the <i>Catchment Management Authorities Act 2003</i>.</p> <p>The Commission is to provide the Minister with reports on the exercise of all its functions under section 13.</p>		
NSW – Catchment Management Authorities Act 2003	<ul style="list-style-type: none"> Establish authorities for the purpose of devolving operational, investment and decision-making natural resource functions to catchment levels Provide for proper natural resource planning at a catchment level Ensure that decision about natural resources take into account appropriate catchment issues Require decisions taken at a catchment level take into account state-wide standards and to involve the Natural Resources Commission in catchment planning where appropriate Involve the communities in each catchment in decision-making and to make best use of catchment knowledge and expertise Ensure the proper management of natural resource in the social economic and environmental interests of the state Apply sound scientific knowledge to achieve a fully functioning and productive landscape Provide a framework for financial assistance and incentives to landholders in connection with NRM. 	<p>CMA's are body Corporates.</p> <p>A CMA is statutory and represents the Crown.</p>	<p>There is a CMA Board and the Authority of the CMA is controlled by the Board.</p> <p>There are no more than 7 and no less than 5 board members representing a range of interests.</p> <p>An Authority is subject to the control and direction of the Minister.</p> <p>There are stated to ensure that Board function with appropriate provision and</p>	<p>A general manager and staff are employed under the <i>Public Sector Employment and Management Act 2002</i></p>	<p>The Minister my, by order published in the gazette, appoint an administrator to exercise all the functions, or specified functions, of an authority if the Minister is satisfied that the authority has failed to comply with its obligations under this Act, that the property of the authority has not been properly applied or managed or that the board has ceased to function effectively in managing the affairs of the authority.</p>	<p>The function of the CMA is to:</p> <ul style="list-style-type: none"> Develop catchment plans and to give effect to any such approved plans though annual implementation programmes. Provide loans and grants, subsidies or other financial assistance for the purposes of the catchment activities it is authorised to fund; Enter contracts or do any work for the purposes of the catchment activities it is authorised to carry out Assist landholders to further the objectives of its catchment action plan Provide education and training courses and material in connection with NRM Exercise any other function relating to NRM as is prescribed by the regulations. <p>The annual report submitted to Government is prepared under the <i>Annual Reports (Statutory Bodies) Act 1984</i></p>	<p>Draft plans must had due regard to the provisions of any environmental planning instrument under the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Provisions of the draft catchment action plan are to be consistent with the State Water Management outcomes Plan and any management plan under the <i>water Management Act 2000</i>.</p> <p>An Authority my, for the purposes of the Act, acquire land (including an interest in land) by agreement or compulsory process in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. Acquisition may not occur without Ministerial approval.</p>	

Topics/Acts	Governance						Relationships	
	Objectives	Framework	Board membership and accountabilities	HR	Managing Liabilities	Reporting requirements	Government	Private
South Australia. Natural Resources Management Bill 2003	Principle objective is to assist in achieving ecologically sustainable development in the State by establishing a scheme for the integrated use and management of natural resources. (the Act has a number of objectives describing the above principle)	<p>NRM Council</p> <p>The Council may form Committees.</p> <p>Regional NRM Boards</p>	<p>9 members appointed by the Governor. (representation and gender equity described in detail).</p> <p>Membership is for 4 years.</p> <p>Removal of member from the Council is the responsibility of the Governor.</p> <p>Council is required to:</p> <ul style="list-style-type: none"> • Provide advice to the Minister on the administration and operation of the Act. • Monitor and evaluate the state of the resources. • Prepare and review the state NRM strategy; • Promote the objects of the Act. <p>A regional NRM Board must be established for each region. Up to 9 members may be appointed to the Board.</p> <p>The Board is required to:</p> <ul style="list-style-type: none"> • Prepare a regional NRM plan • Implement the plan; and • Review the plan • Promote public awareness; • Provide advice • Resolve cross boundary issues <p>Support other Ministerially related functions.</p>	The Council may delegate its powers and function to a body or person under this Act.	<p>The Board is vested as a Body Corporate.</p> <p>Regional Boards may delegate powers.</p>	<p>An Annual report must be submitted by November 30 each year.</p> <p>Annual report is due 31 October and include:</p> <ul style="list-style-type: none"> • An assessment of the extent to which the regional NRM Board has succeeded in implementing its regional NRM plan; • Include audited accounts and financial statements • A report on the activities of the NRM groups within the region; • Other information required under the regulations <p>If required, an administrator may be appointed should audits and reporting is deemed inappropriate.</p>	Boards have the power to acquire land pursuant to the <i>Land Acquisition Act 1969</i> .	

Topics/Acts	Governance Objectives	Relationships Framework	Board membership and accountabilities	HR	Managing Liabilities	Reporting requirements	Government	Private
South Australia. Natural Resources Management Bill 2003		<p>Regional Boards. Regional Boards are required to establish committees required by the regulations.</p> <p>NRM Groups. NRM groups must establish committee required by the regulations or relevant Board.</p>	<p>Required to maintain a regional NRM fund; Prepare a 3 year budget; and Prepare and annual financial statement.</p> <p>Area for NRM group is designated by the Minister.</p> <p>NRM group is a body corporate.</p> <p>Up to 7 members are appointed to the group. Representation is clearly defined.</p> <p>Function is compatible with NRM Regional Boards.</p>	<p>Staffing arrangements to be approved by Minister. The positions may be public service employees or may be appointed to the staff of the Board if not public servants.</p>	<p>NRM groups may delegate powers.</p>	<p>NRM groups must report on or before 30 September. Reports must have:</p> <ul style="list-style-type: none"> Audited accounts and financial statements; <p>Other information required by or under the regulations.</p>		

Planning Activity					Investment activity				
Act	Land	Water	Biodiversity	Built Assets	Land	Water	Biodiversity	Regional Catchment Strategy	Built Assets
Vic	Regional Catchment strategy Special Area Plan (under Division 2 of part 4)	Regional Catchment strategy Special Area Plan (under Division 2 of part 4)	Regional Catchment strategy	Regional Catchment Strategy Special Area Plan (under Division 2 of part 4)		Regional Catchment strategy Special Area Plan (under Division 2 of part 4)	Regional Catchment strategy	Regional Catchment Strategy	
NSW Catchment Management Authorities Act 2003	<p>Plans are to be approved under guidance from the NRM Commission by the Minister.</p> <p>A catchment plan may be amended or replaced by a subsequent catchment action plan</p> <p>Catchment management plans must be audited at least once every 5 years.</p> <p>An Authority is required to prepare and submit to the Minister each year an implementation programme setting out the catchment activities the authority proposes to carry out during each financial year of the authority.</p>	<p>Environmental Water Functions of an Authority are:</p> <ul style="list-style-type: none"> • The acquisition and management of adaptive environmental water under the <i>water Management Act 2000</i>. • The improvement of water quality • The carrying out of works to conserve Water and Rivers Commission any other environmental protection functions relating to water that are prescribed by the regulations. 			<p>An Authority is to establish a Fund to be called "Name of Authority Fund".</p> <p>An Authority has, in respect of its funds, the investment powers conferred on the authority by Part 3 of the <i>Public Authorities (financial Arrangements) Act 1987</i>.</p> <p>An Authority may levy a catchment contribution on any land within its area of operations declared to be a catchment contribution.</p>	<p>For the purposes of its environmental water functions, an authority may, with the approval of the Minister, establish an Environmental Water Trust Fund.</p>			

Planning Activity					Investment activity				
Act	Land	Water	Biodiversity	Built Assets	Land	Water	Biodiversity		Built Assets
Tasmania	<p>Draft regional strategies must be developed within 12 months of the commencement of the Act.</p> <p>The Draft Strategy must be accredited. This undertaken by the Minister upon advice from Council.</p> <p>A regional committee must review its regional strategy every 5 years or sooner.</p>	<p>Draft regional strategies must be developed within 12 months of the commencement of the Act.</p> <p>The Draft Strategy must be accredited. This undertaken by the Minister upon advice from Council.</p> <p>A regional committee must review its regional strategy every 5 years or sooner.</p>	<p>Draft regional strategies must be developed within 12 months of the commencement of the Act.</p> <p>The Draft Strategy must be accredited. This undertaken by the Minister upon advice from Council.</p> <p>A regional committee must review its regional strategy every 5 years or sooner.</p>						
South Australia	<p>State and regional plans to be developed.</p> <p>Each plan must be developed in consultation with the relevant NRM Group.</p> <p>An invitation to view the draft plans must be advertised.</p>	<p>Regional NRM Boards are required to prepare a water allocation plan for each of the prescribed water resources in its region.</p>							

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