

Catchment management bodies in four Australian states: structures, legislation, and relationships to Government agencies

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There have been rapid and frequent changes in the arrangements and structures surrounding catchment management bodies in Australia, including changes in the legislative powers of catchment management bodies, their responsibilities, their names, their reporting channels through government, and the names and structures of government agencies with which they must work. The rapidity of change can be gauged by the fact that a book chapter published in 2003 documenting catchment management institutional arrangements state by state (Ewing, 2003) was substantially out of date before the end of the year.

Most states and territories in Australia are currently reviewing or have recently reviewed statutory and administrative arrangements for natural resource management. This document is a snapshot of the arrangements and structures, as of early 2004, for the four states with the most severe problems with salinity: New South Wales, Victoria, Western Australia and South Australia. The details of arrangements vary considerably between states from institutional models with high levels of community empowerment to those where State Government agencies retain full responsibility for all legislative functions.

There is also inconsistency between states in the name given to the bodies. They are called Catchment Management Authorities in New South Wales and Victoria, Catchment Councils in Western Australia, and Natural Resource Management Boards in South Australia.

In each state, there is currently an overarching committee of some sort, although their roles vary widely.

New South Wales

The relevant State agencies in NSW include the Department of Infrastructure, Planning and Natural Resources (which now has responsibility for relationships between the state and CMBs), NSW Agriculture, and the Department of Environment and Conservation (bringing together NSW National Parks and Wildlife Service, the NSW Environment Protection Authority and other agencies).

In late 2003 the Minister for Infrastructure, Planning and Natural Resources announced reforms for the protection of natural resources. A key component of the reform is the establishment of 13 Catchment Management Authorities (CMAs) to replace 72 existing NRM committees. From January 2004 CMAs were formally constituted as statutory authorities with a responsible and accountable board. CMA boards report directly to the Minister for Infrastructure, Planning and Natural Resources.

Functions of the CMAs include the preparation of catchment action plans and associated investment strategies, recommending and managing incentive programs to implement catchment management plans, and allocating funds to support the development and implementation of Property Vegetation Plans.

New legislation has been introduced to parliament to support the CMB arrangements. The Catchment Management Authorities Act 2003, supports the formation of the 13 CMAs. The plans developed by the CMAs are intended to consolidate and build on existing vegetation plans and catchment blueprints. The CMAs will provide the Minister with an annual implementation program that lists activities that will be undertaken each year and how much they will cost. The Act provides that CMAs will be governed by a skills-based board and a general manager. They are expected to employ up to 15 staff.

The Natural Resources Commission Act establishes the commission (the NRC) as a statutory independent body. The NRC will help government to establish targets and standards for NRM and to monitor progress towards those targets. It is intended that the targets should be based on the best available scientific, economic and social information.

The Native Vegetation Act is intended to move towards a cessation of broadscale clearing. It provides for a new system to support landholders to develop property vegetation plans. In principle, the system gives farmers the opportunity to take the initiative to develop a plan for the whole property, to link plans at the property level to the catchment action plans and develop consent rules that end broadscale clearing.

In the simplest form, under the new structure, government remains the key source of policy and direction. NRC advises independently on standards and targets and progress towards targets. CMAs deliver programs and outcomes on the ground either in their own right or in partnership with other organisations including councils and landcare groups.

See Figure 1 for a representation of the relevant NRM structures in New South Wales.

Victoria

The relevant State agencies in Victoria are the Department of Sustainability and Environment (DSE), the Department of Primary Industries and the Environment Protection Authority. In essence, DSE pays for the implementation of the Regional Catchment Investment Plans (RCIP) which are the responsibility of the CMBs.

The Catchment and Land Protection Act 1994 sets up a framework for the integrated management and protection of catchments, encourages community participation in managing land and water resources, and establishes a system of controls on noxious weeds and pest animals. The Act establishes a Catchment Management Council to advise the Minister. The future of this Council is uncertain. An Environmental Sustainability Commissioner has recently been appointed, and will report directly to Parliament. It is thought that the Commissioner will influence the NRM agenda and thus investment in the Regional Catchment Strategies (RCSs).

Each catchment and land protection region has a Catchment Management Authority that reports to the Minister through a Board. CMBs have broad-ranging functions including preparing a regional catchment strategy and coordinating and monitoring its implementation, advising the Minister on regional priorities and resource allocations, and recommending

actions to prevent land degradation on Crown land. The Board is appointed through advertisement and approval by the Minister. Criteria for Board membership include that more than half the members must have primary production as their principal occupation, the composition of the Authority must reflect the major land and water uses in the region including urban, rural, private and public uses and members must have (between them) experience and knowledge of land protection, water resource management, primary industry, environmental conservation and local government. This said, it is possible that the expertise on particular Boards does not encompass some of the major natural resource issues in the region, particularly for those issues which there is less expertise around and issues which are not highly visible (e.g. soil acidification).

Under the Victorian Environmental Assessment Council Act 2001, an Environmental Assessment Council provides independent and strategic advice to the Government of Victoria on matters relating to the protection and ecologically sustainable management of the environment and natural resources. It may also appoint any committees that it considers necessary and must establish a community reference group for each investigation.

See Figure 2 for a representation of the relevant NRM structures in Victoria.

Western Australia

The relevant State agencies in Western Australia are the Department of Environment (which is the responsible agency for CMBs), the Department of Agriculture, the Department of Conservation and Land Management, the Environment Protection Authority (serviced by the Department of Environment), and less directly the Forest Products Commission and the Department of Local Government and Regional Development.

A Natural Resource Management Council has been established by Cabinet Minute, incorporating the roles of the previous State Salinity Council. The NRM Council provides the Government with high level strategic and integrated policy advice on the sustainable management of land, water and biodiversity resources across the State. It advises on the delivery of major NRM programs and is coordinating the development of a rigorous decision framework for use by Regional NRM Groups, the State Investment Committee, Government and others for investment in natural resource management.

There are six Regional NRM Groups or Catchment Councils, which develop regional NRM policies and strategies, and provide strategic investment advice. They are non-statutory bodies and have struggled at times for resources and recognition.

There is a complex and not-well-integrated set of acts affecting NRM, including but not limited to the following. The Conservation and Land Management Act 1984 provides for the use, protection and management of certain public lands and waters and the flora and fauna and establishes authorities to be responsible for that management. The Department of Conservation and Land Management has the lead responsibility for the functions of the Act. Under the Agriculture Protection Board Act 1950, the Agriculture Protection Board is established to minimise the effects of declared animals and plants on agriculture and related resources. The Soil and Land Conservation Act 1945 provides for conserving the soil and land resources and mitigating the effects of erosion, salinity and flooding. It establishes the office of Commissioner within the Department of Agriculture. The Act also establishes a Soil and Land Conservation Council, although this council seems to have been somewhat sidelined since the establishment of the NRMC. The Water and Rivers Commission Act 1995

establishes a commission responsible for water resources conservation, protection and flood management under various other Acts.

See Figure 3 for a representation of the relevant NRM structures in Western Australia.

South Australia

The relevant State agencies in South Australia are the Department of Water, Land and Biodiversity Conservation (which is the responsible agency for CMBs), Primary Industries and Resources South Australia, and the Department for Environment and Heritage.

A draft Natural Resources Management Act was tabled in State Parliament in December 2003 following more than 18 months of public consultation. The proposed legislation will overhaul natural resource management in South Australia with the aim of achieving integrated NRM by reforming current institutional arrangements and decision-making processes. The Act will bring together the existing Animal and Plant Control Act, the Soil Conservation and Landcare Act, and the Water Resources Act. Consideration will be given to the incorporation of other NRM related legislation at a later date as part of a broader NRM reform process

Under the proposed NRM Legislation, the Minister for Environment and Conservation will be responsible for the overall direction of NRM activities in SA with a range of powers and functions provided to a State NRM Council, eight Regional NRM Boards and local NRM groups. The structure will be similar to that proposed for WA, although the WA Catchment Councils have no legislative powers. In contrast to WA, considerable attention has been paid in SA to the legislative basis for their structures.

In SA, Regional Integrated Natural Resource Management (INRM) Groups have existed for several years on an interim basis for the purposes of planning and managing INRM issues at the regional level. These groups have the responsibility of preparing (with agency support) the Regional INRM plans and investment strategies required to implement the NAP and NHT2 programs. All funds available through the NAP and NHT2 will be delivered through these Groups. The Regional Groups have been focused on the preparation and accreditation of their INRM plans and strategies over the last 12 months and have struggled at times from information overload.

Under the proposed NRM Act the interim Regional INRM Groups will become re-constituted as statutory authorities (Boards), with up to nine members selected on a skills basis. In South Australia the NRM regions are not established via the Act. It just states that the Minister must divide the whole state into appropriate NRM regions. It is up to the Minister to set the boundaries, so they can be created, abolished or varied as the Minister sees fit.

The State Government established a central interim Natural Resource Management Council to consult with the existing catchment, regional and local bodies and local government authorities during the development and implementation of the natural resource management legislation. The proposed NRM Council will have the responsibility of preparing and maintaining a State NRM Plan, through consultation with regional NRM boards and other peak bodies. The Regional NRM Plans must be consistent with the State NRM Plan.

See Figure 4 for a representation of the relevant NRM structures in South Australia.

Acknowledgements

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References

Ewing, S. (2003). Catchment management arrangements, In: S. Dovers and S. Wild River (eds.), *Managing Australia's Environment*, Federation Press: Sydney, pp. 393-412.

Figure 1. Structure of CMB arrangements in New South Wales.

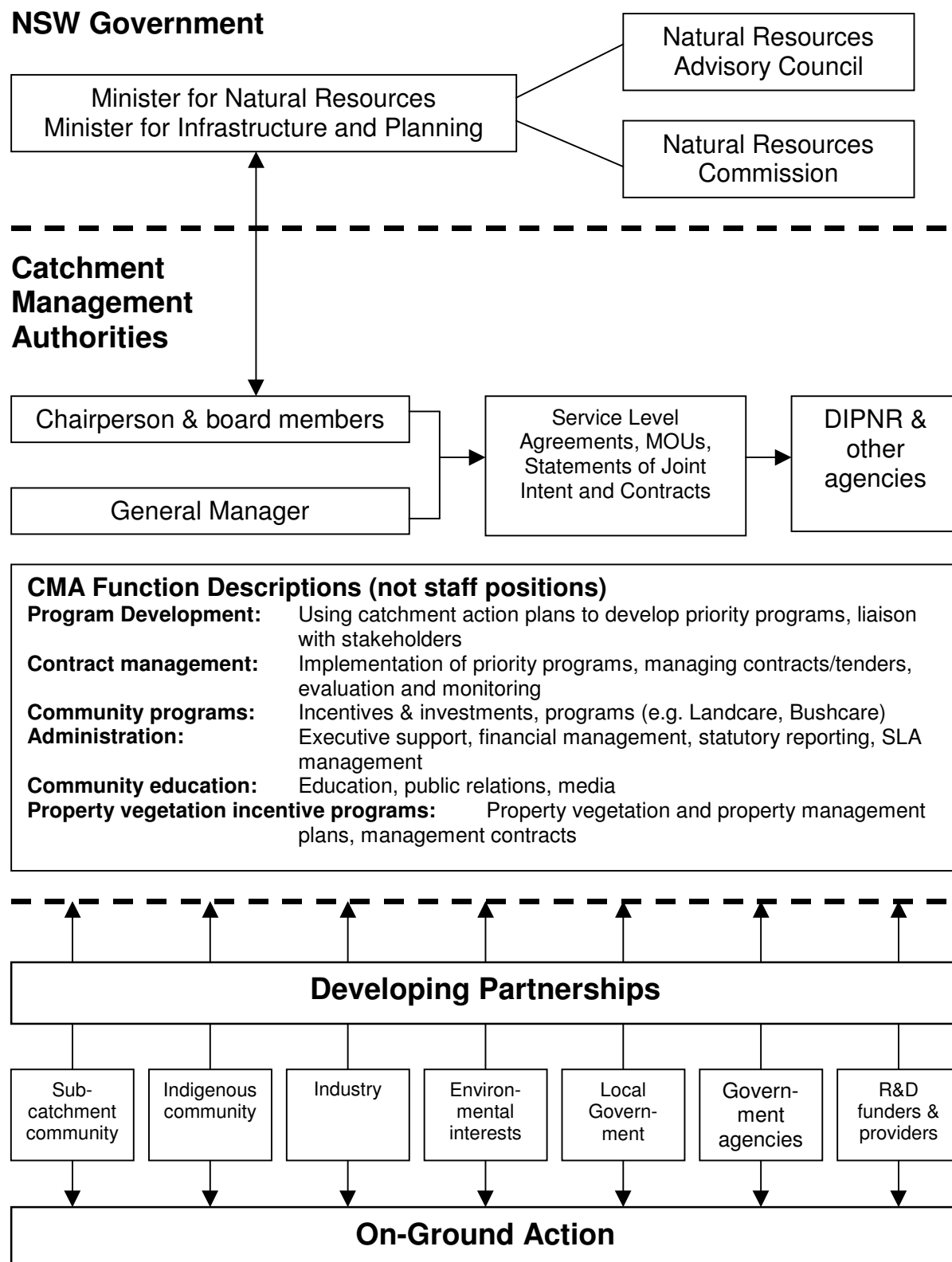


Figure 2. Structure of CMB arrangements in Victoria.

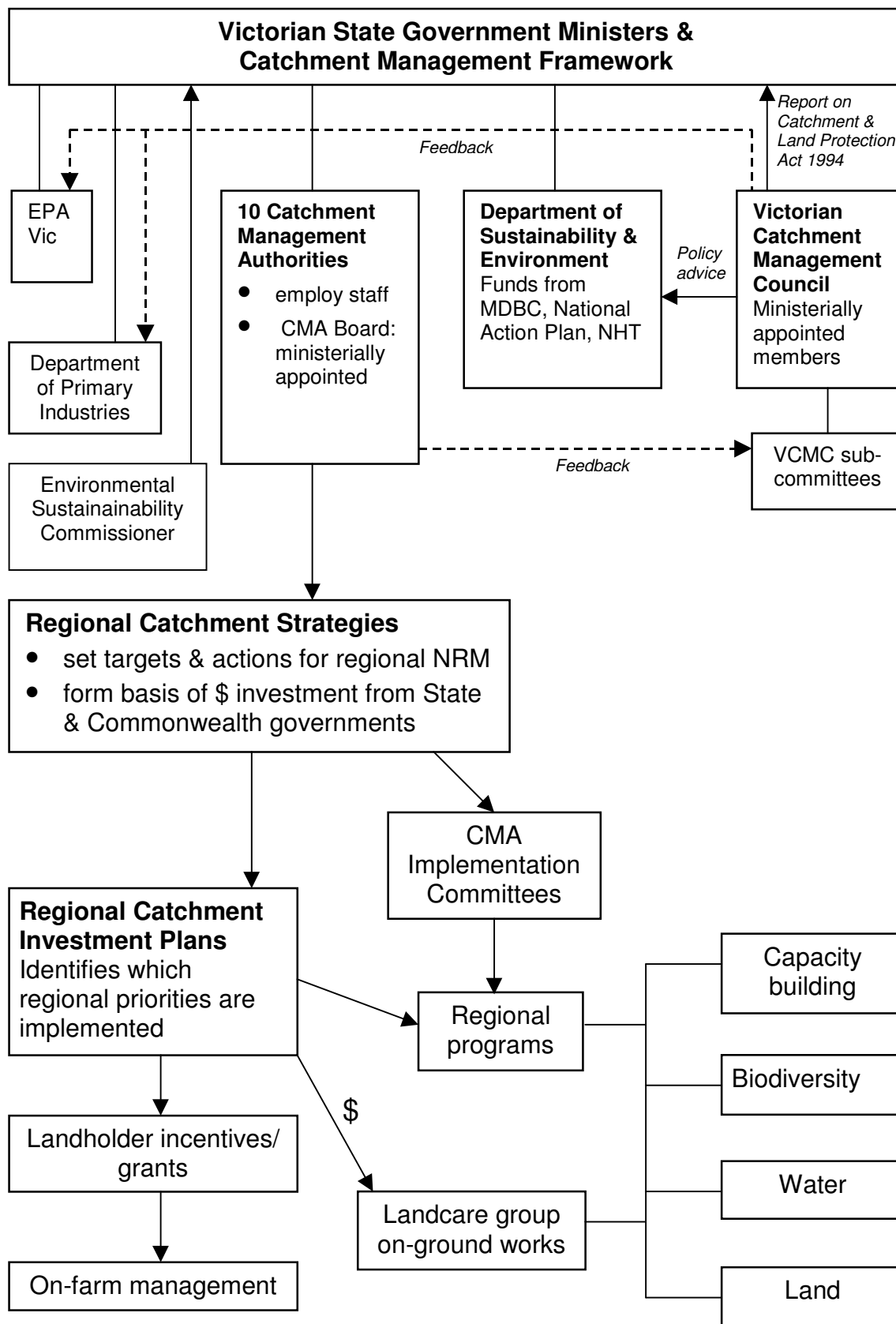


Figure 3. Structure of CMB arrangements in Western Australia.

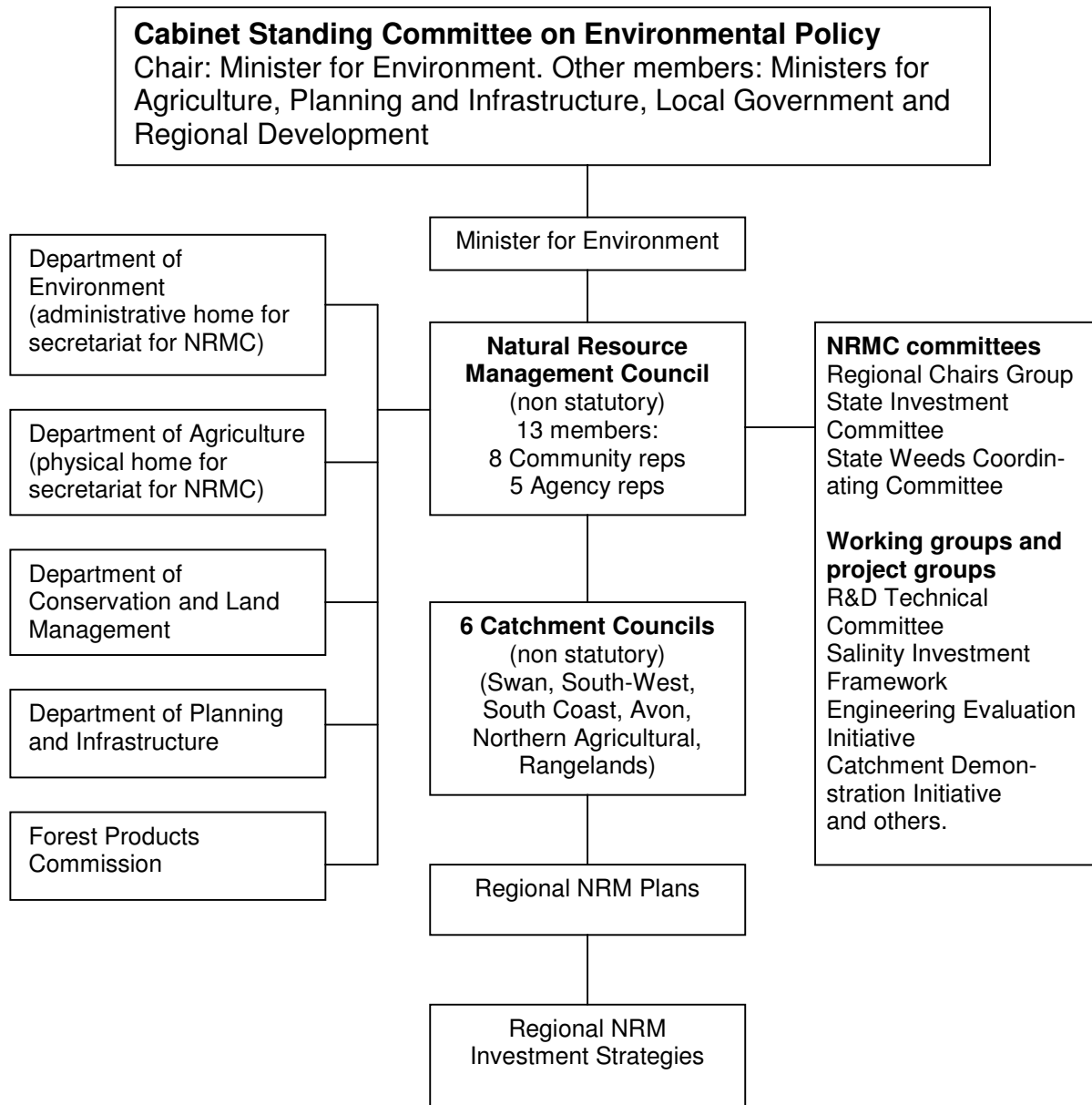


Figure 4. Structure of CMB arrangements in South Australia.

