

Regional natural resource management arrangements for Australian states: structures, legislation and relationships to government agencies (September 2008)

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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 statutory 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in 2003 documenting catchment management institutional arrangements state by state (Ewing, 2003) was substantially out of date before the end of the year.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 have recently reviewed statutory and administrative arrangements for natural resource management. This document is a snapshot of the arrangements and structures, as of March 2007, for Australian states. 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 statutory functions. A common arrangement for all States, as part of the NAP and NHT bilateral agreement, is the establishment of a Joint Steering Committee. In each State this committee coordinates the State and Commonwealth investment and commonly consists of representatives from State and Commonwealth agencies, with members and observers also from local government and regional groups (see example: <http://www.nrm.gov.au/state/nsw/jsc.html>).

There is also inconsistency between states in the name given to the regional NRM bodies. They are called Catchment Management Authorities in New South Wales and Victoria, Catchment Councils in Western Australia, Natural Resources Management Boards in South Australia, Regional NRM Groups in Queensland and Regional Committees in Tasmania.

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

Summary

The following Table provides a summary of current regional NRM arrangements in Australian States, particularly in relation to statutory powers and streamlining of legislation. Full details for each State are outlined later in the report.

Table 1. Comparison of regional NRM bodies between Australian States

State	Title of regional bodies (and number of)¹	Form¹	Legal responsibilities of regional NRM bodies*	Key State agency who manages relationship
NSW	Catchment Management Authorities (13)	Statutory authorities	Support development and implementation of Property Vegetation Plans under the <i>Native Vegetation Act 2003</i>	Department of Natural Resources (DNR)
Vic	Catchment Management Authorities (10)	Statutory authorities	Responsible for beds, bank and floodplain of river and the <i>Catchment and Land Protection Act 1994</i>	Department of Sustainability and Environment (DSE)
WA	Regional NRM Groups or Catchment Councils (6)	Non-statutory	N/A	Department of Agriculture and Food (DAF)
SA	Regional NRM Boards (8)	Body corporates	Comprehensive statutory powers for planning and managing natural resources, particularly water allocation planning and ensuring compliance for soil conservation, pest plants and animals and biodiversity.	Department of Water, Land and Biodiversity Conservation (DWLBC)
QLD	Regional 'committees', 'groups' and 'associations' (14)	8 limited companies, 5 incorporated associations, 1 advisory body	N/A	Department of Natural Resources and Water (DNRW)
TAS	Regional Natural Resource Management Committees (3)	Incorporated associations or body corporates	Limited: develop and implement regional strategies, nominate member to NRM Council, report annually to Parliament.	Department of Primary Industries and Water (DPIW)

* All regional NRM bodies in all States have the common responsibility of development of a Regional Catchment Plan or Strategy and working with the community to do this.

¹Source: Robins & Dovers 2007

New South Wales

The relevant State agencies in NSW include the Department of Environment and Climate Change (DECC), NSW Department of Primary Industries, and the Department of Environment and Conservation (bringing together NSW National Parks and Wildlife Service, the NSW Environment Protection Authority and other agencies) and the Department of Water and Environment. DECC were formerly the Department of Natural Resources (the former lead agency involved in regional NRM in NSW), which were abolished in April 2007 (see NSW Government Gazette, No. 47). DNR staff were largely moved to DECC, with some staff also moving to the Department of Lands, some to the Department of Water and Environment and some staff moved to the Department of Primary Industries (those involved in soil conservation services and forestry structural adjustment). DECC has the largest role in regional NRM arrangements, compared with the other agencies (having staff involved in administration of the Catchment Management Authority Act 2003).

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

Functions of the CMAs include the preparation of Catchment Action Plans and associated investment strategies, administering NHT and NAP funds, recommending and managing incentive programs to implement catchment management plans, and allocating funds to support the development and implementation of Property Vegetation Plans (PVPs). Each CMA has a chairperson and up to 6 Board members, a general manager and team of staff (up to 15) (see: <http://www.cma.nsw.gov.au>). The CMAs provide the Minister with an annual implementation program that lists activities that will be undertaken each year and how much they will cost. CMAs deliver programs and outcomes on the ground either in their own right or in partnership with other organisations including councils and Landcare groups.

An important aspect of NRM in NSW is the *Native Vegetation Act 2003* which is intended to move towards a cessation of broadscale clearing. It supports landholders to develop property vegetation plans (PVPs). 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. This work is developed by DNR but administered through the CMAs.

Also functioning as a part of NSW NRM arrangements is the Natural Resource Commission (NRC). They are a statutory independent body established under the *Natural Resources Commission Act 2003*. The NRC provides advice to the NSW government regarding targets and standards for NRM and monitoring of progress towards targets. It is intended that the targets should be based on the best available scientific, economic and social information. The NRC also has the role of reviewing and recommending approval for Catchment Action Plans and auditing the implementation of these plans (<http://nrc.nsw.gov.au>).

Another important group in NSW NRM is the Natural Resources Advisory Council (NRAC). This group reports to the Minister for Natural Resources and is an independent body set up to gather stakeholder advice about NRM and land use. The group is made up of 27 members, representing State, local government, forestry, fisheries, farming, environmental, Indigenous groups and industry (www.nrac.nsw.gov.au). They provide policy advice to government, assist in setting priorities, oversee the legislation and broker resolutions between stakeholders when needed.

The major State government agency involved in NRM is the Department of Environment and Climate Change. DECC support CMAs by providing advice and technical assistance. They have a strong compliance role and also have a Science and Information Division. Their work is divided into 3 main areas: water management, soil and vegetation management, coastal and floodplain management (www.dnr.nsw.gov.au).

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 CMAs.

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 Victorian Catchment Management Council (VCMC) to advise the Minister regarding land and water degradation issues. The VCMC also undertakes catchment condition reporting every 5 years (<http://www.vcmc.vic.gov.au>). 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 (CMA) that reports to the Minister through a Board. CMAs 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.

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 Agriculture and Food, the Department of Environment and Conservation, Department of Water, Department for Planning and Infrastructure, the Forest Products Commission and also less directly the Department of Local Government and Regional Development, Department of Fisheries and the Environment Protection Authority.

The State NRM Office, based in the Department of Agriculture & Food, is responsible for coordinated delivery of NRM programs in WA. They manage NAP, NHT2 and NLP in WA and support capacity in regional NRM (State NRM Office, 2006). Another major role of the

State NRM Office is to support all relevant NRM committees such as the Ministerial Committee on NRM and Salinity, the Council for Natural Resource Agency Chief Executives (CONRACE), Senior Officers Group, Regional NRM Chairs Coordinating Group and the State NRM Council.

The State Natural Resource Management Council was 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. This description captures its features that existed until very recently. It advised on the delivery of major NRM programs and coordinated the development of a rigorous decision framework (Salinity Investment Framework) for use by Regional NRM Groups, the State Investment Committee, Government and others for investment in natural resource management. The committee was made up of 15 representatives (majority are non-government) from the NRM community including agriculture, industry, Indigenous community, marine and coastal management, local government and regional development. It also included key NRM Government Agencies Directors General or their representatives. The State NRM Council structure and role is currently being altered. The major change will be the inclusion of the six Catchments Council Chairs as members and government officials will be included upon invitation only. Its main role will be to provide policy advice to the government.

There are six Regional NRM Groups or Catchment Councils, that have developed regional strategies and are now implementing them through investment plans. They are non-statutory community based bodies that have both community and government representatives on their Boards. Many are currently re-structuring themselves to be more skills based.

WA does not have a unified single piece of legislation covering NRM. Instead it has a complex and not-well-integrated set of acts, 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 as well as flora and fauna, and establishes authorities to be responsible for that management; the Agriculture Protection Board Act 1950 aims 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; and the Water and Rivers Commission Act 1995 is responsible for water resources conservation, protection and flood management. Water-related legislation is undergoing review to produce a consolidated Water Act.

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 agency responsible for assisting the Minister in the administration of the *Natural Resources Management Act 2004*), Primary Industries and Resources South Australia, and the Department for Environment and Heritage.

The *Natural Resources Management Act 2004* has overhauled natural resources management in South Australia with the aim of achieving integrated NRM by reforming current institutional arrangements and decision-making processes. The Act brings together the

Animal and Plant Control Act (Agricultural Protection and other Purposes) Act 1986, the Soil Conservation and Landcare Act 1989, and the Water Resources Act 1997. Consideration may be given to the incorporation of other NRM related legislation at a later date as part of a broader NRM reform process. Also, the next phase in legislation reform will be identifying and addressing inconsistencies in the existing legislation and examining ways to further integrate NRM activities (Kevin Gogler pers comm).

Under the Act, the Minister for Environment and Conservation is 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 is similar to that in 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.

Interim Regional Integrated NRM Boards were in place before the statutory NRM Boards were established and these have since been dissolved. The Regional NRM Boards have up to nine members selected on a skills-basis. Each regional Board has several sub-regional groups with responsibilities under the Act. The NRM Act provides for the establishment of regions, with the Governor responsible for determining the number of regions and their boundaries. The regions and their boundaries can be created, abolished or varied. Currently there are 8 NRM Boards and they have been fully operational since 1 July 2005.

An arrangement that is unique to SA is that NRM Boards are quite independent and a large proportion of their funding is from community NRM levies. The NRM levies are a land-based levy that is collected by local government, based on factors that can include value of land or a flat rate and a water levy based on factors including for the quantity of water allocated, taken or used. (Kevin Gogler *pers comm*). The NRM Boards also have funding from State government departments, including to carry out tasks on their behalf (eg. the management of crown land for DEH) (Kevin Gogler *pers comm*).

Regional NRM Boards have the responsibility of preparing (with agency support) a Regional NRM plan (includes a 10 year strategic plan and a 3 year business plan), through which the NRM levies are proposed. The NRM Boards also have the responsibility of preparing investment strategies required for implementation of NAP and NHT2 programs. All funds available through the NAP and NHT2 are delivered through these Boards. The Regional NRM Plans must be:

- consistent with the State NRM Plan;
- are accredited against criteria and guidelines; and
- are adopted by the Minister.

Operating at a higher level is a State NRM Council. Comprising of 9 members (from SA Farmers Federation, Conservation Council of SA, Local Government Association and Aboriginal interests and 5 Ministerially-appointed community members), this group advises the Minister on NRM issues and policy (see <http://www.dwlbc.sa.gov.au/nrm/delivery/index.html>).

The Department of Water, Land and Biodiversity Conservation (DWLBC) has the role of providing technical support and financial assistance to regional NRM Boards. They also offer advice for planning and development of the Regional NRM Plans and assist the Minister in the administration of the Act (Kevin Gogler *pers. comm*).

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

Queensland

Operating at the higher level in QLD are regional coordination groups which consist of senior management from a number of State government departments. These groups function under the QLD State government component of the Joint Steering Committee. They operate mainly at a government process policy level for 4 major regions – North, central west, south west and east. These groups are the link between the State agencies and the regional bodies and provide a whole-of-State government view at a regional level.

Funds are then administered through the Department of Natural Resources & Water's *Community Partnerships* group down to the regional NRM bodies.

Regional NRM in Queensland is led by 14 regional NRM bodies with a diversity of structures and governance arrangements. These groups are all private sector businesses with some being 'companies' and some 'incorporated' (Evelyn Meyer *pers comm.*). They are non-statutory authorities and community-based. This arrangement is unique to QLD, although the structure is somewhat similar to that in WA.

These regional bodies include 'regional groups', 'committees', 'associations' and 'alliances' – there is no consistency in the titles between them all and no one model for how they are set up. Nevertheless, even with their varying arrangements, they all have the responsibility for preparing, implementing, monitoring and evaluating accredited regional NRM plans (Pero 2005) and delivering activities under the NAP and NHT. They also have the responsibility for working in partnerships with a range of stakeholders in the regional, State and Commonwealth community (see Figure 5). Of the 14 regional NRM bodies, 5 regions contain a whole or portion of a NAP priority area.

The regional NRM plans form the basis for investment plans in each region. NAP, NHT and regional plans are implemented/delivered by various community NRM groups such as Landcare, Bushcare, Coastcare, 'Friends of' and catchment groups. These groups form partnerships with the regional NRM group and are represented at various management committee levels for regional NRM decision making. There are 2 organisations which support community NRM groups - the Queensland Water and Landcarers and the Queensland Landcare Foundation. They help community groups to access funding, resources, support and to make partnerships with businesses/industry. Indigenous groups also play a major role in regional NRM decision making and are represented on Boards and various committees. Industry Associations are also a major player (AgForce, Growcom, QFF, Canegrowers etc).

The 14 regional NRM groups are supported by a Regional NRM Groups Collective. This is a forum where all the Regional Bodies Chairs and CEOs meet 3 or 4 times per year. This group will become a legal entity soon (Wildermuth *pers. comm.*).

The relevant State agencies and Ministers in Queensland are the Department for Natural Resources and Water (DNRW), the Department of Primary Industries and Fisheries (DPIF) and the EPA. These agencies provide in-kind support of resources and people to assist regional NRM bodies. State agencies participate in regional NRM planning processes (via committees and groups) but this is considered patchy in some cases. The older model in QLD (pre-regional NRM groups) was based on DNRW carrying out the assessment process (with a

community panel) for regional NRM investment (Freebairn *pers comm*). This task is now done by the regional NRM groups (with State agencies, among others, on various committees). The regional NRM groups all relate and interact with the State agencies differently (David Freebairn *pers comm*).

An arrangement also unique to QLD was the allocation of 20% of NAP funds withheld for State agency projects (divided across 4 State agencies), such as the Salinity State Investment Program, which has created tools for the Murray Darling Basin. These funds for research will cease next year (2007). These funds were distributed into 6 State Investment Programs (SIPs) which include: Sustainable Agricultural Production (DPI&F is lead agency), Capacity Building (led by local government), Salinity (led by DNRW), Social and Economic (led by DNRW's Planning & Economic Services Team) and Water Quality (DNRW).

Local government are also heavily involved in community NRM. Both through involvement in regional NRM group committees and the 'Capacity Building' SIP.

See Figure 5 for a representation of the relevant NRM structures in Queensland.

Tasmania

The *Natural Resource Management Act 2002* ("the NRM Act": <http://www.austlii.edu.au/au/legis/tas>) is the legislative basis in Tasmania for establishment of the Tasmanian Natural Resource Management Council, Regional Committees, development and accreditation of regional strategies and NRM principles and priorities (Australasian Legal Information Institute 2006). The NRM Act is part of the Resource Management and Planning System (the key element of which is the *Land Use Planning and Approvals Act 1993*) which integrates NRM considerations into planning systems (DPIWE 2002). Other relevant frameworks which play a part in Tasmanian NRM are the Partnership Agreements (between State government and major institutions such as local government) and Industry Plans (DPIWE 2002).

The Minister responsible for the NRM Act is the Minister for Primary Industries and Water. Ministers with lesser involvement are those responsible for local government; State Development; Infrastructure, Energy and Resources; and Tourism, Arts and the Environment.

The role of the Tasmanian Natural Resource Management Council is to provide advice to government concerning NRM priorities, accreditation of Regional Strategies, and the effectiveness of implementation and administration of funding (DPIWE 2002). The NRM Council is made up of 16 members who are appointed by the Minister. It includes nominees from the three Regional NRM committees (DPIWE 2002).

Under the NHT2 Bilateral Agreement, a new body called the Natural Resource Management Advisory Group is established, to provide advice to the Joint Steering Committee. It consists of the NRM Council, together with two new members appointed jointly by the relevant Australian Government and State Ministers. It assures Ministers that key stakeholders have been consulted on, and are comfortable with, major matters such as regional strategies and regional investment proposals.

The regional bodies are called Regional Natural Resource Management Committees, of which there are 3: Northern ("NRM North"), North-western ("Cradle Coast NRM Committee") and

Southern (“NRM South”). These regions are based on regional local government boundaries and coincide with the: the Cradle Coast Authority, Northern Tasmania Development, and the Southern Tasmanian Councils Authority.

DPIW is the lead agency for NRM. Delivery of NHT and NAP is supported through the Natural Resource Management Support Unit (DPIWE NRM Support Unit 2006) which manages the single holding account and administers the funding. DPIW also assists regions to develop and implement monitoring and evaluation processes. There is 1 priority region for NAP (Midlands Region) of which portions fall within both the Northern and Southern NRM Regions.

The NRM Regional Committees are non-regulatory but are “declared” under the NRM Act. The Minister appoints one of the members of each as Chair. Their function is to identify regional priorities, prepare NRM strategies, implement and monitor activities, and promote NRM principles to the community (DPIWE 2002). The composition of membership of these committees varies slightly; they have 12-15 members.

Each committee includes only one whole-of-government member representing State government, though public land managers (Forestry Tasmania and Hydro Tasmania) and the Parks and Wildlife Service are normally represented. Most members come from the Indigenous community, local government, community, conservation, industry, and landholders. Local government play a major role in regional NRM, with representation on the Tasmanian NRM Council and the Regional NRM Committees (DPIWE 2002).

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

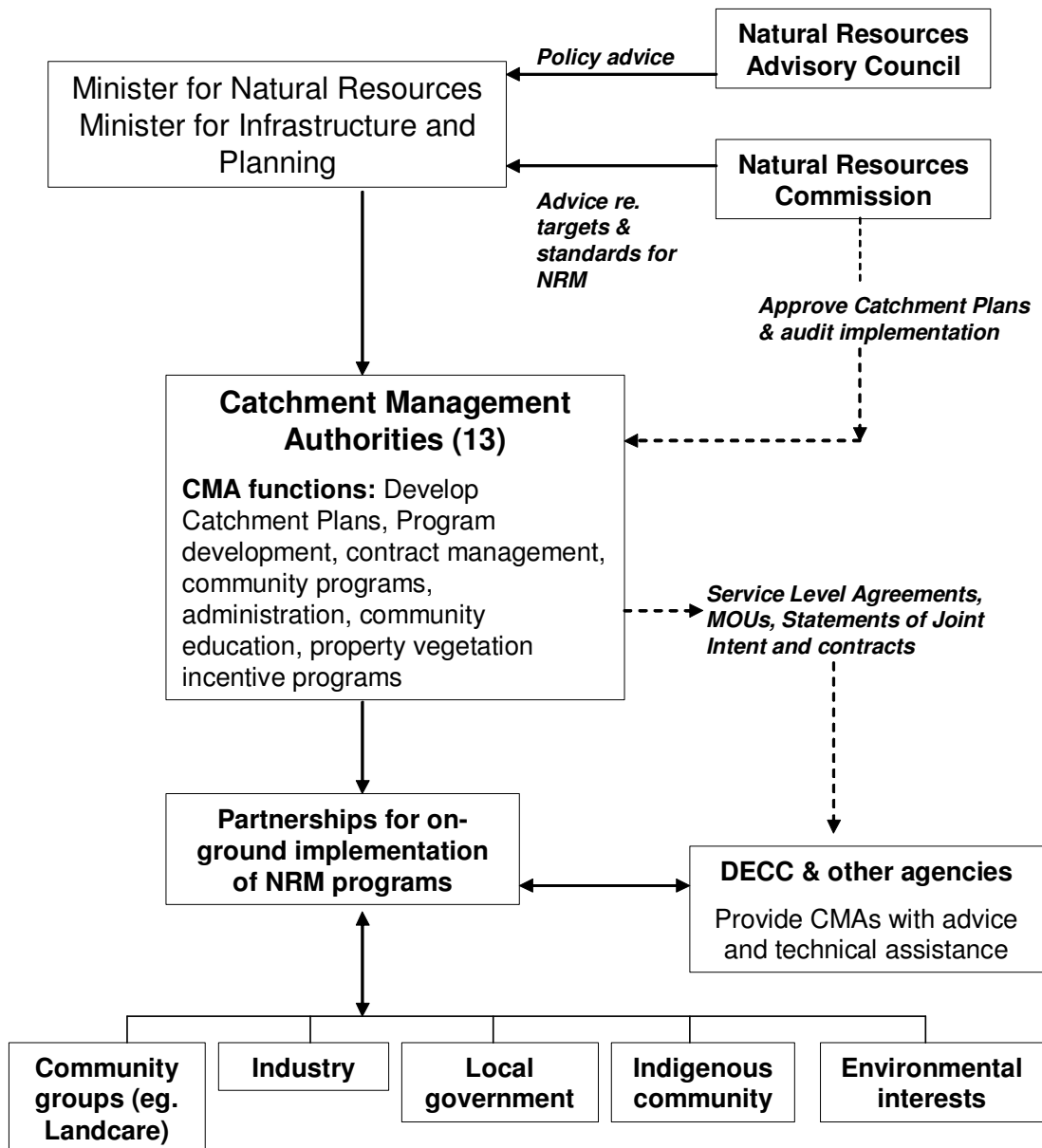


Figure 2. Structure of CMB arrangements in Victoria.

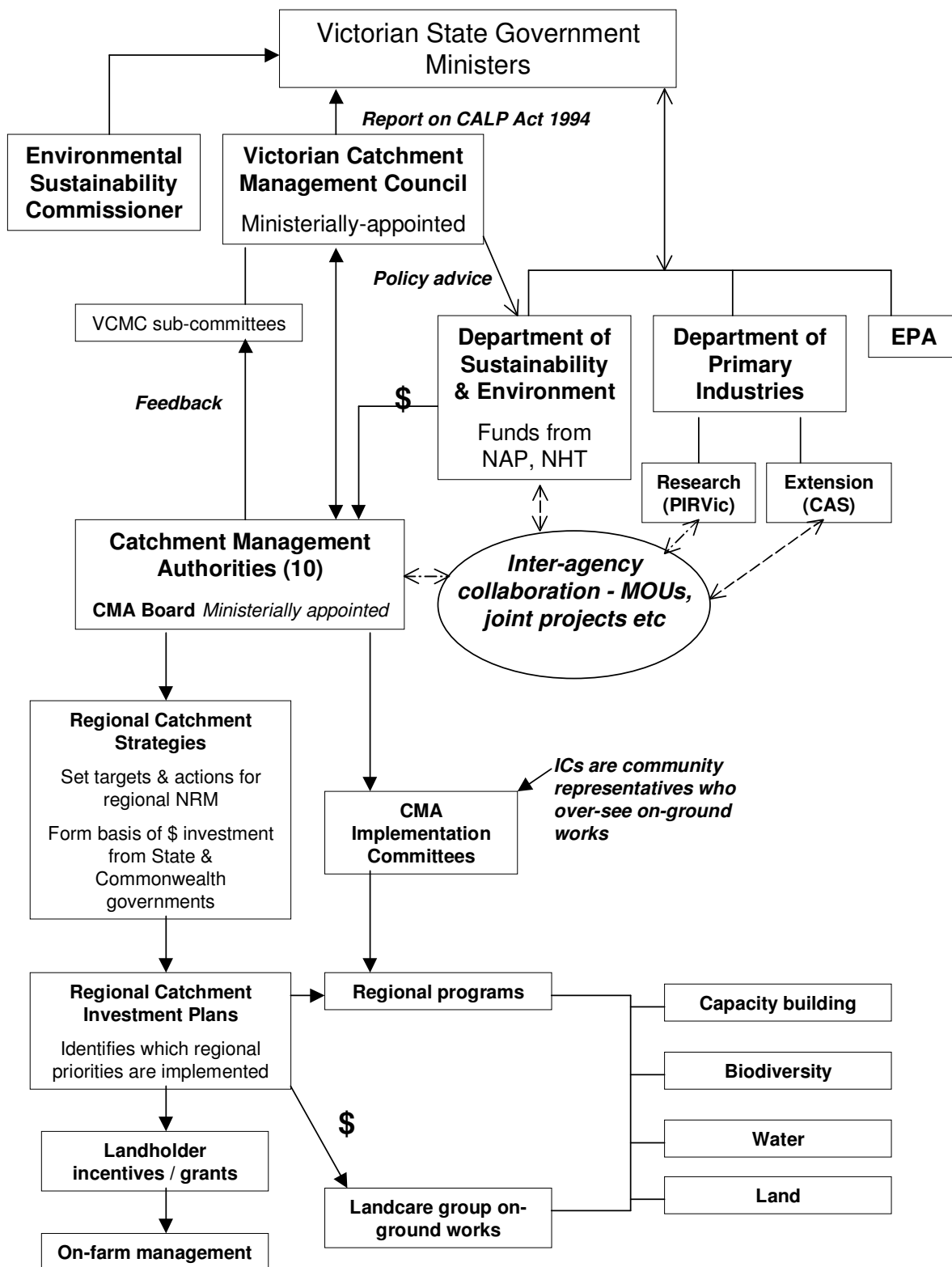


Figure 3. Structure of CMB arrangements in Western Australia.

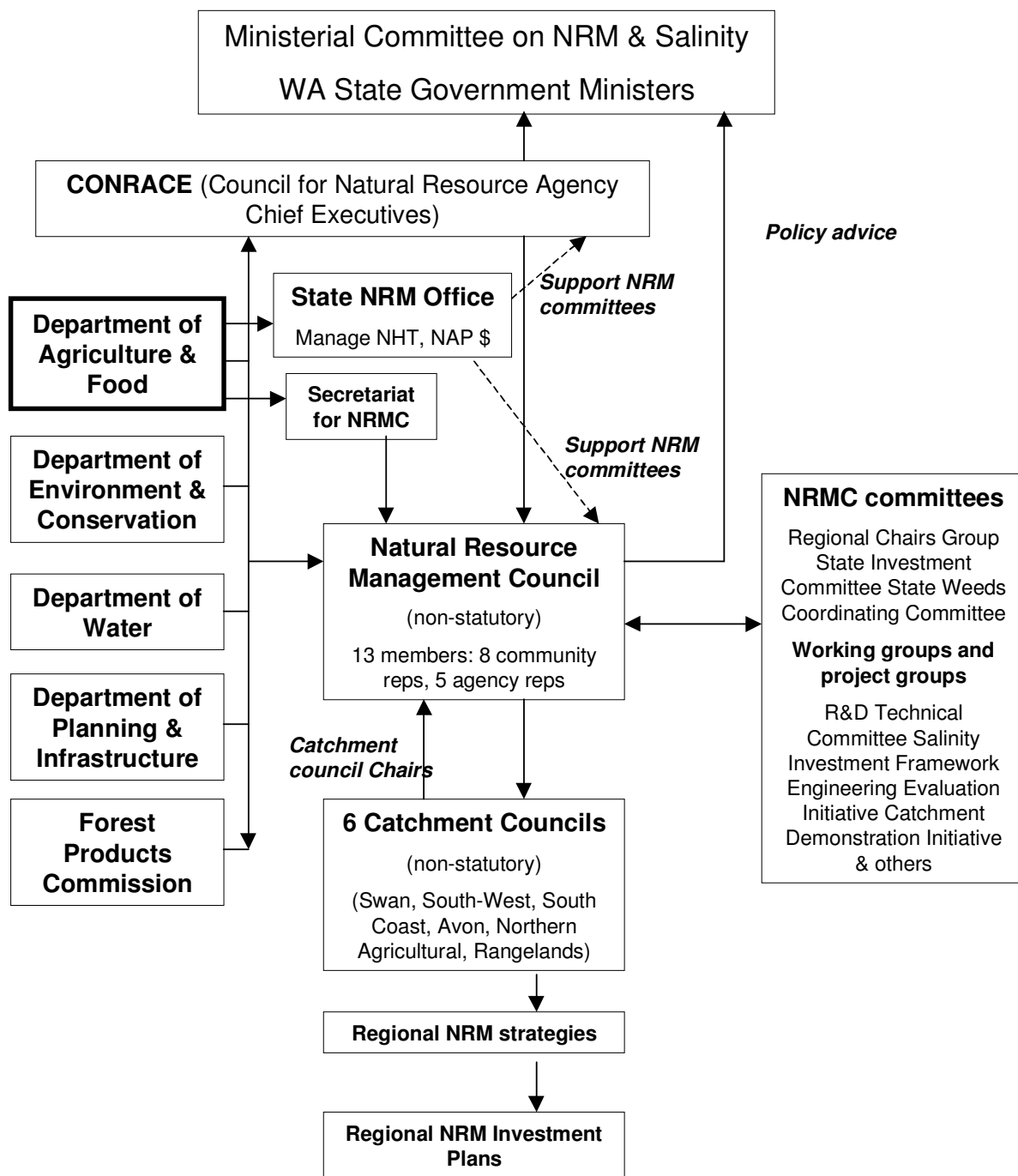


Figure 4. Structure of NRM arrangements in South Australia.

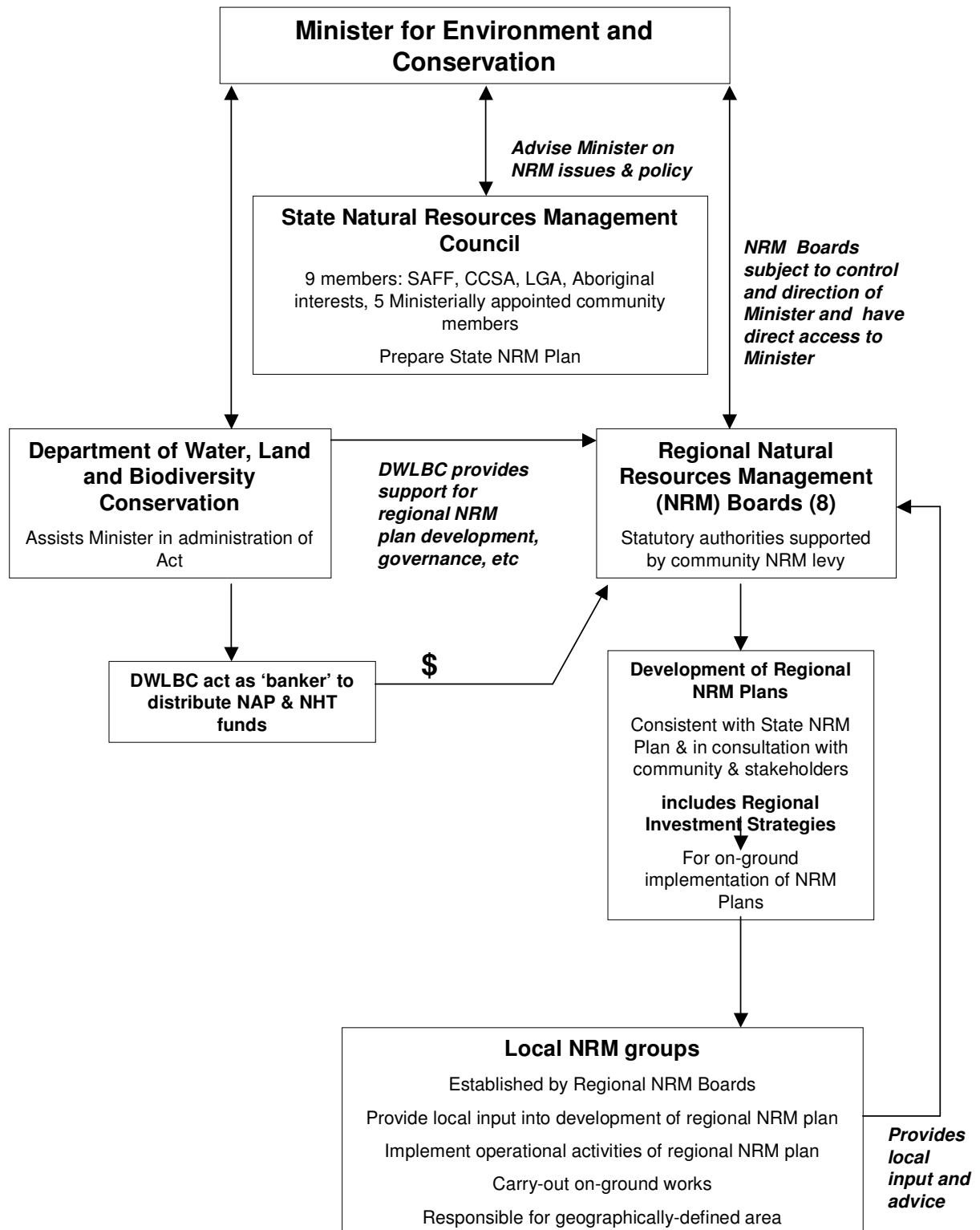


Figure 5. Structure of regional NRM in Queensland.

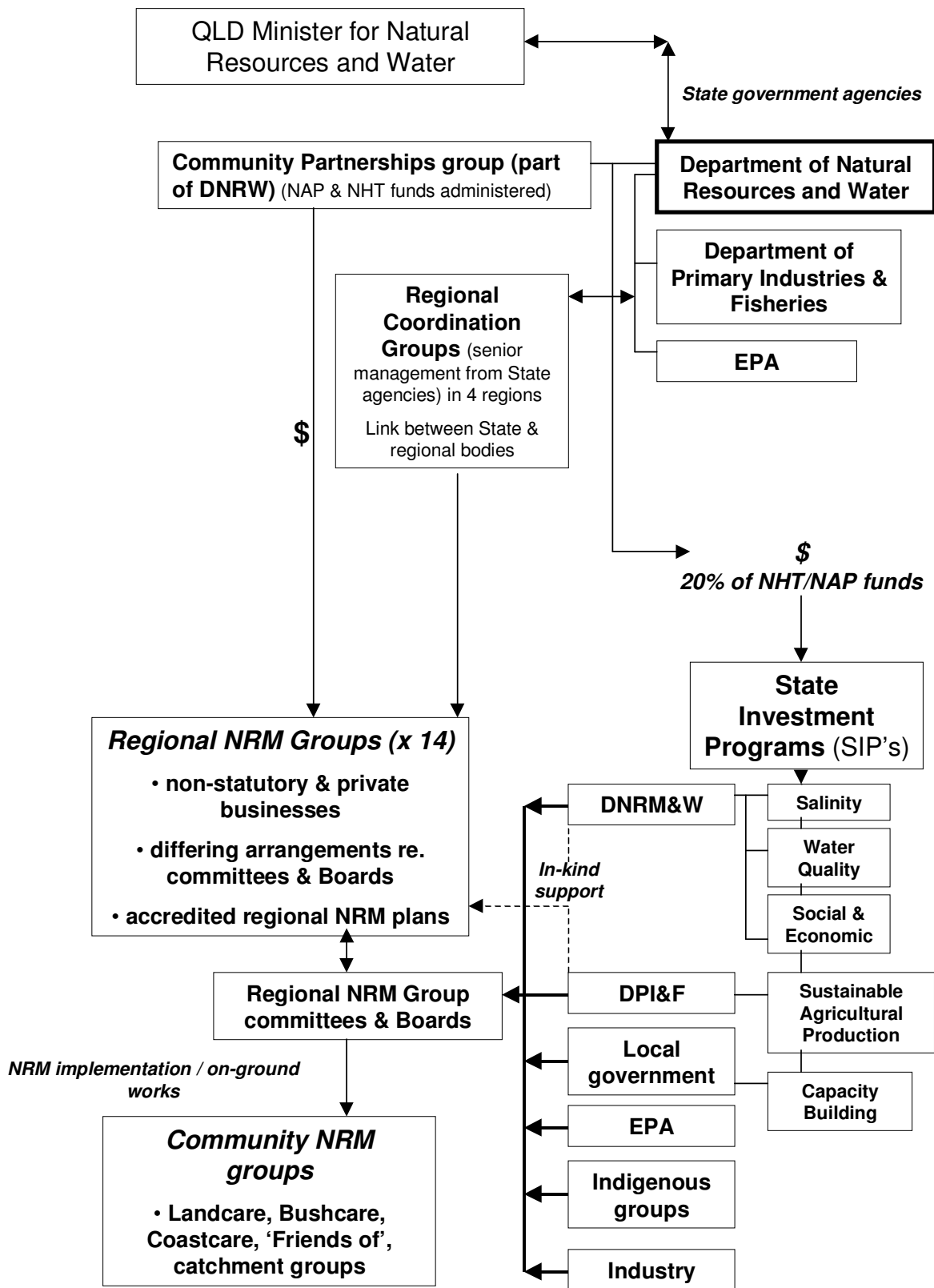
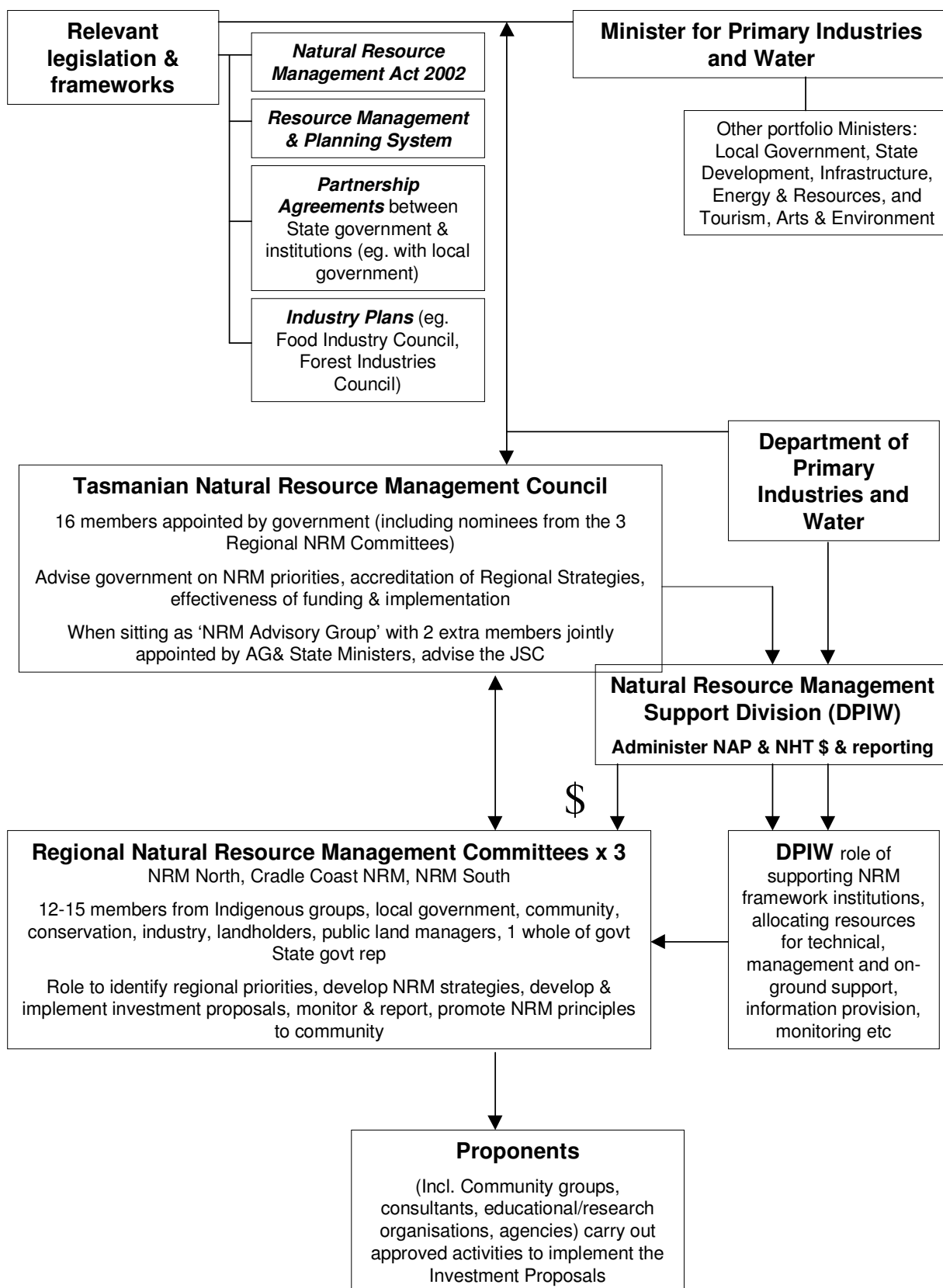


Figure 6. Structure of CMB arrangements in Tasmania.



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