



Essential Readings in Environmental Law
IUCN Academy of Environmental Law (www.iucnael.org)

NATURAL RESOURCE GOVERNANCE IN AUSTRALIA

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Overview of Key Scholarships

Natural Resources Policies and Rules in Australia

1. Bellamy, J.A., “NRM Governance in Australia: a complex federal system” in Brown, A.J. and J.A Bellamy, *Federalism and Regionalism in Australia: new approaches, new institutions?* (Sydney: ANU ePress 2008)
2. Lockie, S., “Agricultural Biodiversity and Neoliberal Regimes of Agri-Environmental Governance in Australia (2009) 57:3 *Current Sociology* 407-426
3. HC Coombs Policy Forum “NRM Literature Review Document II” (2011) HC Coombs Policy Forum Fenner School of Environment and Society NRM Initiative (Canberra: Australian National University)
4. Martin, P.V., J.A. Williams and A. Kennedy “Creating next generation rural landscape governance: the challenge for environmental law scholarship” in Martin, P. , Z. Li , T. Qin T., A. Du Plessis and Y., LeBouthillier, *Environmental Governance and Sustainability* (Cheltenham: Edward Elgar, 2012)

Natural Resource Governance Institutions in Australia

5. Wallington T. J. and G. Lawrence “Making democracy matter: Responsibility and effective environmental governance in regional Australia” (2008) 24 *Journal of Rural Studies* 277-290
6. Rural and Regional Affairs and Transport References Committee, ‘*Natural Resource Management and Conservation Challenges*’ (Canberra: Commonwealth of Australia 2009)
7. Prager K., “Local and Regional Partnerships in Natural Resource Management: The Challenge of Bridging Institutional levels” (2010) 46 *Environmental Management* 711-724
8. Robins, L. and P. Kanowski, “Crying for our Country’: eight ways in which ‘Caring for our Country’ has undermined Australia’s regional model for natural resource management’ (2011) 18 *Australasian Journal of Environmental Management* 88

Natural Resource Governance Processes in Australia

9. Connell, D., *Water politics in the Murray Darling Basin* (Sydney: Federation Press 2009)
10. Ryan, S., K. Broderick, Y. Sneddon, K. Andrews, “*Australia’s NRM Governance Systems: Foundations and Principles for Meeting Future Challenges*” (Canberra: Australian Regional NRM Chairs 2010)

11. Markwell Consulting, “*Summary Report – Caring for our Country Review Indigenous Forum*” (Canberra: Australian Government 2011)
12. Curtis, A., H. Ross, G. R. Marshall, C. Baldwin, J. Cavaye, C. Freeman, A. Carr, G.J. Syme, “The great experiment with devolved NRM governance: lessons from community engagement in Australia and New Zealand since the 1980s (2014) 21:2 Australasian Journal of Environmental Management 175-199

Background

Governance is defined as involving the exercise of power, decision-making, and implementation of decisions constituted by laws or rules, institutions and processes (Moore et al 2011), whilst institutions are considered to be the rules by which agents interact and the organizations that implement rules to achieve desired outcomes, including both formal and informal interactions between individuals and groups in society (World Bank 2002; Mathauer 2004). Natural Resource Governance has been more specifically defined as *the interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken, and how citizens or other stakeholders have their say in the management of natural resources including biodiversity conservation* (IUCN 2014). The IUCN’s Natural Resource Governance Framework (NRGF) aims to assess the various natural resource governance arrangements globally by investigating *the set of norms, institutions and processes that frame decision-making and citizens engagement in policy development and how its implementation impacts nature and people* (IUCN 2014).

As the NRGF includes the three major components of Laws (or rules), Institutions and Processes within its assessment protocol, the essential readings provided for Natural Resource Governance in Australia (and a brief overview of each scholarship) is presented under the core themes of the IUCN Natural Resource Governance Framework. Natural Resource Governance in Australia emanates from a complex cooperative federated system relying largely on nationally based agreements between the Commonwealth, States, Territories and Local Governments to achieve a consistent and integrated approach to manage Australia’s natural resources through legislation, policies and programs. Despite this multi-jurisdictional system, the outcomes of natural resource governance in Australia appear ad hoc, unclear, inconsistent and evolving in different ways in each jurisdiction. To reflect the state of play of natural resource governance in Australia requires reading across both academic and grey literature (as provided in these readings) given the nature of this nested governance system.

Environmental/Natural Resources Laws in Australia

1. In her book chapter entitled *NRM Governance in Australia: a complex federal system* **J.Bellamy** introduces the Australian approach to natural resource governance, describing the multi-jurisdictional cooperative arrangements in place to govern natural resources. The author notes the involvement of all spheres of government and a new regional tier of responsibility (regional NRM) that emerged in the early 2000s all of which operate in a nested decision-making system. The author presents a good overview of the typical division of responsibilities for natural resource management in Australia and diagrammatically describes the current natural resource governance as a complex, multi-layered polycentric system. Despite the many efforts at utilising cooperative federalism for natural resource governance, the author highlights how the current multi-layered system has caused and is perpetuating ad hoc, fragmented institutional arrangements, which may also involve competing objectives and interests. The author introduces in more detail the evolution of regional NRM bodies in Australia, the underpinning institutional arrangements and the challenges facing this relatively new tier of natural governance in Australia.

2. In his journal article *Agricultural Biodiversity and Neoliberal Regimes of Agri-Environmental Governance in Australia*, **S. Lockie** presents the challenges of integrating agro-biodiversity within Australian governance focusing on the measures to deal with biodiversity loss as the case study. Lockie contextualises through an overview of the agri-environmental governance theoretical framework, then examines how framings of agricultural biodiversity are incorporated, modified and acted on through potentially competing government rationalities and regimes. He demonstrates how agricultural biodiversity is defined within the governance regimes established at international and national levels by a variety of state and non-state actors. The section on governance of agro-biodiversity in Australia provides a number of examples of strategies, programs, instruments and markets to protect biodiversity with questionable success within a neoliberal rationality: can scope exist for greater consideration of the functional relationships between biodiversity and agricultural productivity? He questions whether the dominant neoliberal regime of agro-biodiversity in Australia has limited the challenge of biodiversity conservation down to Australian farmers' perceived property rights and the Australian Government's political commitment to neoliberal reform of international agricultural trade. He concludes that there are dangers relying solely on market based instruments for consideration of biodiversity in farming landscapes. He also considers the declining terms of trade for agricultural produce which makes active management of biological resources difficult when there is no direct and immediate productivity benefits. However, **Lockie** does identify potential for ecosystem services payments through the recognition of public environmental goods. For such a market to succeed it would require planning and capacity building programs for regulating landholders' behaviour, coupled with local and regional planning.
3. In their *Natural Resource Management Literature Review (Document II)* the **HC Coombs Policy Forum** presents a comprehensive literature review on the last 30 years of NRM in Australia sourced from peer reviewed journal across disciplines (such as public policy, human geography, sociology, economics); government commissioned program reviews; parliamentary reports and inquiries; the Australian National Audit Office, and an extensive array of grey literature. The authors present the emergence of the NRM agenda beginning with the National Conservation Strategy for Australia established in 1983 and the evolution of the Australian Government's NRM programs and the subsequent reviews from 1997 through to 2010. The authors highlight the different phases from 1989, from raising awareness and responding locally, to 1997 with a focus on building new institutional capacity to the current phase of integration of business and market-based thinking. The authors conclude in their final section with four leading themes and issues emerging from the literature: roles, responsibilities, powers and accountabilities; NRM planning and investment processes; partnership, collaboration and coordination; capacity issues and community engagement. The reference list provided at the end of the document serves as a further source for those interested in natural resource governance in Australia.
4. In their chapter titled *Creating next generation rural landscape governance: the challenge of environmental scholarship*, **P. Martin et al** provide a critical analysis of the scholarly conceptualisation of environmental law in Australia. They begin by pointing out that despite the proliferation of market and regulatory initiatives to improve the state of natural resources, data documenting environmental harm continues in many forms. Drawing upon a case study of Australian natural resource governance, the authors note specifically the lack of *ex-post* evidence which suggests that market instruments are more effective or efficient than regulatory instruments, and set about exploring what the 'next generation' of natural resource governance research must incorporate in order to make progress. Noting the complex and dynamic context of instrumental implementation, the authors suggest that integrated approaches which transcend traditional regulatory and market initiatives will be necessary to meet the increasing demands of sustainability.

They discuss the utility of governance innovations which combine a sophisticated suite of instruments, and point to some of the extant research concerning such approaches, including: co-regulatory approaches, consumer-led influence, and engaged scholarship within communities. Future directions for furthering research into the improvement of the equity and behavioural cost-effectiveness of natural resource governance mechanisms are suggested, including approaches which engage with systemic issues, transaction costs and risk. The authors conclude by urging environmental lawyers to engage deeply with a range of disciplinary perspectives in considering the design of effective environmental law and institutions, including economics, as well as behavioural, political and ecological sciences.

Natural Resource Governance Institutions in Australia

5. In their journal article, *Making democracy matter: Responsibility and effective environmental governance in regional Australia*, **T.J. Wallington** and **G. Lawrence** provide a critical examination of the devolution of responsibility of environmental governance from the Federal and State governments to community-based bodies. The paper begins with a concise overview of natural resource management policy in Australia in recent years, focusing on the development of Landcare. The authors then explore the devolution ‘experiment’ in environmental governance, evaluating claims of its effectiveness in creating a shared responsibility for environmental issues. The authors argue that ‘effectiveness’ has been defined as an ‘upward accountability’ to Federal and State governments with a focus on short-term results, ultimately thwarting the democratic purpose of the community-based institutions. Utilising the theoretical lens of ‘responsibility’, **Wallington** and **Lawrence** explore this tension further, reflecting on the concepts of accountability and responsiveness of natural resource governance institutions. They found that the procedural requirements of accountability had resulted in a lack of shared responsibility amongst regional-level actors. The authors argue that inclusive approaches to natural resource management are not sufficient to engender shared responsibility for problems and solutions. They advocate for complementing public accountability with responsive public discourse which allows for proper contestation of issues, and recognises the capacity of the lay public. In concluding the paper, the authors provide a thorough discussion of the notions of responsibility that can enable effective governance.
6. The **Rural and Regional Affairs and Transport References Committee** report titled *Natural Resources Management and Conservation Challenges* provides a summary of the Senate Standing Committee Inquiry into NRM and conservation challenges. It is a thorough investigation into these issues, and provides the reader with a comprehensive overview of the state of play of NRM programs and investments therein. The inquiry spanned the following matters: lessons learned from Commonwealth investment in NRM programs (such as Landcare); how the knowledge and experience from such programs could be built upon; what the overall costs and benefits would be of a regional approach to NRM; the need for a national long-term strategic approach to NRM; the capacity of regional groups (in light of the then-new Caring for Our Country program); and the extent to which the Caring for Our Country program is a comprehensive program that has the capacity to meet future NRM challenges. Overall, it concluded that whilst the intention of the Caring for Our Country program was to build upon previous successes of NRM investment, the scheme in its current format fell short of achieving this goal. Nine key recommendations are made, spanning better identification of priorities, better engagement with State and Territory governments, improved coordination with regional NRM bodies, as well as review and improvement of funding models and evaluation methods.

7. In her journal article titled *Local and Regional Partnerships in Natural Resource Management: The Challenge of Bridging Institutional levels*, **K. Prager** assesses local and regional partnerships in natural resource management. Whilst community-based collaborative arrangements have become commonplace in natural resource management, **Prager** notes that many difficulties arise when such programs are expanded to a broader regional level. The author explores two cases of such collaborative arrangements in Australia: local Landcare groups and regional natural resource management bodies. She draws on rich qualitative interview data, in addition to extensive literature, to explore the nature of the problems arising from the shift from local Landcare group activities to broader strategic planning by the regional natural resource management bodies. The characteristics of these two groups are analysed, informed by group typologies to elucidate the institutional distinctions between them. Drawing on **R. Margerum's** work in particular, Prager found that the differences inherent in the types of collaborative groups – in particular their priorities, languages, scale, interests, institutional settings, and methods of implementing change - each contributed to conflict. Community participation in natural resource management is also brought into sharp focus. **Prager's** work contributes a key finding to the Australian natural resource management literature: that there is a risk that the benefits of local participation and collaboration can be lost when such approaches are up-scaled, unless careful attention is paid to the construction of dialogic pathways to facilitate communication and overcome any emergent power imbalances. It is suggested that there is a key role here for intermediaries, who can link the local knowledge and enthusiasm of community groups to broader strategic planning processes at the regional level.

8. In their journal article *Crying for our Country': eight ways in which 'Caring for our Country' has undermined Australia's regional model for natural resource management* **L. Robins** and **P. Kanowski** introduce the various national NRM programs in Australia since 1996 when the Natural Heritage Trust (NHT) was first established acting as an umbrella for all NRM funds and programs. NHT1 was the first tranche of the Trust, between 1997 and 2001, followed by a more strategic, larger scale NHT2 phase from 2002 to 2008 coupled with the National Action Plan for Salinity and Water Quality (NAP) from 2000 to 2008 and the formation of 56 regional NRM bodies across Australia. The authors then focus on the new Caring for Our Country (CfoC) program established in 2008 and argue that the framing and the delivery of CfoC combined with other related NRM policy measures has undermined the regional NRM model for Australia and eroded past gains achieved under NHT and other related programs. The authors rely on eight key ways this has occurred: by narrowing the agenda for NRM; central control has increased at the expense of regionally-determined goals and priorities; a simple outputs focus has ignored real-world complexity; buy-in by state and territory governments has been compromised; core funding has been reduced and constrained; transaction costs have increased; a widening of the gap between regional bodies and local groups; and diminished federal research and development funding for regional NRM. They conclude with their concerns of the return of more centrally determined narrowly focused approach to NRM and recommend that the Australian Government urgently revisit its approach to NRM to support the regional NRM model.

Natural Resource Governance Processes in Australia

9. In his book *Water politics in the Murray Darling Basin* **D. Connell** provides an excellent example of the complexity of the Australian federated system and the implications for sustainable natural resource governance. His book explores water governance in the Murray Darling Basin (Australia's largest river system) since European settlement and the limitations of Australia's hydrological and governance systems. The author presents the evolution of water governance from the late 1800s to 2007 demonstrating how irrigation, navigation and rail networks initially dominated

water policy through the drafting of the Australian Constitution in 1901 and the ongoing implications from that genesis. The author clearly identifies power relations within the Australian federated system as the main impediment to attaining sustainable management within the Murray Darling Basin and proposes governance reforms to achieve this objective.

10. In their report on Australia's NRM Governance Systems, titled *Australia's NRM Governance Systems: Foundations and Principles for Meeting Future Challenges*, **S. Ryan et al** provide a comprehensive overview of the nature of NRM governance systems in Australia, and detail its shortcomings. They note that there has been a decline in Australia's natural resources, despite the proliferation and growing complexity of NRM governance mechanisms in Australia in recent years. The authors suggest that given the unique characteristics of Australia – including its variable rainfall, slow ecosystem repeat cycles, high ecosystem diversity, low rural population density, and varying levels of social and political systems – specific NRM governance features are required. Utilising a systems framework, the authors advocate thinking about NRM governance as a 'connected system' located within a broader interlinked social-ecological system. They posit that this involves examining organisations and relationships (both formal and informal); rules and strategies (including legislation, policies, agreements and other plans); the application of rules and strategies; and the beliefs and understandings of the community with respect to NRM choices. The authors contend that examining these aspects together yields greater opportunities to improve the effectiveness of NRM governance, enabling a focus on weaknesses such as complexity, uncertainty and discontinuity. The report concludes with proposed design principles for NRM governance, which include: continuity (of NRM delivery structure); subsidiarity (devolution of decision making to the lowest capable level); integrated goal setting; whole-of-system planning; recognition of the importance of relationships; resilience; knowledge and innovation; accountability; and responsiveness. Overall, the report provides a solid foundation for systems-thinking approaches to NRM governance, and lists a variety of further resources for those who wish to explore further.
11. In their Workshop Summary Report of the *Caring for Our Country Review Indigenous Forum*, **Markwell Consulting** presents a summary of the discussions, outcomes and key messages from participants at a national forum focusing on Indigenous issues associated with the review of the Caring for Our Country (CFoC) program. Eight broad areas emerged from the forum requiring consideration within the CFoC review: organizational capacity; Working on Country (WoC, an Indigenous ranger program) and Indigenous Protected Areas (IPA); relevance of the CFoC business plan; Sea Country; support structures; sustainability, career paths/employment and evolution of Indigenous programs. Key Indigenous messages to the Australian Government on the CFoC review from this forum included: a major under representation of uptake of WoC and IPA programs in Eastern Australia with the need to align these with other strategic programs and priorities; as 'Caring for Our Country' is an Indigenous brand the initiative has to reflect this or give it back; primary target should be Indigenous leadership and partnerships with all others secondary; Indigenous People must assess Indigenous applications with a need to build organisational cultural competency; seek Indigenous feedback in a proactive and strategic manner rather than only through formal review processes; CFoC should be 'Ecomercially viable'; as WoC and IPA have been highly successful there is a need to grow these programs through maintenance of existing investment and grow into other areas not currently invested; Government needs to apply the elements of the WoC and IPA programs that are working well to mainstream CFoC programs; Indigenous engagement in the CFoC program must be 'tenure blind'; the Australian Government must see Indigenous engagement in the CFoC programs as an important investment in the national interest; the Australian Government should be supporting Indigenous Peoples aspirations for Caring for Country business, including economic development,

commercial and fee for service opportunities; need to open up the CFoC program to Indigenous People by quarantining a percentage of total funding towards Indigenous projects (higher than 10%), and the need to clarify what constitutes an 'Indigenous project' under CFoC to ensure Indigenous projects are owned and managed by Indigenous People. This could be assisted by Government's support of Indigenous leadership when projects are submitted on 'behalf of' or 'in partnership with' Indigenous People through the provision of appropriate documentation, with the Indigenous Advisory Committee defining 'appropriate documentation'.

12. ***The great experiment with devolved NRM governance: lessons from community engagement in Australia and New Zealand since the 1980s*** was authored by **A. Curtis et al** from the foundations of workshops that reflected and deliberated on the experiences of the authors (as social scientists) from their extensive experience as NRM practitioners over the past 20 years. The authors largely focus on community based natural resource management (CBNRM) in Australia from the community engagement perspective. The paper provides a detailed background from the birth of the Landcare movement in the early 1980s and the subsequent NRM programs ranging from: The National Soil Conservation Program; The National Landcare Program, The Natural Heritage Trust and The National Action Plan, all leading to the formation of regional NRM organisations in 2002. The nested NRM governance arrangements that form CBNRM are well explained to the reader and the authors support the assumptions that Landcare and regional NRM bodies are the key innovative elements of a remarkable social experiment, which is further substantiated throughout the paper. The authors present eight lessons from the CBNRM experiment for a coherent, capable multi-level governance approach to progress into the future. The eight lessons include: the importance of policy makers to recognise that the primary purpose of CBNRM is to strengthen intrinsic motivation of community members to contribute voluntarily to NRM initiatives; that intrinsic motivation to cooperate and contribute voluntarily is weakened when individuals sense that external interventions diminish their sense of self-determination; the importance of subsidiarity in designing new CBNRM governance arrangements or assessing existing ones; the narrow definition of CBNRM as an enlightened, cost effective approach to promoting voluntary adoption of conservation practices; the vital roles of governments in supporting CBNRM; the importance of ongoing efforts to build the diverse forms of capacities at all levels; the mistake of viewing CBNRM as a panacea; and the recognition that CBNRM can be a platform for rural development beyond NRM. The authors conclude that CBNRM is beyond a successful experiment and offers capacity for adaptation and transformation.

Other related articles

1. Altman, J., S. Kerins, J. Hunt, E. Ens, K. May, S. Russell, R. Fogarty, *Indigenous Cultural and Natural Resource Management Futures* (Canberra: Australian National University 2011)
2. Australian Government Land and Coasts Caring for our Country Review Team, *Caring for Our Country: Report on the Review of the Caring for our Country Initiative* (Canberra, Australian Government 2012)
3. Australian National Audit Office, *ANAO Audit Report No.21 2007–08 Regional Delivery Model for the Natural Heritage Trust and the National Action Plan for Salinity and Water Quality* (Canberra: Commonwealth Government of Australia 2008)
4. Brett, A. et al. "The Second Industrial Transformation of Australian Landscapes" (2013) *Current Opinion in Environmental Sustainability* 5(3-4) 278-287
5. Browne, A.L. and B.J. Bishop, "Chasing Our Tails: Psychological, Institutional and Societal Paradoxes in Natural Resource Management, Sustainability, and Climate Change in Australia" (2011) *American Journal of Community Psychology* 354
6. Dovers, S. and S. Wild River, *Managing Australia's Environment* (Sydney: Federation Press 2003)

7. IUCN (2014) Natural Resource Governance Framework http://cmsdata.iucn.org/downloads/nrgf_2_pager_final_29oct_ceesp.pdf
8. Lane, M., C. Robinson, and B. Taylor, *Contested Country: Local and Regional Natural Resource Management in Australia* (Canberra: CSIRO Publishing 2009)
9. Lockwood, M., J. Davidson, A. Curtis, E. Stratford and R. Griffith, "Governance Principles for Natural Resource Management" (2010) 23 *Society and Natural Resources*, 1–16
10. Martin, P. and N. Gunningham "Leading reform of natural resource management law: Core principles" (2011) 28: 3 *Environmental and Planning Law Journal* 137–58.
11. May, K. , *Indigenous cultural and natural resource management and the emerging role of the Working on Country program* (Centre for Aboriginal Economic Policy Research, Australian National University 2010)
12. Mathauer, I. (2004) *Institutional Analysis Toolkit for Safety Net Interventions* Social Protection Discussion Paper Series No.418 World Bank Washington DC.
13. Moore, P., X. Zhang, and R. Triraganon, (2011) *Natural Resource Governance Trainers' Manual*. IUCN, RECOFTC, SNV, Bangkok, Thailand.
14. Petchey, J.D., 'Australia: Preserving biodiversity and managing water resources' in Breton, A., Brosio, G., Dalmazzone, S and G. Garrone *Environmental Governance and Decentralisation* (Cheltenham, UK Edward Elgar 2007)
15. Preston, B.J. and C. Hanson, "The Globalisation and Harmonisation of Environmental Law: An Australian Perspective" (2013) 16 *Asia Pacific Journal of Environmental Law*
16. Vogel, N., *Performance Excellence Guide for Regional Natural Resource Management Organisations* (Australian Knowledge Management Group Pty Ltd and University of Southern Queensland 2008)
17. Williams, J.A., A. Kennedy and D. Craig, "Lost in Translation: threatened species law in Australia" in *Global Environmental Governance: 10th Colloquium Proceedings of the IUCN Environmental Law Academy* (Cheltenham UK Edward Elgar 2014)
18. Williams, J.A., R.J.S. Beeton and G.T. McDonald, "Success attributes of regional natural resource management" (2008) 3:3 *International Journal of Sustainable Development and Planning* 203-222
19. World Bank, (2002) *Building Institutions For Markets* World Development Report, Washington, DC.