

Participatory Governance: Intra and Inter Governmental Consultation and Community Engagement in the Murray-Darling Basin *Initiative*

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INTRODUCTION

Sandford Clark comments that – ‘*one of the enduring mysteries of our federal system is why, after 100 years, we still can’t be confident that our governments, politicians and bureaucrats have developed effective legal and institutional techniques to manage and share the resources of the Murray-Darling in a sustainable way.*’ (Clark, 2002).

Perhaps this is not such a mystery after all – it is only in recent times that we have begun to realise that changing the way we manage our land and water resources is less about the resources and more about people and their behaviour. The biophysical limits of the Basin are and have been reasonably well understood for a long time and decision makers can discuss what should be done in rational terms at great length. But many of the answers and more importantly the energy to act on those answers will come from the passion, the drive of people in the Basin for change: from love and from grief, from longing and a new dream of how the Basin could be managed (Walquist, 2002).

The governance structures that are put in place reflect history, perceptions of crisis and the willingness of the people (decision makers and communities) to cooperate and negotiate. At times there will be a desire to work together for ‘the common good’ because to not do so will be too costly. At other times cooperation will be just too hard and perhaps unnecessary at least for the short term.

Today, the institutional settings in the Basin are complex, interrelated, contradictory, competitive, and impenetrable to most people. There are very few individuals with even a reasonable understanding of how the arrangements are intended to work. There are many misconceptions about the authority that the *Murray Darling Basin Agreement* confers on the governance structures that exist. Given this unfortunate product of our history and the ‘constraints’ imposed by the Constitution the challenge is to find those things or priorities for which there must be joint decision making and those things which can be left to individual governments or landholders for that matter.

Millington (2002) suggests there are **four common features or attributes or principles** that constitute best practice in integrated river basin management and it is those river basin organisations or country agencies that have addressed all four in one form or another that seem to be doing best.

They can be stated as follows.

1. An institutional framework exists which is both robust and flexible, and includes modern legislation and an integrated policy framework.
2. Planning and management is knowledge driven. Strategic assessment of water and related resources receives high priority, and does not stop at mere data management, but actively pursues the generation of strategically focussed information and knowledge.
3. Integration is built into institutions, resource management, and policy. There is recognition of the holistic nature of ecosystems, and all policies, decisions and projects are evaluated against this background.
4. Community participation is built into all processes. It is seen as the normal way of doing business. It recognises also that the natural resources of a country belong to its people, and they have a right to participate in its management – with the flow-on effects that community participation leads to government efficiency, ownership of policies and actions by the community, and to more readily accepted principles of cost sharing.

So if the MDB *Initiative* is world best practice Integrated Catchment management then it will not only have these features but will have the governance structures and arrangements that enable them and account for performance. This paper will describe what exists and argue that while the form of the governance arrangements are important what is far more important is the commitment of the individuals whether they be Ministers, Commissioners, farmers, environmentalists or lawyers to negotiating outcomes which protect the shared values of the Basin.

THE COMMUNITY

Communities across the Murray-Darling Basin have always played a significant role in its development and management. Australians at the turn of the century were used to institutional change. Over previous decades they had transformed themselves from being dependent colonials into an independent people. They felt they could use their political system to change things and that was what happened at Corowa in 1902 when community caused governments to take the first tentative steps towards developing the MDB in a coordinated manner.

Today with a multitude of 'wicked problems' that are far more complex than could ever have been envisaged 100 years ago people are not so confident that the political system is equipped to act in the interests of the common good. As more and more information becomes available people are crying out for tools to interpret that data, for transparent processes for dialogue and decision making, and enough time to properly and widely discuss the options. They are looking for leadership at the policy level and regional governance arrangements that allow innovation in implementation at the local level. Increasingly people are demanding transparency and accountability in governance.

Much of the literature about the Murray Darling Basin *Initiative* contains significant amounts of rhetoric about governments working in partnership with the community. In fact it can be argued that this is a key feature of governance within the *Initiative*.

But who is this community? Is it a comforting word that means the public, but with the politics taken out? There is no such thing as the 'Basin community', but rather a highly complex, interacting set of communities. We are all members of different communities at

once, some defined by place, others by interests, some enduring, others short-lived. Some desperately want involvement in policy debates or resource management, some could not care less: most are in between. In thinking about the role of community in managing the Basin, this messy reality must be taken into account (Boully & Dovers, 2002).

There will always be debate about how much community involvement is enough and whether that involvement should be in an advisory or decision making capacity. The rhetoric of participatory governance and partnerships suggests that a greater involvement in negotiation and decision making than we currently see is desirable at the Basin and catchment scale. There may well be some issues at the Basin scale such as the cap on diversions or environmental flows that require less input into the strategic decision but maximum involvement in negotiating the details of implementation. Other issues, especially at catchment scale, demand close and constant participation.

In the face of this, a key issue is the clear articulation of the purpose and rules of engagement for the particular consultation or participation activity. The non-negotiable issues must be identified up front so that people know what they can negotiate over. No matter the issue, people must know that the process is fair, understand the opportunities for access to debates, and that their views have been heard, considered and are respected. A larger percentage of the community must become involved in implementing policies or plans at the Basin, catchment or local scale. Encouraging that involvement will require greater investment of effort and resources. The need and options for change must be understood 'at the kitchen table' if there is to be any change.

THE MURRAY-DARLING BASIN AGREEMENT

The Murray-Darling Basin is Australia's largest river catchment covering more than one million square kilometres (MDBC, 2001) or about 14% of Australia's land area (MDBMC, 2002). The State Governments of Victoria, New South Wales, Queensland and South Australia, the Commonwealth and the Australian Capital Territory Government have the responsibility of managing the Basin's natural resources. The cooperative arrangements developed to implement this multijurisdictional approach to managing the Basin's natural resources is known as the Murray-Darling Basin *Initiative* and is governed by the *Murray-Darling Basin Agreement* (1992).

The issue of how to manage the waters of the River Murray across a number of states has been around since federation.

If anyone is in any doubt as to the influence citizens can have on governments the origins of the *Murray Darling Basin Agreement* are instructive. Clark (xxx) explains that it was the Murray River Main Canal League which finally brought together unwilling statesmen from three states and the Commonwealth to meet with members of the various River Murray Leagues at Corowa early in 1902. The Prime Minister of the day, Barton, called for 'wisdom, moderation and good sense', and expressed the view that irrigation and navigation could be reconciled, provided that the parties did not continue to stand on their strict rights. The Constitution had been framed to be worked out by reasonable men. The Conference resolved:

That a royal Commission be appointed consisting of one representative from each State of New South Wales, Victoria, and South Australia, to report as to the just allotment of the waters of the Murray Basin to the use of each of the said States, and as

to the best methods, joint or otherwise, for their conservation and distribution, both for the purposes of irrigation and navigation, and in particular to report promptly upon the practicability and costs of schemes which included, inter alia, the locking of the Murray.

This historic decision was of course followed by many arguments and debates as the detail of the shared vision was hammered out over the years. As one would expect there

Table 1 outlines some of the key milestones in developing a cooperative approach to manage the River Murray and the larger river basin of the Murray and Darling Rivers.

Table 1: Major Developments in the *Agreements* covering the management of natural resources in the Murray-Darling Basin

Date	Instrument	Powers and Function under the <i>Agreements</i>
1855	Imperial Act	NSW granted “the whole Watercourse of the said <i>River Murray</i> , from its Source...to the Eastern Boundary of the Colony of South Australia” (as cited in Clark, 1983)
1914	River Murray Waters Agreement	<p>NSW, SA and Victoria agreed to specified shares of the waters allocated to each state and a formula for dividing the water during periods of restriction and established a River Murray Commission authorised to construct specified structures on the Murray, Murrumbidgee and Mitta Mitta Rivers and generally administer the Agreement (Clark, 1983)</p> <p>Matters beyond the powers of the Commission in 1914 (from Clark, 1982):</p> <ul style="list-style-type: none"> ◆ problems arising on tributary rivers ◆ problems caused by adjacent land use ◆ problems of flood mitigation and protection ◆ problems of erosion and catchment protection ◆ problems of water quality and pollution for agricultural or other sources ◆ problems of influent and defluent waters ◆ the needs of flora and fauna ◆ possible recreational, urban or industrial uses ◆ the environmental or aesthetic consequences of particular proposal
1981	River Murray Waters Agreement	<p>Greater powers to the River Murray Commission, new rules for calculating the SA entitlement</p> <p>Principle innovations in <i>Agreement</i> reached in 1981 (from Clark 1982):</p> <ul style="list-style-type: none"> ◆ power to consider any or all relevant water management objectives, including water quality, in the investigation, planning and operation of works ◆ power to monitor water quality ◆ power to coordinate studies concerning water quality in the River Murray ◆ power to recommend water quality standards for adoption by the States ◆ power to make recommendations to any government agency or tribunal on any matter which may affect the quantity or quality of River Murray waters

Date	Instrument	Powers and Function under the <i>Agreements</i>
		<ul style="list-style-type: none"> ◆ power to make representations to any government agency concerning any proposal which may significantly affect the flow, use, control or quality of River Murray waters ◆ power to recommend future changes to the <i>Agreement</i> ◆ new water accounting provisions
1986	Murray-Darling Basin Agreement	<p>Principle changes established in the 1986 <i>Agreement</i>:</p> <ul style="list-style-type: none"> ◆ purpose revised beyond the management of the shared waters of the River Murray to cover land and other environmental resources of the Murray-Darling Basin ◆ the geographical coverage of the <i>Agreement</i> extended to cover the Murray-Darling Basin ◆ the inclusion of the Commonwealth Government as a signatory to the <i>Agreement</i> ◆ expansion of the Ministerial Council, Commission and Commission Secretariat ◆ the establishment of a Community Advisory Committee
1992	Murray-Darling Basin Agreement	<p>Principle additions to the amended <i>Agreement</i> of 1992:</p> <ul style="list-style-type: none"> ◆ Salinity and Drainage Strategy agreed in 1992 through Schedule C ◆ Queensland included in 1996 through Schedule D ◆ ACT participation formalised through MOU in 1998 ◆ provisions for Interstate Water Trade established in 2000 through Schedule E ◆ Cap on diversions established in 2000 through Schedule F
Under development	Murray-Darling Basin Agreement	<p>Additional functions and amendments to the Agreement under development:</p> <ul style="list-style-type: none"> ◆ River Murray Water renewals annuity ◆ relationship with Snowy Hydro Limited to be formalised ◆ revised Salinity Schedule C ◆ possible TLM Schedule ◆ ACT seeking equal membership under the Agreement through a new Schedule

Sources: Clark, 1982; Clark, 1983; *Murray-Darling Basin Agreement* 1992

The purpose of the *Murray-Darling Basin Agreement* 1992 is “to promote and coordinate effective planning and management for the equitable efficient and sustainable use of the water, land and other environmental resources of the Murray-Darling Basin” (*MDB Agreement* 1992, p.8).

The *Agreement* establishes a Murray-Darling Basin Ministerial Council, the Murray-Darling Basin Commission and a Community Advisory Committee (CAC). The roles of each of these bodies are outlined in Table 2 and discussed in more detail below.

Table 2: Roles of the Murray-Darling Basin Ministerial Council, Commission and Community Advisory Committee

<p>Murray-Darling Basin Ministerial Council</p>	<ul style="list-style-type: none"> ◆ Consider and determine major policy issues of common interest to the Contracting Governments concerning effective planning and management for the equitable efficient and sustainable use of the water, land and other environmental resources of the MDB ◆ Develop, consider and, where appropriate, to authorise measures for the equitable efficient and sustainable use of the water, land and other environmental resources ◆ Authorise works ◆ Exercise other functions as conferred on the Council, e.g., <ul style="list-style-type: none"> ○ the Cap on diversions ○ salinity management
<p>Murray-Darling Basin Commission</p>	<ul style="list-style-type: none"> ◆ Advise the Ministerial Council in relation to the planning, development and management of the water, land and other environmental resources of the MDB ◆ Assist the Ministerial Council in developing measures for the equitable efficient and sustainable use of the water, land and other environmental resources ◆ Coordinate the implementation of / implement any measures authorised by Ministerial Council ◆ Give effect to any policy or decision of the Ministerial Council, which it is required to implement ◆ Contract and acquire, hold, deal with or dispose of property for the purpose of performing its functions / exercising its powers <p>To achieve this, the Commission works cooperatively with partner governments, committees and community groups to:</p> <ul style="list-style-type: none"> ◆ Develop and implement policies and programs aimed at the integrated management of the Murray-Darling catchment ◆ Manage and distribute the water resources of the river Murray system in accordance with the <i>MDB Agreement</i>.
<p>Community Advisory Committee</p>	<p>The CAC has such members, terms of reference, powers and functions as the Ministerial Council determines. The current terms of reference (CAC IV) are:</p> <ol style="list-style-type: none"> 1. To advise the Ministerial Council on: <ol style="list-style-type: none"> a) the natural resource management issues referred to the Committee by the Ministerial Council; and b) the full range of views of Basin communities on natural resource management issues of significance within the Basin. 2. To assist the Murray-Darling Basin <i>Initiative</i> by disseminating within Basin communities, Ministerial Council's decisions in a way that promotes clear understanding of their context and rationale, and enhances their ownership and adoption. 3. To participate, as directed by Ministerial Council, in Basin community engagement programs and provide Ministerial Council with advice on effectiveness of that engagement. 4. To participate, as directed by Ministerial Council, in policy development processes of the MDBC and Ministerial Council.

Source: *Murray-Darling Basin Agreement* (1992); MDBC (2003 unpublished)

THE MINISTERIAL COUNCIL

The Murray-Darling Basin Ministerial Council is the primary body responsible for providing the policy and direction needed to implement the *Murray-Darling Basin Initiative*. The Ministerial Council was established at a meeting of government ministers in Adelaide in 1985 and its operation is specified in the *Murray-Darling Basin Agreement*.

The Ministerial Council comprises the Ministers responsible for land, water and environmental resources within the Contracting Governments (i.e. the governments of New South Wales, Victoria, South Australia, Queensland and the Commonwealth). Up to three Ministers with prime responsibility for matters relating to water, land and environment from each government may sit on the Council (cl 3). These appointments are made by the Prime Minister or Premier for each government (cl 15). A lead Minister is nominated for each jurisdiction and the Council is chaired by the Commonwealth's lead Minister.

The Australian Capital Territory participates in the *Initiative* via a memorandum of understanding. The memorandum allows the ACT to take part in planning and management of Basin environmental resources, but not to be involved in water management of the River Murray system. The memorandum provides for an ACT Government minister to be a non-voting member of the Ministerial Council.

Being a political forum, the Ministerial Council has the power to make decisions for the Basin as a whole. Resolutions of the Council require a unanimous vote. This means that decisions taken by the Council represent a consensus of governmental opinion and policy across the Basin. Ministers cannot commit their respective governments to anything that has not been agreed prior to the Ministerial Council meeting. The Council is required to meet once a year but usually meets twice.

THE COMMUNITY ADVISORY COMMITTEE

With the establishment of the *Murray-Darling Basin Agreement* in 1986, the first Community Advisory Committee (CAC) was appointed and has since been reconstituted three times (with the fourth CAC still in the process of establishment). Twenty members are appointed to the CAC through an open call for expressions of interest, and represent a mix of interests and skills from across the Basin. The CAC is chaired by an independent Chairman appointed by the Ministerial Council.

CAC members do not represent the Basin community rather they represent an informed cohort of the population capable of articulating the diverse views, needs and aspirations of individuals and communities across the Basin. While the CAC members come with individual vested interests this is positive as it means that they can apply the reality test to policy initiatives from a user's perspective. Despite the vested interests of the members it is rare that a real conflict of interest exists and members are able to rise above parochialism and debate policy from the perspective of the Basin. For the most part the CAC has been able to reach genuine consensus about issues of principle.

Community participation in the *Initiative* is complicated by the Murray-Darling Basin Commission not being a peak body of the States, each of which has its own approach to community participation (Wellman, 2002). Wellman (2002) found that the CAC has been a strong protagonist for community consultation through instigating participation of community members on Commission working groups involved in the development of strategies and initiating its own networking and wider consultation with community groups in

the Basin. Although Wellman found the CAC to be actively engaged in policy development, it is not involved in decision-making and accountability for all decisions still rests with the Ministerial Council.

The CAC provides advice directly to the Ministerial Council unfiltered by the Commission. As the CAC relationship with the Commission has matured and policy development has become much more inclusive, there has been a decline in the amount of contradictory advice taken to Ministerial Council. Divergent advice largely emerges for two reasons – firstly that the Commission and CAC have not been able to resolve different perspectives or the CAC has identified new and emerging issues.

The CAC advice is considered by the Ministerial Council in three ways. CAC advice is fully contained in the first business paper in Council agendas. The advice is also inserted in relevant business papers throughout the agenda. And of course it has influenced Commission recommendations themselves. The CAC Chairman attends all Ministerial Council meetings.

In addition the CAC meets with the Ministerial Council on an annual basis. There is a requirement within the ICM Policy for the two bodies to have an annual discussion about the progress towards implementing the Integrated Catchment Management approach in the Basin.

THE MURRAY DARLING BASIN COMMISSION

The Murray-Darling Basin Commission is the executive arm of the Ministerial Council. The Commission is an autonomous organisation equally responsible to the governments represented on the Ministerial Council as well as to the Council itself. It is not a government department nor a statutory body of any individual government.

The Commission is responsible for:

- Managing the River Murray and the Menindee Lakes system of the Lower Darling River (the Water Business delivering water to consumptive users).
- Advising the Ministerial Council on matters relating to the use of the water, land and other environmental resources of the Murray-Darling Basin (natural resource management policy development).

The Commission comprises an independent President, two Commissioners from each Contracting Government (i.e. the Commonwealth, New South Wales, Victoria, South Australia and Queensland). Under the memorandum of understanding for the participation of the ACT Government, a non-voting "representative" from the Territory participates in meetings of the Commission. Apart from the President, Commissioners are normally chief executives and senior executives of the agencies responsible for management of land, water and environmental resources. The CAC Chairman also participates in Commission meetings.

The appointment of senior bureaucrats has been by tradition rather than as a requirement of the *MDB Agreement*. While members bring their own skills to the Commission it is not an expert or skills based Commission. Under existing arrangements Commissioners have dual responsibilities – to their Minister (or jurisdiction) and to the Commission. For most Commissioners Basin business occupies a very small proportion of their time and is generally a low priority in comparison to more pressing day to day management issues within their jurisdictions. South Australia may be the exception. In the context of the *Agreement*, Commissioners should act in the best interests of the Basin but in practice they act in the

interests of their jurisdictions only giving away what they absolutely have to, to satisfy the political mood of the day. Often the agendas or interests driving the individuals are not declared leading to the peak decision-making body only being partly informed of the policy options and the strengths and weaknesses of their choices. This behaviour leads to delays in decision-making or advice to the Ministerial Council and at times lowest common denominator decisions that are not in the best interests of the Basin as a whole.

The Commission does not act like a board of directors in that it has no formally agreed governance structure. There is no code of directors' conduct and no register of directors' interests. Appointments are made by individual jurisdictions and take no account of the need to retain corporate knowledge or skills balance. Currently there are very few Commissioners who have served terms of greater than two years.

The Commission appoints a Chief Executive and funds a secretariat (the Office of the Commission) to operationalise the decisions of the Council and Commission. It is of concern that the Office of the Commission is now seen by many (including partner governments) as the seventh jurisdiction – a competitor rather than the enabler. This has arisen because the Commission has not taken responsibility for directing its secretariat.

The Commission works cooperatively with the partner governments, committees and community groups to develop and implement policies and programs aimed at the integrated management of the Murray-Darling catchment and managing and distributing the water of the River Murray in accordance with the *Murray-Darling Basin Agreement*. This cooperative approach reflects the importance placed on Government-community partnerships and brings to participants and end-users the benefit of shared concerns and expertise, jointly developed and integrated solutions, and avoids duplication of effort.

The Commission appoints a range of working groups and committees to progress its programs. These groups develop policy and new programs, have the responsibility of overseeing and reviewing the implementation of key initiatives and providing advice to Commission and Council. Whilst the membership is predominantly from the partner governments (Commissioners and Deputy Commissioners for the high level committees and project boards; other departmental employees for the other working groups), there is a significant level of community and external participation as well. This is outlined in Table 3.

Table 3: Murray-Darling Basin Commission Committees and Working Groups

Type of Group	Committee/Group Name	Community Participation
High Level Committees	Finance Committee Water Policy Committee ICM Policy Committee Audit Committee River Murray Water Advisory Board	CAC CAC CAC independent input independent input
Project Boards	The Living Murray Sustainable Rivers Audit Indigenous Action Plan Interstate Water Trade Native Fish Management	CAC CAC CAC CAC
Other Working Groups and Committees	Basin Salinity Management Strategy Implementation Working Group ICM Implementation Working Group The Living Murray Implementation Program Working Group Indigenous Inter-Agency Coordinating Group Groundwater Technical Reference Group Sustainable Rivers Audit Task Force Community Reference Panel for The Living Murray ICM Business Program Knowledge Committee Rivers Program Knowledge Committee Landscapes & Industries Program Knowledge Committee Leadership Program Implementation Committee Landmark Water Liaison Committee River Murray Channel Capacity Working Group Hume to Yarrawonga Advisory Committee Salinity Drainage Assessment Working Group Fish Working Group Native Fish Strategy Stakeholder Group High Level Working Group on Salt Interception Social and Economic Reference Panel (TLM) Scientific Reference Panel (TLM)	CAC CAC CAC CAC CAC CAC general community CAC CAC CAC CAC CAC, general community ? general community CAC independent scientists
Other	Independent Audit Group (Cap) Independent Audit Group (Salinity)	independent experts independent experts

ACCOUNTABILITY

Schedules to the *MDB Agreement* provide the accountability mechanism for the Ministerial Council. Independent Audit Groups report on an annual basis on progress each jurisdiction makes for the cap on diversions and salinity. Where valleys or jurisdictions are in breach of the schedules then they are required to make good. As each jurisdiction implements the schedules in different ways and the models used to report and audit achievements are not all accredited there is a reasonable level of scepticism about the credibility of the process.

At a more general level the Integrated Catchment Management (ICM) Policy (see below) requires the Ministerial Council and the Community Advisory Committee to “jointly review the progress of the ICM approach” at the Basin scale (MDB Ministerial Council, 2001, p.19). The data for this discussion is being collected independently through a project that will measure the perceptions of a random sample of people across the Basin against a set of agreed performance measures. While the Policy requires that this happen on an annual basis the first discussion will occur in late 2004 some three years after the policy has been adopted.

The Commission itself has no mechanism in place to review and report on its performance in ICM at a Basin scale. In fact there appears to be an unresolved tension where some players believe that ICM includes all of the business of the Initiative and others who see ICM as simply the community component of a broader natural resources agenda. The ICM Policy is quite explicit about the way in which the players should behave and work together to meet the joint commitment. At this point in time there is no mechanism through which anyone could make an informed comment on whether in fact this is the way in which the governance bodies are working.

THE INTEGRATED CATCHMENT MANAGEMENT POLICY

The *Natural Resources Management Strategy* (MDBMC, 1990) represented the Ministerial Council's first step towards adopting integrated catchment management and the government/community partnership as two fundamental building blocks for sustainable management of the Basin's natural resources.

In June 2001, the Ministerial Council released a new Integrated Catchment Management Policy statement that renews and builds on this first step. Specifically the *Integrated Catchment Management in the Murray Darling Basin 2001 – 2010*, policy statement says:

We the community and governments of the Murray-Darling Basin commit ourselves to do all that needs to be done to manage and use the resources of the Basin in a way that is ecologically sustainable (ICM Policy p.i)

This is the first policy statement to be jointly agreed by the Ministerial Council and the Community Advisory Committee.

The values and principles in this policy document were agreed jointly by the Ministerial Council (governments) and the Community Advisory Committee (community). The values and principles are outlined below (Murray-Darling Basin Ministerial Council, 2001, p.4).

Our values	Our principles
We agree to work together, and ensure that our behaviour reflects the following values.	We agree, in a spirit of partnership, to use the following principles to guide our actions.
Courage	Integration
Inclusiveness	Accountability
Commitment	Transparency
Respect and honesty	Effectiveness
Flexibility	Efficiency
Practicability	Full accounting
Mutual obligation	Informed decision-making
	Learning approach

The *Initiative*, and particularly its ICM Policy, promotes the concept of a “partnership” between community and government. This new approach to natural resource management has grown out of the recognition that while we clearly need to integrate the management of different biophysical elements – soil, water and vegetation, we will be doomed to fail without an effective framework that also incorporates social, human and institutional dimensions.

There is no doubt that the “partnership” promoted by the *Initiative* and the ICM Policy has led to high expectations of community participation in the conduct of the Commission’s business, particularly in the development of public policy for natural resource management in the Basin.

Over the past two decades the rhetoric used by both community and government indicates that there has been a significant shift in the role of communities in decision-making (Boully & Dovers, 2003). Individuals and communities have a right and a responsibility to vote and to participate actively in drawing issues to the attention of government. So where are the opportunities for the sharing of responsibility and the sharing of power in natural resource management public policy?

The *Initiative’s* commitment to an integrated catchment management approach and the establishment of regional arrangements for natural resource management at the State level, provides a number of avenues for participatory approaches to governance. In addition to the CAC at the basin-level, each State/Territory has established community-led planning and management bodies for each of the major sub-catchments across the Basin.

Unlike other areas of public participation in public policy development, through ICM, natural resource management has adopted an approach that plays down conflict, encourages people to talk with each other and understand different viewpoints, and develop a level of ownership of the problems, and therefore the solutions (Reeve, Marshall & Musgrave, 2002). While there has been broad agreement about the ICM framework, each State has taken a different approach and established a different type of arrangement with the community with varying levels of power and autonomy.

IMPLEMENTATION

The partnership under the *Murray-Darling Basin Agreement* is predominantly implemented through the actions of the participating States and Territories as the managers of water, land and other natural resources under the Australian Constitution. Basin-wide policies therefore need to fit in with state policies and initiatives. It would not be practical to attempt to

Each of the partner governments has committed to its own governance arrangements for natural resource management, which involve participation from the community to varying degrees. Each of the States and Territories has some form of Catchment Management Organisation that acts as the prime focus for the community-government interface in natural resource management. These are outlined in Table 4 below.

Table 4: Community Roles in Natural Resource Management Governance

Organisation	Legislated role	Powers/TOR	Appointment	Participation of wider community
Victorian CMAs (Andrew Major DSE)	Yes under CaLP (Catchment and Land Protection Act)	Development of strategic direction for land and water management through setting priorities, evaluating the effectiveness of outcomes, monitoring the external and internal environment and identifying opportunities	Ministerial by open application	<i>Implementation Committees</i> act as conduits for local community input, and are responsible for the development of detailed work programs and the oversight of on-ground program delivery for specific issues or sub-catchments
NSW CMAs (Bob Junor DIPNR)	Yes		Ministerial by open application	
SA INRM Groups (David Olsson DWLBC)	Proposed under NRM Bill 2003 establishing regional NRM Boards [to be confirmed]	<i>Current</i> – None - role is to deliver agreed components under the NHT/NAP bilateral agreements between Queensland and the Commonwealth <i>NRM Bill</i> - ? - NRM planning, investment and delivery including compliance activities and providing local advice	Ministerial appointment	Guidelines for developing regional/catchment plans require consultation
Qld catchment committees	No	None – role is to deliver agreed components under the NHT/NAP bilateral agreements between Queensland and the Commonwealth	Self-selected according to a process signed off by the Qld Government	Guidelines for developing regional/catchment plans require consultation

Sources: Mike Bradby (Qld Dept NRM); David Olsson (SA Dept WLBC)

Community Participation in Governance – what difference does it make?

The Murray-Darling Basin *Initiative* is a complex formula for policy development across six jurisdictions. It also includes, both through the *Murray-Darling Basin Agreement* and the project management processes set up by the Commission to implement the *Initiative*, a significant level of community participation in the policy development aspects of its business. However, apart from the existence of the CAC, this participation is somewhat *ad hoc* in nature.

So how does the participation of the community add value to the Initiative and is it worthwhile?

Many reasons are given for involving the community in public policy development:

1. It is the right of all citizens to have a voice and influence decisions that affect them (Dobell, 2002)
2. Greater participation brings greater awareness, promotes synthesis of local and traditional knowledge with conventional knowledge / science (Dobell, 2002)
3. Participation legitimises decisions and facilitates compliance (Dobell, 2002)
4. Better public policy (OECD, 2001)
5. Greater trust in government (OECD, 2001)
6. Stronger democracy (OECD, 2001)

In 2002, the Ministerial Council committed to an open, transparent and highly participatory approach to the development of its new The Living Murray initiative:

Council recognised both the complexity of the environmental flows issue and the need for certainty in the communities relying on irrigated agriculture. To provide a dialogue between Council and communities, Council agreed today to establish an intensive Community Engagement Strategy designed to facilitate the incorporation of community values, knowledge and aspirations for scientific and technical knowledge in developing, determining and negotiating options for the recovery of water for the environment. It will adopt both a river reach by reach approach and a Basin-wide approach, and provide for input from local stakeholders, the general community in affected regions and the public interest nationally. Corowa Communiqué April 2002 (MDB Ministerial Council, 2002)

In reality, “community engagement” as outlined has been problematic for the Commission to deliver. It has been plagued by the complexities of working across several jurisdictions with their own (related) policy development processes and methodologies for involving the community. The CAC has therefore been of prime importance in providing community input to the policy development and decision-making processes.

The CAC’s influence can be clearly seen in the Ministerial Council’s decision to take a first step towards improving the health of the River Murray in November 2003. A number of key components that enabled negotiations to reach a decision-making point were in fact proposals brought forward by the CAC.

CAC Advice	Commission Advice	Council’s Decision
Set objectives based on ecological outcomes rather than volumes of water to be recovered (CAC x – date)	Endorsed	Ecological objective approach agreed - MC
Take a first step decision to protect and enhance ecological outcomes for	Endorsed	Interim objectives set to improve the health of 6 significant

5 significant ecological assets (CAC x – date)		ecological assets – MC34
Cost-effective investment of the \$500m committed by COAG to achieve at least 500 GL of new water for the environment	Endorsed	
Ministerial Council to continue to decide on the outcomes required to achieve a healthy River Murray system beyond this first step	Endorsed	
Establish an independent process for evaluation of delivery of TLM community engagement	Endorsed	
Alignment of the Ministerial Council's investment of \$150m in infrastructure projects with TLM significant ecological asset objectives	Endorsed	
To enable a 'one river' approach to source and manage environmental water, coordinated amendments to State/Territory legislation, and possibly the <i>Murray-Darling Basin Agreement</i> , will be required	Position still under development by Commission	
TLM Knowledge Strategy required to inform choices that will lead to achieving the best environmental and social outcomes	Endorsed	

An extract from the summary of the CAC's advice to Ministerial Council in November 2003 is provided below:

Extract Only: CAC Advice to Ministerial Council Meeting 34 – 14 November 2003

The Living Murray First Step

The Community Advisory Committee (CAC) presents for consideration by Ministerial Council, the following key points in support of taking a decision on the first step in the implementation of The Living Murray initiative.

The Living Murray is not a project, but the beginning of the way we will do business from now on.

Why? *The CAC is convinced that doing nothing is not an option.*

There has been significant deterioration in water quality, aquatic and terrestrial biodiversity, and water availability of the River Murray system. The science tells us that if additional flows are not returned to the River Murray there will be significant detrimental consequences to the environmental quality of the river system, which underpins our economic, social and cultural values.

The level of confidence in the science will vary depending on the threat perceived. Where fairness in the decision is evident, acceptance of the science

will be greater.

The CAC's view is that the available evidence supports proceeding with a first step now.

What? ***The CAC supports the five significant ecological assets as the basis for taking the first step in a long term adaptive management approach to restoring a healthy working river.***

Given that restoration at this scale has never been attempted anywhere in the world, outcomes are difficult to predict; however this must not prevent the first step from proceeding.

- ◆ The initial focus of delivering 'real' water, structural, operational, and land management actions to five significant ecological assets to achieve a substantial improvement in the health of the River Murray system is a critical first step on the path to a healthy, working river.
 - ◆ As this first step is only a small part of a long term approach to ICM, it needs to be accompanied by a substantial program of knowledge development to inform choices that will lead to achieving the best environmental and social outcomes.
 - ◆ We expect the Ministerial Council to continue to decide on the outcomes required to achieve a healthy River Murray system beyond this first step.
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How? ***The evidence available leads the CAC to conclude that, through strategic investment, management and processes which support social change, we can achieve a "healthy Living Murray, sustaining communities and protecting unique values".***

- ◆ Community input to The Living Murray indicates that communities want to be assured that all water is being used to best effect.
 - ◆ The CAC expects cost-effective investment of the \$500m committed by COAG to achieve at least 500 GL of new water for the environment.
 - ◆ To enable a 'one river' approach to source and manage environmental water, coordinated amendments to State/Territory legislation, and possibly the *Murray-Darling Basin Agreement*, will be required.
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How much? ***The CAC expects the jurisdictions to behave collaboratively over the investment of the COAG \$500 million and not quarantine any resources for any other purpose.***

The \$500m of funding committed by COAG constitutes new money to be invested in water allocation in the Murray-Darling Basin in addition to the \$150m committed by Council through The Living Murray Implementation Program. The temporary trade of environmental water during droughts may also make significant contributions to The Living Murray initiative.

In this instance, the community input has not only led to the outcomes identified by Dobell (2002) and the OECD (2001), it has acted as the enabler in the process of negotiating a decision-making point where progress had been somewhat slow and difficult. Without this input, it is highly likely that the governments would still be negotiating. The outcome also has the added advantage that the Ministerial Council can be confident that their decision is, by and large, supported by the community.

The value of community participation in differing components of the *Initiative* varies significantly; this is related to both the amount of involvement made possible and the way the involvement is managed. However, the experience of the CAC is the peak community involvement, demonstrates that the more accessible the information, open the process and opportunity to participate, the more community involvement can contribute.

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