

# Talk Until The Talking Starts – Resolving Conflict Through Dialogue

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## ABSTRACT

Water sharing between users, and between users and the environment, has been a focus for communities in the Queensland section of the Murray Darling Basin and governments for many years. Successful water resource planning relies on good data and science but is impossible to achieve without the people involved being committed to communicating, negotiating and achieving shared objectives through a respectful, transparent and unthreatening process.

Use of a largely consensus based approach, including active involvement of community and industry leaders and opinion shapers, and strong support and open availability of information from government agencies, has allowed community and government to jointly develop solutions and make decisions that are more creative and more widely supported than those made using traditional decision making methods. The participants are able to gain a mutual respect for and an understanding of each other's viewpoints allowing them to look for mutual gains through the negotiation process.

Through the use of the best available hydrologic data and ecological science, community and government have together acknowledged the risks to specific ecological assets and to the economic viability of the region if the 'business as usual' scenario is adhered to. With the ultimate goal being the establishment of 'social harmony', the process of learning, debate and negotiation has successfully dealt with equity between most users and between users and the environment.

This paper will compare and contrast the history of conflict in the Queensland/New South Wales Border Rivers and Lower Balonne river valleys in Australia. It will examine the challenges faced by both governments and communities and the processes that evolved to develop approaches to water resource sharing that are innovative and have community ownership together with government endorsement.

Making community capacity building a priority in preparation for, during and after water resource planning consultative activities has proved to be a solid foundation for frank and constructive dialogue. The lessons learned from this exercise in community – government relations are likely to be of great benefit to other community-driven resource allocation and management processes. The perspectives of both Government and community organisations are presented to assist people involved in or preparing for community engagement processes.

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## **INTRODUCTION TO THE QUEENSLAND WATER PLANNING FRAMEWORK**

Balancing present water consumptive needs with the needs of future generations, and the health of our river and underground water reserves, is one of the most significant long-term challenges facing governments, industrial, agricultural and domestic water users, and the community. In Queensland this challenge is heightened in that its rivers are also characterised by alternating occurrences of severe droughts and major floods – statistically speaking, Queensland has one of the most variable climates in the world.

Since the agreement in early 1994 by the Council of Australian Governments (COAG) to broad-ranging water reforms, Queensland has been progressively implementing a planned package of water industry reforms.

In 1995 the Murray Darling Basin Ministerial Council agreed to establish a cap on diversions, essentially, for most parts of the Basin, to protect the interests of those consumptive users whose works were in place in 1993/94. Queensland was party to this agreement and negotiated special conditions that allowed for the cap to be established through a water resource planning process.

Prior to these reforms there had been limited government commitment to including community input or advice on water management planning decisions. Where advice was sought consultation was usually limited to those with a direct vested interest – the irrigators. With the COAG agreement there came a definite shift in government policy (coinciding with a significant change in community expectations) towards increased stakeholder involvement in decision making processes relating to water reforms.

Queensland established the Water Act 2000 to provide the legislative basis for implementing the COAG water reform framework including the basis for conducting statutory water planning processes.

These processes are structured such that the catchment water plans are developed in two distinct phases:

- Firstly, a Water Resource Plan (WRP) is developed. This is a strategic document that specifies water sharing and environmental flow outcomes across a whole catchment for a ten year period; and
- Secondly, a Resource Operations Plan (ROP) provides the detail for implementing the WRP.

Through such processes, Queensland aims to achieve sustainable water resource management by not only increasing certainty for water users, but also ensuring that equity considerations amongst existing and future users and uses, as well as ecological and other wider community considerations, are all taken into account.

The development of a 'practice' of genuine and productive community involvement has evolved through serious conflict and conflict resolution in the two focus areas described in this paper. Historically, the Queensland government, like others has struggled to understand how to involve stakeholders appropriately in the water reform decision making processes. Stakeholders themselves have been unable to describe what appropriate involvement meant. The importance of this issue and the lessons of the last decade are reflected in the 2004 COAG Intergovernmental Agreement which includes the following as a desired outcome for community partnerships.

*“Parties agree that the outcome is to engage water users and other stakeholders in achieving the objectives of this Agreement<sup>5</sup> by:*

- 1. improving certainty and building confidence in reform processes;*
- 2. transparency in decision making; and*
- 3. ensuring sound information is available to all sectors at key decision points”.*

What follows is the experience and learning’s from two journeys that have resulted in ‘mutual gains’ for all parties.

## **THE BORDER RIVERS AND LOWER BALONNE AREAS**

The extreme variability and seasonality of Queensland's rainfall and streamflow patterns present many unique management challenges for water managers and water users alike.

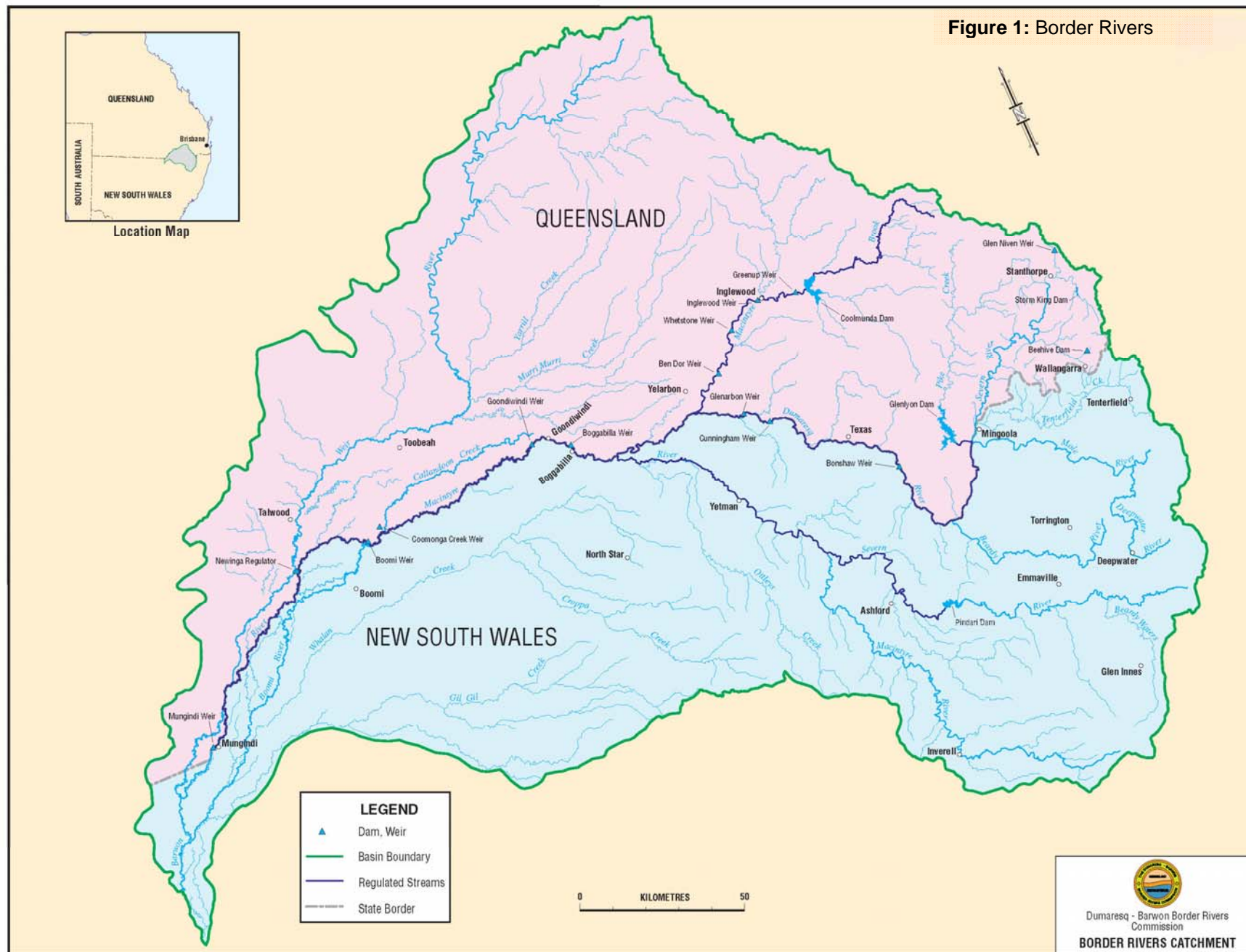
The two areas that are the focus of this paper – the Border Rivers and Lower Balonne – are both located in the South-West of Queensland and can be characterised as regions within which irrigation has flourished using water that is harvested into offstream storages, from complex ephemeral floodplain river systems (see Figures 1 and 2).

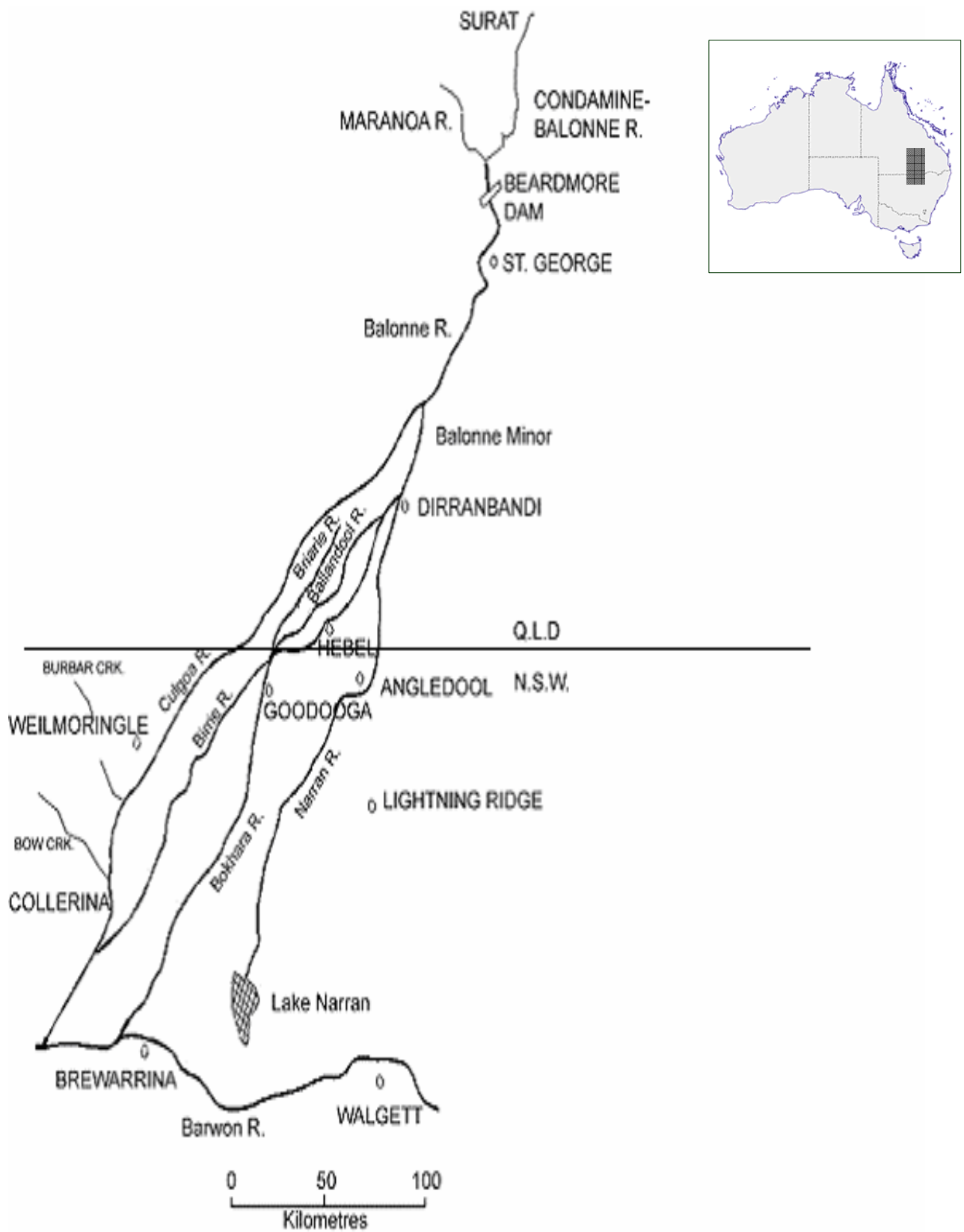
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<sup>5</sup> The agreed outcomes of the 2004 COAG Agreement fall within the following areas:

- Water access entitlements and planning framework
- Water markets and trading
- Best practice water pricing
- Integrated management of water for environmental and other public benefit outcomes
- Water resource accounting
- Urban water reform
- Knowledge and capacity building; and
- Community partnerships and adjustment.

Figure 1: Border Rivers





**Figure 2:** The Lower Balonne Floodplain region.

The Barwon-Macintyre-Dumaresq River System (Figure 1), is an important source of irrigation water within the Border Rivers catchment. It is unique in that it is located along the New South Wales and Queensland state border. This means that water entitlement and sharing rules in each state need to be developed in ways that integrate with and complement the arrangements and laws of the other state.

The Lower Balonne area (Figure 2), is a 1.6 million hectare floodplain situated at the downstream end of the Condamine Balonne catchment, that also straddles the Qld/NSW border. South of Beardmore Dam at St George the Balonne River splits into a number of distributary streams. One of the rivers (the Narran River) terminates in the internationally recognised Narran Lakes system and the other streams eventually converge and enter the Darling River near Bourke.

Until the 1980's the predominant agricultural activity in both areas was grazing with a small proportion of land used for dryland cereal farming. Typically, the grazing industry has been reliant on intermittent rainfall and beneficial flooding events to boost pasture production. Since the 1980's increasing areas have been progressively developed for irrigation with the predominant crop being cotton at this point in time.

Originally, the main water storages in the Queensland parts of these systems were relatively small instream structures such as Beardmore Dam (81,800ML capacity) which is near the town of St George, Coolmunda Dam (75,000ML capacity) which is located near Inglewood and Glenlyon Dam (264,000ML capacity) which is located between Stanthorpe and Texas. Over the last two decades the capacity of these dams has been dwarfed by the total capacity of private on-farm water storages (now estimated to be 332,000ML in the Qld Border Rivers and 1,170,000ML in the Lower Balonne). Improvements in technology and the ever increasing capital value of water have enabled irrigators to develop their capacity to "harvest" (by gravity and/or pumping) water from natural river flow events into large private offstream storages. This is a risk management strategy employed to maximise the irrigation opportunities from a highly variable and unpredictable river system.

These water 'harvesting' opportunities are permitted within the constraints of the terms and conditions of water licences that were issued by state water managers. Typically, these licences allow irrigators to take water at a specified rate from the river only when certain conditions have been met such as, for example, only after specific threshold water levels have been reached in the river.

More recently irrigators have also developed works on the floodplain itself in order to capture, into on-farm storages, water that breaks out of river channels and flows across floodplains. Until September 2000, the Queensland government did not have the power to actively manage or restrict the taking and storing of such out-of-river flows (referred to as *overland flow*). New legislation now enables government to control the taking of, or interfering with, overland flows. It is now possible to stop the construction of new works that could increase the amount of water that could be taken, either from a watercourse or from overland flow. It is also possible to licence the taking of overland flow where appropriate and ensure compliance with licence conditions.

## THE ORIGINS OF CONFLICT

Like every other river system where there is competition for a scarce and valuable resource, perennial conflict has been a characteristic of relations between different water user groups and between water users and the respective state governments since well before the original 1994 COAG reforms. Historical conflict over the sharing and management of water resources in these highly ephemeral systems has been heightened by the ongoing tension that exists between the water user's quest for a secure supply of water to minimise business risk, and the harsh reality of unreliable and unpredictable river flows in these systems. As the level of competition for scarce water resources increases, so too does the tension. This, in turn, results in a corresponding escalation in the degree of conflict, particularly when government departments make unilateral and interventionist decisions affecting the prevailing water sharing balance (equity) between users.

The conflicts extend across relationship, data, values, and institutional issues. Relationship conflicts have arisen because of distrust, misperceptions, lack of communication, blaming, 'baggage' from the past and strong emotions. Many of these relationship conflicts have been influenced by values issues – different groups have different views about what is right or wrong, beliefs have been ridiculed, people are 'told' to change their behaviour, people are deliberately misinterpreted. Serious conflicts, sometimes resulting in legal actions, have arisen when information and data are withheld, misinterpreted, too complex or non-existent.

In many cases it has been institutional issues that have caused greatest conflict – locking individuals/interests out of the process, rigid decision making processes, misunderstanding of how planning and legislative processes link together, state borders, authoritative 'power over' behaviour and time are all relevant. There appears now to be agreement that conflict in the Lower Balonne and Border Rivers water planning processes was exacerbated by the heavy reliance government placed on a mix of "adversarial" and "expert" decision making approaches. Such processes tend to:

- Rely mainly on the input of scientific experts, scientific organizations, lobbyists or other people that may be strongly aligned with particular "sides" or a specific point of view;
- Place emphasis on the importance of research, technical reports or other information generated for a specific purpose and without reference to, or integration with, other work that may be relevant;
- Involve decisions to either strategically withhold or release information (rather than to openly pool it);
- Keep "grass roots" stakeholders at arms length from committees, expert panels or other administrative or scientific bodies involved in the decision-informing stages of the processes; and
- Take no account of the professional and personal damage done to individuals on all "sides" through the highly emotive and destructive approaches people feel forced to adopt.

In the Border Rivers in the late 1990's stakeholders were clearly disillusioned with the Flow Management Plan process and its lack of progress or outcomes. In response, the irrigation community in this catchment formed the Border Rivers Food & Fibre Association (BRFF) in 1997 to democratically represent the interests of water users in planning processes via eleven local associations throughout the catchment.

Border Rivers Food and Fibre openly stated that its philosophy was to be part of the solution rather than part of the problem. It was able to cite a broad membership with a well-developed understanding of the issues involved – in short Border Rivers Food & Fibre was ideally placed to enter into a constructive partnership with government.

Conflict in the Lower Balonne had its origins in the 1970's when Beardmore Dam was built to the advantage of the St George community. As private irrigation development expanded rapidly in the late 1980's and 1990's so did conflicts between upstream and downstream users, irrigators and graziers, all interests and the government. Conflict here was much more pronounced in the late 1990's than in the Border Rivers. A number of factors contribute to this, including:-

- Water resource availability in the Lower Balonne is more variable/unreliable than the Border Rivers;
- Quite different community 'cultures';
- Entrenched historical divisions between stakeholders; and
- The absence of a collaborative approach to water resource planning.

In mid 2002 the conflict surrounding water sharing issues in the Lower Balonne effectively peaked following a series of attempts by governments to introduce 'draconian' plans or initiatives to restore water to the environment.

These attempts involved either generally reducing the existing access of all water entitlements in the Lower Balonne in some way, or by proposing to compulsorily acquire and retire specific properties and water licences associated with them. People were afraid for their future and were resolved to "fight" for their "rights" – rights that they believed governments had encouraged them to exercise in the first place.

At the heart of the debate in both areas at the time were strong reservations by irrigators and other stakeholders about the validity of the scientific evidence upon which proposals to allocate water to environmental purposes were being based.

Trust between water users, water managers and the scientific experts was at an all-time low, people felt personally threatened and confidence in all aspects of the water planning processes underway was under question as a result.

## **THE IMPORTANCE OF TRUST, RESPECT AND COMMUNICATION**

Clearly a better approach to community engagement was required, and time-out was needed by all participants to redefine the kind of relationship that would help move water planning processes forward. In both areas the historical baggage from the past

had to be acknowledged and an agreement to work towards the future struck between all of the participants in the planning process.

To do this, the water resource planning process established new ground rules for working together within and between members of the community as well as departmental officers involved in the process. In the Lower Balonne this was assisted, for example, through the preparation of clear terms of reference for a community reference group that included explicit commentary about the protocols for building and maintaining a working and respectful relationship between all participants.

Border Rivers Food and Fibre suggested that the existence of a cohesive set of circumstances was essential in order to make a partnership like this work. These circumstances included the existence of:

- Trust, engendered by consistent adherence to commitments made;
- Mutual respect, based on a genuine desire to work together for the common good;
- A free and open exchange of information and ideas, including all material generated by and available to the Department and water users, to inform the decision-making process;
- Effective communication with all those involved;
- Clear and concise definition of the tasks to be achieved;
- An understanding by the community that the government ultimately makes the statutory planning decisions;
- Up-front examination, understanding and flagging of “givens” in the process, considered not negotiable;
- The ability to distinguish between technical and political issues;
- Confidence that the Department’s planners recognize the knowledge and experience and value the views of water user representatives, and vice versa;
- Commitment by the planners to keeping relevant officers in the Department and the Minister well informed;
- Access by water user representatives to the senior staff in the Department and the Minister to keep them informed of current progress or issues, including flagging any concerns about possible emerging risks to the process or planning outcomes;
- A realistic approach to procedural issues, including:
  - Timely and appropriate dissemination of information;
  - Scheduling of meetings;
  - Setting of practical, achievable agendas;
  - Ensuring democratic opportunities for all to participate; and
  - Reporting back to participants;
- Constant and routine informal communication between the lead government and industry participants, to ensure momentum is maintained and enable

continuing cross-fertilisation of ideas and avoid the development of misunderstandings and hindrances (also facilitated by consumption of a red wine or two around the kitchen table!);

- A good laugh and a bit of fun from time to time; and
- Celebration of successes.

In both areas, trust and respect have been built through ongoing, open dialogue about all of the matters that are important to the participants and their organisations/communities. When people started to communicate through listening, respect and understanding grew and common ground was identified. When communication led to joint fact finding and joint discovery of solutions respectful relationships developed.

## **A NEW PROTOCOL FOR SUCCESS**

In both areas the following steps have been critical. They are the synthesis of processes developed in different ways, at different times and using different language.

1. Ministers with portfolio responsibility support and champion the process.
2. Senior departmental staff are actively involved and committed to the process.
3. All interests and 'opinion shapers/leaders' are represented at the 'table'.
4. Ensure that participants are 'signed on' and able to participate fully.
5. Create a safe environment for government and non government participants to be able to speak honestly and openly through the development of behavioural guidelines or operational values and talk and talk and talk until the talking starts.
6. Focus on building relationships – 'people matter'.
7. Acknowledge and respect roles and responsibilities of all parties.
8. Allow the participants to self organise and design processes to suit their needs in achieving the overall outcomes.
9. Acknowledge values and work hard to address the needs, desires, concerns and fears through focus on mutual gains.
10. Use informal processes to move discussion of difficult issues forward.
11. Participants agree to take responsibility for wider industry/community engagement. This requires that the 'circle of trust' is expanded beyond those 'at the table'.
12. Acknowledge the past, learn from it and move to the future.
13. Articulate individual and shared needs/values/objectives.
14. Reach a collective understanding of all of the information/data (joint fact finding) and the degree of confidence in it. Agree on what is not known. Use an independent scientific process that intersects with the participants in the planning process to assist this.
15. Reach a collective understanding of the relevant policies and legislation and the opportunities and constraints they create.

16. Encourage and support participants to challenge assumptions.
17. Through a process of joint discovery, generate and test options to determine what is 'doable'. Do not attempt to reach consensus until issues are fully explored and effort is given to finding creative responses that address differences.
18. Create a 'writing' group to draft reports or agreements and give all participants opportunity to provide comment/edits/new ideas at all times (electronic).
19. Make sure that tasks are time bounded.
20. Having fun along the way.

In the Border Rivers there is a strong consensus that the process has reflected all of these steps and, even where agreement might not have been reached, there is confidence that the negotiation process will continue. This would also be the case in the Lower Balonne except for the floodplain grazing interests. In this case, even though their representatives participated throughout the process and stated that they agreed with the solutions developed for the Water Resource Plan, their subsequent actions opposing the plan demonstrated that they had not bought in at all. In part this can be attributed to the structural impediment created by the State Border and the involvement of two State Governments with very different approaches to community involvement.

## **ASSESSING OUTCOMES**

### **1. Dealing with Relationship Issues**

In the Border Rivers water planning process, the Queensland government and the community have, to date, certainly reaped the rewards from the building of a genuine partnership-based relationship. Tangible benefits have included:

- Ongoing and strengthened affirmation by all parties of the key outcomes being sought by the planning process. The absence of "secret agendas" and conspiracy theories are a sign that this is being achieved;
- Continuing refinement and evolution of the strategies being developed and implemented to achieve those key outcomes. The application of adaptive management is not only to be expected, but is desirable if the learnings from two-way dialogue are going to influence the means by which the outcomes can be achieved;
- Greater ownership by both parties of the outcomes once they are actually achieved, including any compromises or trade-offs made during the process. From the government's point of view, this is a crucial outcome in itself, as it establishes a foundation of fairness on which social harmony and cohesion can be built;
- Capacity-building within the community in the areas of more confident and detailed understanding of the issues and a culture of community leadership rather than individualistic positioning; and
- Preparedness by government and the water user community to monitor and evaluate whether the outcomes are actually continuing to be achieved, and to refine or develop new strategies to address any emerging issues of concern.

In the Lower Balonne the outstanding benefit from creating good relationships has been the development of innovative approaches to achieving outcomes that offer gains to all parties. Solutions were designed to leave all parties better off than they were before. Even though the floodplain graziers are not satisfied with the outcome they are much better off than they were without the plan.

As with the cultivation of any close relationship, entering into a genuine partnership involves an element of risk for all parties. The experience in the Border Rivers and Lower Balonne suggest that the benefits from achieving a successful partnership arguably more than vindicate the taking of such risks. Creating an environment of trust, respect and openness is a necessary prelude to being able to weather the inevitable highs and lows that come as the complexities of water management policies are explored and confronted. Without these characteristics, a true partnership will not only founder, but be replaced with a consultative approach where neither party is genuinely interested or open to the experiences or opinions of the other.

A real measure of success in both areas has been the quality of the personal and working relationships established along with increased social and political capital.

## **2. Dealing with Data Issues**

A major area of historical conflict was inflamed – often unnecessarily – by the release and use of inadequate, poor quality or misinterpreted data or analysis. In the past, data or models used to interpret Lower Balonne data were also withheld by the Department which tended to further create a sense of suspicion. Local knowledge and data owned by various interests other than government was either disregarded or viewed with suspicion.

This approach could be shown to typically create a competitive and conflict-based environment where the various interests used their knowledge to combat others' knowledge rather than attempting to build shared understanding and resolve differences through sourcing new knowledge together – a no win situation.

To move forward, the water resource planning process therefore needed to first collate all existing data and scientific information, critically review its quality, and then openly challenge the basic assumptions and values upon which previous proposals had been based.

It was recognised that water planning processes needed to be able to reach a point where the majority of participants could agree that all of the available data had been sourced and examined critically and that the ecological outcomes articulated for future planning as a result of the analysis of that data were logical, practical and achievable.

In the Lower Balonne, for example, the Queensland government responded to this need by commissioning an independent review of the science underpinning the assessment of the current and future ecological condition of the Lower Balonne River system. Over a period of six months, the Scientific Review Panel sought public and scientific submissions. The Panel also liaised closely with the community through a Lower Balonne Community Reference Group to ensure that as far as possible

everyone's opinions and information about the ecology, workings and management of the river system were properly considered and to achieve a shared understanding of the knowledge base.

In both areas there is a new interest and pride in the environment – it is no longer seen as 'a problem' or the 'enemy' – the maintenance or improvement of river health is now seen as a key performance measure for irrigation. In the Lower Balonne irrigators voluntarily surrendered a portion of their entitlements without compensation to address environmental and equity issues. They have stated publicly on numerous occasions that they will act if the condition of the river system declines in the future. Science and scientists are now valued as legitimate interests in both areas. In the Border Rivers, the community's representatives recognised the importance of having a sound understanding of the background of the issues involved in order to be able to interact with government on equal terms. To this end, Border Rivers Food & Fibre devotes a considerable amount of time and effort – independently and directly resourced by the local irrigation community to – research, information dissemination, informal communication with key government personnel, and conducting forums for water users at which the information is discussed and feedback is received.

In the Lower Balonne irrigators self impose a levy to raise funds to monitor the health of the system and make the data available to the public and for peer review.

### **3. Dealing with Values Issues**

Of all the issues over which conflict exists or has arisen in water planning community engagement processes it is those around values and interests that are most difficult to deal with. Different values drive the behaviour of individuals and cause them to use and interpret data in a way that best serves their own cause unless there is an opportunity to reach a shared understanding.

An important tenet of establishing a partnership model is therefore to provide the means and opportunity for all participants in the planning processes to acknowledge not only their individual interests but also the beliefs that were driving them to behave as they did.

This was clearly evident in the Lower Balonne where, as trust and process transparency gradually improved, people were better able to speak with confidence about how they felt and how their different interest groups were feeling. This in turn allowed shared values to guide the development and refinement of solutions detailed in the final proposals recommended by the group.

In the Lower Balonne the identification of shared values has resulted in a water resource plan designed to ensure that:-

- the environment is better off;
- water users have greater certainty about their entitlements;
- equity issues are addressed;
- employment/business can at least be sustained at current levels in small towns;

- people can demonstrate what they have achieved and speak with pride about it;
- government is able to achieve public policy goals with the support of the community;
- science and scientists are key contributors at all stages; and
- a viable and legitimate pathway for those who are still dissatisfied with the outcome to gather evidence and have it dealt with in the future.

While conflict over values will continue, the processes used have demonstrated that shared values can be identified and used as the focus for moving forward.

#### **4. Dealing with Institutional Issues**

There are many institutional issues which create conflict. In the case of both the Border Rivers and the Lower Balonne water planning processes, important institutional issues included grappling with the disparate policy and legislative frameworks across the State border, the technical complexities of water resource allocation processes, as well as the sheer time associated with sticking to the end of the planning and decision making process.

Due to past experience, consultation processes were treated with some contempt by both the community and government agencies, with the perception that such processes had been put in place merely to satisfy legislative or administrative requirements. In contrast, the new approach to engagement applied within the water resource planning process has allowed all participants to understand and exercise their responsibilities, and has even led to many taking on new ones.

In the Lower Balonne, a Ministerial Advisory Council with representation across both sides of the border has been proposed by the local community in order to address possible deficiencies in future day to day decision making processes. This will create a subtle shift towards instituting a more collaborative model as an ongoing benchmark for government – community interactions.

Importantly, both the Border Rivers and Lower Balonne experiences have highlighted that institutional issues can be overcome if the individuals involved are prepared to share what they know, learn from others, build relationships and negotiate honestly for outcomes that benefit all participants in the future. Where there is a lack of honesty or trust, institutional issues such as borders or legislation are used to perpetuate the conflict.

## **CONCLUSIONS**

The government-community partnerships that has developed in the Queensland water planning process in the Border Rivers and Lower Balonne areas are perhaps models against which other catchment-based natural resource management processes could be benchmarked.

The initiative of Border Rivers water users in establishing a representative whole-of-catchment organization (BRFF), and the Lower Balonne in forming a broadly-based locally representative reference group, appear to have been major catalysts in facilitating and supporting the change in engagement approach employed by the Queensland government in water planning processes in recent years. The use of processes to enable joint fact finding and joint discovery of solutions to complex problems have allowed participants to adopt a 'mutual gains' approach to negotiation and decision making.

Only time will tell whether the energy and enthusiasm and commitment can be sustained over time. A key question to be tested will be whether the success achieved is dependent on key personalities or whether the processes have been sufficiently embedded in behaviour and policy that they will endure.

There is no doubt however that the four authors of this paper have been enriched by the experiences that resolving great conflicts bring. All have learnt that if we *'talk and talk and talk until the talking starts'* - joint discovery is not only possible but more rewarding than individual achievement.

As you move across Australia and discuss water reform with irrigation communities there are none that celebrate the relationships with government that have evolved with the same pride as those who live in the Border Rivers and Lower Balonne. This is perhaps the most significant achievement of all because it represents a cultural shift – for both the community and the government.

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## **KEYWORDS**

Water resource planning, community engagement, conflict resolution, relationships, joint discovery