



**TASK FORCE
FOR THE REVIEW OF
NATURAL RESOURCE MANAGEMENT
AND
VIABILITY OF AGRICULTURE
IN WESTERN AUSTRALIA**

**DRAFT REPORT
MAY 1997**

An initiative of the Minister for Primary Industry
Hon Monty House, MLA

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TO THE READER

This draft report has been prepared and distributed for public comment by the Task Force for the Review of Natural Resource Management and Viability of Agriculture in Western Australia.

Prior to the Task Force presenting its final report to the Minister for Primary Industry, you have the opportunity to make written comment to refine the draft recommendations. Please note that there will be further opportunity to have input into the process of preparation of legislation should these recommendations be adopted by Government (Chapter 8 'How and when legislation may affect you?' and Appendix 5 - Proposed implementation program).

The report is the result of wide public consultation which followed the release of a discussion document in June 1996 and the taking of both oral and written submissions.

It is designed to provide the background information for a good understanding of the basis, philosophy and logic for the Task Force's recommendations on sustainable agricultural resource management in Western Australia.

The report has been written in five parts, each capable of being read separately.

The Task Force invites your written comments. We have allowed a six week period for submissions. Submissions should reach us by 27 June 1997. Please remember to sign your submission and include your name or the name of your organisation, your address and the date.

By keeping the following points in mind, you will make it easier for your comments to be understood:

- Attempt to list points so that the issues are clear.
- Refer each point to a chapter number and sub-heading (or page number) in the draft report.
- If you discuss different chapters of the draft report, keep them distinct and separate, so there is no confusion as to which chapter you are considering.

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The Executive Summary and recommendations are available as a separate publication from the Publications Officer.

HOW TO READ THIS REPORT ACCORDING TO YOUR NEEDS

This report has been written in five parts. It is designed to be read on several levels and will allow each part to be read separately. How you choose to read it will depend on your needs and your familiarity with the wide range of issues relating to sustainable agricultural resource management and natural resource management.

If you are familiar with the issues

If you are familiar with the subject of this report and want to get a general understanding of the recommended approach you will find the Executive Summary and recommendations provides the broad overview. You will also find Figures 2, 3, 4 and 8 (p. 24, 34, 36, 52) useful in presenting the structures and relationships of the key groups.

If you do not know who and what the Task Force is

If you have not been involved with the previous consultation process provided by the Task Force, Part 1 (p. 1) provides background information and introduces the Task Force and the Terms of Reference.

If you are new to the subject

If you are new to the subject or have not been exposed to the underlying reasons for promoting sustainable agricultural resource management, Part 2 (p. 6) will give you the fundamental philosophy which underpins the approach taken by the Task Force. You will also find Figures 1, 5 and 6 (p. 9, 39, 43) useful in summarising the concepts.

If you do not know what is happening elsewhere

If you are interested in what is happening regarding natural resource management in other Australian States and in other parts of the world, some examples have been described in general terms in Part 3 (p. 20).

If you wish to know the details

If you wish to know the detail of the recommendations and how it will affect you Part 4 (p. 23) on the proposed sustainable agricultural resource management legislation, contains its own summary and key elements, rationale and objectives, before expanding on the details. You may wish to look at Figures 2, 3, 4 and 8 (p. 24, 34, 36, 52) initially as a useful summary. Figures 5, 6 and 7 (p. 39, 43, 45) will provide greater detail.

What is possible in the future

The Task Force felt compelled to make some comments on an integrated natural resource management approach, and a general overview is given in Part 5 (p. 57).

EXECUTIVE SUMMARY

Background

Agriculture has long played a major role in the Western Australian economy. However, agricultural land management practices have sometimes had major adverse environmental impacts. Many traditional agricultural land management practices are now considered to be unsustainable.

Land management methods must continuously be improved in order to improve the quality of our natural resources thus ensuring agriculture remains viable and continues to make its valued contribution to the State's economy and the well-being of all Western Australians.

We cannot continue to transfer the environmental cost of today's management onto future generations. Nor can we expect technology to significantly offset these costs - it has already secured extraordinary productivity gains for agriculture, and it would be unrealistic to expect this rate of improvement to continue. In many ways technology has been acting as a substitute for sustainable agricultural land management practices.

Modern agricultural businesses are complex and constantly changing, presenting many challenges for primary producers, including the way they manage the natural resources upon which their businesses depend. The need for monitoring of impacts such as those on native vegetation and for upgrading of management techniques are now regarded as integral to a well-run farming business.

Some of the legislative structures set up to support and improve farm management have not kept pace with the way modern farmers run their businesses. Some legislation is redundant and in many instances there is no suitable legislative framework to match the willingness of today's primary producers to change or to enable broad community involvement in the planning and management of the State's natural resources.

It is the Task Force's view that changes must be effected to the legislative framework and that a pro-active approach

be developed to ensure that past mistakes are not repeated.

Public input

The review was pro-active. At the outset, an extensive, State-wide public consultation process was undertaken, the results of which underpin the findings of this report. Five thousand copies of a 46 page discussion document were produced and distributed. The document was the focus for 18 regional meetings, consultations with 40 community and industry groups, and the basis of 143 written and oral submissions.

Several clear directions emerged from the Task Force's public consultation. They were: a process of continuous improvement in land management practices is required; principles of sustainability must be followed; improved education in land management is required; diversity and innovation must be encouraged; and regional differences need to be recognised.

Issues

Sustainability in natural resource management is one of the most commonly expressed goals of today's society. It is often defined as 'the use of natural resources in ways that meet the needs of present generations while not compromising the ability of future generations to meet their needs'. When used to describe agricultural resource management 'sustainability' includes the protection and enhancement of the productive capacity of the land.

The Australian Government has adopted an overarching strategy for achieving sustainability - the National Strategy for Ecologically Sustainable Development. The strategy gives direction on ways to integrate social, economic and environmental issues. The aim is to ensure that all the costs and impacts likely to be imposed on the environment, now and in the future, are considered when making decisions on the use, development and management of natural resources.

The Task Force's recommendations have a clear philosophical basis to them which was derived from the values people put forward

in their submissions as well as accepted principles of ecologically sustainable development. Fourteen criteria (Chapter 4.1-4.14) have been recommended for effecting everyday sustainable management of agricultural resources.

The 14 criteria are: stewardship and duty of care; equity; dealing with risk, uncertainty, burden of proof; community participation and communication; independence, accountability and transparency; regional decision-making; natural resource management planning; consent mechanisms; indicators and monitoring; auditing; appeal mechanisms; alternative dispute resolution; financing sustainable agricultural land management; and education and awareness.

All of the criteria need strong support from legislation to be effective. The Task Force considers some of them to be so important e.g. the 'duty of care', that it has recommended they be reinforced with clear statements in the proposed Act.

Continuous improvement and education

Primary producers are having to cope with an industry which is rapidly changing. They have to keep pace with changing business and biological environments, in which they must make resource management decisions. Access to current information is necessary to keep up to date on new management practices. The emphasis is placed on a process which allows for continuous improvement. A framework that facilitates continuous improvement in agricultural resource management is fundamental.

Legislation

It is recommended that a single Act of Parliament be created for the purpose of promoting sustainable agricultural resource management. All statutory bodies constituted under the Act be required to take account of this purpose when carrying out their functions and duties.

The proposed legislation would separate the custodial/regulatory and production functions of Agriculture Western Australia, creating two new accountable bodies - the Sustainable Agricultural Resource

Management Commission and the Agriculture Western Australia Board. The latter would be responsible for administering Agriculture Western Australia. The legislation would also create an independent Land Tribunal for determining disputes and appeals.

The reorganisation would provide an efficient balancing of power and responsibility between the Minister for Primary Industry, the custodial/regulatory Commission, the production orientated Agriculture Western Australia Board, and regional and industry advisory bodies and individual farmers.

A major objective of the new structure is to ensure that management policies and plans are translated as rapidly as possible into action on the ground, and that the money for their implementation is quickly passed through the system. There would be clear lines of responsibility and points of accountability for funds and performance.

Under the proposed changes there would be greater involvement, influence and responsibility for regional Western Australia. Significant responsibility for natural resource management decisions would be devolved to the regions. Statutory processes would be prescribed which promote increased participation by regional communities through comprehensive community consultation processes.

A regional and catchment system of monitoring outcomes would be introduced - to gauge changes in the natural resource management system.

While defining the objective of sustainable agricultural resource management, it is the Task Force's view that the legislation should also not be overly prescriptive. It must allow for diversity in farm production systems and regional differences in natural resource management.

Commission

The Task Force has recommended formation of a Sustainable Agricultural Resource Management Commission. It would have a strong regional focus,

delivered through six Regional Commissioners and an independent chairperson.

Appointments to the Commission would be made on a skills basis, not on the basis of allocating positions to representatives of interest groups.

The strong regional focus of the Commission would increase accountability and provide heightened flexibility and relevance for sustainable management strategies and plans.

The recommended powers, functions and duties of the Commission include:

1. provision of advice to the Minister;
2. preparation of State and Regional Policies and catchment plans to promote sustainable agricultural resource management;
3. preparation of State strategies for sustainable agricultural resource management;
4. maintenance of regional community communication networks;
5. education of sustainable agricultural resource management;
6. setting State and regional indicators, standards and objectives for sustainable agricultural resource management;
7. coordination of the development of best management practice guidelines and industry codes of practice;
8. investigation, measurement monitoring and reporting of sustainable agricultural resource management outcomes;
9. determination of consents in sustainable agricultural resource management;
10. providing equitable and targeted agri-industry assistance in keeping with the objective of the legislation;
11. coordination and liaison with other natural resource administrative bodies at the State strategic level;

12. identification of special areas in need of specific sustainable agricultural resource management plans;
13. reporting on the State-wide condition of natural resources and quantifying changes in the condition of those resources used and affected by agriculture; and
14. provide mediation mechanisms to resolve disputes and referral to the Land Tribunal.

The Sustainable Agricultural Resource Management Commission would have custodial and regulatory functions for agricultural land and the power to develop regional policies and plans. This would give the Commission higher status in State Government processes for planning than Agriculture Western Australia currently enjoys. The additional status would help provide a more balanced approach to decisions on agricultural natural resource planning and management, especially where there are competing objectives and users.

It is recommended that the Commission have an active role in the coordination of planning and management of agricultural related natural resources in conjunction with other agencies such as Water and Rivers Commission, Ministry for Planning, Department of Conservation and Land Management and the Department of Environmental Protection.

The Commission would have discretionary powers such as the ability to appoint committees and advisory groups and the power to adopt for its own purposes regional agricultural resource management plans developed by non-statutory groups, such as catchment groups.

Accountability

The Sustainable Agricultural Resource Management Commission would be required to conduct its business in a highly transparent way, including public reporting, monitoring and auditing. The transparent processes would ensure the appropriate use of discretionary powers.

Monitoring must become central to the entire sustainable agricultural resource management process - its structures, day-to-day administration and grassroots application. It is the only way to assess how well the land is being managed. Effective monitoring will also ensure that regulatory intervention to promote sustainable agricultural resource management is used only where and when necessary.

Independent auditing systems are the norm for financial accountability. The Task Force believes that it is now essential that there is full accountability for meeting natural resource management objectives in agriculture. Mechanisms must be established to provide an independent check on the system of agricultural natural resource management and the performance of public authorities. It is suggested that a special section within the Department of the Auditor General be established to undertake this function.

Consent mechanisms

The Task Force has identified the need for some current land management activities, to become more clearly accountable to the principles and values of ecologically sustainable development.

Currently, almost all agricultural land management activities are permitted. Exceptions are clearing and draining practices, both have the potential to cause deleterious effects. Currently the proponent is required to notify the intent of the proposal. Where there is a distinct risk that land degradation may occur there is only the requirement to notify the intent of the proposal e.g. clearing and draining. The Task Force believes this is inappropriate.

It is proposed that, where agreed catchment plans do not exist, changes in land management practices such as clearing and draining, will require a consent from the Sustainable Agricultural Resource Management Commission. The only exception would be where a management plan has already been approved by the Commission.

A consent process would place the onus of responsibility on the proponent to demonstrate the environmental acceptability of any proposal. It is possible that some currently acceptable practices will in the future be deemed as unacceptable, as society's values shift or new discoveries are made about the impact of practices on the natural environment. The proposed legislation has the capacity to deal with these contingencies in a consistent manner through the consent process.

Rural adjustment

The Task Force identified some inconsistencies between the objectives of sustainable management of agricultural resources and the State Government's rural adjustment programs and policies, which in some instances are inadvertently promoting unacceptable negative impacts on the environment.

The policies must be examined to ensure consistency is maintained with sustainable land management practices.

Public participation

The current enthusiasm for community participation in sustainable agricultural resource management has resulted in a proliferation of both statutory and non-statutory community advisory groups for example, Land Conservation District Committees and Regional and Industry Partnership Groups. The Task Force's aim is to build on the high levels of interest and consolidate the gains which have been made already by these groups and individuals.

Statutory bodies

The Task Force has tried to be consistent regarding which groups need to become statutory and which should be advisory. The Task Force believes that only groups with defined powers and accountability need to be statutory and urges the adoption of clearly defined statutory processes for community consultations.

Establishment of three new statutory bodies is recommended - a Sustainable Agricultural Resource Management Commission, an Agriculture Western Australia Board and a Land Tribunal. On the other hand the Task Force also recommends abolition of five statutory bodies - Agriculture Protection Board, Zone Control Authorities, Rural Adjustment and Finance Corporation Board, Soil and Land Conservation Council and Commissioner of Soil and Land Conservation.

Some of the functions of the abolished entities would be transferred to the Sustainable Agricultural Resource Management Commission and the Agriculture Western Australia Board, while others, such as the Zone Control Authorities could remain advisory but would become non-statutory bodies.

Land Conservation District Committees would lose their statutory nature by the repeal of the Soil and Land Conservation Act. However, their valuable role within the landcare community could be preserved and even strengthened by Land Conservation District Committees becoming incorporated bodies. This is a process which some groups are already exploring. Through incorporation the Land Conservation District Committees will gain self confidence of autonomy and independence to manage their own affairs. They will free themselves of current disadvantages such as the requirement for an annual financial audit to Financial Audit and Administration Act standards.

Appeals

In the recommended framework for sustainable management of the State's agricultural resources, statutory consents and licences would sometimes be required for natural resource uses, such as draining or clearing land. A new and clear appeal process would be an integral part of the framework.

The Task Force identified the need for an independent Land Tribunal for this purpose. The appeal process must provide consistent decisions and be open and accountable. A transparently fair process would not only

increase faith in the appeals system but also increase faith in the whole of the statutory sustainable agricultural land management system.

Agriculture Western Australia

The recommendation to establish the Agriculture Western Australia Board is suggested by the Task Force as the preferred model for administration of the agency. It may be regarded as a co-requisite to the establishment of the Sustainable Agricultural Resource Management Commission. The Board would provide appropriate balance between the agency and the Sustainable Agricultural Resource Management Commission.

The Task Force believes that the Board should be made up of members with agriculture and related skills and experience. The Board would be better placed than the agency's Chief Executive Officer to undertake discussions with the Commission aimed at promoting cooperation and coordination of their respective goals and activities across the State.

The Task Force also believes that a Board would give primary producers clearer lines of influence from the advisory partnership groups to the Board.

Integrated natural resource management and planning

The principles and the 14 criteria which the Task Force has nominated to effect sustainable agricultural resource management, are generally transferable to a comprehensive framework for the management of all of the State's natural resources, should it be developed.

The Task Force believes that there is a need for the State Government to develop such a framework with over-arching State-wide legislation. The legislation should be consistent in form to the legislation which the Task Force recommends for the sustainable management of the State's agricultural resources.

The tiered coordinating structures established to administer the State Salinity Strategy are consistent with this proposal.

The State-wide framework should also include a new Natural Resource Commission of Western Australia and a network of regional boards to ensure sustainable management of all natural resources.

RECOMMENDATIONS

Of the many recommendations in this report, there are seven which the Task Force regards as major, and which provide overall direction for the remainder.

Recommendation 1

A single Act of Parliament to be written which would have the purpose of promoting sustainable agricultural resource management.

The principles of ecologically sustainable development would be stated in the legislation.

The legislation would provide for the creation of the Sustainable Agricultural Resource Management Commission, the Agriculture Western Australia Board and the Land Tribunal.

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Recommendation 2

Establishment of an independent statutory commission, to be named the Sustainable Agricultural Resource Management Commission, with the clear purpose of ensuring sustainable agricultural resource management.

The Commission would be composed of Regional Commissioners and an independent chairperson, and would take over the functions of the Commissioner of Soil and Land Conservation, Soil and Land Conservation Council, and Rural Adjustment and Finance Corporation Board.

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Recommendation 3

Establishment of a specialist Land Tribunal to be the final arbitrator on the merits of proposals and appeals including processes for alternative dispute resolution, in sustainable agricultural resource management.

(Page 25)

Recommendation 4

Establishment of an Agriculture Western Australia board of management for the administration of the Agriculture Western Australia agency.

It would take over the function of the Agriculture Protection Board under the Agriculture Protection Board Act and the Agriculture and Related Resources Protection Act.

(Page 25)

Recommendation 5

The Chief Executive Officer of the Sustainable Agricultural Resource Management Commission to be a member of the Western Australian Planning Commission.

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Recommendation 6

Establishment of a special section within the Auditor General's department for the provision of an independent check on the outcomes of the system of sustainable agricultural resource management, including the performance of Agriculture Western Australia and the performance of the Sustainable Agricultural Resource Management Commission on natural resource management matters.

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Recommendation 7

Provision for a compensation mechanism in the Sustainable Agricultural Resource Management legislation.

The Sustainable Agricultural Resource Management Commission should establish a process to help determine cases for compensation based on clearly expressed principles and a set of well defined criteria.

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PART 1

1. INTRODUCTION

1.1 Establishment of the task force

The members of the Task Force for the Review of Natural Resource Management and Viability of Agriculture in Western Australia were appointed in October 1995 by the Minister for Primary Industry.

The Task Force was charged with providing advice to the Minister for Primary Industry on ways to achieve sustainable agricultural resource management.

The following are the terms of reference provided to the Task Force by the Minister for Primary Industry.

Terms of reference

The Western Australian Government is committed to enhancing individual and community well-being and welfare, and promoting the practice of communities and Government agencies working together to improve the quality and productivity of the State's natural resources.

Goals

1. A comprehensive framework for the Agricultural Portfolio involvement in natural resource management, based on the principles of ecologically sustainable development which:
 - 1.1 maintains and enhances the quality of natural resources including ecological integrity;
 - 1.2 promotes sustainability in agricultural industries;
 - 1.3 ensures natural resources legislation and policies within the Agricultural Portfolio are complementary with those of other agencies, for instance in areas of natural resources management, land administration, planning and environment.

2. Consequential changes to various Agriculture Portfolio acts concerning its activities, natural resources, resource protection and rural adjustment.

Task Force brief

A Task Force will be established which will consult with the community, investigate, evaluate and make recommendations to ensure the following objectives are met.

1. To incorporate the principles of ecologically sustainable development in agricultural industries.
2. To achieve sustainable use of natural resources used and affected by agricultural industries.
3. To identify expectations and responsibilities of key parties - landholders, industry, community organisations and Government.
4. To complement and integrate with other planning, environment and resource management legislation.
5. To enable regional communities to share in the responsibility of resource management and planning and strategy development - coordinated with statutory regional land use planning and regional economic development and environmental and social objectives.
6. To develop regional land management strategies, which establish a vision, objectives, indicators, standards and guidelines, as appropriate - to guide regional, catchment, eco-region and property management planning and implementation.
7. To establish State and regional systems of monitoring indicators of sustainable agriculture, including off-site environmental impacts and reporting to Government and the community of interest.
8. To apply strategic Government assistance to achieve public benefits in resources management, guided by the regional strategies and conditional on appropriate planning.

9. To design flexible regulatory and compliance systems which reinforce acceptable land use and management practice.

Existing Agricultural Portfolio legislation relevant to the above and requiring consideration include: The Soil and Land Conservation Act 1945; Rural Adjustment and Finance Corporation Act 1993; Agriculture and Related Resources Protection Act 1976; Agriculture Act 1988; and Agriculture Protection Board Act 1950.

1.2 Membership

Dr Paul McLeod (Chairperson), Economist.

Mrs Margaret Agnew, Primary Producer, Esperance.

Mr Norman Flugge, Primary Producer, Katanning.

Dr George Gardiner, Chairman Ord River District Co-operative.

Dr Libby Mattiske, Environmental Consultant.

Executive Officer

Ms Helen Allison, Agriculture Western Australia.

1.3 Background to the Task Force review

Future generations will depend on us making sure that our natural resources are managed in ways that do not detract from their ability to use them in the future. This is a fundamental value held by the broad community and one which is critical to the long term health of natural resources and the long term productivity and viability of agriculture.

In the past Western Australian agriculture has employed management methods which have, with the benefit of hindsight, been shown to impact adversely on the health of the very natural resources on which the long term viability of agriculture depends. These impacts on the soil, water, native vegetation and fauna, have been ongoing for many years. We now have the knowledge and technology to reverse this damage and it is our responsibility to make sure we use this new-found expertise.

Salinisation of land and water in the South West Land Division is one of the most obvious environmental problems resulting from past agricultural resource management practices. In pastoral areas deterioration of river front environments is also symptomatic of past management practices.

The Western Australian Salinity Action Plan released in November 1996 and the establishment of the Gascoyne/Murchison Rangeland Strategy Steering Group, are clear signals of the strength of the Government's commitment to managing dry land salinity and pastoral land viability.

Other natural resource concerns and land degradation issues resulting from agricultural and pastoral land management practices include wind and water erosion, soil structure decline, eutrophication, soil acidification, native vegetation degradation and loss, and chemical residues in the soil, to name a few.

Modern agricultural businesses are complex and constantly changing. Primary producers have to keep pace with the changing business and biological environment in which they must make resource management decisions. Increasingly it is becoming necessary to develop detailed business, marketing and resource management plans to ensure not only sustainable use of the resources but also to ensure product quality is maintained.

Markets must be developed rather than lost and long term economic and biological viability of agriculture needs to be guaranteed. Issues such as off-farm impacts, quality management, market intelligence, environmental impact, monitoring of changes in both finances and resources are now regarded as integral to a well-run farming business.

Additionally, primary producers must deal with greater external pressures from world-wide competition and active community interest in their operations. However, the framework to enable farmers to change and to accommodate these issues has not developed at the same pace. Some of the legislative structures set up to support and improve management in the past may now be redundant, sometimes

counter-productive. If we are to ensure that our natural resources are better managed than in the past we must be prepared to change the legislative framework within which primary producers operate.

However, simply changing the law will not reverse the trends towards natural resource degradation. It is also important to develop an active partnership between land users, Government and the broad community, one which is charged with managing the significant changes in the way society now views natural resources. This review is but one step toward changing the way we view our natural resources and management of them.

1.4 Previous reports and current inquiries on similar issues

The Task Force was concerned about the number of reports which have been written on the effects of agricultural land use on natural resources, clearly identifying the severity of land conservation problems in Western Australia. Yet still we are slow to change land management practices. In part this may be due to the agricultural industry promoting its success in terms of higher productivity, through technical innovation, which disguises the problems of land degradation. Whatever the reason, the costs of land degradation are not taken into account when returns are calculated.

In 1991 the final report of the Select Committee into Land Conservation stated:

'The Select Committee has been shocked to learn of the extent and severity of the deterioration of Western Australia's environment: its soils, water resources and flora and fauna. The primary cause of this deterioration of the environment since European settlement is the development and use of land for primary industry.'

Other reports which followed and had similar findings were:

- Remnant Native Vegetation Ten Years On. Proceedings of the Workshop. Department of Conservation and Land Management (1993).

- Salinity. A Recommended Strategy for Western Australia. Western Australian Water Resources Council and the Soil and Land Conservation Council (1995).
- A Review of Landcare in Western Australia. A report of the Landcare Review Committee (1995).
- Future Directions for Managing Salinity in Western Australia. Agriculture Western Australia (1996).
- Salinity. A Situation Statement for Western Australia and the Western Australian Salinity Action Plan. Prepared by Agriculture Western Australia, Department of Conservation and Land Management, Department of Environmental Protection and Water and Rivers Commission (1996).
- Draft National Rangeland Strategy for rangeland Management. National Rangeland Management Working Group (1996).
- Gascoyne Murchison Rangeland Strategy Group Discussion Paper (1996).
- Sustainable Development in the Rangelands of Western Australia - A Position Statement. Environmental Protection Authority (1996).

Plus, a new national inquiry, by the Industry Commission, into ecologically sustainable land management is now in progress. It is to report to the Commonwealth Government by January 1998 on the ecologically sustainable management of land used for agriculture or pastoral purposes.

1.5 Discussion paper and public consultation

The Task Force considered public consultation to be vital to the review process, for providing information on the issues to the Western Australian community and as a source of feedback to the Task Force.

A discussion document was circulated widely in June 1996. It invited written submissions and was used as the basis for an extensive program of regional meetings.

The discussion document catered for primary producers and policy-makers concerned with natural resource management and agricultural resource management. The two groups can view agricultural land from different perspectives.

Broadly speaking, the objective of primary producers is to improve agricultural resource management to the extent that it benefits producers now and in the future. The objective of policy-makers is to advance society's interest in seeing agricultural land well managed. Largely, the challenge for the Task Force was to balance these two objectives.

Throughout the review process the Task Force has actively involved all participants in natural resource management, including primary producers, agri-industry and community groups, State Government agencies, local government, and other interested organisations and individuals. The public consultation program had a number of elements including workshops with key industry, research and extension groups to identify the issues of significance.

Five thousand copies of the discussion document were circulated throughout Western Australia's rural and urban communities. There was consultation with 40 community and industry groups; and 18 regional meetings were held around Western Australia attracting over 500 people and 143 written and oral submissions. All submissions were copied, distributed to and read by all the Task Force members. Those who made written submissions are listed in Appendix 3.

1.6 Role of legislation

During the public consultation phase the Task Force detected resistance from some people to the notion that legislation has a place in sustainable agricultural resource management. This may have been because legislation is often perceived as a negative thing. The concern may be the proposition that clearer and more uniform policies will emerge which might place limits on the freedom of action of individuals in the interests of promoting a common goal.

There are a number of policy goals which cannot be achieved without legislation (Clark, 1992). For example, legislation is required:

- to establish our institutional structures, for example the Soil and Land Conservation Council;
- to provide the means of instructing and directing bureaucracies about priorities they are to observe;
- to establish government's and indeed local communities' accountability to parliament and responsibilities and accountability in relation to the funds they use; and
- to make the appropriations for programs to deliver services.

Ownership of land is also administered through legislation.

As part of the work of the World Commission on Environment and Development (1990) and its publication of the *Our Common Future*, a group of international experts adopted a set of legal principles for environmental protection and sustainable development (Appendix 4):

- Fundamental human rights.
- Inter-generational equity.
- Conservation and sustainable use.
- Environmental standards and monitoring.
- Prior environmental assessment.
- Prior notification, access and due process.
- Sustainable development and assistance.
- General obligation to cooperate.

The Task Force is cognisant of the need to be consistent with these overarching principles.

However, principles are very general and the emphasis in this report is on developing pro-active strategies which will increase the integrity and certainty of the system, while providing a safety net and fall back positions.

In a recent evaluation of incentives for conservation of biodiversity it was noted that 'there remains an important role for regulation, because, acting alone, bundles of less interventionist instruments are not sufficient to protect biodiversity in all circumstances (Young *et al.* 1996).

Regulations provide precautionary standards and signals that act to protect against market failure to value biodiversity. The same is true for the processes and mechanisms for sustainable agricultural resource management.

1.7 The approach

There is a philosophical basis for the Task Force's recommendations. The report is written following a logical sequence of establishing sets of values and principles which underpin how the Task Force recommends natural resources should be managed. The Task Force recommends 14 criteria to interpret how values and principles are translated into everyday actions (Sections 4.1-4.14). The proposed legislation is based on these criteria.

Consequently, new legislation is non-judgmental on farm practices. However, the recommended legislation would mean changes to farming as it is practiced today. It will promote sustainable farming as a modern business. It should be noted that the term 'sustainable' is about a balance between environmental, economic and social issues.

In the last decade we have seen changes in the ways agricultural land is managed. The challenge is to continue to develop guidelines that are better than the ones before. The recommendations will promote the process of continuous improvement.

The discussion document (Task Force for the Review of Natural Resource Management and Viability of Agriculture in Western Australia, 1996) addressed the fundamental values. It discussed the concept of ecologically sustainable development and argued the requirements of a new approach.

During the consultation phase the Task Force found considerable agreement and acceptance by the agricultural and broad community for the direction given in the discussion document. This report does not repeat those elements, rather it builds upon them.

1.8 Draft report structure

The report provides the philosophy, principles and criteria to support the Task Force's recommendations. It is not intended that this report provide the data and all the supporting arguments on which the recommendations are based, rather it proposes a framework for future management of sustainable agricultural resource issues in the Western Australian situation.

During the consultation phase it was obvious that contributors talk about agricultural resource management in language specific to their own areas of interest. The differences in language and word meanings were often points of misunderstanding. Definitions of terms used in this report are given in Appendix 1.

The Landcare Communication Study (Commonwealth of Australia, 1996) confirmed this finding. Conversely the study also revealed that there are common understandings on the key landcare messages of careful stewardship of the land; cooperative partnerships between those who care for the land; and managing the land for Australia's long-term future.

The Task Force believes an understanding of the key landcare messages would be enhanced by promotion of the values, principles and the justification on which the recommendations are based.

The Task Force had considerable difficulty confining its comments to those areas administered by the agricultural portfolio. This difficulty arose for three main reasons:

1. Many public submissions recommended an integrated natural resource management approach by whole of government.

2. Integrated natural resource strategies based on regions have already been developed by community based groups.
3. The recognition by other States and countries of the need for an integrated approach which is regionally based.

The Task Force was compelled by the strength of many submissions to make some comment on where it saw sustainable agricultural resource management going, in the longer term. Part 5 contains suggestions for a model for integrated natural resource management and planning.

The term 'sustainable agricultural resource management' has been used to distinguish between the intent of Parts 4 and the more comprehensive approach for integrated natural resource management in Part 5.

At some time in the future, the proposed sustainable agricultural resource management framework recommended here, could be incorporated into an integrated natural resource management framework. The integrated natural resource management framework has been given only in the broadest terms, without detail, because it lies outside the Terms of Reference.

In preparing its recommendations the Task Force was concerned to give sufficient detail to provide the framework and intent for the system, but not to be overly prescriptive in all aspects. The expectation being that the recommended Sustainable Agricultural Resource Management Commission would devise such detail.

In this report the Task Force highlights seven recommendations which it believes should be adopted. There will of course be consequential changes made should the seven recommendations be adopted. Some of these consequential changes are stated in the report as recommendations, where there was a need for clarification, but are not highlighted.

PART 2

2. VALUES

Natural resource management and protection must be based on an underlying set of values. These values will reflect the conditions and views which society, including primary producers, holds on the importance and place of natural resources within society. These values change through time and place and are influenced by a range of concerns regarding the economic and social well-being of current and future generations. Values are essentially of two types, objective (utilitarian) and existence (intrinsic).

Objective values have been developed by societies in order to exist and sustain life - the welfare of human beings is the central concern. They are often expressed as quality of life issues and include the arguments for the maintenance of ecological processes on which life depends.

Existence values are upheld by people who argue that animals and plants have a right to exist for their own sake, rather than for any benefit that human beings derive from them i.e. they have intrinsic value.

The following value statements contain nothing that is absolutely right, they express an ethic held by most of the people in our society:

- The total quality of life should be maintained or improved in a way that maintains the ecological processes on which life depends.
- Individual and community well-being and welfare should be enhanced while safeguarding the welfare of future generations.
- Biological diversity should be protected.
- Productive capacity of land should be protected.

3. ECOLOGICALLY SUSTAINABLE DEVELOPMENT PRINCIPLES

Sustainability has been widely considered at the national level with the preparation in 1992 of the National Strategy for Ecologically Sustainable Development. In addition the Inter-governmental Agreement of the Environment which seeks 'to pursue the effective integration of economic and environmental considerations in decision-making processes in order to improve community well-being and to benefit future generations'. During the Task Force's consultation phase it was clear that there is wide acceptance of this principle.

In the foreword to the Decade of Landcare Plan for Western Australia, the then Minister for Agriculture, Ernie Bridge MLA stated: "The only way Australia can maintain and improve its productivity into the next century is to make its primary industries fully sustainable" (Soil and Land Conservation Council).

New ideas such as ecologically sustainable development frequently generate a new language and use of new words. The National Strategy for Ecologically Sustainable Development, developed by the Commonwealth Government, is largely about creating a language to express these new ideas which are common to ecologists and economists, industry and conservation groups, and the public. Initially areas of confusion may be created and clear definition of terms may take time to evolve.

Ecologically sustainable development is about the successful integration of social, economic and environmental issues.

The aim is to ensure that all needs are met, that the area of integration or overlap is as great as possible and that the emphasis placed on each of the three components is balanced and not dominated by any one.

The National Strategy adopted seven guiding principles for ecologically sustainable development:

1. Decision-making processes should effectively integrate both long- and short-term economic, environmental, social and equity considerations.

2. The precautionary principle i.e. where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
3. The global dimension of environmental impacts of actions and policies should be recognised and considered.
4. The need to develop a strong, growing and diversified economy which can enhance the capacity for environmental protection should be recognised.
5. The need to maintain and enhance international competitiveness in an environmentally sound manner should be recognised.
6. Cost-effective and flexible policy instruments should be adopted, such as improved valuation, pricing and incentive mechanisms; and
7. Decisions and actions should provide for broad community involvement on issues which affect it.

At first glance sustainable management may seem to be defined in a very environmental or 'green' way. Some people see such a definition as anti-development. But this is not the intention, rather it is concerned with ensuring that, in making decisions on the use, development and management of resources, decision-makers consider all the costs or impacts likely to be imposed on the environment now and in the future. It is about developing methods of management that are able to be continually improved.

Wherever agriculture has been practiced there have been impacts on the environment, they are unavoidable. In some cases those impacts are undesirable and threaten the integrity of the biological system. While the impacts of individual decisions taken in isolation may not necessarily have a measurable adverse effect, the cumulative effect of many such decisions may have serious and deleterious environmental consequences. There are also cases where a single incorrect management decision has resulted in environmental damage from which the system may take many years to

recover. Identifying those critical decision points and the impacts of cumulative pressures are complex management issues. How we plan for and manage them will determine just how sustainable our practices are.

The consequence of environmental impacts is that if nothing is done about them at the time, people in the future face the full costs of dealing with them. A good example of this is the cost to the present and future generations of managing salinity caused by past agricultural management practices.

There are a number of issues that need to be explored if ecologically sustainable development is to become a reality rather than just a collection of words:

- Increasing the extent to which we value our natural resources - we must stop viewing them as a 'free' commodity.
- Consideration of the equity between generations in the use of natural resources.
- The longer term nature of environmental impacts - they transcend terms of governments.
- Monitoring and auditing the impacts on natural resources of agricultural use and development.
- The needs for competing users of resources to cooperate in good faith.
- Determining the best ways to improve the management of natural resources.

Currently, the principles and objectives of ecologically sustainable development are not explicitly expressed in natural resource and land management legislation in Western Australia.

The Task Force believes that sustainability principles and objectives must be expressed in legislation which deals with sustainable natural resource management and viability of agriculture.

4. CRITERIA

To be able to put ecologically sustainable development principles into practice they have to be linked to day-to-day activities. Greater clarity comes when decisions are made close to the point of implementation. Figure 1 shows the links in the decision-making processes and implementation of ecologically sustainable practices.

The Task Force has adopted 14 recommended criteria (Sections 4.1-4.14) from which to develop policies to guide sustainable agricultural resource management. All 14 should be provided for in legislative procedures and mechanisms. Some, e.g. duty of care, should be reinforced with clear statements in legislation.

The 14 criteria are as follows.

4.1 Stewardship and duty of care

In the Decade of Landcare Plan for Western Australia (Soil and Land Conservation Council), landcare is defined as 'the careful management of land and its resources for the benefit of this and future generations'. In general terms this is what land stewardship is all about. The goal is to achieve a 'landcare ethic' among all Australians through community participation.

General duties and duty of care are accepted notions within society. At law a 'duty of care' is owed by one person to another. It involves the concepts of reasonable behaviour toward another person or property and the obligation to be pro-active in the delivery of the care. Under common law a person can be found to be negligent if all practicable steps are not taken to prevent damage.

Putting these two concepts together a duty of care for the land presumes every person's obligation to take positive and pre-emptive steps to ensure the health of the land. This is defined in its broadest sense to include biological diversity and ecological integrity.

In essence what this means is that there is an obligation for every land manager to ensure that they know what is recognised as general practice, take reasonable steps to keep abreast of developing knowledge and not to be too slow in applying it. Where there is greater than average knowledge of the risks there is greater obligation to take more than the average or standard precautions.

In its 1995 report on Work, Health and Safety, the Industry Commission suggested that a duty of care could be extended to environmental protection, with a code of practice to assist in defining what steps would be reasonable (Industry Commission, 1995).

In Western Australia, the Environmental Protection Act creates a general duty of landcare by making it an offence to pollute the environment (Gardner, 1995).

Some soil conservation and landcare legislation in other States contain duty of care statements. For example the Soil and Land Care Act, 1989 (South Australia) states the duties of a land owner as follows 'It is the duty of an owner of land to take all reasonable steps to prevent degradation of the land'. A recent review proposed that the South Australian Soil and Land Care Act be amended to further define 'reasonable steps'. Issues to be considered for inclusion are the identification of land capability by assessment, the identification of key indicators for monitoring land condition, the identification and implementation of appropriate solutions, regular monitoring of key indicators to assess changes in land condition and review and modification of land management in response to changes in land condition.

Common methods used for effecting land management obligations are agreements, administrative notices or orders requiring certain works to be done and conditions on leases. In general these are used for specific purposes, whereas duty of care is a more general statement and relies on voluntary cooperation for effect.

The Task Force believes a duty of care must be clearly stated in new legislation. The duty of care statement sets the tone of the legislation. It gives guidance as to the general expectation regarding the way in which land managers will manage natural resources. It is not intended, nor is there the capability, to assess how individuals do or do not comply with the general duty of care.

4.2 Equity

In general, equity implies a need for fairness in the distribution of gains and losses.

Equity as a concept is fundamental to ecologically sustainable development. Between generations it is often expressed as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'.

Equity can also be applied across communities and within generations. Intra-generational equity is related to natural resource concerns in many ways, such as when environmental problems are impacting more on some sectors of the community than others, including real and perceived loss of competitiveness, costs to individuals, costs to disadvantaged groups, shifting of environmental problems and inequities in decision-making process and structure.

The Task Force believes that processes established for sustainable agricultural resource management must ensure equitable outcomes.

4.3 Dealing with risk, uncertainty, burden of proof

The complexity of environmental problems caused by modern agriculture can be considered from two perspectives:

- The expansion or contraction in the area of land used for agricultural production (e.g. clearing of native vegetation, area affected by salinity, land retirement, increased competition for land resources by urban and other non agricultural uses); and
- The intensification and specialisation of agricultural production.

These aspects are inter-related. They are however, regionally specific and this must be taken into account when developing regional policies, planning and managing agricultural land.

In contrast with most other industries environmental problems related to agriculture are typically of a non-point source nature (flooding, erosion, salinity).

Uncertainty arises in dealing with natural resource issues because of the magnitude and complexity of environmental systems. Environmental damage may be wide in its impact and not easily observable and therefore difficult to monitor and understand. The time scales over which environmental change occurs may be large and the environment's capacity to absorb the impacts may disguise the problem for many years. Many are insidious in nature e.g. dryland salinity.

There has often been an optimistic attitude amongst agricultural managers who have come to rely on technological solutions. Technological change has been critical to the development of profitable agricultural industries in Western Australia. The adoption of new techniques has allowed farmers to achieve productivity gains and thereby maintain farm incomes.

Unfortunately not all new technologies are necessarily environmentally benign, but the complex nature of the agro-ecosystem means that it is often difficult to assess what the effects of a new technique will be on the environment and, more critically, whether or not it will result in irreversible damage.

Further, the choices are not clear cut. Techniques which at first glance appear environmentally sound may create their own environmental concerns. This does not mean that new developments should not be used, but it does suggest the need for caution (Commonwealth of Australia, 1991a).

It is suggested that where there is a commitment to ecologically sustainable development there will be a shift towards anticipatory or pro-active approaches, in which planning is implicit.

The implication for agricultural policy and legislation is that it should not be overly prescriptive but should allow for flexibility and diversity, and encourage innovation and new technologies. It must ensure that long-term or irreparable damage does not occur to the natural resource base. The ability to produce commercially viable 'clean, green' products in the long-term must be preserved by extension of information, controls and education programs.

4.4 Community participation and communication

The Australian Government adopted as one of its seven guiding principles for ecologically sustainable development, 'Decisions and actions should provide for broad community involvement in relevant issues'.

Fundamental to the right to participate is ensuring that equitable processes and structures are adopted in decision-making. Community participation in natural resource management has emerged as not only an accepted philosophy but as a necessary and effective process through which management can be achieved. Currently there are both formal and informal structures and processes for community participation in Western Australia.

The Task Force believes that regional groups are the effective community structure for improved public participation in sustainable land management. Greater involvement of regional groups will enhance decision-making. Strategic planning, coordination of the actions of community groups and government agencies, and the integration of the social, environmental and financial factors will be furthered by this involvement (Section 4.6).

4.5 Independence, accountability and transparency

Independence

Independence relates to the ability to remain neutral in decision-making.

In statutory financial terms the degree of independence of a public body depends on its classification under the Financial Audit

and Administration Act 1985. It is common for departments and statutory authorities to provide financial support to bodies, such as the Soil and Land Conservation Council. This support may involve the department or statutory authority paying accounts, providing accommodation, staff of other support services, or providing direct grants to the body.

Bodies which are *financially dependent* upon a department or statutory authority may be a related body or an affiliated body of the department or statutory authority.

A *related body* is a body which receives more than half of its funding and resources from a department or statutory authority and is subject to operational control by that department or statutory authority.

An *affiliated body* is a body which receives more than half of its funding and resources from a department or statutory authority but is not subject to operational control by that department or statutory authority.

Accountability

The extent of a department's or statutory authority's accountability in respect of their related and affiliated bodies is determined by the existence or absence of operational control, that is, the capacity to direct the operation of the body. Accountability may be regarded as the cornerstone of reporting in government in a financial sense.

The notion of accountability also involves an obligation to explain one's actions or to justify what one does and may include reporting on outcomes. The Task Force believes that reporting on natural resource outcomes is essential. Reporting accountability may be defined to mean 'the responsibility to enable interested persons users, including the public, to make informed judgments about the performance of the reporting body'.

It is the Task Force's view that the body responsible for decision-making in natural resource management must be fully and publicly accountable under the requirements of the Financial Audit and Administration Act 1985 i.e. it should not be a related or affiliated body of a government department.

In order to be accountable under the Financial Audit and Administration Act 1985, a statutory authority must have an accountable officer and be listed in the schedule to the Act. Its accounts are audited by the Auditor General and are published in the statutory authority's annual report to its Minister, for presentation to Parliament. It may also be directed to report annually on any part of its operations including its performance indicators and outcomes.

Transparency

Achieving effective natural resource management and improving decision-making requires good science and good information. Government must commit itself to collecting and disseminating information in an accessible manner. This information is important for communities, such as catchment communities, so that they can participate in natural resource decision-making.

Three separate elements of transparency and public involvement have been identified.

1. Full public disclosure of information concerning the environment and proposals for activities with an environmental impact, with only limited exceptions for reasons of commercial or government confidentiality.
2. The creation of specific and effective rights of public participation in planning and management decision-making and a duty on decision-makers to take public submissions into account in making their decisions.
3. Effective procedures for administrative and judicial review of planning and management decision-making with liberal rights of persons to seek redress for breaches of public participation rights.

What these achieve is openness in decision-making, so that the public can make informed judgments on decisions made in government processes.

4.6 Regional decision-making

Over the past ten years governments have paid particular attention to developing a regional focus. A regional framework has been used for strategic land use planning and for economic development initiative.

The State Government's establishment of nine Regional Development Commissions in 1994 set a precedent for the delivery of services which respond to regional needs and opportunities. This is in part a recognition that to be truly effective in delivering services to a State as large as Western Australia, a high degree of autonomy is needed at the regional level.

Many Commonwealth initiatives are based on regions. For example, an objective of the National Strategy for the Conservation of Australia's Biological Diversity is to manage biological diversity on a regional basis, using natural boundaries to facilitate the interaction of conservation and production-orientated management.

A major program for Commonwealth funding for natural resource management through the Natural Heritage Trust is directed through regional strategies. Through this program, well targeted investment and integrated activities provide the best opportunity to advance sustainable management and environmental protection. The National Heritage Trust gives funding to assist the development of regional strategies and their implementation.

There are a plethora of State-based regional structures (including at least two within the Agriculture portfolio - the six Sustainable Rural Development Program regions and the eleven Agriculture Protection Board Zone Control Authorities) that have been set up for specific advisory, management and support purposes, all of which work to a different set of regional boundaries.

The provision of support services to primary producers to achieve the principles of ecologically sustainable development at the regional level is currently being coordinated through the Agriculture Western Australia Sustainable Rural Development Program.

Within this program there are six regions, Kimberley, Southern Rangelands, Northern Agricultural, Central Agricultural, South West and South Coast.

Whilst it is recognised that natural resources must be managed at a regional level, the exact boundaries for regional management may be debated. In some cases catchments or river basins have formed the boundaries. At a more detailed scale, natural resource zones with relatively similar natural characteristics (Allison *et al.* 1993) may provide a more convenient land unit for making meaningful decisions.

The Task Force considers it necessary that all areas of the State be included within gazetted regions for the purpose of developing and delivering natural resource management policy. When the regions are designated in new legislation it will be important to include within the boundaries:

- those areas which are or could potentially be affected by agricultural resource management, for example the near shore environment affected by outwash zones of rivers; and
- entire catchments.

4.7 Natural resource management planning

Natural resource management planning may be defined as 'a systems approach in which attention is directed toward natural and human systems, their component parts and the interrelationships among those parts'. Implicit in these approaches is the recognition of the inter-connectedness of natural resources, land, water, flora and fauna within ecosystems.

The linkages are the most important aspects. This will often, but not always, lead to a catchment or river basin being the appropriate planning and management unit. Because of the need for natural resource management to be preventative (pro-active) rather than reactive, it is desirable that the legislation require and allow for the development of natural resource management policies, strategies and plans within a defined region.

However, planning is often seen by the community as a static thing with the end point being a map. It may also be seen as a means of delaying action rather than facilitating change. The Task Force believes that planning needs to be fostered as a continuous process which is concerned with the management of natural resources. The Australian Research Centre for Water Research in Society has undertaken a review and analysis of the planning processes of catchment management (Syme *et al.* 1993). They propose a process for the development, implementation and evaluation of catchment management plans which follows a continuous improvement cycle. Its component parts are planning, research, implementation, monitoring and evaluation.

The preparation of regional management plans and strategies under the Victorian Catchment and Land Protection Act has in some instances been a labour intensive process taking up to two to three years to complete. Community impatience and scepticism will occur if too long a time is spent purely planning. More use friendly planning and management processes appear to have been developed in some parts of South Australia (for example Mt Lofty Ranges) where Soil and Land Conservation Boards have concentrated on developing plans based on recommended codes of practice and guidelines. These allow greater flexibility to account for changes through time.

All stakeholders in sustainable agricultural resource management have roles and responsibilities in the planning processes. Planning for natural resource management should occur at all scales, paddock, property, sub-catchment, whole catchment, regional, State and national. The greater the coordination in planning between the stakeholders at these levels the better will be the management of natural resources.

Achieving coordination in planning across these scales is essential for securing the desired natural resource outcomes.

4.8 Consent mechanisms

In Western Australia development controls for changes in land use require application to the local planning authority for permission.

Rural land, other than intensive agriculture, has traditionally been used and managed in the absence of planning guidelines apart from areas under pressure from sub-division development. Where there is such pressure, the controls are administered by the Western Australian Planning Commission.

Certain developments, such as clearing of native vegetation and drainage are administered by the Commissioner of Soil and Land Conservation and do not conform with the general scheme of development controls. The current system requires a proponent to notify the intention to clear land, drain or pump water, to the Commissioner of Soil and Land Conservation. The philosophy is that the owner has a right to clear unless there is an objection by the Commissioner on the grounds that degradation would result from such actions.

Under certain criteria and memoranda of understanding, these notifications may be referred to another government agency such as the Department of Environmental Protection, for environmental impact assessment.

For activities currently subject to a Notice of Intent, such as clearing native vegetation and draining, it is proposed that a consent mechanism be adopted, such that the onus of responsibility to prove the environmental acceptability of the proposal would lie with the proponent.

Other activities which have the potential to have substantial negative consequences for neighbouring and more distant properties, and for the environment in general, may in the future require a consent, for example draining fresh water.

The Task Force intends that through a process of review of regional policies and auditing of natural resource outcomes potentially damaging activities would be identified.

4.9 Indicators and monitoring

Current legislation says little or nothing about indicators and monitoring. This may be why there has been a dependency on regulation, without checking whether such regulation is needed or whether it works.

Indicators are measurable attributes of natural resources or the environment that can be monitored. The relative importance of key indicators may vary from region to region and some areas may have specific indicators. The need for such indicators has been recognised and governments have developed sets of indicators for assessing the sustainability of agricultural systems. The Standing Committee on Agriculture and Resource Management (1993) expert group identified the need for reporting on-farm soil, biota and water conditions which can be related to specific management practices at the same location.

A recent publication (Walker and Reuter, 1996) presented information on the methods that will enable individual land holders, catchment groups or catchment boards to identify the indicators that are most useful for assessing the impact of farming practices on the health of their catchments.

Monitoring involves knowing why objectives have been set, what end results are expected and when, and checking to see that the methods chosen to achieve those objectives are working as intended. Monitoring also involves continual checking to be sure that objectives are still relevant and the costs of achieving given objectives are still the best use of the resources involved.

It is recognised that monitoring is difficult. However, the Task Force believes that monitoring is the most important activity within a natural resource management framework and must become central to sustainable agricultural resource management. Monitoring is the only way to assess how well the land is being managed.

There are different types of monitoring: *outcome monitoring*, which may be referred to as 'routine' or condition of the natural resource monitoring, and is essential to address whether the policies are achieving the desired goals and objectives (this is

often considered difficult because of the need for indicators of natural resource condition); and *compliance monitoring* which addresses whether the strategies, policies and plans are being implemented and given effect. It is more output than outcome related.

Both types of monitoring are required. Effective monitoring should ensure that regulatory intervention to promote sustainable agricultural resource management is used only where and when necessary.

4.10 Auditing

The heads of government agencies (e.g. chief executive officer and executive directors) are responsible for ensuring that their responsibilities set out in legislation are properly undertaken. Their principal responsibilities are to show achievement of objectives in the effectiveness and efficiency of operations, the reliability of financial reporting and the compliance with applicable laws and regulations.

In 1993, McCarrey reported that within government and respective agencies there were few internal control processes which embrace the wider perspective of risk management in ensuring objectives are achieved through efficiency and effectiveness of operations (Government of Australia, 1993).

These recommendations were directed at the review of public sector finances and stated that 'Treasury is fostering the development of program evaluation and also proposes providing agencies with guidance and consultancy advice to assist with implementation of internal control processes that go beyond financial probity and extend to the meeting of objectives of agencies'. It is the Auditor General's role to give an opinion on the adequacy of internal controls in relation to financial probity.

The question arises of who has the responsibility to give an opinion on the achievement of adequacy with objectives, other than financial objectives, for government agencies or statutory authorities. For example the objective of ensuring that the natural resource base of

agriculture is maintained or enhanced, which is one of the objectives of the Sustainable Rural Development Program in Agriculture Western Australia.

Performance indicators showing how effectively money is spent in improving the condition of the relevant natural resources is lacking. Also there is no accountability for the whole ecological system, and no way of measuring how well each natural resource management sector has meshed with the others in delivering an effective and coordinated strategy for natural resource management.

At present the Auditor General does not undertake such audits comprehensively and across all agencies. It appears that an auditing process to deal with the above is necessary. The question may be asked: if not the Auditor General, then who could undertake such a function?

New Zealand has established the Office of the Parliamentary Commissioner for the Environment under the Environmental Act 1986 (NZ). The Commissioner has the core function to provide an independent check on the system of environmental management and the performance of public authorities on environmental matters.

4.11 Appeal mechanisms

A dispute often arises where there are competing and conflicting claims regarding the use or management of a natural resource. They usually involve the owner or potential user of a resource, the government or a government agency as the body controlling its use or licensing the use proposed, and the broad community.

Disputes arise because people have different values about what constitutes good policy for the use and management of the natural resource and what constitutes the optimal balance between environment and development.

The public interest factor is significant in natural resource disputes, setting them apart from disputes resolved by traditional courts. Traditional courts may only examine how, as a matter of law, a decision was reached.

They do not examine on the basis of merit whether a decision was good or bad.

In a system of natural resource management where policies and plans are developed and consents are required for natural resource use, such as to drain or clear land, there needs to be clear mechanisms for appeal.

Disputes may be about the policies the community adopts for dealing with issues affecting natural resources, for example a regional sustainable agricultural resource management policy. Legislation then contains the basis for assessing or measuring proposals against defined and accepted criteria. Disputes occur as to whether a proposal is in conformity with these criteria (Trenordan, 1994).

In natural resource disputes there are often arguments based on merit which are not easy to deal with because they involve questions of design, pollution potential and contamination issues. Because of this, in many jurisdictions environmental disputes are often handled in specially constituted courts or tribunals. These courts may make determinations based on merit.

The Task Force recognises the need for an appropriately structured appeals process, one which is independent, consistent and transparent. It must be in keeping with the basic objectives, structure and operation of the natural resource management system to which it relates.

Rights of appeal

Legislation which creates rights of appeal and enforcement frequently extends those rights to persons 'aggrieved', 'interested', or 'affected', or who have a 'proper interest' in the subject matter of the action (Bates, 1995). Such persons are deemed to have 'standing' at law.

Unless specified in legislation 'standing' is interpreted through common law rules. This means that the applicant would have to show some 'special interest' over and above members of the public generally, in order to establish 'standing' for eligibility to appeal. However, the concept of 'special interest' is gradually being liberalised. This 'special interest' may now be found in property and

economic interest; through spiritual and cultural ties; and by a special relationship with a particular environment.

Standing has been effectively abolished in civil law enforcement proceedings in New South Wales by allowing 'any person' to bring proceedings for the enforcement of environmental legislation. It has been held, however, that the term 'person' refers only to a legally recognised entity and not therefore to a non-incorporated body. Experience has shown that this does not open the floodgates of litigation (Bates, 1995).

The Task Force believes that any person should be able to appeal and that a liberal interpretation of 'person' be adopted.

Under the proactive approach suggested in this report, as in any sound natural resource management system, appeals should be the exception. Nevertheless confidence in the appeals system is an element in developing confidence in the overall system.

4.12 Alternative dispute resolution

An important aspect of the appeals process and one that is now generally recognised, is the role of alternative dispute resolution. The procedural and cost hurdles of tribunals and court actions have brought more attention to alternative ways of resolving environmental disputes.

Negotiation, mediation and arbitration are three possibilities. Negotiation involves the parties in dispute hammering out their own differences. Mediation is a more structured form of negotiation, involving an independent mediator who can assist the parties to identify and focus upon the real issues in dispute and offer solutions. Arbitration involves a more formalised procedure of hearings before an arbitrator appointed by the parties, who sets the parameters for the issues to be arbitrated and are bound by the ruling made (Bates, 1995).

These mechanisms can be particularly important parts of any dispute resolution process. They can be part of a pre-hearing or pre-decision process to help define the issues of dispute and may offer solutions.

The desirable features of an appropriate environmental disputes resolution mechanism are described by Trenordan (1994). The features she identified were:

- a court/tribunal comprising members with legal skills in addition to scientific, heritage, planning, environmental management or other appropriate expertise;
- articulate, able, enthusiastic and open minded members;
- a flexible approach to procedures and processes;
- a variety of approaches to dispute resolution, including some or all of, mediation/conference or open forum, written briefs and a combination of adversarial and inquisitorial/investigative approaches to the hearing and determination of disputes;
- sound management that is alert to the need for change; and
- interest in 'efficiency with a human face' having regard to public interest.

Resolution of contentious issues which would cause applications for drainage and clearing to be rejected should, where possible, occur within the context and development of policies and catchment management plans and should reflect the objective of achieving good agricultural outcomes consistent with sustainable natural resource management. What can be resolved short of a formal appeals process should be resolved in this way. The Sustainable Agricultural Resource Management Commission would also have responsibility to employ dispute resolution mechanisms.

4.13 Financing sustainable agricultural resource management

There are now many funding programs for landcare at the State and Commonwealth levels. However, there is great frustration in the community that funding is short-term and that so much of it is for 'demonstrations' only (Alexander, 1995). From recent reports conducted into rural adjustment and landcare funding there are a number of principles and criteria emerging on which to base adjustment. In some

instances a more detailed framework with objective assessment procedures is being developed (Murray-Darling Basin Commission, 1996).

Cost-sharing between public and private beneficiaries is becoming the agreed mechanism for implementing on-ground sustainable resource management works. The allocation of costs depends on the identification of levels of public and private benefit.

The following cost-sharing principles for government programs have been adopted by the Council of Australian Governments:

- The full cost of providing services to specific identifiable beneficiaries or polluters should be recovered by way of charges to them.
- Costs of public benefits or impact management which are unable to be attributed and charged to specific beneficiaries or polluters should be treated as community service obligations.
- Where costs are subsidised by government, they should be defined explicitly so that unsustainable precedents are not established.

In its proposal for a cost-sharing framework the Murray-Darling Basin Commission (1996) suggested Government contribute to the cost of on-ground works within action plans, only where there has been progress towards satisfying the following criteria:

- Community awareness of land and water degradation issues and remedial actions have been increased.
- Community awareness has been increased about off-site impacts and other economic externalities associated with land and water degradation.
- Policy and legislative impediments to addressing land and water degradation have been removed.
- Point-source polluters have been identified and measures have been imposed to ensure they pay the full cost of their actions.

- Governments have agreed to invest in implementation of action plans, on a beneficiary pays basis, on behalf of the broader community.

4.14 Education and awareness

The challenges and opportunities facing agriculture and related sectors will continue to change rapidly and become increasingly complex. This requires primary producers to have a wide range of skills to run a successful and viable business.

Learning to adapt to the changes is a continuous process which requires information from many sources. It is important to know where to go for information and how to use it.

The Land Management Task Force (Commonwealth of Australia, 1995) argued that it will be increasingly important to develop property management plans. The range of skills required in order to do this are business management, quality assurance, risk management, natural resource management including nature conservation, financial planning and control, marketing management, agricultural technology management and personal and staff management.

Learning these skills can be informal and formal. Landcare is essentially about learning in an informal environment. It is a forum for the sharing of information to give people the skills to continue to improve the way they manage the land and natural resources that they use. Informal networks are a key form of communication in the landcare movement (Commonwealth of Australia, 1996).

In the formal environment, students will need to have an international outlook and an understanding of the interrelationships between production, commerce and marketing and the ecological and human environments. Sustainable development will require a balanced consideration between economic development and environmental consideration (Commonwealth of Australia, 1991b).

It is not only students at colleges that continue to learn but there is a continuing role for education in the lives of all of us. Throughout the broad community there are many programs in primary, secondary and tertiary education, non-government and Government organisations as well as public awareness initiatives. These programs are increasingly placing emphasis on integrating natural resource management with productivity and sustainable development.

Agricultural education is under pressure from reduced demand (Falvey, 1996). In part this comes from a reduction in the numbers of people employed in agriculture and hence the partial loss of past political influence and in part it reflects public and student perceptions that agriculture is a mature industry that does not offer potential growth for future career opportunities.

However, the increasing pressure and trends of concern for the environment and the need for increased food production provide the context for future agricultural education.

In accepting the responsibility to manage the environment with care, agricultural education may need to see itself as a field of natural resource management - managing the natural resource base (soil, water, mined fertilisers and so on) to produce food while understanding interactions with that resource base (Falvey, 1996).

5. IMPLEMENTING THE PRINCIPLES, ACTIONS AND CONCEPTS

The purpose of sustainable agricultural resource management is underpinned by the principles and criteria in Part 2 of this report. Decision-makers must have regard to these principles and criteria. In general terms they cover the quality of natural resources, balanced decision-making between the environmental, social and economic issues, the balance between private and public interests and the needs of future generations.

Change must test itself against consistency with these principles and criteria, but must mould the system to deal with the particular case concerned. Implementation requires interpretation and refinement which will be

regionally specific and based on, strategies, plans, guidelines and codes of practice (Figure 1).

A change in the system to a principle-based approach requires that the government and other decision-makers be committed to the integrity of the system and uphold the principles on which it is based.

An important point to note is that the principles and criteria for sustainable agricultural resource management apply equally as well to integrated natural resource management and planning. Regional planning for the former should be done within the framework of the latter. Furthermore, regional strategies must be developed in partnership between community and government and correct balance between the two is critical to achieve successful ecologically sustainable development outcomes.

The development of indicators and relevant criteria, and combining them with monitoring for natural resource outcomes has been avoided in many programs in the past, however, they are essential to the success of the proposed approach.

There must be mechanisms for achieving agreement through mediation within the system and for an independent appeals system.

All these elements are essential to the continuous improvement of the management and planning of natural resources and sustainable agricultural resource management.

Making sustainable agricultural resource management work goes beyond new strategies and legislation. The law itself is only a foundation. In particular, the new sustainable agricultural resource management system will depend on all groups in the community working together with Government to be clear about the values and the direction they want to take in the future. It will also take commitment on the part of government and the community.

PART 3

6. CURRENT NATURAL RESOURCE MANAGEMENT SYSTEM

In Western Australia the current natural resource management system consists of three key Ministries: Environment, Water Resources and Primary Industries. Within each Ministry, and established under various Acts, there is a more or less common structure consisting of:

- State advisory councils made up of community and agency representatives;
- public service agencies with specific management functions and financial accountability as the major recipients of Treasury funding; and
- various district level bodies with community and agency membership.(e.g. Land Conservation District Committees, Waterways Management Authorities etc.).

The chief executive officers of the agencies responsible for natural resources, Agriculture Western Australia, Department of Conservation and Land Management, Department of Environmental Protection and Water and Rivers Commission, meet on an irregular basis to coordinate activities.

The Minister for Environment acts as an integrator operating the Integrated Catchment Management policy which was published in May 1989. This Cabinet endorsed policy provides for regional or whole catchment community groups, supported by a government officer; a coordinating committee of senior agency officers (the Integrated Catchment Management Coordinating Group); and the Office of Catchment Management to service the coordinating bodies.

The Task Force heard that the integrated catchment management process has not been generally accepted among the major agencies and it is not funded or resourced well enough to achieve its objectives.

The Commonwealth's proposed funding arrangements for natural resources is

applying pressure to Western Australian State agencies to better coordinate their actions, see Natural Heritage Trust Funding (Chapter 6.4.1)

6.1 The State Salinity Strategy

In November 1996, under the State Salinity Strategy, the Western Australian Government established a tiered coordinating structure consisting of:

- a Cabinet Committee chaired by the Premier and comprising the Deputy Premier and the Ministers for Primary Industry and the Environment, with overall accountability for the action plan's achievements; and
- a State Salinity Council comprising of the Chairpersons of the six peak natural resource and financial assistance statutory bodies, the Soil and Land Conservation Council, the Rural Adjustment and Finance Corporation, the National Parks and Nature Conservation Authority, the Lands and Forests Commission, the Water and Rivers Commission and the Environmental Protection Authority, together with invited representatives of business, environmental interests and agricultural land holders.

The four chief executive officers of Agriculture Western Australia, Department Conservation and Land Management, Department of Environmental Protection and Water and Rivers Commission are responsible for carrying out their respective agency actions and will approve expenditures for the major strategy activities.

The chief executive officers will meet as required to ensure coordinated implementation of the Action Plan across their agencies. They will ensure effective executive support to the State Salinity Council and initiate, where necessary, joint Cabinet submissions to specify the whole of Government approach and integrate budget allocations to activities.

In the South West Land Division salinity is the major issue and is acting as the pressure point for planning and action.

6.2 Regional initiatives

Some community groups have recognised the need for regional planning and have prepared regional strategies for integrated natural resource management. These are examples of the rural community demanding that natural resources be managed in an integrated way on a regional basis. While there are many such groups, only a few are mentioned here as examples.

Group strategies may be planned at the large catchment scale, such as the Blackwood River Coordinating Group and the Swan-Avon Integrated Catchment Coordinating Group. Their programs and strategies have the planning and management of natural resources as their objective. The mission statement of the Blackwood group reflects the sentiments of ecologically sustainable development and it is 'To inspire the sustainable management of the Blackwood Catchment's resources for the benefit of current and future generations through coordination and education'.

The South Coast Regional Assessment Panel and the South Coast Regional Initiative Planning Team prepared 'Southern Prospects', a strategy for managing natural resources and developing rural communities on the south coast of Western Australia. The South Coast region includes the catchments of all the southerly flowing rivers between the Frankland-Gordon in the west and Cape Arid in the east. Some internally drained areas to the north of the catchments have also been included. The region includes most, or all, of ten local government areas.

Management areas based on surface water catchments may be declared under the Waterways Conservation Act 1976. A management authority may then be established to conserve and manage the area of the waters and associated land placed under its control. The management of these areas is based on the principles of integrated catchment management. This means the cooperative management of natural resources within the catchment area. An example is the Leschenault Management Authority.

6.3 Local initiatives

It is important to recognise that change has occurred throughout the State as a direct result of the formation of Land Conservation District Committees. These groups have been able to tackle natural resource management issues at a local level with community interest and support.

The creation of Land Conservation District Committees under the Soil and Land Conservation Act has enabled the landcare movement in Western Australia to reach a point where individual landholder focus has changed significantly towards a greater understanding of the importance of environmental issues to the long term viability of farming in Western Australia. Most of the State is covered by Land Conservation Districts, and together with community based groups around the State are addressing a very wide range of natural resource related issues. The focus has, however, been very much one of dealing with issues at a local level.

Solutions to the larger scale regional issues are tending to not be so aggressively pursued by the Land Conservation District Committees, as is evidenced by the development of new groups with a more regional focus and the need to form a special salinity strategy group to deal with the State-wide issue of increasing salinity.

Local initiatives are often based on sub-catchments and many of these have been established not only in rural areas but also in urban areas.

6.4 What others are doing

In recent years there have been trends in management of natural resources that have highlighted the increasing awareness of the need to conserve and protect the environment. Greater attention is being paid to avoiding unnecessary damage to the environment during development, use and management. Some of these trends include:

- the incorporation of objectives for natural resource management in planning and the explicit definition of terms and conditions of development as they pertain to impacts on the environment;

- increased focus on making decisions based on regional and catchment scales and more detailed landscape information;
- the community is participating actively in making resource management decisions and providing input to solutions to identified problems;
- the principles of ecologically sustainable development are increasingly being taken into account when making decisions;
- there is a greater emphasis on managing natural resources in integrated ways;
- there are now independent appeal processes that are based on merit that deal with conflicts and disputes;
- separation of the custodial and utility functions;
- government officials and land managers are fully accountable for the decisions they make;
- changes in natural resources are measured and monitored; and
- monitoring is independently audited.

The examples below are given to demonstrate the above trends and to identify the processes particularly from the Commonwealth Government level which encourage such trends.

6.4.1 Commonwealth initiatives

Council of Australian Governments

The Council of Australian Governments Report on Water Resource Policy states that in relation to institutional reform that 'governments develop administrative arrangements and decision-making processes to ensure the integrated approach to natural resource management'.

Natural Heritage Trust Funding

The introduction of the Natural Heritage Trust Bill (still to be proclaimed) is the response of the Government of Australia to the recognition for the need for urgent action to redress the decline in Australia's natural environment.

In the preamble to the Bill there are a number of statements which define the issues and the principles which form the basis for ways in which they propose to address the management of the issues. It is significant that the core objective and principles of ecologically sustainable development underpin ministerial decision-making.

The intent is that the Natural Heritage Trust will not be used to maintain the *status quo* where existing management arrangements are clearly unsustainable. The Commonwealth's National Landcare Program funding (including One Billion Trees, Save the Bush, and Waterwatch) are now delivered through the Natural Heritage Trust.

There are four components through which assistance can be obtained, one of which is the Regional Strategies Component. In the preamble to this section it is stated that, 'There is a broad consensus both within government and the community that well-targeted investment and integrated activity at the regional level provide the best opportunity to advance sustainable management and environmental protection'. The consequence for Western Australia is the requirement to demonstrate compliance with the conditions in terms of the preparation of regional strategies for natural resources and the objectives of ecologically sustainable development.

6.4.2 Other Australian States

In other Australian States there have been a range of responses to the need to improve natural resource management and various levels of commitment to integrated natural resource management. There have been:

- agency amalgamations in New South Wales (Department of Land and Water Conservation) and Victoria (Department of Conservation and Natural Resources); and
- regional community boards established to promote the sustainable management of natural resources e.g. the New South Wales Catchment and Land Management Act 1989, the

Victorian Catchment and Land Protection Act 1994 and the South Australian Soil and Land Care Act 1989.

Other States such as Tasmania have adopted a different approach by developing their Resource Management and Planning system. This system is based upon the New Zealand Resource Management Act and uses a hierarchy of plans with the same objectives and criteria guiding the promotion of sustainable management of natural resources through all natural resource and planning legislation.

Queensland is developing a Resource Management Act which will replace several single resource statutes.

6.4.3 New Zealand

The New Zealand Resource Management Act 1991 replaced 59 statutes and covers all natural resources, land use planning and pollution control. It is the most comprehensive legal framework for integrated sustainable resource management in Australasia if not the World.

Several principles adopted in the Act are relevant to natural resource management in Western Australia including the concept of a hierarchy of policies, plans and standards driving natural resource management, and the concept and definition of sustainable natural resource management. The Act requires all plans to be developed with the same objectives and guiding criteria i.e. the promotion of sustainable management of natural and physical resources.

6.4.4 Canada

Legislation being developed in Canadian provinces, such as the ecosystem approach to natural resources management in Ontario, involves the adoption of policy statements and a hierarchy of catchment-based plans.

Agriculture and Agri-Foods Canada is developing an approach which uses agri-environmental indicators. The primary focus of the work is on the relationship between primary agriculture and the environment.

PART 4

7. SUSTAINABLE AGRICULTURAL RESOURCE MANAGEMENT LEGISLATION WITHIN THE CURRENT NATURAL RESOURCE MANAGEMENT SYSTEM

7.1 Summary

It is recommended that one Act be created which would have the purpose of promoting sustainable agricultural resource management. Those statutory bodies constituted under the Act would be required to take account of this purpose when carrying out their functions and duties.

The legislation would separate the custodial/regulatory and production functions currently undertaken by Agriculture Western Australia and create two accountable bodies: a Sustainable Agricultural Resource Management Commission and an Agriculture Western Australia Board. The Act would also create an independent Land Tribunal (Figure 2).

The proposed legislation would provide for:

- three statutory bodies, a Sustainable Agricultural Resource Management Commission, an Agriculture Western Australia Board and a Land Tribunal;
- the Sustainable Agricultural Resource Management Commission with a regional network of Commissioners and a custodial/regulatory role to undertake specified policy development and planning;
- the absorption of the functions of the abolished Commissioner of Soil and Land Conservation and the Rural Adjustment and Finance Corporation Board into the new Commission;
- the Agriculture Western Australia Board to administer the agency, Agriculture Western Australia, the Board would be the accountable body;
- the Agriculture Western Australia Board to administer the functions of the repealed Agriculture Act and the roles and functions of the abolished Agriculture Protection Board under

PROPOSED AGRICULTURE PORTFOLIO STRUCTURES

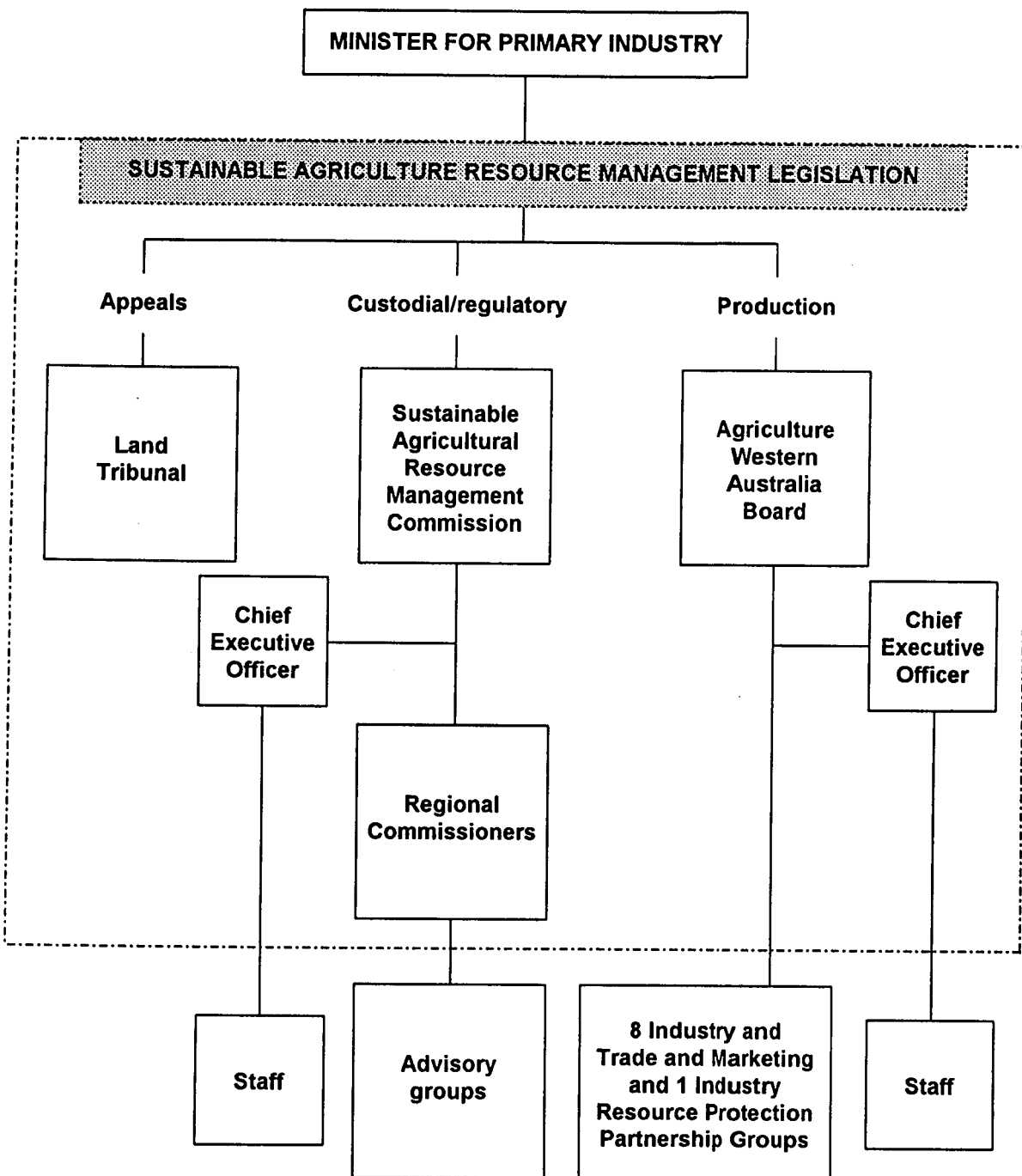


Figure 2 shows the relationship of proposed structures within the Agriculture portfolio which would be established by the Sustainable Agriculture Resource Management legislation - shown within the dashed box, and associated groups and staff. Non-statutory bodies are shown outside the dashed box.

the Agriculture Protection Board Act 1950 and the Agriculture and Related Resources Protection Act 1976; and

- the Land Tribunal with informal dispute resolution mechanisms and determination of appeals based on merit.

The purpose of this approach is to achieve the objective of sustainable agricultural resource management through the most efficient balance of power and distribution of responsibility between the Minister for Primary Industry, a custodial/regulatory Commission, a Board to administer Agriculture Western Australia, and regional and industry advisory bodies and individual farmers.

The approach would require arrangements that ensure the policies and plans are translated as rapidly as possible into action on the ground and that the money for their implementation is quickly passed through the system. It includes clear lines of responsibility and points of accountability for funds and performance and establishes a regional and catchment system of outcome monitoring to gauge changes in our natural resource management system.

It provides a regional and catchment planning environment to promote the principle of increased self regulation by regional communities through comprehensive community consultation processes. It defines the objective of sustainable agricultural resource management but is not prescriptive allowing diversity in production systems and flexible approaches in time and space.

Recommendation 1

A single Act of Parliament to be written which would have the purpose of promoting sustainable agricultural resource management.

The principles of ecologically sustainable development would be stated in the legislation.

The legislation would provide for the creation of the Sustainable Agricultural Resource Management Commission, the Agriculture Western Australia Board and the Land Tribunal.

Recommendation 2

Establishment of an independent statutory commission, to be named the Sustainable Agricultural Resource Management Commission, with the clear purpose of ensuring sustainable agricultural resource management.

The Commission would be composed of Regional Commissioners and an independent chairperson, and would take over the functions of the Commissioner of Soil and Land Conservation, Soil and Land Conservation Council, and Rural Adjustment and Finance Corporation Board.

Recommendation 3

Establishment of a specialist Land Tribunal to be the final arbitrator on the merits of proposals and appeals including processes for alternative dispute resolution, in sustainable agricultural resource management.

Recommendation 4

Establishment of an Agriculture Western Australia board of management for the administration of the Agriculture Western Australia agency.

It would take over the function of the Agriculture Protection Board under the Agriculture Protection Board Act and the Agriculture and Related Resources Protection Act.

7.1.1 Key elements

7.1.1.1 New and unifying legislation

The new legislation would have the overarching purpose of promoting sustainable agricultural resource management, a concept which embraces the use, development and protection of the natural resources used and affected by agriculture. The promotion of sustainable agricultural resource management would apply to every part of the new Act.

7.1.1.2 Separation of roles

The Act would provide for the establishment of the Sustainable Agricultural Resource Management Commission and the Agriculture Western Australia Board. These two statutory bodies would have

responsibility and accountability for the custodial/regulatory and production aspects respectively of sustainable agricultural resource management.

7.1.1.3 A Sustainable Agricultural Resource Management Commission

A Sustainable Agricultural Resource Management Commission would have a focus on participation by stakeholders within a region, delivered through Regional Commissioners. Regional Commissioners, together with an independent chairperson, would make up the Sustainable Agricultural Resource Management Commission.

A major change would be the separation of roles relating to production and custodianship (or stewardship). Although there is no universal model for legislative, structural and operational frameworks, the Council of Australian Governments Report of Water Resource Policy states that in relation to institutional reform, the roles of water resource management, standard setting and regulatory enforcement are to be separated institutionally from service provision.

Further, the Commonwealth Government considers that this reform is to serve as a model for other institutional reform. At State level, this model has been used in other agencies, for example in the separation of the Water and Rivers Commission from the Water Corporation.

The proposed Sustainable Agricultural Resource Management Commission would be an independent body accountable under the Financial Audit and Administration Act 1985. It would have the core objective of ensuring sustainable agricultural resource management and would have the financial and human resources to effectively achieve this. It would ensure better outcomes for agricultural industries and be better placed to coordinate land management planning with land use planning. It will promote the incorporation of land management planning into regional planning processes undertaken by the Western Australian Planning Commission.

Recommendation 5

The Chief Executive Officer of the Sustainable Agricultural Resource Management Commission to be a member of the Western Australian Planning Commission.

7.1.1.4 An Agriculture Western Australia Board

A new Agriculture Western Australia Board would act to ensure that agriculture production is managed to support and promote the development of agriculture in keeping with the purpose of the Sustainable Agricultural Resource Management Act.

7.1.1.5 Integration/coordination

Integrated natural resource management is increasingly being pursued throughout Australia. That is attention is being directed to the linkages between the biological and physical processes in resource management.

Coordination refers to the well ordered management of actions by stakeholders, often based on the collaboration between community and government in a partnership arrangement.

The Task Force believes that effective coordination is a prerequisite to achieving integrated natural resource management.

Currently there are separate agencies with responsibility and legislation for particular aspects of natural resource planning and management. Related legislation is given in Appendix 2. The chief executive officers of the natural resource agencies, Agriculture Western Australia, Water and Rivers Commission, Department of Conservation and Land Management and Department of Environmental Protection are responsible for coordination. Some see this structure as advantageous because clear responsibilities for each resource are allocated to the separate agencies.

When integrated catchment management was introduced into Western Australia it was decided not to enact special legislation or to form a new agency for the following reasons (Hollick and Mitchell, 1991):

- There were adequate powers in existing legislation which only require coordination to be effective.
- The structure of governance in Western Australia was relatively simple.
- There was a tradition of cooperation in the public service.

Rather, a non-statutory Integrated Catchment Management Coordinating Group was established under a government policy to further coordination.

In contrast to the above, others argue that integrated natural resource management is best achieved through the formation of one agency with this as its sole responsibility.

The complexity of managing natural resources at a catchment or regional scale will necessarily cut across agencies and local government responsibilities, and private interests. It may therefore be regarded as threatening. The view of the Task Force is that the problem of inter-agency coordination cannot be resolved by reorganisation of government structures. There will always be 'boundary' problems where agency mandates overlap, conflict, or leave gaps which must be resolved by coordinating mechanisms.

Although institutional reform such as this is beyond the Terms of Reference, the Task Force felt bound by strength of community statements and submissions to comment on a proposal for integrated natural resource management (Part 5).

The Task Force believes that a commitment to integrated natural resource management can best be furthered through enacting overarching legislation establishing a body with specific responsibility to achieve improvement in the quality of the State's natural resources through improved coordination across agencies.

7.1.1.6 Emphasis on regional delivery

Regionally based management is now an accepted criterion for natural resources. The Sustainable Rural Development program within Agriculture Western Australia has adopted a regional approach to give support to government initiatives for

ecologically sustainable development in agriculture. Planning at the farm level, through property management plans and regionally through regional planning strategies, are core activities.

A regional system with policies for sustainable agricultural resource management would raise the status of agricultural land and provide a better forum for liaison and coordination for the protection and management of productive agricultural land.

7.1.1.7 A pro-active approach

Emphasis should be on a pro-active approach rather than the current reactive approach. This change would have significant consequences for the way natural resources are managed. Sustainable agricultural resource management would be the objective. Regional policies, combined with regional and catchment planning, guidelines and codes of practice, are key elements to ensure that this objective of sustainable agricultural resource management is achieved.

7.1.1.8 Emphasis on participation by stakeholders

One of the principles of ecologically sustainable development is community participation. Regional communities, in partnership with relevant government agencies, have already developed regional strategies which involve broad community participation. These regional strategies would form the basis of the new Regional Policies. The Regional Commissioners would have the duty to coordinate the development of the Regional Policies in consultation with the community.

7.1.1.9 Emphasis on outcomes and accountability

An important part of a proactive approach is knowing what outcomes are desired. Under the new Act and structure, desired regional outcomes would be developed through a community participation process. The outcomes might change with time as continuous improvement occurs.

In order to know whether or not specific outcomes are being met we need to measure the effects of management practices. The

Task Force believes that monitoring natural resources is essential to achieve desired outcomes.

The Auditor General's office should have a key role in conducting effectiveness and efficiency audits of the State government's performance relating to outcomes in sustainable agricultural resource management.

7.1.1.10 Shift to a consent system for approvals

Currently, the presumption is that almost all land management activities are permitted. Exceptions are clearing and draining practices, both have potential to cause deleterious effects. Currently the proponent is required to notify the intent of the proposal. The presumption is that the activity is permitted unless in the opinion of the Commissioner of Soil and Land Conservation, land degradation will occur. In such an event, a Soil Conservation Order may be applied to prohibit the proposal or place conditions upon the land.

The Task Force proposes that, in the absence of approved catchment plans, where changes in land use and land management practices such as clearing and draining occur, the presumption should be changed so that these activities would require consent. This is a transitional phase prior to the preparation and implementation of agreed catchment plans.

It is considered essential that catchment planning take place. For those areas where Regional Policies and catchment plans are in place, land use activities should be permitted unless they contravene a rule, condition or the general intent of the catchment plan.

It is understood that catchment planning will take time to put in place, hence the need for the transition phase.

7.1.1.11 Shift to independent appeal mechanisms

To accommodate the general principles outlined previously it is proposed that appeals within the new system go to an independent tribunal. There are a number of ways to establish a tribunal and other jurisdictions in Australia and elsewhere

provide working models. However it is ultimately constructed, it is important that it is independent and publicly demonstrates this.

An independent appeal system with consistent decision-making would increase faith in the appeals system and also contribute to overall belief in the sustainable agricultural resource management process.

7.2 Rationale for the proposed approach

In the absence of an integrated natural resource management and planning framework, the Task Force makes its recommendations so that the sustainable agricultural resource management will be complimentary with existing statutory and non-statutory processes for other natural resources and land use planning. The recommended framework is based on the philosophy which the Task Force believes is fundamental for ensuring sustainable management of natural resources, whether for all natural resource management or restricted to the agricultural system.

The recommended strategy must be in the spirit of ecologically sustainable development and must mould the system to deal specifically with sustainable agricultural resource management within the Western Australian situation.

The 14 criteria for sustainable agricultural resources (Chapter 4) are the building blocks for the framework. There are already a number of structures and networks within rural Western Australia that could well provide the lead for necessary community involvement. It is vital that community input does not replace the ultimate Government responsibility for our natural resources, nor should it over burden rural community members.

The Task Force is also conscious that the day-to-day decision-makers, in terms of natural resource management, are land holders. Government agencies also have their role e.g. Local Government authorities and State Government agencies with managerial and planning responsibilities such as Ministry for Planning, Department of Conservation and Land Management,

Fisheries Department, Water and Rivers Commission, Water Corporation, Mines Department, Department of Resources Development and Department of Land Administration.

Agriculture Western Australia, while having a pivotal role in terms of changing attitudes and developing new and better management methods in agriculture, has little or no managerial role except in quarantine and pest and disease control.

The agency has a State-wide network with its Regional and District Offices staffed with research, technical and extension officers. It is already involved in servicing and actively working with community networks such as the Land Conservation District Committees, the Zone Control Authority network of the Industry Resource Protection Program, Industry Partnership groups working within Agricultural Industry programs and the Regional Partnership groups of the Sustainable Rural Development Program.

The Task Force heard some concerns about the large number of advisory groups within the agricultural portfolio and the linkages between them. Concern was also expressed over the rising costs of servicing these structures.

The wise alliance of local control and input, and acceptance of responsibility by the State will ultimately determine the outcome of any attempt to improve natural resource management.

It is also necessary to recognise that across the State there will be widely divergent levels of skills and interest in taking local control. Proposed changes to the legislation would provide for flexibility in adapting regional management to cope with these differing perspectives.

7.3 Current directions within Agriculture Western Australia

A major review of the whole of government (Western Australia) was undertaken in 1993 by the Commission to Review Public Sector Finances and in 1994 a Ministerial Review Team recommended on the future directions of the Agricultural Portfolio. The pressure has been for increased efficiency in services

provided by the public sector, to reduce duplication and to reduce services which are paralleled by the private sector.

The scope of the review included the Western Australian Department of Agriculture (now Agriculture Western Australia), Rural Adjustment and Finance Corporation, and the Agriculture Protection Board. The terms of reference challenged the Agriculture portfolio to focus on market and industry development, while maintaining proper natural resource management as a priority. Operational efficiency and effectiveness were also addressed. The main thrust of the recommendations in the reports has or is being implemented.

In many areas of natural resource management there is no private sector provider. In other States where public sector reform has occurred natural resource management did not fit into the funder, purchaser, provider model. In South Australia for example, the sustainable agriculture section is separate from that of the productive agriculture section and there is a greater reliance on the regional delivery of services.

Following these reviews Agriculture Western Australia has been through a significant restructuring to fit a funder, purchaser, provider model of operation, designed to provide for greater flexibility in the delivery of services to agriculture. Without significant changes to legislation, the functions of the former Department of Agriculture, the Agriculture Protection Board and Rural Adjustment and Finance Corporation have been brought under the umbrella of one agency, Agriculture Western Australia.

The operational functions of the agency are now managed through a number of programs including:

1. seven industry programs and a Trade and Market Development program;
2. six regionally based sub-programs under a Sustainable Rural Development Program (including some Rural Adjustment and Finance Corporation functions); and

3. an Industry Resource Protection program, incorporating the functions of the Agriculture Protection Board and regulatory function of the Commissioner of Soil and Land Conservation.

All programs have supporting industry or regional partnership groups designed to provide strategic input to each program and to guide agency activity by establishing priorities. While there is a commitment to including sustainability criteria in all projects undertaken by the agency it is difficult to see how the differing emphases will be managed on a project by project basis. There is already a clear separation between the production focused industry programs and the regionally based Sustainable Rural Development program.

In addition there still exists two statutory boards, the Agriculture Protection Board and the Rural Adjustment and Finance Corporation Board. The Agriculture Protection Board fulfills two separate roles. It is the industry partnership group for the Industry Resource Protection Program and also provides strategic direction and policy for the whole of the Industry Resource Protection Program. This includes animal and plant disease prevention, eradication and control, barrier quarantine and pesticide management and land conservation issues, in addition to the traditional Agriculture Protection Board role of weed and vertebrate pest control.

There has been some discussion already within Agriculture Western Australia of the need to combine the Rural Adjustment and Finance Corporation Board and Soil and Land Conservation Council to create a Sustainable Rural Development Authority. As an interim measure the Sustainable Rural Development Steering Committee has been established. Until the legislation is changed the Rural Adjustment and Finance Corporation Board continues to carry out its functions under the Act.

While the Sustainable Rural Development Program and associated regional partnership groups provide for a degree of regional focus the Task Force heard that there has not been any real devolution of decision-making to the regions, at least not at a level

that will enable the eventual development of regionally autonomous boards charged with developing best management practices, management guidelines and codes of practice.

One of the failures of the existing system has been the reliance on the Commissioner of Soil and Land Conservation to make all decisions regarding matters pertaining to land degradation. A common complaint has been that: 'the laws are there but they are never used'. This does not encourage a regional focus nor does it provide for regional stakeholders to develop any ownership of either the problem or the solutions.

There is currently no requirement for the Commissioner of Soil and Land Conservation to publicly report on either the state of natural resources under his care or to actively develop plans to achieve sustainability outcomes. Without a requirement to report on changes to sustainable management of the resource base there is little or no incentive to develop or implement monitoring programs.

Although all power essentially resides with the Commissioner of Soil and Land Conservation there is no accountability for any failure to meet sustainability objectives nor does the existing legislation include any statements of intent to comply with the National Strategy on sustainability. Similarly the existing legislation is devoid of clear statements of the underlying principles and objectives.

To enable the Agriculture Western Australia agency to maximise the benefits of the recent review and reconstruction in terms of viable agriculture industry, a shift of emphasis towards a more pro-active and flexible planning approach is required.

The Task force is conscious of the need to avoid creating new structures without at least removing some. In addition, there are some very real practical considerations in terms of staffing and financing such structures as they tend to consume funds that are really intended for on-ground works. Further, commitment from individuals within industry and communities in regional areas is already severely

stretched in some of the more remote and sparsely populated areas and to further burden already busy people is unreasonable and in the long term unsustainable.

7.4 Details of the proposed sustainable agricultural resource management legislation

In order to facilitate ecologically sustainable development within the agricultural portfolio it is essential to promote the overarching objective of sustainable agricultural resource management for all agricultural practices.

The Task Force believes that this will be most effectively achieved by aggregating the required functions of the various statutes under the umbrella of one statute. This proposed statute would have the express purpose of promoting sustainable agricultural resource management. Those statutes which are the subject of this review would be repealed.

The legislation would:

1. set out the purpose of legislation;
2. set out the objectives of legislation;
3. contain a statement of 'duty of care';
4. contain a statement of the principles of ecologically sustainable development;
5. establish the Sustainable Agricultural Resource Management Commission;
6. provide for the development of State and regional sustainable agricultural resource management policies;
7. establish the Agriculture Western Australia Board;
8. establish the agency Agriculture Western Australia with its current powers functions and duties established under the Agriculture Act 1988; and
9. establish the Land Tribunal.

7.4.1 Purpose

The purpose of the proposed legislation is to promote sustainable agricultural resource management.

7.4.2 Objective

Decisions concerning sustainable agricultural resource management must be transparent and accountable. Environmental, economic and social implications of decisions must be accounted for in an equitable way.

The following objectives would be integrated with the above core objective:

- To establish a framework for sustainable agricultural resource management.
- Provide land managers with a participatory mechanism for sustainable agricultural resource management decisions.
- Ensure decisions are made within a proactive policy and planning framework.
- Ensure that natural resources are measured and monitored.
- Ensure that monitoring is independently audited.
- Provide ways that agricultural natural resource management disputes can be resolved, informally and formally.
- Provide mechanisms of appeal on agricultural natural resource management decisions.

7.4.3 Duty of care

One of the most important aspects of achieving sustainable agricultural resource management is ongoing change in the community's attitude towards the way we manage our natural resources. This applies to both rural and urban communities and is most successfully done through education in all its forms.

Part of this process is to be clear about what it is we are trying to achieve and to express in general terms what is required to get there. However what we do now, and consider to be reasonable, may not be thought reasonable in the future. The way we do things needs constant review.

The Task Force recommends that the Sustainable Agricultural Resource Management legislation impose a general duty of care on land owners to protect

natural resources. A duty of care statement should be written into the Sustainable Agricultural Resource Management legislation as a proactive step to aid in sustainable agricultural resource management.

The general form of such a statement may be as follows:

It is the duty of an owner of land to take all reasonable steps to:

- protect natural resources and sustainably manage the land; and
- avoid causing or contributing to land degradation which causes or may cause damage to land of another land owner.

Reasonable steps are defined as:

- regular monitoring of key indicators to assess changes in land condition;
- review and modification of land management practices in response to changes in land condition.
- the identification and implementation of appropriate solutions; and
- participation in cooperative solutions where sustainable land management can only be achieved through collective action of land owners.

The Task Force believes a duty of care must be clearly stated in new legislation. The duty of care statement sets the tone of the legislation. It gives guidance as to the general expectation regarding the way in which land managers would manage resources. It is not intended, nor is there the capability, to assess how individuals do or do not comply with the general duty of care.

7.5 Details of the proposed Sustainable Agricultural Resource Management Commission

The proposed Sustainable Agricultural Resource Management Commission would provide both the regulatory structure and policy development functions for Government, while creating a regional focus for a consent based approach to ensuring sustainable development and use of natural resources in agriculture.

The process of preparation of State and regional policies would ensure community views are incorporated by using a properly designed public participation process.

Currently, natural resources are governed by separate statutes and are managed to a greater or lesser degree through coordinated activity amongst agencies and between communities and agencies. Legislation has been largely retrospective and has tended to follow environmental problems rather than seek to prevent them.

Our analysis revealed a number of major problems with natural resource management, including great complexity of process, proliferation of regional and industry groups with advisory powers only and no legitimate strategic planning function. There is confusion about roles, responsibilities and accountability, lack of independence of decision-making and appeal mechanisms, and an absence of information systems for outcome monitoring and auditing. There is also a perception of an overly regulated industry and a desire for self regulation.

Agriculture is a major user of land and natural resources and in the past has used these resources with little or no land use or land management planning.

Agriculture Western Australia does not have a formal planning function and consequently is not represented on the Western Australian Planning Commission. Land use planning has therefore tended to have little regard for the requirements for rural areas resulting in

inequitable planning outcomes for agricultural industries. However, this is changing and the Western Australian Planning Commission is preparing statutory regional plans for certain areas.

In the absence of appropriate planning in rural areas, the Government's function has been to regulate certain activities often without clear guidelines and policies. Frustration and confusion on the part of land managers has resulted.

To avoid a proliferation of regulation on an 'as needs' basis, planning is required to ensure appropriate land uses, including the protection of land suitable and available for agriculture (land use planning) and ensuring the protection of the natural resource base through appropriate land management (land management planning). This important issue has been recognised in the State Planning Strategy (Western Australian Planning Commission, 1996).

To be effective, agricultural resource management will require key decision-makers being placed close to the points at which everyday decisions are made. There will need to be high level decision-makers located within rural Western Australia. Equally they must have the power to grant or refuse consent on key agricultural resource management matters and to bring to account land managers who knowingly cause natural resource degradation.

These regional decision-makers would provide the focus for the delivery of all decisions made by the Sustainable Agricultural Resource Management Commission related to agricultural resource management and shall have the responsibility for the development of State and regional policies related to sustainable agricultural resource management.

As well as working closely with all Government agencies and with industry and community representatives, it will be critical that the regional decision-makers work closely with local government authorities to properly coordinate matters relating to sustainable agricultural land use and management.

One of their functions would be to assist local government to develop land use and management strategies. Figure 3 shows the relationship of the Regional Commissioners to the Sustainable Agricultural Resource Management Commission, the Minister for Primary Industry and community and government organisations concerned with agricultural resource management.

Success will depend on providing adequate financial and human resources for high calibre regional decision-makers to both develop and champion the program.

In line with changes already effected within Agriculture Western Australia for it to operate within a funder, purchaser, provider model and greater focus on community involvement in decision-making, it is logical to utilise the agency's existing regional structures and resources as the base for the Sustainable Agricultural Resource Management Commission. However, the removal of some structures is recommended (Chapter 7.7).

The regulatory and sustainable agricultural resource management policy functions should be separate from the productive functions of Agriculture Western Australia. Currently the regulatory functions under the Soil and Land Conservation Act are administered by the Industry Resource Protection Program.

7.5.1 Sustainable Agricultural Resource Management Commission - operations

The Commission would have the purpose of ensuring sustainable agricultural resource management. Its decisions must be consistent with this purpose. It would be composed of six Regional Commissioners and an independent chairperson.

The Commission would be an independent, statutory authority under Schedule 1 of the Financial Audit and Administration Act 1985. It would be a corporation capable of contracting services and attracting funds in its own right. It would essentially be a contracting body with a core of skilled staff, possibly 50-100 persons.

REGIONAL COMMISSIONERS

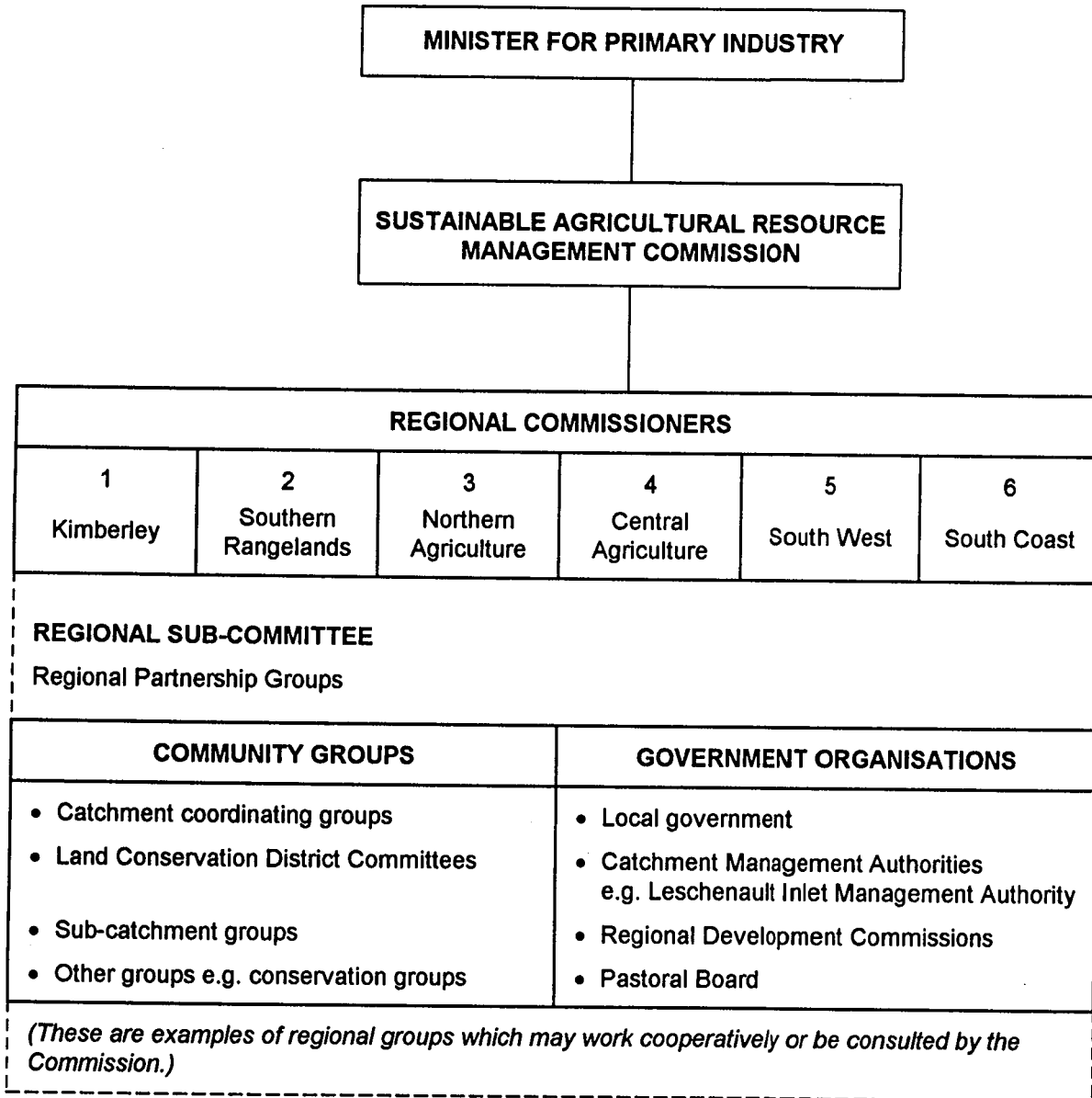


Figure 3 shows the relationship of the proposed Regional Commissioners to the Sustainable Agricultural Resource Management Commission, the Minister for Primary Industry and community and government organisations.

The Commission may convene sub-committees for specific purposes and second to them people with special skills and experience, as required. A member of the Commission would be chairperson of each sub-committee.

The position of Commissioner of Soil and Land Conservation and the Soil and Land Conservation Council would be repealed. The Sustainable Agricultural Resource Management Commission would become a peak statutory body, with the chairperson becoming a member of the State Salinity Council (Figure 4) and the Chief Executive Officer a member of Western Australian Planning Commission.

7.5.1.1 Roles, functions and responsibilities

Under the current legislation one of the functions of the Commissioner of Soil and Land Conservation is the prevention and mitigation of land degradation on all land in the Western Australia. The Commissioner of Soil and Land Conservation may carry out surveys and investigations to ascertain the nature and extent of land degradation throughout the State. Where actual or potential land degradation may occur the Commissioner may serve an Soil Conservation Notice on the owner or occupier.

The extent to which these functions and duties are performed has diminished, with the focus being concentrated on land for agricultural purposes. However, without clear delegation of these functions and duties to another Government agency some areas of the State have been neglected.

In view of the current jurisdiction of the Commissioner of Soil and Land Conservation covering the whole of the State the Task Force recommends that initially the jurisdiction of the Sustainable Agricultural Resource Management Commission should be on any land in the State.

It would then be the responsibility of the Sustainable Agricultural Resource Management Commission to delegate authority to appropriate agencies through transparent negotiated processes. The

expectation is that the jurisdiction of the Sustainable Agricultural Resource Management Commission would reduce to only those areas of agricultural significance.

For example, the provision of advice on land degradation issues as part of metropolitan subdivision proposals may be more appropriately dealt with by an agency other than the Sustainable Agricultural Resource Management Commission. However, until there is a delegation of these powers it remains a function of the Sustainable Agricultural Resource Management Commission.

The major functions of the State Commission for sustainable agricultural resource management under the Act would include but are not limited to:

1. provide advice to the Minister;
2. the preparation of State and Regional Policies and catchment plans for promotion of sustainable agricultural resource management;
3. preparation of State strategies for sustainable agricultural resource management;
4. maintenance of regional community communication networks;
5. education for sustainable agricultural resource management;
6. setting State and regional indicators, standards and objectives for sustainable agricultural resource management;
7. coordination of the development of best management practice guidelines and industry codes of practice;
8. investigation, measurement monitoring and reporting of sustainable agricultural resource management outcomes;
9. determination of consents in sustainable agricultural resource management;
10. providing equitable and targeted agri-industry assistance in keeping with the objective of the legislation;

SALINITY ACTION PLAN PROPOSED NEW STRUCTURAL ARRANGEMENTS

SALINITY ACTION PLAN

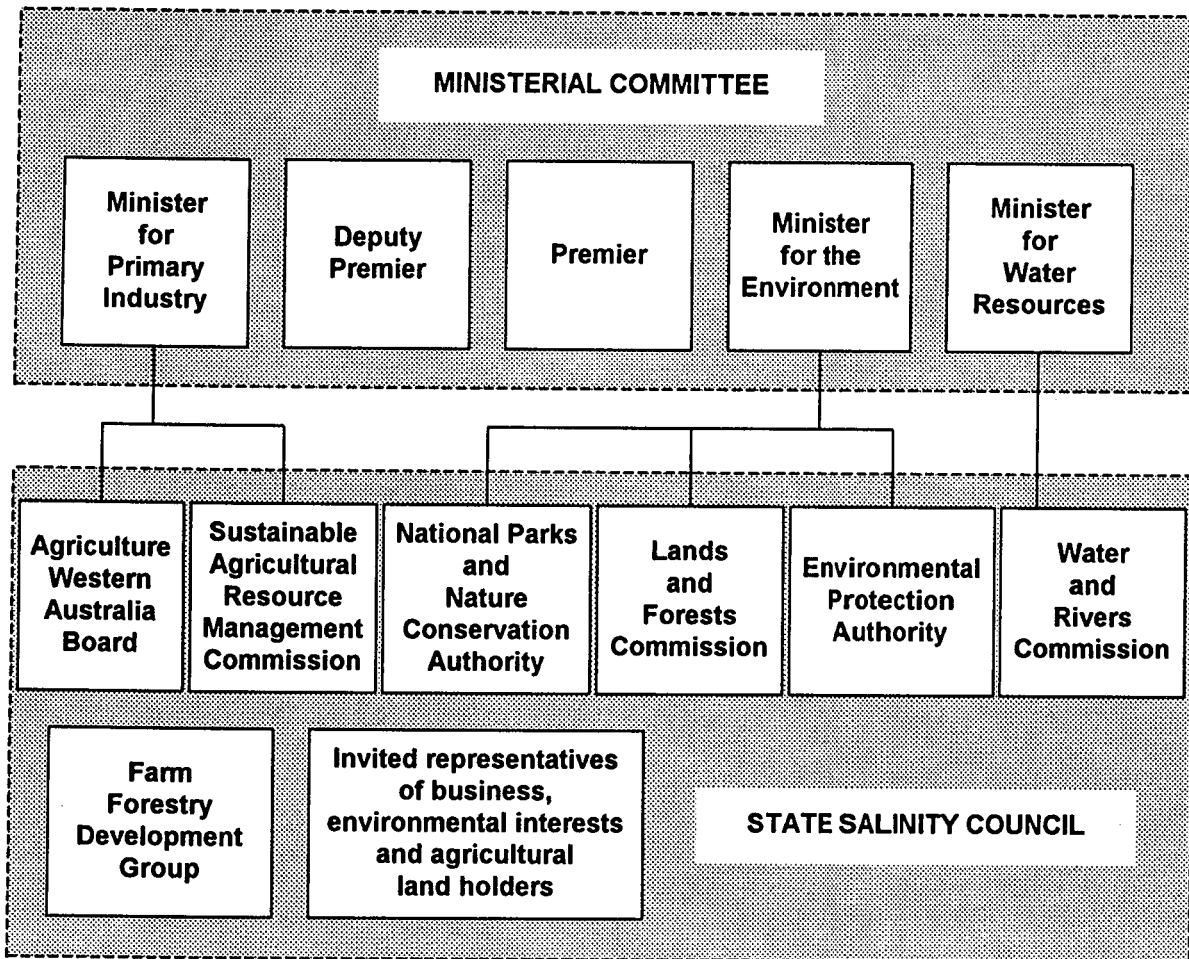


Figure 4 shows the proposed structure for administering the Salinity Action Plan, including the Sustainable Agricultural Resource Management Commission and the Agriculture Western Australia Board.

11. coordination and liaison with other natural resource administrative bodies at the State level, for example Western Australian Planning Commission, Environmental Protection Authority, National Parks and Nature Conservation Authority etc.;
12. identification of special areas in need of specific sustainable agricultural resource management plans;
13. reporting on the State-wide condition of natural resources and quantifying changes in the condition of those resources used and affected by agriculture; and
14. provide mediation mechanisms for resolving disputes and referrals to the Land Tribunal.

The functions of Rural Adjustment Finance Corporation are consistent with the core objective of the Sustainable Agricultural Resource Management Commission and would be incorporated into its functions.

The Commission would be responsible to the Minister for Primary Industry for the administration of the Act. It would not be subject to the direction of the Minister other than by a transparent and documented process. Figure 4 shows the relationship of the Sustainable Agricultural Resource Management Commission with peak advisory groups concerned with agricultural resource management, and with the structures established to administer the State Salinity Action Plan.

7.5.1.2 State policy

The Commission would develop State policies for providing overviews of the natural resource issues relating to sustainable agricultural resource management for achieving sustainable agricultural resource management and methods for achieving it. The State Policies would be key documents within the sustainable agricultural resource management framework and would provide the framework for the Regional Policy statements.

The Sustainable Agricultural Resource Management Commission must have regard to the State Policy when making decisions. The Regional Policy statements must be consistent with the State Policy statements.

7.5.2 Regional commissioners

Skills, experience and knowledge of agriculture and of the regions will be the criteria used for selection of six Regional Commissioners, plus an independent chairperson. They would not be derived from organisations or groups on a representational basis, although this would not preclude the appointment of skilled people who work with or are members of such organisations.

The major functions of the Regional Commissioners for sustainable agricultural resource management would include but are not limited to:

1. providing regional objectives, policies and methods for sustainable agricultural resource management;
2. preparation of regional strategies, regional plans for sustainable agricultural resource management;
3. coordination and liaison with other natural resource administrative bodies at the regional level, for example, Regional Development Commissions, local government etc.;
4. identification of special areas in need of specific sustainable agricultural resource management plans;
5. reporting on the condition of regional natural resources and quantifying changes in the condition of those resources used and affected by agriculture;
6. granting of consents to undertake changes in the management of natural resources including, but not limited to, clearing of native vegetation, drainage, damming and diversion of surface and sub-surface water; and
7. provide mediation mechanisms to resolve disputes.

7.5.3 Regional boundaries

The Sustainable Rural Development Program within Agriculture Western Australia has adopted a regional approach and gives support to government initiatives for ecologically sustainable development related to agriculture at the regional scale.

The Task Force generally supports the use of the boundaries of these regions. However, consideration needs to be given to ensuring that entire catchments are contained within one region. The boundaries should include near shore environments which may receive impacts from agricultural land use.

7.5.4 Regional policies

The Commission's State Policies would provide the foundation for the preparation of Regional Policies with which they must be consistent. It is intended that these provide guidance which is practical and reasonable. They will not be static but policies which must be worked on in a continuous improvement cycle.

The Commission would have the responsibility for preparation of the policies for approval by the Minister.

Any administrative decision by the Sustainable Agricultural Resource Management Commission must be in keeping with the policies.

On behalf of the Commission, Regional Commissioners would be required to develop detailed regional plans where there is a need to focus on specific resource issues for that region.

The development of regional sustainable agricultural resource management policies would be important tools to help coordinate government and community actions. It is important that all parties adopt an attitude of cooperation. It is particularly important that these policies act in conjunction with the Rural Land Use Planning Policy. Provision should be made in the Sustainable Agricultural Resource Management legislation for the Commission to have the power to adopt policies, plans or other instruments put forward by other persons or community groups.

It is intended that these regional policies and plans would provide a degree of certainty for natural resource managers in terms of them being able to see 'the rules' up front and also what type of consent processes they require if indeed they are needed at all. This is envisaged to be a consultative process in which all interested parties, including Government, are directly involved.

Policy process

When making such policies the typical techniques or principles in policy development should be followed. A proposed process for preparation of policies is given in Figure 5. There should be mechanisms for referral as follows:

- Government authorities proposing to make a policy which has ramifications for the regulatory responsibilities of another authority are required to refer the proposed policy to the other authority.
- The authority proposing the policy is required to give adequate public notice of a draft policy and call for public comment and submissions which are taken into account.
- There must be an adequate period during which members of the public and other authorities with related responsibilities may make comments and submissions on the proposed policy.
- The authority adopting the policy must take all submissions and comments into account in determining whether to adopt the policy and whether any amendments should be made to the draft policy.

Policies are dynamic, and must be constantly updated to meet changing circumstances such as the continuous improvement of farm practices. An outdated policy which is no longer relevant, can be worse than no policy at all.

It will be necessary to completely review policy statements periodically. However, re-evaluation and fine tuning will be an ongoing process.

**PROPOSED PROCESS FOR PREPARATION
OF STATE AND REGIONAL POLICIES**

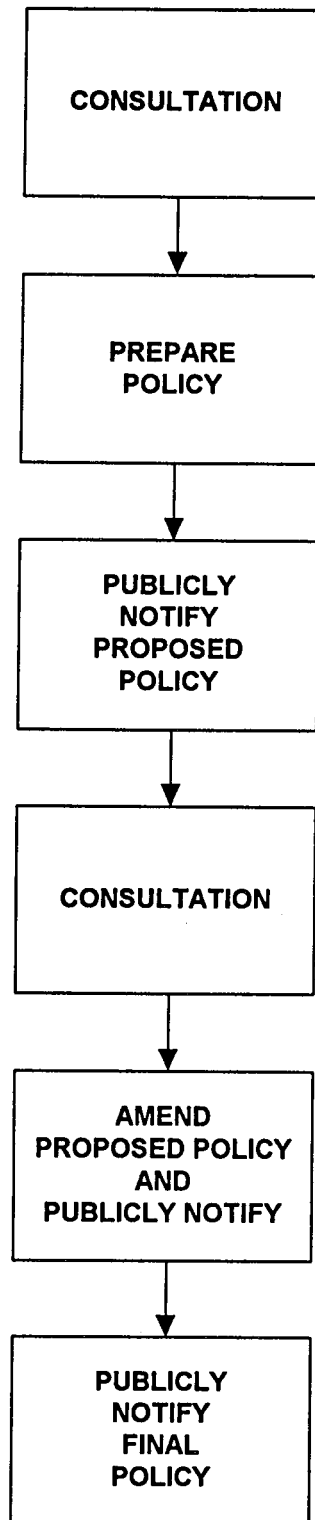


Figure 5 shows the steps that the proposed Sustainable Agricultural Resource Management Commission will follow in the preparation of a State or Regional Policy. The process for public consultation and notification would be prescribed in legislation.

7.5.5 Community participation

At the present time regional plans are being developed by committees comprising representatives of interested parties from the region, in some cases with Government representatives or liaison with Government officers. Examples are those of the Scott River Plain and the proposals for the Moore River Basin. These contributions are currently voluntary and there is no mechanism to easily incorporate them into a statutory planning process to give them legal effect.

Other community groups have sprung up on an 'as needs' basis, some based on sub-catchments and comprising five to six landholders and others on a whole of catchment basis e.g. the Blackwood Catchment Coordinating Group.

These groups provide a ready-made mechanism for public participation in sustainable agricultural resource management decision-making.

Effective public participation requires that those having input are well informed and have adequate knowledge of the problems and issues. There needs to be opportunities for participation and an obligation on the decision-maker, usually government agencies, to take public input seriously. It is up to all parties to ensure that the opportunity for involvement in sustainable agricultural resource management decision-making at the community level exists and is exercised responsibly.

There are examples of the formalisation of community structures on a regional basis in other States, Victoria (Land and Catchment Boards), New South Wales (Catchment Management Committees and Trusts) and South Australia (Soil Conservation Boards). These structures are under review or have recently been reviewed.

In other cases the groups are on a catchment basis such as the Murray-Darling Basin (Murray-Darling Basin Commission, 1996).

The Land Conservation Select Committee (1991) recommended that regional land conservation committee structures be set up to facilitate representatives from Land

Conservation District Committees from within a region coming for discussion between the groups and the State natural resource agencies. Since the release of this report the functions and duties adopted by regional groups have become more planning and management orientated.

The Task Force considers a profusion of regional groups undertaking various forms of planning without clear and formal links is inappropriate. This is especially the case where there are no links between land use and land management planning. The Task Force also recognises the existence of partnership groups which have a strategic role in the delivery of agricultural policy in the regions. These are Sustainable Rural Development Program partnership groups and the Agriculture Protection Board zone control authorities.

The voluntary regional community structures that have already formed have recognised the need for wider involvement and their strategies address the holistic natural resource management issues, based on the principles of ecologically sustainable development, rather than limited agricultural resource issues.

7.5.6 Consent mechanisms

Presently in agri-industry there are activities which may negatively affect natural resources, particularly where the impacts are cumulative e.g. clearing native vegetation and draining. There are other potentially damaging activities which primary producers may contemplate in the future e.g. irrigated agriculture. The impacts of these activities may currently be unknown to a region.

Activities may be categorised into permitted activities, controlled activities and prohibited activities. It is proposed that these be defined by the Sustainable Agricultural Resource Management Commission. Generally, permitted activities should be those where no consent is required consistent with policies and plans. Consents would be required where an activity contravenes restrictions in a plan or where a plan requires that a consent be sought.

Controlled activities would require the consent of the Commission. Prohibited activities may be defined in the State or Regional Policies or catchment plans.

The intent is to provide greater surety and freedom of activity for primary producers where Regional Policies or catchment plans are in place. Where an activity is consistent with a catchment plan, the activity would be permitted and would not require a specific consent. The controlled activities are anticipated to be, but are not restricted to clearing of native vegetation, and draining of surface and sub-surface water. Other practices may require consent if the Sustainable Agricultural Resource Management Commission deems it necessary subject to Ministerial approval of the associated policy.

This is a significant change from the current process of 'Notice of Intent' for clearing and draining.

It is recommended that the Sustainable Agricultural Resource Management Commission investigate a range of instruments and mechanisms, of which compensation is one (Chapter 7.5.13) which can be used in conjunction with the sustainable agricultural resource management consent process.

7.5.7 Catchment and property management planning

Catchment planning, whether it be at the sub-catchment scale or at the whole river catchment scale is considered essential. This is often referred to as integrated catchment management, total catchment management or whole catchment management (Mitchell, 1991).

Integrated catchment management and total catchment management are community-involved, whole of government approaches to natural resource management on a catchment-wide basis. The key components are public involvement, inter-agency cooperation and policy and program coordination among State agencies such that community and government work together to achieve sustainable natural resource management.

Importantly, effective catchment management needs to be considered as a long-term exercise, since it is necessary not only to address immediate problems but also to change organisational cultures, individual and community perceptions and attitudes, and some traditional modes of operation (Mitchell, 1991, in Syme *et al.* 1993).

Integrated catchment management is considered essential because land degradation problems often transcend property boundaries. Actions in one part of the catchment can effect other areas in the catchment. Consequently, farms and other land holdings can no longer be managed as closed systems (Syme *et al.* 1993).

Integrated catchment management is composed of three parts:

- A philosophy - integrated catchment management needs to foster an organisational culture which views cooperation and collaboration as essential. For example, authorities and groups need to be encouraged to work toward common objectives by consultation, responsibility sharing and joint financing.
- A process - if integrated catchment management is to be effective, there needs to be a well understood planning and implementation process through which it is delivered. This should reflect the philosophy of integrated catchment management.
- Product - the resultant plan or set of implementation guidelines will vary from place to place, depending on conditions and needs. Any guidelines should, however, incorporate environmental, economic and social considerations and should clearly relate to specific resource management outcomes.

Without guidelines and objectives, it is difficult to set directions, establish roles relevant to other programs and activities and monitor progress (Syme *et al.* 1993).

Where as a result of integrated catchment management, community groups prepare a plan or set of implementation guidelines, land holders within the catchment area should have regard to these when making decisions and taking action. The Task Force proposes that where these plans exist:

- they may be referred to the Sustainable Agricultural Resource Management Commission for assessment and endorsement, with regard to the Sustainable Agricultural Resource Management Commission Regional Policy;
- the Sustainable Agricultural Resource Management Commission would have regard to them;
- the Sustainable Agricultural Resource Management Commission may request that local government adopt these endorsed plans as part of the town planning scheme; and
- may refer them to the Environmental Protection Authority for assessment or inclusion in an Environmental Protection Policy.

Property management planning is considered to be an integral part of catchment and regional planning. As part of its definition of property management planning the Land Management Task Force (Commonwealth of Australia, 1995) stated that it is 'an ongoing process for the total management of a farm business which assists producers to improve their profitability and achieve more sustainable natural resource use'.

The outcome of the property management planning process is not a static plan, but an integrated and ongoing approach for managing the business in the short, medium and long terms to achieve personal objectives. Figure 6 shows the cycle of continuous improvement which includes operation, monitoring, feedback and modification of such plans.

The Commonwealth report deemed it essential to ensure that individual property plans are in accord with the planning

processes of the surrounding catchment, although it concluded that in general property management planning and catchment planning were not yet linked.

Property management plans should be consistent with plans or policies where they exist for an area.

The incentive to have a property management plan consistent with a catchment management plan or Regional Policy is the greater freedom for carrying out the planned activities. Where activities such as draining are consistent with an approved catchment or Regional Policy, they may not require approval.

7.5.8 Status and effect of policies, strategies and plans

Where policies, strategies and plans already exist, it will be necessary to carefully consider how these are complied with and enforced, if and when necessary.

The policies would give structure to the decisions made by authorities and would confine the terms of administrative discretion by the Sustainable Agricultural Resource Management Commission to the limits of the plans.

Where policies, strategies and plans exist and have been reached by due process, including community consultative processes, they may be considered to be valid. The intention is that when decisions are made, they will be in accord with the plan. There will be an obligation to have regard to the plans.

Compliance monitoring will be required, to ensure that decisions made by the Sustainable Agricultural Resource Management Commission, and its activities, are in keeping with the policy, strategy or plan. Compliance monitoring and enforcement are essential cornerstone activities which, if inadequately resourced or if not undertaken professionally and comprehensively, would severely undermine the integrity of other activities such as the development of natural resource policies and plans. It is also recognised that

CONTINUOUS IMPROVEMENT

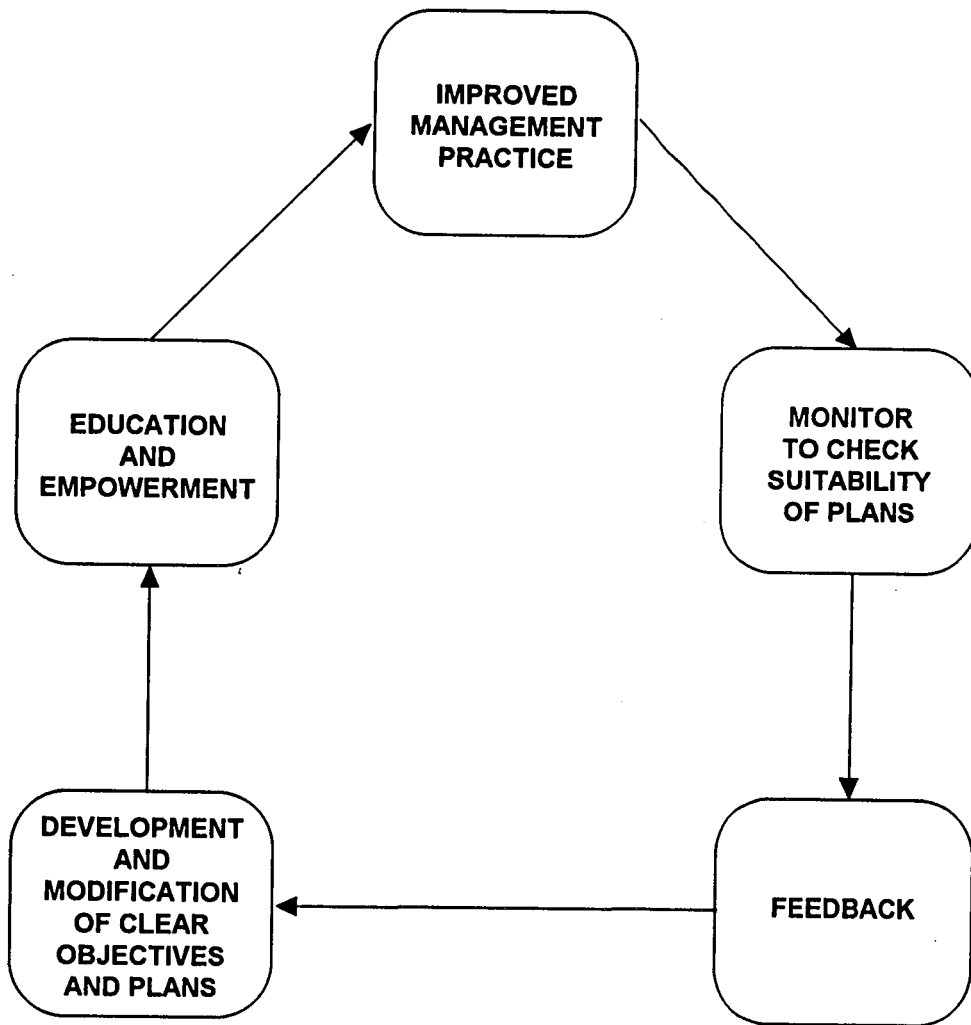


Figure 6 shows the cyclical steps in the planning process, demonstrating the continuous improvement concept.

effective compliance monitoring will require a high level of management and political support.

Where there is sufficient cause the Sustainable Agricultural Resource Management Commission may request that plans be adopted by other agencies or local government, under existing planning statutes such as the Town Planning and Development Act 1928 and environmental protection policies under the Environmental Protection Act 1986. These statutes provide for sanctions and penalties where appropriate.

7.5.8.1 *Special area plans*

The Act would provide for the making of catchment or special area plans by the Minister for Primary Industry on the recommendation of the Sustainable Agricultural Resource Management Commission, where natural resource degradation within the area warrants it. The Act would then provide that the Sustainable Agricultural Resource Management Commission may recommend:

1. To the Western Australian Planning Commission that it prepare a statement of planning policy for the area.

This is consistent with a recommendation in the State Planning Strategy (Western Australian Planning Commission 1996) 'Section 5AA (of the Town Planning and Development Act) that policies should be used more widely as implementation mechanisms for regional plans, to assist in management of critical environments and resources. These provide direction to local government authorities on matters incorporated in town planning schemes.

2. To the relevant local authorities that they amend their statutory planning schemes to give effect to the terms of the catchment or special area plans. This would give them legal force in general law.

This approach would ensure that sustainable agricultural resource management is based on catchments

whilst still retaining the existing and individual character of each local government authority. The individual planning schemes could be developed to be consistent with one another.

7.5.8.2 *Environmental protection policies*

The proposed Act would provide for the Sustainable Agricultural Resource Management Commission to recommend to the Environmental Protection Authority that an Environmental Protection Policy be prepared to give legal effect to the policy and for the creation of offences which could apply to any person within the policy area.

7.5.9 **Relationship to other agencies, policies and plans**

Emphasis on complementarity

Ecologically sustainable development has been adopted by the Council of Australian Governments as the focus for industry development. Natural resource management and planning systems both within Australia and in other parts of the world are taking ecologically sustainable development as their objective.

In Western Australia, although not stated within legislation, it is accepted that the objective of ecologically sustainable development underpins all natural resource planning and management systems. Figure 7 shows the relationship of some policy instruments which can be used to achieve integrated natural resource management at the State, regional and local levels.

In Western Australia there are a number of agencies and statutes with roles in natural resource management and planning, the legal framework for which was described by Gardner (1995). Related statutes are given in Appendix 2.

7.5.10 **Appeals and alternative dispute resolution**

Current system

Currently in Western Australia, proposals to clear native vegetation and to drain saline water are dealt with under a regulation of the Soil and Land Conservation Act which

IMPLEMENTING SUSTAINABLE AGRICULTURAL RESOURCE MANAGEMENT

STATE RESPONSE

Sustainable Agriculture Resource Management legislation	Other
<ul style="list-style-type: none"> • State policy statement • State indicators • State standards • Guidelines • Industry program policies and strategies 	<ul style="list-style-type: none"> • State planning strategy • State of the environment report • Nature conservation strategy • State salinity strategy • Rural land use planning policy

REGIONAL RESPONSE

Sustainable Agriculture Resource Management legislation	Other
<ul style="list-style-type: none"> • Regional policy statements • Regional indicators • Regional standards • Consent approvals • Enforcement powers • Codes of practice • Special area plans • Community based strategies 	<ul style="list-style-type: none"> • Environmental protection policies • Statements of planning policy • Town planning schemes • Land and water management plans • Water management plans

LOCAL RESPONSE

Sustainable Agriculture Resource Management legislation	Other
<ul style="list-style-type: none"> • Catchment plans • Property management plans 	<ul style="list-style-type: none"> • Land Conservation District Committee coordinated catchment plans • Ribbons of blue • Water watch • Education

Figure 7 shows some possible responses at the State, regional and local levels which will be able to be taken under the proposed Sustainable Agriculture Resource Management legislation and responses by other non-government groups and individuals and government agencies.

requires the proponent to prepare a Notice of Intent. If the Commissioner of Soil and Land Conservation does not object within a specified period of time (90 days) the proposal can proceed.

However, if the Commissioner of Soil and Land Conservation objects, a soil conservation notice will be served in accordance with the requirements of the Act. A person who objects to a soil conservation notice may appeal to the Minister for Primary Industry, declaring the grounds for appeal. The Minister then determines the appeal on the advice of a three person advisory committee established for individual appeals.

In practice the advisory committee often acts in an arbitration capacity attempting to arrive at equitable and practical solutions. This process has its supporters for the following reasons: it is a non-judicial process, conducted on an informal basis; relatively rapid; low cost; and because the parties have been involved in negotiating a solution, it is likely to be more readily acceptable than an imposed solution.

However, there are three main disadvantages with this system: it is not a public process; there is no capacity for other interested parties to be involved; and the public good is not well accounted for.

For example, there is currently no mechanism for third parties to appeal or to have input into clearing or draining proposals because they are not publicly advertised. Government agencies are investigating possible changes through other mechanisms, such as Environmental Protection Policies.

Under current arrangements it is possible for an appeal to be before more than one Minister. Consider an application for clearing and draining in a declared water catchment which is also an Environmental Protection Policy area. Both the Minister for Water Resources and the Minister for Environment are involved, even though the application was initiated under regulations on the Soil and Land Conservation Act (Minister for Primary Industry).

Proposed system

A number of concerns were expressed to the Task Force regarding appeal processes and outcomes within the current structure. A lack of independence, transparency and consistency were the key elements most often noted regarding appeals processes in submissions to the review.

Appellants want to be clear about the appeals process: what is required from them within the process, and what criteria will be used in assessing appeals. Just as importantly, the broad community needs to be able to see that the process is applied consistently.

While an individual farmer appealing against an objection to a drainage application has a clear and unarguable interest in the appeals process, it needs to be recognised that the broad community also has a legitimate interest in the process. For example, an objection to a drainage plan may be based on off-site impacts on other farms whose owners have an obvious and legitimate interest in the appeal process.

In many jurisdictions natural resource management in agriculture now comes within the ambit of regional natural resource management plans which take much rural community effort to develop. Appeal decisions may have implications for these plans and for those farmers attempting to make decisions consistent with them. These issues highlight the importance of an appeal process that is consistent and transparent.

An important aspect of the appeals process, and one that is now generally recognised, is the role of mediation or conflict resolution. The Task Force recommends that resolution of contentious issues should, where possible, occur within the context of catchment management plans and should reflect the objective of achieving good agricultural outcomes consistent with sustainable natural resource management. What can be resolved, short of a formal appeals process, should be resolved in this way.

The debate regarding environmental appeals and dispute resolution in Australia has centred on the issue of using a specialist tribunal or a full environmental court. The latter is thought to be inappropriate for natural resources because courts make determinations on points of law. On the other hand, a tribunal can be directed to determine appeals based on merit.

The Task Force recommends that the proposed Land Tribunal:

- be a standing tribunal;
- be appointed by the Minister;
- deal with all appeals;
- has alternative dispute resolution processes;
- use procedures that make it accountable and transparent;
- deal with appeals on a merit basis;
- has clear terms of reference consistent with the objectives for natural resource management as specified in the legislation and any agreed catchment management plans and relevant agreed guidelines and codes of practice;
- base its decisions on the best available information reflecting appropriate testing; and
- recognise the broad community interest in natural resource management.

Although the Task Force recommends a separate Land Tribunal, there would appear much to commend having one appeal mechanism, for example an Administrative Appeals Tribunal rather than having a number of separate tribunals or dispute resolution boards, such as the Agriculture Practices Board. Separate registries could be set up to deal with different aspects of appeals and with all environmental disputes within the one system.

A most important outcome of having one appeals mechanism is that members of the tribunal would gain an essential overview of the range of environmental issues which have to be taken into account. When determining disputes in one area of the

environment they would have greater awareness of the complexity of the overall environmental issues and be able to place disputes in context.

7.5.11 Auditing

Currently, the function of the Commissioner of Soil and Land Conservation under the Soil and Land Conservation Act (Section 13) is in part: 'the prevention and mitigation of land degradation'. There is no independent auditing process to give reasonable assurance that this function has been effectively undertaken. The Act (Section 25F) states 'The Commissioner shall, by 15 August, prepare and forward to the accountable officer of the Department of Agriculture, a report on his operations during the preceding financial year'. It is presumed that these are the financial operations only. The legislative base for these internal controls comes from the Financial Audit and Administration Act 1985.

The Task Force resolved that mechanisms must be established to provide an independent check on the system of environmental management and the performance of the Sustainable Agricultural Resource Management Commission on environmental matters. It is suggested that a special section within the Department of the Auditor General be established to undertake this function comprehensively.

Recommendation 6

Establishment of a special section within the Auditor General's department for the provision of an independent check on the outcomes of the system of sustainable agricultural resource management, including the performance of Agriculture Western Australia and the performance of the Sustainable Agricultural Resource Management Commission on natural resource management matters.

7.5.12 Financing sustainable agricultural resource management

Management of risks (climatic and market) in the agricultural industry was traditionally aided by Government through a variety of subsidies and support schemes. However, the system is changing. Farmers are

increasingly taking responsibility for managing variability within the industry.

The Drought Policy Review Task Force (1990) emphasised that to achieve more sustainable agricultural production systems, both industry and government must accept variability in climate as a normal part of the weather cycle and not an unusual event.

The impetus for rural adjustment can come from many sources including changes in the weather, technology, the quality of management, conditions in local and international economies, and the natural environment. How the agricultural sector responds to change depends on how farmers plan and manage their natural resource uses and their expectations about the future.

In the past, some factors have impeded entry into agricultural activities, particularly capital market controls, regulations governing the use of land and farm inputs, and statutory marketing arrangements for agricultural commodities. Many of these regulatory arrangements have now been dismantled or extensively modified, so the need for government involvement in rural adjustment has diminished.

The Industry Commission in its submission to the mid-term review of the Commonwealth Rural Adjustment Scheme stated that there is 'little evidence that its [Rural Adjustment Scheme] overall contribution to economic efficiency is positive'. It also cast doubt about the appropriateness of the interest rate subsidy, re-establishment grants and the exceptional circumstances provisions of the scheme. This has caused a change in emphasis away from traditional financial assistance towards current rural adjustment increasingly being aimed at achieving sustainable natural resource outcomes.

Doubts have also been expressed regarding the balance between the public and private benefits of the grants for training and professional advice and whether the Rural Adjustment Scheme is the appropriate vehicle for providing these services.

Based on the underlying principles of ecologically sustainable development and the criteria for sustainable agricultural

resource management, the current rural adjustment policies should be examined for their consistency with the objectives and criteria of sustainable natural resource management practices.

Following the Agricultural Portfolio Review in 1994 the framework for the Sustainable Rural Development Program was developed with the involvement of the Rural Adjustment and Finance Corporation. Increasing integration of natural resource management and structural adjustment measures under the Sustainable Rural Development program have followed.

In the provision of financial support the Select Committee into Land Conservation made two recommendations:

1. That the objectives underpinning the provision of financial incentives should be:
 - (a) to help implement sustainable land use systems, including requirements for industry restructuring;
 - (b) to help achieve a conservation ethic in land users and to assist their land management and land use decisions; and
 - (c) to help achieve desirable change without creating a dependence on financial support in the long term.
2. That financial incentives only be made available to land users within the context of comprehensive, integrated strategies for maintaining sustainable industries (such as catchment plans, farm plans and the Timber Strategy (recommendation 1.3.25)).

The Select Committee also considered that the effectiveness of financial incentive schemes should be periodically reviewed to ensure such schemes achieve their objectives.

Whilst the Task Force supports the general thrust of these recommendations, the lack of comprehensive, integrated strategies should not be used to prevent the application of financial assistance in the short-term. The Task Force believes that worthwhile

financial assistance may be applied in keeping with the principles and criteria for sustainable agricultural resource management.

7.5.13 Property rights and compensation

The question of 'who pays' is an important part of the debate on sustainable agricultural resource management and is increasingly the subject of many reports. It arises where certain activities may be prohibited or directed, or where land may be required for a different purpose or land use, for example as a site to ameliorate damage to other areas where waterlogging and salinity are major problems.

The debate involves the determination of the right (or interest) a person has in land or property, and the identification of the level of public and private benefit resulting from the proposed activity. The balance of the latter is most often, but not always, very difficult to determine and apportion.

Property rights constitute one of the most powerful institutional frameworks which society has created to enable people to exercise their capacity to exploit the natural environment in an orderly fashion. Property rights are associated with different forms of title to the land, for example, freehold, leasehold, easements, mining rights and water rights. In law the rights and the duties that one has to the land are not always clearly defined because they may be established through custom, protocol and legislation (Gan and Cullen, 1996). Consequently rights are often assumed.

An owner of a resource with well defined property rights has a powerful incentive to use that resource sustainably, because a decline in the value of that resource represents a personal loss. However, market failure is given as one of the reasons for the occurrence of land degradation. The free market does not work well with natural resources, the Murray-Darling Commission (1996) concluded that this is largely because of:

- a lack of markets for many natural resource attributes;
- a long delay between use and degradation, and construction of management works and rehabilitation;

- the large scale and nature of land and water resources;
- poor understanding of some processes as their impact on resources;
- the often diffuse sources of land and water degradation; and
- policy failure.

The market may also fail to correctly value land. Degradation of natural resources occurs when costs are not included in the value that landholders place on a resource. These costs may include reduced water quality; loss of biodiversity; loss of biological services; loss of recreational facilities; and the loss of existence value. Other common reasons are incomplete specification of property rights, poor institutional arrangements, failure to distribute information, inadequate resources allocated to biodiversity conservation and a general lack of awareness of the value of biodiversity (Young *et al.* 1996).

Where catchment plans have been developed by the catchment community, the questions who benefits? and who pays? may be more easily identified. With natural resource management issues, private benefits accrue to farmers and other private individuals, while public benefits accrue to the broader community whose interests are represented by local, State and Commonwealth governments. Examples of private and public benefits of sustainable agricultural resource management are as follows:

Private	Public
<ul style="list-style-type: none">• Increased production.• Reduced costs and production losses.• Increased land value.• Decreases costs of building maintenance in urban centres.	<ul style="list-style-type: none">• Local government savings on infrastructure maintenance.• Increased aesthetic and existence values.• Conservation of biodiversity.

The benefits which accrue through sustainable agricultural resource management may not be clearly defined nor, as yet, adequately recognised e.g. increased land values for properties which have been sustainably managed. This may be the result of a lack of objective on-farm monitoring.

Equitable mechanisms for the determination of such things as who benefits from on-ground works, native vegetation protection and conservation of biodiversity, for example, have been investigated and reported (Murray-Darling Basin Commission (1996) and Young *et al.* (1996)).

A number of relevant principles have been established such as:

- The polluter pays principle: landholders who cause degradation of land and water resources pay to alleviate and manage the problem, in proportion to their contribution to the cost of the problem. This can be explained in economic terms as 'internalising the externalities' to make the market work more efficiently.
- The beneficiary pays principle: costs are distributed between the people who benefit or are disadvantaged by the activity. There are two components to this - the user pays and the beneficiary compensates.

There are a number of compensation mechanisms which have been used in different parts of the world. Young *et al.* (1996) summarised these as:

- positive action: incentives are given to encourage positive action, for example farmers in the Peak District in the United Kingdom are paid on the basis of the number of wild flower species found in their meadows;
- withdrawal of property rights;
- reimbursement for incremental costs; and
- ownership rights.

There will be instances where the private land owner is not the beneficiary, rather it may be a neighbour, the catchment community, the regional community, the State or the Nation. Thus it is clear that principles and evaluation criteria are needed against which the requirement for compensation to be paid can be properly assessed.

While the Task Force recommends a set of general principles upon which compensation may be given, each case will need to be assessed on its merits.

The recommended principles are:

- there are long-term benefits for the public-good;
- compensation should be associated with clear change in property rights, guaranteeing the protection of natural resource values in perpetuity via a conservation covenant or similar mechanism; and
- it should be consistent with Sustainable Agricultural Resource Management Commission State and regional policies and the relevant catchment plan.

It would be a function of the Sustainable Agricultural Resource Management Commission to refine the principles and investigate the range of measures to be used. In some cases compensation may be used only as a transitional measure when changes in acceptable practices are being instituted.

The Task Force does not believe that payment of compensation is a blanket solution.

Recommendation 7

Provision for a compensation mechanism in the Sustainable Agricultural Resource Management legislation.

The Sustainable Agricultural Resource Management Commission should establish a process to help determine cases for compensation based on clearly expressed principles and a set of well defined criteria.

7.6 Details of the Agriculture Western Australia Board

The agriculture agency, Agriculture Western Australia, has a high degree of industry involvement. There are numerous advisory groups and the creation of partnership groups for industry, trade and market development and industry resource protection, has already placed a

responsibility upon industry for setting the strategic direction and priorities for sustainable agricultural production.

Some of the features of these advisory groups are:

- they are non-statutory;
- they are appointed by the Minister;
- there is an absence of an overarching body to provide consistency;
- there is a lack of clearly define place in the hierarchy and direct line of responsibility;
- there is a lack of clear mechanisms at the advisory group level to balance the priorities among programs;
- there is a lack of overt commitment to ensuring the principles of ecologically sustainable development are an integral part of production; and
- there is a lack of accountability for outcomes.

The recommended Agriculture Western Australia Board would address the shortcomings of the present system. The recommendation to establish the Agriculture Western Australia Board is suggested by the Task Force as the preferred model for administration of the agency. It may be regarded as a co-requisite to the establishment of the Sustainable Agricultural Resource Management Commission.

The Board would provide appropriate balance between the agency and the Sustainable Agricultural Resource Management Commission. It would also facilitate stronger links between the Commission and the Board than might be with the alternative of a Commission-Chief Executive Officer relationship.

The Task Force also believes that the Board would give primary producers a greater role in the management of the agency through clearer lines of influence from the advisory partnership groups to the Board.

In keeping with the criteria on independence, transparency and accountability, membership of the

Agriculture Western Australia Board would not be based on representation, rather membership would be based on skills and experience in agricultural production and marketing, including sustainable agricultural resource management.

The Board would have an independent chairperson and would be the accountable body under the legislation.

To promote the adoption of sustainable agricultural systems, decisions made by the Agriculture Western Australia Board must be in keeping with the purpose of sustainable agricultural resource management and have regard to the policies of the Sustainable Agricultural Resource Management Commission.

The partnership groups for industry programs, the Trade and Market Development and Industry Resource Protection programs would advise the Board. Figure 8 shows the relationship of the Agriculture Western Australia Board to the Minister, the Chief Executive Officer of Agriculture Western Australia, the partnership groups and Zone Control Groups.

The partnership groups would be appointed as sub-committees of the Board and each could, for example, be chaired by a member of the Board.

Some of the functions of the Agriculture Protection Board would be incorporated into the Agriculture Western Australia Board, which the Task Force believes would strengthen the standing of those functions.

7.7 Statutory bodies

The effectiveness of governing structures depends on society's capacity to work with government. Government must initiate the creation of structures to foster stakeholder participation in decision-making processes. Involvement of all increases the legitimacy and acceptance by society of those decisions.

PROPOSED AGRICULTURE WESTERN AUSTRALIA BOARD

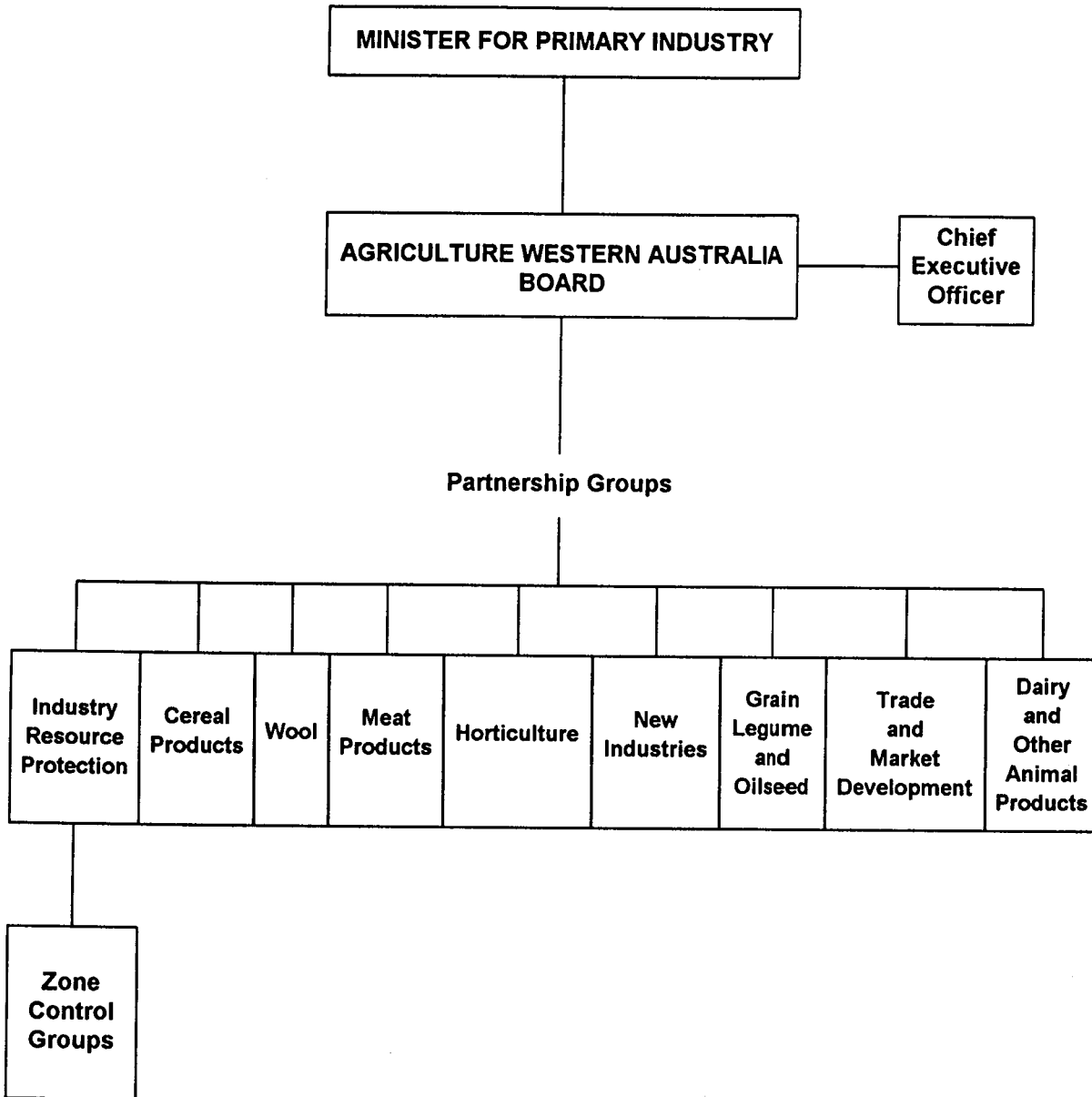


Figure 8 shows the relationship of the Minister for Primary Industry, the proposed Agriculture Western Australia Board and the Industry Resource, Trade and Development and Industry Partnership Groups.

The current approach for community participation has resulted in a proliferation of both statutory and non-statutory groups for specific advisory purposes. There is a wide variability in the roles and functions of these with no clear and consistent model for statutory bodies. Gardner (1994) suggested that there are six factors relevant to determining the utility of State advisory bodies and whether they are empowered to perform their functions independently of the influence of government. These are:

1. What are the qualifications of the members?
2. Do the members have sufficient security of tenure which would encourage them to adopt a more objective attitude?
3. Is the advisory body subject to the direction of the Minister in the exercise of its functions and is it accountable to the Parliament by such method as reporting to Parliament?
4. Does the advisory body have sufficient resources for making its own deliberations?
5. Do the meeting procedures affect whether the authority can formulate coherent and meaningful advice for presentation to the public and the government or simply to provide a forum for the expression of disparate opinions, all of which may be publicised and transmitted to the decision-makers?
6. Are there procedures for public input into the deliberations of the advisory body?

In its consideration of existing and proposed statutory bodies the Task Force was mindful of these questions, particularly where there is the possibility of an expansion of roles or an evolution of the role of an advisory body.

With increasing levels of skill and experience of members, advisory groups, may wish to take on increased responsibility and in some cases become accountable for decisions. For example, the Victorian Catchment and Land Protection Council, in

its submission to the Victorian Catchment Management Structures Review in October 1996, made two recommendations of this nature. They were:

1. to devolve maximum authority and responsibility to the regions; and
2. to provide the proposed Boards with legislative authority to contract the delivery of regional natural resource management programs, as an agent of Government, and to institute partnership arrangements for implementation of Regional Catchment Strategies with other bodies.

In Western Australia the current model for the approach to decision-making in agriculture is a working partnership with industry to improve agriculture's long term profitability.

7.7.1 Commissioner of Soil and Land Conservation

The Task Force recommends that the position of the Commissioner of Soil and Land Conservation be abolished. The regulatory and custodial functions of the Commissioner to become the responsibility of the Sustainable Agricultural Resource Management Commission.

7.7.2 Soil and Land Conservation Council

The Task Force recommends that the Soil and Land Conservation Council be abolished and its functions to become the responsibility of the Sustainable Agricultural Resource Management Commission. The Commission may convene sub-committees to advise it on particular issues.

7.7.3 Land Conservation District Committees

When the concept of Land Conservation District Committees was included as an amendment into the Soil and Land Conservation Act, it was anticipated that they would be numerically very small.

At the same time it was considered that their role and activities would also be very restricted. Time has proved this to be a total misconception. There was a very rapid expansion of numbers of Land Conservation District Committees, reaching current numbers of 150.

In general, the Land Conservation District Committees have become the administrative unit for community-based landcare, constituted under the Soil and Land Conservation Act. The new Public Sector Management Act clearly defines them as part of government. These two Acts, along with the Financial Audit and Administration Act 1985, have put a greatly magnified burden of administrative responsibilities onto the Land Conservation District Committees, including the requirement for an annual financial audit to Financial Audit and Administration Act standards, and the requirement for all bank accounts to be held by the Treasury, with attendant delays and frustrations.

Land Conservation District Committees would lose their statutory nature by the repeal of the Soil and Land Conservation Act. However, their valuable role within the landcare community could be preserved and even strengthened by Land Conservation District Committees becoming incorporated bodies. A process which some groups are already exploring. Through incorporation the Land Conservation District Committees will gain self confidence of autonomy and independence to manage their own affairs. They will free themselves of the current disadvantages such as the requirement for an annual financial audit to Financial Audit and Administration Act standards.

7.7.4 Agriculture Protection Board

The Task Force recommends that the Agriculture Protection Board Act and the Agriculture and Related Resources Protection Act be repealed and the Agriculture Protection Board be abolished. Those functions and duties conferred by these Acts should become the responsibility of the proposed Board of Agriculture Western Australia.

The Task Force believes that the powers of the Agriculture Protection Board would be strengthened by its duties and functions

becoming part of the Agriculture Western Australia Board. The partnership group for the Industry Resource Protection Program may advise the Board.

The regulatory functions of the Commissioner of Soil and Land Conservation currently with the Agriculture Protection Board would become the responsibility of the Sustainable Agricultural Resource Management Commission.

7.7.4.1 Zone Control Authorities

The Task Force recommends that the Zone Control Authorities become advisory groups to the partnership group for the Industry Resource Protection Program. Consideration should be given to amending the number of the zones and ensuring they become consistent with the regions of the Sustainable Agricultural Resource Management Commission.

7.7.5 Rural Adjustment and Finance Corporation Board

Rural Adjustment and Finance Corporation currently administers three main schemes, the Commonwealth/State Agreement on the Rural Adjustment Scheme (Commonwealth), a loan portfolio resulting from previous Rural Adjustment Scheme and other past support schemes, and the Pastoral Industry (State) Support Scheme for Gascoyne/Murchison stations affected by prolonged drought. The State has an ongoing commitment to these schemes which will have to be managed.

There are trends to forge closer links between rural adjustment, natural resource management, education, business, regional development and other relevant social and economic programs. It is suggested that more effective coordination of the National Landcare Program and the Rural Adjustment Scheme, which have related objectives would be beneficial to promoting sustainable agricultural resource management in conjunction with property management planning (Commonwealth of Australia, 1995) for example the Rural Partnership Program.

The Rural Adjustment Scheme has been amended to reflect these trends and encourages farmers to adopt sustainable

agricultural resource management practices through the acquisition of farm business management skills.

Rural Adjustment and Finance Corporation has already made substantial changes to streamline their administration of the Rural Adjustment Scheme to improve its efficiency and effectiveness.

The Task Force supports the above changes and believes the integration of rural adjustment finance with sustainable agricultural resource management is essential.

The Task Force recommends that the Rural Adjustment and Finance Corporation Act be repealed and the Board abolished. Financing sustainable agricultural resource management and the State's commitment to the Rural Adjustment Scheme would become the responsibility of the Sustainable Agricultural Resource Management Commission.

8. HOW AND WHEN LEGISLATION MAY AFFECT YOU?

The proposed Sustainable Agriculture Resource Management legislation would affect all people who use land for agricultural purposes. The legislation would promote sustainable agricultural resource management. It would strengthen protection and management of natural resources used and affected by agriculture and establish a more effective structure for policy, planning and decision-making in agriculture.

Possible impacts of the proposed legislation are outlined at 8.1-8.5.

8.1 Individuals

Individuals include farmers, pastoralists, horticulturists, farm foresters, hobby farmers. Effects of the proposed legislation which may involve individuals include:

- focusing on natural resource improvements;

- participation in policy and guideline development for sustainable agricultural resource management in your region;
- the need to assess long-term viability and short term production goals;
- participation in catchment planning;
- need to integrate social, economic and ecological issues at the farm and catchment scales, and in some instances at the regional scale;
- solving problems of land management in your catchment;
- greater use of property management planning;
- observation of regional policies and guidelines;
- monitoring of indicators of land and water health;
- applying for consents for clearing and draining; and
- involvement in appeals on land management disputes;

8.2 Regional community

Regional community includes regional planning groups, Land Conservation District Committees, catchment coordinating groups, catchment committees and conservation groups usually involved with natural resources in some way. It also includes recreational groups such as bush walking groups and groups working for the good of the regional community such as the Country Women's Association. Possible effects include:

- greater involvement in education on sustainable agricultural resource management;
- greater involvement in regional policy development;
- defining regional indicators;
- setting regional standards;
- greater monitoring of indicators of land and water health; and
- involvement with resolution of conflict and disputes relating to sustainable agricultural resource management.

8.3 Broad community

The broad community includes individuals and groups in other regions within Western Australia, Australia and elsewhere who contribute to the values of society as a whole. The degree of interest and involvement is normally proportional to their proximity to the region. Possible effects of the proposed legislative changes on the broad community include:

- May make submission to consultation processes at the regional level.
- May be involved defining general guiding principles.

8.4 Local government

Local government might be impacted by:

- a requirement for more detail in town planning schemes relating to rural land;
- town planning schemes could give legal effect to Sustainable Agricultural Resource Management Commission policies directions;
- participation in regional policy development;
- participation in catchment planning; and
- advisory to the Sustainable Agricultural Resource Management Commission.

8.5 State government

State Government activities are likely to be affected by:

- referral to the Sustainable Agricultural Resource Management Commission as a decision-making authority;
- review of existing legislation for complementarity with the Agriculture Resources Management Act;
- involvement with regional land management planning;
- establishing State indicators, criteria and standards for natural resources to guide the Sustainable Agricultural Resource Management Commission;

- monitoring State indicators; and
- auditing sustainable agricultural resource management outcomes.

8.6 When legislation may affect you?

The method and time of the implementation of the proposed Sustainable Agricultural Resource Management legislation may be varied and affected by social and political issues. There are formal processes to be adhered to which allow for full community consultation and Parliamentary processes in drafting and proclaiming legislation. These processes may take a considerable time, possibly one to two years (Appendix 5).

In summary the recommended process is:

- final draft report and comment period;
- final report submitted to the Minister for Primary Industry;
- State government deliberates on recommendations and decides on the level of adoption of the recommendations;
- a Bill is drafted and debated in Parliament; and
- legislation is proclaimed.

Once legislation is proclaimed there should be:

- an educational and transition phase.

PART 5

9. INTEGRATED NATURAL RESOURCE MANAGEMENT AND PLANNING

9.1 What is integrated natural resource management

The term integrated natural resource management describes an approach based on active consideration of all features of the natural environment in order to resolve natural resource developments and problems more effectively. It is characterised by the use of common goals and decision-making criteria across natural resource sectors. Natural resources are taken to include the soil, water, native vegetation and fauna.

9.2 Background

Western Australia has been through numerous expansion and development phases during its history. During these phases the interest of Government in the State's natural resources has been to allocate them for consumption, production or private use. This interest has in recent years changed to include the protection of natural resources and their management to ensure their availability for long-term use.

This change in Government attitude is in part, because the past use of natural resources has often had adverse impacts on the profitability of agricultural business as well as rural and broad community well-being.

Currently, different natural resources are governed by separate statutes. Many of these were introduced earlier this century and have been amended but not radically overhauled since that time. The present statutes exhibit at least four major deficiencies:

1. They do not recognise the inter-connectedness of different natural resources such as land and vegetation, land and water and so on. It is now seen as important that management decisions relating to any one resource should actively take into account the management issues for other resource sectors.

2. Existing statutes, taken as a whole, do not contain the means and flexibility to handle some current natural resource issues. Nor do they actively take into account the values and principles being expressed in recent policies and agreements at national and State level.
3. They contain a wide variety of procedures which require rationalisation and coordination. In particular, different statutes impose certain license requirements without taking into account the effect on land management.
4. They do not encourage a pro-active approach to the use or management of resources - the focus is on control and detection of non-compliance rather than a genuine attempt to build skills necessary to develop improved management of those resources. The one exception would have to be the introduction of Land Conservation District Committees to agricultural and pastoral lands.

Several features of natural resource management both in Australia and overseas support the view that a coordinated legislative and regional community support framework would assist in achieving the goals set for natural resources.

Other Australian states have created mega-departments by amalgamating agencies with natural resource responsibilities. However, the Task Force is not convinced that this has achieved the objective of better outcomes for natural resources. Nor was the Task Force convinced that community regional structures established in other Australian States are effective. It appears that essential elements have been omitted from the system.

The objectives that individuals hold may vary with the distinction between the landholder as a 'private economic agent' and the landholder as a 'member of the community'. Most landholders act both as business people and as citizens with perceived social and civic responsibilities.

In managing the land, landholders will be pursuing some or all of the following objectives:

1. Generating an income over time.
2. Having a sense of personal pride that the land is being looked after well.
3. Leaving the land in good state for passing onto children.
4. Avoiding practices that impose costs on others.
5. Being recognised in the community as a good land manager and contributor to the national good.

The traditional economic approach emphasises the first of these. While the last four objectives may be characterised as non-pecuniary objectives, it may well be the case that conservation measures motivated by non-pecuniary benefits lead to financial returns in the longer term (Hamilton, 1996).

9.3 Proposal for Western Australia

The Task Force believes the current system of natural resource management in Western Australia requires significant changes if it is to be effective at addressing problems associated with decline in natural resource quality. A pro-active approach for integrated natural resource management on a regional basis is essential.

The current system lags behind community groups who are already providing the focus for actions on land, water and vegetation management (for private land). The coordinated provision of services by natural resource oriented community groups, on a regional and catchment basis, is a necessary step for long term sustainable management of natural resources and well-being of people in the regions.

The Task Force believes that overarching State-wide natural resource legislation is required, consistent in form to the legislation proposed for sustainable agricultural resource management. Associated structures, including a Natural Resource Commission with a network of regional boards, would be required. The Commission would provide guidance on all aspects of natural resource management.

The principles and criteria outlined by the Task Force for the sustainable management of agricultural resources are generally transferable to a comprehensive natural resource management approach although some modification will be required.

One approach would be an adaptation of the system established to administer the State Salinity Strategy. This expanded system could include:

- a Cabinet committee of natural resource ministers;
- an independent Natural Resource Commission with custodial and regulatory functions for natural resources, membership based on skills and experience;
- the Natural Resource Commission would have the objective to ensure sustainable natural resource management on all lands;
- the criteria developed for sustainable agricultural resource management to be adopted;
- regions based on catchments with Regional Commissioners;
- development of State and Regional natural resource policies;
- established regional community groups as advisory groups to the Regional Commissioners;
- integration of land use and land management planning; and
- legally binding catchment plans.

10. APPENDICES

Appendix 1. Glossary

Throughout this report a number of terms are used in ways that have specific meaning. The meanings are summarised below.

	Definition	Source
Accountability	Responsibility accepted for advice and decisions at appropriate levels.	
Agricultural	In relation to a matter, industry or community, means related to or associated with improving, developing, growing, investigating, marketing, or experimenting with crop, livestock or other primary produce within the State or elsewhere.	Agriculture Act 1988 (WA)
Assimilative capacity	The capacity of the ecosystem to absorb material into its living parts via photosynthesis and digestion.	Young (1992)
Biological diversity	The variety and variability among living organisms and the ecosystems in which they occur. It includes the diversity of ecosystems, species, and genes.	Department of Conservation and Land Management (1992)
Catchment	A region or drainage basin which collects all the rainwater that falls on it, directing it into a river, stream or water course. The region extends into the nearshore environment.	
Community	A group of people with some common area of interest. A community may be locality specific such as a catchment community, or the Western Australian community. A community may also be defined based on the issues of interest such as the landcare community or the rural community. Most often the term is used to distinguish between people working in the public and private sectors when for example public policy is being developed. Some examples are wider (broad) (greater) community, rural community, community groups.	
Compensation for lost property rights	A payment made when a person's rights to use a resource is reduced or removed completely.	Young <i>et al.</i> (1996)
Ecologically sustainable development	Using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increase.	Commonwealth of Australia (1992)

	Definition	Source
Ecologically sustainable development (principles)	<ul style="list-style-type: none"> • Decision making processes should effectively integrate both long- and short-term economic, environmental, social and equity considerations. • The precautionary principle, that is, where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. • The global dimension of environmental impacts of actions and policies should be recognised and considered. • The need to develop a strong, growing and diversified economy which can enhance the capacity for environmental protection should be recognised. • The need to maintain and enhance international competitiveness in an environmentally sound manner should be recognised. • Cost-effective and flexible policy instruments should be adopted, such as improved valuation, pricing and incentive mechanisms; and • Decisions and actions should provide for broad community involvement on issues which affect it. 	Commonwealth of Australia (1992)
Ecoregion	A territory defined by a combination of biological and geographical criteria, generally a system of related, interconnected areas, rather than by cadastral considerations.	
Ecosystem	A conceptual view of interaction within and interdependence amongst plant and animal species and communities, emphasising the nature of the flow of materials and energy amongst these parts and the feed back loops from one part to another.	Young (1992)
Environment	Living things, their physical biological and social surroundings and interactions between all of these. The social surroundings of man are his aesthetic, cultural, economic and social surroundings to the extent that those surroundings directly affect or are affected by his physical surroundings.	Department of Conservation and Environment (1987)
Environmental indicator	A physical, chemical, biological or socio-economic measure that can be used to assess natural resources and environmental quality.	Government of Western Australia (1992)
Environmental standards	Prescriptive statements which will set objectively determined limits or requirements.	Resource Management Act 1991 (NZ)

	Definition	Source
Cost externalisation (externality)	An external cost exists when the following two conditions prevail: 1. An activity by one agent causes a loss of welfare to another agent; and 2. The loss of welfare is uncompensated. Both conditions are essential for an external cost to exist.	Pearce and Turner (1990)
Cost internalisation	Any mechanism that makes a resource user pay for the cost of damage imposed on another person, community or the environment.	Young <i>et al.</i> (1996)
Indicator	A measure against which a place, event or circumstance can be assessed. They provide meaning that extends beyond the attributes directly associated with them.	Government of Western Australia (1992)
Indicator	Measurable attributes of the environment that can be monitored via field observation, field sampling, remote sensing or compilation of existing data.	Meyer <i>et al.</i> (1992)
Indicators	Quantitative attributes of primary industry production systems and natural resources needed to estimate current status and trends in sustainability. There is existing debate on the definitions and selection of indicators, particularly those that reflect local or regional practices and environmental conditions and that are relevant to natural resource holders and users.	Department of Primary Industries, Queensland (1994)
Integrated catchment management	A community based approach to the management of natural resources focusing on the development of strategies to achieve the integrated management of land, water, forest, fishery and related biological resources within a river catchment.	Department of Primary Industries, Queensland (1994)
Intrinsic values (existence value)	In relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including: (a) their biological and genetic diversity; and (b) the essential characteristics that determine an ecosystem's integrity, form, functioning and resilience.	Resource Management Act 1991 (NZ)
Landcare	Any policy, strategy or practice furthering sustainable land management practices.	Commonwealth of Australia (1996)
Monitoring	Regular assessment of indicators and of the resources being managed, checking that desired outcomes are achieved, and adjusting the management where necessary.	
Natural resources	Soil, water, native vegetation and fauna.	

	Definition	Source
Natural resources management	Any activity relating to the management of the use, development or conservation of soil, water, native vegetation and fauna.	
Policy	The principles which govern action towards a predetermined goal.	Titmus (1974)
Property right	A property right is a standard interest in property, the precise nature of which is determined by a range of characteristics. The system of property rights is an institutional framework which conveys powers, duties and responsibilities to individuals or groups.	
Sustainability indicator	Often equated with ecologically sustainable development indicator. Provide information about the future sustainability of specified level of social value or objective.	Government of Western Australia (1992)
Sustainable agriculture	Sustainable agriculture is the use of farming practices and systems which maintain or enhance: <ul style="list-style-type: none"> • the economic viability of agricultural production; • the natural resource base; and • other ecosystems which are influenced by agricultural activity. 	Australian Agricultural Council (1991)
Sustainable agriculture	The use of agricultural practices and systems that maintain or improve the following: <ol style="list-style-type: none"> (a) The economic viability of agricultural production. (b) The social viability and well-being of rural communities. (c) The ecological sustainable use of Australia's biodiversity. (d) The natural resource base. (e) Ecosystems that are influenced by agricultural activities. 	National Heritage Trust of Australia Bill 1966
Sustainable use	The use of resources in accordance with ecologically sustainable development principles, and in particular the principle that processes should effectively integrate both long and short term economic, environmental, social and equity considerations.	Department of Primary Industries, Queensland (1994)
Synergistic	By acting together, separate elements produce greater effect than would be produced if they acted separately.	

	Definition	Source
Transparent	<p>Term used to describe processes and decision-making mechanisms in which all the steps involved are visible and open to public review, agreed, clearly defined, unambiguous and understood by all parties.</p> <p>Duty on decision-makers to publish reasons.</p> <p>Duty on industry to publish outcomes.</p>	
Property management planning/ catchment/regional planning	Involves the adoption of a comprehensive tiered approach to natural resource management in which the farm, catchment or region is the key planning unit.	
Property rights	Legally defined and enforceable rights which relate to the ownership and use of resources and commodities. Can be used as an economic instrument by governments, who can modify or create property rights and therefore provide for the internalising of costs and benefits not generally included in the market price. Examples include: creation of a market by introducing tradeable water entitlements; or the modification of existing property rights by changing the length of tenure and other conditions relating to leasehold land. In each case, the aim is to ensure that the holder of the property right or asset is fully aware of the consequences of activities which affect that asset.	Commonwealth of Australia (1992)

Appendix 2. Related legislation

Town Planning and Development Act 1928
Western Australian Planning Commission Act 1985

Rights in Water and Irrigation Act 1914
Water Authority Act 1984
Water Boards Act 1904
Waterways Conservation Act 1976

Conservation and Land Management Act 1984
Wildlife Protection Act 1950

Sandalwood Act 1929
Woodchipping Industry Agreement Act 1969

Environmental Protection Act 1986

Land Act 1933 (pastoral land use)
Western Australian Land Authority Act 1992

Waterways Conservation Act 1976
Swan River Trust Act 1988
Water and Rivers Commission Act 1996

Local Government Act 1960

Regional Development Commissions Act 1993

Acts administered by Agriculture Western Australia

1. Abattoirs Act 1909
2. Aerial Spraying Control Act 1966
3. Agricultural Practices (Disputes) Act 1995
4. Agricultural Produce (Chemical Residues) Act 1983
5. Agricultural Products Act 1929
6. Agriculture Act 1988
7. Agriculture and Related Resources Protection Act 1976
8. Agricultural and Veterinary Chemicals (Taxing) Act 1995
9. Agriculture Protection Board Act 1950
10. Agricultural and Veterinary Chemicals (Western Australia) Act 1995
11. Veterinary preparations and Animal Feeding Stuffs Act 1976
12. Argentine Ant Act 1968
13. Artificial Breeding of Stock Act 1965
14. Beekeepers Act 1963
15. Biological Control Act 1986
16. Bulk Handling Act 1967
17. Carnarvon Banana Industry (Compensation Trust Fund) Act 1961
18. Cattle Industry Compensation Act 1965
19. Chicken Meat Industry Act 1977
20. Dairy Industry Act 1973
21. Dried Fruits Act 1947
22. Exotic Diseases of Animals Act 1993
23. Fertilisers Act 1977

24. Fruit Growing Industry (Trust Fund) Act 1941
25. Fruit Growing Reconstruction Scheme Act 1972
26. Grain Marketing Act 1975
27. Herd Improvement Service Act 1984
28. Horticultural Produce Commission Act 1988
29. Marketing of Eggs Act 1945
30. Marketing of Meat Act 1971
31. Marketing of Potatoes Act 1946
32. Ord River Dam Catchment Area (Straying Cattle) 1967
33. Perth Market Act 1926
34. Pig Industry Compensation Act 1942
35. Plant Diseases Act 1914
36. Potato Growing Industry (Trust Fund) Act 1947
37. Poultry Industry (Trust Fund) Act 1948
38. Royal Agricultural Society Act 1926
39. Rural Adjustment and Finance Corporation Act 1993
40. Seeds Act 1981
41. Skeleton Weed and Resistant Grain Insects (Eradication Funds) Act 1974
42. Soil & Land Conservation Act 1945
43. Stock (Brands and Movement) Act 1970
44. Stock Diseases (Regulations) Act 1968
45. The Wild Cattle Nuisance Act 1871
46. Veterinary Surgeons Act 1960
47. Western Australian Meat Industry Authority Act 1976
48. Wheat Marketing Act 1989

Appendix 3. Written submissions

1. WISALTS Inc.
2. Primary Industries Credit Co-operative (WA)
3. Mr Laurie Anderson
4. Mr J.N. Anderson
5. Mr Alan Anderson
6. Mr Louis Baldisseri
7. Mr Colin Beek
8. Aquaculture Council of Western Australia
9. Mr David Bicknell
10. Mr G.E. Bishop, Manager Development Services, Shire of Capel
11. Irwin Land Conservation District Committee
12. Mr & Mrs C.J. & P. Boston
13. The Pastoralists and Graziers Association of Western Australia
14. Mr Leon Bradley
15. Mr J.S.L. (Don) Brandenburg
16. Mr D. Brown
17. Mr Matt Burrows, Regional Planning Officer, Aboriginal and Torres Strait Islander Commission
18. Mr Elton Butcher
19. Mr W.F. Butler
20. West Koojan/Gillingarra Land Conservation District Committee
21. Mr A. Campbell
22. Farm Forestry Development Group
23. Shire of Ashburton
24. Mr W.M. Carr, Manager, Department of Minerals and Energy
25. Land Management Society
26. Dr D.L. Chatel
27. Shire of Gnowangerup
28. Mr Donald Cochrane
29. Mr John Collett, Landcare Manager, Alcoa Australia Ltd
30. Dandaragan Land Conservation District Committee
31. Mr Andrew Craig
32. Mr Stuart Cramond, Manager Planning Services, Shire of Serpentine-Jarrahdale
33. Mr Mathew Daubney
34. Mr N.G. Dodson
35. Rural Adjustment and Finance Corporation
36. Cuballing Land Conservation District Committee
37. Mr John Duff, Deputy Commissioner of Soil and Land Conservation
38. Shire of Denmark
39. Agriculture Western Australia, Soil and Land Conservation Council and Rural Adjustment and Finance Corporation - joint submission
40. Agriculture Protection Board
41. Mr Tony Farral, Moora Regional Advisory Committee, Agriculture Western Australia
42. Mr Paul Findlater
43. Mr Noel Fitzpatrick
44. The North Midlands Sandplain Management & Landcare Group Inc.
45. Mrs Jano Foulkes-Taylor

46. Mr Paul Frewer, Ministry for Planning
47. Mr Rod Frost
48. Mr Alex Gardener
49. Mr Neil Giblet
50. Mr Patrick Gillespie
51. Shire of Dandaragan
52. Dr Mark Goldstone, Manager Environment Strategy, Main Roads
53. The Darkan Farm Management Advisory Service (Inc.)
54. Mr Norman Halse
55. Williams Land Conservation District Committee
56. Department of Conservation and Land Management
57. Mr A.W. Henry
58. Mr Max Hipkins
59. Western Australian Planning Commission
60. Ms Cicely Howell
61. Goodlands LCDC
62. Mr & Mrs P. & P.J. Iley
63. Mr A.T. Jackson
64. Mr T. Jacobson
65. Ms Ellen Kitson, Subprogram Manager Industry Resource Protection Program, Natural Resource Protection and Product Support
66. Mr Brian Leach, Chief Agronomist, Wesfarmers CSBP
67. Mr Malcolm Leske
68. Mr Bill Lullfitz
69. Mr Angus MacKenzie
70. Mr & Mrs T.B. & A.S. Mackie & Son, Plantagenet Stirling Zone, Pastoralist & Graziers Association of Western Australia
71. Western Australian Farmers Federation
72. Ms Julie Marris, Research Officer/Environmental Scientist, Department of Minerals and Energy
73. Mr Ross Mars
74. Mr Colin McDonald, Senior Research Officer, Woolpro, Agriculture Western Australia
75. Mr Don McFarlane, South West Sustainable Resource Development, Agriculture Western Australia
76. Mr & Mrs J.D. & P.A. McGregor
77. Mr John McKay
78. Mr Andrew McLaughlin, Adviser, Agriculture Western Australia
79. West Arthur LCDC
80. Mr Alistair McNabb
81. Mr P.J. McNamara
82. Mr Peter J. Michael
83. Swan River Trust
84. Albany Branch Wildflower Society WA Inc.
85. Dr Sue Moore
86. Mrs Natalie Moore, Monitoring & Evaluation Coordinator, Agriculture Western Australia
87. Mr Maurice Mulcahy
88. Senator Andrew Murray

89. Mr John B. Newman
90. Mr Donald Nicholas, Manager, AGWEST
91. West Arthur Land Conservation District Committee
92. Mr & Mrs E.A. & M.L. Officer
93. WA Zone Australian Institute of Agricultural Science
94. Mr David J Pannell
95. Mr & Mrs C. & R. Paterson
96. Lower Blackwood Catchment Land Conservation District Committee
97. Chief Executive Officer, Water and Rivers Commission
98. Department of Minerals and Energy
99. Mr J.F. Peterson
100. Mr T.G. Price
101. Mr G.P. Pritchard
102. Mr Trevor Prowst
103. Blackwood Catchment Coordinating Group
104. Mr & Mrs Tony & Robyn Richardson
105. Swan-Avon ICM Coordinating Group
106. Mr Ben Rose, Project Officer, Landcare, Agriculture Western Australia
107. Mr John Sanders, South West Manager, Bunnings Treefarms
108. Mr H.P. Schapper
109. Mrs Marg Scott
110. Mr Hugh Seeds
111. Mr & Mrs Graeme & Vivia Sharp
112. Mr Ken Shaw
113. Ms Karyn Shaw
114. Wheatbelt Development Commission
115. Mrs Mary Smith
116. Shire of Woodanilling
117. Mr David Stanton, Industry Resource Protection, Agriculture Western Australia
118. Mr A.C. Staples
119. Mr Charles Staples
120. Ms Jan Star
121. Australian Heritage Commission
122. Department of Resources Development
123. Conservation Council of Western Australia Inc.
124. Leschenault Catchment Coordinating Group
125. The Friends of Jane Brook
126. Mr Peter Tipping, Technical Officer, Agriculture Western Australia
127. Dr Brian Trenbath
128. Mr Dennis Van Gool, Research Officer, Agriculture Western Australia
129. Mr John Wagon, Agriculture Western Australia
130. Quinns Rocks Environmental Group
131. Mr & Mrs Matcham & Mary Walsh
132. Mr Kingsley Waterhouse, Director, Training Services, Maritime Centre
133. Primary Industries Training Council (Inc.)
134. Mr Andrew Watson, Program Services, Agriculture Western Australia
135. Lands and Forest Commission
136. Mrs Jean Webb

137. Wilson Inlet Catchment Committee/Hay River LCDC
138. Mr Danny Webb-Smith
139. Mr Richard Wheeler, Adviser, Agriculture Western Australia
140. Mr Charles Whitfield
141. Mr Harry Whittington
142. Mr P.J. Williams, Senior Engineer, Water and Rivers Commission
143. Mr Peter Wren

Appendix 4. Summary of proposed legal principles for environmental protection and sustainable development adopted by the World Commission on Environment and Development

This summary is based on the more detailed legal formulations in the report to the Commission by the international legal experts group.

It highlights only the main thrusts of the principles and articles and is not a substitute for the full text which was published in *Legal Principles for Environmental Protection and Sustainable Development* (Dordrecht, The Netherlands: Martinus Nijhoff Publishers) and in *World Commission on Environment and Development, Commission for the Future (1990) Our Common Future - Australian edition*.

The general principles, rights and responsibilities adopted by the Commission are:

Fundamental human rights

1. All human beings have the fundamental right to an environment adequate for their health and well-being.

Inter-generational equity

2. States shall conserve and use the environment and natural resources for the benefit of present and future generations.

Conservation and sustainable use

3. States shall maintain ecosystems and ecological processes essential for the functioning of the biosphere, shall preserve biological diversity, and shall observe the principle of optimum sustainable yield in the use of living natural resources and ecosystems.

Environmental standards and monitoring

4. States shall establish adequate environmental protection standards and monitoring changes in and publish relevant data on environmental quality and resource use.

Prior environmental assessment

5. States shall make or require prior environmental assessments of proposed activities which may significantly affect the environment or use of a natural resource.

Prior notification, access, and due process

6. States shall inform in a timely manner all persons likely to be significantly affected by a planned activity and to grant them equal access and due process in administrative and judicial proceedings.

Sustainable development and assistance

7. States shall ensure that conservation is treated as an integral part of the planning and implementation of development activities and provide assistance to other States, especially to developing countries, in support of environmental protection and sustainable development.

General obligation to cooperate

8. States shall cooperate in good faith with other States in implementing the preceding rights and obligations.

Note: The term 'State' is a general term and used in the international context as a reference to countries.

Appendix 5. Proposed implementation program

Adoption by Government of the Task Force's recommendations would provide the framework for sustainable agricultural resource management for the whole of Western Australia.

Whilst the recommendations will require further refinement and consultation with stakeholders, it is vital that their intent is not compromised.

It is envisaged that consultation with the Task Force would continue through the process of drafting instructions, drafting the bill and the Parliamentary process.

The Task Force believes the following program will be helpful in the implementation of the recommendations. In suggesting this process the Task Force is cognisant of the interest and responsibilities of the Ministers for Environment and Water Resources in this and related areas.

It is proposed that a Steering Committee prepare drafting instructions through a consultation process with stakeholders. This is a technical process to translate the intent of the recommendations into legislation, it is not to a process to change the intent of the recommendations.

The Steering Committee should comprise senior officers from Agriculture Western Australia, Water and Rivers Commission, and Department of Environmental Protection with suitable executive officer and secretarial support. The Chairperson of the Task Force should be a member of the Steering Committee - to maintain the intent of the recommendations.

Program for Implementation of Sustainable Agricultural Resource Management legislation	
Action	Timing
Draft report and recommendations released for public comment.	7 May 1997
Comment period closes.	27 June 1997
Final report presented to Minister for Primary Industry.	31 July 1997
Cabinet to authorise the Minister for Primary Industry to commence drafting a bill.	Sept. 1997
Steering Committee appointed.	Oct. 1997
Steering Committee prepared drafting instructions for legislation.	Oct. 1997-Jan. 1998
Crown Solicitor's office drafts a bill.	Feb. 1998-July 1998
Nominations for selection committees.	July 1998
Bill presented to Parliament.	July 1998
Advertised for Chief Executive Officer positions.	July 1998
Call for Commission, Board Tribunal nominations.	July 1998
Minister for Primary Industry to appoint members to the Sustainable Agricultural Resource Management Commission, Agriculture Western Australia Board and Land Tribunal.	Sept. 1998
Commission and Board to appoint Chief Executive Officers.	Sept. 1998
Board to supervise preparation of business plan for submission to the Minister incorporating: financial plans; staff appointments.	Sept. -Dec. 1998
Minister approves the business plan.	Jan. 1999
The Commission, Board and Tribunal commences independent operation.	Jan. 1999

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12. LIST OF FIGURES

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