

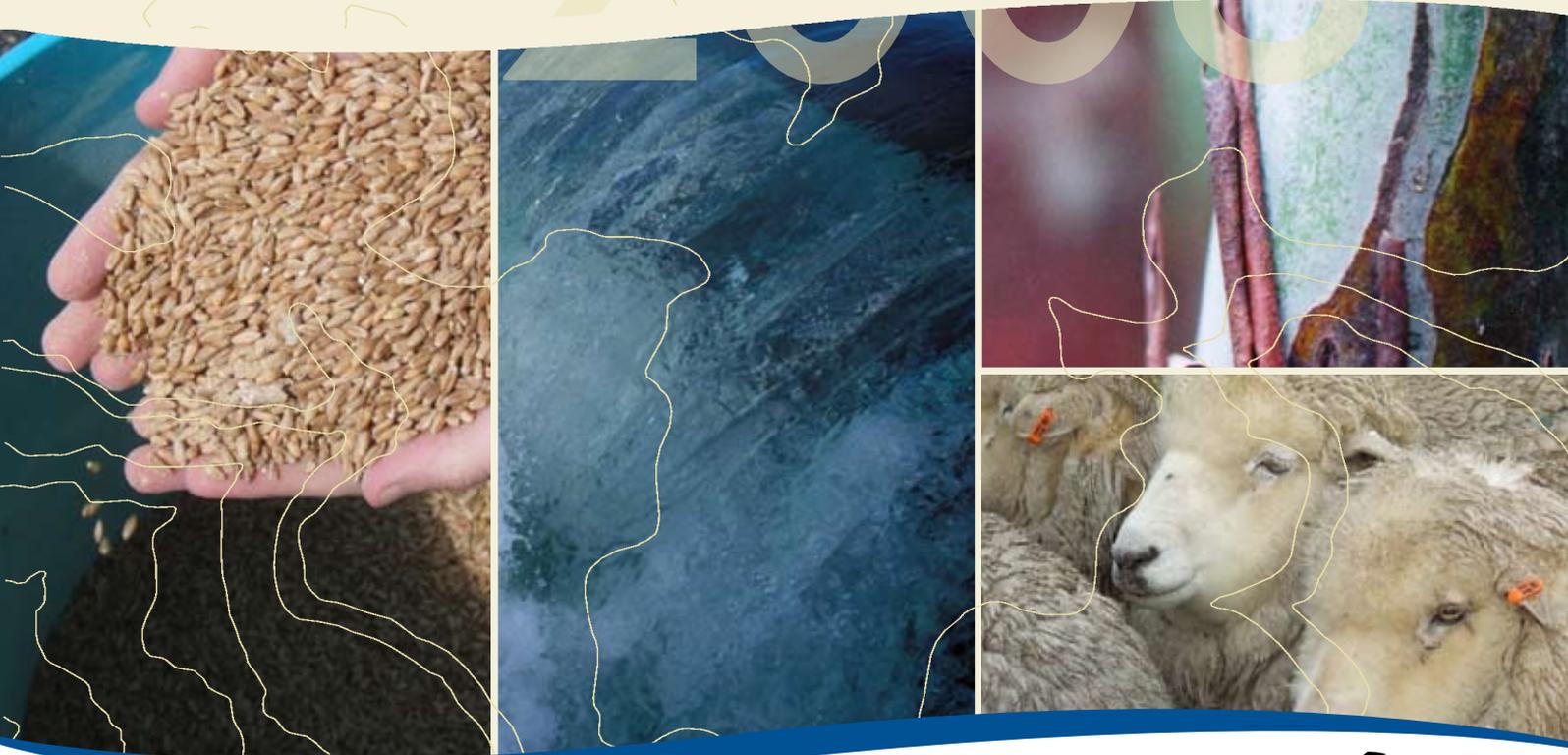
Review of the

Tasmanian Natural Resource Management (NRM)

Framework and Legislation

Final Report

To the Minister for Primary
Industries and Water



David Llewellyn MP
Minister for Primary Industries and Water

Dear Minister

It is my pleasure to present the Report of the Review of the Tasmanian Natural Resource Management (NRM) Framework and legislation.

In doing so, I acknowledge the cooperation and assistance of the many people in the Department of Primary Industries and Water and other State Agencies who helped conduct the Review, as well as members of the State's Natural Resource Management Council and the three regional NRM committees who assisted and informed the process, including through participation in the Review Forum held on 16 November 2007. Finally, I would particularly like to record my thanks to the people and organisations that responded to the public consultation, and gave the recommendations that follow a firm basis of ideas and information.

Kim Evans
SECRETARY
29 February 2008

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Executive Summary & Recommendations

1.1 Executive Summary

The Tasmanian Natural Resource Management (NRM) Framework 2002 introduced new ways to deliver NRM in the State, in particular, through the establishment in 2003 of a Statewide NRM Council and three regional committees.

A review was built into the original thinking about the Framework, and was legislated in the *Natural Resource Management Act 2002* (the Act), to provide assurance that the innovative arrangements were operating as intended.

The review has involved broad consultation, and addressed general questions about the success of the Framework and the decision to establish the three NRM Regions, in addition to a wide range of very specific issues.

The consultation revealed considerable support for the Framework. Most individuals and organisations feel that the Regions and the Council, and the work they have done, have been worthwhile and should continue.

Suggestions have been made for improvements, and many of these are now embodied in the recommendations of the Review. They cover matters including the setting of State NRM priorities, the functions and membership of the Regional Committees, and the operation of the NRM Council.

Some minor amendments to the Act are proposed. The review recommends changes to section 9(3) to make the interests to be represented on regional NRM committees less prescriptive, simplifying section 10(1) and amending section 20 to provide more flexibility in the timing of future reviews.

An outcome of the Review's recommendations, if adopted, will be a substantial work program for the NRM Council over the next 12 to 18 months. It will be required to advise on several issues covered in the Report, specifically:

- » possible amendments to the NRM principles and drafting of a new principle on the importance of adaptability, flexibility and resilience in NRM;
- » priority-setting arrangements that are more agile, and will provide guidance for both planning and assessing NRM activities at a regional level;
- » the accreditation criteria to apply to the revision of regional strategies in 2009-10;
- » the development of suitable criteria for evaluating the effectiveness of regional strategies;
- » processes for ensuring that the regional NRM committees are able to keep Council informed of their progress and any policy-related concerns they may have, so that Council advice may be fully informed and relevant; and
- » processes for ensuring that Council has the opportunity to consider the policy implications of issues coming before the Joint Steering Committee and provide timely advice.

The Review made 18 Recommendations:

Recommendation 1:

That the Government note the general support for the NRM Framework revealed by the Review process, and reaffirm its commitment to the continuation of the Framework in broadly unchanged form.

Recommendation 2:

That the Government specifically note the significance to key stakeholders of the fundamental separation of the NRM Framework from the State's various regulatory systems, and reaffirm its commitment to this as a core feature of the State's NRM arrangements.

Recommendation 3:

That the Minister for Primary Industries and Water seek Cabinet support to make appropriate amendments to the Natural Resource Management Act 2002 (the Act) in order to improve its operations in certain respects identified through the Review process.

Recommendation 4:

That the 2002 NRM Framework document be revised where appropriate to incorporate any changes that result from this Review, the revision to be available as a web-based document within three months of the passage of any legislative amendments.

Recommendation 5:

That, while noting the broad support for the current set of NRM principles, the Minister request the NRM Council to advise on amendments as suggested in the course of the Review, including the drafting of a new principle on the importance of adaptability, flexibility and resilience in NRM.

Recommendation 6:

That the Minister seek the advice of the NRM Council on priority-setting arrangements that are more agile, and will provide guidance for both planning and assessing NRM activities at a regional level. This advice is to be provided within six months of the acceptance of the Review by the Minister.

Recommendation 7:

That the current legislated process for establishing and applying accreditation criteria that incorporate both State and relevant national concerns be retained, and that the State continue to work with other jurisdictions on the development of national standards and a robust framework for setting targets.

Recommendation 8:

That the Minister request the NRM Council to advise him by 31 March 2009 on the accreditation criteria to be applied to the Regional Strategy revisions in 2009-10.

Recommendation 9:

That the Minister request the NRM Council to advise him by 31 March 2009 on the development of criteria suitable for evaluating the effectiveness of regional strategies.

Recommendation 10:

That the relationship between regional NRM strategies and regional investment proposals on the one hand, and the various statutory planning systems in the State, on the other remain informal and without any statutory mandate, as outlined in the 2002 NRM Framework document.

Recommendation 11:

That State Government Agencies, local government, regional planners preparing regional land use strategies and other regulators are to take into consideration the information on natural resources and regional priorities (including targets) contained in the regional NRM strategies and regional investment proposals, so that this information can inform their work; they are also to develop and / or maintain strong working relationships with the regional NRM committees, as appropriate.

Recommendation 12:

That the Minister direct the Council to develop processes to ensure that the regional NRM committees are able to keep Council informed of their progress and of any policy-related concerns they may have, in order to help Council provide advice that is fully informed and relevant.

Recommendation 13:

That the Minister direct the Council to develop processes to ensure that Council has the opportunity to consider the policy implications of issues coming before the Joint Steering Committee and, as appropriate, to advise the Minister on such issues. These processes should be in place by June 2008.

Recommendation 14:

That section 9(3) of the Act be amended to be less prescriptive in terms of interests to be represented on the regional NRM committees, and to provide for the full range of skills appropriate to the tasks facing the committees. Drafting should incorporate, as appropriate, the criteria applying to membership of the Northern Territory regional body.

Recommendation 15:

That, if such amendments are made, the Minister revise the current terms and conditions governing the declaration of the regional NRM committees under section 9(2) so that they are clearly established as the normal means of providing more detailed direction to the regional committees on governance issues, including committee membership.

Recommendation 16:

That section 10(1) of the Act be simplified (where possible within the constraints of good legislative drafting practice) as suggested by the combined regions, to better reflect the current and expected functions of the regional NRM committees.

Recommendation 17:

That the Minister request the NRM Council to advise him by 31 March 2009 on how best to evaluate the effectiveness of the NRM Framework in the broad sense, over and above consideration of the effectiveness of funded activities undertaken through the regional NRM committees.

Recommendation 18:

That section 20 of the Act be amended to provide more flexibility in the timing of future reviews, by specifying that all reviews after this initial review should occur between four and seven years after completion of the previous review.

2.

Outline of the Review

2.1 *Requirement to undertake a review*

The Tasmanian Natural Resource Management (NRM) Framework was adopted in 2002 to put in place mechanisms for the effective delivery of natural resource management policy and actions at State and regional level. The Framework seeks to foster cooperative partnerships and a coordinated approach to natural resource protection and management in Tasmania.

In accordance with section 20 of the Framework's enabling legislation, the *Natural Resource Management Act 2002*, the Minister for Primary Industries and Water is required to review the Act not later than five years after commencement of the Act. The 2002 Framework document also specified a partly overlapping set of issues to be reviewed, and the combined list has been incorporated in the Terms of Reference (see Appendix 1).

The Secretary of the Department of Primary Industries and Water has undertaken the Review at the Minister's direction, with the assistance on most issues of the NRM Council. Under the Terms of Reference, the Secretary is required to report to the Minister by 29 February 2008.

2.2 *Structure of the Review*

The Review Project Team was drawn from the Strategic Policy Division of the Department of Primary Industries and Water. The NRM Council assisted the Project Team in their task, in accordance with the Terms of Reference, appointing a sub-group of the Council as a Working Group. The NRM Council Working Group assisted the Project Team in development of the draft Discussion Paper and Review Report, as far as they related to the first five issues in the Terms of Reference.

The Environment and Resources Heads of Agency Group, supported by the NRM Interdepartmental Committee, was the Reference Group for the Review, providing comments and feedback from related Agency and whole-of-government perspectives.

The consultation process for the Review commenced with 106 letters being sent to key stakeholders, including all contributors to the consultation on the draft Framework document in 2001. Stakeholder lists were finalised in consultation with the NRM Council Working Group.

The core governance bodies under the NRM Framework – the NRM Council and the three regional NRM committees and their respective organisations – were kept abreast of the review through the regular communication channels. These included meetings of the Council and its Working Group and joint meetings of NRM Regions' Executive Officers. In addition, the NRM Council and senior representatives of the regional NRM committees participated in a Review Forum held on 16 November 2007, where the results of the consultation were discussed.

A timeline of the Review process is attached at Appendix 2.

2.3 *The Discussion Paper and consultation process*

The core of the review was a six-week public consultation process. This process was informed by a Discussion Paper developed by the Review Project Team in consultation with the NRM Council and the Environment and Resources Heads of Agency. The consultation period ran from 14 September to 26 October 2007. Views and comments were invited from all members of the community; however, particular effort was made to target people and organisations that had observed, or worked with, the NRM arrangements established under the NRM Framework.

2.4 *Consideration of response to consultation*

A total of 37 submissions were received. The submissions are listed at Appendix 3. In addition three organisations indicated informally that although they would not be making formal submissions, they were generally satisfied with the Framework (Forestry Tasmania, the Tasmanian Conservation Trust and the Tasmanian Fishing Industry Council).

The submissions were broadly representative of stakeholder interests: NRM regions and sub-regional bodies; local government; industry bodies (the Tasmanian Farmers and Graziers Association, Dairy Tasmania, Tasmanian Minerals Council, Timber Communities Australia, Forests and Forest Industry Council and the Forest Industries Association of Tasmania); community organisations (Landcare, Understorey Network); environment groups and service providers.

The thoughtful and focussed nature of the responses greatly assisted the assessment and distillation of input to the Review. In the Review process issues have therefore been considered with reasonable confidence that those with opinions on the NRM Framework had expressed them, and that the recommendations draw on a representative spread of ideas and relevant information.

The contents of each submission were recorded and the information was then tabulated against each of the six terms of reference, and the overarching questions.

The Discussion Paper made it clear that the Review was not a means by which the entire management regime for natural resources in Tasmania might be reconsidered. There would be scope in the Review, however, to assess the level of engagement of key stakeholders and the broader community in NRM and consider the overall effectiveness of the Framework since its inception.

These broader issues were considered in the two focus questions in section 1 of the Discussion Paper, and are discussed in the following chapter:

3.

Context – opinions on the Framework and the legislation as a whole

Chapter 1 of the Discussion Paper *Review of the Tasmanian Natural Resource Management and Framework 2007* provided a context for the Review. It invited consideration of broader issues by posing two questions about the degree to which the NRM Framework and legislation have benefited the State and the community:

“On balance, is the NRM Framework producing positive results for the State?”

and

“Are stakeholders in natural resource management, and the broader community, more engaged with planning and on-ground activities since the Council and the Regional Committees were established?”

The consultation revealed a considerable degree of satisfaction with the delivery of NRM in the State. Of the 60%¹ of submissions that directly addressed these overview questions, a substantial majority felt that the Framework is producing positive results for the State. The reasons cited included increased community involvement in planning and on-ground activities, a more informed community on NRM issues and more strategic and collaborative approaches to NRM, in particular the building of positive partnerships.

There was no evidence of any strong desire for a significant overhaul of the system. There was nonetheless a clear indication, borne out in the responses addressing specific terms of reference, that there remains scope for improvement even where the thrust of the NRM Framework is broadly supported. Submissions suggested differing levels of engagement with community sectors and industry groups, and that there may be a particular issue with existing volunteer groups being disengaged from the work of the Regions. Levels of investment and commitment by key stakeholders were also areas where the legislation and Framework were considered to have produced mixed results.

The non-regulatory nature of the Tasmanian Framework, and its fundamental separation from the regulatory structures (including, but not exclusively relating to land use planning), was agreed to be absolutely central to its character and to its prospects for success in the longer term. However, there was strong support for ensuring that the information and targets produced through the NRM Framework were routinely considered by the formal decision-makers in the statutory regulatory systems in the State.

¹ There was recognition in the Discussion Paper that those participating in the consultation would have differing perspectives and expertise, and that not all respondents would have knowledge of, or an interest in, some of the more technical aspects within the Terms of Reference, in particular: Respondents were not required to address all Terms of Reference.

As a consequence, the absolute numbers for or against a change to present arrangements are, in some instances, very small. Where percentages are given, they must be regarded with some caution.

The feedback did serve to clarify that, whilst considerable work is under way to measure the effectiveness of the programs and projects being delivered under NRM, the Framework would be enhanced if there were agreed protocols for measuring its effectiveness, and that of its central institutions – ie. the degree to which it is effective in involving stakeholders and the community, and fostering continuous improvement in NRM policy development and decision-making. This issue is addressed in Chapter 11 below.

Encouragingly, it is evident that whatever the nature of their interaction with the Framework, stakeholders appear to have confidence in its capacity to evolve to meet any currently perceived shortcomings.

If the recommendations of this Review are accepted, implementation will require action by Government and by the NRM Council, which will be required to provide new advice on a range of issues. The actions would include the slight amendment of the NRM Act, and a redrafting of the current NRM Framework document to reflect the outcomes of the Review. (It is not intended that the revised Framework be reprinted, but it should be available on the Internet or by request.)

Recommendation 1:

That the Government note the general support for the NRM Framework revealed by the Review process, and reaffirm its commitment to the continuation of the Framework in broadly unchanged form.

Recommendation 2:

That the Government specifically note the significance to key stakeholders of the fundamental separation of the NRM Framework from the State's various regulatory systems, and reaffirm its commitment to this as a core feature of the State's NRM arrangements.

Recommendation 3:

That the Minister for Primary Industries and Water seek Cabinet support to make appropriate amendments to the Natural Resource Management Act 2002 in order to improve its operations in certain respects identified through the Review process.

Recommendation 4:

That the 2002 NRM Framework document be revised where appropriate to incorporate any changes that result from this Review, the revision to be available as a web-based document within three months of the passage of any legislative amendments.

4.

The Natural Resource Management Principles

4.1 Overview of issue

The Tasmanian NRM Framework does not replace or override the existing regulatory laws and institutions of the State. Its focus is on voluntary coordination by the broadest range of stakeholders, cooperating as members of the Regional NRM Committees. Each Committee determines priorities within their region, with a significant degree of autonomy.

The seven current NRM principles² were developed as a mechanism to help coordinate the approach to the management of natural resources and were intended to inform decision making throughout the Framework. They were confirmed by the then Minister for Primary Industries, Water and the Environment in March 2003, on the advice of the NRM Council.

4.2 Summary analysis of submissions

Less than half (16 or 43%) of the submissions addressed the principles. Of these, all supported inclusion of a set of guiding principles within the Framework, although they were divided equally between those in favour of the current set and those suggesting changes.

There were a number of specific suggestions to modify individual principles, and some suggestions for new principles on matters such as encouraging innovation, social and economic impacts, and monitoring and evaluation.

One theme that recurred through the consultation is the need for the Framework to reflect, either through its principles or priorities, the implications of climate change for the protection and management of Tasmania's natural resources.

The NRM Regions supported retention of principles in the Framework and affirmed that the current set had fulfilled a useful function. The Regions proposed, however, that they be redrafted using the Victorian principles as a model, to be more succinct and to better reflect and inform the business planning environments in which their organisations are now operating. They would then include principles on "targeted investment", "accountability" and "administrative efficiency".

As already noted, the consultation revealed strong stakeholder endorsement for the non-regulatory nature of the Tasmanian Framework, with some in favour of having the notion of acting without compulsion or obligation embedded in the principles.

² See Appendix 4.

4.3 *Discussion and Conclusions*

Among respondents on this topic, there was unanimity of opinion on the need for, and value of, guiding principles.

Consultation with Regions and the Council, and within governments, indicates widespread agreement that the current principles adequately cover the majority of matters raised, with the possible exception of not giving sufficient emphasis to preventing further degradation and preserving environments that are in relatively good condition. Specifically, the principles 'integrated management' and 'partnerships' are thought to deal sufficiently with issues around integration of NRM with other processes and between Regions, and communication at the municipal level. They may benefit from minor editorial amendment.

In relation to the Regions' argument for more succinct principles with a clearer business focus, it is considered that there remains much value in (and support for) the broader set now in existence, and that radical change is not justified. However, there is room to review the principles to ensure they better capture the issues and tone that the Regions find useful in the Victorian principles.

There was consistent feedback that the current Framework does not take account of the critical issue of climate change. There were also links to a number of other submissions that gave emphasis to building resilience and community capacity to respond effectively in a dynamic environment.

This Review's conclusion, however, in light of subsequent discussions with governments and non-government stakeholders, is that climate change is most appropriately addressed under the NRM priorities rather than principles. It was evident however, that it would be of value to include a principle that recognises the potential for accelerated change, a rapidly expanding knowledge base and the need to have a capacity for responsiveness.

The consensus position is for retention of principles, although with some amendment and one addition. The NRM Council should be requested to advise on this matter.

4.4 *Recommendation*

Recommendation 5:

That, while noting the broad support for the current set of NRM principles, the Minister request the NRM Council to advise on amendments as suggested in the course of the Review, including the drafting of a new principle on the importance of adaptability, flexibility and resilience in NRM.

5.

The Natural Resource Management Priorities

5.1 *Overview of issue*

The priorities referred to in the NRM Framework and the Act are Statewide priorities. Following advice from the Tasmanian NRM Council in 2003, the Minister determined that the priorities published in the 2002 Framework document would be the priorities for NRM under the Act, and this remains the case. The mechanism under the Act for determining priorities (section 18) specifies only that the Minister is to seek advice from the NRM Council.

The Review did not consider regional and local priorities as these are not articulated in the Framework.

The eight priorities are:

- » capacity building;
- » education / communication;
- » research;
- » water management;
- » vegetation management (forest and non-forest);
- » soil management;
- » management of weeds, pests and diseases; and
- » management of the coastal / marine environment.

5.2 *Summary analysis of submissions*

Perhaps the greatest divergence of opinion revealed by the Review is over the future of NRM priorities, driven particularly by uncertainty about their value in terms of providing direction to regional NRM planning and investment. There was no clear consensus on the role and purpose of the priorities, or on whether some ought to be identified as more significant than others.

Nonetheless, of the 21 submissions (57%) that addressed this issue, all supported the existence and value of priorities as an element of the Framework. Submissions came from all types of NRM interest, including local government, industry peak bodies and the combined regions. The majority favoured a broad, non-prescriptive and unranked set of priorities.

Most respondents interested in this topic believed it appropriate to maintain broad, overarching priorities. In line with this position several respondents recommended that existing priorities be reframed to include assets that they felt were inadequately reflected in the existing eight priority areas: for example, 'bio-diversity and habitat management' in preference to 'vegetation management', to provide for fauna protection and management.

There was an alternative, minority view that the existing eight NRM priorities are too general to be very helpful in guiding investment priority-setting and decisions, and that they ought to be more consistent with national and regional priorities.

The Regions were fairly critical of the priorities, though acknowledging they had been helpful in their initial planning work. They felt that their own regional priority-setting processes now provided the most useful guidance to them in their planning and investment activities. They felt that "lists of issues no longer fit" the asset-based approach to NRM that they operate with.

One very common and strongly argued view, from a broad range of stakeholders, was that climate change be formally recognised as a priority in any new listing. Other suggestions for specific new priorities included the maintenance of prior investments, and (from the Tasmanian Farmers and Graziers Association) the addition of fauna management.

5.3 *Discussion and Conclusions*

The issue of priorities in NRM has been discussed at some length since the consultation closed, both at the Review Forum on 16 November and within Government.

A key message from the Forum was that an arrangement whereby priorities might be reviewed as infrequently as every five years, as has happened with the first set of priorities, was not particularly useful. Forum participants felt it was time not only to reassess the current priorities, but also to consider whether future priorities should be expressed in a more directive manner, such as a regular "statement of NRM priorities" that could be adopted under the NRM Act. It was agreed at the Forum that consideration of how to identify and express NRM priorities was a matter in which the NRM Council should play a leading role.

The issue is inherently complex. There is a range of levels at which NRM priorities legitimately exist and may be applied, including:

- » national, eg. the Australian Government and all State and Territory Governments agreed in November 2006, at the Natural Resource Management Ministerial Council, on a set of priorities to guide future NRM programs (ie. NHT3), and there are also purely Australian Government priorities;
- » at the State level, where there are a number of priority setting mechanisms, including at whole-of-government level (such as election commitments and budgetary priorities), State of the Environment Reporting, and through the work of relevant agencies;
- » regional, where regional NRM committees have the main role but regional local government organisations are also important players; and
- » subregional or local, through subregional NRM groups, local government, or indeed landcare and other community-based groups.

Therefore formal statewide NRM priorities need to fit into this range, and serve a distinctive purpose. They should neither simply duplicate priorities set at other levels, nor contradict them in a way that causes confusion.

The conclusion of the Review is that it is important to maintain the Statewide NRM priorities, but that their focus and nature should be altered to some extent. There are two key elements to this conclusion. The priorities should be:

- » clearly anchored in the higher-level statements of State priorities, such as those in *Tasmania Together*, which provide the context for other priorities; and
- » clearly directed towards assisting the regional NRM committees in their work, by giving a more focussed indication of the expectations the community and Government have of them.

This is still a complex task and it is not possible to reach conclusions that could be immediately translated into recommendations for specific amendments. But it is clear that there is a need for priority-setting arrangements that are more agile, and will provide the most useful guidance for the purposes of both planning and assessment of NRM activities.

In terms of timing and process, it is recommended that the Council assist the Government in developing priorities that will be helpful in the task of updating the Regional Strategies (presently accredited until mid-2010) and investment planning. This means that the process should be complete by early 2009. The first step, however, is to settle the appropriate mechanism to do this.

When considering the mechanisms and the timing for the periodic review of priorities, a balance will need to be struck between adaptability and the constraints associated with long lead times and contractual commitments.

Under section 18 of the Act the Minister is to determine the priorities for the State, after seeking the Council's advice, and notify the Council and Regions once determined. This Review considers that this provides adequate flexibility around the frequency and mechanisms by which this is done, and therefore sees no necessity to amend the Act with regard to priority setting.

5.4 Recommendation

Recommendation 6:

That the Minister seek the advice of the NRM Council on priority-setting arrangements that are more agile, and will provide guidance for both planning and assessing NRM activities at a regional level. This advice is to be provided within six months of the acceptance of the Review by the Minister.

6.

Accreditation Criteria, Standards and Targets

6.1 Overview of issue

The accreditation criteria are referred to in section 14 and section 15 of the NRM Act and the standards and targets in the NRM Framework. They apply to the regional strategies prepared by Regional Committees, and the process by which they are accredited.

Their purpose is to ensure consistent standards for each of the three regional strategies and, through the national accreditation criteria referred to in the Act, between all the plans and strategies being produced across the national network of NRM regional bodies. The system provides a basis for comparing what happens in different regions, and the potential to aggregate the information they produce. The Framework states:

Regional Strategies will be accredited by the Government, on the advice of the Tasmanian Natural Resource Management Council, in accordance with criteria. The Regional Strategies will include appropriate standards and targets. Accreditation criteria, standards and targets must be consistent with those developed nationally.³

The accreditation criteria for Tasmania currently comprise the national criteria with the addition of five specifically Tasmanian criteria⁴.

The national framework for standards and targets has been difficult to finalise, and is unlikely to be resolved before June 2008.

6.2 Summary analysis of submissions

Only a third of submissions (12 or 32%) addressed this topic. Of these, most supported the current arrangements. This was qualified by the Regions seeking some simplifications in the accreditation process, and more widespread comments on the still evolving methodologies for standards and targets.

The relatively few respondents to this topic were clustered in local government (four councils and LGAT), NRM regional or sub-regional bodies (Tamar, Mersey and the combined Regions), and peak stakeholder groups (TFGA and Minerals Council). The Minister for Planning and a representative of a current service provider (the Tasmanian Institute of Agricultural Research), also made comments relevant to this topic.

All local government respondents supported the inclusion of State accreditation criteria and considered the current criteria appropriate. One council questioned the need to have the criteria legislated rather than incorporated in a policy document, and this is also the position of the Regions.

³ Tasmanian Natural Resource Management Framework 2002, pages 25–6.

⁴ For the State-specific criteria, see Appendix 5.

The Minister for Planning particularly endorsed criterion 2: the regional strategies will “further the objectives of the Resource Management and Planning System”. Other respondents also endorsed the desirability of using the accreditation criteria to improve linkages with existing frameworks, including the Resource Management and Planning System (RMPS).

There is in-principle support for agreed standards and targets, recognising that significant work remains to be done to finalise national standards and targets.

6.3 *Discussion and Conclusions*

The details of the accreditation criteria are not contained in the legislation, which provides only a process. Section 14 of the Act requires that NRM Regions submit strategies to the Council, which then provides advice to the Minister on whether it considers the strategies to comply with the accreditation criteria. The Minister has power to accredit. Section 15 provides that the Council advises the Minister on the accreditation criteria, and in doing so “is to take account of national accreditation criteria”. Standards and targets are not mentioned in the Act.

Among those with opinions on the issue, which includes some key interests in NRM, there is consensus on the value of having accreditation criteria.

The Regions, however, urge that the process of accreditation be reconsidered ahead of the review of the Regional Strategies (2009-10). Their key suggestion is that the Act need only provide (presumably at section 13(2)(b)) “that regional strategies will comply with agreed national and state accreditation criteria”. The effect would be to delete references to the accreditation criteria in section 14, and to delete section 15 entirely.

It will in any event be necessary for the accreditation criteria to be reconsidered in sufficient time to guide the Regions in preparation of their revised strategies. The question is whether this should be under the current legislated process.

On balance, this Review concludes it has not been established that the current statutory process is in practice particularly onerous or inflexible. As noted, the Act does not include the accreditation criteria but only provides a process for determining them. As there are significant advantages in having a means to give statutory force to the State’s specific concerns through inclusion in accreditation criteria, no change is recommended.

The Regions “agree with the principle of nationally agreed standards and targets [which provide] a consistent and comparable approach to NRM across the country”. This is the general view. However, like the Regions, most respondents are also unsure whether the system (incomplete and imperfect as it still is) has in fact added a great deal of value. The intent to work with such a system, and to work towards improving it, nonetheless remains well supported. Therefore, there appears to be no need to recommend change in this regard.

6.4 Recommendations

Recommendation 7:

That the current legislated process for establishing and applying accreditation criteria that incorporate both State and relevant national concerns be retained, and that the State continue to work with other jurisdictions on the development of national standards and a robust framework for setting targets.

Recommendation 8:

That the Minister request the NRM Council to advise him by 31 March 2009 on the accreditation criteria to be applied to the Regional Strategy revisions in 2009-10.

7.

Regional Strategies

7.1 Overview of issue

The first regional strategies under the NRM Framework were accredited in mid-2005. Now in implementation, they are halfway through their five-year life cycle. With the experience of preparing strategies behind them, the NRM community and other interested parties were asked, through the Review process, to provide feedback on whether the implemented strategies are an effective means of achieving good outcomes that are consistent with the State and the Regional priorities.

The regional strategies have inherent value in having been based on very substantial research and the collation of masses of data on regional natural resources. This was coupled with an unprecedented level of consultation to set regional priorities and identify goals and targets that could be applied to the key “assets” in the regions, such as soils, water and biodiversity. They represented a significant achievement, even recognising that shortcomings might be evident in the implementation.

By June 2008 the Regions will have managed projects under NHT2 and NAP worth about \$35 million in Australian and State Government investment, through two investment rounds in which the accredited strategies were the basis for investment proposals. However, the effectiveness of regional strategies can only be assessed indirectly as there is no direct line between a strategy and the outcomes of actions taken to implement it.

The Discussion Paper, whilst recognising that it may still be too early to provide meaningful feedback, suggested possible methods for gauging effectiveness. These were:

- » how well the Strategies lent themselves to implementation through practical projects;
- » how well they informed the actions of, or exerted indirect influence on other natural resource management systems or on State and local government bodies;
- » whether the strategies are logically structured and clearly written;
- » whether it is easy to identify priorities for action from the strategies;
- » whether the regional investment proposals have selected the most effective actions to address the issues identified as being important to the region or to the State; and
- » the ease with which Regions could put together and implement a set of investments to address the priorities in their regional NRM strategy.

Section 16 of the Act requires that Regional Committees review their strategies at least once every five years, or sooner if required by the Minister. Any reconsideration of the provisions under the Act and Framework relating to regional strategies would need to be completed well ahead of first revisions of the strategies, which are due to be provided to the Minister no later than mid-2010.

7.2 Summary analysis of submissions

Half of all submissions (19 or 51%) commented on this topic, including all those from industry peak groups, regional and sub-regional NRM bodies, and most local government submissions. Of these submissions, two-thirds felt the effects of strategies have been positive to a greater or lesser degree. The remaining third expressed doubts as to whether they had yet shown benefits. A minority pointed to the absence of clear assessment criteria for underpinning any worthwhile response.

As noted in the Discussion Paper, the effects of regional strategies can be traced either in direct investments through the regional investment proposals (RIPs), or through their influence on other decision-makers. Most comment focussed on the effects of the RIPs.

The Regions argued that “demonstrable resource condition change takes time and that there are many influences on resource condition other than the regional committees and the investment within our control”. A few respondents felt it was still too early to judge effects, but most considered it was possible. Comments included: “It is not too early to expect tangible outcomes from regional NRM strategies and there have been many”; and they “have been successful in establishing regional NRM priorities and directing national funding to priority areas”.

There was comment in some submissions on the balance of on-ground and other works, with general agreement that much early work had a focus on data and information, and capacity building. One felt the balance was still too far that way. The more common view was that it was shifting, for example “there is a natural trend from capacity building to on-ground works”; “there has been a greater concentration on on-ground works and improving the condition of the assets”.

Another issue raised by some respondents (mainly from local government, including LGAT) was inconsistency in the way that NRM strategies are integrated into the work of local government, in particular, but also the work of other decision-makers within NRM.

Two respondents addressed the question of data access and storage, “This is critical to ensure that limited public funds (as well as private investment) are best used to achieve NRM objectives” (Tamar NRM); “NRM strategies play an important role in facilitating information sharing to ensure that resource management decisions are based on accurate and up-to-date data” (Environmental Defenders Office). The importance of monitoring and evaluation in this context was also noted.

Finally, there was some comment on the level of engagement in implementing the strategies. A small number of submissions indicated that, from the point of view of smaller statewide or sub-regional organisations, implementation was not ideal. One queried the “purchaser/provider model”, saying it “divided [Regions] from the community and lowered their profile”. But the Regions themselves commented that the “creation of partnerships and improvement of communication and collaboration” was a key benefit of the regional strategy process.

7.3 Discussion and Conclusions

It appears that it may be still too early to draw firm conclusions on the effectiveness of the regional strategies. It is also difficult to separate out the relevant issues, due to the interrelationship of this topic with others considered by the Review.

However, the absence of criteria for making this judgment is clearly also important. This theme was discussed within Government and taken up strongly in the Review Forum, where it was agreed that if the Framework was to foster ongoing improvement in the effectiveness of strategies, such criteria needed to be established. Participants advocated periodic evaluation of the effectiveness of strategies as a tool for continuous improvement and therefore supported development of evaluation criteria.

Irrespective of their affiliations, there was a shared view amongst those with an interest in this topic that the means for measuring effectiveness need to be developed well in advance of any future review. This is another area where the NRM Council is the natural candidate to undertake the task.

Forum participants also felt that the collection and ownership of NRM data and information was an important issue, as consistency in this area is a key to the useability and accessibility of regional documents. This links to the critical issue of how to encourage decision makers and other NRM stakeholders to refer – as a matter of course – to NRM documentation (including regional priorities and targets), and to the NRM Regions, in their work.

A Statewide project to establish a Data Library is currently under way through the Department of Primary Industries and Water and is being funded through NHT2. Regions have indicated that they are increasingly aware of the necessity of sharing data and information in general and are working towards improved communication and cooperation amongst themselves.

In summary, there is a degree of ambivalence at this time about the success of regional strategies. But this may be attributed in part to the subjectivity of the assessments and the absence of a common set of criteria for measuring effectiveness.

Given the agreed importance of retaining the non-regulatory nature of the Framework, the key to greater effectiveness is likely to lie in closer working relationships between the Regions and NRM decision makers and stakeholders, and ensuring that strategies (and investment proposals) are relevant, accessible and user-friendly.

7.4 Recommendation

Recommendation 9:

That the Minister request the NRM Council to advise him by 31 March 2009 on the development of criteria suitable for evaluating the effectiveness of regional strategies.

8.

Linking Regional Strategies to Planning Instruments

8.1 Overview of issue

The regional strategies coexist with various sorts of statutory plans and planning instruments produced under the State's planning system and local government legislation. These include not only the strategic plans and planning schemes created and administered by local government, but also management plans and other instruments under various specialised planning systems covering marine farming, forestry and reserves.

There are no formal links between NRM strategies and the statutory planning instruments. The question of whether there should be was the topic of vigorous debate when the NRM Framework was being developed in 2001. That discussion was a key part of the broader debate (already referred to in Chapter 3 above) about whether the new NRM arrangements should create something like a "new level of government", and have any regulatory functions. The Introduction of the Framework document (page 10) clearly summarised the outcome of this debate:

The Framework should not create a new level of Government. Governing responsibilities and powers remain with the State Government and local government. Similarly, the Framework does not create a new regulatory system. There will be no new enforcement powers affecting private citizens and businesses.

Therefore, as the Discussion Paper pointed out, rather than linking the new arrangements to planning instruments, the linkage has been to the bodies that administer them. Thus local government and the other key planning authorities have, from the beginning, been vital participants in the work of the Regional NRM Committees.

8.2 Summary Analysis of Submissions

The Discussion Paper raised a number of specific questions about how the relationship between NRM and statutory planning had worked, and how it might be improved. This matter was addressed by more submissions than any other (25 or 68%), often at some length. Respondents on the topic included all peak bodies and industry groups and all local government-associated bodies that made submissions.

Twenty percent of the submissions that addressed this matter argued for a change towards a formal linkage between regional NRM strategies and statutory planning arrangements. One submission laid out a full proposal to amend planning legislation in order to require planning schemes to be consistent with regional targets and priorities, and noted that "Regional planning provides an ideal opportunity to implement the NRM strategies".

The great majority of submissions, including those from local government and all the other key stakeholder groups, opposed such formal linkages. However, there was a spectrum of views that ranged from simple support of the current system, to support qualified with detailed suggestions for how to make the informal linkages more effective.

One key point, as many submissions noted, was that the regional strategies were not suitable in their current form to play a mandated role in statutory planning, and were unlikely ever to be suitable for such a role. It was also noted that the regional committees did not have the relevant skills to assume a formal planning role.

The main theme of suggestions was to build on and improve linkages that already exist, in order to ensure the regional strategies do indeed inform the formal planning system. The Regions strongly favoured a non-statutory role. They nonetheless stressed the importance of “establishing a link between the regional NRM strategies and statutory land use planning ... This is a big issue and a big need in all states and territories ... The regional NRM strategies should be seen as a useful tool for providing advice to local government on NRM priorities.”

The LGAT supported “integration through promoting an ongoing dialogue in relation to regional land-use planning and developing information and resources that ... can inform established planning processes.”

The Minister for Planning highlighted the current development of regional land use strategies (RLUSs). He argued that these “will provide an appropriate mechanism to link the NRM strategies to planning schemes without the formal need to legislate. NRM strategies would be an essential consideration” in the drafting of RLUSs. He noted that the *Land Use Planning and Approvals Act 1993* “already requires planning schemes to have regard to regional issues”. This point was also made by a number of other submissions, including the Regions. Another opportunity was identified in the current development of standard planning scheme schedules which will be issued for comment.

In addition, some local government submissions specifically noted the value of council-level NRM strategies, and their role in bringing regional NRM issues into the sphere of formal planning considerations. Several councils are developing their own land use strategies to support new planning schemes.

Finally, the Regions considered that “the non-regulatory approach ... has been an important factor in increasing the level of support for regional NRM among key stakeholders, particularly the farming community”. This view was supported by other submissions, including that of the Tasmanian Farmers and Graziers Association.

8.3 Discussion and Conclusions

As well as the interest shown in the submissions, this topic was also extensively discussed at the Review Forum.

The Review process has shown that the great majority of stakeholders are opposed to having a mandatory linkage between NRM and the statutory planning systems. This Review concludes, on consideration of the substantial feedback and discussion about this issue, that practical experience of the current arrangements has essentially confirmed the arguments in the 2002 NRM Framework.

In practical terms, it is accepted that the current NRM documents do not have the characteristics they would need if they had a mandatory role in planning systems, and it is unlikely they ever would. Nor is it likely that planning skills will ever be a priority among the membership and staff of the regional NRM committees. Finally, the regional NRM committees do not have, or claim, a legitimacy or standing comparable with that possessed by the various statutory planning authorities, especially the democratically elected level of government represented by local councils.

However, the arguments in favour of strengthening informal linkages are equally strong, and similarly well supported. It is clearly important to keep improving the informal linkages, to ensure that NRM considerations are appropriately recognised and incorporated into the implementation of statutory planning regimes.

The current development of regional land use strategies offers a strategic opportunity in this regard, as do the development of standard planning schedules and various planning reviews at a council level. It is important that the relevant parties take the opportunities offered.

8.4 Recommendations

Recommendation 10:

That the relationship between regional NRM strategies and regional investment proposals, on the one hand, and the various statutory planning systems in the State, on the other, remain informal and without any statutory mandate, as outlined in the 2002 NRM Framework document.

Recommendation 11:

That State Government Agencies, local government, regional planners preparing regional land use strategies and other regulators are to take into consideration the information on natural resources and regional priorities (including targets) contained in the regional NRM strategies and regional investment proposals, so that this information can inform their work; they are also to develop and / or maintain strong working relationships with the regional NRM committees, as appropriate.

9.

The Natural Resource Management Council

9.1 Overview of issue

As the Discussion Paper noted, the central fact about the Council is that it is an advisory body. Its main list of functions, in section 7(1) of the Act is introduced by the words: “The functions of the Council are to advise the Minister on the following ...”⁵. On that basis, it was established to comprise individuals “with experience, skills and knowledge in natural resource management”. And although intended to “provide a balance of natural resource management interests in the State”, the only mandatory members are the Secretary of DPIW and nominees of each Regional NRM Committee (section 6 of the Act).

The Council has fulfilled its functions by submitting the Minutes of its meetings to the Minister, and on important issues it has provided separate formal advice. Matters on which written advice has been provided have included topics considered in this Review: confirmation of the NRM Principles; establishment of the State accreditation criteria; and the State NRM priorities. But the most onerous task of the Council has been in relation to the accreditation of the regional strategies, and the approval of investments to implement them. The Council provided considerable feedback to the Regional Committees on their draft strategies, after detailed assessments, before advising the Minister to accredit them. The Council also examined the complex regional investment proposals put forward over the past few years, and has advised the Minister on each.

The workload of the Council has changed over time. It met more frequently in its first 18 months or so, when it played an active role in helping to keep the regions moving in a consistent direction while they developed their regional strategies and established their own internal working arrangements. With the regions now well established, its business has been less and its functions somewhat different.

9.2 Summary Analysis of Submissions

The Council has had a deliberately low public profile, and this topic attracted comment in under half of the submissions (15 or 41%). This number included, however, most peak bodies, the regional and subregional NRM bodies, and four local government councils.

Of the respondents, all agreed that there should be some sort of Statewide NRM body. But there was a range of views on how such a body should operate, with some suggestions that it should have different functions or roles, and some submissions arguing that it was not currently playing a very useful part in the NRM Framework.

5 The statutory functions are listed at Appendix 6.

Those who favoured current arrangements felt the Council was doing what it was set up to do, and there was no need to change: "Quite apart from advice to the Minister, it provides another forum for people with a high-level interest in NRM to discuss matters of interest. It is working much as it was envisaged [in 2001]".

The regional NRM committees expressed a wish to see some changes in the way the Council operated, and called for giving the Regions a role in advising the Minister on significant issues, including the Priorities and funding priorities. They felt the Council should not have any role in "passing judgment or on assessment of the regions". Matters of Statewide consistency would be better addressed "via the regions' collaborative approach".

Some submissions argued that the Council had played virtually no role so far in communicating on NRM with "the community or stakeholder groups", or with local government, especially smaller councils.

There was little direct comment on, or apparent interest in, the issue of Council membership. There was only one submission directly suggesting an independent Chair.

9.3 *Discussion and Conclusions*

The low public profile of the Council tends to mean it is well understood only by those quite closely involved in NRM processes. But the need for some such body seems clear, and is supported by most interested stakeholders.

On the other hand, a good case has been made for a clarification of the Council's role and functions, now that the initial establishment phase of the NRM Framework is over (and acknowledging the useful part the Council played in that period).

The Regions have some concern that the Council meets quite infrequently, may understandably have an imperfect grasp of the detail of their daily NRM work, and thus may provide advice without fully understanding its impact on the Regions themselves. The key counterbalance to this concern should be the presence on Council of the three regional representatives. However, it would be worthwhile to consider means to improve Council's understanding of what Regions are doing, and how they operate. Options include an annual briefing for Council on each Region's position and their collective concerns, and Council and Regions keeping each other's business as a standing item on their agendas.

This Review considers that the criticisms related to the low public profile and lack of public advocacy on the part of the Council are based on something of a misunderstanding of the Council's core role – which is, and should remain, to advise the Minister on strategic policy issues. This also means that its workload will legitimately vary, according to the importance of issues that arise at any time. However, this sort of comment suggests that the Council's role should be better understood, and that opportunities for explaining its functions and actions (such as through the "nrm-tas.org" website) could be more fully exploited.

Insofar as Council has any advocacy function, it should be to the Minister on the one hand, and back to the stakeholders that members work with and may in some sense represent. It is the regional NRM committees that have the ongoing and on-ground presence that makes them effective advocates and shopfronts for NRM, and this is appropriate.

No substantial case has been made for changing the current arrangement of appointment by the Minister, with few constraints on his choice and an outcome that is an implied mix of expert and stakeholder representation.

The call for an independent Chair is noted, as is the fact that the Act already allows for that. The current (and inaugural) Chair was appointed with the explicit undertaking by the Government that he was appointed on the basis of his personal skills and commitment, and that this was not an indication that future Chairs would necessarily also be the secretary of the administering Department.

There was also little direct comment on whether the Council should remain a statutory body. Again, this Review concludes there is no strong case for abandoning that position. The process requirements are not onerous, and the statutory status of the Council reinforces its standing as a representative voice of Tasmanian NRM stakeholders, including with the Australian Government.

One point that emerged most clearly in the Forum, and is accepted by this Review, is that the Council may not be well set up to respond to major policy issues that can arise in the work of the Joint Steering Committee⁶. Most of the Joint Steering Committee's work has an operational focus, but sometimes it makes decisions that have wider policy implications. It is acknowledged that Council ought to be in a position to consider such issues and, if necessary or appropriate, to provide advice on them to the Minister.

9.4 Recommendations

Recommendation 12:

That the Minister direct the Council to develop processes to ensure that the regional NRM committees are able to keep Council informed of their progress and of any policy-related concerns they may have, in order to help Council provide advice that is fully informed and relevant.

Recommendation 13:

That the Minister direct the Council to develop processes to ensure that Council has the opportunity to consider the policy implications of issues coming before the Joint Steering Committee and, as appropriate, to advise the Minister on such issues. These processes should be in place by June 2008.

⁶ The Joint Steering Committee is established under the Bilateral Agreement between the Australian Government and the State and is made up of Australian Government and Tasmanian Government representatives. Regional Chairs and officers from relevant agencies may participate as non-decision-making members. The JSC is the main vehicle for setting strategic directions for NHT investment, decision-making and for development of recommendations to the Ministerial Board and the State Minister responsible for NRM.

10.

The NRM Regions

10.1 Overview of issue

In practical and organisational terms, the Regional Committees have been the most important innovation under the NRM Framework. Three of them have developed into active institutions with significant public profiles and good networks in their regions. They have strong committees, a core of 6 – 10 staff each, and main responsibility for the delivery of projects under the NHT2 and the NAP that will have totalled about \$45 million over the five years to June 2008 (including about \$10 million committed before or separately from the two main investment proposal rounds).

Underpinning the arrangement has been the decision to have three regions, rather than operating only at a Statewide level, or having more numerous, smaller regions. The reasoning behind that decision was expressed in the document (page 23):

“In developing the Framework, a wide range of options for regions were canvassed, based on physical, ecological, social and administrative units. The following considerations were particularly relevant in the final decision that three regions should be established.

- » *Natural resource management is fundamentally about people. What really determines the success of natural resource management is how effectively it mobilises the community, and is able to encourage consistently beneficial behaviour in terms of ecological sustainability, as well as providing economic and social benefits.*
- » *It is generally best to work with familiar and established units, since people are most likely to identify with them, and thus to feel part of the process for identifying problems and implementing solutions.*
- » *In Tasmania, the arguments for a small number of regions are persuasive, and appear to be generally agreed. The State is not large enough in population, resources or area to operate more than a very few regions.*
- » *The most familiar regional arrangement in Tasmania is that of the three regions traditionally associated with the telephone areas and the circulation of the State’s daily newspapers. The traditional regions also have physical characteristics and landscapes which people relate to. These regions are now being given new institutional life through the development of the three regional local government associations. The local government arrangements provide an appropriate basis for the regions under the Framework.”*

The only serious alternative to the current arrangement would be a Statewide NRM system. It was clearly necessary that the Review revisit this issue, when looking at the regional NRM committees themselves.

The Review also looked at the functions and membership of the committees.

The core activity of the regions has revolved around the development and implementation of their regional strategies. This is what the Framework and the Act envisaged, so that the bulk of the functions outlined in the Act relate to those broad tasks (see sections 10 and 12–16). The Discussion Paper looked in some detail at how the various specified functions have been reflected in the work done by the Regional Committees over the past few years.

The Discussion Paper also noted that the rationale for prescribing the interests to be represented on the committees grew from the perceived necessity to ensure that they had a strong base of support and extensive networks in their regions. Although the Regional Committees lack regulatory powers, their links with their regions should mean that their actions will inform and be informed by the actions of other decision makers, in both the public and private sectors.

10.2 Summary Analysis of Submissions

(a) The three Regions: This topic was addressed by 20 submissions (54%), and the decision to establish three regional committees was supported by a great majority (16) of them, representing a broad range of stakeholders and including the key peak bodies. The three-region model is such a fundamental feature of the Framework that it also seems fair to say that the nature of the response clearly indicates the lack of opposition to that model among those with an interest in NRM. The Discussion Paper deliberately sought comment on the issue, and it could reasonably be expected that any respondent opposed to the model would have taken the opportunity to express that opposition.

The minority view opposed to the regions put a case that revolved around the important argument that regionalisation is inherently inefficient in practice, for example: “regions by tending to become competitive reinforce the regional parochialism in Tasmania. This parochialism is a barrier to effective cross regional delivery of services. Supporting three regional committees is costly”; and “Tasmania could be efficiently served by a single NRM region”.

A qualified view was that although the original rationale was still valid, it was worth reviewing the regional NRM committees for cost effectiveness and outcomes. A proposal reflecting this sort of approach was to retain three regional committees, but to support them with a central administrative system.

However, the majority of respondents on this topic were solidly in favour of the current regionalisation, and felt the arguments expressed in 2002 were still valid: “The reasons and logic ... hold true now as they did when the decision was made” as one submission put it. Another summary was: “[The regions] make sense, they are easily identifiable and they are a workable size. Any bigger would be unwieldy, any smaller would tend to be parochial.”

(b) The functions and membership of the Regions: Just under half the submissions (18, 49%) commented on this topic. There was a reasonable spread of views on how well the Regions had operated in practice, and not surprisingly those who expressed doubts about regionalisation as such tended to be critical. But there was also a good deal of comment that complimented the Regions for their work to date, and for having achieved a good deal under considerable pressure and in a short time.

The criticisms of the operation of the Regions were of a tendency to be competitive, for example: “to some extent competing against each other for ‘points’ rather than working together”; “a history of competitive culture between the Regions”; and a lack of coordination and standard practices. One submission that favoured the current system in general nonetheless commented: “regional NRM structures have over time become more hierarchical, competitive and centralised in nature”.

The most significant comments on the legislative underpinning of regional activities and arrangements came from the Regions themselves. They suggested, first, that the functions (section 10(1) of the Act) should be simplified, with the current list of nine functions being reduced to five. This would involve combining several currently discrete functions into one, such as: “develop, implement and review regional NRM strategies”. Other suggestions related to the wording of the function on integration of NRM planning, and a broader reference to “capacity building” rather than “education and training”.

The Regions’ second suggestion was to simplify the membership provisions in section 9(3) of the Act. These provisions have two characteristics that were criticised by the Regions: the specification of only “skills and knowledge in natural resource management” as the qualification for membership; and the specification of certain interests as being required among the membership. The Regions’ position was supported by several other submissions.

10.3 Discussion and Conclusions

(a) The three Regions: As noted, the issues around creating three regions were considered extensively in 2001, and although the outcome appears to have clear majority support, some observers are not convinced by experience of the regions in operation.

The questions raised by the minority, largely around inefficiency and unproductive competitiveness, are serious issues and have deserved serious consideration. On balance, however, this Review considers that the arguments for the current arrangements are stronger. The criticism that regionalisation encourages parochialism and competition is the inevitable downside of the argument based on making use of community identification. The arguments for centralised administrative efficiency are balanced by the disadvantages of undermining the relationship between regional bodies and their stakeholders or service providers. This Review also accepts that the regions are working towards greater consistency of process, and more effective cooperation where appropriate.

There is no simple answer in such matters, but this Review does not consider there is a compelling case for causing major disruption now, rather than giving the Regions (and Governments) a fair chance to improve their processes where incremental change is warranted.

On the key issues of regional identification that were the core of the decisions made in 2002, this Review therefore concludes that the arguments made then remain valid. The Regions have the right now to expect a period of relative stability, in which to further establish their positions in their regional communities.

(b) The functions and membership of the Regions: Some of the comment in the submissions focussed on performance generally, and a number of themes already discussed under (a) were canvassed again, including perceptions of inter-regional competitiveness and (often related) inefficiency.

However, on the whole these do not appear to be major problems. It is evident that the Regions themselves are aware of these risks, and there is an important case for seeing some measure of competition as being healthy and a spur to better practice. Critically, there are also checks and balances on regional performance, particularly through the Joint Steering Committee and its supporting officers in both Governments, and to a lesser extent the NRM Council.

On the face of it, the Regions' suggestions for simplified functions under the Act are reasonable. It is known, however, that at least some of the apparent complexities in the current list arose from technical drafting requirements, and therefore it is likely that some of the simplifications may not be possible to insert as proposed. This will need to be followed through with the Office of Parliamentary Counsel, if amendment is supported by the Government.

The matter of membership criteria, raised by the Regions and others, was extensively canvassed in the Review Forum, and this Review considers that the case has been made for amendment of section 9(3) of the Act. The Regions have proposed an alternative model, based on words from the relevant Northern Territory criteria, and this appears to be an acceptable in-principle basis for amendment: "Membership of the [regional body] is based on the skills and knowledge required to support best practice governance, business, legal and contractual issues as well as the achievement of NRM and conservation outcomes." However, as in the case of the functions, the actual amendment may well not be precisely as proposed here, and would be subject to the advice of the Office of Parliamentary Counsel.

A very important consideration in this conclusion is that specification of detailed membership criteria in the Act itself would appear to be unnecessary, as well as inherently inflexible. This Review considers that there are, and will remain, other adequate safeguards for the representativeness of the Regional Committees. These operate through DPIW's role in the appointment process, as member of the three separate appointment panels and on the regional committees themselves; and, especially, through the Minister's oversight role in relation to membership changes.

The Minister's role is formalised in the "terms and conditions" of the Minister's declaration of the regional committees. Section 9(2) of the Act provides: "The Minister, by order *and subject to any terms and conditions the Minister determines*, may declare any of the following to be a regional committee ..." [emphasis added]. In accord with that provision, the Minister issued brief terms and conditions in 2003. These terms and conditions are relatively simple to amend (they were amended in 2006), and are well suited to be the appropriate mechanism for ensuring that regional committees are never permitted to become unrepresentative or skewed. This Review considers it preferable to make use of them for detail, including on membership, and to leave the legislation to operate more at the level of principles.

10.4 Recommendations

Recommendation 14:

That section 9(3) of the Act be amended to be less prescriptive in terms of interests to be represented on the regional NRM committees, and to provide for the full range of skills appropriate to the tasks facing the committees. Drafting should incorporate, as appropriate, the criteria applying to membership of the Northern Territory regional body.

Recommendation 15:

That, if such amendments are made, the Minister revise the current terms and conditions governing the declaration of the regional NRM committees under section 9(2)) so that they are clearly established as the normal means of providing more detailed direction to the regional committees on governance issues, including committee membership.

Recommendation 16:

That section 10(1) of the Act be simplified (where possible within the constraints of good legislative drafting practice) as suggested by the combined regions, to better reflect the current and expected functions of the regional NRM committees.



Other issues considered

The Review is recommending some changes to the operation of the NRM Framework, and some amendments to the Act. It is appropriate to take the opportunity to consider whether any other changes or amendments might usefully be made at the same time. Two issues have been identified that warrant consideration.

How to evaluate the effectiveness of the Framework in the future

Some submissions drew attention to the fact that there were no clear criteria for assessing whether the Framework had been a success or not, and this point was discussed at some length in the Review Forum.

This does not relate to the evaluation of particular activities or projects. A major effort has been made over the past few years, at national and State / Territory level, to improve the evaluation of NRM investments; this effort is continuing under Phase 3 of the Natural Heritage Trust (NHT3). Though a difficult task, it is clearly a high priority and is being addressed.

The task that has been less well addressed to date relates to the wider aspects of the NRM Framework, and in particular to this question: Assuming the funded activities have been effective, what differences can be attributed specifically to the existence and operation of the Framework – particularly the Council and the three regional NRM committees?

The differences between the effectiveness of NRM activities, and the effectiveness of NRM institutions under the Framework, are not absolute. For instance, it might be argued that NRM activities are inherently more effective as a direct consequence of being planned and managed by the NRM regions, given the presumed advantages the regional model provides in terms of stakeholder engagement. But obviously there are differences, and the Review Forum considered that it was necessary to give serious thought to the evaluation of less tangible aspects of the Framework, related to its wider role of involving stakeholders and the community, and 'raising the bar' across the board in terms of NRM policy and decisions. This would be likely to require different techniques, such as surveys to test levels of community and stakeholder confidence, and so on.

A key point in this argument was that when the next review is undertaken, it would be helpful – as well as fairer – to NRM parties and stakeholders if there were clearer standards or criteria against which their effectiveness could be assessed.

Recommendation 17:

That the Minister request the NRM Council to advise him by 31 March 2009 on how best to evaluate the effectiveness of the NRM Framework in the broad sense, over and above consideration of the effectiveness of funded activities undertaken through the regional NRM committees.

The timing of future reviews of the Act

Section 20 of the Act provides that the Act be reviewed “[n]o later than 5 years after the commencement of this Act and every five years after that”. The current review is timed to meet the first part of this requirement and has been planned for well over a year, with the first major discussion occurring at the NRM Council meeting in December 2006.

As reviews take some time to plan and carry out, there is a risk that the inflexible scheduling of future reviews may turn out to clash with other NRM developments. For instance, 5 years from the current review would mean completion in early 2013, which is scheduled to be the final months of Phase 3 of the Natural Heritage Trust (NHT3). That could be either a very good or a very poor time for a review of this sort, but currently there is no flexibility to choose the best time.

While the Act does not impose a strict obligation (‘is to’ is deliberately less binding than ‘must’), this would appear to be a good opportunity to bring the words of the Act into line with what is expected in practice.

It is therefore proposed that the Minister be given some discretion to time a review in accordance with other relevant factors. The recommendation is that the Minister be asked to review the Act between four and seven years after the completion of each previous review.

Recommendation 18:

That section 20 of the Act be amended to provide more flexibility in the timing of future reviews, by specifying that all reviews after this initial review should occur between four and seven years after completion of the previous review.

APPENDIX I: Terms of Reference

Review of the Natural Resource Management Act 2002 and the Natural Resource Management Framework: Terms of Reference

The *Natural Resource Management Act 2002* ("the Act") specifies at section 20 that the Minister is to review the Act within 5 years of its commencement (i.e. by 1 March 2008). In pursuance of this provision, I authorise the Secretary of the Department of Primary Industries and Water ("the Secretary") to undertake the Review, and provide to me a report with recommendations.

The Secretary is to have regard to section 20 of the Act and page 28 of the NRM Framework document. Specifically, the Secretary is to consider:

- (a) and if appropriate suggest amendments to, the NRM principles determined under section 17 of the Act and published on page 15 of the Framework document; and
- (b) and if appropriate suggest amendments to, the NRM priorities determined under section 18 of the Act and published on pages 16–18 of the Framework document; and
- (c) the effectiveness of the accreditation criteria, approved under section 15 of the Act, and regional standards and targets, in terms of whether they continue to meet the needs of natural resource management in Tasmania, while maintaining consistency with relevant national accreditation criteria, standards and targets; and
- (d) the effectiveness of regional strategies in achieving natural resource management outcomes that are consistent with and promote the State and regional priorities; and
- (e) the effectiveness of the voluntary approach, established under the NRM Framework and the Act, to linking the Regional Strategies to planning instruments; and
- (f) whether the functions of the Council and the regional committees continue to be appropriate for the purpose of the Act.

The Secretary is to consult other State Agencies on the Review, through the Environment and Resource Heads of Agency Group, and to publish a Discussion Paper to encourage public input.

In assessing matters (a) to (e) above, the Secretary is to seek the advice and assistance of the Tasmanian Natural Resource Management Council.

The Secretary is to provide a report on the Review to me by 29 February 2008.

David Llewellyn MHA
MINISTER FOR PRIMARY INDUSTRIES AND WATER

APPENDIX 2: Timeline of the Review Process

Milestone	Date
NRM Council first discusses Review	16 December 2006
DPIW project team begins work on planning Review	February 2007
Terms of reference issued to Secretary DPIW	23 May 2007
NRM Council discusses Review and nominates a Working Group to assist the Review project team	29 June 2007
Minister's media release and question in Parliament on Terms of Reference	5 July 2007
First meeting of NRM Review Working Group	16 July 2007
Preliminary notice of Review mailed to key stakeholders	30 July 2007
Secretary DPIW met with NRM Regions' Executive Officers and Committee Chairs, including on Review	2 August 2007
NRM Interdepartmental Committee input to Review Discussion Paper	13 August 2007
Environment & Resource Heads of Agency input to Review Discussion Paper	17 August 2007
NRM Council Working Group Meeting	27 August 2007
Editorial sent to key stakeholder newsletters and related media (incl.TCCI,TFGA, TFIC,TLCA,FIAT)	3–14 September 2007
Correspondence sent to all local government Mayors and General Managers, Members of Parliament, Heads of Agency, and key identified key stakeholders	10 September 2007
Discussion Paper released by Minister, electronically and in hard copy	14 September 2007
NRM Review notices run in the Mercury, Advocate and Examiner newspapers & Tasmanian Country (14 Sept.07), and on the online Public Notices, PUBLICiNFO	14–15 September 2007
Public Consultation Period (6 weeks)	14 September– 26 October 2007
Presentation to NRM North Association AGM	19 September 2007
Presentation to NRM South Association AGM	27 September 2007
Presentation by Council WG member to LGAT General Managers workshop	26–27 September 2007
Presentation to the Tasmanian Farmers and Graziers Association	15 October 2007
Meeting with Tasmanian State Manager, Timber Communities Australia	29 October 2007
Ministerial press release notifying public meetings and closure of consultation period.	21 October 2007
Regional public meetings: Huonville, Stanley and Ulverstone	23–25 October 2007
NRM Interdepartmental Committee review of consultation outcomes	12 November 2007
Review Forum (for NRM Regions and NRM Council)	16 November 2007
NRM Interdepartmental Committee & NRM Council consideration of draft Review Report	14 December 2007– 19 January 2008
Council Working Group assists consideration of feedback, and final draft prepared	23–31 January 2008
NRM Interdepartmental Committee – final consideration	Late January–February 2008
Environment & Resource Heads of Agency consideration	7–15 February 2008
Finalisation of Report	18–28 February 2008
Submission of final Review Report to Minister for Primary Industries and Water	29 February 2008

APPENDIX 3: Index of Submissions to the Review

Submission Number	Name	Contact		
1	Glenorchy City Council	Mr	Tony	McMullen
2	Australian Greens	Sen.	Bob	Brown
3	Hon. Steve Kons (Minister for Planning)	Hon	Steve	Kons
4	Department of Police and Emergency Management	Mr	Richard	McCreadie
5	Senator Guy Barnett	Sen.	Guy	Barnett
6	Meander Valley Council	Mr	Stuart	Brownlea
7	Circular Head Council (NRM Weeds Officer)	Mr	Tony	Smart
8	Kingborough Council	Mr	Tony	Ferrier
9	Tasmanian Minerals Council	Mr	Terry	Long
10	Ms Kaylene Allan	Ms	Kaylene	Allan
11	Understorey Network Incorporated	Ms	Ruth	Mollison
12	Break O'Day Council	Ms	Kate	Thorn
13	Mersey Natural Resource Management Group Inc.	Mr	Andrew	Ford
14	Mr Neil Meadows (Cambium Land & Water)	Mr	Neil	Meadows
15	Southern Midlands Council	Ms	Maria	Weeding
16	Launceston Environment Centre	Mr	Rob	Palmer
17	Department of Tourism, Arts and the Environment	Mr	Scott	Gadd
18	Tasmanian Farmers & Graziers Association	Ms	Jane	Wardlaw
19	NRM Regions (combined submission)	Ms	Vanessa	Elwell-Gavins
20	The Tasmanian Institute of Agricultural Research	Prof.	Tony	Norton
21	Tamar NRM	Mr	Ian	Sauer
22	NRM South (supplementary)	Dr	Hans	Drielsma
23	Timber Communities Australia	Mr	Barry	Chipman
24	Department of Health and Human Services	Dr	Roscoe	Taylor
25	Dorset Council	Mr	Geoff	Jamieson
26	Clarence City Council	Mr	John	Stevens
27	Local Government Association of Tasmania	Mr	Allan	Garcia
28	Forest Industries Association of Tasmania	Ms	Katy	Hobbs
29	Tasman Council	Mr	Steve	Gray
30	North-West Environment Centre	Mr	Guy	Robertson
31	Tasmanian Landcare Association	Ms	Jodie	Epper
32	Mr Alister Mackinnon	Mr	Alister	Mackinnon
33	Environmental Defenders Office (Tas) Inc	Ms	Jess	Feehely
34	Forests and Forest Industry Council of Tasmania	Mr	Sean	Riley
35	Mr Peter Harrisson (Farm Mapping Services)	Mr	Peter	Harrisson
36	Dairy Tas Board	Mr	Mark	Smith
37	Mr Bill Cotching (TIAR, Cradle Coast NRM Committee)	Mr	Bill	Cotching

APPENDIX 4: The Tasmanian natural resource management principles, under the NRM Act

The principles were developed through the consultation processes of 2001 and were set out in draft form in the NRM Framework of 2002. They were confirmed by the Minister for Primary Industries, Water and the Environment in March 2003, on the advice of the NRM Council.

The Tasmanian NRM principles, for which no priority order was established, are:

Ecosystem Approach – Natural resource management should be based on an understanding of the relationship between natural resources and the ecosystems they support, and upon careful monitoring of change over time.

Balanced Decisions – Natural resource management decisions should take proper account of the range of environmental, social and economic benefits, values and costs in accordance with the objectives of the Tasmanian Resource Management and Planning System.

Integrated Management – The management of natural resources should be integrated within regions and catchments, as well as across industry sectors, government agencies and specific issues.

Priority Based – Natural resource management actions are to be undertaken according to priorities that are based on the best available science and information, and relevant experience, as well as on assessment of the relative cost-effectiveness of various options.

Prevention is Better than Cure – It is often more efficient to prevent damage rather than repair it. Therefore, 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.

Partnerships – to be effective, natural resource management requires the establishment of partnerships between all levels of government and the community, including the Aboriginal community, industry, land holders and individuals, with agreed roles and responsibilities.

We are all Responsible – All Tasmanians receive benefits from the use, development and conservation of natural resources; they share responsibility for managing natural resources sustainably, and for providing economic resources to do so.

APPENDIX 5: The Tasmanian accreditation criteria for regional strategies, under the Act

In early 2003, one of NRM Council's first tasks was to advise the Minister on State accreditation criteria that were consistent with the national ones. The Council advised that the national accreditation criteria should be adopted as a whole, but that five specifically Tasmanian criteria should be added. Two of these referred to the principles and priorities that are treated in chapters 4 and 5 of the Review. The Minister approved the criteria in April 2003.

Additional Criteria for Regional Strategies in Tasmania

Regional strategies prepared in Tasmania will:

1. be prepared and accredited in accordance with the provisions of the Tasmanian *Natural Resource Management Act 2002*;
2. further the objectives of the Resource Management and Planning System;
3. take account of the goals and benchmarks of *Tasmania Together*, as implemented under the *Tasmania Together Progress Board Act 2001*;
4. incorporate and seek to implement the principles of natural resource management, determined by me in accordance with the *Natural Resource Management Act 2002*;
5. take full account of the priorities for natural resource management in the State, determined by me in accordance with the *Natural Resource Management Act 2002*.

APPENDIX 6: The Statutory Functions of the Natural Resource Management Council

The *Natural Resource Management Act 2002* lists the Council's general functions at section 7, and then specifies additional, specific functions in some later sections, outlining its role in providing advice on the accreditation of regional strategies (section 14), the approving of accreditation criteria (section 15), and the determination of NRM principles (section 17) and NRM priorities (section 18). The relevant provisions, in full are as follows:

7. General functions and powers of Council

- (1) The functions of the Council are to advise the Minister on the following:
 - (a) the priorities for natural resource management for the State;
 - (b) the priorities for funding relating to natural resource management;
 - (c) the implementation and administration of national and State programs relating to natural resource management;
 - (d) the accreditation criteria;
 - (e) the effective means of ensuring consistency and coordination in natural resource management throughout the State;
 - (f) the effective means of increasing community capacity to undertake natural resource management;
 - (g) the effectiveness and efficiency of activities carried out under regional strategies;
 - (h) any other matter referred to it by the Minister.
- (2) In performing its functions, the Council is to take account of the natural resource management principles.
- (3) The Council may do anything necessary or convenient to perform any of its functions.

14. Accreditation of regional strategy

- (1) A regional committee is to submit its draft regional strategy to the Council as soon as practicable after it has prepared it.
- (2) The Council is to recommend to the Minister that –
 - (a) a draft regional strategy be accredited if satisfied that it conforms to the accreditation criteria; or
 - (b) a draft regional strategy not be accredited if not so satisfied.
- (3) The Minister may –
 - (a) accredit a draft regional strategy; or
 - (b) refuse to accredit a draft regional strategy.

- (4) If the Minister refuses to accredit a draft regional strategy –
- (a) the Minister is to –
 - (i) return it to the regional committee; and
 - (ii) give reasons in writing for not accrediting it; and
 - (b) the regional committee is to resubmit it to the Council taking into account any reasons given under paragraph (a)(ii).

15. Accreditation criteria

- (1) In advising the Minister as to the accreditation criteria, the Council is to take account of national accreditation criteria as determined by the Ministerial Council.
- (2) The Minister may –
- (a) approve any accreditation criteria after considering advice from the Council; and
 - (b) make any changes to any accreditation criterion as the Minister determines.

PART 5 - Miscellaneous

17. Natural resource management principles

- (1) The Minister is to –
- (a) determine the principles of natural resource management; and
 - (b) advise the Council and regional committees accordingly.
- (2) The Minister may amend any principle of natural resource management.
- (3) Before amending any principle of natural resource management, the Minister is to consult with the Council.

18. Priorities for natural resource management

The Minister, after seeking advice from the Council, is to –

- (a) determine the priorities for natural resource management for the State; and
- (b) advise the Council and regional committees accordingly.