

Does public consultation truly end? The Murray-Darling Basin experience

Does the commencement of a period of public consultation imply that government will have an increased and continuing role in managing local natural resources with the community to produce good policy outcomes?

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Executive Summary

Involvement by government in natural resource management has traditionally been via scientific and engineering studies and enterprises. Since the 1980s there has been a movement by the community to become more involved in the management of natural resources. Government has accepted this change in societal attitude and has included the community in a more participatory manner to ensure better socio-environmental outcomes.

This change has been reflected in the way that the Murray-Darling Basin Commission includes the community in the development of its natural resource management strategies and policies. During the 1990s there has been an increasing desire by the Commission to ensure that the community has an ongoing involvement in the decision-making and policy development process.

The changing governance arrangements have lead to better policy outcomes as the community accepts natural resource management strategies and policies as they have been involved during their development. The two Murray-Darling Basin case studies that are covered in this report show how ongoing community involvement is required to achieve continuing ecological outcomes.

The new governance arrangements for natural resource management place an extra impost on individuals within communities which could lead to 'burnout' if not managed correctly. However the inclusiveness of the new arrangements is probably worth the risk.

Introduction

Over the last decade Australian governments at all levels have been changing governance arrangements for the management of natural resources and the environment. Government has been devolving some of its power and responsibility to the community to manage regionally significant ecological regions. Communities have, through their actions, demanded this power from their government with the establishment of movements such as Landcare. Individual community members now have an opportunity to make real, observable environmental changes to their region. Where a centralised Federal or State government does not address local issues with the same sense of ownership or sensitivity.

With the partial sale of Telstra the Federal government established the Natural Heritage Trust, which in its first incarnation was designed to fund small on-ground natural resource management projects. This action has empowered the community to undertake the work that it feels is appropriate in its region. It removed government from the delivery function of small environmentally beneficial works and given the community greater responsibility.

It is within this changing attitude by government that the Murray-Darling Basin Commission (MDBC)¹ operates to manage natural resources throughout the Murray-Darling Basin. The MDBC acknowledges that natural resource management is about people and their acceptance of suitable management regimes. To ensure that the community has a voice the Murray-Darling Basin Ministerial Council established a Community Advisory Committee to keep it informed of current community thinking on issues of natural resource management and provide recommendations on potential activities. This involvement of the community in the governance of natural resources is a recurring theme of the work of the MDBC. The community is involved to varying degrees of formality (and success) in the development of numerous cross-border, Basin wide strategies and operational plans.

The two case studies contained in this report which were run via the MDBC on behalf of its partner governments show how the community can be engaged and what are the long term effects of engaging the community on issues of interest. The case studies show that the government when engaging the community will need to consider what happens with an engaged community once the 'consultation' has finished.

¹ The Murray-Darling Basin Commission consists of the chief executives of the land, water and environment agencies in the six partner governments (Commonwealth, NSW, Victoria, South Australia, Queensland and the Australian Capital Territory) that are signatories to the Murray-Darling Basin Agreement.

Public Consultation and Participation Techniques

In the work that he has undertaken for the Department of Environment in the United States, Creighton notes that highly effective public participation programs have the following characteristics:

1. A clearly defined expectation of what they hope to accomplish with the public.
2. Integration into the decision making process.
3. Targeted to people who see themselves as being impacted by the decision.
4. Involve the community in every step of the decision making process.
5. Provide alternative levels of participation for the public.
6. Provide genuine opportunities to influence decision making.
7. Take into account the participation of internal as well as external stakeholders.

He concludes by stating that there is no “cookie-cutter” public participation technique that works in all circumstances. When the community believes that a consultation program is successful the techniques of consultation match the purpose of the program, reach the interested stakeholders and resulted in a clear linkage between the public participation process and the decision-making process.²

As Walters, Aydelotte and Miller state greater citizen involvement in the policy development and decision-making process makes public officials very uncomfortable as they have to share power. They note that it appears that many “decision makers shun broader participation due to the cost uncertainty and delay often associated with public involvement.”³ Thomas noted that more public participation is needed when the acceptance of a decision is important. When quality of a decision is important then there is less public consultation required.⁴

Walters, Aydelotte and Miller summarised involving citizens in the decision making process as follows:

1. Discovery – Aid in the search for definitions, alternatives, or criteria.
2. Education – Educate the public about an issue and proposed alternate.
3. Measurement – Assess public opinion regarding a set of options.
4. Persuasion – Persuade the public towards a recommended alternative.
5. Legitimation – Comply with public norms or legal requirements.⁵

The discovery phase is the primary purpose for requesting that the public participate. During this phase the community is able to consider new policy issues, and take a position on them. It allows for the development of a common language between government and the community for discussing the issue. This phase allows the community to come to grips with the issue and converse in the same language as government officials; or create a mutual language for the issue. The education phase allows the community to discuss the issue and the alternative options for managing it,

² James Creighton, How to Design a Public Participation Program, <http://www.em.doe.gov/ftplink/public/doeguide.pdf>.

³ Lawrence Walters, James Aydelotte and Jessica Miller, *Putting More Public in Policy Analysis* in *Public Administration Review*, vol.6. no.4., July/August 2002, p.350.

⁴ John Thomas, Public Participation in Public Decisions, San Francisco, 1995, p.73.

⁵ Walters, *Putting*, p.351.

while at the same time allowing them more opportunity to understand the issue. During this period it is possible for the decision maker to provide the community with a lesser known or understood policy alternative that the community has not considered. During the measurement phase decision-makers are able to assess the sentiments of the community to the issue and the various options for management. By doing this politicians or senior government officials may be able to subtly change the direction of government activity to match the sentiments of the community.⁶

Walters, Aydelotte and Miller state that persuasion is an important part of the policy development process. It allows decision makers, once they have decided on the preferred policy option, to explain their decision to gain support of the community.⁷ This would need to be enacted by a very skilful decision maker as if this method of consultation was applied to either of the case-studies outlined in this report the results would not have been as good and would have taken longer to implement. If either the Barmah-Millewa Forest or Chowilla community had the view that government was 'pushing its own agenda' it would have labelled the consultation process a 'sham' and would have been reticent to participate in a further government initiated management activity.

"High-conflict issues may require citizen participation in the development of alternatives in order for the public to accept the final outcome."⁸ If the community is not involved sections of society may perceive that the decision is biased against them and may not represent the majority opinion. Walters, Aydelotte and Miller also note that single issue groups are highly committed to their cause and do not compromise easily whereas groups that have a variety of issues that they are pursuing are prepared to compromise in an effort to achieve the necessary out comes.⁹

Carson and Gelber agree with Walters, Aydelotte and Miller, that decision makers do not like undertaking consultation activities because of a lack of time; perceived cost; the perception that the public will not understand complex issues involved; and the possibility that people may not agree with the need for any action. They also note that community consultation should not replace the process of elected and accountable public representatives making a decision.¹⁰ Community consultation should not delay a decision but should inform it. For consultation to be effective it needs to be adequately resourced.¹¹

According to Carson and Gelber principles for effective community consultation should:

1. include the community as soon as possible;
2. include a cross-section of the community;

⁶ Walters, *Putting*, p.352.

⁷ Walters, *Putting*, p.353.

⁸ Walters, *Putting*, p.353.

⁹ Walters, *Putting*, p.355.

¹⁰ Lyn Carson and Katharine Gelber, Ideas for Community Consultation: A discussion on principles and procedures for making consultation work, Sydney, 2001, p.6.

¹¹ Carson, *Ideas*, p.7.

3. ask individual community members what they consider appropriate in their roles as citizens (ie. not what they want personally out of the consultation process but what they want for society/community);
4. make sure participants have time to become well informed about the issue;
5. ensure that the instigators of the consultation and the participants have faith in the process;
6. be well facilitated;
7. be open, fair and subject to evaluation;
8. be cost effective; and
9. be flexible to allow participants with differing needs to participate (ie. non-English speakers, the young or the disabled).¹²

A good community consultation process creates community members that are active and engaged. Participants should be encouraged to interact in a collective and deliberative manner to ensure that the myriad of view points are expressed and understood. Raising the desire for collaborative activities in the community and increases the level of trust of the government. The provision of a good consultation program can produce stronger public support for government initiatives, deepened community ownership of the issue and enhanced capacity for involvement of previously unheard community members.¹³

Aslin and Brown say that by developing a shared vision, sense of direction and purpose between communities, experts and government, resource management practises can be improved. In their toolkit they summarise eight principles for good engagement in the Murray-Darling Basin:

1. Act for change.
2. Develop communication networks.
3. Work to achieve representativeness.
4. Base processes on negotiation, cooperation and collaboration.
5. Accept that mutual learning is needed.
6. Role model MDBC values in all engagement.
7. Develop and commit to a shared vision.
8. Work towards long-term goals.¹⁴

The Aslin and Brown model is a more proactive toolkit for community consultation. It aims to not maintain the status quo or implement the lowest common denominator policy option just because it is the path of least resistance. The practise has moved on from being a fixed time discussion to consult with the community to a process of engagement. The term engagement implies that the community will be involved as an ongoing partner for a long period of time. The toolkit outlines twelve tools that may be used in the development and implementation of a community engagement process.

1. General public involvement and participation tools
 - a. Public meetings and workshops

¹² Carson, *Ideas*, p.9-10.

¹³ Carson, *Ideas*, p.55.

¹⁴ Heather Aslin, and Valerie Brown, *Terms of engagement: A toolkit for community engagement for the Murray-Darling Basin*, 2002, p.11.

- b. Establishing formal advisory, steering, consultative or reference groups/committees
 - c. Delphi groups
- 2. Negotiation and conflict resolution tools
 - a. Generally specialist skills of specific individuals
- 3. Information, education and extension tools
 - a. Brochures, fact sheets, newsletters, books, films
 - b. CD-ROMs, websites, software packages
 - c. Displays, posters, shows
 - d. Information and extension officers, open days, shopfronts
 - e. Public lectures, talks, seminars, conferences, workshops, forums
 - f. Radio and television programs, media releases newspaper articles
- 4. Rapid and Participatory Rural Appraisal tools
 - a. Specialist skills generally used at the beginning of an engagement strategy
- 5. Stakeholder analysis and social profiling tools
 - a. Specialist skills required
- 6. Survey and interview tools
 - a. General survey or interview skills used to obtain information from participants
- 7. Planning and visioning tools
- 8. Team building and leadership tools
 - a. Leadership training and awards
 - b. Team building training and awards
- 9. Participatory Action Research tools
 - a. Specialist skills required
- 10. Deliberative democracy tools
 - a. Citizen juries, deliberative forums, consensus conferences
 - b. Based on jury and court room processes. Can be time consuming and costly to run but have been run in the United States of America and the United Kingdom.
- 11. Lobbying and campaigning tools
 - a. 'Campaigning', 'lobbying'
- 12. Participatory Monitoring and Evaluation tools
 - a. The participants monitor themselves and modify their actions accordingly¹⁵

It is stressed that a combination of these tools will need to be used during the phases of any engagement strategy. The authors note that some tools if used individually will have little chance of engaging stakeholders but when used in conjunction with other tools in a broader strategy positive outcomes can be achieved. Some of the tools that have been listed above do not necessarily need to be used in all community engagement strategies or processes.¹⁶ Complex issues such as the management of dryland salinity across the Murray-Darling Basin, which will require landholders to change their individual and collective land use practises will take time to be successful and achieve satisfactory results. Thus the use of every tool in the toolkit would be required during the process if the community was to be formally engaged; in

¹⁵ Aslin, Terms, pp.17-50.

¹⁶ Aslin, Terms, pp.13-14.

contrast to the few tools required for a community consultation process on the issue of a small road bridge being built over an ephemeral creek.

In the four case studies that Edwards uses in Social Policy, Public Policy she observes the value that Green Papers or discussion papers have to the consultation process. These documents allow the community to gain a broader understanding of the issue while at the same time identifying issues and other possible approaches that were not previously considered. She notes the damaged that can be caused if those implementing the decision lack the commitment to undertake it adequately.¹⁷

¹⁷ Meredith Edwards (with Cosmo Howard and Robin Miller), Social Policy, Public Policy, Crows Nest, 2001, p.180.

Consultation Case Studies in the Murray-Darling Basin

This report focuses on two public consultation case studies within the Murray-Darling Basin:

1. the development of a land and water management plan for the Chowilla floodplain in South Australia; and
2. the development of water management plan for the Barmah-Millewa Forest on the NSW/Victorian border.

Both studies focus on the management of an area of floodplain on the River Murray between different state governments and the local community. Each region has distinct environmental attributes which are recognised both nationally and internationally as well as providing a basis two regional economies and areas of recreation for people outside the region. The environment of both regions has been effected by the regulation of the River Murray for the benefit of transport, irrigation and town supply. Regulation of the river has provided an amenity to people over the last century that wasn't available when the River Murray flowed naturally. The challenge now for government and the communities is to manage natural resources within the bounds of the often competing interests of human endeavour and environmental requirements. Hence there is a need for all sectors of society to be consulted about the management actions that are required to be undertaken to produce good socio-environmental outcomes.

Development of a land and water management plan for the Chowilla floodplain

The Chowilla floodplain of the River Murray covers 17,700 hectares of New South Wales and South Australia between Wentworth and Renmark. The South Australian portion of the Chowilla Anabranch System was listed as a Wetland of International Importance in 1987 under the 1971 Convention on Wetlands of international importance (the Ramsar Convention).¹⁸

The floodplain because of its natural geology is one of the largest contributors of salt into the River Murray, which has been exacerbated by the higher-ground water levels resulting from the construction of Lock 6 in 1930. The construction of the river regulation structures, including Lock 6, has reduced the frequency of floods, which has hampered the River's natural ability to flush salt from the floodplain. The vegetation on the floodplain, particularly black box, has been affected by this intervention into the natural system resulting in the death of many trees across the region. Despite the impact of river regulation the Chowilla floodplain remains one of the last regions on the River Murray to retain most of its natural attributes. The floodplain supports over 300 species of vertebrate mammals and 200 species of birds.¹⁹ The floodplain has been occupied over the long-term by Aboriginal peoples and in more recent times the floodplain has been, and still is, used for pastoralism, discrete areas of irrigation, commercial fishing and recreation.

¹⁸ Australian Nature Conservation Agency (ANCA), A Directory of Important Wetlands in Australia, second edition, Canberra, 1996, pp.494-496.

¹⁹ Peter Crabb, Murray-Darling Basin Resources, Canberra, 1997, p.64.

In 1998 the South Australian Engineering and Water Supply Department (E&WS) released a draft Environmental Impact Statement (EIS) on the proposed Chowilla Salinity Mitigation Scheme. The EIS outlined a number of strategies that the South Australian Government believed would mitigate salinity in the Chowilla floodplain. The option preferred by E&WS regulated surface flows through 50 percent of the Chowilla Anabranche area to stop an estimated 60 percent of the salt that would enter the River Murray system from being mobilised. This option would have reduced fishing habitat, offered no benefits to the already degraded vegetation, interfered with paddock boundaries and affected some landholders access to pumping stock and domestic water. The community objected strongly, through submissions and petitions, to the surface water regulation proposed by E&WS, as it considered that tourism, fishing, agriculture production and recreation would be affected and a Wetland of International Importance would be downgraded. The majority of public submissions received on this EIS questioned the need to 'sacrifice' Chowilla for a salinity mitigation scheme of limited value.²⁰

Because of the concerns expressed by the community the MDBC established the Chowilla Working Group (CWG) in December 1988. This group, comprising officers of the NSW and South Australian government agencies and the office of the MDBC, was to oversee, re-examine and direct further studies on the issues raised by the EIS. The CWG's other task was to develop and manage a community consultation program. In July 1990 the MDBC gave responsibility for implementing the Chowilla Community Consultation Program (CCCP) to the South Australian Department of Environment and Planning. On 31 August 1990 the Murray-Darling Basin Ministerial Council announced the implementation of the CCCP. In its announcement the Council stated that it was keen to seek public comment prior to the preparation of a draft resource management plan for the Chowilla floodplain.²¹

The CCCP commenced shortly afterwards with the production and distribution of 17 fact sheets to interested members of the community during September and October 1990. These fact sheets summarised the information contained in various technical reports and formed the basis for discussion at two public meetings that were held in October 1990. A series of newsletters that complimented the facts sheets were also distributed to interested members of the community from September 1990 to February 1991.²²

The two public meetings held on Sunday 21 and 27 October 1990 were advertised in the local media and were well attended. A combined total of around 300 people attended both days. The two days had two distinct purposes the first day was an 'information' day with the second being a 'consultation' day. The 'information' day was designed to bring together several speakers to outline the issues and processes relating to groundwater, fishing, soil salinity and proposals for dedicating conservation parks in the region. Attendees would have a chance to listen to these speakers then, if desired, further query one of the issues raised in a small discussion

²⁰ Chowilla Working Group, Chowilla Resource Management: Community Consultation Program, Canberra, 1991, p.6.

²¹ CWG, Chowilla, pp.7-8.

²² CWG, Chowilla, p.8.

group without talking about how the issue would be ultimately managed. This day provided individuals with the latest information about the issue, allowed them to discuss it with members of their community and experts and consider what their view may be over the next week before the 'consultation' day. The 'consultation' day was designed to develop options for managing each issue, consider priorities for the Chowilla region, assess management options and establish a community viewpoint. The outcomes of both of these public meetings were produced as newsletters. The options that were considered during the 'consultation' day were published in the CCCP newsletter and people unable to attend the meeting were invited to provide comment on the management options considered for the Chowilla floodplain.²³

During the 'consultation' day and via the newsletter interested individuals and groups were asked to nominate for a Community Reference Group (CRG). This group was to:

- act as a sounding board and provide comments on reports prepared;
- evaluate submissions relating to the management of Chowilla;
- comment on the brief for the Draft Chowilla Resource Management Plan;
- assist in the evaluation of management options;
- provide draft comment on draft documents of the Chowilla Resource Management Plan; and
- be involved in organising further public meetings relating to the Chowilla Resource Management Plan.

The CWG recommended that the CRG should have representation that reflected the widespread views expressed by the community, that government officers should not be members of the group and that the membership of the group should be determined by the consultants who had been engaged to undertake the community consultation process. The CRG meet for the first time in February 1991 and continued meeting through the period of development of the Draft Management Plan, which was released in 1993.²⁴

At this point the official period of community consultation had finished and several groups, heavily comprising members of the community, were established to oversee and manage components of the implementation of the Chowilla Resource Management Plan. Detail on what happened after the 'consultation' had finished is outlined below.

Development of water management plan for the Barmah-Millewa Forest

The Barmah-Millewa Forest covers about 70,000 hectares of the River Murray floodplain in both Victoria and New South Wales between Deniliquin, Tocumwal and Echuca. The Forest is made up of the Barmah and Millewa Forests that are located respectively on the Victorian and New South Wales sides of the River Murray. The Millewa Forest is made up of a group of forests; Bama, Deniliquin, Gulpa Island, Horseshoe Lagoon, Mathoura, Moama and Moira State Forests and Millewa and Tuppal National Forests.²⁵ The Barmah Forest is listed as a Wetland of International

²³ CWG, Chowilla, p.9.

²⁴ CWG, Chowilla, p.11.

²⁵ Maunsell, Barmah-Millewa Forest Water Management Plan: Final Report, Canberra, 1992, p.5.

Importance under the Ramsar Convention.²⁶ The Barmah-Millewa Forest ('the forest') is the largest stand of river red gums in the world, with some trees being up to 500 years old. It supports diverse range of flora and fauna species. Eight species of migratory birds from Japan and China spend the summer in the Forest are covered under the Japan-Australia Migratory Birds Agreement and the China-Australia Migratory Birds Agreement. Each country that is a signatory to these agreements has agreed to protect these birds and their habitat.²⁷ The ecological importance of the forest is measured on an international scale.

There is evidence of long-term occupation, around 40,000 years, by Aboriginal people of the forests that make up the Barmah-Millewa Forest. The Aboriginal people of the region used the area as a hunting ground. The forest contains many indications of their occupation such as carved trees, fish traps, middens, ceremonial grounds and burial grounds. Currently the forest is used it for grazing, mining, timber production, beekeeping, recreation and tourism.²⁸

The forest, which is an important ecological region, has been adversely affected by river regulation and diversions of water for consumptive use. Flow patterns of the River Murray have been almost reversed to cater for the needs of irrigated agriculture. Naturally higher flows and flooding occurs in the system during winter and spring, which assists fish and waterbird breed events and the watering of wetlands and the floodplain. Most irrigated crops require watering during the hotter parts of the year during late spring and summer. This has resulted in the changes to the timing of forest flooding and a reduction in its extent and duration. Water that would naturally flood the Forest during winter and spring is caught in storages in the upper catchment (in Hume and Dartmouth Reservoirs) to be released to consumptive users in late spring and summer. This change in flow regime combined with the construction of levees, banks and regulators over many years to control the water in the forest has resulted in some sections of it being watered for a prolonged period of time or not watered at all. This has resulted in poor health and growth rates for trees; a change in the type of plant life found in the forest; a reduction in fish and waterbird numbers and breeding events; and an altering of wetland hydrology that has effected the species diversity.²⁹

In 1989 due to the "strong public and political support for the water problems of the forest"³⁰ the MDBC engaged a team of consultants to review information about the water needs of the forest and to investigation options which could meet these needs and be developed into a comprehensive water management plan. The team of consultants was overseen by the Barmah-Millewa study Working Group (BMWG), an interstate working group consisting of NSW and Victorian government officers, Australian National Parks and Wildlife Services and the Murray-Darling Freshwater Research Centre.³¹

²⁶ ANCA, Directory, pp.494-496.

²⁷ Maunsell, Final Report, p.22.

²⁸ Crabb, Resources, p.172.

²⁹ Maunsell, Watering the Barmah-Millewa Red Gum Forest: Issues Paper, Canberra, 1992, p.7.

³⁰ Maunsell, Final Report, foreword.

³¹ Maunsell, Final Report, p.9.

The MDBC's announcement that it intended to undertake this study aroused widespread community interest.³² To address this broad community interest the consultant undertook a number of activities to provide an avenue for two-way communication. An initial statement of the study's broad objectives and an invitation for public comment was advertised in ten regional newspapers in April/May 1990. The number of individuals and groups expressing an interest in the study was very low. A total of six groups and individuals expressed an interest in commenting. In July 1990 a brochure was produced providing more information on the study which created more interest from the community; however only 300 copies were produced and distributed solely through government networks. The result was that three additional groups expressed an interest in being involved.³³

In May 1991 with the development of the Barmah-Millewa Water Management Plan in an advanced state the BMWG agreed that a series of public consultation meetings should be conducted. In July 1991 four public consultations meetings were held on the draft Barmah-Millewa Water Management Plan; these meetings were poorly attended (a combined total of 35 people attended four public meetings).³⁴

In January 1992 an issues paper and the final report of the consultants was released. In June 1992 another public meeting was held. This meeting was attended by some 170 individuals and marked a distinct change in attitude by the community. From the attendance at this meeting were nominated 18 individuals that formed the Community Reference Group (BMFCRG), the establishment of which was one of the recommendations of the Maunsell report. The BMFCRG was to negotiate and develop a package for water management of the forest which would be formalised in the Water Management Plan (WMP) which was released in draft form 1994.³⁵

³² Maunsell, Final Report, p.11.

³³ Maunsell, Final Report, p.187.

³⁴ Maunsell, Final Report, pp.187-9.

³⁵ Roy Green, Review of the Barmah-Millewa Forum, Canberra, 2001, p.2.

Triggers for Public Consultation

Chowilla

The decision to proceed with a process of public consultation to decide how to manage the floodplain was triggered by the issues raised in the public submissions received on a draft Environmental Impact Statement (EIS) released by the South Australian government in 1988.

By asking for community comment and input before a Draft Resource Management Plan was developed by the MDBC the Murray-Darling Basin Ministerial Council was signalling its openness to the idea of using participatory governance to assist it in developing an acceptable outcome. By asking the community what it desired in a Resource Management Plan for the Chowilla floodplain, Ministerial Council was empowering its constituents to participate in the decision-making process on an issue that directly affected their livelihoods and lifestyles. Government by this action, at least at the Ministerial level, is changing its attitude towards how it includes community views in the development of policy. Instead of government developing policy and then changing it to fit the electoral backlash that is created, it is incorporating community ideas and visions before the policy is announced. However it could be argued that Ministers are just pandering to a marginal electoral, it is unlikely that this is the case as the Council is made up of the lead ministers for land water and environment for each of the partner governments of the agreement.

The Government ensured the manner that they set up the CRG ensured that there was little to no perceived government involvement in the group; apart from the secretariat support provided through a government funded contract. This enabled the CRG to provide a reasonably pure community view rather than one that was tainted, even if unwittingly with a government viewpoint. The government can then ensure that it can incorporate the true views of the community rather than just putting a community flavour on its own ideas.

Barmah-Millewa Forest

The trigger for consultation in this case-study did not revolve around the release of a report or a major policy decision of government, it was the slow build up of community anxiety over a long period. The result of involving the community seems to have come as a result of the local community seeing the impacts of river regulation on the forest over a period of years and decades. The build up of community ideas about how the forest should be managed lead to warnings being provided to government. These warnings did not fall on deaf ears though, the partner governments through the MDBC commissioned a report on the water requirements for the forest. The consultants do not appear to have been given adequate time or direction to actively involve the community. The consultation meetings were held towards the end of the preparation of the report, rather than at the commencement of the development of the report. In this case the MDBC may have been better to instruct the consultants to involve the community in the discovery phase of the work as outlined by Walter, Aydelotte and Miller. Even-though government was attempting to educate itself by undertaking the study, early involvement of the public may have resulted in the community being less agitated.

Adequacy of consultation tools

Outlined in the table below is the adequacy of the consultation undertaken in each case study compared against the elements of what constitutes good consultation processes outlined above.

	Elements of Community Consultation	Chowilla	Barnah-Millewa Forest
Creighton	A clearly defined expectation of what they hope to accomplish with the public.	Yes	No
	Integrated into the decision making process.	Yes	Eventually
	Targeted to people who see themselves as being impacted by the decision.	Not all sectors of community targeted	Not all sectors of community targeted
	Involve the community in every step of the decision making process.	Yes	No
	Provide alternative levels of participation for the public.	Yes	Limited
	Provide genuine opportunities to influence decision making.	Yes	After 'consultation' process was completed
	Take into account the participation of internal stakeholders as well as external stakeholders.	Yes	Yes
	Discovery – Aid in the search for definitions, alternatives, or criteria.	Yes	Limited
	Education – Educate the public about an issue and proposed alternate.	Yes	Eventually
	Measurement – Assess public opinion regarding a set of options.	Yes	No
Walters, Miller Aydelotte, Miller B	Persuasion – Persuade the public towards a recommended alternative.	No	No
	Legitimation – Comply with public norms or legal requirements.	Unknown	Unknown

	Elements of Community Consultation	Chowilla	Barnah-Millewa Forest
Carson, Gelber	Include the community as soon as possible	Yes	No
	Include a cross-section of the community	Limited.	Limited.
	Ask individual community members what they consider appropriate in their roles as citizens	No	No
	Make sure participants have time to become well informed about the issue	Yes	No
	Ensure that the instigators of the consultation and the participants have faith in the process	Yes	No
	Be well facilitated	Yes	Limited
	Be open, fair and subject to evaluation	Yes	No
	Be cost effective	Unknown	Unknown
	Be flexible to allow participants with differing needs to participate	Limited	No
	Act for change	Yes	Limited
Aslin, Brown	Develop communication networks;	Yes	Yes
	Work to achieve representativeness	No	No
	Base processes on negotiation, cooperation and collaboration	Yes	Limited
	Accept that mutual learning is needed	Yes	Yes
	Role model MDBC values in all engagement	No. As there was no agreed values at this time.	No. As there was no agreed values at this time.
	Develop and commit to a shared vision	Limited	No
	Work towards long-term goals.	Yes	Yes

Neither of the cases studies actively sought the input of the local indigenous nations. Both processes closed out, if unknowingly up to 40,000 years of land management by not actively seeking the input of aboriginal peoples. Each case study had a 'cross-section' of society; however the representation was mainly from the Caucasian sector of the community. The Barmah-Millewa Forum does have from time to time representation from members of the Yorta Yorta people; however the history of representation has been patchy. Combined with this is the cultural differences in communication and decision making that exist between the two cultures. These will need to be addressed before true consultation and engagement of the community in its totality can be achieved.

Chowilla

By preparing and distributing fact sheets and newsletters the MDBC was attempting to make as much information available to the public as possible. By allowing the community to access this information government is able to conduct a conversation with the community at the same knowledge base. The CCCP used what Aslin and Brown have termed general public involvement and participation, and information, education and extension tools. The public meetings, fact sheets and newsletters allowed the community to discover and be educated about the issues involved with managing the Chowilla floodplain. The information provided and the ease that people could provide a response was managed in a way that allowed individuals to participate if they so desired. The mailing lists for the newsletters allowed developed a simple communication network that allowed two way communications. However there appears to be no overt attempt to target sectors of the community that were not represented in the consultation process as recommended by Carson, Gelber, Aslin and Brown.

Barmah-Millewa Forest

The government did not have a position on how it intended to manage the forest. The consultation was a result of consultants undertaking a study into the needs of the Forest and the community becoming agitated that their views were not going to be heard. Since the government was on the back foot during the consultation process and the community felt alienated the tools that were used were not adequate for the situation. The need for community consultation occurred when the government was attempting to educate itself. A better approach may have been to begin the consultation with the community before any work was undertaken by the consultant. This would have allowed the community to shape the report that was being developed by the consultant have a sense of ownership of the final product. This approach would have resulted in a longer timeframe for the consultancy but may have engaged the community more effectively.

Timeframe for consultation

The difference in timings is related to what the community was anticipating from the government involved; the amount of trust that the community had that the government would run a fair process; the individual impact that any changed management arrangement might have; and that in the case of Chowilla the EIS report has the government's recommended management options that the consultation could use as a starting point. The Barmah-Millewa Forest consultation process did not have a good starting point as there was no distinct government or community position to start at.

Expectations

Chowilla

The community in the Chowilla region expected that the concerns that they expressed about the EIS would be acted upon. They anticipated that they would have a role in the development of an acceptable management plan for their region. The government in commencing the CCCP was responsive to the expectations of the Chowilla community, which resulted in a good relatively smooth process.

Barmah-Millewa Forest

“The CRG is adamant that the WMP[*] commence in 1994, no matter how embryonic.”³⁶ The local community through the CRG is saying how they hope that some action happened to address the issue of allocating appropriate water to the forest to get a result. If government through the consultants had consulted or engaged the community earlier, as recommended by Carson and Gelber’s principles for effective community consultation, it may have been able to undertake some small scale management activities while it was undertaking a more extensive study.

The slow response to the advertisements to attend public meetings could have been partly due to the community’s suspicion of the government. The MDBC announced that they were undertaking a study via consultants to determine what water the Barmah-Millewa Forest required. Community members whose livelihoods and lifestyles revolve around the ecosystem of the forest may have felt marginalised by the government because they were not being asked to provide input into the Maunsell report. Then when the BMWG announced that they were to have a series of public meetings on an almost completed report the community may have felt that this was only a tokenistic gesture and their input could only have a peripheral impact on the final conclusions of the report.

* Water Management Plan

³⁶ Community Reference Group, Community Consultation Final Report on Barmah-Millewa Forest Water Management Plan, Canberra, 1994, p.11.

After the consultation finishes

In both of these cases studies it appears as though the community, particularly in the case of the Barmah-Millewa Forest, wished to ensure that government was kept honest in its management of the region. Each community was prepared, through individuals, to commit resources to ensure that the ongoing management continued to be relevant and amenable to the community.

Chowilla

After the Chowilla Resource Management Plan was developed the CRG was disbanded and two community based groups were formed to implement and seek ongoing funding for the Management Plan. The Murraylands Conservation Trust was established in South Australia in May 1993 with the Crown Lands Reserve Trust being established in NSW. Both of these Trusts have an ongoing role in managing the Chowilla Floodplain with government.

The Murraylands Conservation Trust became known as the Bookmark Biosphere Trust and is constituted under the South Australian National Parks Act. The Trust is the formal management body responsible for Bookmark Biosphere Reserve. State (Department of Environment & Natural Resources), Federal (Environment Australia) and private sector professionals serve the trust in understanding and implementing management options.

While there is strong bi-partisan political commitment to the future of the Bookmark Biosphere governments do not have sufficient resources in the long term to recover degraded land and carry out the conservation programs that are the basis for the biological and cultural heritage of the Riverland. The community see benefits to a lack of resources provided by government. If the community feels strongly about a particular course of action, it must share the responsibility for implementing it. In the process the Bookmark Trust comes to understand the program well, develops its own networks and capacity-building partners, and is able to market the program effectively through out the broader community. This, in turn, increases community participation and public-private sector support.³⁷

“The Commission, in deciding to support the formation of an on-going Management Group, has provided the mechanism for a coordinated government and community approach to implement the Chowilla Resource Management Plan.”³⁸ In the case of Chowilla the government is showing its agreement to have community involved as a key part of the decision-making process. The formation of the Trust has shown that the community has taken the responsibility to manage the region seriously and have removed a large impost of managing the region from government.

³⁷ David Brunckhorst, Peter Bridgewater and Pamela Parker, The UNESCO Biosphere Reserve program comes of age: Learning by doing. landscape models for a sustainable conservation and resource. Paper presented to *Conservation Outside Reserves* Conference, University of Qld, Brisbane, February 1996, http://www.une.edu.au/ecosys/brunck/Uq_conb.htm, p.3.

³⁸ Tony Sharley and Clive Huggan (eds.), Chowilla Resource Management Plan, Canberra, 1995, p.53.

Barmah-Millewa Forest

The consultation period for the Barmah-Millewa Forest Water Management Plan did not have a distinct end point as it did not have a specific commencement point. However the community around the Forest is engaged and has become more involved with the implementation of the water management Plan. The manner in which the MDBC announced its study and opportunistic management tradeoffs that the Victorian and NSW governments have historically made in the Barmah-Millewa Forest contributed to an environment where it is difficult to establish cohesion, cooperation and trust.

In February 1994 the BMFCRG reviewed the proposed Water Management Plan and made recommendations 1994 which included:

- funding of \$2.7 million capital costs for new regulators and flows control works;
- careful management of seasonal flows and stored water to benefit the Forest;
- a five year, \$350,000 per annum research program;
- a continuing community advisory role;
- adoption of current membership of the BMFCRG as members of the Forum;
- and
- the appointment of a locally based Forest-Environment Water Coordinator.

The Ministerial Council responded in June 1994 by approving funding of \$298,000 to implement the Water Management Plan in 1994-95 and approved the establishment of a Barmah-Millewa Forest Water Management Advisory Committee and a Forest Water Management Liaison Committee. The names of these two committees were changed later in the year to the Barmah-Millewa Forest Water Management Annual Forum and the Barmah-Millewa Forest Water Management Advisory Committee. By mid-1995 the Forum and the Committee were formally established to implement the Water Management Plan. During the establishment of both of these two groups the Ministerial Council noted that due to the Yorta Yorta people's Native Title Claim the manner by which indigenous peoples would participate was uncertain.

The indistinct starting and finishing points of the consultation phase do not appear to have effected the communities desire to participate in the management of the forest through the Forum. Both groups continue to provide advice to the MDBC and the Ministerial Council as to the use of the 100 gegalitre environmental allocation and the use of \$500,000 per annum to improve the ecological sustainability of the Forests. To ensure the benefits are commensurate with the costs both the Forum and the Committee will be reviewed in 2004.

Participatory Governance

The change in governance arrangements over the past decade have been highlighted by Edwards. She states that non-government players need to be involved more than just one formal phase of consultation. As government will need to cope with increasing complexity of the issues being addressed and the relationships with stakeholders government will need to change its methodology of engaging the community and achieving mutually agreeable outcomes. Consultation moves to a more collaborative and partnership style arrangement. The result of this changed relationship to 'participatory governance' has major transaction costs for both the government and community.³⁹

The same can be noted in both the Chowilla and Barmah-Millewa case-studies. Both are attempting to manage a dynamic, complex and integrated system that both people and the environment are competing for the same limited resources. A single round of consultation in both cases would not have delivered a good policy outcome as the community would have seen it as the government attempting to force its views onto their lifestyle. By maintaining a 'participatory' style of relationship with the community government is signalling its willingness to devolve some of its policy creation and implementation powers to the community in which it is governing. The community by participating in this relationship is taking a more active role in managing itself and its surroundings. The relationship is changing from one similar to a parent/child relationship to one of more equality. By changing its relationship neither the government sector nor the community can go back to the way they were.

Community Burnout Risk

In both case studies the community has an ongoing active role in the two management plans, which is a shift in management arrangements from previous decades. The use of community based volunteers is a distinct change in staffing and human resources to deliver environmental outcomes from the traditional methods of natural resource management. The operation of the community based groups to manage the implementation of the plans draws heavily on the shifting community attitude of the last two decades towards a better way of managing the environment and natural resources. This community drive to manage natural resources better led to the formation of the Landcare movement. The movement started in the mid to late 1980s as a voluntary community based idea that focused on the development of more sustainable systems of land use and management. Landcare groups formed since then are primarily concerned with sustainable use and management of natural resources in their own region, which has allowed the community to develop a better knowledge base that traditionally the Commonwealth and State Governments have held.⁴⁰ The formation of Landcare groups has provided an avenue for government to distribute funds and resources through to achieve locally desired outcomes. Through this changing attitude the government has removed the expectation that it will be the sole provider of natural resource management expertise. Government has given the

³⁹ Meridith Edwards, Participatory Governance, Public Sector in the New Millennium Series, 27 June 2001, <http://governance.canberra.edu.au/>.

⁴⁰ A. Campbell, Taking the long view in tough times: Landcare in Australia, Canberra, 1992, p.5.

opportunity for the community to be come actively involved in the strategic and on-ground management of its local area whilst maintain its strategic focus.

Individuals may become disgruntled at having to continually provide their time on a voluntary, or costs, basis and 'Burnout' may start to affect the performance of some community based environment and natural resource management groups. The potential for 'burnout' has been highlighted as something that may effect Landcare groups and the like that have been operating for a long period of time.⁴¹ 'Burnout' can occur when individuals within voluntary groups find that the magnitude of the task overwhelms them to the extent that they become less effective in their role or cease to undertake it. This phenomenon may not have an effect on the delivery of either of the case studies highlighted below, but it could have a negative impact on future natural resource management initiatives of future governments as individuals may not have the time, resources or energy to continue to participate.

The level of community engagement and participation in the decision-making process for both the case-studies outlined below may avoid the observation by Curtis in the Landcare movement. The difference between the Landcare model and the two case studies may be that individual community members are not solely responsible for the organisation and implementation of activities, but work collaboratively with the government who supplies an amount of financial and technical support. The interaction between government and the community is much closer. Government, even though it is supplying financial support, has a more active role in directing the resources on a regional level. Government officers attend meetings that have a majority representation of community members and have the ability to influence discussion and introduce ideas. Government becomes one voice of numerous stakeholders rather than being the referee or the dictator.

⁴¹ Alan Curtis, Landcare in Victoria: a decade of partnerships, Albury, 1996, pp.12-13

Conclusion

The consultation techniques used in both case studies were very similar, advertising what was happening in the media, preparation of information packages and reports, and holding public meetings. In Chowilla the community did not need to be consulted as much because the community was already engaged, in a collaborative manner on these issues to a greater extent than the community in the Barmah-Millewa Forest. In the Chowilla case study the community dealt with one government and had more of a driving role for the process. The Barmah case study the process was imposed on the community by the MDBC, NSW and Victorian governments. However this has not impacted on the community involvement after the period of consultation. The community at Barmah-Millewa Forest has been more active in the management of their region than the community of the Chowilla floodplain.

Both case studies have commenced a consultation phase to achieve the specific end of a management plan for an area of floodplain in inland Australia. While developing the relationship with the community on these issues, government has commenced a dialogue with the community and raised expectations of an on-going relationship. If at the beginning of the 1990s government had been focused on developing a participatory governance arrangement with each community for their local region it would have structured the input required from the community over a longer time frame. Both case studies show the on-going establishment of new or re-badging of old community based groups.

The establishment of the ongoing community based groups in both case studies shows governments willingness to involve the community in the decision making process. These two case studies show a recognition that the government is committed to the notion of participatory governance. The community, which has majority representation on both groups, has a role in the decision making process which manages a resource that the community relies on for a number of cultural, economic and ecological reasons.

Since in both cases community acceptance of the management plans is paramount the level of government/community interaction must be high to ensure that the plans were supported during development. The ongoing involvement of the community in the implementation of the Plans is required to ensure continued acceptances of the activities undertaken by government to achieve the objectives required by the community. The continued resourcing of the community based groups to manage these plans for both government and the community ensures that there are minimal levels of conflict, acceptable amounts of compromise and a constant conversation and interaction. The alternative could potentially be very high levels of conflict, no compromise and conversation only happening between lawyers of interested and affected parties.

If government wants acceptance and on-going community ownership of an issue it will need to relinquish some power to allow the community to have a continuing role. However this role does have a price. Government agencies will need to make the appropriate budgetary changes to support the on-going involvement of the community; such as secretariat services, costs of travel, sitting fees for community

members and other office costs of community participants. Government will also need to be able to cope with the higher transaction costs of dealing with the community. As community members generally are involved on an almost voluntary basis and have other interests to attend to, such as maintaining a paying job, interaction between government and the community is slower as community members do not have the ability to commit full-time to the issue.

There is a changing role for government officials. The government is no longer considered the keeper of all knowledge on an issue, at least for natural resource management, and as such will be able to supply the community with the solutions that will better manage an issue that affects the community. Additionally government does not have the sole responsibility of developing policy to manage natural resources. Regional communities are major sources of most anecdotal, and some cases scientific, knowledge of the environmental system that government has traditionally attempted to manage by itself. By government changing its actions it is able to release a vast array of community based knowledge that until recently did not have direct access too. Government then becomes one partner in the process that brings to the table the ability to temper and guide community ideas that are good for the environment and retain a strategic integrated view of all work being undertaken.

Government can bring this style of consultation and engagement to other spheres of public endeavour provided that it is prepared to relinquish some of its control. Ongoing community consultation and engagement is more suited to complex, multi-dimensional issues that do not have a distinct endpoint such as natural resource management, health care services and law and order issues. Once government starts down the path of including the community in its decision making process it has to ensure that it relinquishes some control or at the least ensure it respects the directions of the community it is consulting. Government will also have to modify its modus operandi as each community sector that is consulted will anticipate that they will be consulted on other issues that relate to them. This has benefits for government as it will reduce the costs for future consultations. If a community is engaged and has an ongoing relationship with any level of government, or more specifically a number of Government officials it will be prepared to start the conversation constructively. Whereas a community that has been consulted with then ignored will require time to “vent its spleen” before any constructive intercourse can commence. The only issue that government needs to remain aware of is the issue of whether or not it is engaging all sectors of the community, not just the vocal minority or “usual suspects” as it were. If this part of the engagement process is not addressed sufficiently the result will be the same as if there was no consultation at all.

Government may have to ignore some ‘intellectually’ or technically good policy instruments and develop policy outcomes that are more amenable to the community at large. A community based policy that looks good on paper will not achieve the desired results if it is not supported by the people that it is designed to assist. A lesser policy that has the support of the community and a process to continually assess its relevance will facilitate future improvements to produce a better outcome in the short to medium term but may take longer to achieve the long term goal.

Both of these case studies have produced good policy outcomes even though the consultation processes may not have been technically good. The consultation

activities of both case studies in comparison to the recommend actions outlined above show that the process of consultation was only just adequate. Good consultation technique was not the desired policy outcome. The aim in both cases was to produce a management plan for local ecological regions of national and international importance. As the management plans for these two regions cover areas that people have economic, cultural, recreational and aesthetic interests community acceptance of the plans is an important, arguably the most important, component of the plan. Ensuring acceptance of the management plans is critical to their ongoing success and relevance. The establishment and maintenance of community based groups, commitment to formal communication channels between government and the community, and the development of a partnership is a good policy outcome. Without these government and community networks natural resource management within the Murray-Darling Basin would be a never-ending series of unresolved arguments, rather than an open transparent partnership.

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