Scenario Evaluation

Water Planning in Australia’s Tropical North

Collaborative Water Planning: Phase 1 Report
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Water Planning in Australia’s Tropical North

Effective water planning helps communities to allocate and sustainably manage water resources to meet their current and future water requirements. Public participation is an important part of an effective water resource planning process.

Despite being so important, we don’t yet fully understand how social processes like public or community participation affect decision making and outcomes for water planning.

This study, the Collaborative Water Planning project, aims to identify ways to improve community participation in water planning for Australia’s tropical north. It will show how different water users – including graziers, irrigators, resource managers, scientists, Indigenous communities, catchment managers and others – can learn from each other and contribute to decisions about water sharing.

Findings from this project will also assist water agencies in the tropical north to improve water planning approaches by helping to minimise conflicts between parties; by providing models and case studies for good collaboration; and by helping stronger, long-term relationships between stakeholders.

Other outcomes of this project will inform water planning elsewhere in Australia through:

- a tool-kit of good practices to engage industry, Indigenous and rural communities
- a set of guidelines and benchmarks to monitor and evaluate collaboration in water planning
- procedures to improve Indigenous participation in water planning.

This project is part of TRaCK – the Tropical Rivers and Coastal Knowledge research hub. TRaCK brings together leading tropical river researchers and managers across Australia to focus on the sustainability of rivers and catchment from Cape York to Broome.

Stakeholders and researchers talking about water planning tools in Queensland. Photo Credit: Griffith University
How can we work together to improve water planning?

This booklet summarises the initial phase of the project, which was a review that took place from June 2007 to July 2008. The first phase will inform the rest of the project which is a trial of planning tools in two new water planning processes.

In the initial phase we wanted to find out firstly, what were the factors that supported or hindered community participation in water planning; and secondly, what were community expectations of water planning processes in water allocation.

To do this we:

- reviewed examples of the scientific literature on collaboration in water planning elsewhere in Australia and overseas
- analysed the legislation and policies affecting water management in northern Australia
- surveyed government water agency planners in Queensland and the Northern Territory
- looked at two case study regions in the north – the Gulf of Carpentaria in Queensland and the Ord River region of Western Australia – that have undertaken water planning to assess public participation and collaboration.

Below we report on:

1. The review of water planning literature, law and policy
2. Results from a survey of water planners
3. Results from the case studies

1. The review of water planning literature, law and policy

The review of the scientific literature helped the research team to understand the historical, political, and social context of water planning, with a particular emphasis on northern Australia. This is summarised in three volumes that look at:

1. Natural resource management, water management and planning, collaboration and public participation.
2. Public dispute resolution.
3. Water law and policy relevant to north Australia.

These reports are available for download online at www.waterplanning.org.au or from the TRacK website at www.track.gov.au.

The legal and policy report makes a total of 17 proposals in relation to eight major areas for improvement in collaborative processes in water planning. These major areas are:

Collaborative water planning requires the development of clear legislative objectives

In all jurisdictions except the Northern Territory, the objectives of water legislation acknowledge the role of the community in water planning. Legislation
in each jurisdiction should provide a statement of objectives that specifically refers to collaboration in water management and planning. Principles of collaborative planning should be provided either in legislation or in a policy document. It would be helpful for all jurisdictions to adopt a common statement of principles relating to collaboration, outlining what it means, the objectives that collaboration should achieve, and what levels of collaboration are required in different circumstances.

Promoting collaboration through deliberative processes
Stakeholder engagement is strongly supported by the national water policy, the National Water Initiative. A broad range of stakeholders is anticipated—those within or downstream of the plan area, affected water users, communities, industry (e.g., agriculture and mining) and Indigenous peoples. Engagement is seen as critical for creating and maintaining public confidence in water plans and management activities. There are no requirements for deliberative participatory processes within Australian water policy and law. Deliberative processes are ones that provide opportunity to carefully think through and weigh up options. Regulatory design in water planning requires a greater emphasis on such processes.

Promoting collaboration through transparency
The NWI emphasises the importance of technical assessments and socio-economic analysis to improve decision-making. Where these are undertaken, all jurisdictions currently provide for reports to be made publicly available. Satisfaction of this requirement in and of itself does not mean that decisions are transparent. Transparency in decision-making processes is a concept which is relatively new to the management of water, where decisions have long been the domain of administrators as experts. How best to provide for transparency in decision making remains a continuing challenge throughout Australia. The position varies across the jurisdictions of interest to this analysis.

Decision makers are now guided by a number of principles or objectives laid down in legislation but discretionary powers remain available. These discretionary aspects of the process provide for flexibility but may also introduce confusion and uncertainty into planning. Flexibility and discretion in decision making are features in a planning framework where, in the current era, final decisions are made by a Minister. Requiring ministers to justify a departure from the usual process, or the making of a decision that contradicts the aspirations of a community panel or technical (including socio-economic) assessments may contribute towards promoting public confidence in decision-makers.

Ensuring decisions are based on accurate information and analysis
Requirements for technical assessment and their standards vary greatly across jurisdictions. National water policy provides that socio-economic analysis,
community input and information from the best available science are pre-requisites for the settling of trade-offs between competing water users. Gathering of base-line data for constructing the water-use profile of the planned area, understanding biophysical, social and economic conditions of the catchments and identifying community issues as they relate to water resource management are first steps in socio-economic analysis. The next step involves generating and evaluating options based on the above and assessing effects of changes arising from water use decisions. The use of these analyses enables decision makers to justify choices made between alternative scenarios. Many of the jurisdictions do not mandate the use of socio-economic or other analysis.

Improving the understanding of water plans
Attention should be given to clear and concise writing of water plans. At present, they are often difficult to understand and expressed in an overly complex manner. Courts have referred to difficulties associated with plans which are written in such a complex way.

On the other hand, plans may contain terms that are broad, imprecise or subjective; and performance indicators may be so general that it is difficult to ascertain whether they have been achieved. The setting of performance indicators is highly relevant to ongoing processes and stakeholders will be discouraged if they are not able to assess whether plans are actually being implemented.

Providing for Indigenous interests in water planning
Indigenous interests are not adequately provided for in planning. There is qualified recognition of Indigenous rights to water in the NWI, the provisions of which are attempting to steer a course between the strict legal requirements of native title, and the wider approach that Indigenous social, spiritual and customary objectives have intrinsic value and should be considered in planning. Indigenous rights to water have been narrowly construed by case-law and legislation to refer only to domestic (i.e. non-commercial) uses of water.

While high level policy statements made by some jurisdictions of Northern Australia contain strong commitments to Indigenous engagement, Indigenous people are rarely well represented in planning decisions.

Identifying and using appropriate dispute resolution processes
Few policy guidelines exist across the jurisdictions for mediation of disputes, or the use of conflict resolution mechanisms in water planning. Given that the ability of parties to take disputes to the courts has been limited, it would be reasonable to see further development of more alternative dispute resolution mechanisms (ADR) in this area. In stark contrast with research, knowledge and practice of ADR in private and commercial disputes, environmental or public dispute resolution is in its early phases in Australia. Existing policies related to the use of conflict resolution mechanisms appear to be underdeveloped.
The importance of adequate resourcing

Finally, the legal and policy report notes the comparative under resourcing of collaborative efforts in water planning. It appears that despite the NWI identifying water plans as being the key mechanism for delivery of national water reforms, there is limited support of the water planning efforts made in the states, in comparison with the very significant support given to infrastructure building and water buy-back in the Murray-Darling Basin.

2. Survey of water planners

As part of the first phase of the project, a survey of water planners in Northern Australia was undertaken to determine their experience with and expectations for collaborative planning. The survey was also used to identify training needs and opportunities, and to identify common issues and best practice approaches to public participation. The findings from the survey will be used to develop training and professional development resources for water planners in the second phase of the project.

Responses to the survey indicated a moderate level of experience in community engagement, and a high level of demand for additional training and professional development. Slightly under half of the water planners in Northern Australia have previous experience in community participation in planning (46%), compared with 62% of water planners nationally. Many planners have experience in other areas of catchment and natural resource management, and have brought skills in community engagement developed in these areas to the practice of water planning. More than three-quarters of respondents from Northern Australia (78%) expressed a desire for additional training in community engagement and methods for enhancing public participation.

Planners reported low levels of community satisfaction with engagement practices in about a third of plans (34%) considered in the survey. Only 1 in 4 water planners surveyed are themselves satisfied with the current level of community participation in water planning (26%), with the remaining 74% of the opinion that community participation should be extended or significantly extended. According to survey respondents, around 50% of water planning activities in Northern Australia have specific measures to enable Indigenous participation in water planning. Although this is clearly an area requiring ongoing improvement to meet the requirements of the National Water Initiative, it compares favourably to figures nationally - where only 38% of planning processes have strategies for Indigenous specific engagement.

Water planners in Northern Australia, as identified in this graph, demonstrated a high level of demand for training in cross-cultural and Indigenous engagement, and conflict resolution. In other states, training and professional development in science communication was also considered highly desirable, but less of a priority in the North. As with planners in other states, a clear preference was stated for training and professional development resources in the form of short courses and workshops to share knowledge and experience with other water planners.

**Desired training areas for northern Australia water planners**

**Preferred type of training methods for northern Australia water planners**
3. Case studies: providing a richer picture

Water planning has been tried in very few regions in northern Australia. We selected two case studies:

1. the Ord River Water Management Plan in the east Kimberley, Western Australia
2. the Queensland Gulf Resources Water Plan

The objective of these two case studies was to develop a richer picture of the water planning process through capturing and understand the perspectives of those involved in water planning and to identify the factors that support public participation and collaboration in practice.

Each study:
- describes the planning process and the context
- evaluates the quality of public participation
- characterises community expectations and their assessment of water planning
- identifies key barriers and enablers to enhanced collaboration in the water planning process.

Broadly these studies showed that it is important to consider the context of the broader planning landscape for the region, including the capacity of the community to become and remain involved. They also showed that it is important to design a transparent, flexible planning process that can accommodate a diversity of knowledge, interests and values.

Lessons from the case studies

Some more specific lessons included:

1. There are high community expectations of their participation in water planning

Respondents indicated they wanted a greater level of transparency in the relationship between their contributions and the planning outcomes.

In both cases community expectations were for an inclusive, transparent and equitable process in which community views were valued, respected and considered throughout the process in return for the considerable time and effort put in by individuals and organisations.

Although respondents did not express a desire for a determining role in the planning process, their expectation that the process will be fair, just and meaningful both motivated and underpinned their involvement.

There is an unspoken understanding between the community and the planning agencies — if one party is not meeting their implied obligations then the others tend to become disaffected and lose commitment.

In one case study area, a stakeholder described how they felt after the planning process:

‘It was always us against them. You got the feeling that the government, they just had it written, and this was the outcome that they were going to give us, and they were trying to convince us that this is how it should be, right from the very first meeting.’
2 Seeking feedback from the community is not the same as collaboration.

Water planning processes in Australia are currently more accurately described as ‘advisory’ rather than ‘collaborative’. Neither the Ord nor Gulf cases had scope in the process for the defining features of collaboration, such as: forums for deliberation, opportunities for social learning, or the requirement for consensus outcomes. This leads to community scepticism about the effect of their involvement on planning outcomes, as one stakeholder described in an interview:

‘What they were saying was that they wanted the community input so that their decisions could be based on community views, but we all had the feeling that they had made up their minds before the process began anyway – now that could be quite wrong, but that was the perception that people had.’

3 Clarity around the process, role and rationale of participation is a requirement for effective collaboration.

These case studies emphasise the single most important issue for collaboration is clarity of the role and rationale of stakeholder involvement. They confirm the importance of this aspect of planning if the process is to generate collaboration, social learning, and ultimately improved water management outcomes. However, the clarity of process is necessary but not sufficient for collaboration – having clarity alone does not generate a collaborative process.

4 Participant commitment to the process depends on the extent of input into actual decision-making.

Without evidence of meaningful input into the final outcomes of the planning process, participants tend to feel that their input is a token gesture. This discourages commitment to the process and impedes social learning. Our north Australian case studies show that the limited role granted by the state to multi-stakeholder water planning advisory groups and an expedited role for public participation significantly affected the planning. These processes significantly constrain the extent to which stakeholders could come together, build awareness and mediate divergent in views about future prospects and pathways.

5 Better methods are needed to make trade-offs in a collaborative way.

The two planning processes reviewed did not employ tools or methods to support stakeholders to make trade-offs or to deliberate and produce agreement about issues raised by and during the planning process. There is a range of increasingly popular tools to aid decisions about natural resource management, none of which were employed in the cases reviewed here. Many of these documented tools have been found to assist individuals in diverse group-settings to identify and analyse problems, move beyond private concerns, engage with competing views and take them into account in subsequent evaluations.

However water agencies tend to follow procedures that are minimalist and rudimentary. They tend to
strongly focus on providing information to participants, listing key issues and soliciting feedback on existing policies, rather than facilitating group processes and decision-making to reach agreement on the nature of the problem, how to legitimately address it and to minimise conflict.

6 There is still an absence of adequate Aboriginal participation and representation.

Water agencies are aware of the need to engage and be informed by Indigenous participants but water plans rarely address Indigenous interests.

It is of concern that even very recent planning processes, such as the one conducted in the Gulf region, do not address Indigenous issues. They continue to exhibit the same lack of attention to Indigenous interests shown in planning processes that were conducted prior to present day awareness of the significance of Indigenous engagement. The neglect of Indigenous values and needs in water planning described in these case studies is consistent with other literature on Indigenous engagement in water planning.

‘Land is precious to us, that’s the mother, that’s the identity, that’s all about caring for country. And obviously cultural heritage is linked to that, but its more than that, its about an educative process and its about building the capacity of everyone in our community to have an understanding of how to utilise all of the resources on country to keep it sustainable.’

7 Integrating knowledge is complex, particularly in making sense of local, cultural and scientific forms of information.

Both case studies – rewrite to ‘Both case studies show the difficulties of reconciling different forms of knowledge, such as scientific, local and Indigenous, within a planning process. Although most stakeholders recognised the value of scientific knowledge in a water allocation plan, there was also a widely held expectation that the community contributions would supplement the knowledge gathered by scientists and technical staff. Participants wanted their local knowledge to be recognised on an equal footing with the findings of the scientific research.

‘Tropical rivers are not understood, partially due to the fact that the area is remote, and partially due to the fact that very few people have any experience in tropical rivers. Unless you’ve seen the floods and the thirty years of change, unless you’ve seen, felt and been a part of these river systems, you can’t understand them. They flow differently to other rivers. The Gulf rivers run their own show. You can’t treat them the same.’
Different techniques of community engagement will yield different forms of input into the planning process. There is a need to improve methodologies and systems for knowledge management to integrate different types of knowledge. This includes the need for tools which can incorporate community values and socio-economic information into the decision support systems for water planning.

There needs to be clear pathways to properly include the information obtained from the community within the planning process.

‘The sharing of stories is so important. People don’t just want to receive paperwork. They want to know why: ‘what does it mean to me?’ It has to be communicated so that people can decide for themselves whether or not they’re interested.’

Government agencies, operating in north Australia at least, are not yet fully convinced of the benefits of properly collaborative processes, as distinct from consultative processes.

The National Water Initiative (NWI) and high level state policy recognise the importance of community participation and consultation in water planning. They also rely upon it for community support of, and confidence in, water reform. However, it is crucial to distinguish between a perfunctory level of participation and the potential of fuller versions of participation that are more focused on collaboration, deliberation and consensus-building. For reasons of fairness and equity as well as pragmatism, decisions in water management require the insight into complex issues that come from multi-stakeholder perspectives where groups can deliberate, learn and transcend individual positions. While these processes ideally offer so much, they are costly in terms of time and resources, and require an adequate skill-base in the planning agencies.

What are the barriers to collaboration?

The research in phase one has identified the top ten barriers to collaborative water planning as:

1. Achieving greater levels of community confidence in the adequacy and accuracy of the technical information used in planning
2. Resolving or managing the presence of residual and unresolved tensions in the community
3. Finding more appropriate forums for meaningful Indigenous participation
Find better ways to communicate science

Reducing the perception that outcomes are pre-determined through improving transparency of decision-making

Designing ways to increase administrative flexibility in the planning process

Resolving the disjunct between agency planning requirements and community expectations and needs

Reducing the high demands on regional water planners

Building capacity and social learning to address the highly varied capacity and constraints among panel members

Finding ways to provide more opportunities for deliberation & negotiation among panel members

What will assist collaboration?

- Clarity of process and terms of reference
- High motivation and commitment from community leaders
- High sense of identity and place amongst participants
- Multi-agency representation
- Shared vision for the region amongst the majority of panel members
- Regional staff commitment and support
- Opportunities for review of technical information
- Active pursuit of broad community representation by agencies
- Community support for planning and water reform

Next steps for water planning in Northern Australia

The findings of both case studies confirm the need to advance development and application of collaborative methods in water planning, including:

- Clear processes and standards for community engagement, particularly for participants in a community reference panel/group, to understand the role, timing and purpose of involvement
- Processes and standards adapted to address issues in Northern Australia catchments which are socially complex, with relatively small settlements, and are invariably remote
- Communication strategies and techniques to address the specific information requirements of diverse stakeholder groups
- Tools that can increase the capacity for community’s understanding of water planning, and their ability to contribute meaningfully to the planning process
- Training and professional development for agency staff and science providers to better facilitate community collaboration in planning and research
- Indigenous-specific engagement strategies to identify the implications of water plans for cultural heritage, values and practice and the economic development opportunities provided by water planning
• Participatory planning and impact assessment methodologies with best-practice scenario projections and predictive modelling

• Data, knowledge and information systems that have capability to handle multiple types of knowledge

• Decision-support systems for rigorous and transparent trade-off analysis in decision-making.

The second phase – trialling new approaches
In the second phase of the project we are building on the findings of the literature review and case studies to develop a strategy for piloting new approaches to planning.

The project team are working in consultation with water agencies and sectors of the community to trial alternative approaches for collaborative planning in two tropical river regions. These are the rural areas surrounding Darwin in the Northern Territory as well as the Archer River on the Cape York Peninsula in Queensland, which has recently been proposed a Wild River under Queensland Wild Rivers legislation.

Research team
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Visit our project website
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About TRaCK
Visit: www.track.gov.au
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TRaCK brings together leading tropical river researchers and managers from Charles Darwin University, Griffith University, University of Western Australia, CSIRO, James Cook University, the Australian National University, Geoscience Australia, the Environmental Research Institute of the Supervising Scientist, the Australian Institute of Marine Science, the North Australia Indigenous Land and Sea Management Alliance and the Governments of Queensland, Northern Territory and Western Australia. TRaCK receives major funding for its research through the Australian Government’s Commonwealth Environment Research Facilities initiative; the Australian Government’s Raising National Water Standards Programme; Land and Water Australia and the Queensland Government’s Smart State Innovation Fund.
For more general information about TRaCK

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