From here to accountability: securing healthy rivers

P.J. Crawford
Healthy Rivers Commission of New South Wales, Level 18, 15 Castlereagh Street, Sydney 2000, Australia

Abstract While specifying "responsibilities" for river planning and management implies that outcomes are desired, defining "accountabilities" demands that results are achieved. This paper examines innovative ways of converting aspirations to results, with particular reference to the changes initiated in New South Wales in response to the establishment of the Healthy Rivers Commission of New South Wales and its first round of Inquiries.

Keywords Accountability; audits; independent; inquiries; institutional arrangements; institutional impediments; Healthy Rivers Commission; management; planning; rivers

The Commission's role and inquiry processes to date
The NSW Healthy Rivers Commission was established late in 1995 as a central element of the NSW Government's water reform agenda, designed to change policies and procedures governing water management throughout the state, including institutional arrangements and processes for public consultation. That State agenda was also informed by the national water reform agenda, initiated by the Council of Australian Governments (COAG 1994).

The Commission was established under Section 23 of the NSW Pollution Control Act, 1970, in recognition of the need for a range of measures to be introduced if rivers are to be protected from further degradation and improved over time. Under its terms of reference, the Commission makes recommendations to Government on suitable river health objectives, and the strategies and changes in management practices needed to secure these objectives. The Inquiries demonstrate the objectives to which management should aspire, and cost-effective and fair ways of pursuing those goals, while assisting both government and the community in taking critical decisions.

To date, the Commission's role as a catalyst for change in river management has been effected through its Inquiries. Each Inquiry has provided a forum in which the many conflicts concerning rivers could be made explicit, and subjected to objective analysis by the Commission as an independent entity. In this way the Commission has been able to assist the community and government to first identify, then to make, difficult choices about rivers, generally because the rivers are simply incapable of supporting all of the many demands placed upon them.

For each river that has been the subject of an Inquiry the Commission has recommended a set of realistic goals against which future river health outcomes can be evaluated. Simultaneously, the Commission has recommended strategies and ways of securing those goals, which create a benchmark against which the future activities of all entities with management responsibilities can be assessed, for both appropriateness and effectiveness (HRC, 1996, 1998, 1999a, 1999b, 2000a, 2000b, 2000c).
In its first round of Inquiries the Commission followed a line of Inquiry which addressed the following key questions:

- What is the current condition of the river subject to Inquiry?
- What are the community’s major concerns about the river, and what are its aspirations for it?
- What are the “essential” and “desirable” improvements that should be formally recognised as the “healthy river goals” to be pursued?
- What improvements could be realistically expected? That is, what river health gains could be made at tolerable cost, and how could those costs be shared fairly?
- What are the key strategies that could confidently be expected to generate progress towards the goals that are specified for the river?
- How do those strategies differ from current river management practices, and how should the latter be altered to eliminate those discrepancies?

As those individual Inquiries have proceeded, it has become increasingly apparent that all communities want their rivers to be “better” or healthier, though few were able to articulate the degree of improvement. People seem to have an instinctive appreciation of the complexity of the science if they were to be called on to try to quantify current river conditions and then to specific desirable changes. Most emphasise that there are some fairly obvious, even if imprecise, signals as to the problem and what would constitute meaningful improvements, either in the overall condition, characteristic or feature of a river reach. Equally, while they accept that more precise understandings of cause and effect relationships are necessary for fine-tuning the management of river problems, in particular situations, they point to the many quite obvious instances where current management appears to be inappropriate and/or ineffective in scope and/or scale. As a consequence, in each of the Commission’s Inquiries, the community has been able to nominate improvements in the ways rivers are being managed, and has repeatedly asked the Commission why those changes are happening so slowly, if at all.

Consolidating the findings of past inquiries

As each community has identified similar deficiencies in the ways their rivers have been and are being managed, the Commission’s analyses have uncovered a set of common impediments to effective management and better river health outcomes. The Commission’s recommendations have therefore pointed to the changes in approach that are needed to overcome those impediments. Because so many of the impediments are present in all of the rivers (though to varying degrees), there is a set of management changes that needs to be applied universally, though, in each case, with fine-tuning to address particular local circumstances. The Commission has been concerned that in many cases difficult choices have not been made, which obviously should have been made, that priorities have frequently not been set, and that the temptation to defer, or make only marginal changes, in a futile effort to avoid conflict has often subverted the imperative to move forward (Crawford 1997).

In summary, the clear message from the Commission’s past Inquiries is that there is now a pressing need for bold and decisive action to “save the coastal rivers of New South Wales”. The Commission’s Report, Securing Healthy Coastal Rivers: A Strategic Perspective (HRC 2000a), provides strong evidence that there are few options left as to how the rivers can be “saved”. As noted there, those changes in management that are more marginal, and easier to implement, have already been made and still the results fall short of government and community wishes and expectations. The Strategic Report explains why the Commission has concluded that sustained improvements in river health will be achieved only if a number of river management principles (which are discussed in the
Strategic Report and summarised in the following) are applied with greater consistency and rigour than in the past. These principles need to be applied in the way we manage and plan, but they do not and cannot lead to a set of rules and standard prescriptions. They are advocated also by a number of other reviewers and expert commentators; see for example Oliver (1997) and Harris (1999).

Principles on which to base sound river management

The Commission has developed principles, which have been reinforced by each of its Inquiries, that the Commission advocates as the basis for future river management.

1. Whole system management

Rivers are systems which are inter-connected through a variety of natural processes that interact with human activities. They cannot be managed effectively by dividing the natural and human processes into subsets that reflect the partitioning of government into agencies. While some subdivision is necessary to reduce tasks to manageable proportions and to create centres of expertise, the needs of the river system as a whole must predominate when strategies and priorities are being determined.

2. Rivers are productive assets

Rivers serve many critically important functions. They provide water for human settlements, industry and agriculture and essential habitat for native fauna and flora. We enjoy living and pursuing recreation in and near them. They are therefore valuable environmental, social and commercial assets, with productive values to be sustained by carefully directed management.

It does not make sense to allow a valuable asset to deteriorate, whether its value can be easily measured in dollar terms or not. It follows that decisions about rivers must be governed by realistic assessments of their capabilities and recognition of their limitations.

3. Effective river health planning

Management plans for river health will be most effective if they have the following characteristics.

• They identify issues and goals rigorously, and set clear priorities.
• They assign responsibilities clearly to agencies that possess powers and resources which can be applied to river management. This creates an unambiguous basis for agency accountability.

4. Accountability for actions

Perhaps the most common criticism of the way agencies and councils manage river health, expressed throughout the Commission’s Inquiries, is that “there are too many plans and there is too little action”. The public wants to know that some entity is being held accountable for taking the necessary action. Being accountable means making informed decisions, taking consequent actions and being answerable for the outcomes. Accountability demands that either results are achieved or agreed processes have been followed, and that the results have been monitored and publicly reported. Accountability requires that directions and approach are reviewed and, if necessary, modified in the light of feedback.

5. Government-community partnerships

Both governments and the community have responsibilities for river health management. These obligations must be clearly stated and must underpin partnership arrangements so that the public can participate in decision making and public consultation processes with confidence that governments will take action on matters that are properly their province.

6. Adaptive management
The many uncertainties regarding natural processes should not be allowed to prevent action being taken on matters where the broad directions are clear. Rather, plans should be developed promptly, using the best available information, then regularly reviewed and adapted as new knowledge is gained or circumstances change.

In each of its Inquiries the Commission has found abundant evidence that sound river management principles are often not applied rigorously. Drawing on that evidence, the report identifies the key impediments to more effective management of important aspects of coastal rivers including coastal floodplains, river flows and water use, riverine vegetation, urban water services, wastewater and land-use planning. The Strategic Report also describes the often adverse results of past and present management deficiencies. Where management is not firmly grounded in those principles, the results are, all too obviously, a continuing decline in river health, coupled with growing community frustration. While in many instances the stated policies and management practices of the entities managing the rivers are strongly in accord with the principles espoused by the Commission and echoed in the findings of others, the reality is that practice often falls far short of stated intentions, and disappointing outcomes are therefore unsurprising.

Each Inquiry has reinforced the conclusion that a more rigorous application of the management principles would at least arrest the declines, and potentially generate improvements, in river health outcomes. The report thus identifies, as absolute prerequisites for improvements in river health, a number of critical changes in the many different decision-making processes and activities that together constitute river management. In each case, the direction of change that is required is towards a more concerted effort to apply the management principles described in the report. In many instances that would involve more insistent effort to overcome the current impediments to effective management, and/or to ensure a consistent application of the principles across the many entities with river management responsibilities.

Citizens and the management of their rivers

As the Inquiry processes evolved, it became ever more clear that what communities wanted most was the Commission’s assistance in improving river management. Communities everywhere are able to point to current management failures. In every Inquiry, without recourse to technical language, they have been able to describe examples of non-integrated management of rivers and their catchments, and the implications of such failures. They have pointed to duplications of effort in some instances and lack of action elsewhere. They have shown examples where intensive action and significant expenditure has achieved some results, but for problems that on any basis would be classified as “low priority” relative to other needs. They have cited frequent examples of conflicts and inconsistencies among the objectives of the programs and activities of various local and state government agencies. They have described failures to apply “government policies” (as they perceive them), inconsistent applications of “the rules”, instances where “the rules” are having effects that are the opposite of stated intentions, and so on.

Consequently, the Commission’s Inquiries are both an element of the current Water Reform Program and a catalyst for the development of further reforms. Commission reports have demonstrated the scope and scale of the changes that are needed in the ways rivers are managed, used, and protected, to achieve the goals of ecological sustainability. Some of the changes will be achievable within the ambit of the current reform program. Others will require separate and dedicated responses by government and new implementation actions by agencies.

Commission Inquiries have demonstrated that the community understands the need for fundamental changes in river management in the ways described, on its behalf, in the
Commission’s reports. The community is calling increasingly for more concerted and strategic action along the lines proposed. Many have participated in numerous “river planning” exercises previously, only to have their expectations dashed as plans fail to be translated into action and results. They know that the Commission’s recommendations have been thoroughly tested in the public domain, and that government agencies, councils, key interest groups and independent experts in relevant fields have had opportunities for involvement throughout the Inquiries. Thus they have viewed Commission Inquiry processes as the culmination of much previous investigatory and planning effort, and now expect decisions and action in relation to the river management strategies that each Inquiry has generated.

Institutional impediments to effective management

Through its Inquiries, the Healthy Rivers Commission has focused on the needs of rivers as whole systems and the strategies which must link government and community actions if community objectives for rivers are to be secured and river health is to be sustained. Many experts, inside and outside government, have concluded that natural systems need to be managed as whole entities (Codd 1997, Oliver 1997, McClellan 1998, Suzuki 1990). The term “whole system” is used to refer, for example, to rivers where the components or parts are inter-dependent, and each component has an effect on the behaviour of the whole. All these experts have concluded that, where the management task is divided, effectively breaking the system into parts or components, there must be exceptionally strong mechanisms to ensure that the parts are managed and considered in terms of the needs of the whole. The Commission’s findings mirror those elsewhere.

In fact, the Commission has found, after examining many coastal river systems that, in each case, critical reaches of all New South Wales coastal rivers are deteriorating. One significant reason is that the rivers are complex systems for which no government entity has prime responsibility for the planning and management, in partnership with the community. Instead, each river is sub-divided into manageable components for which many agencies, councils and committees of various kinds take some responsibility. When the actions of these various entities are added together, the result is often not the one hoped for and deterioration continues. The reason is that the efforts have not been integrated and focused on the needs of the river system, so quite frequently effective planning and management has not been achieved.

It is not therefore surprising that the Commission has identified many cases where continuing failure to reduce long-standing river problems can be attributed to a group of problems that I will loosely describe as “institutional impediments”. At times they relate to poorly defined accountabilities, lack of leadership and resolve to address some of the more difficult issues, failure to determine real, whole-system priorities, failure to ensure that budget allocations lead to the funding of critical priorities first, or to the absence of a common framework within which agencies and councils can work together to manage a river as a whole (see, for example, HRC 2000c).

Commonly, the current institutional framework is built around the proposition that the parts are so important, and the overall system so complex, that the parts must be managed separately with some form of subsequent co-ordination. That is precisely why so much energetic effort on individual problems frequently does not contribute to the solution of major natural system and resource problems. For example, the upper Nepean River will never have adequate quality and flows so long as the focus is on what occurs behind the nine consecutive weirs established in that river decades ago (HRC 1998). Thus a focus on stratification, fish stocking, bank erosion, weir water quality can secure only limited results, whereas the NSW Government’s decision to support the Commission’s recommendation
for removal of as many weirs as practicable represents a more realistic, whole-system response.

The second reason for continued deterioration is that the major problems do not become the management focus. They lie somewhere between high-order policy development and planning and the countless day-to-day activities of people from agencies and councils. The resolution of these problems usually involves significant exercise of public power but, in practice, no agency, committee or individual either is empowered, or encouraged to lead, in resolving most such problems. Where co-ordinative arrangements and processes exist, they often focus on the local consequences or the main problem or bog down in debate (HRC 2000a).

The Commission has recognised the acute difficulties in achieving ideal institutional arrangements for both planning and management of sustainable rivers. Bearing this in mind, in writing its recent Strategic Report (HRC 2000a) the Commission said that those with river management responsibilities are accountable and answerable for the condition of rivers at the conclusion of each cycle of management activity. Each player must be answerable for its implementation of agreed management processes, where actual river outcomes are subject to various uncontrollable influences.

Future investigations – from inquiries to audits
To improve management requires considerable change, including breaking the institutional gridlocks and proper implementation of agreed principles and actions. That is easier to write about than to cause to happen – but there are opportunities to advance the cause if the Commission varies its approach.

Having specified its “requisite changes for effective river management” the Commission will be able to conduct its future investigations somewhat differently. Rather than providing detailed analyses in support of its recommended management strategies, the Commission will, in future, focus its attention on questions as to why some fairly obvious, little disputed, management approaches are not being followed.

Previously we have conducted Inquiries as open-ended investigations, which have sought to find out, from the community, councils and agencies, how a river is being managed, what the results are, what they should be, and what management changes should occur.

In future, the Commission will base its investigations on the premise that the fundamentals of effective river management are well known, and that the community’s primary, and justifiable, expectation is that they will be applied. In consequence, the community should also be able to expect real improvements in river health, in terms of those particular aspects that have been accorded highest priority in community/agency planning processes, and in line with specific targets where these have been set.

Thus, in future Inquiries the Commission will scrutinise the extent to which those principles are being applied, in the specific river or group of rivers under investigation, and the extent to which agreed river health targets are being achieved. We will, in our future investigations, adopt a target of “continuous demonstrable improvement” in river health, where I continue to use the term “river health” in the wide sense applied in all our Inquiries and reports. Progress towards that target will be assessed in a variety of ways, drawing on both qualitative and quantitative indicators.

So, the Commission’s future investigations will be designed to place the onus on management entities to demonstrate how they are, in fact, applying the appropriate principles.

Of course it will often be the case that only indicative, rather than absolute, evidence will be available. In those instances, the Commission will continue to draw on the advice of citizens and independent experts in the assessment of such evidence. In general, the
Commission will suggest a **range of indicators** which, in its judgment, would constitute valid “evidence” of commitment to, and application of, the principles. Additional or alternative indicators may be suggested by councils or agencies. Where necessary, commentary by independent experts would validate the adoption of any or all of the indicators nominated by the Commission and/or agencies.

For each major aspect of river management, the Commission has noted the major **impediments** to effective management in the course of its Inquiries to date. The Commission has observed in the Inquiries that some of these are beyond agency control to any meaningful degree and in such instances, the Commission’s evaluation of performance must take such lack of control into consideration.

Finally, the Commission proposes to consolidate the findings, in much the same way as it has done in past Inquiries, to a point where we can describe the “overall” management approach. For example, we may conclude that on balance, principle X is being applied by the majority of entities – with some notable exceptions listed. If there is simply too much fragmentation to allow any generalisation, then that would be a major finding in itself, and in fact would be evidence of the **non-application** of some important principles.

Thus the Commission’s future reports will describe whether and how the river management principles it has articulated are being applied to the management of the important issues, the efforts being made to overcome identified management deficiencies/impediments to effective management, and the extent to which those impediments have been/are being removed, and the changing river health outcomes, either positive or negative, that can reasonably be attributed to changing management.

The Commission’s **recommendations** will relate to the most urgent and significant changes that should be made to current river management practices to bring them more into line with the principles described in the Commission’s Strategic Report (HRC 2000a), in Government decisions and policy statements and elsewhere. (See, for example, SWCMA 1998, DLWC 1999, Harris 1999.)

If we take a further significant step, we could envisage that Commission reports would encompass agreed **“management improvement plans”**, containing the commitments of agencies, councils and committees to improve their management practice over time. These then would comprise the basis for future reviews, to assess the degree of change and improvement. Those assessments, together with new data on river health outcomes that is amassed over time, would then form a good basis for a genuinely adaptive management approach.

This is the Commission’s perception about how it might best meet its accountability to the government and citizens of New South Wales in the next phase of its work.

References


*Sydney Water Catchment Management Act (SWCMA) (1998).*