



Natural
Resources
Commission

NATURAL RESOURCE MANAGEMENT AND THE LAW

Sustainability, Science and the Law

Macquarie University, 31 October 2013

Did you know?

- Peak water?



Component	Summary of state and trends	Assessment grade			
		Very Poor	Poor	Good	Very good
Terrestrial ecosystem (native vegetation extent)	Northern and central Australia			↔	
	Southern, eastern and south western Australia		↓		
Terrestrial ecosystem (native vegetation) quality)	Remote areas and areas where urban development has been minimal			↓	
	Agricultural regions and around urban development		↓		
Terrestrial plant species	High altitude, remote and/or very dry parts of Australia			↔	
	Areas most suitable for urban development and/or agriculture		↓		
Terrestrial animals- mammals	Declines in all states	↓			
Terrestrial animals - birds	Several states raise concerns about recent declines		↓		
Terrestrial animals - reptiles	Concerns about ongoing decline		↓		
Terrestrial animals - amphibians	Major declines in many areas		↓		
Aquatic species and ecosystems	Northern and central Australia			↔	
	Southern, eastern and south western Australia		↓		
Marine species and ecosystems	Overall			↔	
	In a new areas	↓			


Valley	Ecosystem health
Paroo	Good
Warrego	Moderate
Castlereagh	Poor
Condamine	Poor
Darling	Poor
Border Rivers	Poor
Lower Murray	Poor
Ovens	Poor
Gwydir	Poor
Central Murray	Poor
Upper Murray	Poor
Wimmera	Poor
Namoi	Poor
Kiewa	Poor
Mitta mitta	Poor
Avoca	Poor
Campaspe	Very poor
Loddon	Very poor
Goulburn	Very poor
Macquarie	Very poor
Broken	Very poor
Lachlan	Very poor

What can we do?

- Understand the problem: science
- Regulate behaviour: law
- Guide how natural resources are managed: policy
- Support work on the ground: programs, incentives and education
- Be careful of “one size fits all”

Law and natural resource management

- Common law inadequate
- Legislation = main source of environmental law
- Negative and positive duties



New South Wales

Native Vegetation Act 2003 No 103

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Design of legislation to manage natural resources

- Who should set targets?
- Who should implement?
- Who should check whether targets being achieved?

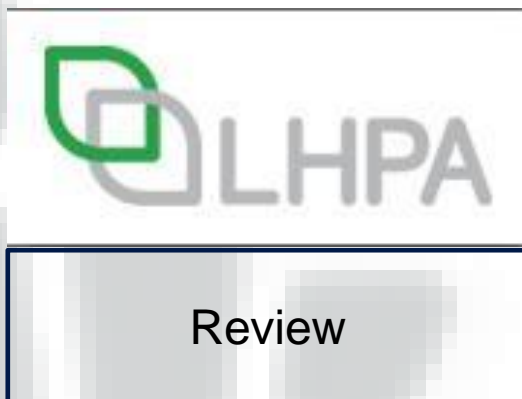


- Natural Resources Commission Act
- Catchment Management Authorities Act
- Native Vegetation Act





Design of Local Land Services legislation



Local Land Services Act

Elements of good legislative design

- Identify the problem
- Clearly identified objectives
- Strong evidence base
- Communicate effectively
- Performance-based regulations rather than prescriptive rules

Local Land Services boundaries





How has legislation been implemented?



Outcomes of flexible approach to legislation





Why was implementation successful?

- Non-prescriptive
- Addresses uncertainty
- Trade-offs
- Collaboration





You are the law-makers of the future...

- Use a sound evidence base
- Genuinely consult and communicate with the public
- Identify policy objectives clearly
- Ensure legislation is enabling to allow for unexpected changes in future



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Any questions?