

A Schematic History of Waterway Management in Victoria

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ABSTRACT: *This paper presents a brief overview of the development of the institutional framework for waterway management in Victoria and discusses some of the major paradigms which have driven its development. Table 1 summarises the chronology of major milestones in waterway management. These milestones illustrate some of the changes in the attitudes of organisations, government and non-government, and of the community regarding the management of rivers and streams in Victoria.*

1. IN THE BEGINNING — CENTRALISED CONTROL

From the 1850s on through to the early 1880s, river frontages were reserved as public land as the adjoining land was settled. This was to ensure access for stock watering, river boats and for recreation, especially for fishing. In England, by comparison, land up to the water's edge is private to this day. Because land started to be settled far more quickly than frontages could be surveyed and reserved, a general proclamation of May 1881 declared that all remaining frontages were to be reserved as Crown Land.

The provisions of the *Water Act 1905* established the State Rivers and Water Supply Commission (SR&WSC), which was the forerunner to the Rural Water Corporation of the early 1990s. The Act reinforced the concept of State ownership of water resources and of the bed and banks of waterways. However, the SR&WSC did not have river or floodplain management responsibilities, nor could this organisation raise revenues for these functions. So the prevailing paradigm for river management in Victoria at that time was that of State ownership and State responsibility.

There was a significant shift in the way the environment was perceived following recognition through the 1930s and 1940s of environmental degradation of both rivers and streams and of soil. This heightened public awareness of the environmental consequences of many hitherto socially accepted land and water management practices was the trigger for a number of initiatives.

One of these initiatives was the establishment of the Rivers and Streams Fund in 1931, whereby licence fees collected from the grazing of water frontages were paid into a central fund. Grants were made to councils for works on rivers such as clearing obstructions from streams and treating bank erosion. The fund was

administered by the Public Works Department with advice from the SR&WSC.

A further example of this concern for better management of natural resources in this State was the *Soil Conservation Act 1940*.

Even though there was increasing acknowledgment that natural resources were not being managed well, there was no fundamental change in the way river management was administered for the first forty or so years of this century, that is, from centralised organisations with a single statewide funding source.

2. THE 1940s — DECENTRALISATION

The next significant step was the move to placing the responsibility for local river management problems with locally-based organisations. This was the recommendation from a 1945 Parliamentary Inquiry which enquired into the "action necessary to provide for the efficient maintenance of river improvement and drainage works". This inquiry resulted in the *River Improvement Act 1948* and the subsequent formation of many river improvement trusts (RITs) during the 1950s. These RITs generally formed following flood damage and were most interested in local flooding and severe erosion problems.

The SR&WSC became the primary authority for river improvement at the State level. It is fascinating to note that there was much concern about the state of our rivers and corresponding uncertainty about who should pay for river management during the parliamentary debate on the River Improvement Bill. The same questions are raised today.

The 1945 Parliamentary Committee seemed to anticipate later attitudes in that it recommended that river management, drainage and flood protection should be managed as a complementary suite of functions. The Dandenong Valley Authority formed in 1963 and its powers were in line with these recommendations. This authority had waterway management, regional drainage and floodplain management functions and the ability to raise revenue by charging municipalities in the Dandenong Creek catchment.

The Joint Select Committee on Drainage, established in 1969, endorsed the conclusions of the 1945 Parliamentary Committee and further recommended that these functions should be managed by catchment-based authorities.

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Selected chronology of some of the major milestones in waterway management in Victoria

1850s to 1880s	Reservation of river frontages for public use
1905	<i>Water Act</i> - State Rivers and Water Supply Commission established
1931	Rivers and Streams Fund established - Public Works Department
1940	<i>Soil Conservation Act</i>
1945	Parliamentary Public Works Committee
1948	<i>River Improvement Act</i>
1950s	Formation of many River Improvement Trusts
1958	<i>River Improvement Act</i>
1963	<i>Dandenong Valley Authority Act</i>
1969-70	Joint Select Committee on Drainage
1975	Standing Consultative Committee on River Improvement
1980	Public Bodies Review Committee (PBRC)
1983	PBRC Eighth Report (recommendations related to river management)
1983	<i>The State of the Rivers</i> report
1984	State of the Rivers Task Force
1984	Department of Water Resources (DWR) and Rural Water Commission (RWC) established
1984	Regional Drainage and Stream Management Task Force
1987	<i>Better Rivers and Catchments</i> report
1987	First catchment-based RMA: Mitchell RMB. State Conservation Strategy
Late 1980s	Mergers and catchment-based River Management Authorities (RMAs)
1989	DWR takes over the administration of RMAs from RWC
1989	<i>Water Act</i>
1990	First multi-functional authority: Latrobe Region Water Authority
1994	Water sector reform: separation of commercial and public good functions
1994	<i>Catchment and Land Protection Act</i> . Catchment and Land Protection Council and Boards
1995	Directions for Waterway Management in Victoria policy

By contrast with this, the districts of RITs existing in the 1970s, mainly located in the eastern part of the State, were usually small and comprising just the downstream reaches of major rivers. These authorities only had river management powers, not drainage nor floodplain management powers.

3. THE 1970s & 1980s — THE RISE OF ENVIRONMENTAL CONCERNS, CATCHMENT-BASED MANAGEMENT AND LOTS OF REPORTS

By the 1970s, community concern about environmental matters was again on the rise. Among various targets were the RITs, which were perceived by some people to be "river destruction trusts". In response to this, the Standing Consultative Committee on River Improvement was set up. It achieved the following:

- established an institutional and legal framework;
- developed guidelines on revegetating streams; and
- released *The State of the Rivers* (Standing Consultative Committee on River Improvement, 1984).

The State of the Rivers was an important vehicle for the promotion of catchment-based river management and it outlined, in quantitative terms, the degraded state of Victoria's rivers and streams. The Standing Committee recommended that a further group, the State of the Rivers Task Force, be established to investigate:

- how catchment-based river management could be established;
- the costs of river restoration in each catchment; and
- ways whereby these costs could be met.

At the same time the Task Force was operating, the Public Bodies Review Committee (PBRC), an all party committee, started a review of the entire Victorian water sector. The PBRC identified a number of major problems related to river management. These were:

- board members were mainly frontage landowners;
- Trust districts were confined to short reaches of rivers;
- limited funding for river management (both State and local);

- outdated legislation;
- deficiencies in the river management knowledge base; and
- little recognition of the wider values of rivers (e.g. environment, recreation, tourism).

The final PBRC report (PBRC, 1983) recommended that all RITs cease to exist and that their functions be undertaken by a total of twenty-three different agencies, namely nine water boards, nine catchment boards and five municipalities.

This arrangement continued to endorse the concept of decentralised river management, a recurring theme in the Victorian water sector, compared with the more centralised situation in some other States.

However, the PBRC's recommendations were not seized upon wholeheartedly. For example, the water boards did not want river management responsibilities. Hence the Regional Drainage and Stream Management Task Force, which was appointed in 1984, reviewed the recommendations of the previous review (Regional Drainage and Stream Management Task Force, 1984).

The Task Force reinforced the concept of the existing system of RITs, recognising the critical importance of local knowledge, commitment and responsiveness. It recommended the establishment of catchment-based river management authorities (RMAs), as in the previous *The State of the Rivers* report. The subsequent *Better Rivers and Catchments* (State of the Rivers Task Force, 1987), estimated the costs of correction works for each catchment and also discussed possible management arrangements for river management throughout the State. **The major paradigm operating at that time and for some years following was that of catchment-based RMAs, responsible for the condition of all the rivers and streams within an entire catchment.**

Simultaneously, changes in the administration of river management at the statewide level were occurring. In 1984, the Department of Water Resources and the Rural Water Commission (successor to the SR&WSC) were established. The Department became the focus of river management policy in the State, with the goal of implementing the recommendations of both the State of the Rivers and the Regional Drainage and Stream Management Task Forces. The Commission had a continuing role in river management in those areas without RITs or RMAs, a minimal role which persisted until 1989. There were some funds expended on works as part of the Commission's role.

Ultimately these activities led to a commitment by the Government, both in Cabinet and via the State

Conservation Strategy (Government of Victoria, 1987) to **"achieve a significant and visible improvement in the condition of the State's waterways by the year 2000" and to achieve this through, amongst other activities, the establishment of catchment-based RMAs.**

It is thus apparent that through the 1980s the community's environmental awareness was becoming stronger by the year and therefore increasingly powerful as a political factor. This is reflected in the current Water Act in the description of the functions of RMAs (e.g. "to identify and plan for . . . environmental values of land and waterways") and how they must perform these functions ("an Authority must perform its functions in an environmentally sound way"). Such explicit requirements are indicative of an environmentally aware community and a responsive Government. It also gives a measure of statutory strength to the concept that river management activities must be environmentally responsible and so reinforces the continued application of that concept in future arrangements. **The shift from the view of RITs as "River Destruction Trusts" in the 1970s to that of RMAs being in the vanguard of environmentally proactive organisations has been a very significant one.**

4. INTO THE 1990s

The first catchment-based RMA was the Mitchell River Management Board (RMB), formed in 1987, followed by the Ovens, the East Gippsland and the Tarwin RMBs. During the early 1990s, many RITs extended their districts to the whole of their catchments or merged with neighbouring authorities and new RMAs formed in catchments where there had not been a history of river management. The area of the State thus covered by RMAs has increased from about 7% to 40% since 1987 and is anticipated to be up to about 60% by the end of 1996.

A short-lived concept, which was a driver in relation to reform for the water sector in its entirety, was that of the multi-functional authority. Such an authority was designed to deliver an integrated water management approach to water supply, sewerage provision, waterway management plus, eventually, all of the other functions related to the management of the water resources in a district. The first such authority established was the Latrobe Region Water Authority, which encompassed a number of small Water Boards plus a river management authority. Several other multi-functional authorities were formed but the impetus for their establishment disappeared with the current Government's reform agenda (Office of State Owned Enterprises and Office of Water Reform, 1994).

Once again, the nature of RMAs is undergoing radical change. The driving force for the last ten years or so has been the establishment of whole of catchment RMAs. This has not led to the solution of all of the concerns raised a decade ago by the PBRC. Certainly, the issue about outdated legislation has been largely overcome through the *Water Act 1989* and the existence of a few small, fragmented authority districts is no longer a problem, since none of these is expected to continue by the end of 1996. But the issues related to limited funding, to RMA members being largely landowners, to deficiencies in the knowledge base and to a narrow view of what river management encompasses persist. For each of these issues, there has been a discernible improvement, but they do persist.

So the establishment of catchment-based RMAs has not been the panacea some of us hoped, perhaps naively, it would be. Other changes have also contributed to this conclusion. First, the Water Industry Reform initiatives introduced by the current Government (Office of State Owned Enterprises and Office of Water Reform, 1994) reduced the number of non-metropolitan water and sewerage authorities from 83 to 13. These new regional water authorities, which have replaced both the older style water boards as well as the few multi-functional regional water authorities, have a strong commercial focus and will generally steer clear of public good activities such as waterway management.

Second, the *Catchment and Land Protection Act 1994* established the Victorian Catchment and Land Protection Council and ten catchment-based regional boards across the State. The Council advises the Government on the condition of the State's land and water resources and priorities for action across Victoria. It also assists in the coordination of other resource management agencies at the statewide level. The Catchment and Land Protection Boards oversee and coordinate the management of land and water resources at the catchment and regional levels. Each Board is responsible for developing a regional catchment management strategy for its area.

Statewide policy development and the river management grants program have been concentrated in a small group which has moved from the Department of Water Resources (DWR) to the Department of Conservation and Environment, back to a revamped DWR and, since October 1993, to the Department of Conservation and Natural Resources.

5. THE FUTURE

These various events have led to opportunities for RMAs to extend their activities into new areas. A document titled "Directions for Waterway Management in Victoria" was in a draft form as of December 1995 and undergoing a targeted consultation phase. This policy document articulated the goal for future waterway management in Victoria, from the Government's perspective, as:

"To establish catchment-based authorities which will be responsible for the management of all waterways throughout the State and which will play an important role in the integrated management of all activities impacting on waterway condition and water quality".

Perhaps the most significant reform recommended in this document relates to the suite of functions that are undertaken by what are now called waterway management authorities (WMAs). It is proposed that WMAs progressively take on those functions that will minimise the impact of the major waterway related problems in their region, in a "strategic alliance" relationship with their Catchment and Land Protection Boards.

These potential new functions include:

- floodplain management;
- regional drainage management;
- frontage and riparian zone management;
- sand and gravel extraction;
- water quality monitoring; and
- environmental flow management.

Other changes relate to the funding of WMAs, board selection and composition, accountability and so on. Hence it is apparent that one of paradigms currently fighting for favour appears to be for catchment/regional authorities that are responsible for a suite of public or mixed good activities. These activities comprise those with major impacts on both waterway condition and water quality, and seem to be grouped in terms of integrated catchment management, albeit a restricted definition of this concept.

This is a definite shift from the prevailing integrated water management concept of the late 1980s and appears to largely be the result of the separation out of public from private goods throughout the water sector, both at the Federal and State levels. It is relatively easy to isolate the commercial functions and establish appropriate institutional arrangements for them. However, the "left over" public or mixed good activities in both land and water resource management,

which are perceived to be the foundation of an integrated catchment management approach, also need to be housed appropriately. The institutional separation of various aspects of the water sector, described as water resource management, standard setting, regulatory enforcement and provision of service, is required by the Council of Australian Governments by 1998 (Council of Australian Governments, 1994). In addition, the Hilmer concept of competition has led to the clear separation of private good functions, such as water supply, sewerage provision and irrigation management, with focussed organisations providing these functions in an increasingly competitive environment.

So right now, there appear to be two very different driving forces which are shaping the way waterways are managed in this State. The first, by defining the commercial, competitive components of the water sector, has really excluded waterway management, plus various other public or mixed good activities, from its considerations. Hence this separation philosophy has clearly described how one portion of the water sector should manage its business and totally ignored how the remainder should operate.

The second underlying philosophy is a **modified integrated catchment management approach**, which certainly incorporates the new Catchment and Land Protection Act perspective, but which has yet to develop an accepted institutional framework. Perhaps then this is one of those "exciting" times when two rather different views are competing. Inevitably, one paradigm will prevail, but this may well be an amalgam of the two competitors or even something quite new.

REFERENCES

Council of Australian Governments (1994) Communique Communique of the third meeting of COAG.

Department of Conservation and Natural Resources (in prep) Directions for Waterway Management in Victoria.

Government of Victoria (1987) Protecting the Environment. A Conservation Strategy for Victoria Government Printer, Melbourne.

Office of State Owned Enterprises and Office of Water Reform (1994) Reforming Victoria's Water Industry. A plan for reform of non-metropolitan urban water authorities Office of State Owned Enterprises and Office of Water Reform, Melbourne.

Public Bodies Review Committee (1983) Future structures for Water Management. vol. 3. Final Report: the Central and Regional Management of the Water Industry. Eighth Report to Parliament Government Printer, Melbourne.

Regional Drainage and Stream Management Task Force (1984) Regional Drainage and Stream Management Eighth Report to the Minister for Water Resources, Victoria.

Standing Consultative Committee on River Improvement (1984) The State of the Rivers rev. edn, Department of Conservation, Forests and Lands, Melbourne.

State of the Rivers Task Force (1987) Better Rivers and Catchments Department of Conservation, Forests and Lands, Melbourne.

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