

From conflict to collaboration: can better governance systems facilitate the sustainable development of the northern pastoral industry, communities and landscapes?

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Abstract. The past decade has seen several high profile national policy conflicts related to sustainable development beset the northern Australian pastoral industry. Examples include the live cattle export ban, tree clearing legislation in Queensland and significant pastoral sector concerns about exploration and development of coal and gas reserves across the north. Although these are very legitimate cross-societal debates, the high levels of conflict associated with them impact on the willingness of corporate, family and Indigenous farming enterprises in northern Australia to invest in development. They also affect the willingness and capacities of pastoralists to cooperate with governments in various approaches to change management in northern landscapes. In the pursuit of a better pathway that might resolve policy problems while also delivering industry benefit, this paper analyses several high-profile industry and landscape scale conflicts from recent years, teasing out the key features of governance system dysfunction. At the same time, I also look at positive governance developments emerging in related contexts. Drawing on this analysis, I suggest the current system of governance affecting the northern Australian pastoral industry might have much to learn from the application of more evidence rich and engaging systems of co-management. I suggest that moving in this direction, however, would require Australian, state and Northern Territory (NT) governments to genuinely partner the industry, Traditional Owners and other key sectoral interests, leading to long-term vision building, strategy development and delivery partnerships that benefit industry and communities while resolving wider societal concerns.

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Introduction

Pastoral communities are a legitimate and important part of the northern Australian social landscape. This very extensive industry is diverse, including corporate interests, pastoral families and Indigenous pastoralists. In a geographic context, pastoral communities and the meaningful livelihoods they forge can themselves also be quite diverse (e.g. compare the Kimberley versus the Cape York pastoral regions). This diversity is reflected in several dimensions over space and time. For example, in 2004 in the Northern Territory (NT), the industry comprised pastoral enterprises that were privately owned and employed a manager (40%), enterprises that were privately owned and managed (36%) and company owned (8%) (Department of Primary Industry, Fisheries and Mines 2004). Across the wider northern Australian pastoral estate, corporate and Indigenous ownership has been increasing since that time.

With a continuing high proportion of local ownership and management in the industry, in Dale (2014a), I suggest that pastoral communities 'epitomise stoic self-sufficiency and deeply resent outsiders telling them what they should and shouldn't do with *their* land and *their* cattle'. This suggests that the world view of pastoral communities is largely centred on local

concerns. As in other extensive pastoral estates, longstanding and strong cultural values and operational norms are embedded deep within corporate pastoral operations, pastoral families and Indigenous pastoralists and the remote communities in which they live (e.g. see also Raish and McSweeney 2001; Galvin *et al.* 2008). There are also often deep local and cross-regional connections between different geographic parts of the industry and ownership structures. Historically, it is also important to understand that before the 1980s, in a time before wider societal awareness of environmental issues started to grow, the main experiences pastoral communities had with governments (if there was any contact at all) were generally positive. In this world, government extension officers were viewed as being there to help pastoralists to overcome technical and infrastructure issues. Crown lease conditions on many properties even required the development of extensive pastoral lands.

Over the past 50 years, however, societal awareness of environmental and animal welfare issues have significantly increased (e.g. see Dunlap and Mertig 1995; Miele *et al.* 2013). Knowledge and technical capacity supporting exploration and development of the north's extensive mineral, coal and gas resources has also grown (Austrade Unlimited 2013). In the

environmental context in recent decades, nationally significant environmental battles in the north's pastoral lands have emerged for three main reasons. The first relates to a desire within Australia's largely urban conservation interests and key organisations in that movement to secure extensive conservation outcomes in the north (e.g. see MacBean 2010). More recently, a second reason has emerged through a governmental drive to meet Australia's international commitments to reduce carbon emissions via the cessation of broad-scale tree clearing. Third, during the late 2000s, the Queensland Government's decision to regulate agricultural contributions to poor water quality entering the Barrier Reef lagoon became another significant conflict (Desmond 2007; Queensland Farmers' Federation 2017). Additionally, awareness and advocacy for better animal welfare outcomes have also grown substantially, and in the context of the pastoral industry, there has been national attention on industry-wide animal welfare practices. More recently, there has been a particular focus on shipping practices in live cattle export and practices within non-Australian meat processing facilities. Finally, although coal and gas exploration has long been a point of localised contention within the pastoral sector, international corporate interest in the identification and exploitation of coal and gas markets has presented Australia significant economic opportunities (Austrade Unlimited 2013), but also sparked significant conflict *and* opportunity across the pastoral landscape.

All three of these thematics (environmental protection, animal welfare and resource access) have legitimate cause and substance; all requiring change in the industry. Equally, however, the rights and interests and long-term livelihoods of pastoral communities have cause and substance. Consequently, when enviro-centric government regulators, community-sector lobbyists or corporate mining interests become involved in the very localised world of northern pastoral communities, the scene is often set for intense cross-cultural conflict and natural resource policy and management battles (Dale 2014a). In this paper, I focus on the problems that emerge from the processes used by the federal, state and NT governments to contextualise and resolve some of these key conflicts. Although these processes may have tackled key problems (e.g. by regulating certain activities or granting access to gas resources), process flaws have also often created new ones (e.g. policy and economic uncertainty for pastoral businesses). These processes have often undermined the trust pastoral communities have in governments and other civil society sectors (e.g. environment or animal welfare-related movements). There are, however, more positive ways to resolve these conflicts, so this paper also sets out to explore how governments can rebuild trust with these important communities while also achieving necessary societal change.

I do this by first exploring three key case studies selected as they represent these key areas of friction between southern governments and the northern pastoral industry. In detailing these cases, I pay particular attention to the key characteristics of the health of the overall system of governance impacting outcomes in the northern pastoral industry (as outlined by Dale 2013). This is a complex and interconnected system that plays out across international, national, state/territory, regional, local and property-scale arenas. It is also a system which is inclusive of various governance themes (e.g. economic and

social development and environmental protection) and distinct domains of governance (e.g. mineral development, greenhouse gas abatement, animal welfare, etc.). In this context, I use these case studies as sub-narratives that operate within the far wider system of governance affecting pastoral landscapes, communities and properties in northern Australia. Rather than describing the system in detail and analysing its full complexity, I focus attention here on implications arising from these specific case studies, before exploring some (globally) relevant governance innovations. Finally, I draw these considerations together into early thoughts about how the system of governance affecting northern pastoral landscapes can be strengthened; strengthened to both improve wider environmental and economic outcomes for society, as well as for the welfare and livelihoods of one of northern Australia's most important communities.

Case study 1: vegetation management debates in Queensland

Vegetation management has been a particularly significant point of conflict in the pastoral estate over the past 3 years in Queensland, and the debate is likely to continue further over the coming years. It is important to note that although the tussle has drawn legitimate property rights issues to the surface for the pastoral sector, targeted action has equally been needed to better handle the impact of clearing on biodiversity, reef water quality and greenhouse gas emissions (Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education 2013). With high state wide clearing rates (Department of Science, Information Technology and Innovation 2013) and a growing understanding of the contribution of land use change to greenhouse gas emissions, it was inevitable that tree clearing in Queensland would become a big political issue for the less developed north of the state.

I have previously written about earlier iterations of this now long-standing conflict, but particularly in relation to the mid to late 1990s period (Dale 2014a). In those times, pastoralists experienced a sudden policy switch from being encouraged to clear vegetation to meet lease conditions to extensive regulation for vegetation protection. I considered:

This problem was made more ironic by the fact that many pastoralists have a detailed and practical knowledge of vegetation management. They often understand the significance of the processes of timber thickening occurring across the landscape (Dale 2014a).

Buried deep in this past, however, were indeed the foundations for an improved approach based on Regional Management Groups focussed on getting both the conservation and pastoral sectors agreeing on the critical landscape outcomes needed. Facilitated by the Queensland Government, the state's then Regional Vegetation Management Groups undertook collaborative processes that brought pastoral communities, scientists, local conservationists and bureaucrats together. Substantive progress towards agreement about regional vegetation management codes was made across the state in a reasonably short time period. The process built shared knowledge, joint understanding and a greater level of trust between the players.

Late in the process though, more heavy handed state level intervention over-rode the emerging outcomes from these regional groups, outraging the pastoral sector (Tooth 1999). To speed up outcomes, the state government imposed a wide moratorium on clearing and then imposed the final vegetation management codes from the top down just as the grass-roots regional groups were finalising deliberations. The final codes were often not far removed from the ones that were being negotiated in good faith through the Regional Vegetation Management Groups over the previous 2 years (see Dale 2014a). Additionally, although the banning of broad-scale clearing was secured in rural and regional Queensland, the final vegetation clearing laws did not apply to tree clearing in more urban communities in the state's sprawling metropolitan south-east.

This period established and normalised a more highly politicised approach to policy development that has seen the state struggle to stabilise the business of sensible vegetation management ever since. Consequently, during the Liberal National Party (LNP) state government from 2013, there was a significant unwinding of the previous Labour government's past vegetation management laws, particularly in respect to clearing in reef catchments and the establishment of significant new extensive clearing rights through new High Value Agriculture (and Irrigated Agriculture) provisions (Agriculture and Environment Committee 2016). In a reversal of this unwinding, and jumping to the present, with respect to restoring Queensland's previous legislative regime for vegetation management during the 2015 state election, Queensland Labour committed to:

Reduce Queensland's carbon emissions by reinstating the nation-leading vegetation protection laws repealed by the Newman Government. This will be done in consultation with stakeholders and the community. However, we do not plan to remove existing self-assessable codes as long as they provide appropriate protection (Queensland Government 2017; p. 13).

At that time, government data was demonstrating that the majority of increased clearing in Queensland was already permitted and beyond the reach of the proposed new legislative amendments (Department of Science, Information Technology and Innovation 2016). This commitment, however, sought to address amendments to the *Vegetation Management Act 1999* (VMA) introduced by the previous LNP government in March 2013. Implementation of the commitment, however, was to later become constrained by the delicate balance of power in the legislature at the time (see Dale 2015). Consequently, in its first 6 months of office, the government administratively made several changes to improve the operation of the Act with respect to high value agricultural clearing, community infrastructure exemptions and self-assessable codes. Finally, given the need for changes to navigate parliament, then Minister Lynham proposed the formation of an independently Chaired Vegetation Management Roundtable to build consensus towards the best possible approach for the government to meet its election commitments (see Agriculture and Environment Committee 2016). Soon after, however, responsibility for progressing the agenda was shifted to the Deputy Premier's office. A more centralised and less engaged policy development approach was

adopted, and the promised legislative amendments originally proposed in the election were eventually progressed to parliament in August 2016. Consequently, the legislation was lost through the casting vote of the by-then Independent member for Cook (Billy Gordon; see Burke 2016). From that time until the end of 2017, resolution of the conflict was not progressed further, and the high 2017 clearing figures for Queensland remained unresolved (see figures available in reports by the Department of Science, Information Technology and Innovation 2017).

Not long after the start of the new state (Labour) government in early 2018, legislative options to prosecute and extend the original election commitments made in 2015 were proposed (Department of Natural Resources, Mines and Energy 2018). By April, the Queensland government had passed this legislation to prevent the clearing of high-value regrowth vegetation on freehold and Indigenous land. England (2018) reported he move as being deeply unpopular with many landholders. Consequently, if both environmental outcomes and social justice and economic security for the pastoral industry and communities are to be jointly protected in the future, then a more co-managed approach is essential in the medium to longer term.

Case study 2: the northern Australian live cattle export ban

The unfolding of a significant conflict between the Federal Government and the northern cattle industry over live cattle shipments in 2011 was far from unexpected. As far back as 1985, the risks associated with live animal transport was recognised by the *Senate Select Committee on Animal Welfare* (2013), which tabled its report in relation to live sheep export. Further, by 2003, the Keniry Review recommended moves away from a purely self-regulatory system for live animal export because of the high risk associated with the trade. The review considered:

The livestock export industry is uniquely and inherently risky because it deals with sentient animals along an extended production chain, from farm to discharge into the market (Keniry 2011).

Indeed, at least 10 government-related reviews since 1985 have examined the live export system and its risks associated with animal welfare issues (Petrie 2016). These reviews have led to significant regulatory reform of the required animal welfare standards for exporters and better oversight of the export process. Nonetheless, ongoing reports of regulatory breaches were continuing to occur (Petrie 2016). However, given the strong bipartisan and bilateral support for promoting the northern development context (Department of the Prime Minister and Cabinet 2015), it was inevitable that Australia would become more involved in live cattle export into Indonesian and other markets, eventually growing into a \$318 million-a-year-industry.

Given the recognised high risk associated with the industry (to both governments and to compliant export businesses), and ongoing support for growth, the scene should have logically been set to commence work to develop a deeply engaged and cooperative approach between government, civil society and

the industry. Such an approach could have better managed these risks and established more proactive and constructive relationships well in advance of any potential crisis, and could have avoided the later emergence of a policy crisis and a subsequent and dramatic governmental response.

Early warning signs of impending conflict were visible with joint government and Meat and Livestock Australia audits finding many abattoirs in Indonesia not processing Australian cattle to global animal welfare standards. The issues exploded onto the national and global stage following the federal government's response to an ABC TV 4 Corners investigation into animal cruelty in Indonesian abattoirs (Petrie 2016).

By June 2011, the federal government had decided to suspend the export of all live cattle to Indonesia, following the widespread public outcry and a threatened revolt from backbench MPs. The Agriculture Minister, Joe Ludwig, signed the order and claimed 'the ban would stay in place until safeguards had been adopted that would ensure the proper treatment of the beasts along the whole supply chain' (Coorey and Allard 2011). The government's decision to suspend the cattle trade to all Indonesian abattoirs was highly controversial, with Indonesia being the leading market for Australian cattle. The federal Coalition, in opposition, argued that the suspension worked to penalise abattoirs which were compliant with government standards and caused significant damage to the industry both in the short and long term. Although the federal government and the Cattle Council of Australia announced assistance packages for producers and related businesses, these measures were criticised by industry as inadequate to cover the losses incurred by suspension. At the same time, there was significant public support for a ban on live exports, with rallies against the trade being held in capital cities across the country and an online petition by the national lobby group *GetUp* attracting 200 000 signatures in 3 days (Petrie 2016).

In December 2011, Indonesia announced big reductions to its cattle imports. The federal opposition Coalition party and some industry figures attributed this, and subsequent cuts, to the export ban. Some 276 295 Australian cattle were exported to Indonesia in 2012, in contrast with 514 935 in 2010 and 751 143 in 2009. Although exports have subsequently rebounded (715 806 head of cattle were sent in 2014, and 616 342 in 2015), Indonesia continued to signal a desire to achieve self-sufficiency in beef production (Petrie 2016). Arising from these overwhelming impacts, affected pastoralists commenced a class action against the government. Led by the Northern Territory's Brett Cattle Co., the affected farmers alleged that the decision to suspend live cattle exports was 'irrational, disproportionate and unjustified' (Dole 2017). The action also included transport, mustering, feed and agistment services to cattle producers and exporters. The farmers' barrister (Noel Hutley SC) argued that 'This was a complex issue that did not lend itself to simplistic solutions' and that the then (Federal) Minister Ludwig was aware of animal welfare concerns in Indonesian abattoirs, but did not give cattle farmers a chance to prepare for a suspension (Dole 2017). The case also in effect argued that, at the time, there were exporters who were already in a position to provide the assurance, but that the ban was more politically rather than policy driven (Dole 2017).

Since the 2013 election, the new (Coalition) federal government has placed a greater emphasis on industry self-regulation, established export markets in China, Cambodia and Thailand and reopened trade to Bahrain, Iran, Lebanon and Egypt (Petrie 2016). Many of the potential recommendations of the Independent Review of Australia's Livestock Export Trade also remain relevant (Keniry 2011). Across this time, amendments have also been introduced to streamline the regulatory system, including:

- Removing the requirement for a Memorandum of Understanding, (which set out the conditions for live trade) to be in place with any new live export market;
- Streamlining the export certification process to require exporters to submit applications for each new export market rather than for each consignment; and
- The introduction of new risk-based auditing requirements (Petrie 2016).

Although important developments, these changes likely still do not change the structure and quality of the relationship between governments and the northern Australian pastoral industry. The national concern and sentiment about animal welfare issues remains highly legitimate and significant, but it means the governance system is predisposed to equally dramatic and impactful national responses to individual or localised breaches. Recent controversy in the live sheep trade in more southern parts of the country reinforces this point (Flint 2018). The politics of live cattle export remains potentially unstable depending on which major party leads the federal government. This sort of unstable governance system diminishes industry appetite for investment and punishes the many producers and exporters operating within and beyond the compliance requirements. The consequent impacts flow down through to individual enterprises, the communities and families that depend on them, and even potentially into animal welfare impacts. Higher levels of collaboration and cooperative planning could deliver new opportunities for northern Australia. Craig (2013), for example, argues for the co-development of potential economic alternatives such as the increased supply of chilled meat. She argues that to maintain animal welfare from birth to slaughter, current policy requires reform in the way in which live export is regulated to ensure the future welfare of livestock, to maintain the economic strength of the Australian livestock industry and to increase employment opportunities for those involved in the international distribution of livestock/products.

Case study 3: Pastoralism and gas development

Exploration and mining activities have long been contentious in the Australian rural landscape (Cotton 2015), but over the last decade, coal and gas exploration has been particularly contentious because of a range of land access and water-based contamination and usage concerns (Vidic *et al.* 2013). These issues have been particularly contentious in the NT over the issue of broad-scale gas exploration. Importantly, by 2015, the NT Cattlemen's Association (NTCA) was warning the Conservative NT Government of a 'NSW-style backlash against mining' if it did not listen to the concerns of pastoralists and communities. At the time, the Chief Executive Officer of the NTCA, Tracey Hayes, warned:

We have certainly learnt lessons from watching what's gone on in eastern states when governments don't listen to communities, when there are issues around transparency (in Everingham 2015).

Across that year, NT pastoralists had been calling on the NT Government to introduce compulsory and legally binding access agreements covering matters such as water and road use before exploration and mining companies could access pastoral properties, and mining and gas companies wanted the existing voluntary system to remain in place. A diversity of practices within the exploration industry, however, was in evidence across the territory, with the NTCA at times praising the practices of key resource companies (Everingham and O'Brien 2015; Goodwin 2016). With the conflict in full swing, however, reported impacts for the pastoral industry included (see Everingham and O'Brien 2015):

- Companies accessing properties with no notice, causing operational disturbances;
- Damage to property infrastructure (e.g. fences and roads); and
- Reputational impact on high sustainability grazing products.

It would seem that the solution to this conflict could have easily been better resolved through a more collaborative and well negotiated framework for land and resource access and use. Indeed, as Tracey Hayes argued in 2015:

If we set the regulatory platform right from the beginning we are setting both industries up for long-term success (in Everingham 2015).

At the same time, in the context of a clearer regulatory framework that emerged in Queensland, John Cotter, Queensland producer and Chair of the Australian Gasfields Commission, told the 2016 NTCA conference about the lessons learned in that state's experience. He particularly suggested that 'while robust regulatory framework was a must, common sense and a business-to-business approach was just as important' (in Goodwin 2016). Cotter shared, however, that Queensland had faced similar (poorly negotiated) troubles before a more sensible approach emerged as coal seam gas (CSG) exploration began to peak after 2010. Subsequent and strong trust building approaches focussed on relationship building, knowledge sharing, strong environmental and social assessments and a greater sharing of values between the two industries. As a result, in Queensland, by June 2015:

- Approximately 2200 Queensland landholders had CSG infrastructure on their property and had negotiated ~5000 conduct and compensation agreements;
- Compensation paid under these agreements was estimated to total \$238 million;
- In-kind compensation negotiated had included new fencing, roads, grids and other property improvements and even access to treated CSG water; and
- There were regional development and employment improvements (Goodwin 2016).

In the NT case, outcomes and agreements about improved approaches remained far from resolved by 2016, with the incoming NT Government placing a moratorium on hydraulic fracturing (or fracking) and implementing a scientific investigation of its impact (Dias 2016). Recent release of the

final report of the inquiry, however, is suggesting that a more engaged and evidence-based approach may emerge over the coming years, including lifting the moratorium (Pepper *et al.* 2018). The proposed approach being suggested looks more likely to meet the interests of both pastoralists and gas producers.

Towards improved governance approaches

We need to avoid declining trust between northern Australian communities and governments over big landscape-scale natural resource access, land management and animal welfare management issues. Internationally, this need has been generally reflected in the emerging co-management literature related to pastoral, grazing or ranching communities (e.g. see Risgeth 2003; Childs *et al.* 2013). Carlsson and Berkes (2005) see co-management of the commons as often being formulated through increased power sharing between the State and a community of resource users. Many studies explore these key features of co-management approaches that deliver better results for social, economic and environmental (sustainability) outcomes in extensive landscapes (e.g. Risgeth 2003).

As a consequence of the international shifts towards more co-managed approaches to sustainability within industries and landscapes, in Dale (Dale 2014a), I suggest that rebuilding trust and mutual cooperation requires governments and other major sectoral interests to show higher levels of respect for those people, industries and communities who actually manage north Australia's vast landscapes. I have previously suggested that I consider that we need to build on the real qualities that exist in northern Australians to effectively manage the landscape and the economy (Dale 2014a). Doing so is also crucial to reducing ongoing risks in relation to these policy areas; an approach increasingly recommended in the risk management literature (Wong and Lockie 2018).

Experiences from northern Australia (Dale 2013, 2014a) and the above case studies suggest that the governance of past processes used to secure landscape-scale and other policy outcomes have led to some very undesirable environmental, economic and social consequences (also see Matiru 2000; Siegle 2005). As a consequence arising from poorly negotiated approaches, northern communities can become distrustful of the outside world, limiting their ability to relate to wider national sentiment and to an ever increasing global trading system. Ironically, this slide in their willingness to engage with external policy issues leaves these communities even more vulnerable to external intervention; less power to deal with multi-national resource developers and policy activists from other parts of the nation. This result breaks down the capacity of the nation to manage the many sustainability policy issues facing northern Australia that are relevant to national, state and territory governments.

This declining trust between those out there in the landscape and governments also runs the risk of setting up a cycle of political swings and roundabouts; swinging the power pendulum at national and state/territory level between highly reactionary political movements (see Falk 2001) and others focussed on highly regulatory approaches. Both extremes can create significant social, economic and environmental

consequences for the northern Australian landscape. Political (and consequent policy) flip-flopping also simply means decades can be lost in achieving some form of functional reconciliation between governments and those people who are actually managing the northern Australian landscape (Dale 2014a). In doing so, we also limit their economic opportunities, either through social and economic decline or irreparable damage to the north's internationally valuable ecosystem services. There are, however, important things that can governments can do to jump off this political see-saw.

Rebuilding trust through negotiated approaches

The business of moving to improved management of north Australia's vast landscapes is not necessarily that complex or impossible to achieve. In Dale (2014a), I suggest the approach must rest on the foundation of building improved trust and respect between northern communities and regulators. If there is a commitment towards establishing and maintaining a long-term relationship, then the process would involve the following key components:

- The need for policy makers, external corporate interests and advocacy groups to sit down together with Australia's northern pastoral industry to explore what it is that all key parties value in the future of northern Australia. In reality, there are potentially plenty of opportunities for reaching agreement about shared values;
- The need to build a common understanding of the problems at hand both facing policy makers and the industry itself. Building on the negotiation of shared values above, and a focus around defined issues (e.g. vegetation management) there is a need to get the science on the table in a way that enables a shared understanding of problems to emerge. Agreed science gaps can be identified and filled over time, and the potential for grandstanding on isolated scientific points can be avoided; and
- The need to co-design and jointly monitor implementation of the solutions taken. Not surprisingly, government regulators often see regulation as the only available tool. As natural resource and animal welfare problems are often complex, education, incentive, regulatory and market solutions all need to be part of the combined solutions mix (also see Martin and Hine 2017). All parties involved in these seemingly intractable conflicts need to work together to evaluate the best options possible, design the implementation arrangements and jointly monitor progress.

There are already many global and national examples of these types of co-management approaches to significant industries, resources and landscapes (Borrini-Feyerabend *et al.* 2007; Ballet *et al.* 2009; Kelley 2011). I have previously detailed a working example (via the northern prawn fishery) that already exists and is operating well within the northern Australian landscape (Taylor and Die 1999; Dale 2014b). Without a co-management approach, old style, top down processes for policy development damage communities and economies and deliver substandard environmental outcomes (see Kelley 2011). Despite this wide understanding, such approaches continue unabated in government policy approaches.

Some new directions for the future of northern Australian landscapes

In this final section, I explore some consolidated thoughts around how we might more specifically improve the overall system of governance in northern Australia, particularly with respect to how such changes might relate to the future of the pastoral industry and managing the key, environmental protection, animal welfare and resource access tensions that have been discussed in the case examples outlined above. The following outlines some preliminary thoughts about how the overall governance system might be improved.

The pan-northern scale: bilateral policy and investment in northern Australia priorities

The most important governance initiative in the *Whitepaper on Developing Northern Australia* could be viewed as the formalisation of the high level strategic partnership arrangements that oversee this nationally significant policy framework. The partnership is the place where important pan-northern issues can be identified and agreed, and where serious cross-northern engagement with key sectors and evidence building might drive effective policy building. This highest-level governance mechanism, however, is currently under-utilised for building fresh bilateral policy and strategy effort. It remains more administratively focussed on implementing key initiatives committed to within the original whitepaper. It could, however, become a more effective vehicle for overseeing continuous improvement and adaptive management. Aligned with this governance innovation, however, has been the establishment of the Office of Northern Australia (based in Darwin), together with its intra/inter-governmental coordination responsibilities and mechanisms.

Importantly, with this broad (but under-utilised) government-based institutional architecture in place, the possibility of north Australians (and the pastoral sector in particular) identifying, leading and progressing major collaborative policy initiatives into governments will be very strong, but will rely on the following (see Matiru 2000):

- Grass roots and industry-based identification and advocacy of the most significant strategic policy issues;
- Strong debate and discussion about these issues within and among key sectors (e.g. the Indigenous sector, the pastoral sector, and so on);
- The coming together of more facilitated and collaborative cross-sectoral dialogue to identify common north Australian problems and potentially shared solutions;
- The injection of structured input and evidence building support to inform policy debates from across the north's research and development sectors (including CSIRO and the key universities with a footprint within or major exposure to the north) and the emerging Collaborative Research Centre for Developing Northern Australia;
- Some improved point or locus of integration across these policy building efforts, including explicit partnership building between the north's major stakeholders, the Western Australian, NT and Queensland governments with the commonwealth;

- Brokerage of these emerging policy solutions, either through portfolio specific ministerial forums (e.g. via agriculture ministers on industry specific issues), and/or through the Office of Northern Australia and its associated inter- and intra-governmental administrative linkages; and
- The development of cohesive policy implementation systems and budgetary responses via typical Council of Australian Government-style policy and budgetary framing, leading to joined up governance and shared budget influence.

There is no reason why long-term collaborative arrangements between the Western Australian, NT, Queensland and federal governments, with the northern Australian pastoral industry and other sectors, cannot be developed up to establish a long-term framework for agreeing the future path of the development of the sector. Such an approach can support agreement building around the strategic actions and shared investments required for plan implementation, and forming a foundation for jointly identifying and managing shared conflicts and concerns. Such approaches can also bring additional sectors to the table when required. At the same time, smaller scale approaches could equally be progressed at state/territory levels.

Strategic governance reform in land use and infrastructure planning

Also as outlined in the case studies, one of the significant issues facing the industry is a lack of collective agreement about what the future growth in the industry might look like and where the most strategic infrastructure investment is required. In particular, I would contend that, in respect to the most significant areas of potential growth, and potentially decline for that matter, there is limited bilateralism and bipartisanship in regional land use planning as it relates to northern Australia. With respect to regional land use planning in Queensland, for example, where there are significant growth opportunities, In Dale *et al.* (2017), I suggest:

LNP governments tend to see it as an impediment to development, whereas Labor governments have typically used it with regulatory zeal as an environmental protection mechanism ... Planning should be about providing everyone in the community with certainty.

To restore certainty for Indigenous, environmental and development-oriented stakeholders and investors, all jurisdictions in northern Australia need to revisit the purpose of planning and its ability to deliver long-term security to all parties. Building on wider co-management literature (e.g. Berkes *et al.* 2003; Fitzpatrick *et al.* 2011) and the recent work of Dale *et al.* (2017), Matiru (2000), Dale (2014a), James Cook University and CSIRO (2013), Dale (2015) and others, some key strategic reforms that I consider to be crucial are considered below.

Given the recent and successful experiences that emerged through the commonwealth's original Northern Australian Ministerial Forum (before the strategic partnership was established; see Dale 2013), there is an opportunity to progress some sense of trilateral agreement about the roles and scope of regional land use planning in contested parts of the northern Australian landscape. This key area of policy effort could be advanced through the emerging (Council of Australian

Government-like) strategic partnership or more purpose specific ministerial forums. Dale (2013) posits the potential value of such flexible arrangements in creating a more integrative policy framework for northern development and potentially ones that could result in more stable, adaptive and integrative forms of regional land use planning. On the back of such approaches, more structured resolution of landscape-scale native title and tenure issues could also be negotiated (e.g. through regional framework agreements). Additionally, more structured long-term infrastructure planning and financing can be undertaken and budgeted to support growth in strategically important areas.

James Cook University and CSIRO (2013) and Dale (2013) also suggest that major development project approval systems need to be more focussed on facilitating development in the right places, while also securing agreed environmental and social impact assessment standards at a whole of landscape scale. Such development assessment and approval processes should not be about bolstering development at all costs, or becoming an impassable barrier to capital investment in the north. Hence, Dale *et al.* (2017) suggests that major project approval systems have become too politicised and lack a clear underlying collaborative philosophy that drives their operational culture. Regular staff changes and inconsistent decision-making sends mixed signals to investors without economic or environmental gains (Dale 2014a).

More co-managed approaches to industry and natural resource governance and planning

In Dale (2014a), I outlined several nationally significant environmental battles concerning northern Australian landscapes that have emerged when southern, environmentally focussed policies and agenda conflicted with regional and local interests. More importantly, the way in which these processes have been run has and continues to undermine the trust that pastoral and other northern communities have in governments (Productivity Commission 2003) and the southern conservation sector. I contend that governments, however, can rebuild trust with these important northern communities and improve relationships between these sectors. As outlined above in the discussion around co-management, this means governments and industries sitting down together to explore what it is that both parties value and to build a common understanding of the problems at hand. Martin and Hine (2017), stress the importance of solution focussed co-design processes resulting in a flexible suite of policy solutions that meet the diverse specific needs of different landholders. Importantly, co-management style approaches are equally valid in disputes over resource access in the mining and gas development fields.

Better programs for industry and landscape-scale adjustment

When change genuinely needs to occur in the north's industries or at landscape scale, jointly designing the right adjustment programs and seeing them implemented is critical if we want long-term conflict resolution (both in respect to policies and mineral and gas development agreements). Natural resource and mining and gas-based adjustment programs in northern

Australia, for example have often been problematic in their size, scope and vision. Sometimes no adjustment support occurs at all in the wake of natural resource management related negotiations, leaving pastoralists in the north to pay for the land management changes demanded by government policies or corporations. At other times, these programs have been rushed, one-off guilt payments, suggesting that Governments are not interested in local reform or being there in the long run (Dale 2014a).

Finally, many policy and project-based adjustment programs have little or no serious impact monitoring or evaluation. This, along with a lack of ongoing financial and policy commitment to strategic action, again suggests a common band-aid approach to the resolution of natural resource and animal welfare issues in northern Australia (e.g. see Falk 2001). Governments (and at times corporations in the gas and mineral sector) often tend to have the energy just for the planning and regulatory phase of policy and project development, but not the stomach for developing, implementing and monitoring of a longer term cooperative management framework and the deployment of fair and equitable adjustment programs.

Conclusions

Through the context and case studies outlined in this paper, I have suggested that a longer term, more relationship-oriented and evidence-based approach to governance is required in dealing with broad sustainability issues facing the pastoral industry in northern Australia. The case studies have detailed past and continuing conflicts with respect to policy development in the environment, animal welfare and resource access arenas. In doing this, it is important to note that these conflicts do not concern fleeting policy issues, but ones that will continue to be important for as long as the pastoral industry operates in the north. Without a continuously improving and adaptive co-management approach, these conflicts will also likely remain intractable for all parties involved. Intractable conflicts are well known to have lasting social, economic and environmental consequences for the parties involved. Importantly, although I stress that in the case of animal welfare, resource access and environmental protection are highly legitimate and worthy issues of policy concern, I also stress that the rights and interest of pastoralists and pastoral communities also have great legitimacy in these debates. Deeply conflictual approaches to policy development and implementation have social and economic impacts on the industry, and also tend to deliver unstable or temporary progress on the resolution of the substantive issues. It is time that our national, state and territory-based governance systems mature and become more durable, adaptive, evidence rich and more respectfully engaged.

Conflicts of interest

I declare no conflicts of interest, but I note that I was the publically proposed independent Chair for the proposed Vegetation Management Roundtable in Queensland (Agriculture and Environment Committee 2016). This Roundtable was never actually established by the Queensland Government.

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