

# One Landcare movement; two national Landcare organisations. How did we get here?



Briefing Paper prepared by Landcare NSW for members

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### Introduction

This aim of this paper is to explain why there are two organisations supporting and speaking for Landcare at the national level. It is written from Landcare NSW's (LNSW) perspective and we recognise there is a range of views in what is a complex and challenging situation. As feedback is received the paper will be updated.

### The main players

Landcare Australia Limited (LA) was established as a not for profit company 30 years ago at the commencement of the federally-funded *Decade of Landcare* to carry out functions such as marketing and fundraising – see more information on its governance and operations in *Attachment A*.

Peak bodies such as LNSW exist in each state and territory to represent and support the Landcare community. These 8 peaks make up the National Landcare Network (NLN) which was established in 2009. Its role is to provide a representative voice and support the development of Landcare. More information on NLN's governance and operations can be found in *Attachment B*.

Both LA and NLN receive funding from the Federal Government to deliver specific outcomes. LA also raises funds from donations, bequests and corporate sponsorships. LA has also sought and received government grants to deliver on ground projects: a broadening of its original functions which was met with mixed responses from Landcare organisations.

For many years there has been concern in the Landcare community about the direction being taken by LA, and its lack of connection to, and accountability to, grassroots Landcarers.

In the years following the *Decade of Landcare*, changes in policy and funding posed a threat to Landcare's continued existence. Landcarers struggled to get their voices heard to explain that without support Landcare could disappear. This led to the establishment of state peaks and later the NLN.

Today the two national Landcare bodies co-exist without a shared culture, vision and mission. The consequence is that discussions with the Commonwealth Government on behalf of Landcare are diluted and confusion reigns as to who is the custodian of the Landcare ethos and who has the mandate to represent community Landcare.

## **Dashed hopes for a unified national representative body**

The majority of Landcarers are interested in their local patch: their groups, landscapes, farms and local communities. They rightly assume national and state Landcare bodies are looking after community Landcare's interests in a strategic, organised and professional manner.

Attempts over the past three years to merge the two organisations have been based on the desire to create one national Landcare entity carrying out all of the functions necessary for Landcare to flourish.

Despite more than three years of negotiations, the hopes of a unified national body have been dashed. An impasse has been reached and no amount of effort by grassroots community Landcarers has been able to change the situation.

This is a colossal disappointment to the many volunteers and staff from state and territory Landcare peak bodies who put in thousands of hours to bring this merger to fruition. Years of work to form a new national body to unify, represent and support the Landcare community have come to zero. (For a summary of the national merger project, see *Attachment C*).

## **What is the risk to the Landcare movement?**

LNSW believes the failure to resolve this issue is an existential threat to Landcare. National unity, leadership, representation, services and institutional arrangements are critical to the ability of Landcare to operate now and grow in the future.

The opportunity cost is enormous. Time that could have been spent securing funding and support to expand and develop Landcare across Australia has been spent on now, ultimately, fruitless discussions about the merger.

## **We can do so much better**

We can and must work to bring our limited resources together to support Landcare and unite to bring volunteers, communities, government agencies, sponsors and philanthropists to a shared vision and to focus on how to bring all of these aspects into one integrated and cooperative movement for our future.

LNSW recognises this is a delicate and complex subject. Discussions at Executive and Council have explored many variations of proposals and options.

LNSW now takes this step of bringing this matter directly to our members' attention only after years of trying to resolve it through discussion and negotiation via the relevant bodies and processes. Now that the merger has failed, we feel that as your state peak body we have a responsibility to inform you of this issue that adversely impacts all Landcare entities within NSW.

## **What are the next steps?**

LNSW believes work on this national endeavour must continue. While the merger has failed, we can and must do better and find a way forward. The first step is for Landcarers to be informed about the current situation. We trust our community to have a considered discussion as to the merits of pursuing the goal of national cohesion and unity, and to bring forward your views so we can be confident that our participation in this debate on your behalf accurately reflects your views.

We ask you to make time in your busy schedules to consider this information and think about what you want from your national leaders and organisations. While we work through these issues we

anticipate the Landcare community will have a business as usual relationship with LA as it is not the intention of Landcare NSW to have an adverse impact on any activity that may be of benefit to Landcare.

LNSW will be holding a series of regional forums to discuss these issues with you over the coming weeks. We look forward to your engagement and your considered ideas and invite your questions, comments and feedback to [administration@landcarensw.org.au](mailto:administration@landcarensw.org.au)

### **Landcare NSW, May 2020**

#### *Attachments*

- A Landcare Australia Limited
- B National Landcare Network
- C National Merger Project

## **Attachment A Landcare Australia Limited**

Landcare Australia Limited (LA) started 30 years ago at the commencement of the *Decade of Landcare* – a national initiative funded by the Australian Government.

The Federal Government created LA as part of the original package of measures aimed at enabling an expansion of Landcare groups and activity across the nation. The rationale was that a vehicle was needed to enable corporate sponsorship of Landcare and donations.

LA is a not-for-profit organisation. Its members are its five directors. There is no method for the Landcare community to have a say on what the organisation does, who is appointed to the Board, or how funds are allocated.

The Chair is Mr Doug Humann and the CEO is Dr Shane Norrish.

Further points to note:

- ACNC (Australian Charities and Not For Profits Commission) states LA's focus is on the promotion, support and funding of Landcare projects
- LA owns the trademark of the 'caring hands' logo (although many Landcarers claim LA are stewards of the trademark that is owned by the volunteer Landcare community)
- has Gift Deductible Recipient status (DGR) to fundraise for Landcare (LNSW now also has DGR status)
- develops corporate partnerships; provides grants; provides educational and promotional activities; develops databases of groups; links volunteers to groups
- receives funds from the Federal Government to provide specific services to the Landcare community e.g. conference, awards, specific initiatives
- has applied for and received funds to deliver activities under programs such as 20 million trees, Green Army and National Landcare Program.

The Constitution and annual reports are not available on the LA website although, as required under law, basic governance information is available via the ACNC (Australian Charities and Not For Profits Commission).<sup>1</sup>

- Originally the LA Board included both Government (State, Territory and Federal) and community representation. This provided a level of accountability and direct links to the Landcare community and to the Government-funded Landcare program. When government representatives withdrew from the Board, they were not replaced, despite community Landcare groups and representative bodies being well-established. Over time, the organisation moved to a model of directors with corporate backgrounds. Successive community-based advisory forums to the LA board have been established and disbanded by LA (there is no current community based advisory body to the LA Board).

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<sup>1</sup> See ACNC <https://www.acnc.gov.au/charity/0b4d6365ec4b55c28ec3d83b50a58ef4#financials-documents>

LA does not have formal ties to the Landcare community and there are no mechanisms for the Landcare community to influence the Directors or the organisation.

Importantly, LA does not have a mandate to represent community Landcare, yet, against the wishes of the NLN and the State/ Territory peak bodies, LA continues to position itself as the representative organisation for Landcare.

## **Attachment B            National Landcare Network**

The National Landcare Network (NLN) was established in 2009 when state and territory peak Landcare bodies created a national body that had a mandate to provide a voice for community Landcare to the Commonwealth Government.

NLN is a not-for-profit organisation. Its members are the eight State and Territory Landcare peak bodies who between them represent thousands of members, individuals, organisations and groups who make up the Australian Landcare community. These member organisations each nominate a representative to sit on the NLN board. Each peak body also nominates three people to participate in the NLN Members' Council which ensures the NLN's activities reflect the views of its members.

Landcare NSW is an active member of NLN and the chair of Landcare NSW, Stephanie Cameron, is on the NLN Board.

The NLN Chair is Associate Professor Patrick O'Connor and the CEO is Mr Jim Adams.

Further points to note:

- ACNC (Australian Charities and Not for Profits Commission) listing states NLN's focus is on supporting the state and territory bodies to enable Landcarers to improve and maintain healthy landscapes. NLN liaises with Australian Government departments in the development of relevant policies and programs; and represents, supports and fosters the community Landcare movement.
- NLN is a conduit between the Federal Government and grassroots Landcarers. Working through the state and territory peak bodies, NLN is able to obtain information from local groups to inform positions and advice that are then conveyed to the Government.

Through this federated structure, the NLN has a mandate to represent community Landcare groups across Australia.

The Constitution and annual reports are not available on the NLN website although, as required under law, basic governance information is available via the ACNC. <sup>2</sup>

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<sup>2</sup> See ACNC <https://www.acnc.gov.au/charity/e3983eec7938ec42bc0b44f2c93df458#financials-documents>

## **Attachment C            National Merger Project**

### **Why did the merger fail?**

The reasons for the failure of the merger are complex and by their nature subjective. There will be as many views on this as there are people who have been on this long and difficult journey.

From the perspective of LNSW, there was a fundamental difference in the purpose, vision and functions of the new merged national Landcare peak body between LA and the NLN (including its eight State and Territory Landcare peak bodies). This difference is underpinned by a very different culture fostered by the leadership of LA compared with that at the NLN and the State and Territory Landcare peak bodies.

Throughout the discussions and negotiations it became clear to the NLN and its members that LA sought to create a bigger and more powerful version of LA, and not a national peak body for community Landcare that acted wholly to fulfill the wishes and meet the needs of the Landcare community through the existing federated structure of the eight State and Territory Landcare Organisations (sometimes abbreviated to STOs).

The NLN and its eight-member State and Territory Landcare peak bodies contended that a new national Landcare body's purpose should be that:

- It protects, strengthens and grows the legal purposes, operations and functions of its members, the eight State and Territory Landcare peak bodies, and,
- The strategic objectives and key actions implemented by the new National Landcare body will be guided and endorsed from the bottom up by community Landcare through their membership of the member STOs.

The objects of the new constitution drafted by LA did not have any mechanism that allowed the voice of community Landcare, through their respective State/Territory peak body, to be heard and acted upon by the leadership of the new national peak body. The draft constitution allowed for non-Landcare organisations including corporates to become voting members, thereby very significantly increasing the risk that the newly formed national peak body would lose its Landcare ethos and thus not have the interests of community Landcare at its core.

Furthermore, discussions to assess operational aspects, indicated that the newly formed national Landcare body would have significantly damaged the wellbeing of the eight State and Territory peak bodies, including LNSW. Rather than leveraging the strengths of the State and Territory Landcare peak bodies and working through and with each of them, the LA leadership wanted to disregard the federated Landcare system that has been created for Landcare over many years of hard work by grassroots Landcare community representatives. LA wanted to retain the option of bypassing some or all State and Territory Landcare peak bodies in functions such as program and project delivery, fundraising, membership and stakeholder relationships with State/ Territory Governments.

## **The Failed Merger – a chronology**

### **2013-2016**

Landcarers raise concerns that in the areas of governance, culture and operations, LA has drifted from the Landcare community it was established to serve. Landcare representatives raise concerns directly with LA and seek the Federal Government's support and intervention to resolve what has become an unsatisfactory situation.

### **2017**

February Federal Government funds governance consultant, Ms Christine Hawkins of 'Cinnabar', to undertake a review and provide a report on how a merger could be achieved.

March Cinnabar conducts research and interviews, meets with LA and NLN and develops series of reports regarding the history of the organisations and options for moving forward.

June Cinnabar produces final report recommending a merger, advising on the design of the new organisation and the steps required to achieve it. The design for the new national peak body recommended by Cinnabar was consistent with the views of LNSW.

July First meeting of Merger Committee comprised of LA and NLN representatives with Terms of Reference to work out details of the merger in line with Cinnabar's report.

NLN accepts all recommendations of Cinnabar report and indicates intent to merge. LA do not agree with core aspects of the recommended model.

Merger discussions stall.

### **2018**

February Consultancy 'Good Foundations' engaged to provide further advice on the merger.

April LA and NLN hold joint meeting in Adelaide.

Fundamental difference of opinion between NLN and LA regarding design of the new entity. Among the disagreements, NLN supports the Cinnabar model, i.e. the Board of Directors should be a balance of LA and NLN directors, at least at commencement of the new body. LA wishes to bring in external parties to the Board from Day One, e.g. representatives of other environmental organisations and corporations.

October MOU developed between LA and state and territory organisations to allow merger discussions to continue.

## **2019**

Discussions continue with both sides presenting their preferred model via correspondence and meetings.

Draft constitutions exchanged and discussed.

## **2020**

February

Council of LNSW passes unanimous resolution expressing serious concern about the lack of progress on merger and impact on NLN and its member bodies of three years of discussions without a result.

NLN and its member organisations resolve unanimously their dissatisfaction with the progress of talks and LA's proposed model.

March

Doug Humann writes to the Chair of NLN and Chair of LNSW advising LA is withdrawing from the merger.

NLN issues Communique stating it remains committed to the development of a single unified voice for Landcare and seeks to resolve outstanding issues 'in the short term'.

LNSW Chair, Stephanie Cameron, writes to Doug Humann expressing disappointment that the NLN's attempts to create a body that truly represents the Landcare community's interests have not been realised.

April

LNSW Executive resolves to design and implement a process to inform members, partners and stakeholders about the national Landcare situation, in particular, how the existence of two bodies poses a threat to the future of Landcare in Australia.

LNSW commences series of regional forums with NSW Landcare community to discuss a range of issues including the national Landcare situation.