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Mr Scott Wauchope
Director Pastoral Land Management Branch
Department of Infrastructure, Planning and Environment
PMB 123
Katherine NT 0851

Dear Mr Wauchope

Submission in Response to Review of the *Pastoral Land Act 1992* - Key Issues Paper

Thank you for your invitation to comment on the Review of the *Pastoral Land Act 1992* - Key Issues Paper.

As noted in our initial response to the Discussion Paper, The Act provides a sound example of implementation of key policies for Crown land management, in particular the role of the Pastoral Lands Board. However, it is timely to review the Act's effectiveness given the increased awareness and concern in relation to the management of Crown land, particularly in rangeland areas.

We wish to reiterate the importance of maintaining the Act's core object (but not limited to):

- a) *to provide for a form of tenure of Crown land that facilitates the sustainable use of land for pastoral purposes and the economic viability of the pastoral industry.*

We acknowledge that Act also aims to

- b) *provide for (ii) prevention or minimisation of degradation...*
- c) *recognise the right of Aboriginals to follow traditional pursuits on,*
- d) *provide reasonable access for the public across, and*
- e) *provide a procedure to establish Aboriginal community living areas on, pastoral land.*

Clearly the Act aims to cover a wide array of objectives, but more importantly a diverse range of stakeholders. Therefore it is essential that in the current review of the Act, considerable consultation is conducted with all stakeholders and a balanced review is maintained.

Notwithstanding it is disappointing to note the relative paucity of responses from the pastoral sector, given the direct effect this review will have on their industry. However we draw your attention to the importance of the submission of the Northern Territory Cattleman's Association, the key industry representative on such issues.

The following outlines our Company's response to the Review; comment is provided on selected Issues presented in the Key Issues Paper. In summary, security of tenure and consistent policy across all levels of government and stakeholders, is required to guarantee long term sustainability of pastoral land.

Issue 1 – Non-pastoral use of pastoral land and diversification

Diversification may be an important avenue for improving economic sustainability of pastoral lands, however it is essential that such activities are sustainable from both an environmental and social perspective. It is therefore imperative that adequate definitions of "pastoral", "non-pastoral", "diversification" and "sustainability" are established.

Whilst we agree that diversification activities may require prior approval, we raise concerns about subjecting such activities to a blanket EIA requirement (as defined by various State and Federal environmental protection legislation) unless the initial assessment highlights significant environmental concerns. Individual case consideration should also be given to withdrawing and/or excising pastoral lease tenure, higher rental rates and reducing carrying capacities, rather than applying the same regulations to all diversification projects.

The assessment of the diversification project should also consider the economic and social implications of the proposal, taking into account the rate of return on investment and the effect on local and regional communities.

Issue 2 – Access to pastoral land (waterways and features of public interest)

Public access to pastoral land is granted by lessees, although there is no formal process to monitor or regulate this access. This raises significant concerns in relation to the actions and behaviour of the public accessing pastoral leases, many of who do not give due consideration to their responsibilities under a duty of care.

Issue 3 – Effectiveness of remedial provisions

Our Company supports improved monitoring and enforcement of the remedial provisions within the Act. These remedial provisions are included in the Act for the purpose of rectifying land degradation and while they do not address the cause of degradation, they may prevent blatant breaches of lease conditions.

To prevent land degradation, further incentives are required, which we have noted in our response to subsequent issues.

Issue 4 – Major development works on Pastoral Leases

Our comments in relation to major development works on Pastoral Lease relate in part to those on Issue 1. We also note that a clear definition of what constitutes "major development" is required.

Issue 5 – Clearing on pastoral land and consistency with native vegetation clearing controls

We agree with the comment "Control of all land clearing (on all land tenures) should be incorporated within legislation which fully integrates regional environmental values and natural resource management objectives to the assessment processes". This ensures a consistent approach to regulation; however the legislation must recognise the different approaches to vegetation management undertaken by different land managers throughout the Northern Territory.

Issue 7 – Powers of Minister to consent to the transfer of Pastoral Leases

Ministerial powers relating to the transfer of Pastoral Leases initially appear antiquated, however may be required in some situations, particularly where the viability and/or the condition of the lease are questionable. We also seek clarification of objective criteria considered by the Minister when considering transfer of Pastoral Leases.

Issue 8 – Minimum requirements for grant of a Pastoral Lease and provisions relating to subdivision

It is that vital the definition of “sustainable commercial pastoral enterprise” recognises the ecological sustainability and commercial viability of the enterprise. More often than not, viability at a pastoral scale is achieved by the successful management of sufficient natural resources. An adequate resource base for sustainable production is a function of land type, climatic conditions and the total area of land. Therefore, whenever any consideration is given to subdivision of pastoral leases, the resultant areas must provide adequate resources for sustainable production.

The consequences of any subdivision of pastoral leases should also be considered in the assessment process, as smaller lease size will require greater property development and more intense resource use.

Issue 9 – Establishment of Pastoral Land Board – powers and functions, composition, qualifications for membership

As the major body for overseeing the implementation of the Act, it is essential the Pastoral Land Board is adequately represented by all key stakeholders. This may involve increasing the number of members, recognising all relevant stakeholders, and identifying the skills and knowledge required of their representatives. However, it is important that the Board’s membership retains a strong pastoral industry representation given the key objectives of the Act and the responsibilities of the Board.

Issue 12 – Access through pastoral land to Aboriginal land

We agree with the recommendation that access through pastoral land to Aboriginal land should be considered part of Issue 2.

Issue 13 – Aboriginal Community Living Areas

Negotiations between the applicants for Aboriginal Community Living Areas and the lessee are vital to ensure harmonious relationships between the two parties, and should occur prior to registration to prevent significant delays in the application process.

There is also evidence indicating that a number of Aboriginal Community Living Areas have been abandoned. This represents a substantial waste of investment in infrastructure and we therefore propose that no additional Aboriginal Community Living Areas are granted until a thorough review is conducted of the sustainability of these communities.

Issue 15 – Aboriginal access to pastoral land/Indigenous rights and interests

Aboriginal connection with the land in a traditional manner is respected and mechanisms to ensure protection of cultural heritage sites and areas, and sacred sites are supported. Aboriginal access to visit these and/or carry out traditional customs is also supported, however access should be granted for these customary purposes by the lessee. Access for customary purposes should be agreed upon by all parties.

Issue 16 – Annual stock returns

While annual stock returns can be easily recorded and submitted, they poorly reflect grazing management throughout the year. If such monitoring is considered vital, more appropriate indices of grazing management should be evaluated. However it is important that any such reporting does not create additional bureaucratic requirements or an onerous administrative burden on lessees.

Issue 17 – Biodiversity conservation

Objectives for regional biodiversity conservation should be integrated into individual property management plans, rather than regarded as a separate issue. The link between biodiversity conservation, natural resource management and sustainable production must be strengthened and better understood by all stakeholders.

Issue 18 – Compliance with national agreements and best practice

National agreements and best practice guidelines, by nature, cover a range of stakeholder perspectives and therefore provide sound supporting principles and information for implementation of the Act. Despite this, it may be difficult to integrate the complete range of these in relation to implementation of the Act.

Issue 19 – Definitions

Some definitions applied in the Act require review and agreement by key stakeholders. These definitions may be adapted from national agreements and best practice guidelines as discussed in Issue 18.

Issue 20 – Duration/Term of Pastoral Leases

Careful consideration of the duration of pastoral leases is essential, as security of tenure facilitates long term sustainable resource management and production. However, mechanisms within the regulations are vital to enable revoking of leases if land degradation is apparent.

Issue 21 – Duty of care

“Duty of care” is a common principle of many other pieces of legislation, most notably the *Land Act 1994 (QLD)* and *Environmental Protection Act 1994 (QLD)*. Within the former, the duty of care is primarily placed on the lessee however in the *EPA*, this duty of care is a responsibility of all peoples within the State. Similarly, a duty of care applied to pastoral leases in the Northern Territory should not only recognise the responsibility of lessees but also that of all people accessing pastoral leases, for whatever purpose.

Moreover a duty of care should also apply to other natural resource/land managers, in particular those responsible for the management of National Parks and Aboriginal lands. This is particularly relevant in the management of feral animals, weeds and fire, but equally important to the overall sustainability of the Northern Territories natural resources and natural environment.

If a duty of care is introduced within the Act, it must be actively applied and enforced, and not provided purely as a general statement. A transparent definition is required, encompassing the principles of sustainable land management and access, and be consistent with other definitions applied within the Act.

Issue 23 – Environmental Management Plans

The general principle behind the requirement for an Environmental Management Plan for each pastoral lease is sound, but due consideration should be given to how this requirement is effectively implemented. In practice, an

overall Property Management Plan is more easily conceptualised by lessees, and objectives for environmental management may be easily integrated into such plans. Such integration ensures environmental objectives are effectively implemented rather than considered as just another onerous activity.

Issue 24 – Feral animals

Control of feral animals should not be considered the sole responsibility of lessees as there are substantial public benefits realised with their eradication, specifically biodiversity conservation. Co-ordinated management plans for feral animal control are required across bioregions with financial support provided by the public.

While we recognise that native kangaroos are not classified as feral animals, control of their populations should also be carefully considered.

Issue 25 – Fire

While we support inclusion of fire management as an issue for review in relation to the Act, due consideration should be afforded to the cause of fires on pastoral leases, whether intentional or accidental. If a duty of care principle is to be introduced to the Act, this should acknowledge all persons have a responsibility to prevent the spread of fires.

In situations where fire is intentionally used by the lessee for management purposes, this should be documented in the lease's Property Management Plan together with appropriate post-fire management strategies.

Issue 26 – Incentives and conservation agreements

Incentives for sustainable resource management should be provided and all possible obstructions removed. It must be noted that the primary purpose of pastoral leases is management of the land for pastoral production and therefore biodiversity conservation and management undertaken by the lessee must be supported by the public.

Issue 27 – Intensification of pastoral use

Intensification of pastoral use has been raised as an issue, however a clear understanding of what constitutes "intensification" is required. We agree that subdivision of pastoral leases may force greater resource use, if the subdivision does not result in subsequent amalgamation of land parcels.

However, there appears to be some confusion in the interpretation of the terms "stocking rates" and "carrying capacity". Increased infrastructure development may lead to higher short term stocking rates, however the carrying capacity of the lease remains stable with the lessee having greater opportunity to spell pastures. This assumes that long term carrying capacity has been assessed for individual leases, and that all lessees acknowledge that increased infrastructure does not necessary increase carrying capacity but rather improves overall grazing management.

The issue of "intensification" should be addressed in the Property Management Plan for each lease. This document will present the primary purpose of "increased infrastructure" and the implications of it on future lease management.

Issue 28 – Introduced pastures

Introduced pastures may contribute significantly to primary production however they also present a major environmental problem in many ecosystems. The introduction of exotic pasture species must be carefully

considered with due regard to the weed potential of the species. Emphasis should also be placed on the productive capacity and sustainable management of native pastures in Property Management Plans.

Issue 31 – Monitoring of pastoral land

The current monitoring system, while well implemented, is limited in design and indices recorded. However, if more indices are proposed careful consideration should be given to how data is collected and interpreted by lessees and other stakeholders. For monitoring to be worthwhile, it must be carried out and evaluated by the land manager (in this case the lessee) who can then make on-ground decisions in response. However, if data is collected for other purposes and/or stakeholders, lessees may perceive the activity as time-consuming and not allocate sufficient resources or effort to it.

Issue 33 – Powers of forfeiture (for perpetual Pastoral Leases)

We agree that powers of forfeiture for perpetual Pastoral Leases should be available in severe cases of wilful mismanagement and breaches of lease conditions, as are available for term leases.

Issue 34 – Property and regional planning

The integration of property management and regional planning processes is important for achieving natural resource management objectives, however can be difficult to implement in practice. Nonetheless, emphasis should be placed on the development of plans at both levels.

Issue 37 – Protection of areas of high conservation value / Rivers, wetlands and coasts / Threatened species

This issue should be considered in relation to Issues 23 and 26.

Issue 38 – Rents

Income received from lease rental should be allocated to activities which facilitate improved management of pastoral leases rather than incorporated into consolidated revenue or administrative costs. Rebates should be available as incentives to lessees to undertake projects of significant public benefit, including biodiversity conservation.

Issue 39 – Safe carrying capacities / Stocking rates / Total grazing pressure

Again we state our concern of the incorrect use of the term “stocking rates” in some of the recommendations presented (see Issue 27). Safe carrying capacity is a more appropriate term to use in relation to sustainable grazing management over the long term as it allows for short term fluctuations in stocking rates, both up and down.

Moreover, carrying capacity assessments must take into consideration the full potential of the property as well as current carrying capacity, to recognise the developmental status of different leases.

Issue 41 – Sustainability of the pastoral industry

The statement “total shut down of the pastoral industry” is emotive and lacks a sound backing argument. This submission then states that “the pastoral industry can not afford proper fire and weed management” and “can not afford to rehabilitate and repair what it has destroyed”. While these statements may reflect some truth in terms of

the huge costs associated with land management and rehabilitation, alternative options for doing so are not provided.

It is unrealistic to believe that by removing pastoralism from the rangelands, environmental condition will improve and further degradation will be prevented. We agree that many rangeland ecosystems are highly modified, however this modification demands significant specialised management to prevent the further spread of weeds, feral animals and fire, which are just few of the services currently provided by lessees.

There is also a significant social cost of removing pastoralism from the rangelands. Pastoralism is a key provider of goods and services to the public, employ significant labour, and rangelands are the homes of many families. Careful consideration should be given to the social implications of relocating these people if pastoralism is abolished.

Issue 42 – Watering points and management of natural waters

This issue is closely aligned to Issues 27 and 34.

Issue 43 – Weeds

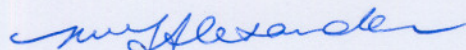
This issue should be address in a similar manner to Issue 24.

It is also important that other legislation and government policies are consistent with the Act. Legislation and policy should also facilitate the implementation of the proposed Integrated Natural Resource Management Plan for the Northern Territory and support community groups, such as the Barkly Landcare and Conservation Association.

The North Australian Pastoral Company (NAP) supports the current review of the Act. NAP appreciates the opportunity to provide comment on the Key Issues Paper and should we be required, we would obligingly do so.

Yours faithfully,

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