

**STANDING COMMITTEE ON PUBLIC ADMINISTRATION**

**INQUIRY INTO PASTORAL LEASES  
IN WESTERN AUSTRALIA**

**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
WEDNESDAY, 20 NOVEMBER 2013**

**SESSION THREE**

**Members**

**Hon Liz Behjat (Chairman)  
Hon Darren West (Deputy Chairman)  
Hon Nigel Hallett  
Hon Jacqui Boydell  
Hon Amber-Jade Sanderson**

---

**Hearing commenced at 10.30 am**

**Mrs LEANNE CORKER,**  
**Chair, Pastoral Lands Board, sworn and examined:**

**The CHAIRMAN:** Mrs Corker, were you here at the beginning of the session when I introduced the committee members?

**Mrs Corker:** No, I was not.

**The CHAIRMAN:** Okay, let me do that again. My name is Liz Behjat, I am the chair of the committee. From my left is Hon Amber-Jade Sanderson; Hon Darren West; our advisory officer, Dr Julia Lawrinson; Hon Nigel Hallett and Hon Jacqui Boydell. On behalf of the committee, I would like to welcome you to the meeting. Before we begin, I ask you to take an oath or an affirmation.

[Witness took the oath.]

**The CHAIRMAN:** If you could now state the capacity in which you are appearing in front of us today.

**Mrs Corker:** I am the chair of the Pastoral Lands Board and, for the benefit of the committee, I would just like to let you know that I am also a pastoral lessee.

**The CHAIRMAN:** Thank you. You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

**Mrs Corker:** Yes, I have.

**The CHAIRMAN:** Terrific. These proceedings are being recorded by Hansard and a transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record. Please be aware of the microphone; try to speak into it and do not put any papers or make noise near it. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

That is our formalities out of the way; we can relax now and get on with the job at hand! Did you have an opening statement that you wanted to make to the committee?

**Mrs Corker:** No; I do not, thank you; the board submitted quite a comprehensive written submission.

**The CHAIRMAN:** Perhaps you can talk us through the input that the Pastoral Lands Board has had to the draft lease process.

**Mrs Corker:** The board has seen the draft lease on at least two occasions in the last year and a half. It was presented to us at a Pastoral Lands Board meeting and we had the opportunity to make comment in a discussion with the legal team that was presenting that to us. In that discussion the board raised many issues. Individual members had issues with various clauses in that document.

**The CHAIRMAN:** So it went only to the board for discussion. Once the board received that draft lease the board did not consult with other people in the industry?

---

**Mrs Corker:** No, they did not because the lease document is not the board's document; it is the minister's document. The department, as the delegate of the minister, has that document. It was not ours to disseminate and discuss with other people. In fact, we received that in confidence. Since that initial consultation.

**The CHAIRMAN:** When was that initial consultation?

**Mrs Corker:** It would have been about a year and a half ago. To my knowledge, the draft itself has not changed, or certainly has not changed in intent, since that time.

**The CHAIRMAN:** When you were presented with the first draft you were told it was a draft in confidence and not for dissemination?

**Mrs Corker:** Yes, and we were also told that it was very unlikely that changes would be made to it, but they would be happy to hear what we had to say about it.

**The CHAIRMAN:** Who told you it was unlikely that changes would be made?

**Mrs Corker:** During the course of the presentation it was someone from the legal team of the department.

**The CHAIRMAN:** I do not want to put words into your mouth, but did they say something along the lines, "Here's a draft lease, but it's not really a draft because we're not going to make any changes to it and you can say that you either like it or not, but it does not really matter what you say"?

**Mrs Corker:** Personally, that was my understanding.

**The CHAIRMAN:** Personally or as the board chair?

**Mrs Corker:** Personally as the board chair, yes.

**The CHAIRMAN:** Was it minuted in your meetings how the board felt? In the discussion that ensued after the department presented that lease to you, the board would have discussed that quite extensively.

**Mrs Corker:** We discussed it during the presentation. We did not discuss it extensively after that. Since the document has been released for public comment and at the last board meeting we asked to be made aware of the comments that had been received back. We then wanted an opportunity to discuss it more fully in light of those comments. The department let us know that it would be working on things so we said, "Well let's not discuss it now; let's see what changes you make to the document and then we'll have another look at it." It has been progressing engagement with the department about the document, not with the lessees. The board has not provided any written comment back to the department about the document during the engagement or consultation process. It has been a discussion at meetings. Without looking back through the minutes, I cannot recollect what was actually minuted a year and half ago when we looked at the document.

**The CHAIRMAN:** You can take this on notice because you obviously do not have it with you, but would you be prepared to provide those minutes to the committee?

**Mrs Corker:** Yes, I would.

[*Supplementary Information No A3.*]

**The CHAIRMAN:** If we can have a copy of any of the board minutes where the pastoral lease has been discussed in light of the draft lease, we would appreciate receiving them.

**Mrs Corker:** I have one further point. Under the Land Administration Act I think section 103 says that the minister can put conditions into this lease document in consultation with the board. I raised at our previous board meeting that the board would like to have more input into what was happening because of this section in the act. The department told the board that it had been advised

that because this was part of the 2015 lease renewal process, in this instance, that section of the act did not apply. I am not convinced of that.

**The CHAIRMAN:** Did you seek clarification of that point from the department or have that in writing from it?

**Mrs Corker:** No, I have not had it in writing.

**The CHAIRMAN:** There has certainly been criticism that the Pastoral Lands Board has not had enough oversight of the lease and the statement you have just made seems to bear out that the reason given was that the department said you have no right to the oversight in this instance.

**Mrs Corker:** We do not have oversight; we are to be consulted.

**The CHAIRMAN:** Obviously, that has not taken place.

**Mrs Corker:** It could be claimed that we have been consulted, but we have not provided written advice to the minister about the lease.

**Hon JACQUI BOYDELL:** Why have you not?

**Mrs Corker:** I guess the board thought the conversation they were having was enough to provide advice to the minister's delegates at the time.

**Hon JACQUI BOYDELL:** At what point did you think it was not?

**Mrs Corker:** When it was released to the public and all the issues were raised in the context of the pastoral lessee.

**Hon JACQUI BOYDELL:** Have you written to the minister since?

**Mrs Corker:** No, I have not.

**Hon DARREN WEST:** I think we are delving into some territory here where you are being asked to answer questions on behalf of the board. You are under oath and everything is being recorded for the public record, so I accept that you may have some problems doing that. Do you feel, as board chair, that your board has sort of been left out of the process and has been seen as a bit of a rubber stamp?

**Mrs Corker:** No.

**Hon DARREN WEST:** Do you as chair feel as though your board has had some level of consultation in this process?

**Mrs Corker:** Yes.

**Hon DARREN WEST:** Do you think that level of involvement has been sufficient in this process?

**Mrs Corker:** I think the level of involvement is sufficient. I think the board was of the understanding that it is a legal document, a draft lease. We have had legal people telling us what would be good to be in it. We sat there and raised issues, but as non-legal people we were not in a position to make a different judgement.

**Hon DARREN WEST:** Sure. Do you feel that in future the role of the PLB, as you were saying—I need to frame this question carefully. If we were to go back to the drawing board, which the department has said it is perhaps considering now doing, do you think that the PLB would perhaps need to be in the tent, so to speak, in that process or are you comfortable?

**Mrs Corker:** I think it has been a learning experience for me as chair of the board that the board needs to be more assertive in the first instance rather than waiting till things bubble up and become bigger and more urgent. With the knowledge of hindsight, it would have been good for the board to be putting things in writing, as Ms Boydell asked if we had, but we had not, and being a little bit more assertive in the first instance. But that is not to say that there is still not a role that the board can continue to take from this point on.

---

**Hon DARREN WEST:** That is what I am interested in. As chair, at sort of what level might we involve the board more and would you like to have direct communiqué with the department or the minister in the drafting process or do you feel as though —

**Mrs Corker:** Yes. We were presented with this draft and virtually told that this is the way it will be, as were lessees when it was given to lessees. We raised very similar concerns that were raised by lessees in verbal consultation with the department. But as the question has been put—I cannot remember how that was recorded in our minutes—we should have been more assertive in the way we responded to that draft, and we can be from this point on if the board considers that it needs to be.

**Hon DARREN WEST:** Finally—I am asking you again to speak on behalf of your board, which you will have to do with some level of uncertainty, I am sure. If you were able to be involved in the redrafting process, what would be the main areas of change you would seek input into as a board?

**Mrs Corker:** Can you clarify what you mean by main areas?

**Hon DARREN WEST:** I know it is a difficult question for you to answer. It is all on the public record and you are under oath, and I am asking you to speak on behalf of a group of people, but given you are here as the chair of the board, what are the major areas of the lease document drafting process you would like heavier involvement in?

**Mrs Corker:** In the board's submission, which was written and has been given to you, pertaining to the lease documents itself, we have said that the document that pastoral lessees are asked to sign should not take away or limit the rights they have under the LAA. It should not take away their security of tenure. I guess that is the aspect we would be very concerned with.

**Hon DARREN WEST:** Thank you.

**Hon JACQUI BOYDELL:** Can I clarify for the record that it is my understanding that Leanne, as chair of the Pastoral Lands Board, is here representing the Pastoral Lands Board; she is not here as an individual.

**Hon DARREN WEST:** Sure, but it always —

**Hon JACQUI BOYDELL:** Okay. I just wanted to clarify that.

**Hon DARREN WEST:** But we are asking her to speak on behalf of other people.

**Mrs Corker:** If I am giving my own view as a lessee, I will let you know.

**Hon JACQUI BOYDELL:** That is good.

Earlier we had evidence that the department sought in the first instance advice in 2011, 2012 and again in 2013 on the draft lease document with the Pastoral Lands Board. When you had that verbal consultation and you had your legal team present giving feedback in the moment to the department and they came back to you again in 2012, was your feedback reflective of what you were seeing changing in that document?

[10.45 am]

**Mrs Corker:** No.

**Hon JACQUI BOYDELL:** And at that point did you undertake anything to say, “This is not what we said”—the board I mean, not you?

**Mrs Corker:** We were not directing them to actually change things in the document. Our feedback to them was, “This clause looks a little bit difficult to digest. What does it mean and what does that mean for lessees? It looks like it may be of concern.” Then they would make a response to us. But I do not recall that they actually changed anything in the draft lease document because of our feedback.

---

**Hon JACQUI BOYDELL:** So would it be fair to say then, as your understanding grew about the clauses in the draft lease, the board's understanding of the lease was that it was reflective of what the pastoral industry was wanting, given that you are representative of pastoralists?

**Mrs Corker:** We are not representative of pastoralists; it is not the Pastoral Lands Board's role. The Pastoral Lands Board's role is to administer certain functions of the Land Administration Act. We are a statutory body. We are not a lobby group and we do not represent pastoralists. We do have three pastoral members who bring that knowledge to the board, but it is not our role to represent the interests of members, but it is our role to take their interests into consideration. So our biggest role is to administer that act. We have statutory functions and sole powers under that act and the people on the board are there and bringing their knowledge and their experience in different areas to carry out those functions, but not to represent industry.

**Hon JACQUI BOYDELL:** Yes, I understand that. But given that the board has representatives who are pastoralists who represent the interests of the pastoral industry —

**Mrs Corker:** No, we do not represent the interests. We bring that knowledge to the board but we do not represent their interests as such.

**Hon JACQUI BOYDELL:** All right; I will rephrase what I am saying. You bring that pastoral industry experience to the board; you have representatives who do that.

**Mrs Corker:** Yes.

**Hon JACQUI BOYDELL:** So, given that on the ground they would know, from conversation with pastoralists and the pastoral industry, what pastoralists were hoping to see in the draft lease, and then in turn the board was having a conversation with the department and not seeing any change in the draft lease, what is the board's comment on how that works?

**Mrs Corker:** I do not think that most pastoral lessees had any aspirations about what they thought would be in the lease. I think that pastoral lessees were very surprised when they saw the draft lease and what was in it, and they have responded to that. I have never had any conversation with any pastoral lessees about what our new lease document may look like. So I doubt whether any pastoral-interest members on the board were receiving much feedback about a new lease document at all—I certainly was not—and it was always intended that the draft lease document would go out for comment. So I think that as a matter of process, it has been good that it did and that pastoral lessees did have that opportunity, and now there is an opportunity to make amendments to that lease. This was the only way that the board would be getting information back from lessees about the draft document because we are not at liberty to show that to anybody or to get feedback on it.

**The CHAIRMAN:** Does the Pastoral Lands Board play any role in the issue of the diversification permit?

**Mrs Corker:** Yes, it does. It is the sole power of the board.

**The CHAIRMAN:** Can you talk us through the process that is in place at the moment and what changes you might envisage? It is fairly obvious and I do not need to run through it all, but there are difficulties with people being granted diversification permits and the actual process they go through. So could you talk us through it from the board's point of view now and what you think you could do to make it better?

**Mrs Corker:** As you probably already heard from other evidence that has been provided, a pastoral lessee may under the terms and conditions of their act carry out pastoral purposes on their lease. "Pastoral purposes" is defined under the act and there are a couple of clauses that add to that definition. Then the Pastoral Lands Board can give pastoral lessees permits to carry out non-pastoral activities on their lease, and there are several of those. So in the past the board has not had much of a role until that application for a permit has come to its final point and is really ready for rubber stamping. More recently the board has taken a more active role in that process, in that it

wants to hear all the ideas and what is coming in upon initial application, not wait until the end of a process, because in the past it is the board's view that there has been quite a conservative interpretation of what "pastoral purposes" is and what requires permits and how that process was actually handled—and most of that was done by the department, and the board did not take a leading role in that and it does not have any policies about guiding those decisions. So more recently the board has undertaken to come up with a strategic plan, its vision for the pastoral rangelands and what actions are necessary to achieve our vision. We are coming towards the end of that process now, and part of that pertains particularly to what defines "pastoral purposes" and the permitting process and what types of activities we would allow as a board as part of the permitting process.

**The CHAIRMAN:** What was it that triggered the board's way of now dealing with them?

**Mrs Corker:** It was because of the reviews that were undertaken back in 2009–10 and the board's response to those, which the previous people referred to. And it was also our involvement in the rangelands reform project, which made us start to think a little bit more strategically about what was happening in the rangelands and where it was going and what our role was, because the board has several specific roles under the act and some of those roles we have never fulfilled. We have placed an emphasis on the everyday sort of working things and procedural things but we have never undertaken a lot of policy development or strategic work or advising the minister. The main reason for this is because we simply are not adequately resourced to do that.

**The CHAIRMAN:** What resources do you have?

**Mrs Corker:** The board has no resources of its own. We make decisions and then we are entirely reliant on the Department of Lands to resource our requirements and provide administrative support. We have no role in making any financial decisions at all.

**The CHAIRMAN:** How often does the board meet?

**Mrs Corker:** It meets every month, but every second month in person and every other month by teleconference as necessary.

**The CHAIRMAN:** And has the make-up of the board changed in recent times or have the members of the board been the same members for some period?

**Mrs Corker:** No, the membership changes. The membership is staggered. So you may be appointed for a time up to three years, and it is staggered so there are —

**Hon AMBER-JADE SANDERSON:** Turnover?

**Mrs Corker:** Yes.

**The CHAIRMAN:** We have heard that there has been some criticism of DAFWA's method of assessing rangelands condition, especially in their failure to adequately take into account buffel grass. What is your assessment of that criticism?

**Mrs Corker:** Which method were they referring to? Was that the previous method that DAFWA undertook, being range condition assessments, or is it the method that we are planning to introduce?

**The CHAIRMAN:** The annual ones—the Commissioner of Soil and Land Conservation annual assessments that are done in relation to that.

**Mrs Corker:** That is WARMS—the Western Australian Rangeland Monitoring System—and my understanding is that buffel grass, being a perennial pasture grass, is considered in that.

**Hon AMBER-JADE SANDERSON:** The previous witnesses talked about their view on the leases and that the leases should contain more scope for diversification in and of themselves, rather than seeking narrow diversification permits. What is your view on that?

---

**Mrs Corker:** I think it would assist the tenure—this is my personal view, not necessarily the view of the board—if a range of activities were allowable under your lease without the need to obtain a permit to do that; that would help. That would be easier. It would be less constrained and allow more flexibility. However, the permitting process, even though there is a process to go through and there are steps to take and that takes time, if your land is enclosed or improved, you can apply to do anything on a pastoral lease. So I believe that there is scope within the current act to do a lot of things, and there is a process to go through. So whilst we can give permits for specific purposes, being agriculture, tourism, planting of non-Indigenous species, we can give a permit for any other purpose on a pastoral lease that is enclosed or improved. The size and the scope of that project may mean that you have to go through the native title process, but it does not mean to say it cannot be done. Even if you were looking for another tenure or a different type of lease, you still have to go through the native title process. So the current provisions in the act actually allow for a very broad range of opportunities and land uses. But there does not seem to have been the courage to actually do that.

**Hon AMBER-JADE SANDERSON:** That was my next question. Is anyone doing it? Is anyone using those provisions in the act?

**Mrs Corker:** They are being used and people are getting permits, but it has been constrained by the fear that it is too hard or we cannot do it. But in actual fact in granting those permits, the board has a lot of discretion if things are not clearly defined, and the way that it is worded means the board can decide what that means and they can do things. So the current board is trying to think a little bit outside this box that we have been in for so long and thinking that we have actually got a really good act, and the way this is written provides an opportunity to do a lot of things, so we should be using it to its full intent and purpose, rather than constraining and narrowing our interpretation to limit what can be done.

**Hon JACQUI BOYDELL:** I think it is really encouraging to hear the invigoration that you bring to the table for the Pastoral Lands Board.

**Mrs Corker:** Thank you.

**Hon JACQUI BOYDELL:** It has been sorely needed in my personal opinion. So in that process of where there is a lack of courage, it may be because it does seem too hard and it is a daunting process to undergo a full native title renegotiation. So if your comment is that currently the PLB would be able to assist a pastoralist in diversifying in any way that they wanted to, where is that fear coming from in your opinion—and how can the PLB, the PGA, the minister and government provide an environment of confidence for pastoralists who go down that path? Is it pre-regulations?

**Mrs Corker:** I think the first step is the board needs to develop some really clear policy about where it wants to go, what its vision is and what we think we can achieve, because people are constrained by past views and past opinions and they think, “If someone told us it couldn’t be done five years ago, well, it’s all too hard” or “Native title is like a big brick wall that has been put up in front of us; it’s all too hard”—and they just stop. Or aligning processes across departments, because if you diversify into something, you may have your permit from the board but there are a whole lot of other processes and other departments that you have to deal with to carry out that activity. We are just sort of allowing the activity to happen and then —

**Hon JACQUI BOYDELL:** So it is streamlining that to allow that.

**Mrs Corker:** Yes. So I think it is that whole understanding of how to deal with the procedural role of getting an activity started as well.

**Hon JACQUI BOYDELL:** Do you see that as partly your role?

**Mrs Corker:** Partly, yes, but we cannot guide the policy and decision making of other departments.

---



**The CHAIRMAN:** There was an example given to us when we took our hearings out into the regions of somebody wanting to apply for a diversification permit on their pastoral lease, and it would have meant for that activity that they were wanting to undertake, which was a roadhouse, that they were required to go through all of those very extensive applications that they would have had to make to get a diversification permit for the nature of that sort of business.

At the end of the day, when it was determined that obviously a venture of that nature would bring in more money than they would be getting from pastoralism, this other stumbling block was put in place to say that because of that, there is a need for that to go out to tender so you will not be granted the diversification permit. There will be a decision made that a permit can be granted but it will not necessarily be given to you; it will go out to tender. Are you aware of that?

[11.00 am]

**Mrs Corker:** It sounds to me as though that will not be a permit from the board; it will be a lease under a different section of the Land Administration Act. You cannot tender out a permit. I do not know the details; I am not aware of this. I do not think this is anything to do with a permit under part 7 of the act. I would say it is some other lease. That is a different process and nothing to do with the board at all.

On that point, I would like to make the comment that a permit is currently given to the lessee; it is not tied to the lease, which is something that we have said needs to change.

**The CHAIRMAN:** Everybody agrees on that.

**Mrs Corker:** That is a limitation of a permit.

**The CHAIRMAN:** If it does attach to a lease, is that going to trigger future act provisions under native title? There seems to be this uncertainty surrounding that.

**Mrs Corker:** With a lot of these uncertainties, we just need to try them. That is what has happened in the past. Everyone is uncertain so nothing happens. If we are uncertain, let us try it and find out whether we are right or wrong or whether we can or cannot do it.

**The CHAIRMAN:** How is carrying capacity on partial leases determined?

**Mrs Corker:** The potential carrying capacity has been determined through extensive land surveys and mapping and other things like that. It depends on the land systems on your lease and what they are deemed to be able to carry. That is a potential carrying capacity of the land, which means that you are able to run stock over your entire lease. Cattle can roam everywhere. There is no constraint on where the stock can go. That is a guide only; it is not an upper limit that pastoral lessees cannot go over. It is a guide for the lessees and it is for administering the rangelands. Then there are current carrying capacities that have been calculated in the past. When the rangeland condition of a lease has been assessed, the potential carrying capacity is adjusted according to the present range condition. If your range condition is all good, it means your present carrying capacity would be the same as your potential. If your range condition is all poor, it means that your current carrying capacity would be adjusted accordingly. Once again, that is just a guide.

**The CHAIRMAN:** Is there a better way of assessing?

**Mrs Corker:** I do not think so. Because seasons change and the capacity of the land changes continuously over time, you can only ever have a guide and you need to be ready to adjust according to what the land is doing.

**Hon DARREN WEST:** We touched on DAFWA monitoring. In Carnarvon we heard from some pastoralists who had come up with a system in which they were doing broader monitoring. Do you have any thoughts on what might be the better way of going forward in terms of monitoring? Do you think it is good as it is or should we perhaps take into account different types of grass species and self-monitoring and auditing from somebody above? How do you feel about that?

---

**Mrs Corker:** The board is introducing a new system. Under the act, we must monitor the rangelands, so we have gone from where DAFWA did rangeland condition assessments, which are different to WARMS. WARMS is a regional scale assessment. Previously, DAFWA would go out onto a pastoral lease and carry out a rangeland assessment, which was mostly subjective. It would go out and look and decide whether it was in poor, fair or good condition. If your lease was in good condition, it would be done every six years. If there were issues, it would be done more frequently. We are changing from that system to one of fixed monitoring size, measuring specific things and counting plants or assessing the frequency of plants on fixed sites, which we think is a more objective system. DAFWA has come up with a system that we thought would be easy for pastoral lessees to do and everyone would be doing the same thing. It was like a baseline system. I know what the group you are talking about is doing; it is doing lots of good things. The more monitoring you do, the better but we are limited by resources and what we can expect people to do. I certainly think there are more things you can do and you could go into assessing all sorts of biodiversity values and other things but the board is mainly concerned about the grazing of stock and pasture and ecological sustainability. The more you can monitor, the better but it is about the resourcing to do that.

**The CHAIRMAN:** Thank you very much for coming in today. I echo the sentiments of my colleague Hon Jacqui Boydell in that the evidence that you have given seems to indicate that there is a change of thinking in the Pastoral Lands Board, and I think that is to be commended. Putting your pastoralist's hat on, if there is anyone who perhaps has the guts and determination to test out some of these things, it might be you. Thank you very much for coming today. We appreciate it.

**Mrs Corker:** Thank you for the opportunity.

**Hearing concluded at 11.06 am**

---