



AO-G.738

RG:ab

25 September, 2013

Hon Liz Behjat MLC
Chairman
Standing Committee on Public Administration
Parliament House
Perth WA 6000

Email: icpac@parliament.wa.gov.au

Dear Ms Behjat

Re: Inquiry into Pastoral Leases in Western Australia

On behalf of the Pastoralists & Graziers Association of WA (Inc), I attach the submission for your consideration.

Should the Committee decide to hold hearings at a later date, I would like to attend and appear with a delegation from the PGA.

I look forward to hearing from you.

Yours faithfully,

Rob Gillam
President

Anthea/MyDocs/PresidentR.Gillam/ParliamentaryInquiry-PastoralLeases/LBehjat/25.09.2013



BACKGROUND INFORMATION ON THE PASTORALISTS & GRAZIERS ASSOCIATION OF WESTERN AUSTRALIA (INC.)

The Pastoralists and Graziers Association of WA (PGA) was formed in 1907 to represent the interests of pastoral leaseholders. Over more than 100 continuous years of its existence it has evolved into the main peak agricultural body representing the pastoral and broad acre agricultural industries of Western Australia.

The PGA represents the majority of pastoral leaseholders through the full spectrum of ownership from some of Australia's largest corporate pastoral groups, to family-owned operators and individual landholders in Western Australia.

AIMS AND OBJECTIVES

- To promote, protect and effectively represent the interests of members in all matters affecting the business of agriculture in all its forms and branches

and

- To deal with any matters which arise from, are incidental to (whether directly or indirectly) or are connected with the industry and in some way affect the growth, stability or wellbeing of the industry

CONTACT FOR THIS SUBMISSION

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INTRODUCTION

The process of consideration of issues affecting the terms and conditions for the renewal of pastoral tenure in 2015, has been perhaps the most exhaustive and comprehensive review of such matters ever undertaken in Western Australia.

The form of pastoral tenure eventually adopted by Government, the conditions and requirements attached thereto and the administrative systems applied to the pastoral industry, will largely determine whether the industry has a bright future and can continue its valuable contributions to the Western Australian community, economy and regional stability and development.

The role of pastoral leaseholders is not well understood by the general public. Perhaps their most important community function is to act collectively as stewards of a significant area of Western Australia.

Indeed, their stewardship of the land could not be replaced by Government Departments or Agencies without the creation of huge bureaucracies and the expenditure of vast sums from the public purse.

The PGA has focused on the need to develop practical systems, so that the needs of other interest groups can be accommodated with minimal impact on pastoral operations. The key, in our view, to reaching this objective is to craft a system which is not only workable but acceptable to all parties.

This goal must be reached without raising compliance costs unacceptably or creating new problems which will impact pastoral management in general. Only if this can be achieved will the exercise undertaken to date have been worthwhile.

Finally, the pastoral community is not seeking to exclude others from the land, only to ensure there are practical rules which allow the application of a good neighbour approach to these matters.



OVERVIEW

The lengthy statutory period provided by the Land Administration Act for the renewal of pastoral leases creates a period of uncertainty for leaseholders while the process grinds to its conclusion.

There is a huge body of fixed and other assets trapped in the process timeframes, the future use and profitability of which is difficult to calculate during this period.

This uncertainty, which is created by the process itself, literally puts long-term investment in the industry on hold. Large infrastructure developments are particularly susceptible. Sale and purchase of properties is also made more difficult, where that event occurs during this period.

THE BROAD COMMUNITY VALUE OF THE PASTORAL INDUSTRY

If the general public were asked to place a value on the pastoral industry they would think in terms of cattle production, wool production, sheep meat production and little else.

Pastoralists are often thought of as a privileged, landed group. This perception is narrow, inaccurate and far short of the reality. The pastoral industry, quite aside from its economic contributions to the economy, plays a vitally important role across a number of major national interest areas.

The sheer size of Australia, its vast unoccupied spaces and its small population make this inevitable. Pastoralists in pursuit of their legitimate businesses are often the only people using these lonely places on a regular basis.

Without any recompense, in most cases, pastoralists provide a vital community service in the following ways:

1. Manage a vast area of Western Australia in the course of their business, including bushfire control, vermin control, weed control and rehabilitation of rangelands.
2. Provide a continuity of land management, in some cases through succeeding generations of the one family, which could not have and still cannot be adequately provided by any other group
3. Provide an extension to immigration services in reporting unusual activity both on the coast and, on occasion, at inland locations.



4. Act as an extension of the Customs and Excise services in monitoring activities related to unlawful import of contraband. (There are numerous instances of failed drug imports on lonely coastal stations.)
5. Have a role in thwarting illegal trapping of fauna and removal of wildflowers and timber by unauthorised persons.
6. Keep weather and climate information over a large area and time span.
7. Assist distressed travellers (often illegal entrants to pastoral leases).
8. Provide management infrastructure (roads, airstrips, in particular) which facilitate the great Australian mining and exploration industry's development of Australia's mineral wealth.
9. Provide support services to tourism operators, developing outback tourist attractions such as station stay and station experiences.
10. Assist the police in terms of information and physical assistance in the case of traffic accidents and other incidents.
11. Assist in the preservation of Aboriginal heritage.
12. Initiate and assist in basic research into rangeland preservation and continuity.
13. Co-operate with defence forces, when requested, in the mapping of roads, airstrips and waters and in identifying areas of importance to defence needs on their properties.
14. Feral Animal Control (goats, foxes, camels, cats etc)
15. Main Road and Shire construction service such as providing bore water, gravel for road works – plant and machinery security lockdown.

All of these services are available because the pastoral industry is there.



PGA Response to the Terms of Reference:

A. MANAGEMENT OF THE INCREASE IN THE NUMBER OF STOCK & ENVIRONMENTAL DAMAGE ON PASTORAL LAND

The Western Australian Rangeland Monitoring System (WARMS) provides an indication of change in pastoral rangelands at both the landscape and land type scales. Currently WARMS has 1,628 monitoring sites in WA. Soil surface condition and perennial vegetation results are recorded and provided to the Pastoral Lands Board (PLB) and other users as required. The PLB monitors rangeland condition through satellite observations and physical inspections of pastoral leases carried out by the Department of Agriculture and Food Western Australia (DAFWA).

The PGA has no indication of environmental damage occurring in the rangelands in recent years and no reports of significant stock increases. The PGA considers that DAFWA reports (eg the August 2012 *Report to the Pastoral Lands Board on the Condition of the Western Australian Pastoral Resource Base*) do not accurately reflect current land use and the extent of landcare practices undertaken by pastoralists. There are areas of the State that have shown substantial improvement which are omitted from such reports. This is most likely because the locations are not within the specific WARMS monitoring sites. DAFWA reports indicating stocking problems are unsubstantiated and neither provided to the pastoral industry for comment, nor peer reviewed.

Further to this, there is considerable pastoral industry concern that even though buffel grass (*Cenchrus ciliaris*) provides additional carrying capacity to native species in large areas of the Pilbara and Kimberley regions this grass is not considered by DAFWA when making assessments of rangeland carrying capacity. Despite its widespread adaptation to the rangelands, DAFWA has not justified what can only be assumed to be a draft policy position that the agronomic benefits of buffel grass are outweighed by its costs as a so-called 'environmental weed.' The 1999 *Environmental Weed Strategy of Western Australia* gave buffel grass a high rating for its distribution, invasiveness and impact, and then in 2006 a DAFWA publication (*Perennial pastures for Western Australia*) reported that buffel is a 'widespread weed'. In the October 2012 Australasian Weeds Conference, two DEC scientists reported that an *Invasive Plant Prioritisation* Process had commenced in 2008. As yet the PGA has not been briefed on the draft policy which was proposed to be released in 2012. Unlike five other introduced species of grasses, buffel has not been listed under the Environment Protection and Biodiversity Conservation Act 1999 by the Commonwealth's Department of Sustainability, Environment, Water, Population and Communities.

There have been constant changes in rangeland management practices over the years as a consequence of the widespread use of computers, improved feral animal control, and where possible - diversification through new industries (eg tourism, stock fodder production & horticulture). The capability of pastoralists to match livestock numbers to forage supply is a critical determinant of improved natural resource outcomes. There is a better understanding of how management decisions impact on the natural environment which has led to practices biased toward landcare as well as income production.

RECOMMENDATIONS

- 1. Pastoralists to self-assess stocking levels**
- 2. Recognition and inclusion of buffel grass in DAFWA and PLB assessments of carrying capacity**
- 3. Government to provide support for increased adoption of new technology to assist pastoralists with modern rangeland management practices that take account of social, environmental and financial impacts on the industry**

B. SECURITY OF TENURE

It is appropriate to focus here on how to achieve an outcome in terms of pastoral land tenure as it applies to pastoralists generally and to ensure that the terms of the new form of tenure are viable in the long term.

The administration of the lease title and the conditions under which the lease title will operate must be practical, effective and also cost effective for the lease holder. If these principles are not achieved, then there will be no end to the problems which will inevitably arise. Both Government and lease title holder will be disadvantaged.

Presently, pastoralists have been offered the same lease term as they currently hold post-2015. For some pastoralists this means their lease term will be less than 20 years, whilst others have a longer term of up to 49 years (refer Appendix A). This discrepancy of lease term has been created by an administrative ruling in the State Government as a result of the introduction of the Native Title Act 1998.

Nearly three years ago, the PGA began informing the State Government about this pressing issue. In November 2010 the PGA provided John Catlin, Executive Director of the Department of the Premier and Cabinet's Land Approvals and Native Title Unit, with documents about the deleterious impact of this administrative decision on the lessee of Fossil Downs Station. These papers included correspondence with the Commonwealth Attorney General and an Australian Tax Office ruling. In May 2011 the PGA was advised by Mr Catlin that the matter should be dealt with by the Minister for Lands, via RDL. The PGA's 19 May 2011 submission *Response to the Rangelands Tenure Options Discussion Paper* (Appendix B) included information about this issue. On 10 August 2011, the PGA and its solicitor convened a teleconference with RDL Officers and its solicitor where these issues were discussed in detail. No further progress has been made since then, despite submissions, correspondence, teleconferences and meetings, to obtain a commitment in writing from the State Government to comprehensively investigate the native title and tenure issues arising.

The effects of this administrative issue not being resolved will likely see investment in the Western Australian industry continue to be seriously hampered. Pastoralists with shorter term leases will effectively have their lease values considerably reduced, as well as the ability to secure finance and or sell their asset restricted. As it is as a result of an administrative ruling, the State Government must rectify this immediately at no disadvantage or cost to the leaseholder.



The industry is prepared to consider the adoption of a Continuous (Rolling) Pastoral Lease with the term of the lease to not exceed 50 years in total at any one time. The PGA is unaware of any reasons why the Western Australian State Government cannot offer improved tenure like the Queensland Government succeeded in doing (refer to Appendix C 12 August 2013 Cabinet media release '*Newman Government boosts security of tenure on rural leases*').

RECOMMENDATIONS

1. That the Government adopts both a Continuous (Rolling) Pastoral Lease with a term of the lease to not exceed 50 years in total at any one time. Perpetual Pastoral Lease Tenure arrangement for ALL pastoral leases in Western Australia to be available to pastoralists if they require.
2. That the Government widen the definition of permitted land usage of pastoral leases under the Land Administration Act to include the various activities captured by the definition of "primary production activities" in the Native Title Act
3. That pastoralists be offered the opportunity to upgrade portions or all of their leases to other forms of tenure including freehold in the future

C. PROCEDURES FOR GRANTING OR RENEWING PASTORAL LEASES

The Land Administration Act (LAA) needs to be amended to remove the Minister's power to refuse the renewal of an existing pastoral lease. Pastoralists should be offered an automatic roll over of their lease title if they have met their terms and conditions as specified in the LAA. This will provide pastoralists with a much greater security of tenure and will enable increased investment in the pastoral industry.

Granting of pastoral leases will require the Minister to take into consideration the impact of the Native Title Act 1998, but this should not be seen as a deterrent for further renewals of existing leases or the expansion of land available for pastoral purposes in Western Australia. The PGA's 19 May 2011 submission *Response to the Rangelands Tenure Options Discussion Paper* included information about this issue.

D. PROPOSED 2015 PASTORAL LEASE

On 22 July 2013 the Department of Lands provided the PGA and all pastoral leaseholders with a draft of the New Pastoral Lease (Lease), to come into effect on 1 July 2015.

Due to legal constraints of both the *Land Administration Act 1997 (LAA)* and the *Native Title Act 1993*, substantial changes to existing pastoral leases, including changes to tenure, have not occurred. The PGA is in the process of obtaining legal advice about these issues. As only a short extension of time was granted by the Committee for this submission, it is not possible to respond to this important item in the Terms of Reference.

E. OTHER MATTERS

The PGA also makes the following recommendations in relation to the following:

1. Rent Formula

- Current methodology for setting the rate in the dollar be abolished in particular the removal of the Valuer General in setting the rent
- Rents need to be determined on a regional basis. Currently rent is determined on a statewide basis. This does not allow regional conditions or climate to be taken into account and therefore the industry believes that the State should be divided into 4 or possibly 5 regions and that each region be assessed on an individual basis
- The Valuer General continue to set the unimproved value for pastoral leases but have no involvement in the setting of the pastoral rent
- That the PLB be charged with the responsibility to recommend to the Minister, regional rates in the dollar
- The PLB recommend regional rates in the dollar that reflect rangeland and market conditions being experienced by pastoralists in a particular region
- That the Minister have the power to waive or alter the rate in the dollar, on a regional basis, if exceptional circumstances are encountered in the term of the review

2. Pastoral Lands Board Structure

- The Pastoral Lands Board (PLB) remain as the governing body for rangelands in Western Australia
- That the administration of Pastoral Lands remains with the Minister for Lands
- That the role and function of the PLB be reviewed to meet the changing uses of the rangelands
- That the PLB have a clearly defined role and be encouraged to promote investment in the pastoral industry
- PLB role to be expanded to make recommendations to the Minister for the administration of leases including recommendation of rental rates
- The PLB to have at least 50% representation from the pastoral industry with the Chairman having a casting vote when and where necessary
- The Chairman of the PLB must be an active pastoralist

3. Exclusions Process

It has been brought to the attention of the PGA that some of the land that had been identified for exclusion from pastoral leases on 30 June 2015 is no longer required by the Government Agencies or Groups that requested that the land be set aside. The PGA considers it important that if the land which is to be excised is **not** required for its original intent then the land should remain as part of the current pastoral lease. Further to this, compensation should be paid on a commercial value basis for all (a) land being resumed from a pastoral lease for public purposes, and (b) loss of income for the term of the lease.

4. Native Title Respondent Funding

There is an estimated 100 unresolved native title claims in Western Australia, of which 85 are 'active claims' (placed in mediation by the National Native Title Tribunal or the Federal Court) that affect the 510 pastoral leases in WA. Many pastoral leases have two or more multiple claims, with overlapping occurring in numerous cases.

Pastoralists hold existing interests in land concurrently with Native Title holders. As such they have a real interest in native title claims and, like Native Title holders, should be given a reasonable opportunity to be heard in Federal Court native title proceedings.

In January 2013 the Federal Attorney General removed the Native Title Respondent Funding Scheme unless exceptional circumstances applied, such as a new or unusual legal question needed resolution. This has meant that without that financial assistance pastoralists will find it practically and financially difficult to participate in native title proceedings, or secure qualified legal representation, which disadvantages both pastoralists and the claims process.

Just prior to the end of the Federal Election campaign, The Hon John Cobb, Shadow Minister for Agriculture announced that the Coalition would reinstate the Native Title Respondent Funding Scheme if they won the election for a 2 year period.

The PGA has received no information on the offer other than that which was available in the media. The media reports indicated that the Funding scheme would be reinstated for 2 years and that the funds would be made available from the "Caring for our Country" program.

As no other details have been made available, the PGA is seeking further information from the newly appointed Minister for Agriculture, the Hon Barnaby Joyce. In particular, the PGA sought clarification on when the program is likely to be reinstated, and what the criteria for obtaining funding from the proposed scheme will be.

5. DEC Leases

The PGA provided submissions to the 2010-11 Parliamentary Inquiry into DEC Management of Former Pastoral Leases. The major concerns raised on behalf of pastoralists were about the need for improved good neighbour relations to manage feral animals, fire & weeds. The PGA remains concerned about those issues as well as there being no Parliamentary process for, in this instance DEC, reporting on its compliance with the Inquiry's recommendations. The PGA is also concerned about the precedent set by the Wiluna #2 Federal Court determination (BP Deceased vs. State of Western Australia 2013 FCA 760) whereby native title exclusive possession was granted over two former pastoral leases whose tenure had not been successfully converted from Unallocated Crown Land to Conservation Reserve. Approximately 60 former pastoral leases throughout WA are susceptible to this outcome.

5. Rangeland Monitoring

The PLB is seeking to introduce a new system of monitoring called Rangeland Condition Monitoring (RCM). If enacted, the proposed amendments will make it compulsory for lessees to install, maintain & monitor RCM sites on their pastoral lease(s), and then submit data as part of the mandatory Annual Reports from all those sites to the PLB on a 3 yearly basis, or on an annual basis for one third of the sites.

Self monitoring appears to have been planned to be introduced with very limited peak industry consultation and without regard for the full impact it would have on the Pastoral Industry.

The inadequacy of the Department of Agriculture & Food WA (DAFWA) procedures to adequately consult and identify the financial and time consuming impacts that the introduction of self monitoring was going to have on pastoral leaseholders has been entirely unsatisfactory. This proposed change to rangeland monitoring which replaces the WARMS with an impractical and costly new system continues to be a substantive concern of the Pastoral Industry. The monitoring sites proposed by the PLB have been established without consultation with lessees. The current sites (WARMS) on stations that were used for rangeland condition monitoring have been excluded without justification.

The Pastoral industry therefore calls on the State Government to review the proposed new system of Rangeland Condition Monitoring with a view of finding a commonsense approach prior to the 2015 rollover of leases.

There is a body of opinion that the Government is responding to industry demands in implementing self-monitoring. This is not the case. Major lease monitoring concerns were raised by industry up to 7 years ago. There was a request for more input from pastoralists in the form of a more collaborative approach to monitoring. This simple desire was for input into assessments and the right of appeal into a deficient assessment.

An independent review of the full implications of the introduction of such a system must be undertaken.



Appendix A

LEASE TERMS CURRENT

SUMMARY OF PASTORAL LEASE TERMS (as at 1997 when renewal offers were made)

Length of Lease (Years)

<20	20-30	30-40	40-50	TOTAL
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STATIONS OFFERED RENEWAL IN 30 JUNE 2015

3	107	88	300	498
0.60%	21.49%	17.67%	60.24%	100.00%

STATIONS THAT DID NOT REQUEST RENEWAL AFTER 30 JUNE 2015

In 1955, 29 stations did not make application to the Minister to receive an offer - so no offer was made to them. In February, 2001, these 28 stations were offered a renewal.

0	6	7	15	28
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STATIONS IN SOUTH-WEST NOT OFFERED RENEWAL AFTER 30 JUNE 2015

In 1995, 19 stations (in SW of WA) were identified as not to be renewed after 2015 - So no offer was made to them

0	1	0	18	19
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STATIONS NOT OFFERED RENEWAL AFTER 30 JUNE 2015

In 1995, 4 stations in the NW of WA were identified as being required by the State after 2015 - so no offer was made to them.

0	0	1	3	4
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STATIONS THAT DID NOT ACCEPT RENEWAL OFFER AFTER 30 JUNE 2005

IN 1997, 8 stations received an offer for renewal but did not accept it, In February, 2001, these 8 stations were re-offered renewal after 2015.;

	0	1	4	3	8
TOTAL	3	115	100	339	557
Percentage	0.54%	20.68%	17.81%	60.97%	100.00%

Source: State of Western Australia. Department for Planning and Infrastructure Pastoral Land Management. September 2003 Alternative Models of Land Tenure (The Gascoyne Muster II)



Attachments

Appendix B:

19 May 2011 PGA Submission *Response to the Rangelands Tenure Options Discussion Paper*

Appendix C:

12 August 2013 Queensland Cabinet media release 'Newman Government boosts security of tenure on rural leases'



Response to the
Rangelands Tenure Options
Discussion Paper

Government of Western Australia
Department of Regional Development and Lands

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19th May 2011



Foreword

Pastoral land tenure must be the paramount issue dealt with in any process of rangelands change.

The addition of a broad interpretation lease (rangelands lease) really does nothing to allay the fears and concerns of the pastoral industry that has experienced many false starts, broken promises and lost opportunities to reform tenure and bring real security.

After almost 3 decades of waiting, the pastoral industry expects the government will come good on its promise of fixing the biggest uncertainty in doing pastoral business, that is land tenure.

Introduction

The Pastoralists and Graziers Association of WA (Inc) (PGA) is a non-profit industry organisation established in 1907, which represents primary producers in both the pastoral and agricultural regions in Western Australia. The PGA is the only WA State Farming organisation with a Pastoral Committee that specifically represents the interests of Western Australian pastoralists.

The PGA represents the majority of pastoral leaseholders through the full spectrum of ownership from some of Australia's largest corporate pastoral groups, to family-owned operators and individual landholders in Western Australia.

The form of pastoral tenure eventually adopted by Government, the conditions and requirements attached thereto and the administrative systems applied to the pastoral industry, will determine whether the industry can continue its valuable contributions to the Western Australian community, economy and regional stability and development.

The role of pastoral leaseholders is not well understood by the general public. Perhaps their most important community function is to act collectively as stewards of a significant area of Western Australia. Their ability to continue to fill this land management role is of critical importance to the community at large. Their management of the land could not be replaced by Government Departments or Agencies without the creation of huge bureaucracies and the expenditure of vast sums from the public purse. The secure interests of the pastoral leaseholder underpin good land management.

The PGA has focused on the need to develop practical systems, so that the needs of other interest groups can be accommodated with minimal impact on pastoral operations. The key to reaching this objective is to construct a system that is not only workable but also acceptable to all parties.

Unless the overall system of managing leases, entry to them, sustainable use of them, monitoring of rangelands and indigenous issues associated with them is acceptably and efficiently married to the pastoral leaseholders' ability to run an effective and

profitable enterprise, then there will never be an end to the conflict of interests which will inevitably arise. This goal must be reached without raising compliance costs unacceptably or creating new problems that will affect pastoral management in general. Only if this can be achieved will the exercise undertaken to date have been worthwhile.

Comment on Issues and Questions

Perpetual Pastoral Lease

This is the PGA's preferred option for pastoral tenure. This could be in the form of a secure rolling lease.

The significance of tenure is the security it provides to the leaseholder. The right of renewal must rest with the lessee. The current situation whereby the lessee may apply in writing to the Minister requesting an offer of a renewal of the lease subject to written advice of the PLB on whether the lessee should be offered a renewal of the lease, not later than 8 years before the expiry of the lease, determined on a number of conditions, including that regulations may provide that specified pastoral leases will not be renewed, is unsatisfactory.

The PGA notes that the discussion paper says (p8) that "an applicant for a perpetual pastoral lease would need to negotiate with relevant native title parties through an ILUA process". Whilst this process has delivered favourable outcomes for a few pastoralists, most pastoralists see this as a major impediment to taking this option up. Indeed some indigenous groups flatly refuse to negotiate on ILUAs.

Negotiating native title is tiresome, time-consuming, excruciating and, though preferable to an expensive court process, it may involve sizeable costs. There are real concerns over the ability of pastoralists to take advantage of this option of tenure.

Rangelands Lease

The PGA recognises that this type of lease is an attempt to attract investment into the rangelands by appealing to interest groups outside of the traditional pastoral industry.

There are concerns amongst many pastoralists that by extending the ability to acquire tenure over large rangelands areas, it will remove the "critical mass" from the pastoral industry that is required to maintain cost effective services in these remote areas. An example of this is the impact of feral animals that already flourish on under managed former pastoral leases used for conservation purposes.

The PGA acknowledges that Rangelands Leases may bring additional investment in these rangelands areas but it is also very difficult to determine if this will bring any advantage to pastoralists. The permit system already covers extra activities on pastoral leases.

It is also known that private conservation groups at the local level are very often funded by, and act as a front for, international conservation groups. There is a sovereign risk of a loss of control of state owned lands. This could be exacerbated by

the suggestion to increase the maximum area of a rangelands lease to 1.5 million hectares.

The PGA also notes with concern the number of times the phrases, "as the Minister thinks fit, the Minister will have the discretion, determined by the Minister, will be set by the minister, at the Minister's discretion, the Minister is to have the discretion, the application is to be made to the Minister, will be made by the Minister, for the Minister to grant, he would have the ability to vary it, a direction of the Minister, references to complying...will be replaced with complying with directives of the Minister", etc.

The PGA appreciates that the Minister does need discretion. However, we believe that good policy, as expressed in good legislation will do justice to the principle of the "Government of Laws and Not of Men".

Ability to Tie to Other Tenure

In Section 4.2.2, (xiv) mention is made of enabling a rangelands lease to be tied to other tenures, the reason being that for financial reasons a more secure form of tenure is required for part of a project involving a rangelands lease or pastoral lease. To protect infrastructure requiring significant investment, freehold tenure or a section 79 lease is suggested.

However, this section further states that provision will be allowed for freehold, section 79 leasehold or other tenure to be tied to the associated rangelands lease or pastoral lease so they can only be transferred together.

Such a provision can only appeal to someone with a liking for unnecessary complexity.

It seems likely this would discourage partnerships and specialist and niche market investment. However, the PGA's past position has been that ownership of high value infrastructure should follow the land (i.e. they are indivisible). It is probable that lawful arrangements under the appropriate commercial contract laws would be a better solution to this issue.

Rangeland Condition Monitoring

The PGA is perplexed as to how and why the issue of rangelands condition monitoring came to be referenced in a discussion paper associated with rangelands reform.

As is well known, many pastoralists object to carrying out this function after it was done for many years by government inspectors.

Having said that, pastoralists do not object to monitoring the condition of their rangelands. Many already do so and maintain historical records.



The issue is that pastoralists have been told that they will have to follow a regime of monitoring that is more rigorous than that imposed by the government on itself.

Senior Officers' Group

The PGA acknowledges that there is a long history of reports into the pastoral industry, dating back to 1940 Royal Commission up to the most recent "Duncan" report in 2009. However, this does not mean there should not be continuing consultation along the way.

The PGA commends the level of liaison shown by the Hon. Ms Wendy Duncan MLC in her role of stakeholder liaison, and those directors and managers working on rangelands reform in the Department of Regional Development and Lands. However, the PGA notes that the SOG consists of many departments and agencies with no direct association with pastoralism, or agencies and departments with a history of antagonism towards pastoralists.

In the interests of openness and transparency, a formal mechanism of open session Senior Officers Group meetings must be established and stakeholders must be invited to participate.

Continuation of the Traditional Lease

We note that a traditional pastoral lease will still be available for those who do not wish to incur any further costs that might be associated with upgrading their security of tenure, be that as a result of financial stringency or for other reasons.

There has been a considerable debate as to the length of tenure for leases. The PGA believes that a 50-year lease will be a fair term for all parties involved, or with an interest in the rangelands of Western Australia.

There has been an anomaly where in the past, lease adjustments have resulted in a much shorter tenure period leading up the 2015 renewal process.

The PGA recommends that all fixed term leases beyond 2015 have a 50-year term.

This will alleviate the acute concern felt by those pastoralists who have been so affected and placed at a disadvantage by the reissue of short leases due to amalgamations, excisions and realignments.

The PGA believes that the reform of land tenure options provides an opportunity for the state government to clarify the definition of pastoral purposes in section 93 of the Lands Administration Act 1997.

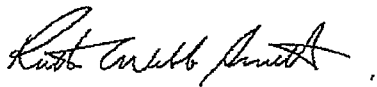
The definition should be brought into line with section 24GA of the federal Native Title Act 1996, in line with the wider definition of primary production activities.

These are;

- ✓ cultivating land;
- ✓ maintaining, breeding or agisting animals;
- ✓ taking or catching fish or shellfish;

- ✓ forest operations;
- ✓ horticultural activities;
- ✓ aquacultural activities;
- ✓ leaving fallow or de-stocking any land in connection with the doing of any thing that is a primary production activity


The PGA thanks the government and department for the opportunity to participate in the feedback process associated with rangelands tenure options.



Ms Ruth Webb-Smith
Chair
PGA Pastoral Committee



Mr Rob Gillam
President
PGA



Mr Ian Randles
Executive Officer – Pastoral & Livestock

Media release

JOINT STATEMENT

Premier

The Honourable Campbell Newman

Deputy Premier, Minister for State Development,
Infrastructure and Planning

The Honourable Jeff Seeney

Minister for Natural Resources and Mines

The Honourable Andrew Cripps



Newman Government boosts security of tenure on rural leases

The Newman Government has today announced it is well on track to addressing one of the most important issues facing farmers and graziers across Queensland – security of land tenure.

Speaking following Community Cabinet at the Ekka, Premier Campbell Newman unveiled important changes to leasehold land renewals and committed to setting clear pathways for farmers and graziers to upgrade from leasehold to freehold land.

"After decades of being ignored by Labor, rural landholders have a government that is prepared to introduce landmark reforms that create a clearer future for Queensland agribusinesses and the families that run them," said Mr Newman.

"We have listened to farm lobby groups such as AgForce and the Queensland Farmers Federation when they tell us that improved security of tenure gives primary producers the confidence to invest in their properties and delivers greater negotiating power with their banks."

"Today I can announce that almost 3000 rural producers across Queensland will soon be able to automatically renew their 'term' leases, rather than facing uncertainty every time their lease is due for renewal.

"Under these important changes rural lessees will enjoy 60-years of "rolling" tenure, allowing them to make long term investment decisions that will help meet Queensland's target of doubling agricultural production by 2040.

"Further, the State Government is committed to identifying suitable pathways for rural lessees who may be interested in upgrading their perpetual and term leases to freehold tenure.

"We understand that for some landholders, the opportunity to upgrade the most secure form of tenure is important, and we will continue to work with rural lobby groups on developing options for that to occur."

Further detail on the government's plan to boost security of rural land tenure is contained in the State Government's response to the Parliamentary *inquiry into the future and continued relevance of government land tenure across Queensland* report, considered by State Cabinet today.

Deputy Premier Jeff Seeney said the report builds on significant changes already made by the Newman government to streamline the lease renewal process.

"We have already removed page after page of unnecessary paperwork enforced by the previous Labor government when primary producers sought to renew their long-term leases," Mr Seeney said.

"Our approach to land tenure is in stark contrast to Labor's fixation with applying layer upon layer of green tape on rural businesses.

"We will boost rather than stifle investment certainty in the Bush, and today's announcements take the first important step to reform Queensland's land tenure system."

Minister for Natural Resources and Mines Andrew Cripps said his Department will continue to work hard, in consultation with industry, to progress the detail of today's announcements.

"Existing Land Management Agreements are set to become a partnership arrangement between landholders and the State Government to ensure environmental outcomes are delivered more effectively and efficiently," Mr Cripps said.

"We will continue to work with farm groups to design a land tenure system that provides certainty for Queensland agriculture with key reforms due to be delivered by the middle of next year."

More information on the government's plan for land tenure is available online at www.dnrm.qld.gov.au
(<http://www.dnrm.qld.gov.au/>)

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