

(a) the management of the increase in the number of stock and environmental damage on pastoral land

There is not a universal increase in stock numbers on the pastoral estate. Much of the southern rangelands is lightly stocked and a large portion is not stocked at all. In the more favoured areas of the rangelands - the Kimberly, Pilbara and west Gascoyne - stock numbers when viewed at regional scale are at or near the recommended levels and are below historical highs. There are individual leases where stock numbers are higher than the recommended level.

It should not be assumed that there is a direct link between above-recommended stock levels and degradation. The recommended carrying capacities of individual leases are meant to be a guide only, and in many cases are underestimated by a large margin. This is particularly true where the carrying capacity was assigned some decades ago before the spread of buffel grass greatly increased the amount of feed available.

Most environmental damage in the pastoral estate is historical, dating back to the first half of last century when sheep numbers were unsustainably high. Over the past 25 years in the Pilbara and Gascoyne where cattle have replaced sheep the condition of the rangeland has improved enormously. One need only look at photographs taken during the Gascoyne Survey (1972) and Ashburton Survey (1984) and compare with the present to see the undeniable and substantial improvement.

The Pastoral Lands Board is the body responsible for managing the pastoral estate. The Land Administration Act 1997 (LAA 1997) provides the Board with the necessary powers. However, it is impossible for the board to fulfil this duty. The Board has no access to credible, defensible data on rangeland condition. The board relies on DAFWA to provide it with advice, but the fact is DAFWA rangelands staff no longer have the will nor the professional integrity to supply factual, credible advice. The board relies on the Department of Lands to action its directives; it cannot compel the Department to carry out those directives.

The Pastoral Lands Board should be allocated a budget sufficient to employ the necessary staff to enable it to carry out its proper function. There need be no extra funding for this, the funding could simply be re-allocated from Department of Lands for administration staff and from DAFWA for technical support staff.

(b) the adequacy and security of land tenure

It needs to be asked why leasehold tenure, a medieval – feudal even - form of landholding, is seen as suitable for the needs of the 21st century. The Land Administration Act should be amended to allow conversion to freehold.

The Rangelands Reform programme was to have delivered a secure leasehold title, and amendments to the LAA 1997 are being drafted to that effect. The post-2015 draft Lease Document, unless

substantially redrawn, will in fact render pastoral leases less secure than they are now and neuter any additional security provided by the LAA 1997 amendments.

(c) procedures for granting or renewing pastoral leases

It is difficult to see what need there is for this particular topic. Granting of new pastoral leases is not happening due to very little suitable land available. There are recent cases where small portions of UCL adjoining current leases has been incorporated into the adjoining, existing leases. There is however a small and vocal group who insist, incorrectly and contrary to the LAA 1997, that the transfer or renewal of a pastoral lease is the same as, and should be treated as, the granting of a pastoral lease.

The renewal process as set out in the Act is both reasonable and sufficient for the current 2015 renewal. The terms and conditions of the post-2015 lease will perhaps need a modified approach.

(d) the proposed pastoral lease 2015

Department of Lands staff have claimed there is no substantive change in the new draft lease document. This is clearly an absurd and dishonest claim. The 2015 draft if adopted will in effect render a lease so insecure that it will be impossible for any lender to accept as security for a mortgage. In the event a lessee becomes insolvent and is forced into bankruptcy or a scheme of arrangement, the lease can be immediately terminated leaving the mortgagee without recourse. The RSCPA, a private lobby group which has statutory powers, need only commence proceedings against a lessee on the flimsiest of grounds, even no grounds at all, for a lease to be terminated, regardless of the outcome of such action.

This draft lease should be thoroughly and substantially redrawn, and with due regard to the process as stated in s.103 LAA 1997.

(e) any other matter

In areas where water is available pastoral lease titles should carry with them a water allocation of a limited but sufficient amount for use in connection with pastoral purposes as described in s93 LAA 1997. There should be a right to clear a reasonable area of perhaps up to 2000ha for pastoral purposes, with the Pastoral Lands Board having oversight of the exact location and other conditions of the clearing. These two initiatives would enable and encourage lessees to spread their production and income risk away from rangeland grazing, and would send a clear message to the pastoral industry that the Government is serious about increasing the productive capacity of the rangelands.

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