

# **STANDING COMMITTEE ON PUBLIC ADMINISTRATION**

## **INQUIRY INTO PASTORAL LEASES IN WESTERN AUSTRALIA**

**TRANSCRIPT OF EVIDENCE  
TAKEN AT PORT HEDLAND  
WEDNESDAY, 6 NOVEMBER 2013**

### **SESSION TWO**

#### **Members**

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

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**Hearing commenced at 9.07 am**

**Mr EBER BUTRON,**  
**Director, Planning and Development, Town of Port Hedland, sworn and examined:**

**Mr GORDON MacMILE,**  
**Director, Community Development, Town of Port Hedland, sworn and examined:**

**The CHAIRMAN:** Thank you for coming along and welcome to the meeting. Before we start, I will get you to take either the oath or the affirmation.

[Witnesses took the oath.]

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

**Mr Butron:** Yes.

**Mr MacMile:** We have.

**The CHAIRMAN:** These proceedings are being recorded by Hansard. 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 microphones and try to speak into them, and try not to cover them with papers or make noise near them and try to speak in turn. 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.

Would either of you like to make an opening statement with regard to your submission?

[9.10 am]

**Mr Butron:** We made the submission when there was open public advertising. Our submission covers two points; one of an operational nature and one of a strategic nature. Of most importance to us, really, is the strategic nature in relation to having public coastal access and the issues being faced by the community and the town at this point in time in having limited access, or having access denied to the community, in terms of gaining access to recreational areas along the coast. That is our biggest issue. The other issue is from an operational perspective in relation to fencing along the highway, in particular. It is a major route between Port Hedland and Broome. Fencing really is an issue purely because of cattle coming onto the highway, and there are some pretty major safety concerns from the town’s perspective. The other one is in relation to bushfire management. The town council is obligated, through its own services, to meet the requirements from a bushfire perspective to ensure that there is a bushfire management plan that is observed by the pastoralists and to update them on it and I guess having it confirmed by council so in the event of a bushfire, our officers can attend those emergencies and they are aware of the facilities and equipment that is actually on site. It is about having bushfire management plans that can actually deal with those major issues. That is it in a nutshell, very quickly.

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What we wanted to give the committee today was some information in relation to the studies we have undertaken in coastal management and coastal public access. We have got a couple of copies. The copies we are providing the committee with are the “2004–2009 Port Hedland Coastal Management Plan” prepared in March 2004, and it is a draft for public comment. We have recently prepared the “Port Hedland Consolidated Foreshore Redevelopment Master Plan”, which has been endorsed by council recently. That caters closer to the town boundary; it does not necessarily extend beyond that but it actually starts creating a vision in terms of what we want to achieve from a coastal access perspective. I want to set that out for committee members; as well, we have an electronic version. We have managed to get only two hard copy versions, but we have electronic versions for all the committee members. We also have an extract out of the 2004–05 coastal management plan, which identifies the coastal access opportunities that were perceived back in 2004, and they are still relevant up until this point in time.

**Mr MacMile:** Following on from Eber, probably the only other document which we have introduced in evidence is the town’s strategic community plan, which is a 10-year document. Consistently through that document and the two documents that you have got, you will see the community’s affinity, I guess, with the coast and the natural environment. Through community engagement, both with our strategic community plan and those two documents you have, it strongly comes out that access to the coast and engaging in that coastal environment is a critical priority for the local community. Historically, it has been part of the attraction of why people have come to Port Hedland and why people stay in Port Hedland. That has consistently come out. The community has, I guess, grown used to having access to the coastal environment, which you can see from Balla Balla, halfway between Port Hedland and Karratha, all the way through to the old town sites of Condon and the areas around Shellborough Tichella. Obviously, as different developments have progressed and access to those areas has become more constrained, more restricted, and as developments in the town site of Port Hedland around the harbour and the port have grown, access to those areas has become more restricted as well. I guess the town’s desire, both from local community access and from our economic development access of being able to service visitors to the town, is to be able to maintain access to those coastal environments which kind of sit adjacent to the pastoral leases.

**Hon AMBER-JADE SANDERSON:** Can you give us some concrete examples of where people are denied access to those coastal areas?

**Mr Butron:** The two examples we can provide in recent times—I have only been with the council for the last two and a half or three years—is the De Grey station, which has limited access to coastal areas around the Condon area. That is understandably as a result of management issues. They advised us that there was a lot of littering and mismanagement from the general public using that access and there were also reports of some cattle being shot, and potentially some bushfires being started up in that area. We understand from a management view where the pastoralists are coming from, but we still feel it is urgent to gain coastal public access.

**Hon AMBER-JADE SANDERSON:** Would these be private roads, private accesses?

**Mr Butron:** Yes; they have just gated them off. As well, there is Munda station. My understanding is that once upon a time there used to be public access, but in more recent times that public access has been closed off as well.

**Hon NIGEL HALLETT:** Gordon, what is the public liability ramification where a pastoral lease is owned by the state government—you have the pastoralist and then the shire? Where does public liability and the buck stop in the event of a bushfire being started or wherever you want to go with it—an accident? Or, how far back from the water do you intend to be able to have public access?

**Mr MacMile:** At the moment, the liability would rest with the station—the leaseholder—and that is because they have the lease over the land. To follow on from what Eber said, we completely get the position of the station leaseholders and the difficulty they have had with some of that public access,

in particular, the more undesirable behaviour that has occurred through De Grey and Munda pastoral areas. Where the town is coming from, we would like to try to take a much more formal approach where access is formalised, both from a physical perspective and a land perspective in some way. There are facilities on the coast, and those facilities are monitored, managed and maintained properly. At the moment, part of the difficulty is that everything happens informally.

**Hon DARREN WEST:** By whom?

**Mr MacMile:** I guess that would become part of a management strategy that would not be a one-size-fits-all approach. In some cases, from discussions that we have had with some of the pastoral leaseholders, they would be prepared to be part of that management strategy. You see examples up and down the coast, particularly around the Coral Bay–Ningaloo station area, where there are facilities on the coast and there is formalised access to those areas and management strategies around booking and maintaining those areas. It serves the community well; it services the tourist visitors as well. That is the kind of approach that we would like to take. The informal approach is not working for anybody. It is restricting access to the community and is causing issues for the pastoralists. We would like to take a much more formal and better-managed approach.

**The CHAIRMAN:** What are the barriers to the managed approach at the moment?

**Mr MacMile:** I guess, probably the land tenure issue is one; that, up until now, access has been through private and pastoral lease areas, so there would need to be a resolution of, I guess, formalising that public access through those areas to the coast. Then, from our point of view there would need to be some detail around what facilities need to be in those areas to allow people to access those areas and then how they are managed and maintained.

**Hon NIGEL HALLETT:** Would you see that directly as a shire cost of putting the roads through and facilities?

**Mr MacMile:** I guess it depends on what the model is at the end around that area. To give you an example, you could have anything from the situation that is at Ningaloo station, where effectively it is very informal, and when you get to the coast, effectively, there is some form of compost toilet facility and some freshwater, so it is very minimal. Then you get the other extreme example, I guess closer to Broome, where you have the Eco Beach example, which is an entirely different business model. It would be dependent upon what was there, what the business model was and how that was managed and maintained.

**The CHAIRMAN:** But those sorts of changes would have to be negotiated between you and the Department of Lands, not with the individual pastoralists. The industry cannot really engage at this level; it has to be government department to government department, surely?

**Mr MacMile:** I think in some cases the pastoralists have taken a more proactive approach and said they want to diversify their business and they want to have the tourist element as part of their business model for that pastoral lease. They want to be part of it as well, so it is not necessarily just those two parties.

**Hon DARREN WEST:** It is an interesting concept you raise, because there are good examples of where it has worked. I fully get the pastoralists' position. They allow access to people and they come in there, but an element does the wrong thing and the pastoralists are liable—so, no more. It is a fairly logical thought process.

[9.20 am]

**Mr MacMile:** It is a logical response.

**Hon DARREN WEST:** I also understand that the citizens of Western Australia—or Australia own the land and probably feel they should have access, but management costs money; that is probably the difficult one. Coral Bay is a commercially viable proposition; they can make some money there. Do you think that these sorts of sites that you are talking about would fall into that category? Would

there be a subsidisation or a cross-cost from somewhere required to make it work or do you think that they could perhaps sustain commercial viability in their own right?

**Mr MacMile:** I think the very simplistic ones have a pretty low fixed cost structure. Effectively, as I said, it is just some very minimal services. The people who go there, whether it is the local community or the visitors, understand that when you get there, you really have just got a toilet with some fresh water. There are still some management and maintenance costs even in those areas, but they would be fairly minimal.

**Hon NIGEL HALLETT:** Would you see developments like Munda Station? How it used to be, but obviously it is closed now.

**Mr MacMile:** Essentially.

**The CHAIRMAN:** Would you envisage that your proposal in relation to the coastal use would be by way of excision from the pastoral lease or by the pastoralists then themselves having to apply for a diversification permit? There are two different ways of attacking it.

**Mr Butron:** I think there could be a combination of both, depending on the pastoralists and their interest to actually take up an interest in running a camp or whether it is an eco-beach resort style. So it really is in terms of the discussions with pastoralists in terms of what their interests are to actually operate such a business.

**The CHAIRMAN:** So you are not suggesting to excise it from the lease and manage it otherwise?

**Mr Butron:** Potentially, not at this stage, if the pastoralists have an interest in actually operating such a business, but if they do not and there is still demand from the community to actually have coastal access, then it might actually be required to actually excise.

**The CHAIRMAN:** I am not completely familiar with the coastline there obviously, but are there any unallocated Crown areas there, or is the whole coastline subject to pastoral leases?

**Mr Butron:** We will have to go back and definitely check our records, but my understanding is the pastoral leases cover a significant portion of the coastline, and there might be one or two portions on the old Condon site, which is the old town centre site, which might have a bit of Crown land. It might not be part of the pastoral lease—I have to go back and check my records—but having said that, we still need to have viable access to that site.

**Hon NIGEL HALLETT:** You touched on fencing down the coastal highway. Now, would that apply to all leases that you would be talking about undertaking? Whether the government leases back to DEC, would have the same responsibility as pastoralists—even if that station is not running cattle, but there are still a number of kangaroos et cetera that pose the same risk as a beast walking out on the road?

**Mr Butron:** It is a good question. I think a lot of the issues have risen from cattle being on the road. I think, ordinarily, if you are driving along a coastal road or a rural road you ordinarily may come across wildlife, whether it is big goannas, kangaroos or whatever else—or even wild camels. But the concern really appears to be in relation to cattle grazing and how often they are seen on the road, or alternatively very close to the road. My comments initially were just highlighted for the road between Broome and Port Hedland actually is significant, from Port Hedland down to Karratha as well. And they are pretty well travelled roads, and pretty busy roads.

**Hon DARREN WEST:** Are there other alternatives? I might sound like I am a bit cruel here, but I can tell you that—and it might be a bit left of centre—I can see that fencing that much road is a big job. It is going to cost a lot of money and you are talking about stock that are not necessarily accustomed to fencing. So you probably are going to have some issues with them getting through, and it is going to take a lot of maintenance. Are there other things such as maybe little high-pitch signals or stuff like that that people put on the front of their cars to keep kangaroos off of the road,

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with limited success? Are there other sorts of maintenance and other options that you might be able to look at around that, that you are aware of?

**Mr Butron:** I am not aware of what other options there are available. I think it is an issue all across the nation. It is not just a Pilbara or a WA-centric issue; it is the same issue up on the east coast and I have seen it in New South Wales and Queensland. I do not think it is an easy fix, to be completely honest. It is a costly fix, but if there are other alternatives to actually facilitate the issue, then, yes, we will definitely look at it.

**Hon DARREN WEST:** All right.

**The CHAIRMAN:** Thank you very much. We appreciate that.

**Hearing concluded at 9.25 am**

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