

**ECONOMICS AND INDUSTRY
STANDING COMMITTEE**

**INQUIRY INTO THE DEPARTMENT OF ENVIRONMENT AND
CONSERVATION'S MANAGEMENT OF FORMER PASTORAL LEASES**

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
MONDAY, 10 MAY 2010**

SESSION THREE

Members

**Dr M.D. Nahan (Chairman)
Mr W.J. Johnston (Deputy Chairman)
Mr M.P. Murray
Mrs L.M. Harvey
Mr J.E. McGrath**

Hearing commenced at 2.08 pm**BRANDIS, DR ANTHONY JOHN****Commissioner, Conservation Commission of Western Australia,
examined:**

The CHAIRMAN: On behalf of the Economics and Industry Standing Committee, I would like to thank you for your interest and your appearance before us today. The purpose of this hearing is to assist the committee in gathering evidence for its inquiry into the Department of Environment and Conservation's management of former pastoral leases. You have been provided with a copy of the committee's terms of reference. The Economics and Industry Standing Committee is a committee of the Legislative Assembly of the Parliament of Western Australia. This hearing is a formal procedure of Parliament and therefore commands the same respect given to proceedings in the house itself. Even though the committee is not asking witnesses to provide evidence on oath or affirmation, it is important that you understand that any deliberate misleading of the committee may be regarded as a contempt of Parliament. This is a public hearing and Hansard is making a transcript of the proceedings for the public record. If you refer to any documents during your evidence, it would assist Hansard if you could provide the full title. Before we proceed, I have a few questions. Have you completed the "Details of Witness" form?

Dr Brandis: Yes.

The CHAIRMAN: Do you understand the notes at the bottom of the form about giving evidence to a parliamentary committee?

Dr Brandis: Yes.

The CHAIRMAN: Did you receive and read the information for witnesses briefing sheet provided with the "Details of Witness" form today?

Dr Brandis: Yes.

The CHAIRMAN: Do you have any questions in relation to being a witness at today's hearing?

Dr Brandis: No.

The CHAIRMAN: In what capacity are you appearing before the committee today?

Dr Brandis: I am representing the Conservation Commission of Western Australia.

The CHAIRMAN: Are you on the commission?

Dr Brandis: I am a commissioner on the commission.

The CHAIRMAN: Thank you for your submission to this inquiry. Together with the information you provided today, your submission will form part of the evidence to this inquiry and be made public. Would you like to make any amendments to your submission?

Dr Brandis: No.

The CHAIRMAN: We have a series of questions to ask you today but before we do, would you like to make an opening statement or provide additional information?

Dr Brandis: I will make a brief statement if I could.

The CHAIRMAN: Go ahead.

Dr Brandis: I would like to begin by offering apologies on behalf of Mrs Pat Barblett, the chair of the commission, who is unable to attend today. The commission meets every Monday of the month,

and that meeting is on today. She offers her apologies. She was intending to come with me. I am here today.

I have a few comments in addition to those that were made in the submission by the commission and would like to provide a bit more information about policy settings. I will comment on what the commission understands the Department of Environment and Conservation has been doing so far on the land that it has acquired, being formerly pastoral leasehold land, and then make a few more comments about how it is doing with some of those things that it is trying to achieve. A whole history of policy sits behind the Western Australian department trying to establish and manage a comprehensive, adequate and representative reserve system. You would have heard those terms used before, usually abbreviated as the CAR reserve system. Some of the more recent policy—there is no point going into the history of it—are things such as the national strategy for the conservation of Australia's biological diversity, the coalition government's policy statement "Managing the Rangelands" and things like the Gascoyne Murchison strategy, which is more recent. All of the documents that I refer to—there are others as well—recognise the need in this state to improve our conservation reserve system based on the results of a national audit of Australia's conservation reserve system, which recognises that a reserve system in Australia and in Western Australia is inadequate. That was a process called the interim biogeographical regionalisation of Australia, using broad definitions of a whole series of different ecosystems which were later subdivided even further. It was determined that each of those ecosystems or IBRA regions or subregions in the reserve system either contained or did not contain any of or only some of the various habitats and ecosystems that occurred in that region. It was found to be well below international standards. The international standards were basically set in agenda 21 at the Rio summit to which Australia ratified and moved forward from there.

One of the other things that occurred in relation to these policy settings is that the commonwealth established a national reserve system cooperative program, which was established for the commonwealth to work with states and territories in establishing a reserve system, amongst other things. Some funding has been provided under that program over quite a number of years. It is mostly coming from NHT funds at the moment. Our state and other states and territories have been able to access those funds when it comes to acquiring land to improve the reserve system in each state and hence in Australia. They are some of the policy settings that are behind the agency, DEC, acquiring land that has been identified using a systematic and scientific approach, as having high biodiversity or high conservation values to be added to the conservation reserve system. Each time a piece of land has been identified as valuable for the conservation reserve system, a recommendation is made to acquire that land, which is then signed off by the Minister for Environment of the day and the Minister for Lands. Both ministers are required to sign off all of those recommendations to acquire land. Where those recommendations are approved, the land has been acquired. Since acquisition, the land has remained as unallocated crown land, the pastoral lease has been extinguished, if you like, and it is then managed under a section of the CALM act, which allows DEC to conduct conservation management activities on that land but the land remains, to this day, mostly unallocated crown land, particularly that land that was purchased as part of the Gascoyne Murchison strategy. That does not have a conservation tenure. It is not a national park or a conservation park or a nature reserve; it is unallocated crown land.

[2.15 pm]

While DEC or the former agency known as Conservation and Land Management, or CALM, has been acquiring pastoral leasehold land for a number of years prior to the Gascoyne Murchison strategy, very little of the more recent land has become anything under conservation tenures so it is still languishing as unallocated crown land. The department has lead agency responsibility for the conservation of biological diversity, or biodiversity in this state. Along with any conservation estate, a range of other activities need to be undertaken as part of the management process.

These include some obvious ones, like feral animal control, fire control and management, and boundary fences where that is an issue. There is a whole range of other things, like recreation and tourism access, and camping, public risk, and heritage and cultural issues, that need to be addressed, and also rehabilitation, research and monitoring; and so it goes on. The Conservation Commission has been briefed from time to time about DEC's activities and is aware that the agency has in some way, shape or form managed to address most of those things that I have just mentioned, and that it has made good progress in some places and less progress in others with them. It would like to do a lot more but finds that resources are rather limited. There are staff itching to get on with their job but they are restricted by lack of resources at this point in time. So while both commonwealth and state governments have spent considerable funds to acquire that land, the resources that should logically follow, when there is an increase in the area of land to be managed, really have not occurred. I will give you two examples.

Mr W.J. JOHNSTON: Sorry to interrupt, but when you say that the resources that should follow the purchase of that land have not been made available, is that not actually the other side of an argument that says that too much land was purchased for the amount of resources available?

Dr Brandis: You can look at it that way. You can look at it either way.

Mr W.J. JOHNSTON: Yes.

Dr Brandis: What I am saying to you, though, and the examples that I was going to give you, is that approximately five million hectares has been acquired under the Gascoyne–Murchison strategy, each time signed off by two ministers of the government; and there have been three governments during that process. The total fiscal resource that I am aware of is \$1 million.

The CHAIRMAN: It is actually \$1.05 million a year and then \$7.35 million on top of that.

Dr Brandis: What is the \$7.35 million for?

The CHAIRMAN: CALM told us that it gave additional money.

Dr Brandis: Yes. Out of its existing budget, yes. That is how it has managed to do it. On top of that, the other example that I was going to give you is that as part of the Gallop government machinery of government process, DEC, or CALM and DEC, has been made responsible for another 78 million hectares of land, and the budget that came with that was \$980 000.

Mrs L.M. HARVEY: I want to go back to a comment that you made earlier about how a lot of the pastoral leases that were purchased for the purpose of the conservation estate remain as unallocated crown land. My understanding is that in 2003, that was when the additional 78 million hectares of unallocated crown land then became also the responsibility of the Department of Environment to manage.

Dr Brandis: Yes.

Mrs L.M. HARVEY: Was part of the purpose in handballing the unallocated crown land to DEC also with the intention of allowing the management over the former pastoral leases that were purchased for the conservation estate but were still in limbo as to their status? Do you know if that was part of the reason for having that unallocated crown land passed over to DEC in 2003?

Dr Brandis: The primary understanding that I have is that that area of unallocated crown land was formerly managed by the Department of Planning and Infrastructure. The Department of Planning and Infrastructure does not have people with scientific skills and expertise et cetera in land management—land administration, yes, but not land management. DEC—it was then CALM—did have that expertise, it had staff with that knowledge, and it was organised on a regional basis, including in the areas where that UCL was, and it was, therefore, a more appropriate organisation to deal with that land because of those two factors, rather than anything else.

The CHAIRMAN: That was during a period of wholesale restructuring of the public sector?

Dr Brandis: Yes.

Mr W.J. JOHNSTON: In your opening remarks, you commented that there were some areas of management in which DEC has made “less progress”—I think those were the words you used—than in other areas. Can you outline the areas in which DEC has made less progress?

Dr Brandis: To the general public, it would appear that in some places no progress has been made at all.

Mr W.J. JOHNSTON: I am specifically asking what you were referring to when you said DEC has made less progress—in your opinion, rather than in other people’s opinion.

Dr Brandis: That is what I was starting to answer. In some places where a pastoral lease has been acquired, the pastoral lease has no infrastructure, did not run any stock, ever —

Mr W.J. JOHNSTON: Where?

Dr Brandis: Well, east of Payne’s Find, for example. So there is nothing happening there, other than they have been de-stocked, and we may have done some feral animal control, such as wild dog baiting. But other than that, there are no recreation facilities, there are no camping facilities, there is no access, even. So it would appear to some that no progress has been made.

Mr W.J. JOHNSTON: Okay, but I was not asking that. I asked you what you meant when you said that DEC has made less progress in its management of some areas .

Dr Brandis: Okay. One of the primary reasons for the purchase of this land was for conservation and biological diversity. Other secondary objectives include recreation and tourism. In many areas, the most that we need to do or would want to do, and that provides a good outcome for nature conservation, is to de-stock a place; and just by de-stocking, and closing water points to reduce the number of feral or other introduced animal species—in other words, remove the grazing pressure—that is the best and most important thing that we can do for nature conservation. But there may be other things, such as recreation access and camping, that have not been attended to also. As I say, there has been a lesser progress in some areas—and we do not think there has to be a progress in any case, because not every place has the attributes —

Mr W.J. JOHNSTON: Why?

Dr Brandis: Because we have already attended to the most important thing, which is to reduce grazing pressure. That is the primary cause of loss of biodiversity in the rangelands. I mean, that is on the public record.

Mr W.J. JOHNSTON: When you say “we” who are you referring to?

Dr Brandis: Well, the Conservation Commission has been made aware of all of the activities of DEC, or CALM and DEC. The commission has visited the mid west and has visited a number of these properties and been addressed by senior departmental staff, and other operatives as well. We can see that progress has been made or not been made, or people are trying and are going in the right direction or are not going in the right direction. We can see that.

The CHAIRMAN: You personally have a great deal of knowledge about this. You wrote a book on it, did you not?

Dr Brandis: Yes.

The CHAIRMAN: You were a strong advocate of the CAR, as I think it is called. Are you full-time with the commission?

Dr Brandis: Well, I am a commissioner, yes.

The CHAIRMAN: That is a full-time position?

Dr Brandis: Yes.

The CHAIRMAN: But you have been an employee of DEC?

Dr Brandis: Yes, 18 months ago.

The CHAIRMAN: So you come to this with a great deal of knowledge. As I understand it, the DEC people put you forward as one of the main proponents for the CAR and for the process. I just wanted to make that statement and get your concurrence for it. One of the issues is that, as I understand it, one of the tasks of the Conservation Commission is to oversee land held in the conservation estate.

Dr Brandis: That is correct.

The CHAIRMAN: I assume that applies to unallocated crown land. Does it?

*barn: Well, it does not until it becomes a conservation tenure.

The CHAIRMAN: My point is that does the Conservation Commission have carriage over this unallocated crown land that was formerly pastoral lease?

Dr Brandis: No.

The CHAIRMAN: So it is not in your bailiwick to manage or oversee the management of that?

Dr Brandis: No.

The CHAIRMAN: Okay. But if it is transferred from UCL to some conservation estate, it is in your bailiwick?

Dr Brandis: Yes, absolutely.

The CHAIRMAN: If that is the case, does the Conservation Commission establish a management plan for this UCL and go out and monitor it and have periodic assessments of it, as you do with the conservation estate?

Dr Brandis: Only when UCL becomes one of the conservation estates.

The CHAIRMAN: So you have not gone as a commission and established with DEC a management plan for these ex leases and done an evaluation of their performance?

Dr Brandis: No. But that refers to those leases that have been purchased as part of the process that I just outlined for conservation. So they are managed by DEC under the CALM Act. The commission has an interest in them—that is why we have visited them—because the intention is to make them into conservation tenure.

The CHAIRMAN: Yes. But that has not been done yet, so they are not under your established management plan and assessment program?

Dr Brandis: That is correct. But I should point out that there are a number of pastoral leases that have been purchased and that have had their tenure changed to national park or conservation park and are vested in the commission. There are a number of them.

The CHAIRMAN: Our terms of reference are quite specifically to these former pastoral leases.

Dr Brandis: Yes. I am talking about former pastoral leases.

The CHAIRMAN: I know, but the bulk of them are still in this unallocated crown land position.

Dr Brandis: Sure.

Mrs L.M. HARVEY: Which of the leases were visited in 2008 by the commission?

Dr Brandis: Kadji, Lochada, Karara, Muggon, and part of Woolleen. I cannot think of all of them now, but that is indicative. It is through the lower and middle Murchison region. Is that enough? Does that answer your question?

Mrs L.M. HARVEY: Yes. I was just really interested to know, because you say in your submission that the commission visited a number of the mid west Murchison leases. I am trying to find out

where the crossover is between the leases that we have witnessed, which there might be some management issues, as opposed to the leases that you visited, because from what I can gather from your submission, the Conservation Commission does not appear to have any problem with the management of the DEC-owned leases.

Dr Brandis: Certainly the ones that were visited, no; and of course they were briefed on other matters related to other areas as well, and there is no particular concern.

Mr J.E. McGRATH: Just to be clear: those ones you visited, they were still under the unallocated crown land category?

Dr Brandis: That is correct; and still are.

[2.30 pm]

Mr J.E. McGRATH: Are you aware of the public commentary that has been made—some of which has been made by holders of pastoral leases who have leases alongside properties that have been taken up by DEC—where they have raised some issues about DEC's management? I know you say here that as far as your commission is concerned, you believe their management has been undertaken to a high standard. There are some concerns about the good neighbour policy and about problems with feral pests and feral animals. There are concerns about the shutting off of the water, animals dying around wells that have been shut off and those sorts of things. Are you aware of those things? Can you comment on what you have read and some of the public commentary you have read or heard about?

Dr Brandis: The sorts of issues that you refer to have been raised with myself or other DEC people when I was working there. I certainly have tried to answer those questions as best I can. A lot of my information has been broadcast—television and radio—and in newspapers. I have certainly written a lot of articles in *Landscape* magazine and Australian Rangeland Society papers et cetera about those sorts of things. I have also had a number of past meetings to try to address those issues as best I can. I have to say, John, that in the main where people have addressed issues to me directly and I have responded, they seem to have accepted my explanation, but then at the next meeting someone else will raise the same issue. That has gone on for about 12 years of my working career doing that sort of work. You have to repeat, repeat, repeat basically the same answer to the same questions that keep coming up. They are just perennial. They keep coming around and around.

Mr M.P. MURRAY: Is there a communication problem there?

Dr Brandis: I am not there anymore. I have not been there for 18 months. My position has never been replaced. There is nobody, I guess, as a point of contact that people can go to.

Mr J.E. McGRATH: For the record, can you be specific about some of the things that are being raised, like the shutting down of the wells. Some people have said to us that a better process might have been not to have shut them all down but shut down one every five kilometres or something so it would not have this drastic impact on the feral pests or the introduced animals that were there, or even some stock.

Dr Brandis: Certainly. It is an issue that is quite controversial in a lot of ways. The basis of the thinking that has been made is that the pastoral rangelands have become very much altered in terms of vegetation and flora, and animal species, as a result of increased grazing, which can only occur as a result of increased water supply. The grazing pressure on rangeland vegetation, which has evolved without that number of animals, has resulted in 55 million hectares of pastoral land now classified as either poor, very poor or in fair condition, which means loss of species, increased erosion and so on. That is an area four times the agricultural zone. It has sustained all these extra animals being domestic stock but also introduced animals such as goats, camels, donkeys, horses and even native species like kangaroos and emu numbers have increased as a result of all this additional water. As I was saying earlier, to reduce grazing pressure we have to get rid of domestic stock obviously, and that is a matter of selling off to the market and controlling other animals by a range of techniques

including closing down water. I have written things about the agency's policy on this, if you like, but the intention is that water points will be closed down progressively. They will be closed down at a time of the year—like in winter—when animals will not just immediately fall over and die. They can actually go somewhere else; particularly the mobile species like birds, kangaroos and so on. That would occur progressively over several seasons, not one day walk in and turn everything off and flatten it. That is the policy. If that has not been followed, I would be surprised.

Mr J.E. McGRATH: The evidence seems to be that that has not happened. There is photographic evidence of animals dying around wells trying to get into the water. Some experienced people have said that maybe a fence should have been put around the well to keep animals away from there because they were getting into the muddy area and dying in the mud. Obviously, you have seen some of those photos. Some people have said that the management was not really as good as possibly it could have been.

The CHAIRMAN: Could I interject here? You came here to represent the Conservation Commission. You have a long history in this. During your long period with DEC or CALM you were one of the major drivers implementing procedures around the Gascoyne-Murchison region. You have an intense lifestyle with it, but you are here representing the Conservation Commission.

Dr Brandis: You are right. I am answering that question from my DEC experience.

The CHAIRMAN: In fact you used the word “myself”. In fact the question probably puts you in an impossible position.

Dr Brandis: It is a bit difficult but I have tried to do the best I could.

The CHAIRMAN: He is here representing the Conservation Commission, not drawing on his past knowledge of this issue. We have to distinguish between the two.

Dr Brandis: Thank you.

The CHAIRMAN: I would like you to answer with your Conservation Commission hat on. If you do not know, then you do not know.

Dr Brandis: Certainly the Conservation Commission is aware of the sorts of comments that you refer to. It has raised some of its concerns with senior staff during visits, or with other senior staff that we get to meet in Perth. The commission is satisfied in the main that the activities are being dealt with in a responsible way. The commission also gets to hear about some of the comments that come in from various people as well. If they do, they are referred on to other people for answers. I guess they are accepting those answers as they appear.

Mr W.J. JOHNSTON: When you say “in the main”, could you specify the examples where the Conservation Commission has not been satisfied with at least the initial response from DEC?

Dr Brandis: I cannot specify any.

Mr W.J. JOHNSTON: Could you please take it on notice and refer back to us those examples where the commission was not satisfied with DEC's initial response and either received additional advice or sought additional advice?

Dr Brandis: I cannot answer any further than what I have at the moment in relation to the commission.

Mr W.J. JOHNSTON: But can you undertake to provide that information?

Dr Brandis: Yes, I can do that.

Mrs L.M. HARVEY: Further along those lines, on page 3 of the Conservation Commission's submission it says —

It is difficult to address this issue in detail by way of specific examples that have been brought to the direct attention of the Conservation Commission.

I understand that you might be in a difficult position having been with the commission only 18 months and previously working in this area with the Department of Environment and Conservation. This submission from the Conservation Commission is implying there have been no specific examples of issues of substandard management by DEC that have been brought to the attention of the commission, yet you have just said verbally that you are aware of some issues that have been brought to the commission. Could you perhaps make an undertaking to let this committee know what examples have in fact been brought to the commission. In the submission you are saying there are no specific examples.

Dr Brandis: I will see what I can do for you.

Mr W.J. JOHNSTON: The committee has received considerable evidence that DEC's management is problematic and specifically that its good neighbour policy is a policy in name only. Is the commission aware of that criticism; and, if it is, what efforts has the commission made to inquire into such criticism?

Dr Brandis: I am not aware that the commission has received any of those sorts of pieces of information. I do not know.

Mr W.J. JOHNSTON: Is the commission in receipt of any complaints from pastoral land holders?

Dr Brandis: Certainly no written complaints; probably informally. I would have to check that anyway.

The CHAIRMAN: One reason is you really do not have carriage over that land yet.

Dr Brandis: Partly, yes.

Mr M.P. MURRAY: The actual auditing—where do you come in? Do you come in at the top end or the bottom end? I am not quite sure where you actually audit. You have been for a drive but then you say, "That is DEC's." In your position, where would you see that you actually audit?

Dr Brandis: The commission has no formal role in any land that is not vested in it. The only land that is vested in it is national park, conservation park, nature reserve, state forest and timber reserves. This land is unallocated crown land. Under the act, there is no requirement for there to be a formal statutory management plan; only when there is does the commission audit the —

Mr M.P. MURRAY: You have no watching brief whatsoever even though for all intents and purposes that is what it was bought for?

Dr Brandis: That is right. That is the only reason that the commission has an interest in it.

Mr M.P. MURRAY: That makes it very difficult, does it not?

Dr Brandis: Very, very difficult.

Mr W.J. JOHNSTON: What is the basis on which the commission made its submission? Is that not fundamental to what we are doing here?

Dr Brandis: Yes, it is. The commission is aware that the land was purchased for inclusion in the reserve system. It is aware that DEC is managing that land under part of the CALM act. It has a specific interest in conservation and biodiversity in this state and so it took it upon itself to see what was going on, obviously with the view this will become conservation land. Let's see what is happening and let's see what it is like.

Mr W.J. JOHNSTON: When you say "let's see what it is like", have you received management plans from DEC in respect of these lands?

Dr Brandis: No, because it is unallocated crown land.

Mr W.J. JOHNSTON: Have you received regular reports from DEC?

Dr Brandis: Yes, we have

Mr W.J. JOHNSTON: What is the form of those reports?

Dr Brandis: Usually just a verbal update on what has been happening.

Mr W.J. JOHNSTON: Is there anything in writing from DEC regarding the management?

Dr Brandis: Not as far as I am aware. I could find out more for you.

Mr W.J. JOHNSTON: In respect of your evidence today, you do not have any direct knowledge on behalf of the commission about how the lands are being managed?

Dr Brandis: Not direct knowledge, no; other than that that is provided verbally by senior staff.

Mr J.E. McGRATH: You talk in your submission about controlling pest animals. The committee has heard from many pastoralists in regions around the state that there is a general opinion that despite the baiting, trapping and shooting programs that DEC tells us they have been undertaking, the pastoralists are still having trouble controlling these pest animals because they do not think that the programs undertaken by DEC are sufficient to control them. They are getting onto the pastoralists' lands. They have a problem with that. The pastoralists have said to us that while they support the thrust of the program, it does not seem to have worked properly in this regard. They are still having the difficulty because the moment you shut down the water, the pest animals come onto their properties. Has that been raised with the commission?

Dr Brandis: No, not directly. I can answer it from my DEC coat but I will not.

The CHAIRMAN: The third to last paragraph reads —

It is considered that management is generally being undertaken to a high standard, given the demands and resource availability that on-ground managers must deal with. Commissioners have confidence in agency personnel, who are mostly operating with very limited resources.

That is based on verbal discussions, very limited on-site trips, by the commission, and no management plans and no assessment of outcomes vis-a-vis these management plans.

Dr Brandis: That is correct.

Mr W.J. JOHNSTON: That is what Sir Humphrey Appleby might describe as a courageous decision.

Dr Brandis: The commission has written that submission based on the fact that there is former pastoral leasehold land that has been purchased that is now national park, and that is now managed and managed well.

[2.45 pm]

So the submission went outside the five million hectares that was more recently purchased because there are pastoral leases that —

Mr W.J. JOHNSTON: Are you narrowing the commission's submission to the former pastoral leases that are now part of the conservation estate?

Dr Brandis: I am not narrowing it; we were including the whole lot.

Mr W.J. JOHNSTON: I do not understand how you could make your submission if you are talking about places in which you have no involvement and do not know about what is happening.

Dr Brandis: I have explained that there is some involvement and certainly some concern and that some information has come about as a result of briefings and as a result of visits by the commission. The commission has an understanding of the issues confronting the agency in relation to the management of the land that was purchased and is now conservation tenure and that which is not but which is intended to be.

Mr J.E. McGRATH: Are you in a position where you cannot take that up with the agency because it does not come under your ambit?

Dr Brandis: That is correct. The critical thing is to have that country changed to a conservation tenure, whatever it might be, and then the commission would have the statutory responsibility to ensure that management planning was conducted. As a result, we could do auditing of the activities that were carried out.

Mr M.P. MURRAY: What are the Conservation Commission's views on having people living on those stations that have been bought back or maybe an area that is leased back on a small scale, like 1 000 or 2 000 acres around the homestead, of a 150 000 hectare property, so that people can live there and raise a couple of horses? The idea is that the heritage site would be kept and people would be on those areas so there was not a watching brief on that area. Do you have an opinion on that?

Dr Brandis: The commission has observed exactly that happening, Mick, at a place called Karara. I can give you other examples where the former pastoralist has been retained, lives in the homestead and keeps a watch on a number of adjoining leases that were acquired for that lease in relation to boundary fence maintenance and some feral animal control. He is there 100 per cent of the time and is funded from DEC's budget. We have retained the services of a former pastoralist in other places or have introduced other people. The commission is aware that people have been put on those places. DEC has caretakers on 10 different places throughout the state. When a number of properties have been acquired together, one of those places will have a caretaker to take charge of the whole suite of places around the area. The commission is aware of and supports that—I had better retract that; I am not quite sure what happens with keeping a horse and whether the commission is aware of that. The commission is well aware of keeping a person on to maintain a presence and it supports that approach. That has been happening.

Mr J.E. McGRATH: The commission obviously must have discussed how this has been working since it began in 1998. When you sit down, you must look at what has happened and what will happen in the future. Do you think that this process has worked and is working, and where do you see it going in the future for the rangelands areas where the pastoral industry has had such a long history in Western Australia?

Dr Brandis: I will try to give the commission's answer as best I can. The commission is keenly interested in conservation, biodiversity and a range of other issues that occur on the conservation estate, such as recreational activities and so on. It has a strong interest in the land and what goes on. Even though the commission has had briefings and visits to those lands, it is not as aware of the full range of activities or issues that are occurring there as I am, but perhaps that is a job for me. In terms of the future, the commission supports the idea of creating a comprehensive, adequate and representative reserve system. If that means the acquisition of further land where we do not have particular ecosystems represented in the reserve system and we would gain it by acquiring other land, the commission would be generally be supportive of that.

Mr J.E. McGRATH: If DEC could get funding to put boundary fences around all the stations that have been acquired, ultimately for conservation, would that be the end of all the problems?

Dr Brandis: That would go a long way to resolving some of the issues such as the straying of stock. The commission is well aware of that issue.

Mr J.E. McGRATH: But would it not solve all the issues?

Dr Brandis: No. Goats, for example, do not respect fences at all. The saying in the rangelands is that if you are managing goats, you are managing your neighbours. That is exactly what it means. Goats are not held back by fences.

The CHAIRMAN: In your submission you stated that DEC has investigated opportunities for having work completed by contractors, including by neighbouring pastoral lease holders. Are you able to provide any examples of this happening or are you aware of any impediments, legislative or otherwise, to doing that?

Dr Brandis: Pastoralists from neighbouring properties have either constructed new boundary fences or upgraded their existing boundary fences. We certainly had neighbouring pastoralists join with us—or you can look at it the other way around and say that we have joined with them —

The CHAIRMAN: Who is we?

Dr Brandis: “We” is DEC. That is an operational question so that is the only way that I can answer it.

The CHAIRMAN: You said that the Conservation Commission stated that DEC has investigated opportunities. Are you speaking from your submission’s and from the commission’s perspective rather than from your own?

Dr Brandis: That is right. They are the sorts of things that the commission was made well aware of on its visits to the Mid West. The commission visited some mine sites. The commission is well aware of the impact of mining and mining development and it is well aware that DEC is involved in addressing development issues with mining companies. The commission is aware of all those sorts of things.

Mr W.J. JOHNSTON: I understand that Pimbee, a former pastoral lease, is now on the conservation estate.

Dr Brandis: UCL, I think you will find.

Mr W.J. JOHNSTON: I am advised that it is now part of the conservation estate.

Dr Brandis: It would be the only one of about 70.

Mr W.J. JOHNSTON: Could you let us know about DEC’s management plan and monitoring of that?

Dr Brandis: I cannot tell you anything about what DEC is doing and I cannot —

Mr W.J. JOHNSTON: No; I understand that DEC’s management plan would need to go to the commission and that the commission would then monitor DEC’s management.

Dr Brandis: I am not aware that that is conservation estate and I am sure that the commission is not aware of it.

Mr W.J. JOHNSTON: You do not mind it we follow that up, do you?

Dr Brandis: No.

Mr W.J. JOHNSTON: I want to ask a completely different type of question. When we have been travelling and talking with pastoralists and other people on the rangelands, a number of people have put the view that another way that these lands could be managed for the conservation estate is for the state to engage sitting pastoralists in the management of the lands, and that by doing that the lands would not have to be purchased. Funding could be provided to the pastoralists to destock the land for a time, which would give the rangelands an opportunity to make a significant recovery even beyond the conservation estate. This is an initial opportunity to have a conversation about this matter. Is there any response the commission can give on that concept?

Dr Brandis: I would not like to represent any comment that it would have because I have not discussed that issue with it. The issue certainly has been discussed in other places where I have put pen to paper and cited it as either an alternative model or one that sits beside other models. That is a government decision in relation to rangeland management or pastoral leasehold management. It is raised in my other work.

The CHAIRMAN: Are you not aware of the commission taking that up?

Dr Brandis: No, I am not. As I have said, I would not comment on its behalf about that.

The CHAIRMAN: Let us say the land was passed over to the conservation estate. Would that be a possible model?

Dr Brandis: If the land that is acquired is then passed over and made into a conservation tenure and becomes vested in the Conservation Commission, it is not possible to go back the other way. That is, it is not possible at present, unless there is a major change in the political scene, to have stock reintroduced into that land in the future. That is because the condition upon which the commonwealth funds acquisition programs—this is a DEC-type discussion rather than a discussion with the commission—is that the land has to be managed under one of the IUCN categories, being 1 to 4, which are strict national park, nature reserve and conservation park and so on. The other categories under the IUCN are 5 and 6. One of those—I cannot remember which—talks about the utilisation of natural resources such as timber gathering, grazing and so on for other commercial purposes. Inclusion in the reserve system is not one of the purposes for which the commonwealth would fund the acquisition of land. Under the current rules, if the proposal had gone to the commission, the commission would not support anything being managed for the utilisation of natural resources in the future, under the current rules.

The CHAIRMAN: So, just to be clear, if it were our opinion that you should have a management plan that included the conjoint management of a pastoral lease for commercial and environmental purposes, with payments for environmental services being provided by the state, then we would therefore argue that these properties should not be shifted over to the conservation estate because that is prevented?

Dr Brandis: You could argue that. Under the current rules, that would be contrary to the conditions by which the commonwealth provides considerable funds to do that. You would have that argument.

The CHAIRMAN: Rules can change.

Dr Brandis: It could all be on the table. That sort of approach would have to be carefully orchestrated such that where there are very high biodiversity values, such as particular habitat occurring that occurs nowhere else or for a species that is rare and endangered, that would have to be excluded from any of those future directions.

The CHAIRMAN: You could do that. You could take a big block of land and say that stock must be kept off it and you could fence it.

Dr Brandis: You could manage it but you cannot say that half of the land has to be something different —

The CHAIRMAN: You would logically treat some as a conservation estate and some less so.

Dr Brandis: You could. I would have to say, having done all the work on it, that everything that is contained in those pastoral leases that were acquired basically all contain valuable ecosystems to the reserve system based on what we already had or what we did not have or what we had but only in small areas.

Mr W.J. JOHNSTON: Are you saying that what is left out is fine to be left out?

Dr Brandis: Yes, if there is anything to be left out.

Mr W.J. JOHNSTON: A lot is left out already because most of the pastoral leases are still pastoral leases.

[3.00 pm]

Dr Brandis: Yes; but read my book and you will see what —

Mr W.J. JOHNSTON: Yes, but I am just trying to get it on the record for this inquiry. Are you saying there is land that should have been included that were left out?

Dr Brandis: Yes, particularly the high pastoral value properties and particularly those that have riverine systems going through them. You will see an analysis in the document I provided that most of the country that has been purchased, by a long way, is in low pastoral value country, but still has high biodiversity and high conservation values. The lease that was purchased was the high pastoral value country. We still have huge gaps in our reserve system in the rangelands. We have very little riverine bottom land country and very little other types.

Mr J.E. McGRATH: I do not know whether you can comment on that but, surely if you did that and took away that land you would just about shut down the pastoral industry.

Dr Brandis: It would have to be selective. There is a range of criteria that apply to how land is selected. It is mentioned in my document too—the one that is about an inch thick—a lot of the high-value pastoral country is also that which is the most highly degraded. That is where all the severely degraded and eroded country occurs. In some instances, it may be beyond wanting to even include in the reserve system. Does that answer your question?

Mr J.E. McGRATH: Yes.

Mrs L.M. HARVEY: In the 18 months you have been part of the Conservation Commission —

Dr Brandis: It is only six months.

Mrs L.M. HARVEY: In that six-month period, have any complaints about any of the DEC-managed leases come to the commission?

Dr Brandis: Not in that period, no.

The CHAIRMAN: Thank you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the transcript returned within 10 days of the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added and the sense of your evidence cannot be altered. If you wish to provide additional information—some issues have been requested—or elaborate on particular points, please include a supplementary submission for the committee's consideration when you return your corrected transcript of evidence. Thanks very much.

Hearing concluded at 3.02 pm