



***ECONOMICS AND INDUSTRY  
STANDING COMMITTEE***

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

**Report No. 4  
in the 38<sup>th</sup> Parliament**

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Economics and Industry Standing Committee

The Department of Environment and Conservation's Management of Former Pastoral Leases

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**Report No. 4**

Presented by:

**Dr M.D. Nahan, MLA**

Laid on the Table of the Legislative Assembly  
on 19 August 2010



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# TABLE OF CONTENTS

COMMITTEE MEMBERS .....	i
COMMITTEE STAFF.....	i
COMMITTEE ADDRESS .....	i
COMMITTEE’S FUNCTIONS AND POWERS .....	v
INQUIRY TERMS OF REFERENCE .....	vii
CHAIR’S FOREWORD.....	ix
ABBREVIATIONS AND ACRONYMS .....	xi
EXECUTIVE SUMMARY .....	xiii
FINDINGS.....	xvii
RECOMMENDATIONS.....	xxi
MINISTERIAL RESPONSE.....	xxvii
<b>CHAPTER 1 INTRODUCTION.....</b>	<b>1</b>
1.1 THE COMMITTEE.....	1
1.2 BACKGROUND TO THE INQUIRY .....	1
1.3 INQUIRY PROCESS .....	3
<b>CHAPTER 2 DEPARTMENT OF ENVIRONMENT AND CONSERVATION’S ACQUISITION OF PASTORAL LEASES.....</b>	<b>5</b>
2.1 BACKGROUND.....	5
2.2 OBJECTIVES OF PASTORAL LEASE ACQUISITIONS .....	6
2.3 METHOD OF ACQUISITION .....	9
2.4 IMPACT OF ACQUISITION .....	13
2.5 WORKING IN THE RANGELANDS .....	19
<b>CHAPTER 3 DEFINING PEST ANIMALS AND WEEDS .....</b>	<b>21</b>
<b>CHAPTER 4 PASTORAL HERITAGE.....</b>	<b>25</b>
<b>CHAPTER 5 GOOD NEIGHBOUR POLICY AND NEIGHBOUR RELATIONS.....</b>	<b>27</b>
5.1 RELATIONSHIPS WITH PASTORALISTS AND INDUSTRY PARTICIPANTS.....	28
5.2 RELATIONSHIPS WITH TRADITIONAL OWNERS .....	35
<b>CHAPTER 6 MANAGEMENT OF PEST ANIMALS AND WEEDS.....</b>	<b>39</b>
6.1 LAND REGENERATION STRATEGIES.....	39
(a) Destocking .....	39
(b) Water Source Removal .....	40
(c) Fencing.....	50
6.2 PEST ANIMAL MANAGEMENT .....	53
(a) Pest Animal Control Programs.....	53
(b) Pest Animal Control - Opportunities for Improved Management .....	61
6.3 PEST WEED CONTROL PROGRAMS.....	62
6.4 FUNDING FOR PEST ANIMAL AND WEED CONTROL PROGRAMS.....	64
<b>CHAPTER 7 PASTORAL HERITAGE PROGRAMS.....</b>	<b>67</b>
<b>CHAPTER 8 ECONOMIC POTENTIAL OF NON-PASTORAL USES OF LAND UNDER MANAGEMENT.....</b>	<b>75</b>
(a) Tourism .....	75
(b) Mining.....	77
(c) Carbon Sequestration .....	77
(d) Agriculture, Horticulture and Aquaculture .....	78
(e) Other Suggestions .....	79
<b>APPENDIX ONE.....</b>	<b>81</b>
SUBMISSIONS RECEIVED .....	81
<b>APPENDIX TWO.....</b>	<b>85</b>
HEARINGS .....	85
<b>APPENDIX THREE.....</b>	<b>87</b>
BRIEFINGS HELD .....	87

<b>APPENDIX FOUR</b> .....	<b>91</b>
LEGISLATION .....	91



## COMMITTEE'S FUNCTIONS AND POWERS

The functions of the Committee are to review and report to the Assembly on: -

- (a) the outcomes and administration of the departments within the Committee's portfolio responsibilities;
- (b) annual reports of government departments laid on the Table of the House;
- (c) the adequacy of legislation and regulations within its jurisdiction; and
- (d) any matters referred to it by the Assembly including a bill, motion, petition, vote or expenditure, other financial matter, report or paper.

At the commencement of each Parliament and as often thereafter as the Speaker considers necessary, the Speaker will determine and table a schedule showing the portfolio responsibilities for each committee. Annual reports of government departments and authorities tabled in the Assembly will stand referred to the relevant committee for any inquiry the committee may make.

Whenever a committee receives or determines for itself fresh or amended terms of reference, the committee will forward them to each standing and select committee of the Assembly and Joint Committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.



## **INQUIRY TERMS OF REFERENCE**

On 17 March 2010 the Economics and Industry Standing Committee resolved to inquire into and report on the Department of Environment and Conservation's Management of Former Pastoral Leases. In particular, the Committee will investigate the Department of Environment and Conservation's:

1. management of pest animals and weeds;
2. preservation of pastoral heritage;
3. opportunities for improved management; and
4. consideration of the economic potential of non-pastoral uses for this land.



## CHAIR'S FOREWORD

I am pleased to present to the Legislative Assembly, the Fourth Report of the Economics and Industry Standing Committee in the Thirty-Eighth Parliament. This report finalises the Committee's Inquiry into the Department of Environment and Conservation's Management of Former Pastoral Leases.

The report, as the title implies, examines the operation of the Department of Conservation and Environment's (DEC) land which in full or part was purchased from pastoral leaseholders and is in the process of being transferred to the conservation estate.

In the process of carrying out the Inquiry it became clear to the Committee that many pastoral leaseholders are struggling and that the industry, as a whole, faces major challenges. The challenges go to the sustainability and continued viability of the industry in some areas.

Notwithstanding the importance of the sustainability of the pastoral industry, the committee kept to its terms of reference and restricted its consideration to the management of DEC's former pastoral leases and its impact on adjacent properties.

The Liberal/National Government established the Southern Rangelands Pastoral Advisory Group to examine the sustainability of the industry and it recently completed a Review of the Economic and Ecological Sustainability of Pastoralism in the Southern Rangelands of Western Australia. I urge those interested in the wider issue of the sustainability of the pastoral leases to examine this report.

The Committee decided to undertake this Inquiry because of the increasing body of evidence and complaints that all was not well with DEC's management of its former pastoral leases and that DEC's actions were having an adverse impact on adjacent pastoral leaseholders. The Committee also recognised that the commonwealth and state government have invested substantial funds in the purchase of pastoral leases through DEC and that the transfer of pastoral leases to the conservation estate is a major policy tool in improving the sustainability of the pastoral industry.

The Committee found that DEC's policies regarding the purchase and transfer of pastoral leases to be commendable and well considered. However, the Committee found substantial areas of concern about the effectiveness of DEC's management. In particular, the committee found serious deficiencies with DEC policies towards and with its pastoral neighbours. The Committee also found examples of actions that produced unacceptable harm to fauna; actions that do not sit well with the DEC role as protector of fauna.

While the Committee did find deficiencies in DEC management, it was heartened not only by DEC's cooperation with the Inquiry but by its apparent readiness to address deficiencies in their management when identified.

I trust that this report will serve as a valuable tool for the Department of Environment and Conservation to improve the management and guardianship of its former pastoral lease lands and to improve its relationship with its neighbours.

I would like to thank the Committee members who participated in the Inquiry.

On behalf of the Committee I would like to thank the Committee's former and current Principal Research Officers, Dr Loraine Abernethie and Mr Tim Hughes.

Also on behalf of the Committee I offer special thanks to Mrs Kristy Bryden, the Committee's Research Officer for her diligence to the task, responsiveness to members and contributors and research into and knowledge of the relevant issues.

DR M.D. NAHAN, MLA  
CHAIR

## ABBREVIATIONS AND ACRONYMS

ABC	Australian Broadcasting Commission
AMEC	Association of Mining and Exploration Companies Inc.
APAS	<i>Australian Pest Animal Strategy – A National Strategy for the Management of Vertebrate Pest Animals in Australia</i>
APB	Agriculture Protection Board
APLA	Amalgamated Prospectors and Leaseholders Association of W.A. (Inc)
APR	Agriculture Protection Rates
ARRP Act	<i>Agriculture and Related Resources Protection Act 1976 (WA)</i>
CALM	Former acronym for DEC, the Department of Conservation and Land Management
CALM Act	<i>Conservation and Land Management Act 1984</i>
CAR	comprehensive, adequate and representative (conservation reserve system)
CDNTS	Central Desert Native Title Services
DAFWA	Department of Agriculture and Food (WA)
DEC	Department of Environment and Conservation (WA)
DMP	Department of Mines and Petroleum (WA)
DNA	Deoxyribonucleic acid
DRDL	Department of Regional Development and Lands (WA)
EOI	Expression of Interest
GLSC	Goldfields Land and Sea Council
GMS	Gascoyne-Murchison Rangeland Strategy
GPS	Global Positioning System
HCWA	Heritage Council of Western Australia
ILUA	Indigenous Land Use Agreement
LAA	<i>Land Administration Act 1997 (WA)</i>
LCDC	Land Conservation District Committee
LPCO	Licensed Pest Control Operator

## ECONOMICS AND INDUSTRY STANDING COMMITTEE

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MLC	Member of the Legislative Council of Western Australia
MOU	Memorandum of Understanding
PGA	Pastoralists and Graziers Association of Western Australia
PLB	Pastoral Lands Board
RSPCA	Royal Society for the Prevention of Cruelty to Animals WA (Inc.)
UCL	Unallocated Crown Land
VLA	Voluntary Lease Adjustment
WAFF	Western Australian Farmers Federation
WALGA	Western Australian Local Government Association
WONS	Weeds of National Significance
YMAC	Yamatji Marlpa Aboriginal Corporation
ZCA	Zone Control Authority



## EXECUTIVE SUMMARY

Since 1998, the Department of Environment and Conservation (DEC) has purchased 32 whole and 28 part former pastoral lease properties in Western Australia's rangelands. These properties have been purchased as part of the department's intention to develop a comprehensive, adequate and representative conservation reserve system in Western Australia. As these properties neighbour operating pastoral leases—and given that the conservation objectives of DEC and the commercial interests of pastoralists do not always correspond—the department has been presented with a number of operational challenges.

The Committee inquired into DEC's management of these properties and took evidence on a wide range of concerns relating to neighbour relations, pest animal and weed management, the preservation of pastoral heritage, and the monitoring and maintenance of the properties. Despite the Inquiry's wide scope, the Committee received a relatively small response to the topic of pest weeds. Consequently, the Report does not focus heavily on this issue.

The objective of the Committee was to identify areas for improvement in DEC's management processes; as such the Report is often critical in nature. This is not meant to detract from the efforts of DEC's many dedicated staff, but to seek ways in which their often challenging work can be made easier.

The Committee believes that many of the problems identified have occurred because of DEC's failure to allocate adequate resources to the management of these properties. This is compounded by a lack of co-operation and understanding between DEC and pastoralists which is hindering the development of a mutually beneficial relationship.

After consultation with its neighbours, industry participants and other government departments, DEC published a *Good Neighbour Policy* in 2007 that provides guidelines for the management of cross-boundary issues that affect the department and its neighbours. The Committee acknowledges that breakdowns in communication are not always attributable to the department. Nevertheless, the Committee found sufficient evidence to suggest that principles of the *Good Neighbour Policy* are not being regularly applied in the department's management of the former pastoral lease properties. This diminishes the prospect of DEC and pastoralists working together to achieve positive outcomes for problems such as pest animal and weed management.

More importantly, poor neighbour relations and a perception by pastoralists that their expertise is disregarded prevent what could be a valuable collaboration between DEC and pastoralists for the recovery of the rangelands and the development of a sustainable pastoral industry. Greater involvement by DEC in the rangelands community may also assist in alleviating social and economic problems caused by recent depopulation.

Pest animal and weed management is an ongoing issue for all landholders in Western Australia's rangelands. One of the principal ways in which DEC manages pest animals and weeds is by removing the artificial water sources on the property. The large numbers of artificial water sources on pastoral leases are necessary to sustain domestic stock over large areas in an arid climate, but

also support inflated populations of pest animals. The Committee found that failure by the department to properly co-ordinate culling operations with water source removal has contributed to the inhumane death and suffering of many native and feral pest animals.

DEC and pastoralists' differing objectives have caused problems for both parties in regards to pest animal and weed management. For example, feral goats are detrimental to conservation, but are an economic resource to pastoralists; therefore control efforts by the respective parties will often vary.

Funding is also a key issue as DEC is not required to pay the Agriculture Protection Rates which fund control programs in the five pastoral zones. While the department may contribute a significant amount of its allocated budget to control programs, the amount and its distribution, along with the timing of the programs, are discretionary. This represents a significant change to pest animal and weed management in the rangelands.

DEC utilises a variety of caretaker and tenant arrangements to provide monitoring, maintenance and other services on its former pastoral lease properties. The Inquiry identified that suitably qualified caretakers are preferable to tenants for achieving the department's management objectives. Not all of DEC's properties have homesteads, and not all of the homesteads are habitable, however the department should consider the use of portable buildings to house caretakers.

The Committee believes that DEC is adhering to heritage legislation and with some small changes will ensure it is achieving best practice in this area. It is important to note that the preservation of the state's heritage is a shared responsibility and any person may refer a place to the Heritage Council for consideration to be listed on the State Register. DEC is working with the Heritage Council to assess its properties in the Midwest Region and the Committee has recommended that the department extend this to its properties in all regions. The Committee has also recommended that DEC work with local government authorities and historical societies to preserve items of heritage value on the department's properties.

**Chapter One** outlines the background to the establishment of the Inquiry, together with the parameters and conduct of the Inquiry.

**Chapter Two** provides information on the history of the pastoral industry in Western Australia. It also details DEC's land acquisition process and summarises the impact of these acquisitions on the pastoral industry and rangelands community.

**Chapter Three** defines pest animals and weeds for the purpose of the Inquiry and provides details on where to find comprehensive information about pest animals and weeds in Australia.

**Chapter Four** provides information on the importance of pastoral heritage in Western Australia, and summarises the relevant legislation.

**Chapter Five** analyses the development and operation of the DEC's *Good Neighbour Policy* in the context of the pastoral industry. The chapter presents the concerns of the rangelands community and Traditional Owners and provides details of the department's interaction with these groups.

**Chapter Six** analyses DEC's management of pest animals and weeds on its former pastoral lease properties. The chapter details DEC's pest animal and weed management programs and the various issues arising from destocking, water source removal and fencing. It also discusses concerns related to DEC's participation in, and funding of, pest animal and weed control programs and provides opportunities for improved management.

**Chapter Seven** presents the concerns of individuals and groups about the potential loss of pastoral heritage on DEC-managed properties and analyses the department's pastoral heritage preservation activities and its compliance with relevant legislation.

**Chapter Eight** presents suggestions by respondents to the Inquiry on the economic potential for non-pastoral activities on the DEC-managed properties. It also provides information about DEC's consideration of these and other options.



## FINDINGS

Page 14

### **Finding 1**

Former pastoral leases now held by the Department of Environment and Conservation are not subject to local government rates. This has caused financial uncertainty for some local governments and reduced their capacity to provide a range of essential services.

Page 17

### **Finding 2**

Appropriately qualified caretakers are preferable to tenants for the management of the Department of Environment and Conservation's pest animal, heritage and conservation objectives on its former pastoral leases.

Page 29

### **Finding 3**

There is little evidence in support of the claim that the Department of Environment and Conservation has a poor record of attendance at Zone Control Authority meetings

Page 30

### **Finding 4**

The Department of Environment and Conservation are often seen by pastoralists as unresponsive, uncooperative and uncommunicative.

Page 34

### **Finding 5**

There is sufficient evidence to suggest that principles of the *Good Neighbour Policy* are not being regularly applied in the Department of Environment and Conservation's former pastoral lease management processes.

Page 38

**Finding 6**

Joint-management plans between Traditional Owners and the Department of Environment and Conservation can clearly benefit both parties. Traditional Owners, and their children, can enjoy employment and “return to country” opportunities, while the department can have conservation and animal management work undertaken in areas where staff are not always available.

Page 40

**Finding 7**

The Department of Environment and Conservation’s destocking policy is an accepted and necessary component of its land management strategy.

Page 45

**Finding 8**

Failure by the Department of Environment and Conservation to properly co-ordinate culling operations with water source removal activities has contributed to the inhumane death and suffering of many native and feral pest animals.

Page 48

**Finding 9**

The placement of unsuitable tenants into the Warriedar homestead led to a rapid deterioration in the condition of the property and significantly undermined what had been a mutually beneficial pest animal management agreement.

Page 50

**Finding 10**

In some cases, the closure of windmills under the Department of Environment and Conservation’s management has reduced the quality of monitoring undertaken on access roads. This can lead to increased fire risk. Failure to adequately advise of these closures can also endanger workers and tourists in the area.

Page 52

**Finding 11**

The Department of Environment and Conservation's policy of 50:50 cost sharing for fence construction is a reasonable policy, provided the department demonstrates a firm commitment to the control of pest animals affecting neighbouring pastoralists through cooperative baiting trapping, mustering or shooting programs.

Page 55

**Finding 12**

The Department of Environment and Conservation operates its wild dog control programs with limited funding. The department confirmed it has been under increasing pressure to prevent the encroachment of wild dog populations onto the properties of neighbouring pastoralists.

Page 64

**Finding 13**

Under its current budget, the Department of Environment and Conservation will continue to experience difficulties fulfilling its pest animal and weed control obligations.

Page 73

**Finding 14**

Given its earlier acceptance that the Bangemall Inn would require substantial maintenance, the Department of Environment and Conservation should have ensured that essential works were completed.

Page 77

**Finding 15**

The Department of Environment and Conservation's collaboration with car clubs, and other volunteer groups, for maintenance work on its properties is an innovative approach to achieving the department's management and conservation objectives.





## RECOMMENDATIONS

Page 8

### **Recommendation 1**

The Department of Environment and Conservation expedite the process for all former pastoral lease properties managed by the department to be reserved under the *Land Administration Act 1997*. The department should recommend that land be reserved under a *Conservation and Land Management Act 1984* tenure that provides for conservation and tourism management while allowing access to prospectors, fossickers and the resources sector.

Page 8

### **Recommendation 2**

The Department of Environment and Conservation ensure the rights of fossickers and prospectors under the *Mining Act 1978* are observed.

Page 16

### **Recommendation 3**

All caretakers on DEC-managed former pastoral leases should be required to have a firearms licence and Licensed Pest Control Operator (LPCO) qualifications.

Page 17

### **Recommendation 4**

The Department of Environment and Conservation replace or retrain all remaining tenants on its former pastoral leases to ensure that properties are staffed by caretakers with firearms and LPCO qualifications.

Priority should be given to replacing or retraining the tenants in homesteads located in the Kennedy Range/Mt Augustus National Parks and the south-western Goldfields.

Page 17

**Recommendation 5**

By way of incentive to attract suitable caretakers, the Department of Environment and Conservation offer sub-letting arrangements which allow small portions of landholdings to be used for the caretaker's independent hobbies.

Page 19

**Recommendation 6**

The Department of Environment and Conservation not acquire any more pastoral leases until it has addressed and implemented the opportunities for improved management identified throughout this report.

Page 19

**Recommendation 7**

The Department of Environment and Conservation allocate appropriate resources to competently manage its former pastoral lease properties in a manner consistent with its conservation objectives and obligations to its neighbours.

Page 35

**Recommendation 8**

The Department of Environment and Conservation bring forward its review of the *Good Neighbour Policy*, currently scheduled for 2012, to immediately review where departmental relations with landholders can be improved.

Page 38

**Recommendation 9**

Department of Environment and Conservation take action to expedite proposed changes to the *Conservation and Land Management Act 1984* that will provide legislative backing to joint-management plans with Traditional Owners.

Page 46

**Recommendation 10**

The Department of Environment and Conservation conduct its future water source removal operations only during periods where abundant surface waters are evident and only after corresponding culling activities have been confirmed with relevant parties and neighbouring properties.

Page 46

**Recommendation 11**

The Department of Environment and Conservation report on its water source removal policy and how this policy now ensures the humane management of affected animals.

Page 49

**Recommendation 12**

The Department of Environment and Conservation ensure that all windmills closed on its properties are dismantled and monitored to permanently remove the risk of death or injury to humans and animals.

Page 50

**Recommendation 13**

The Department of Environment and Conservation include on its website an updated map of all active and deactivated water sources on former pastoral leases.

Page 62

**Recommendation 14**

Department of Environment and Conservation report within six months on the efficiency of its aerial pest management programs in the five zones with a view to reducing costs and reallocating its resources, where appropriate, to more effective local forms of pest animal control.

Page 66

**Recommendation 15**

The Department of Environment and Conservation pay, and the government match, an amount equivalent to the Agriculture Protection Rates to the Zone Control Authorities for former pastoral leases now under the department's control.

This funding is to be used, in the context of the *Good Neighbour Policy*, to help minimise the impact of feral pests on neighbouring pastoral properties.

Page 66

**Recommendation 16**

In the context of the *Good Neighbour Policy*, the Department of Environment and Conservation coordinate its pest animal and weed control programs on its former pastoral leases with the Zone Control Authorities to ensure the objectives of the department and the pastoralists are achieved.

Page 74

**Recommendation 17**

The Department of Environment and Conservation work with the Heritage Council of Western Australia to conduct an evaluation of all former pastoral leases managed by the department to determine which, if any, properties should be placed on the State Register of Heritage Places.

Page 74

**Recommendation 18**

Appropriate funding is made available for the Department of Environment and Conservation for the maintenance of pastoral heritage on any of its properties placed on the State Register following the evaluation conducted by the Heritage Council.

Page 74

**Recommendation 19**

The Department of Environment and Conservation establish a protocol whereby local governments and historical societies are invited to record and remove for preservation items of heritage value from DEC-managed properties.



## **MINISTERIAL RESPONSE**

In accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly, the Economics and Industry Standing Committee directs that the Minister for Water, representing the Minister for the Environment, report to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendations of the Committee.





## CHAPTER 1 INTRODUCTION

### 1.1 The Committee

The Economics and Industry Standing Committee (the Committee) is a portfolio-related Committee of the Legislative Assembly of the Parliament of Western Australia and was appointed on 13 November 2008. Pursuant to Legislative Assembly Standing Order 287(3), the Speaker determined that the Committee would have the portfolio responsibilities of: State Development; Mines and Petroleum; Fisheries; Regional Development; Lands; Tourism; Transport; Commerce; Science and Innovation; Housing and Works; Racing and Gaming; Planning; Energy; Water; Heritage; Agriculture and Food; and Forestry.

In accordance with Standing Order 287(2), the Committee determined to conduct an Inquiry into the Department of Environment and Conservation's Management of Former Pastoral Leases. This Inquiry relates to the oversight of several of the Committee's inter-related portfolio areas including, but not limited to, State Development, Regional Development, Agriculture and Food, Lands, Heritage and Tourism.

### 1.2 Background to the Inquiry

Since December 2009 media reports have signalled growing concern about pest animals such as camels, goats and wild dogs on pastoral leases.<sup>1</sup> These reports suggest, for example, that wild dogs are 'an escalating problem'<sup>2</sup> for the state's sheep farmers, that wild dogs are 'rampant....[on] once vibrant sheep stations',<sup>3</sup> and that these 'dangerous and destructive pests'<sup>4</sup> are costing the state's sheep and cattle industries millions of dollars each year.

A common theme throughout most of these reports is concerns about current land management practices on former pastoral leases now under the Department of Environment and Conservation's (DEC) control. It was reported that in addition to measures such as aerial baiting and fencing,

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<sup>1</sup> Pratt, F, 'Call for Action against Wild Dogs', *Kalgoorlie Miner*, 14 December 2009, p. 5; 'Department Culls Camels and Donkeys', *Pilbara News*, 23 December 2009, p. 6; Quinton, S, 'Back-to-nature stations raise pastoralists' anger', *The West Australian*, 29 December 2009, p. 5; Simpson, P & Kolberg, A, 'Region's Sheep Stations gone to the Dogs', *Kalgoorlie Miner*, 2 January 2010, p. 20; Johnston, B, 'Numbers Down as Wild Dogs Roam', *Farm Weekly*, 14 January 2010, p. 6.

<sup>2</sup> Mr Mick Murray, MLA, Shadow Minister for Agriculture, cited in Pratt, Frances, 'Call for Action against Wild Dogs', *Kalgoorlie Miner*, 14 December 2009, p. 5.

<sup>3</sup> Simpson, P & Kolberg, A, 'Region's Sheep Stations gone to the Dogs', *Kalgoorlie Miner*, 2 January 2010, p. 20.

<sup>4</sup> Johnston, B, 'Numbers Down as Wild Dogs Roam', *Farm Weekly*, 14 January 2010, p. 6. See also: Simpson, P and Kolberg, A, 'Region's Sheep Stations gone to the Dogs', *Kalgoorlie Miner*, 2 January 2010, p. 20; Pratt, F, 'Call for Action against Wild Dogs', *Kalgoorlie Miner*, 14 December 2009, p. 5; and Robins, E, 'More Money Needed for Wild Dog Control', *Farm Weekly*, 18 February 2010, p. 6.

DEC are ‘filling in dams and making changes to the land’,<sup>5</sup> and ‘turning off all man-made water sources’.<sup>6</sup> Significant concern was expressed that such practices, had resulted in:

- pest animals moving from DEC-controlled land onto neighbouring pastoral leases, where they threaten stock and native flora and fauna;<sup>7</sup>
- animals suffering and dying of thirst;<sup>8</sup> and
- increases in wild dog populations.<sup>9</sup>

There is also concern about the destruction of homesteads and other infrastructure on DEC-controlled former pastoral leases. For example, Warriedar Station homestead, which is over 100 years-old, is to be demolished,<sup>10</sup> and the future of Dalgara Station homestead and outbuildings will be determined by DEC by the end of 2010.<sup>11</sup> While claims that another homestead, Karara, was to be destroyed were rejected by the Minister for the Environment, Hon. Donna Faragher, MLC, Hon. Dr Sally Talbot, MLC, expressed concern about the risk to, and disregard for, the state’s heritage if historic buildings, such as pastoral homesteads, are not protected.<sup>12</sup>

While DEC has a *Good Neighbour Policy*, media articles suggest that relations between DEC and pastoralists and farmers are somewhat strained in certain regions.<sup>13</sup> It seems that pastoralists and farmers in some areas are reluctant to seek advice from DEC.<sup>14</sup> It was generally recognised in the

<sup>5</sup> ‘Landowners Urged to Cooperate’, *Kalgoorlie Miner*, 5 December 2009, p. 9.

<sup>6</sup> Quinton, S, ‘Back-to-nature stations raise pastoralists’ anger’, *The West Australian*, 29 December 2009, p. 5.

<sup>7</sup> *ibid.* See also: ‘Landowners Urged to Cooperate’, *Kalgoorlie Miner*, 5 December 2009, p. 9; Simpson, P and Kolberg, A, ‘Region’s Sheep Stations gone to the Dogs’, *Kalgoorlie Miner*, 2 January 2010, p. 20; and Bogle, H, ‘DEC Homestead Futures in Doubt’, *Farm Weekly*, 18 March 2010, p. 24.

<sup>8</sup> Quinton, S, ‘Back-to-nature stations raise pastoralists’ anger’, *The West Australian*, 29 December 2009, p. 5; Johnston, B, ‘Numbers Down as Wild Dogs Roam’, *Farm Weekly*, 14 January 2010, p. 6; Bogle, H, ‘DEC Homestead Futures in Doubt’, *Farm Weekly*, 18 March 2010, p. 24.

<sup>9</sup> Johnston, B, ‘Numbers Down as Wild Dogs Roam’, *Farm Weekly*, 14 January 2010, p. 6.

<sup>10</sup> Mr Kelly Gillen, Department of Environment and Conservation, cited in Quinton, S, ‘Back-to-nature stations raise pastoralists’ anger’, *The West Australian*, 29 December 2009, p. 5.

<sup>11</sup> Bogle, H, ‘DEC Homestead Futures in Doubt’, *Farm Weekly*, 18 March 2010, p. 24.

<sup>12</sup> *ibid.* See also: Hon. Dr Sally Talbot, MLC, and Hon. Donna Faragher, MLC, Minister for the Environment, Western Australia, Legislative Council, *Parliamentary Debates* (Hansard), 3 March 2010, pp. 368d-369a.

<sup>13</sup> ‘Landowners Urged to Cooperate’, *Kalgoorlie Miner*, 5 December 2009, p. 9; Pratt, F, ‘Call for Action against Wild Dogs’, *Kalgoorlie Miner*, 14 December 2009, p. 5; and Johnston, B, ‘Numbers Down as Wild Dogs Roam’, *Farm Weekly*, 14 January 2010, p. 6.

<sup>14</sup> ‘Landowners Urged to Cooperate’, *Kalgoorlie Miner*, 5 December 2009, p. 9; and Pratt, F, ‘Call for Action against Wild Dogs’, *Kalgoorlie Miner*, 14 December 2009, p. 5.

media that effective land management would need greater cooperation between government and pastoralists than currently exists.<sup>15</sup>

Finally, concerns were also raised in relation to the amount of funding provided to government agencies in general, and DEC in particular, for pest management. It was generally suggested that DEC does not receive sufficient funding to allow it to manage its extensive land portfolio, and that this lack of funding is a significant issue.<sup>16</sup>

In light of such concerns, and in recognition of the importance of the state's pastoral industry, as well as conservation and heritage, the Committee determined to investigate DEC's management of former pastoral leases.

While concerns have been raised throughout the Inquiry as to the economic and environmental viability of the pastoral industry, the focus of this Inquiry has been on DEC's management of former pastoral leases. The issue of pastoral industry viability was addressed by the recent Southern Rangelands Review, chaired by the Hon. Wendy Duncan, MLC.<sup>17</sup>

### 1.3 Inquiry Process

At its meeting of 17 March 2010 the Economics and Industry Standing Committee resolved to inquire into and report on the Department of Environment and Conservation's Management of Former Pastoral Leases. The terms of reference for this Inquiry were subsequently announced to the Legislative Assembly on 18 March 2010.<sup>18</sup>

An advertisement calling for public submissions was placed in *The West Australian* on 27 March 2010, and in the *Countryman* and *Farm Weekly* on 1 April 2010. With the subject of the Inquiry relating to extensive areas of land across the state, the Committee aimed to ensure that submissions were attracted from a broad range of interested parties. To this end, the Committee issued a press release to metropolitan and regional media organisations. Furthermore, the Committee invited submissions from 19 local governments that have former pastoral leases located in their jurisdictions. Additional invitations were sent to state government agencies,

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<sup>15</sup> 'Landowners Urged to Cooperate', *Kalgoorlie Miner*, 5 December 2009, p9; and Pratt, F, 'Call for Action against Wild Dogs', *Kalgoorlie Miner*, 14 December 2009, p. 5.

<sup>16</sup> Pratt, F, 'Call for Action against Wild Dogs', *Kalgoorlie Miner*, 14 December 2009, p. 5; Johnston, B, 'Numbers Down as Wild Dogs Roam', *Farm Weekly*, 14 January 2010, p. 6; Robins, E, 'More Money Needed for Wild Dog Control', *Farm Weekly*, 18 February 2010, p. 6.

<sup>17</sup> Southern Rangelands Pastoral Advisory Group, *A Review of the Economic and Ecological Sustainability of Pastoralism in the Southern Rangelands of Western Australia*, Department of Agriculture and Food, 13 October 2009, p. 2.

<sup>18</sup> Hon. Grant Woodhams, The Speaker, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 18 March 2010, pp. 896-97.

Indigenous land councils and corporations, industry associations and animal pest management businesses.

The Committee received 50 submissions in total.<sup>19</sup> Independent research was also undertaken and a preliminary briefing was obtained from DEC. In addition to this, the Committee held 13 formal public hearings. Transcripts of these hearings have been posted on the Committee's website.<sup>20</sup>

Members of the Committee attended the 2010 Agricultural Protection Board Pastoral Conference held in Perth on 21 April 2010. This gave the Committee the opportunity to hear a range of presentations from the Zone Control Authorities, the Department of Agriculture and Food, and the Indigenous Land Corporation.

The Committee also undertook investigative travel to hold briefings with pastoralists, government agency officers, doggers, caretakers, councillors and others, and to visit a number of operating and former pastoral leases. This travel included visits to Mt Magnet and Kalgoorlie, to the former Muggon, Earahedy and Lorna Glen pastoral leases and Wooleen and Granite Peak Stations. The purpose of this investigative travel was to allow the Committee to meet a broader range of stakeholders, to gain a better understanding of DEC's management strategies, and to see first-hand the conditions that exist on a number of former pastoral leases and neighbouring properties.

The Committee's site visits were largely confined to the Murchison region. However, through submissions, telephone conversations and attending the Agricultural Protection Board Pastoral Conference, members are aware of issues raised by pastoralists, local governments and other parties in the Goldfields, Midwest and Pilbara regions; three of the four areas in which Western Australia's pastoral leases are located. The Committee did not receive any submissions nor have any contact from anyone in the Kimberley.

The Committee wishes to acknowledge the efforts of those who travelled long distances to meet with members and to explain the issues from their perspective. The willingness of pastoralists in particular to find time to prepare submissions during the short time allocated by the Committee is acknowledged and appreciated.

The Committee also appreciates the ongoing cooperation it received from DEC officials throughout the Inquiry process. As this report seeks to identify areas of DEC's management of former pastoral leases that can be improved, it will frequently appear critical. This is not meant to detract from the efforts of DEC's many dedicated staff, but to seek ways in which their often challenging work can be made easier.

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<sup>19</sup> Submissions to the Inquiry are listed at Appendix One.

<sup>20</sup> See, <http://www.parliament.wa.gov.au/eisc>.

## CHAPTER 2 DEPARTMENT OF ENVIRONMENT AND CONSERVATION'S ACQUISITION OF PASTORAL LEASES

### 2.1 Background

A pastoral lease is a lease of Crown land granted by the Minister for Lands that requires the leaseholder to graze livestock on that land.<sup>21</sup> Pastoral leases have been operating in Western Australia since the 1800s and are located in the Kimberley, Pilbara, Gascoyne, Murchison, Goldfields and Nullarbor regions.<sup>22</sup> They cover 36 per cent of the state's area<sup>23</sup> and account for around 3 per cent of the state's gross value of agricultural production at \$200-\$240 million annually.<sup>24</sup> Pastoral leases are commonly known as 'stations' and have a rich history that provides an important illustration of Western Australia's development.<sup>25</sup>

Aboriginal stockmen and domestic workers were essential to establishing and maintaining the pastoral industry, and this has influenced their struggle for equal rights and native title.<sup>26</sup> Equal wage rights and the increased use of helicopters, motorcycles and the like have resulted in the decline of Aboriginal employment on pastoral leases.<sup>27</sup> However, as the larger Native Title movement encouraged many Aboriginal people to return to their traditional lands, various government departments have subsidised the purchase of pastoral leases by individual Aboriginal people and groups.<sup>28</sup> As at June 2008, just over 12 per cent of Western Australia's pastoral leases were owned and managed by Aboriginal people.

The flourishing sheep and cattle industries suffered difficulties during the period after the First World War and the Great Depression due to low prices as well as problems caused by soil erosion,

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<sup>21</sup> Environmental Defender's Office WA (Inc), 'Factsheet 34 Pastoral Land Management', June 2003. Available at: [http://www.edowa.org.au/factsheets/ld\\_pastoral.pdf](http://www.edowa.org.au/factsheets/ld_pastoral.pdf). Accessed on 25 March 2010.

<sup>22</sup> The Pastoral Lands Board of Western Australia, 'Ensuring Ecologically Sustainable Use of Pastoral Lands', April 2007. Available at: [http://lands.rdl.wa.gov.au/mediaFiles/pastoral\\_PLB\\_Brochure.pdf](http://lands.rdl.wa.gov.au/mediaFiles/pastoral_PLB_Brochure.pdf). Accessed on 25 March 2010.

<sup>23</sup> *ibid.*

<sup>24</sup> *ibid.* See also: Environmental Protection Authority, 'State of the Environment Report 2007', 2007. Available at: <http://www.soe.wa.gov.au/>. Accessed on 25 March 2010.

<sup>25</sup> State Library of Western Australia, 'Western Perspectives on a Nation - The Land - Pastoral', 2001. Available at: <http://www.liswa.wa.gov.au/wepon/land/html/pastoral.html>. Accessed on 25 March 2010.

<sup>26</sup> Department of Regional Development and Lands, 'Lands of Promise and Opportunity', June 2008. Available at: [http://lands.rdl.wa.gov.au/mediaFiles/Review\\_into\\_Industry\\_Training\\_for\\_Aboriginal\\_Pastoralists\\_-\\_June\\_2008.pdf](http://lands.rdl.wa.gov.au/mediaFiles/Review_into_Industry_Training_for_Aboriginal_Pastoralists_-_June_2008.pdf). Accessed on 25 March 2010.

<sup>27</sup> *ibid.*

<sup>28</sup> State Library of Western Australia, 'Western Perspectives on a Nation - The Land - Pastoral', 2001. Available at: <http://www.liswa.wa.gov.au/wepon/land/html/pastoral.html>. Accessed on 25 March 2010.

pasture degradation and overstocking.<sup>29</sup> Demand increased during the Second World War and the industries remained stable for the next three decades as a result of increased prices and improved stock transportation practices.<sup>30</sup> Sheep numbers have decreased since the mid-1990s due to a number of factors including low wool prices, drought and vulnerability to wild dog predation. Consequently, stations are now predominantly grazing cattle and goats.<sup>31</sup>

Pastoral leases are administered by the Pastoral Lands Board under the *Land Administration Act 1997* (WA). Under the Act, a pastoral lease may be granted for a period of up to 50 years (all current pastoral leases expire on 30 June 2015), however leases may be transferred from one party to another during the lease period. Pastoral leases are transferred through sale and purchase on the open market and have an annual turnover of approximately 5 per cent.<sup>32</sup> Leaseholders may also choose not to renew their pastoral leases and leases have also, on occasion, been abandoned. Under the Act, the Minister for Lands determines whether such land will be offered for another pastoral lease or returned to Unallocated Crown Land where it may be offered for sale or lease to government departments or private enterprise.

## 2.2 Objectives of Pastoral Lease Acquisitions

The Department of Environment and Conservation is primarily driven by conservation objectives in its land purchases. The aim is to acquire land in ‘areas containing ecosystems that are not adequately represented in existing conservation reserves, areas containing threatened species and ecological communities, and for additions to existing reserves’.<sup>33</sup> Since 1998, the Department of Environment and Conservation has acquired 32 whole and 28 part pastoral leases for conservation. Upon acquisition, the leases on the properties are surrendered and they revert to Unallocated Crown Land (UCL).<sup>34</sup> Pending their formal reservation under the *Land Administration Act 1997* (LAA) these properties are being managed under a Memorandum of Understanding between DEC and the Department of Regional Development and Lands (DRDL).<sup>35</sup>

<sup>29</sup> State Library of Western Australia, ‘Western Perspectives on a Nation - The Land - Pastoral’, 2001. Available at: <http://www.liswa.wa.gov.au/wepon/land/html/pastoral.html>. Accessed on 25 March 2010.

<sup>30</sup> *ibid.*

<sup>31</sup> Environmental Protection Authority, ‘State of the Environment Report 2007’, 2007. Available at: <http://www.soe.wa.gov.au/>. Accessed on 25 March 2010.

<sup>32</sup> The Pastoral Lands Board of Western Australia, ‘Ensuring Ecologically Sustainable Use of Pastoral Lands’, April 2007. Available at: [http://lands.rdl.wa.gov.au/mediaFiles/pastoral\\_PLB\\_Brochure.pdf](http://lands.rdl.wa.gov.au/mediaFiles/pastoral_PLB_Brochure.pdf). Accessed on 25 March 2010.

<sup>33</sup> Department of Environment and Conservation, ‘2008-2009 Annual Report’, 8 September 2009. Available at: <http://www.dec.wa.gov.au/content/view/5507/1954/>. Accessed on 25 March 2010.

<sup>34</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 11.

<sup>35</sup> *ibid.*

In September 2007 the previous government approved the reservation of almost half of the former pastoral leases, totalling approximately 2.7 million hectares.<sup>36</sup> To support its conservation objectives, DEC recommended categorising these lands as “conservation park”, a move endorsed by the government. The process of consultation with the Department of Mines and Petroleum (DMP), local government authorities and water agencies was not completed before the 2008 change of government, but it is still the department’s intention to proceed with the reservation of these and the remaining properties, and consultation is continuing.<sup>37</sup>

It is important to note that the previous tenure (pastoral lease) did not extinguish native title and thus the reservation of these properties under the LAA will constitute future acts which require the provisions of the *Native Title Act 1993* to be followed.<sup>38</sup> DEC’s preferred course is to negotiate indigenous land use agreements (ILUAs) with the relevant native title holders or claimants and has appointed a Native Title Project Officer to collaborate with the DRDL to negotiate the ILUAs.<sup>39</sup>

In terms of accountability, a major benefit of reservation under the LAA is that the land becomes vested in the Conservation Commission of Western Australia and is then subject to section 54 of the *Conservation and Land Management Act 1984*. Under this section of the Act, DEC, as a controlling body, is required to prepare and review proposed management plans for this land. The plan must be approved by the Minister and after approval will be independently monitored and audited by the Conservation Commission.<sup>40</sup>

This provides a more stringent level of accountability for DEC’s management of its conservation objectives than is currently provided for under the Memorandum of Understanding with the DRDL.

Both the Association of Mining and Exploration Companies (Inc) (AMEC) and the Amalgamated Prospectors and Leaseholders Association of WA Inc (APLA) gave evidence to the Committee that the change in tenure of these former pastoral leases to conservation reserves will restrict access to mining companies and prospectors; individuals may exercise a Miner’s Right to fossick and prospect on crown land, however once the land becomes conservation reserve, a Miner’s Right does not apply.

DEC has acknowledged this issue and, with DMP, have explored options to provide access to these properties once they are reserved, including the implementation of a permit system.<sup>41</sup> DEC recommended the properties be reserved as “conservation park” ‘because it provides for multiple

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<sup>36</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 11.

<sup>37</sup> *ibid.*

<sup>38</sup> *ibid.*

<sup>39</sup> *ibid.*, pp. 11-12.

<sup>40</sup> Section 60 of the CALM Act; Conservation Commission of Western Australia, ‘Management Planning’, n.d. Available at: <http://www.conservation.wa.gov.au/about/functions-of-the-commission/management-planning.aspx>.

<sup>41</sup> Submission No. 27 - Attachment 31 from Department of Environment and Conservation, 22 May 2010, p. 4.

uses including protection of nature conservation values, sustainable recreation and tourism and access for exploration and mining (subject to environmental assessment)'.<sup>42</sup> DEC states that they will continue to liaise with APLA to refine an approach.<sup>43</sup>

APLA confirms that DEC has discussed these issues with them, but suggests that the process has stalled due to lack of communication from DEC.<sup>44</sup> The lack of certainty over the timing of the change in tenure and DEC's intentions with regard to the Miner's Right, are issues for prospectors. APLA provided an example of a prospector who had to wait eighteen months to get certainty on the continuity of his tenement, which restricted his investment.<sup>45</sup> APLA also advises that even though these properties have not yet been reserved, prospectors are being refused access by DEC staff. This is a clear breach of the *Mining Act 1978* which provides the Miner's Right.

### **Recommendation 1**

The Department of Environment and Conservation expedite the process for all former pastoral lease properties managed by the department to be reserved under the *Land Administration Act 1997*. The department should recommend that land be reserved under a *Conservation and Land Management Act 1984* tenure that provides for conservation and tourism management while allowing access to prospectors, fossickers and the resources sector.

### **Recommendation 2**

The Department of Environment and Conservation ensure the rights of fossickers and prospectors under the *Mining Act 1978* are observed.

<sup>42</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 11.

<sup>43</sup> Submission No. 27 - Attachment 31 from Department of Environment and Conservation, 22 May 2010, p. 4.

<sup>44</sup> Submission No. 46 from Amalgamated Prospectors and Leaseholders Association of W.A. Inc., 7 May 2010, p. 1.

<sup>45</sup> *ibid.*



## 2.3 Method of Acquisition

The majority of DEC's former pastoral leases have been purchased with funds from the Gascoyne-Murchison Rangeland Strategy (GMS).

The GMS was created in 1997 as a response to a serious economic downturn in the pastoral industry, driven by the collapse of the Reserve Price Scheme for wool, depressed beef prices and serious drought conditions.<sup>46</sup> The GMS was designed to ensure economically sustainable pastoral land use through a number of initiatives. These included allowing unsustainable businesses to leave the industry through structural adjustment of pastoral leases.<sup>47</sup>

The GMS Steering Group believed it was likely that a single lease would be divided up and sold to a number of parties depending on the natural attributes of the lease and the enthusiasm of each potential purchaser.<sup>48</sup> Many parties expressed interest in purchasing parts of leases including the Department of Conservation and Land Management (CALM, as DEC was then known), graziers, Aboriginal groups and tourism operators.<sup>49</sup>

The GMS Steering Group acknowledged that the 'rangelands environment was generally in poor condition and continuing to degrade.'<sup>50</sup> At the same time it recognised a need for 'land use diversification including a requirement to set aside representative areas for conservation'.<sup>51</sup> The convergence of the aims of structural adjustment and the requirement for conservation resulted in CALM being tasked with the establishment of a comprehensive, adequate and representative (CAR) conservation reserve system and being provided with funding by both the state and commonwealth government.<sup>52</sup>

DEC has advised the Committee that the budget provided by the state was initially \$6.8 million over six years with the expectation that there would be substantial Commonwealth funding from the Natural Heritage Trust.<sup>53</sup> As it stands \$13.45 million (including \$7.4 million in Commonwealth contributions) has been spent since 1998 on acquiring pastoral leases for conservation within the Gascoyne-Murchison area.<sup>54</sup>

DEC advised the Committee that during the life of the initiative, which concluded in 2004, approximately 70 per cent of leaseholders in the strategy area approached the Department to

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<sup>46</sup> Gascoyne-Murchison Rangeland Strategy Steering Group, *Gascoyne-Murchison Rangeland Strategy. Report to Cabinet Sub-Committee*, Agriculture Western Australia, 1997, p. 7.

<sup>47</sup> *ibid.*, pp. 13-14.

<sup>48</sup> *ibid.*, p. 17.

<sup>49</sup> *ibid.*

<sup>50</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 3.

<sup>51</sup> *ibid.*

<sup>52</sup> *ibid.*, p. 1.

<sup>53</sup> *ibid.*, p. 3.

<sup>54</sup> *ibid.*, p. 7.

discuss the opportunity to sell all or part of their lease.<sup>55</sup> DEC consulted with the potential vendors and recommended the purchase of the property based on its conservation value and potential management challenges.<sup>56</sup> Recommendations for purchase required endorsement from DEC's Chief Executive Officer, and approval from both the Pastoral Lands Board and the Minister for Environment.<sup>57</sup>

DEC states that 'in the spirit of the GMS' the department 'endeavoured to negotiate outcomes that were reasonable and flexible for vendors wishing to exit the pastoral industry'.<sup>58</sup> In some cases the department purchased part properties, such as in the Kennedy Ranges and Mt Augustus National Parks region, which enabled pastoralists to improve the viability of their leases by removing areas that, from a pastoral perspective, were unproductive or difficult to manage, but had high conservation value.<sup>59</sup>

The GMS also offered a policy of Voluntary Lease Adjustment (VLA) that was intended to give neighbouring pastoralists the option to improve the viability of their business by acquiring part of the lease a party intended to purchase.<sup>60</sup> However, during the course of the Inquiry the Committee received feedback that indicated a general discontent within the pastoral industry regarding DEC's approach to VLA and its conduct in acquiring these properties.

The Committee heard evidence that DEC either did not give neighbouring pastoralists the opportunity to acquire part of the lease that the department intended to purchase, or were unreasonable in negotiations. Echoing the view of many pastoralists and industry participants, the Lyndon Land Conservation District Committee (LCDC) advised the Committee that it was:

*...incensed with what we perceive was a predatory approach to the acquisition of these former pastoral properties during a time of adversity in the pastoral industry.*<sup>61</sup>

The Committee heard from only one pastoralist who was able to achieve a VLA with DEC<sup>62</sup> and two who were not.<sup>63</sup> DEC acknowledged there were problems with the adjustment process due to

<sup>55</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 8.

<sup>56</sup> *ibid.*

<sup>57</sup> *ibid.*

<sup>58</sup> *ibid.*, p. 9

<sup>59</sup> *ibid.*

<sup>60</sup> Submission No. 27 - Attachment 31 from Department of Environment and Conservation, 22 May 2010, p. 31.

<sup>61</sup> Submission No. 12A from Lyndon Land Conservation District Committee, 11 April 2010, p. 2.

<sup>62</sup> Submission No. 8A from Mr David McQuie, Bulga Downs Station, 15 April 2010, p. 1; Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 7 May 2010, p. 19; Mr Bruce Withnell, Personal Communication, 29 April 2010. Mr McQuie believes his family business, LM & MR McQuie and Sons, were the only pastoral lessees to put together a successful VLA. It is not known how many pastoral lessees entered into VLA negotiations with DEC.

a number of factors which included the prohibitive cost of purchasing part of an adjoining lease, the refusal of some lessees to sell to their neighbours and the fact that the condition of the land did not warrant purchase as it would add nothing to the adjoining lease.<sup>64</sup>

While DEC maintains that the opportunity for VLA was available, they have stated that as a lot of the initial purchases included land systems and representative ecosystems that were not in the conservation reserve system, this warranted the whole purchase being kept until such time as a redundancy developed.<sup>65</sup> This perhaps shows a lack of foresight on DEC's behalf as the land automatically reverts to UCL upon purchase and any future change in tenure will initiate negotiations with Native Title Claimants, making a return to pastoral lease a long, if not impossible process. DEC have also repeatedly stressed to the Committee that because the purchases were partly funded by the commonwealth, there is an obligation that the land is converted to conservation estate,<sup>66</sup> which indicates that the department is also unwilling to consider returning some of the land to pastoral use.

There was a common opinion amongst pastoralists that the acquisition was done in an ad hoc and opportunistic manner and without proper biodiversity surveys, which resulted in the purchase of whole pastoral leases that contained only small areas of conservation value.<sup>67</sup> DEC asserts that its acquisition program was conducted in a 'structured and methodical manner...[and an] assessment and evaluation of the conservation values contained within a pastoral lease offered for sale was carried out using a range of information'<sup>68</sup> including biological survey information and Department of Agriculture and Food (DAFWA) Range Condition Reports. While this may be the

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<sup>63</sup> Submission No. 10 from Ms Leonie McLeod, Warroora Station, 15 April 2010; Submission No. 28A from Mr Richard Shallcross, Bullara Estates Pty Ltd, 21 April 2010, p. 3; Mr Jim Quadrio, Granite Peak Station, Personal Communication, 29 April 2010.

<sup>64</sup> Mr Kelly Gillen, Regional Manager Midwest, Department of Environment and Conservation, *Transcript of Evidence*, 7 May 2010, p. 20.

<sup>65</sup> *ibid.*

<sup>66</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 12; Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 7 May 2010, p. 18; Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 17 May 2010, p. 7; Submission No. 27 - Attachment 31 from Department of Environment and Conservation, 22 May 2010, p. 3; Submission No. 27 - Attachment 32 from Department of Environment and Conservation, 4 June 2010, pp. 1-2.

<sup>67</sup> Submission No. 5 from Association of Mining and Exploration Companies (Inc), 16 April 2010, pp. 1-2; Submission No. 12A from Lyndon Land Conservation District Committee, 11 April 2010, p. 2; Submission No. 22 from Mr D.G. Wilcox AM, former Principal Rangeland Management Officer, Department of Agriculture and Food, Dr D.G. Burnside, Principal Natural Resource Scientist & Dr A. McR. Holm, Natural Resource Management Consultant, 14 April 2010, p. 3; Submission No. 31 from the Hon. Wendy Duncan MLC, 23 April 2010, p. 3

<sup>68</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 8. Full details of DEC's acquisition program can also be found as per this reference.

case, there remains some concern that DEC has not undertaken comprehensive biological surveys since acquiring the leases.<sup>69</sup>

DEC has not only purchased whole pastoral leases; 28 of the 60 leases acquired by DEC are part leases.<sup>70</sup> As discussed above, many of these part leases are in the Kennedy Range and Mt Augustus National Parks region and are parts of leases that backed onto existing National Parks. The part purchases reflect the intent of the GMS; allowing pastoralists to divest themselves of land that contained difficult to manage terrain while providing DEC with a valuable asset for its conservation estate.<sup>71</sup> In relation to the size of the areas acquired, DEC advised that reasonably large areas of land are required to achieve conservation outcomes in arid and semi-arid ecosystems because the ever-changing environmental and climatic conditions affect the ability to maintain viable populations of plants and animals.<sup>72</sup>

Although it is difficult for the Committee to form an overall assessment of DEC's approach to acquiring former pastoral leases, the evidence received indicated a commonly-held perception that DEC was opportunistic in its participation in the GMS.

Still, it needs to be noted that with the exception of Cobra Station, DEC states that all negotiations were entered into on a voluntary basis initiated by the pastoral leaseholder.<sup>73</sup>

The Committee supports DEC's use of the GMS to acquire land consistent with the department's conservation objectives. The Committee believes that some aspects of DEC's conduct has exposed the department to valid criticism and has compromised their relations with many remaining pastoralists.

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<sup>69</sup> Submission No. 15A from Mr Ross Quartermaine, 16 April 2010, p. 6; Submission No. 22 from Mr D.G. Wilcox AM, former Principal Rangeland Management Officer, Department of Agriculture and Food, Dr D.G. Burnside, Principal Natural Resource Scientist & Dr A. McR. Holm, Natural Resource Management Consultant, 14 April 2010, p. 2; Submission No. 32A from Ms Norma Ward, Millrose Station, 3 May 2010, p.1.

<sup>70</sup> Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 7 May 2010, p. 14.

<sup>71</sup> Mr Kelly Gillen, Regional Manager Midwest, Department of Environment and Conservation, *Transcript of Evidence*, 7 May 2010, p. 20.

<sup>72</sup> Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 17 May 2010, p. 5.

<sup>73</sup> Department of Environment and Conservation, *Preliminary Briefing*, 30 March 2010; Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 8.

## 2.4 Impact of Acquisition

In addition to concerns about DEC's conduct during acquisitions, the Committee received evidence from a variety of stakeholders about the impact of the removal of these leases from pastoral production. Generally, people are concerned about the impact on the pastoral industry, local government, mining and the community.

Under the *Local Government Act 1995*, land which is the property of the Crown and is being used or held for public purpose is not rateable land. Upon DEC's acquisition of a former pastoral lease, local government rates are no longer paid in respect of the property. Yet it is argued that these rates provide for essential local services such as waste removal and road maintenance. The Shire of Laverton is of the view that these properties should still be fully rateable, as:

*Local governments are still required to maintain road access to these properties, particularly for bush fire control so it seems unreasonable that this cost burden should be left to other ratepayers with no obligation to the State.*<sup>74</sup>

Several individuals advised the Committee that it has been common practice for government agencies, including DEC, to negotiate a financial contribution in lieu of rates to the local government authority.<sup>75</sup> The Shire of Perenjori reported that DEC agreed to make payments in lieu of rates. However, this has proved to be problematic as DEC is often late with these payments or presents them as a fee for services received.<sup>76</sup> The shire states that in some cases, these payments have been more than two years late, but since the announcement of the Committee's Inquiry, DEC has brought their contributions up to date and begun negotiations for a new agreement for rate equivalents.<sup>77</sup> The shire is concerned about DEC presenting these payments as a fee for service because:

*...as a fee for service DEC has an expectation that Local Government will demonstrate how this money has been spent to the direct benefit of DEC.*<sup>78</sup>

This is a level of accountability not extended to other rate payers.

The Committee has not taken enough evidence on this issue to determine the extent of the problem or its impact and therefore does not make a specific recommendation. However, it encourages DEC, in the spirit of its *Good Neighbour Policy* [examined in detail in Chapter 5], to ensure that appropriate financial agreements with local government authorities are made and honoured.

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<sup>74</sup> Submission No. 50 from Shire of Laverton, 25 May 2010, p. 2.

<sup>75</sup> Submission No. 10 from Ms Leonie McLeod, Warroora Station, 15 April 2010, p. 2; Submission No. 16A from John Craig, Marron Pastoral Company, 16 April 2010, p. 2; Submission No. 43A from Shire of Perenjori, 30 April 2010, p. 3.

<sup>76</sup> Submission No. 43A from Shire of Perenjori, 30 April 2010, p. 3.

<sup>77</sup> *ibid.*.

<sup>78</sup> *ibid.*

**Finding 1**

Former pastoral leases now held by the Department of Environment and Conservation are not subject to local government rates. This has caused financial uncertainty for some local governments and reduced their capacity to provide a range of essential services.

Western Australia's pastoral leases are located in remote areas and the:

*...depopulation of these pastoral properties has an immediate detrimental effect on the local small and isolated community that usually depends very heavily on pastoralists to provide emergency services, communications, local government councillors, and other contributions...<sup>79</sup>*

The concerns over these social effects were highlighted by pastoralists, mining associations, conservation groups, local governments and concerned citizens alike.<sup>80</sup> It was also noted that as properties are removed from pastoral production, the access to, and provision of, services for the community and the wider industry decreases.<sup>81</sup> While the pastoral industry has been in decline for some time, some feel that the acquisitions by DEC, mining companies and Aboriginal groups undermine and decrease the viability of the pastoral industry by reducing the critical mass required to support and sustain it at the local community level.<sup>82</sup>

The concern over the declining population in these areas was heightened by the view that the pastoralists on some properties were not being replaced by caretakers or tenants in the homesteads. This concern was partly social, but also raised the issue of adequate management of the land and maintenance of the homesteads. At the hearing on 7 May 2010 Mr Kelly Gillen, DEC's Regional Manager Midwest, stated that:

*We have a mix of arrangements across the properties that reflect management requirements on individual properties and our capacity to pay for a range of services.<sup>83</sup>*

<sup>79</sup> Submission No. 31 from the Hon. Wendy Duncan MLC, 23 April 2010, p. 3.

<sup>80</sup> Submission No. 5 from Association of Mining and Exploration Companies (Inc), 16 April 2010, p. 1; Submission No. 9A from Mr Graeme Campbell, 12 April 2010, p. 2; Submission No. 12 from Lyndon Land Conservation District Committee, 11 April 2010, p. 2; Submission No. 19A from Gascoyne Catchments Group, 16 April 2010, pp. 1-2; Submission No. 29A from Shire of Upper Gascoyne, 9 April 2010, p. 2; Submission No. 31 from the Hon. Wendy Duncan MLC, 23 April 2010, p. 3; Submission No. 45 from Pastoral Lands Board of WA, 30 April 2010, p. 4; Submission No. 50 from Shire of Laverton, 25 May 2010, pp. 1-2; Mr Mark Halleen, Boolardy Station, Personal Communication, 28 April 2010.

<sup>81</sup> Submission No. 9A from Mr Graeme Campbell, 12 April 2010, p. 2; Mr Mark Halleen, Boolardy Station, Personal Communication, 28 April 2010.

<sup>82</sup> *ibid.* See also: Submission No. 12A from Lyndon Land Conservation District Committee, 11 April 2010, p. 2.

<sup>83</sup> Mr Kelly Gillen, Regional Manager Midwest, Department of Environment and Conservation, *Transcript of Evidence*, 7 May 2010, p. 14.

While DEC has acquired 32 full and 28 part pastoral leases, many of the part leases purchased do not have homesteads on them. There are in fact only 23 homesteads spread across the 60 properties, of which 18 are occupied by either caretakers or tenants.<sup>84</sup> Caretakers occupy the homesteads and also fulfil a range of specified services depending on their skill set and capabilities.<sup>85</sup> The former pastoral lease properties currently occupied by a caretaker range in size from 51,528 to 244,000 hectares.<sup>86</sup>

Tenants do not provide services, but merely occupy the accommodation to prevent vandalism or damage.<sup>87</sup> The remuneration for each caretaker or tenant depends on their skills and the services they provide. For example, the caretaker at Muggon is paid a salary and provides services such as fire preparedness and pest animal control, while the tenant at Dalgara is provided with electricity, gas, telephone and fuel to occupy the homestead and has a negotiated rate to provide other services as required.<sup>88</sup>

Concerns have been expressed to the Committee that caretakers are insufficiently qualified and are unable to assist with local pest animal and weed control programs. Mr Mark Halleen of Boolardy Station, east of the Murchison Settlement, stated:

*The people who look after these properties are not allowed to handle baits once they have been injected [with 1080] as they are not trained or put through a course of any kind. This means that they cannot participate in any kind of district or community control.*<sup>89</sup>

There was some confusion amongst the pastoralists the Committee spoke with regarding the restrictions preventing caretakers or neighbouring pastoralists from conducting pest animal control on DEC lands. The Committee requested DEC to clarify its policy at the hearing on 7 May 2010 and was subsequently advised that:

*Baiting on DEC-managed public lands can only be lawfully carried out by an authorised officer of DAFWA and DEC or by a Licensed Pest Control Operator (LPCO)...Trapping can be undertaken with the approval of DEC's Regional Manager...[p]ersons undertaking trapping are required to have the necessary authority and training to use strychnine.... Shooting on DEC-managed lands requires authorisation from DEC. The Department*

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<sup>84</sup> Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 7 May 2010, p. 16.

<sup>85</sup> Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 7 May 2010, p. 14.; Mr Chris Graham, Caretaker, Muggon, Personal Communication, 28 April 2010.

<sup>86</sup> Submission No. 27 - Attachment 13A from Department of Environment and Conservation, 7 May 2010.

<sup>87</sup> Mr Kelly Gillen, Regional Manager Midwest, Department of Environment and Conservation, *Transcript of Evidence*, 7 May 2010, p. 14.

<sup>88</sup> Mr Chris Graham, Caretaker, Muggon, Personal Communication, 28 April 2010; Mr Phil Bland, Tenant, Dalgara, Personal Communication, 28 April 2010.

<sup>89</sup> Submission No. 40 from Mr Mark Halleen, Boolardy Station, 11 April 2010, p. 1.

*applies strict requirements regarding the use of firearms must have passed a firearms training course and assessment.*<sup>90</sup>

Bait drives, which are generally conducted by Zone Control Authorities at least twice a year, involve landholders gathering at bait racks to prepare and distribute baits to be used on the properties. Without appropriately qualified caretakers to conduct pest animal control on its properties, the department is not meeting its pest management objectives in this area and is missing an opportunity to foster links with the local community.

### **Recommendation 3**

All caretakers on DEC-managed former pastoral leases should be required to have a firearms licence and Licensed Pest Control Operator (LPCO) qualifications.

While the Committee agrees that having tenants occupy a homestead has often provided an excellent way to ensure DEC properties are maintained and monitored at very little cost, the use of unsuitable tenants can have a damaging effect on the department's objectives and its relations with local communities. A recent animal welfare incident at Warriedar Station resulted in part from inappropriate tenants who did not respect some of the arrangements DEC had in place for pest animal control on the property. This incident is detailed in Chapter 6.

DEC's Director General, Mr Keiran McNamara, and Mr Gillen advised that strategic locations where DEC should have a presence were identified, and these coincided with homesteads that were suitable for habitation and were able to service multiple properties. Examples included the Doolgunna, Karara and Muggon homesteads.<sup>91</sup> Mr McNamara stressed his responsibility to occupational health and safety, describing the rundown condition of some of the homesteads, including problems with electrical wiring, plumbing, roofing and asbestos and stating he 'cannot put people in some of those buildings without regard for those responsibilities and the need for improvements'.<sup>92</sup>

The Committee has mapped the location of the tenants and caretakers on DEC's former pastoral lease properties. Acknowledging the department's budgetary restrictions, with a few exceptions, the Committee is satisfied that the current placement of caretakers represents an even and effective distribution across its properties. The Committee notes that DEC's caretaker on Cobra in the

<sup>90</sup> Submission No. 27 - Attachment 30 from Department of Environment and Conservation, 19 May 2010, pp. 8-9.

<sup>91</sup> Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 7 May 2010, p. 16; Mr Kelly Gillen, Regional Manager Midwest, Department of Environment and Conservation, *Transcript of Evidence*, 7 May 2010, p. 16.

<sup>92</sup> Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 7 May 2010, p. 16.



Kennedy Range and Mt Augustus National Parks area is also running a tourism operation and from his submission<sup>93</sup> the Committee questions if he has much time to dedicate to property management. The Committee also notes that DEC is lacking adequate management presence in the south western Goldfields area, a significant deficit in an area with extensive pest animal problems.

Notwithstanding the valuable contribution that some tenants can provide, the Committee sees greater long-term benefits for DEC to be realised from the use of caretakers on its properties. The Committee understands that not all properties have homesteads suitable for habitation but believes the department should consider other accommodation structures like the portable building used to accommodate visiting personnel at Lorna Glen.

**Finding 2**

Appropriately qualified caretakers are preferable to tenants for the management of the Department of Environment and Conservation's pest animal, heritage and conservation objectives on its former pastoral leases.

**Recommendation 4**

The Department of Environment and Conservation replace or retrain all remaining tenants on its former pastoral leases to ensure that properties are staffed by caretakers with firearms and LPCO qualifications.

Priority should be given to replacing or retraining the tenants in homesteads located in the Kennedy Range/Mt Augustus National Parks and the south-western Goldfields.

**Recommendation 5**

By way of incentive to attract suitable caretakers, the Department of Environment and Conservation offer sub-letting arrangements which allow small portions of landholdings to be used for the caretaker's independent hobbies.

<sup>93</sup> Submission No. 36 from Mr James Millar, Cobra Bangemall Inn, 26 April 2010, pp. 1-5.

The Committee shares the concerns of many pastoralists, industry participants and government departments that the management of DEC's former pastoral lease properties is undermined by inadequate funding.<sup>94</sup> Despite the significant volume of land acquired by DEC since 1998, the department did not receive a budget for the ongoing management of the rangeland properties until 2000/01.<sup>95</sup> At that time, the management budget was \$400,000, increasing to \$750,000 in 2001/02 and becoming an ongoing commitment of \$1.05 million per annum from 2002/03.<sup>96</sup> At the hearing on 7 May 2010, Mr McNamara advised the Committee that this base figure 'has not changed other than by way of the standard cost escalation that the budget applies each year to salary and other costs'.<sup>97</sup> DEC also reported that since 2002/03, the department has reallocated an additional \$7.25 million from existing resources to the management of these properties.<sup>98</sup> In total, DEC's management budget represents an expenditure of approximately \$0.34 per hectare per annum since 2002/03.<sup>99</sup>

The Committee questioned DEC on why funding for the management of the former pastoral lease properties was not set aside prior to their purchase or built into the acquisition budget. Mr McNamara stated that it:

*...would be desirable, but the history of conservation in Australia generally, and in Western Australia, has been that governments have acquired lands and created reserves generally without a management budget in advance, and those things are addressed subsequently and gradually. There are some exceptions to that. ... But as a general rule, there has not been a budget increase in advance of the acquisition of land for conservation.*<sup>100</sup>

<sup>94</sup> Submission No. 14 from Department of Agriculture and Food, 16 April 2010, pp. 2-3; Submission No. 17 from Western Australian Farmers Federation (Inc.), 16 April 2010, pp. 1-2; Submission No. 31 from the Hon. Wendy Duncan MLC, 23 April 2010, p. 2; Submission No. 45 from Pastoral Lands Board of Western Australia, 30 April 2010, pp. 2-4.

<sup>95</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 7.

<sup>96</sup> *ibid.*

<sup>97</sup> Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 7 May 2010, p. 13.

<sup>98</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 7.

<sup>99</sup> This figure is calculated by dividing the \$7.25 million re-allocated by the department over seven years, adding the budgeted \$1.05 million per annum and dividing this total by the total hectares of former pastoral lease under DEC management. This is given as 6,120,830 hectares in Submission 27 - Attachment 30 - Attachment I, 19 May 2010, p. 3. The calculation is:  $((7,250,000/7) + 1,050,000) / 6,120,830$ .

<sup>100</sup> Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 17 May 2010, p. 4.

Mr McNamara also suggested that:

*...if there were a clear position that no land would be added to the conservation estate without an adequate budget for management in advance or at the same time, there might be no additions to the conservation estate.<sup>101</sup>*

The Committee believes that this approach is flawed; and in this case, has led to many of the problems that are identified throughout this report. DEC's ability to achieve its conservation objectives, fund pest animal and weed control programs and support the preservation of pastoral heritage has suffered as a result of a lack of funding.

### **Recommendation 6**

The Department of Environment and Conservation not acquire any more pastoral leases until it has addressed and implemented the opportunities for improved management identified throughout this report.

### **Recommendation 7**

The Department of Environment and Conservation allocate appropriate resources to competently manage its former pastoral lease properties in a manner consistent with its conservation objectives and obligations to its neighbours.

## **2.5 Working in the Rangelands**

The issues touched on in this chapter provide a background for the environment in which DEC is pursuing its conservation objectives. With this in mind, the crucial issue behind the criticisms levelled at DEC is that the department has failed to recognise the unique conditions of working in Western Australia's rangelands. As touched on in this chapter, pastoralists in the rangelands have formed a community over more than 100 years, and the removal of properties in this region leaves holes in that community.

As mentioned, the GMS was designed to ensure economically sustainable pastoral land use through a number of initiatives.<sup>102</sup> In preparing the GMS, the Steering Group took a broad view of

<sup>101</sup> Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 17 May 2010, p. 4.

<sup>102</sup> Gascoyne-Murchison Rangeland Strategy Steering Group, *Gascoyne-Murchison Rangeland Strategy. Report to Cabinet Sub-Committee*, Agriculture Western Australia, 1997, pp. 13-14.

the issues and attempted to develop recommendations that would benefit the rangeland community and intended for the GMS to become a partnership between the community and government to deal with local and regional issues.<sup>103</sup> It is the Committee's view that the department should continue to operate in the spirit of the GMS by seeking to integrate with the rangelands community.

Many of the Committee's subsequent recommendations reflect the belief that the needs and objectives of both DEC and the pastoral community would be better served if DEC work towards being a greater part of the community.

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<sup>103</sup> Gascoyne-Murchison Rangeland Strategy Steering Group, *Gascoyne-Murchison Rangeland Strategy. Report to Cabinet Sub-Committee*, Agriculture Western Australia, 1997, pp. 4-5.

## CHAPTER 3    DEFINING PEST ANIMALS AND WEEDS

The State Weed Plan Steering Group's report titled *A Weed Plan for Western Australia*, refers to the 1997 *National Weeds Strategy* definition of a weed as 'a plant which has, or has the potential to have, a detrimental effect on economic, social or conservation values'.<sup>104</sup> The 2007 *Australian Weeds Strategy – A National Strategy for Weed Management in Australia* defines a weed 'as a plant that requires some form of action to reduce its harmful effects on the economy, the environment, human health and amenity'.<sup>105</sup> Therefore, the Committee has adopted the term 'weeds' to refer to pest plants, invasive plants, significant weeds etc.

Some weeds affecting the Western Australian landscape have been declared by the Australian Government as Weeds of National Significance (WONS).<sup>106</sup> These include Prickly Acacia, Parkinsonia, Mesquite and Tamarisk. Other weeds of specific concern in the rangelands include Ruby Dock, Buffel grass, Paterson's Curse, Bathurst Burr, Horehound and Mexican Poppy.<sup>107</sup>

Weeds, along with pest animals, can be defined as species that have been introduced to a new geographical area, colonised the area by establishing self-reproducing populations and become naturalised.<sup>108</sup>

It is important to note that both indigenous/endemic and introduced/exotic plants and animals can attain pest status. Introduced species can establish populations in the wild and become pests, and indigenous species such as kangaroos and parrots, for example, can also have significant and detrimental environmental and economic impacts on certain areas at certain times.<sup>109</sup> Thus the terms pest animals and weeds are ultimately taken in this Report to encompass native, endemic, invasive and introduced feral animals and plants.

<sup>104</sup> State Weed Plan Steering Group, Department of Agriculture, *A Weed Plan for Western Australia*, Government of Western Australia, Perth, October 2001, p. 5.

<sup>105</sup> Australian Weeds Committee, *Australian Weeds Strategy – A National Strategy for Weed Management in Australia*, Natural Resource Management Ministerial Council, Canberra, 2007, p. 5.

<sup>106</sup> Twenty plant species in total have been listed as Weeds of National Significance (WONS). For more information on these refer to: Australian Government, 'Weeds in Australia: About Weeds'. Available at: <http://www.weeds.gov.au/weeds/lists/wons.html>

<sup>107</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, pp. 21-22.

<sup>108</sup> Randall, RP, *The Introduced Flora of Australia and its Weed Status*, CRC for Australian Weed Management, Adelaide, September 2007, p. 5.

<sup>109</sup> Department of Environment and Conservation, *Prevention and Control of Damage by Animals in Western Australia*, Government of Western Australia, Perth, 5 July 2007, p. 1; Vertebrate Pests Committee, Natural Resource Management Ministerial Council, *Australian Pest Animal Strategy – A National Strategy for the Management of Vertebrate Pest Animals in Australia*, Commonwealth of Australia, Canberra, 2007, p. 1; 'Species' 2004. Available at: <http://www.feral.org.au/content/species/species.cfm>. Accessed on 29 March 2010; Weeds in Australia, 'What is a Weed?', 2007. Available at: <http://www.weeds.gov.au/weeds/what.html>. Accessed on 29 March 2010.

A 2005 survey of the distribution and abundance of key pest animals in Western Australia found wild dogs, feral goats, feral deer, feral pigs, foxes and rabbits to be the key pest animals in Western Australia, particularly in the agricultural regions. When the distribution range is expanded to include the rangelands, the list also includes feral camels, feral donkeys, feral horses and feral livestock.<sup>110</sup>

Many of these animals represent a major threat to the pastoral industry and agriculture, cause considerable damage to the environment and pose a severe risk to biodiversity in the state. The social impacts are also considerable and range from nuisance value, damage to infrastructure, damage to culturally important sites, causing traffic accidents, social and psychological impacts on primary producers who must deal with the consequences of pest animals on their land holdings, impacts on employment prospects in affected areas and the 'impact of some pest species on indigenous Australia'.<sup>111</sup>

The costs associated with pest animals include production losses, which can be direct losses from predation or indirect from competition for resources, pest animal management costs, contingent costs associated with disease impacts and land degradation, infrastructure repairs and/or replacement, and the opportunity costs associated with not being able to graze livestock on affected land.<sup>112</sup> There is also the significant public cost of managing pest animals.<sup>113</sup>

The economic impact of pest animals is difficult to measure,<sup>114</sup> and different estimates have been provided based on different groups of pest animals using different methods of estimation at

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<sup>110</sup> Woolnough, AP, Gray, GS, Lowe, TJ, Kirkpatrick, WE, Rose, K & Martin, GR, Vertebrate Pest Research Section, Department of Agriculture, *Distribution and Abundance of Pest Animals in Western Australia: A Survey of Institutional Knowledge*, Government of Western Australia, Perth, September 2005, p. 16.

<sup>111</sup> McLeod, R, *Counting the Cost: Impact of Invasive Animals in Australia, 2004*, Cooperative Research Centre for Pest Animal Control, April 2004; Vertebrate Pests Committee, Natural Resource Management Ministerial Council, *Australian Pest Animal Strategy – A National Strategy for the Management of Vertebrate Pest Animals in Australia*, Commonwealth of Australia, Canberra, 2007, p. 1.

<sup>112</sup> Fleming, P, Corbett, L, Harden, R & Thomson, P, *Managing the Impacts of Dingoes and Other Wild Dogs*, Bureau of Rural Sciences, Commonwealth of Australia, Canberra, 2001, p. 43; Parkes, J, Henzell, R & Pickles, G, *Managing Vertebrate Pests: Feral Goats*, Bureau of Rural Sciences, Department of Agriculture, Fisheries and Forestry, Commonwealth of Australia, 2009 [November 1995], p. 30; Gong, W, Sinden, J, Braysher, M & Jones, R, *The Economic Impacts of Vertebrate Pests in Australia*, Invasive Animals Cooperative Research Centre, Canberra, 2009, p. 10; Environment, Communications, Information Technology and the Arts References Committee, The Senate, *Turning Back the Tide—The Invasive Species Challenge*, Commonwealth of Australia, Canberra, December 2004, pp. 9-11.

<sup>113</sup> Parkes, J, Henzell, R & Pickles, G, *Managing Vertebrate Pests: Feral Goats*, Bureau of Rural Sciences, Department of Agriculture, Fisheries and Forestry, Commonwealth of Australia, 2009 [November 1995], p. 30.

<sup>114</sup> *ibid.*, p. 43.

different points in time. However, various studies undertaken from 2002 to 2009 estimate the cost to Australian agricultural production at between \$374 million and \$621 million annually.<sup>115</sup>

It should also be noted that not all the impacts of pest animals are negative. Feral goats provide a good example. Whilst the total annual cost impact of feral goats in Australia has been quoted at \$7.74 million<sup>116</sup>, these animals have nonetheless become the basis of a burgeoning domestic and export industry worth an estimated \$29 million per year.<sup>117</sup>

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<sup>115</sup> See for instance, McLeod, R, *Counting the Cost: Impact of Invasive Animals in Australia, 2004*, Cooperative Research Centre for Pest Animal Control, April 2004, p. 35; McLeod bases this on findings by Bomford and Hart, 2002. See: Bomford, M & Hart, Q, *Non-indigenous Vertebrates in Australia*, pp. 25-44 in Pimental, D (ed.) *Biological Invasions: Environmental and Economic Costs of Alien Plant, Animal, and Microbe Invasions*, CRC Press, New York, 2002.

<sup>116</sup> *ibid.*

<sup>117</sup> Invasive Animals CRC, 'Feral Goat (*Capra hircus*)', n.d. Available at: <http://www.feral.org.au/content/species/goat.cfm>. Accessed on 22 July 2010.





## CHAPTER 4 PASTORAL HERITAGE

Australia has a comprehensive system for the preservation of heritage places. The Australian Department of the Environment, Water, Heritage and the Arts website provides detailed information on world, national, commonwealth and indigenous heritage<sup>118</sup> while information specific to Western Australia's state heritage can be found on the website of the Heritage Council of Western Australia.<sup>119</sup>

The two peak bodies for heritage in Western Australia are the National Trust of Australia (WA) (the Trust) and the Heritage Council of Western Australia (the Council). The Trust is a non-profit, community-based organisation that promotes the conservation and interpretation of the state's heritage and educates the community about the use of heritage assets.<sup>120</sup> The Trust compiles and maintains a List of Classified Places which has no legal implications but can carry moral sway.

There has been concern from the community over the preservation of pastoral heritage on the former pastoral lease properties acquired by DEC.<sup>121</sup> DEC have acknowledged that these properties contain elements representing historical pastoral activity including:

*homesteads, other built infrastructure (such as shearing sheds, shearers' quarters, storage sheds, workshops), fences, yards, dams, wells, mills, tanks, access roads/tracks, equipment and implements, as well as historical records.*<sup>122</sup>

The body most relevant to DEC's heritage obligations and considerations is the Council. The Council administers the *Heritage of Western Australia Act 1990* and has responsibility for establishing and maintaining the State Register of Heritage Places, ensuring that any development of heritage places is in harmony with cultural values and promotes awareness and knowledge of our cultural heritage.<sup>123</sup> Places generally come to the attention of the Heritage Council through the municipal inventories of local governments, by public referral or through the government heritage properties disposal process.<sup>124</sup>

When a place is referred to the Heritage Council, it decides whether the place needs to be assessed for heritage value. If it does, a draft assessment is completed and the Council goes through a

<sup>118</sup> See, <http://www.environment.gov.au/heritage/index.html>.

<sup>119</sup> See, <http://www.heritage.wa.gov.au/>.

<sup>120</sup> National Trust of Australia (Western Australia), 'About Us', n.d. Available at: <http://www.ntwa.com.au>. Accessed on 10 August 2010; Heritage Council of Western Australia, 'Heritage Groups', n.d. Available at: <http://www.heritage.wa.gov.au/how-heritage-works/Heritage-Groups.html>. Accessed on 10 August 2010.

<sup>121</sup> See footnote 14.

<sup>122</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 22.

<sup>123</sup> Heritage Council of Western Australia, 'About the Heritage Council', n.d. Available at: <http://www.heritage.wa.gov.au/about-the-heritage-council.html>. Accessed on 10 August 2010.

<sup>124</sup> Mr Graeme Gammie, Executive Director, Office of Heritage, Heritage Council of Western Australia, *Transcript of Evidence*, 5 May 2010, p. 5.

process of conferring with stakeholders and then the place may be recommended to the Minister for Heritage to decide if it should be entered in the State Register on an interim basis. The interim registration is advertised publicly and comments are invited. These comments are considered and any necessary changes to the assessment are made before the Heritage Council recommends to the Minister that the place should be permanently entered into the State Register. The Minister considers the recommendation and public comments before making a decision.<sup>125</sup>

Under the *Heritage of Western Australia Act 1990*, any person may refer a place to the Heritage Council for consideration for entry to the State Register. Although there is no obligation on any person or entity to refer a place to the Heritage Council, the Council's Government Heritage Property Disposal Process has been designed to identify and assess the heritage value of government-owned places under consideration for sale, transfer, lease or demolition.<sup>126</sup> The policy applies to all state government agencies and to all statutory authorities as listed in Schedule 1 of the *Financial Management Act 2006*. Buildings and structures generally need to be considered if they are:

- more than sixty-years-old;
- already listed on an existing heritage list such as a local government inventory; or,
- display other evidence of potential significance in terms of aesthetic, historic, social or scientific value.<sup>127</sup>

The policy states that the Heritage Council should be notified of a proposed disposal at least four months prior and recommends that the agency consult with the local government authority.<sup>128</sup>

Once a place is listed on the State Register, it becomes the responsibility of the owner to maintain it. Grants and incentives are available from various sources but the Heritage Council has advised the Committee that these are mostly targeted toward private owners and government agencies are expected to fund their own maintenance programs.<sup>129</sup>

DEC's policies and approach to the preservation of pastoral heritage are discussed in detail at Chapter 7.

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<sup>125</sup> Heritage Council of WA, 'State Register of Heritage Places', 2007. Available at: [http://www.heritage.wa.gov.au/assets/files/General\\_Publications/StateRegisterBrochure2009\\_.pdf](http://www.heritage.wa.gov.au/assets/files/General_Publications/StateRegisterBrochure2009_.pdf). Accessed on 10 August 2010.

<sup>126</sup> Submission No. 26 from Heritage Council of Western Australia, 16 April 2010, pp. 4-7.

<sup>127</sup> *ibid.*, p. 6.

<sup>128</sup> *ibid.*

<sup>129</sup> Mr Graeme Gammie, Executive Director, Office of Heritage, Heritage Council of Western Australia, *Transcript of Evidence*, 5 May 2010, p. 7.

## CHAPTER 5 GOOD NEIGHBOUR POLICY AND NEIGHBOUR RELATIONS

In 2004, recognising its position as a significant land manager in Western Australia, DEC (then CALM) began developing a *Good Neighbour Policy* in collaboration with its stakeholders. The consultation process involved the development of position papers on key issues, discussion with key stakeholders including the Western Australian Farmers Federation (WAFF), the Pastoralists and Graziers Association (PGA) and the Western Australian Local Government Association (WALGA). A draft of the policy was released in September 2005 and was distributed widely through direct mail-outs, the WAFF and PGA newsletters and during the subsequent community consultation process which included a survey distributed to approximately 7000 neighbours of DEC-managed lands.

A final policy was published in July 2007. The document lists five principles for effective neighbour relations:

- Good neighbour relations rely on a ‘two way process’ between both DEC and neighbours of DEC-managed lands.
- Establishing and maintaining open, positive and respectful relationships with neighbours is essential, and a priority for DEC staff.
- All landowners and managers can benefit from maintaining a productive and sustainable environment.
- DEC will consider the potential broader social impacts on neighbouring communities when making management decisions and setting Departmental policy.
- Issues and problems are generally best addressed at the local level.

The policy is due for a formal review in 2012.<sup>130</sup>

The Committee believes that the *Good Neighbour Policy 2007* provides excellent guidelines for DEC to establish and maintain good relations with its neighbours and commends DEC on its development. The Committee considers however, that in relation to the pastoral regions, some of these principles have not always been strictly observed.

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<sup>130</sup> Department of Environment and Conservation, *Good Neighbour Policy 2007*, July 2007, pp. 4, 6.

## 5.1 Relationships with Pastoralists and Industry Participants

When the Committee raised the policy with pastoralists and other industry stakeholders the common sentiment expressed was, “what Good Neighbour Policy?”

The lack of opportunities for communication between the department and pastoralists was an issue raised repeatedly during the course of the Inquiry.<sup>131</sup> DEC monitors the former pastoral lease properties through a combination of caretakers, tenants and site visits. Mrs Jano Foulkes-Taylor of Tardie Station, west of Mt Magnet, noted that DEC do not always alert neighbouring pastoralists of intended visits and that notification at least two days prior would ‘enable pastoralists to remain in contact and bring up any pressing issues’.<sup>132</sup>

A key opportunity for DEC to communicate with pastoralists is through participation in the Zone Control Authorities (ZCAs). The ZCAs have recently been replaced by Recognised Biosecurity Groups under the *Biosecurity and Agriculture Management Act 2007*. For the purpose of this Report, they will continue to be referred to as ZCAs. After reports that DEC did not attend ZCA meetings or participate in community baiting programs,<sup>133</sup> the Committee requested DEC to provide information on its involvement with the ZCAs, including attendance rates at meetings.

While the Committee has identified shortcomings in the practice of the *Good Neighbour Policy* as it pertains to baiting programs<sup>134</sup>, the Committee could not find evidence of a poor attendance record from DEC officers at the ZCAs. In relation to its attendance record, DEC provided the following information:

### Kimberley ZCA

DEC regularly attended ZCA meetings prior to 2007 and since then the Kimberley Regional Manager or his representatives have attended all meetings.<sup>135</sup>

### Pilbara ZCA

DEC regularly attended ZCA meetings over many years prior to 2008 and representatives have attended all meetings since then.<sup>136</sup>

<sup>131</sup> Submission No. 20A from Shire of Yilgarn, 19 April 2010, p. 1; Mr Ashley Dowden, Challa Station, Personal Communication, 28 April 2010; Mrs Jano Foulkes-Taylor, Tardie Station, Personal Communication, 28 April 2010; Mr Mark Halleen, Boolardy Station, Personal Communication, 28 April 2010; Mr Paul Squires, Twin Peaks Station, Personal Communication, 28 April 2010.

<sup>132</sup> Submission No. 39 from Mrs Jano Foulkes-Taylor, Tardie Station, 27 April 2010; Mrs Jano Foulkes-Taylor, Tardie Station, Personal Communication, 28 April 2010.

<sup>133</sup> Mr Ashley Dowden, Challa Station, Personal Communication, 28 April 2010; Mr Mark Halleen, Boolardy Station, Personal Communication, 28 April 2010.

<sup>134</sup> These will be examined in greater detail in Chapter 6.

<sup>135</sup> Submission No. 27 - Attachment 30 from Department of Environment and Conservation, 19 May 2010, p. 1.

<sup>136</sup> Submission No. 27 - Attachment 30 from Department of Environment and Conservation, 19 May 2010, p. 3.

DEC advised the Committee that it ‘used DAFWA’s pastoral newsletter last year to seek feedback from pastoralists on DEC’s performance in its management of fire, feral pests or weeds, in both the Kimberley and Pilbara Regions’ and no responses were received.<sup>137</sup>

#### Kalgoorlie ZCA

DEC’s Goldfields Regional Manager and/or other staff have attended all meetings for many years and participated in phone conference meetings as required.<sup>138</sup>

#### Meekatharra ZCA

DEC’s Geraldton District Manager and other staff attended meetings on 10 September 2004, 3 March 2005, 9 March and 20 November 2007, 13 March and 2-3 September 2008, and 9 March and 7 September 2009.<sup>139</sup>

#### Carnarvon ZCA

Meetings are usually attended by DEC’s Senior Operations Officer based in Carnarvon. DEC attended all meetings from 2001 to 2003, nine of the twelve meetings held since then and the first meeting of the new Biosecurity Association.<sup>140</sup>

### **Finding 3**

There is little evidence in support of the claim that the Department of Environment and Conservation has a poor record of attendance at Zone Control Authority meetings

However, the Committee received several detailed reports suggesting that DEC could be difficult to deal with and unresponsive to issues that were raised.<sup>141</sup> In his submission, Mr G J Wardle states:

*DEC are always unwilling to reply to any proposals in writing yet they insist on everything being presented in writing to them and then unless prompted can take months to respond.*

<sup>137</sup> Submission No. 27 - Attachment 30 from Department of Environment and Conservation, 19 May 2010, pp. 2-3.

<sup>138</sup> *ibid.*, p. 3.

<sup>139</sup> *ibid.*, p. 4.

<sup>140</sup> *ibid.*, p. 5.

<sup>141</sup> Submission No. 23 from Mr GJ Wardle, Dirk Hartog Island Lodge, 19 April 2010, p. 5; Mr Jorgen Jensen, Yoweragabbie Station, Personal Communication, 28 April 2010; Submission No. 46 from Amalgamated Prospectors and Leaseholders Association of W.A. Inc., 7 May 2010, p. 1.

*It is thus very difficult to establish or discuss or provide improved management opportunities to these DEC properties...*<sup>142</sup>

During the Committee briefing held at Mt Magnet on 28 April 2010, Mr Jorgen Jensen of Yoweragabbie Station, south of Mt Magnet, advised the Committee that he had had contact with representatives of DEC at meetings over the past ten years and felt that they were condescending and did not conduct themselves well.<sup>143</sup>

One of the impediments to good communication and beneficial relationships between DEC and pastoralists is the perception that DEC comes across as unwilling to consult or accept assistance. This was best stated by Mrs Foulkes-Taylor, who told the Committee that pastoralists had not been forgotten, they were just ignored.<sup>144</sup>

The Committee considers that such miscommunication is detrimental to both DEC and pastoralists, as local experience could help DEC operate in this unique environment and DEC's experience in conservation and rehabilitation could assist pastoralists to develop more sustainable operations.

Mr Wardle, who has continued to reside on freehold land on Dirk Hartog Island since he sold his pastoral lease to DEC, reports that despite the fact that he ran the Dirk Hartog Island lease for 30 years, DEC did not consult him in regards to pest animal management.<sup>145</sup> DEC reportedly rejected Mr Wardle's proposal to provide management services on the property, citing cost and the fact that DEC staff could provide a consistent standard of service and undertake specialised tasks such as pest animal control.<sup>146</sup> DEC reportedly rejected Mr Wardle's two day per week inspection program, supplemented by his permanent presence on the island, and instead proposed flying its staff over from the mainland for two days each week.<sup>147</sup>

#### **Finding 4**

The Department of Environment and Conservation are often seen by pastoralists as unresponsive, uncooperative and uncommunicative.

<sup>142</sup> Submission No. 23 from Mr GJ Wardle, Dirk Hartog Island Lodge, 19 April 2010, p. 5

<sup>143</sup> Mr Jorgen Jensen, Yoweragabbie Station, Personal Communication, 28 April 2010.

<sup>144</sup> Mrs Jano Foulkes-Taylor, Tardie Station, Personal Communication, 28 April 2010.

<sup>145</sup> Submission No. 23 from Mr GJ Wardle, Dirk Hartog Island Lodge, 19 April 2010, p. 2.

<sup>146</sup> *ibid.*, p. 4.

<sup>147</sup> *ibid.*, pp. 4-5.

In February 2008, during a DEC-controlled aerial goat culling program in the Kennedy Ranges, a helicopter and light aircraft collided killing the plane's pilot and passenger (spotter). The Australian Transport Safety Bureau report identified that:

*there were no formalised operating procedures detailing the conduct of culling operations involving multiple aircraft that may have assisted in the maintenance of aircraft separation.*<sup>148</sup>

Speaking about the accident, the Lyndon LCDC states that

*DEC failed to draw on the pastoral industry's vast knowledge of aerial stock management, even when it was actively given to them. Despite consistent warnings by representative bodies (Lyndon LCDC, Carnarvon Zone Control Authority) not to conduct the culling program in the height of summer, the DEC went ahead with it anyway. We feel there is no recognition by the DEC of our local knowledge of the rangelands and the conditions we are working in. In this remote environment the members of the pastoral industry and the DEC need to be working together and respecting the advice of all parties when it comes to many aspects of land management.*<sup>149</sup>

Some pastoral families have been on their properties for more than 100 years, like the families of Mr David Jones and Mr Ashley Dowden, who have been on Boogardie Station and Challa Station since 1884 and 1888 respectively.<sup>150</sup> The knowledge of the land and experience of these individuals cannot be underestimated. While it is true that the pastoral industry has contributed to the degradation of the rangelands, the Committee believes it would be wrong of DEC to dismiss the experience of pastoralists in the rangelands because the industry appears to be at odds with its conservation objectives.

The Committee believes there is potential for DEC and pastoralists to assist each other in order to achieve conservation objectives and sustainable pastoral operations. Karen Morrissey of Meeline Station, south east of Mt Magnet, believes that land in good condition is essential for both environmental and economic success and:

*the rangelands will be better sustained through collaboration with pastoralists - rather than viewing the pastoralist as the enemy of the rangelands.*<sup>151</sup>

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<sup>148</sup> Australian Transport Safety Bureau, 'Aviation Occurrence Investigation AO-2008-010', Commonwealth of Australia, 2009. Available at: <http://www.atsb.gov.au/media/1357394/ao2008010.pdf>. Accessed on 10 August 2010.

<sup>149</sup> Submission No. 12A from Lyndon Land Conservation District Committee, 11 April 2010, p. 2.

<sup>150</sup> Mr David Jones, Boogardie Station, Personal Communication, 28 April 2010; Mr Ashley Dowden, Chairman, Meekatharra Rangeland Biosecurity Association, *Transcript of Evidence*, 20 April 2010, p. 1.

<sup>151</sup> Submission No. 34A from Ms Karen Morrissey, Meeline Station, 23 April 2010, p. 5.

The committee is concerned that opinions it received from some senior DEC staff regarding the pastoral industry may have a detrimental effect on how DEC is perceived and seriously undermine the *Good Neighbour Policy* principle of ‘maintaining open, positive and respectful relationships with neighbours.’

The Committee received two serious reports of unneighbourly behaviour on the part of DEC in the Goldfields region. Mr Jim Quadrio of Granite Peak Station, which borders DEC properties Lorna Glen and Earraheedy, provided evidence to the Committee of an ongoing dispute with the department in relation to fencing and straying stock. Mr Quadrio’s relationship with DEC, particularly the Goldfields staff, has been strained for a number of years after several unsuccessful attempts to negotiate the purchase of parts of Lorna Glen and Earraheedy as part of the GMS.

In September 2004, after approximately five years of negotiations over boundary fencing, DEC’s Mr Kealley wrote to the Pastoral Lands Board (PLB) seeking its support on the issue and requesting:

*an urgent lease inspection of Granite Peak Station to determine if Mr Quadrio is meeting his lease conditions and is adequately managing his stock to reduce impacts on neighbours in accordance with these conditions.*<sup>152</sup>

As a result of discussions with Mr Quadrio at Granite Peak Station on 29 April 2010 and a review of subsequent evidence provided by Mr Quadrio, the Committee has formed the view that while within legal boundaries, this letter displayed bullying tactics on the part of the department. DEC responded to this issue in writing and advised that in its view:

*the letter and the circumstances that led to it being prepared are in keeping with the Department’s Good Neighbour Policy.*<sup>153</sup>

DEC cited the length of the negotiations with Mr Quadrio and noted that:

*At that time the Pastoral Lands Board (PLB) management group had responsibility for management of pastoral leases and was experienced in acting as a broker in boundary and stock disputes between pastoral lessees. As CALM was in a similar situation with a boundary dispute, it was deemed reasonable under the circumstances to seek the involvement of the PLB in reaching a resolution.*<sup>154</sup>

The Committee acknowledges that there were straying stock issues on Earraheedy and that the negotiations for fencing had become protracted. However, calling for an urgent inspection of Granite Peak Station was not the ideal way to resolve the issue. The Committee believes that Mr Quadrio had legitimate concerns regarding the location of the fencing that were dismissed by the

<sup>152</sup> Submission No 27 - Attachment 31 - Attachment 1 from Department of Environment and Conservation, 22 May 2010, p. 1.

<sup>153</sup> Submission No. 27 - Attachment 31 from Department of Environment and Conservation, 22 May 2010, p. 7.

<sup>154</sup> *ibid.*



department, and its letter to the PLB appears to result from the department's inability to get Mr Quadrio to comply with its preferred course of action.

The Committee heard that negotiations continued for a number of years after this letter, during which time various officers of DEC reportedly engaged in un-neighbourly behaviour, including acting in an antagonistic and aggressive manner toward Mr Quadrio's lawyer, entering Granite Peak without permission, threatening to shoot wandering stock and accidentally shooting domesticated horses on Granite Peak while conducting an aerial culling program.<sup>155</sup>

The Committee agrees with the *Good Neighbour Policy's* adage that communication is a two-way process and that Mr Quadrio's experience with DEC during previous lease adjustment negotiations likely affected his ability to deal with the department in an impartial manner. The Committee also notes that the protracted negotiations may have resulted partly because Mr Quadrio did not promptly respond to DEC's correspondence or request; and sometimes did not produce information he had agreed to provide. Both DEC and Mr Quadrio have advised that the parties reached an agreement and all but four kilometres of the fencing has been completed.

The Committee received further reports of un-neighbourly behaviour; this time from the Amalgamated Prospectors and Leaseholders Association (APLA), who represent the interests of tenement holders throughout the state. APLA has raised concerns over the presence of cameras on DEC property in the Kalgoorlie region stating that DEC has been using 'dingo monitoring cameras' to monitor public activity on the roads around the former pastoral leases.<sup>156</sup> APLA told the Committee that local DEC staff have made it known that 'this practice will occur in the future to monitor activity and prevent access by those without permit.'<sup>157</sup> APLA provided this example to the Committee:

*...in one case recently a person has requested access to do an environmental survey on a DEC station for a mining company who has a tenement over it. After being delayed access for quite some time he was passing close by, so he drove through the area on a gazetted road to see the terrain type and "get an idea of the flora". Driving through he saw the camera positioned on the road.*

*He did not leave his vehicle or the road and did not conduct any of the survey. He was later spoken to by DEC staff saying they had proof of him "illegally" accessing and working in the area.<sup>158</sup>*

This incident was confirmed to the Committee by the individual in question<sup>159</sup> and prompted the Committee to request information from DEC about the use of these cameras. DEC informed the

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<sup>155</sup> Submission No. 33A from Mr Jim Quadrio, Granite Peak Station, p. 2; Mr Jim Quadrio, Granite Peak Station, Personal Communication, 29 April 2010.

<sup>156</sup> Submission No. 46 from Amalgamated Prospectors and Leaseholders Association of W.A. Inc., 7 May 2010, p. 2.

<sup>157</sup> *ibid.*

<sup>158</sup> *ibid.*

<sup>159</sup> Mr Jim Williams, Jim's Seeds, Weeds & Trees, Personal Communication, 12 May 2010.

Committee that these cameras have not been installed in the Goldfields Region to monitor access and have not been used to photograph people.<sup>160</sup> DEC advises that it uses infrared movement detector cameras and remote cameras to monitor animal movement associated with mammal reintroduction, predator control programs and wildlife surveys.<sup>161</sup> These cameras are portable and are only deployed for the duration of specific research activities, which sometimes includes positioning them to take images across tracks to detect the presence of feral animals along these corridors.<sup>162</sup> DEC maintains however, that the cameras only capture still images and due to the response time of the camera, this type of placement is incapable of capturing images of a quality to identify particular vehicles.<sup>163</sup>

DEC provided the Committee with an array of photos from these cameras, including a clear photo of a DEC vehicle parked on a track and a dust cloud caused by a passing vehicle. In the incident described above, the individual was parked alongside the DEC property; therefore it is possible that an image of the vehicle was captured by one of these cameras. The Committee accepts that it is not the stated policy or intention of the department to use these cameras to monitor access to its properties, but is concerned that the captured images may have been used by individual staff in an inappropriate manner.

The Committee was provided with a sufficient number of examples of behaviour from DEC officials which, even if not representative of DEC's overall performance, could still be construed as un-neighbourly and contravening the spirit of the *Good Neighbour Policy*.

While negotiations with neighbours do not always run smoothly and can become protracted, DEC has assumed the onus for rising above these issues. The *Good Neighbour Policy* states that 'DEC staff will take the initiative to establish and maintain positive relationships with neighbours, local communities and peak industry and community groups' [emphasis added].<sup>164</sup>

### **Finding 5**

There is sufficient evidence to suggest that principles of the *Good Neighbour Policy* are not being regularly applied in the Department of Environment and Conservation's former pastoral lease management processes.

<sup>160</sup> Submission No. 27 - Attachment 33 from Department of Environment and Conservation, 2 July 2010, p. 3.

<sup>161</sup> Submission No. 27 - Attachment 33 from Department of Environment and Conservation, 2 July 2010, p. 3.

<sup>162</sup> *ibid.*, p. 4.

<sup>163</sup> *ibid.*

<sup>164</sup> Department of Environment and Conservation, *Good Neighbour Policy*, July 2007, p. 4.

### Recommendation 8

The Department of Environment and Conservation bring forward its review of the *Good Neighbour Policy*, currently scheduled for 2012, to immediately review where departmental relations with landholders can be improved.

## 5.2 Relationships with Traditional Owners

The Committee received submissions from Central Desert Native Title Services (CDNTS), the Yamatji Marlpa Aboriginal Corporation (YMAC) and the Goldfields Land and Sea Council (GLSC). The YMAC and GLSC together represent the areas in which the majority of DEC's former pastoral lease properties are located.

DEC echoes the view of the YMAC, GLSC and CDNTS when it states

*Aboriginal involvement provides the opportunity for reconnection of Aboriginal people with the land and for the application of traditional knowledge to management programs. The potential exists for some employment opportunities to be developed through these arrangements.*<sup>165</sup>

At this stage, arrangements with Traditional Owners are carried out through Memoranda of Understanding, as no legislation exists for binding agreements. The YMAC states that most Traditional Owners and Native Title holders believe they should be involved in genuine co-management of parks and reserves in their claim areas or traditional country. Even so, they have often only been given a right to comment on DEC draft management planning.<sup>166</sup> The YMAC and GLSC are hopeful that potential proposed changes to the *Conservation and Land Management Act 1984* (CALM Act) will allow for more meaningful management agreements.<sup>167</sup> At the hearing on 17 May 2010, Mr McNamara, discussed proposed changes to the CALM Act:

*There are no amendments to the CALM act that are currently in a parliamentary process, but there are a number contemplated and are under active discussion and consideration presently within the department, with other agencies and with our minister. ... We practice joint management, but we practice it without a legislative footing, and it is intended that*

<sup>165</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 26; Submission No. 6 from Goldfields Land and Sea Council, 15 April 2010, p. 2; Submission No. 18A from Central Desert Native Title Services, 16 April 2010, pp. 2-3; Submission No. 37 from Yamatji Marlpa Aboriginal Corporation, 20 April 2010, pp. 5-7.

<sup>166</sup> Submission No. 37 from Yamatji Marlpa Aboriginal Corporation, 20 April 2010, p. 4.

<sup>167</sup> Ms Penelope Muecke, Lawyer, Yamatji Marlpa Aboriginal Corporation, *Transcript of Evidence*, 10 May 2010, p. 4; Submission No. 6 from Goldfields Land and Sea Council, 15 April 2010, pp. 1, 3.

*the CALM act will be amended to provide for an objective of the lands we manage being jointly managed with Aboriginal people and Aboriginal heritage being protected.*<sup>168</sup>

Information provided by DEC, YMAC, GLSC and CDNTS regarding current joint-management projects and relationships is provided below:

### Kimberley

DEC works closely with Traditional Owners as part of its burning program in the region, including planning and carrying out operations at Pantijan Station and the former Charnley River Pastoral lease.<sup>169</sup>

### Pilbara

DEC advises that no specific joint management projects have been initiated for the formal pastoral lease properties in this region to date.<sup>170</sup>

### Midwest

DEC engaged with representatives of the Gnulli Native Title Working Group to prepare the *Kennedy Range National Park and Proposed Additions Management Plan 2008* and has recently had contact regarding the development of an Indigenous Land Use Agreement (ILUA) with the Gnulli people.<sup>171</sup> DEC has briefed the Yamatji Land and Sea Council (part of the YMAC) regarding the management of former pastoral leases and has conducted field trips and preliminary planning for the area over the Cobra, Waldburg, Dalgety Downs and Mt Phillip properties with Traditional Owners.<sup>172</sup>

### Goldfields

DEC and the GLSC signed an MOU in 2002 which has encouraged joint-management initiatives between DEC and the Traditional Owners.<sup>173</sup> DEC has established a Mentored Aboriginal Training and Employment Scheme in Kalgoorlie and, among other projects, has facilitated several joint visits to former pastoral leases.<sup>174</sup> The GLSC reports that Traditional Owners are generally supportive of DEC's acquisition of pastoral lease properties in the Goldfields region, its pest

<sup>168</sup> Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 17 May 2010, p. 13.

<sup>169</sup> Submission No. 27 - Attachment 32 from Department of Environment and Conservation, 4 June 2010, p. 4.

<sup>170</sup> *ibid.*

<sup>171</sup> *ibid.*

<sup>172</sup> *ibid.*

<sup>173</sup> Submission No. 6 from Goldfields Land and Sea Council, 15 April 2010, p. 1; Submission No. 27 - Attachment 32 from Department of Environment and Conservation, 4 June 2010, p. 3.

<sup>174</sup> Submission No. 27 -Attachment 32 from Department of Environment and Conservation, 4 June 2010, pp. 3-4.

animal and weed management programs and its preservation of pastoral heritage.<sup>175</sup> The GLSC does express some concern about the effects on native animals caused by DEC's removal of artificial water sources.<sup>176</sup>

DEC has also signed an MOU with the Wiluna Traditional Owners to progress joint-management of the Earraheedy and Lorna Glen properties.<sup>177</sup> It provides an informal framework for decision-making and for the payment of Traditional Owners to participate in joint-management meetings and employment opportunities for local Martu people.<sup>178</sup> A park council has been formed and a range of works, including site visits, cultural heritage mapping, prescribed burning, fencing and the establishment of camp sites, has been carried out.<sup>179</sup> CDNTS states that these return to country trips 'play an important role in maintaining the cultural, spiritual and physical health of Martu'.<sup>180</sup>

CDNTS also provides information about the development of the Wiluna Land Management Unit with DEC that employs a part-time Martu Land Management Coordinator and provides regular casual employment for 5-6 previously unemployed Martu men living in Wiluna.<sup>181</sup> CDNTS' vision for the Unit is for it to develop into a 'fully independent and locally empowered land management business' and it has recently entered into discussions with DEC about a more formal 'fee-for-service' contract for the management of Lorna Glen and Earraheedy.<sup>182</sup>

Further information on the project at Lorna Glen and Earraheedy can be found in *Operation Rangelands Restoration: A 2020 Vision*.<sup>183</sup>

DEC's relationship with Traditional Owners has been reported to be mostly positive. Still, the YMAC has concerns that DEC's approach to Traditional Owners can be ad hoc with varied experiences depending on the local staff; and that there is a disconnect between DEC's Geraldton and Perth offices.<sup>184</sup> The Committee supports DEC's engagement with Traditional Owners and recognises the benefit that meaningful co-management of land can have for both parties. It is therefore essential that DEC make efforts to bring the aforementioned changes to the CALM Act into the legislative process.

<sup>175</sup> Submission No. 6 from Goldfields Land and Sea Council, 15 April 2010, p. 1; Submission No. 27 - Attachment 32 from Department of Environment and Conservation, 4 June 2010, pp. 1-3.

<sup>176</sup> Submission No. 6 from Goldfields Land and Sea Council, 15 April 2010, p. 1; Submission No. 27 - Attachment 32 from Department of Environment and Conservation, 4 June 2010, pp. 2-3.

<sup>177</sup> Submission No. 27 -Attachment 32 from Department of Environment and Conservation, 4 June 2010, p. 3.

<sup>178</sup> Submission No. 18A from Central Desert Native Title Services, 16 April 2010, p. 2.

<sup>179</sup> Submission No. 27 -Attachment 32 from Department of Environment and Conservation, 4 June 2010, p. 3.

<sup>180</sup> Submission No. 18A from Central Desert Native Title Services, 16 April 2010, p. 2

<sup>181</sup> *ibid.*, pp. 2-3.

<sup>182</sup> *ibid.*, p. 3

<sup>183</sup> Submission No. 27 - Attachment 14 from Department of Environment and Conservation, 16 April 2010.

<sup>184</sup> Ms Penelope Muecke, Lawyer, Yamatji Marlpa Aboriginal Corporation, *Transcript of Evidence*, 10 May 2010, pp. 3-4.

**Finding 6**

Joint-management plans between Traditional Owners and the Department of Environment and Conservation can clearly benefit both parties. Traditional Owners, and their children, can enjoy employment and “return to country” opportunities, while the department can have conservation and animal management work undertaken in areas where staff are not always available.

**Recommendation 9**

Department of Environment and Conservation take action to expedite proposed changes to the *Conservation and Land Management Act 1984* that will provide legislative backing to joint-management plans with Traditional Owners.

## CHAPTER 6 MANAGEMENT OF PEST ANIMALS AND WEEDS

DEC's pest animal and weed management strategies, policies and programs are designed and implemented in the context achieving the recovery, rehabilitation and conservation of the rangelands. The condition of Western Australia's rangelands has deteriorated significantly, with 54 per cent in either poor or only fair condition.<sup>185</sup>

*The causes of rangeland degradation include overstocking, lack of flexibility in adjusting stock numbers to seasonal conditions, the impact of preferential grazing causing some plants to decline, even disappear from some landscapes, the slow rate of regeneration of perennial plants and the frequency of droughts.*<sup>186</sup>

Arresting this deterioration and promoting recovery of the rangelands is addressed by DEC through destocking, fencing and the removal of artificial water sources. These three practices are designed to reduce the grazing pressure caused by domestic, native and pest animals which allows the vegetation to recover and decreases water runoff from soil impaction. DEC also conducts pest animal management programs, including baiting, trapping and culling, in order to promote recovery and as part of its *Good Neighbour Policy*.

### 6.1 Land Regeneration Strategies

#### (a) Destocking

DEC states that following acquisition, each property is destocked by the lessee as a condition of sale.<sup>187</sup> Destocking generally takes one to three years depending on stock numbers, the size of the property and weather conditions and until it is completed, the property is still effectively managed as a pastoral lease.<sup>188</sup> The necessity and effect of destocking on land regeneration was not disputed by any of the pastoralists who met with the Committee or made submissions to the Inquiry. Several pastoralists, in general conversation with the Committee during investigative travel, expressed that they would like to fully or partially destock their lease for a period of time in order to regenerate the vegetation and improve the long-term viability of their business, however economic considerations and the conditions of their lease prevented it.

During its investigative travel to the Murchison region, the Committee stayed at Wooleen Station, run by Mr David Pollock and Ms Frances Jones. Mr Pollock has destocked his property and is undertaking rehabilitation programs to encourage regrowth of vegetation and prevent soil erosion and water runoff from soil impaction. It is Mr Pollock's intention to allow the land to regenerate to

<sup>185</sup> Mr Anthony Brandis, *Rescuing the Rangelands*, Department of Environment and Conservation, Perth, 2008, p. xvii.

<sup>186</sup> *ibid.*

<sup>187</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 9.

<sup>188</sup> *ibid.*

a point where he can sustainably begin grazing stock again. Mr Pollock is carrying this out at significant personal expense, supplementing his income with a tourism operation at Wooleen Station, but believes this is necessary to the long-term viability of his business and the pastoral industry in the rangelands.

The Committee accepts that destocking is necessary to DEC's aims and did not receive complaints about DEC's destocking policy during the course of the Inquiry.

### **Finding 7**

The Department of Environment and Conservation's destocking policy is an accepted and necessary component of its land management strategy.

## **(b) Water Source Removal**

DEC's removal of artificial water sources on the acquired pastoral leases was one of the most controversial issues raised during the Inquiry. Fifty-four per cent of submissions discussed the issue of water source removal.<sup>189</sup> Large numbers of artificial water sources, such as windmills and dams, have been constructed on pastoral leases in order to sustain stock over vast areas in an arid climate. These water sources also sustain large populations of kangaroos and other pest animals, thereby increasing grazing pressure on the land. There is a strong argument that the provision of artificial water sources creates zones of extreme degradation around watering points, reduces the abundance of palatable native perennial grasses due to selective grazing and attracts predatory cats and foxes.<sup>190</sup>

The Conservation Council of Western Australia Inc believes that:

*Controlling access to those watering points is an integral part of restoring some sort of balance to arrest the ongoing land degradation...*<sup>191</sup>

The Wilderness Society (WA) Inc,<sup>192</sup> DAFWA,<sup>193</sup> and many pastoralists including Mr Pollock<sup>194</sup> agree that it is necessary to remove artificial water sources in order to diminish populations of pest

<sup>189</sup> Including but not limited to: Submission No. 1A from Mr Allan Morton, 2 April 2010, p. 4; Submission No. 3 from Mr Alf Campbell, 13 April 2010, p. 1; Submission No. 4A from Ms Janet Mears, Calooli Station, 13 April 2010, pp. 1-2; Submission No. 6 from Goldfields Land and Sea Council, 15 April 2010, p. 3; Submission No. 7 from Conservation Council of Western Australia Inc., 15 April 2010, pp. 1-2; Submission No. 8A from Mr David McQuie, Bulga Downs Station, 15 April 2010, p. 1; Submission No. 9A from Mr Graeme Campbell, 12 April 2010, p. 2; Submission No. 11A from Mr Robert Baron, 15 April 2010, p. 1.

<sup>190</sup> Mr Anthony Brandis, *Rescuing the Rangelands*, Department of Environment and Conservation, Perth, 2008, pp. 152-153.

<sup>191</sup> Submission No. 7 from Conservation Council of Western Australia Inc, 15 April 2010, p. 1.

<sup>192</sup> Submission No. 42A from Wilderness Society (WA) Inc, 28 April 2010, p. 6.



animals and promote land regeneration. The general sentiment expressed to the Committee however, is that DEC is not properly conducting or managing this process, with profound consequences.

The four main consequences of this policy as conveyed to the committee were:

- Movement of native and pest animals from DEC-managed former pastoral leases onto neighbouring pastoral leases
- Extreme suffering and eventual death of native and pest animals
- Reduction in capacity for fire prevention and control
- Risk of death for tourists and others travelling through remote regions.

It would appear that without proper culling or mustering in conjunction with water source closures, the animals that rely on these waters will move onto neighbouring pastoral leases where there is water, or die. The deaths of native and pest animals as a result of the removal of water sources was widely publicised in late December 2009 and early January 2010 during an incident at Warriedar, a DEC-managed former pastoral lease south-west of Mt Magnet. DEC states that:

*Man-made water sources are progressively closed to discourage domestic and feral animals. Water closures are carefully timed to minimise impacts on animals and to ensure that DEC meets its responsibilities under the Animal Welfare Act 2002.<sup>195</sup>*

DEC also states that:

*Water closures are conducted during seasons where there is abundant surface water, in order to enable animals to disperse to natural surface-water areas. ... Where necessary, controlled animal culling programs (feral animals and/or kangaroos) are undertaken at the same time as artificial waters are progressively closed, and regular musters of wandering stock are arranged to be carried out by neighbouring pastoralists when requested by DEC.<sup>196</sup>*

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<sup>193</sup> Dr Chris Chilcott, Regional Manager Rangelands, Department of Agriculture and Food, *Transcript of Evidence*, 17 May 2010, p. 11.

<sup>194</sup> Mr David Pollock, Wooleen Station, Personal Communication, 28 April 2010.

<sup>195</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 13.

<sup>196</sup> Submission No. 27 - Attachment 31 from Department of Environment and Conservation, 22 May, p. 5.

The Royal Society for the Prevention of Cruelty to Animals Western Australia (RSPCA) believes that:

*The assumption that all animals will have to capacity to actively move from a diminishing water supply without the potential for significant suffering is clearly questionable.*<sup>197</sup>

A point that was repeatedly raised during the Inquiry is that these water sources have been in place for more than 100 years, and the animals have come to rely on them.<sup>198</sup> Despite DEC's stated intentions to have the animals disperse to natural water sources or be humanely removed from the properties, the Committee heard from a number of people who have witnessed (or can confirm in their professional capacity) the deaths of animals as a result of the removal of these water sources.<sup>199</sup>

Mr Dowden advised the Committee that some of the larger pastoral businesses had put up call netting fencing on their boundaries to prevent pest animals coming onto their property from neighbouring DEC land.<sup>200</sup> He states that when DEC shuts down the water, or when drought dries up the natural water sources on their property, there is a 'massive influx' of animals, including emus, kangaroos, wild dogs and goats, onto neighbouring pastoral properties.<sup>201</sup> However, in places where these fences have been installed and the animals cannot get through, Mr Dowden has seen 'upwards of 200 to 300 dead emus and kangaroos in corners of DEC land'.<sup>202</sup>

The Committee also received a number of reports about an incident that occurred in 2005 at Earraheedy, a DEC-managed former pastoral lease property north-east of Wiluna. The former Earraheedy Station lessee, Mr Ross Quartermaine, advised that when DEC purchased the property

<sup>197</sup> Submission No. 48 from Royal Society for the Prevention of Cruelty to Animals WA (Inc.), 12 May 2010, p. 4.

<sup>198</sup> Submission No. 3 from Mr Alf Campbell, 13 April 2010, p. 1; Submission No. 4A from Ms Janet Mears, Calooli Station, 13 April 2010, p. 2; Submission No. 28A from Mr Richard Shallcross, Bullara Estates Pty Ltd, 21 April 2010, p. 1; Submission No. 29A from Shire of Upper Gascoyne, 9 April 2010, p. 1; Submission No. 34A from Ms Karen Morrissey, Meeline Station, 23 April 2010, p. 3; Submission No. 38 from Ms Gemma Poli, 28 April 2010, p. 1; Submission No. 43A from Shire of Perenjori, 30 April 2010, p. 1; Mr Ashley Dowden, Chairman, Meekatharra Rangeland Biosecurity Association, *Transcript of Evidence*, 20 April 2010, p. 6; Mr Digby Corker, Red Hill Station, *Transcript of Evidence*, 19 April 2010, p. 9; Mr Trevor Donaldson, Operations Manager, Goldfields Land and Sea Council, Personal Communication, 12 May 2010.

<sup>199</sup> Submission No. 12A from Lyndon Land Conservation District Committee, 11 April 2010, p. 1; Submission No. 15A from Mr Ross Quartermaine, 16 April 2010, pp. 2-3, 5; Submission No. 35 from Mr Ross Peskett, 22 April 2010, pp. 2-12, Submission No. 48 from Royal Society for the Prevention of Cruelty to Animals Western Australia, 12 May 2010, pp. 2-4; Mr Ashley Dowden, Chairman, Meekatharra Rangeland Biosecurity Association, *Transcript of Evidence*, 20 April 2010, pp. 5-6; Mr Ross Lawrie, Executive Manager Animal Operations, Royal Society for the Prevention of Cruelty to Animals Western Australia, *Transcript of Evidence*, 3 May 2010, p. 6; Mr Brian Fearn, *Transcript of Evidence*, 10 May 2010, p. 2.

<sup>200</sup> Mr Ashley Dowden, Chairman, Meekatharra Rangeland Biosecurity Association, *Transcript of Evidence*, 20 April 2010, p. 5.

<sup>201</sup> *ibid.*

<sup>202</sup> *ibid.*

some wild horses remained, and although he was told that some dams would be left functioning, at a later date they were closed.<sup>203</sup> Mr Quartermaine then arranged with some horse enthusiasts to remove many of the horses and pet meat shooters were also encouraged to shoot as many of the remaining horses as possible.<sup>204</sup> Mr Quartermaine provides a detailed description of the result of removing the artificial water sources on Earraheedy:

*When DEC purchased Earraheedy there were a number of windmills on bores and some dams supplying water. The nature of windmills is that they need ongoing maintenance to keep pumping and they all eventually stopped working or were shut down and those waters dried up. Limited harm seems to have come of that, with a few exceptions. However the dams were a different matter. Left unattended a dam will keep doing its job of collecting and storing water with no assistance. So DEC blocked the inlet pipes to the dams in order to stop them from filling. The result of this is that the water levels eventually dropped and exposed mud at the bottom. Animals going in for water then found themselves caught in the mud and large numbers died a miserable death. These were mostly kangaroos but there were also horses, camels and also cattle from neighbouring properties. When rain fell the normal filling through the inlet pipes did not occur but the walls of the dams had sufficient surface area to put some water in the bottom. This attracted more animals, some of which then died or at least were weakened by drinking the water which had been contaminated by the bodies of previously dead animals. Of course the survivors of this were vulnerable to the mud as the water receded again.<sup>205</sup>*

Mr Quartermaine provided the Committee with a large number of photographs taken at various dams on Earraheedy between February and July 2005.<sup>206</sup> The photographs show deceased and decaying bodies of cattle, dogs, camels, kangaroos and a fox and are incredibly distressing. In its submission to the Inquiry, the RSPCA provided a copy of a video shot by Mr Quartermaine at the time the aforementioned photos were taken. In addition to the same scenes depicted in the photographs, the video shows a baby camel whose bellows can be clearly heard as it struggles to free itself from the mud at the bottom of a dam.

The RSPCA advised the Committee that it wrote to DEC about the incident after receiving notification from Mr Quartermaine in November 2005 and received a response 'setting out the actions by CALM' in February 2006.<sup>207</sup> It wasn't until early April 2006 that the then-RSPCA Chief Inspector and RSPCA Prosecuting Inspector met with DEC's Director of Nature Conservation but dialogue seems to have been maintained from that point with a formal reply being received in early May.<sup>208</sup> In August 2006, the RSPCA were advised that DEC's plans were

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<sup>203</sup> Submission No. 15A from Mr Ross Quartermaine, 16 April 2010, p. 2; Mr Ross Quartermaine, Personal Communication, 29 April 2010.

<sup>204</sup> Submission No. 15A from Mr Ross Quartermaine, 16 April 2010, pp. 2-3.

<sup>205</sup> *ibid.*, p. 3.

<sup>206</sup> Submission No. 15A - Attachment 1 from Mr Ross Quartermaine, 29 April 2010.

<sup>207</sup> Submission No. 48 - Attachment 1 from Royal Society for the Prevention of Cruelty to Animals Western Australia, 12 May 2010, p. 1.

<sup>208</sup> *ibid.*, pp. 2-3.

progressing and that they were also in the process of filling in the dams on Earraheedy.<sup>209</sup> It is the RSPCA's assessment that delays in actions on Earraheedy are likely to have negatively impacted on animal welfare.<sup>210</sup>

Given its serious nature, the Committee questioned DEC closely at hearings in May 2010 about the background that led to the incident and the department's response and requested a detailed account, which follows.

At the time of purchase in 1999, there were 23 operational windmills, a pump bore and eight dams (seven operational) on Earraheedy.<sup>211</sup> Systematic closure of the windmills was done in conjunction with destocking and culling in the first few years after the purchase.<sup>212</sup> Good seasons and above average rainfall during this time resulted in 'an abundant supply of natural water in the numerous lakes and claypans and good feed'.<sup>213</sup> However, the 2004 and 2005 seasons were very dry (with the summer of 2004/05 often cited as the worst summer in twenty years) and led to the deaths of stock, feral animals and kangaroos on all land tenures across the rangelands.<sup>214</sup>

*In 2003, 2004 and 2005, due to ongoing problems with feral animals, wandering stock and elevated kangaroo numbers, the remaining seven operational dams (artificial waters) were closed by breaking the catchment wing banks and/or blocking the inlet pipes so they could dry out.*<sup>215</sup>

DEC states that moves to commence culling horses and kangaroos in conjunction with the dam closures were delayed by local pressure to trap and relocate some of the horses.<sup>216</sup> Removal operations were conducted by Drs Sheila Greenwell and Paul Wynn-Houchin throughout 2005.<sup>217</sup> Following the final removal operation DEC implemented management actions which involved arranging a cull of horses, feral animals and kangaroos on the property.<sup>218</sup> Storms in November 2005 provided natural surface waters and during 2006 DEC filled in all nine dams on Earraheedy and carried out significant fencing construction.<sup>219</sup>

<sup>209</sup> Submission No. 48 - Attachment 1 from Royal Society for the Prevention of Cruelty to Animals Western Australia, 12 May 2010, p. 3.

<sup>210</sup> Submission No. 48 from Royal Society for the Prevention of Cruelty to Animals Western Australia, 12 May 2010, p. 4.

<sup>211</sup> Submission No. 27 - Attachment 30 from Department of Environment and Conservation, 19 May 2010, p. 9.

<sup>212</sup> *ibid.*

<sup>213</sup> *ibid.*, p. 10.

<sup>214</sup> *ibid.*

<sup>215</sup> *ibid.*

<sup>216</sup> *ibid.*

<sup>217</sup> *ibid.*

<sup>218</sup> *ibid.*, p. 11.

<sup>219</sup> *ibid.*, p. 12.

In its letter dated 22 May 2009, the department ‘accepted that it was at fault in not preventing the incident, and has taken steps to prevent the possibility of a re-occurrence’.<sup>220</sup> The Committee acknowledges this, however it believes that the department has been keen to blame the drought conditions and the horse removal operations rather than its own management practices.<sup>221</sup>

As noted above, it is DEC’s stated practice to remove artificial water sources during good seasons where there are abundant natural surface waters. DEC has advised that good rains in the years after the purchase of Earraheedy in 1999 provided abundant natural surface waters, therefore the Committee finds it difficult to understand why these dams were not shut down during this period, especially as DEC conducted strategic closures of the windmills at that time. The Committee considers that the critical delays caused by horse removal operations at the height of the drought might not have occurred if the department had moved to close the dams during the good seasons between 1999 and 2003.

DEC states that early attempts to close the dams were frustrated by sabotage, with plugs being removed.<sup>222</sup> The Committee acknowledges that DEC encountered local opposition to its programs,<sup>223</sup> however considers that as artificial water source removal is key to the department’s land conservation program it should ensure it is carried out. Failure to do so in line with stated management guidelines and objectives can lead to incidents such as those witnessed at Earraheedy. The resultant suffering contravenes the intent of the *Animal Welfare Act 2002*, which is designed to ‘ensure the proper and humane care and management of all animals in accordance with generally accepted standards’.<sup>224</sup>

### **Finding 8**

Failure by the Department of Environment and Conservation to properly co-ordinate culling operations with water source removal activities has contributed to the inhumane death and suffering of many native and feral pest animals.

<sup>220</sup> Submission No. 27 - Attachment 31 from Department of Environment and Conservation, 22 May 2010, p. 5.

<sup>221</sup> *ibid.* See also: Submission No. 27 - Attachment 30 from Department of Environment and Conservation, 19 May 2010, pp. 5-13; Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 17 May 2010, p. 19.

<sup>222</sup> Submission No. 27 - Attachment 30 - Attachment K from Department of Environment and Conservation, 19 May 2010, p. 2.

<sup>223</sup> Submission No. 27 - Attachment 30 from Department of Environment and Conservation, 19 May 2010, p. 10.

<sup>224</sup> *Animal Welfare Act 2002 27 April 2008* (Western Australia), Section 3 (2)(b)

**Recommendation 10**

The Department of Environment and Conservation conduct its future water source removal operations only during periods where abundant surface waters are evident and only after corresponding culling activities have been confirmed with relevant parties and neighbouring properties.

**Recommendation 11**

The Department of Environment and Conservation report on its water source removal policy and how this policy now ensures the humane management of affected animals.

The RSPCA also provided details of the cruelty investigation it conducted between 16 November 2009 and 12 January 2010 in relation to an incident at the former Warriedar Station. The RSPCA was alerted to the presence of starving and thirsty horses at the property by ABC radio and requested information from DEC.<sup>225</sup> The department's district manager in Geraldton responded promptly, explaining that the tenant at Warriedar had become ill and arranged for someone else to look after the property while they were away.<sup>226</sup> These people took the horses to Warriedar without permission and had gone away themselves, asking others to look after them.<sup>227</sup> DEC advised the RSPCA that they attended the property and the horses were without water but had adequate food.<sup>228</sup> They restored the water before contacting the owners of the horses and requesting them to remove the horses and vacate the property.<sup>229</sup>

Subsequently, on 29 December 2009, *The West Australian* printed an article headlined 'Back-to-nature stations raise pastoralists' anger', which covered the above incident and detailed the discovery of dead and dying feral goats in the Warriedar homestead.<sup>230</sup> After receiving several phone calls from concerned citizens regarding this article, the RSPCA contacted the Department of Local Government who advised that they had also received complaints and were going to look

<sup>225</sup> Submission No. 48 - Attachment 2 from Royal Society for the Prevention of Cruelty to Animals Western Australia, 12 May 2010, p. 1.

<sup>226</sup> *ibid.*

<sup>227</sup> *ibid.*

<sup>228</sup> *ibid.*

<sup>229</sup> *ibid.*

<sup>230</sup> Quinton, S, 'Back-to-nature stations raise pastoralists' anger', *The West Australian*, 29 December 2009, p. 5. This article was also published online. Quinton, S, 'Back-to-nature stations blamed for feral plague', 29 December 2009. Available at: <http://au.news.yahoo.com/thewest/a/-/wa/6627842/backtonature-stations-blamed-for-feral-plague/>. Accessed on 11 August 2010.

into it.<sup>231</sup> On 11 January 2010 the RSPCA received an email from an individual who was allegedly told by DEC that the water source was broken and they were not going to fix it because they were only nuisance feral goats.<sup>232</sup> The following day the RSPCA received a telephone call from the station's former owner who reported there were seven or eight dead goats in the homestead and six to eight live goats nearby with the nearest water 25 miles away.<sup>233</sup> The Department of Local Government conducted an investigation, advising the RSPCA that DEC had confirmed an officer would attend the property to shoot any live goats and that the District Manager believed the goats had wandered in from neighbouring properties as the water on Warriedar had been closed since 2006 and the station had been destocked.<sup>234</sup>

While Warriedar has in fact been destocked and most of the water sources have been removed, a small number of windmills have been maintained to provide a water source for the ongoing trapping and removal of goats that stray onto Warriedar from neighbouring properties.<sup>235</sup> Therefore, while these goats may not have originated from Warriedar, it is expected that there will be a continuing presence of goats on the property.

Mr McNamara, and Mr Gillen of DEC confirmed the essentials of the RSPCA report at the hearing on 17 May 2010, adding that the people were asked to leave just prior to Christmas 2009 and the building was boarded up. Unfortunately it was soon vandalised and left open in such a way that animals were able to gain access.<sup>236</sup>

Mr Ross Peskett, who has conducted the trapping and mustering of goats on Warriedar since 2006, confirmed in his submission that when he called by the homestead on 19 December 2009, 'the place was totally trashed'.<sup>237</sup> Mr Peskett provides a detailed account of his experiences with DEC and the problems leading up to the incident at Warriedar in his submission. Beyond the animal welfare concerns, the incident demonstrates the problems associated with the placement of tenants in homesteads on DEC properties and strengthens the Committee's earlier recommendation towards greater use of appropriately qualified caretakers.

The homestead on Warriedar was being used by 'local families in need of urgent accommodation ... on a temporary basis free of charge'.<sup>238</sup> The Committee notes the speed with which the

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<sup>231</sup> Submission No. 48 - Attachment 2 from Royal Society for the Prevention of Cruelty to Animals Western Australia, 12 May 2010, p. 1.

<sup>232</sup> *ibid.*

<sup>233</sup> *ibid.*

<sup>234</sup> *ibid.*, pp. 1-2.

<sup>235</sup> Submission No. 35 from Mr Ross Peskett, 22 April 2010, p. 4.

<sup>236</sup> Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 17 May 2010, p. 18; Mr Kelly Gillen, Regional Manager Midwest, Department of Environment and Conservation, *Transcript of Evidence*, 17 May 2010, p. 19.

<sup>237</sup> Submission No. 35 from Mr Ross Peskett, 22 April 2010, p. 9.

<sup>238</sup> *ibid.*, p. 4.

homestead was vandalised when left vacant in December 2009 and therefore questions whether it was appropriate to be occupying the homestead with a series of temporary tenants.

Mr Peskett, in a letter to Hon Donna Faragher, Minister for Environment advised that:

*throughout November and December it was clear that the tenants in Warriedar homestead did not want me there and it culminated with the smashing of my last water point in late December 2009.*<sup>239</sup>

The Committee believes that Mr Peskett had the permission of DEC to trap and muster feral goats on Warriedar and was providing a service to the department which has now ceased because of DEC's failure to adequately monitor the tenancy arrangements on that property.

### **Finding 9**

The placement of unsuitable tenants into the Warriedar homestead led to a rapid deterioration in the condition of the property and significantly undermined what had been a mutually beneficial pest animal management agreement.

Concerns were also raised with the Committee about the improper closure of windmills which can lead to animal deaths and may pose a risk to humans.<sup>240</sup> DEC states that 'old wells and bores have been covered to prevent people and animals from falling into them'.<sup>241</sup> The department's caretaker at Lorna Glen, Mr Bruce Withnell, advised that when he does a fence run, he checks the well covers, and he advises that some of the wells have had hand pumps put on them so that people can still use them.

However, Mr Brian Fearn, a professional kangaroo shooter, advised the Committee that he has seen uncovered wells on Dalgara Station.<sup>242</sup> Mr Fearn states that 'where the windmills have been taken down, there is timber across them, but the wells themselves do not have a hard cover'.<sup>243</sup> As a WorkSafe licensed trainer and assessor, Mr Fearn believes this is a clear breach of the *Occupational Safety and Health Act 1984*.<sup>244</sup>

<sup>239</sup> Submission No. 35 from Mr Ross Peskett, 22 April 2010, p. 8.

<sup>240</sup> Submission No. 30A from Shire of Yalgoo, 23 April 2010, pp. 2-3; Submission No. 47 from Mr Brian Fearn, p. 1; Mr Brian Fearn, *Transcript of Evidence*, 10 May 2010, pp. 2, 6-7.

<sup>241</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 24.

<sup>242</sup> Mr Brian Fearn, *Transcript of Evidence*, 10 May 2010, p. 2

<sup>243</sup> *ibid.*

<sup>244</sup> Submission No. 47 from Mr Brian Fearn, 10 May 2010, p. 1; Submission No. 46 from Amalgamated Prospectors and Leaseholders Association of W.A. Inc., 7 May 2010, p. 2.



### Recommendation 12

The Department of Environment and Conservation ensure that all windmills closed on its properties are dismantled and monitored to permanently remove the risk of death or injury to humans and animals.

The Committee also heard concerns that the removal of artificial water sources from these properties leads to increased fire risk. It is not only that there is less water on these properties to fight fires, but that access roads are no longer adequately maintained as a result of mill and dam closures.<sup>245</sup> Windmills require constant monitoring and maintenance and pastoral lessees regularly do what is termed a “mill run” where they go out to check each individual mill and perform any necessary repairs. Naturally, the conduct of the mill run on pastoral leases (the average size of which is 185,000 hectares)<sup>246</sup> keeps the access roads and tracks clear, but when DEC removes the artificial water sources, there is no need for a mill run and the tracks become overgrown. Mr Fearn, who has worked throughout the Gascoyne-Murchison region, sums up the problems:

*If I were a neighbour of CALM or DEC, in the event of fire, I would want to know whether it had standard water points where we could retrieve water for firefighting. I would want to know what its tracks were like and whether they had been maintained. I do not want to be trying to drive in there to put out a fire that is threatening my place and find that all the tracks marked on the maps are gone.*<sup>247</sup>

Additionally, there are concerns about the risk to human life when these water sources are no longer in use, but are still marked on maps used by tourists and other people working in the area.<sup>248</sup> DEC notes that publicly available maps of the rangelands are ‘not comprehensive and often out of date’<sup>249</sup> but advised the Committee that is:

*...happy to supply map data for the former pastoral leasehold properties it manages to map producers and will routinely do so when consulted ahead of new map editions being produced.*<sup>250</sup>

<sup>245</sup> Submission No, 29A from Shire of Upper Gascoyne, 9 April 2010, p. 1; Mrs Jano Foulkes-Taylor, Personal Communication, 28 April 2010

<sup>246</sup> The Pastoral Lands Board of Western Australia, ‘Ensuring Ecologically Sustainable Use of Pastoral Lands’, April 2007. Available at: [http://lands.rdl.wa.gov.au/mediaFiles/pastoral\\_PLB\\_Brochure.pdf](http://lands.rdl.wa.gov.au/mediaFiles/pastoral_PLB_Brochure.pdf). Accessed on 25 March 2010.

<sup>247</sup> Mr Brian Fearn, *Transcript of Evidence*, 10 May 2010, p. 5.

<sup>248</sup> Submission No. 30A from Shire of Yalgoo, 23 April 2010, p. 3.

<sup>249</sup> Submission No. 27 - Attachment 32 from Department of Environment and Conservation, 4 June 2010, p. 15.

<sup>250</sup> *ibid.*

In the interim, DEC encourages visitors to these areas to contact the relevant DEC Regional Office prior to visiting.

### **Finding 10**

In some cases, the closure of windmills under the Department of Environment and Conservation's management has reduced the quality of monitoring undertaken on access roads. This can lead to increased fire risk. Failure to adequately advise of these closures can also endanger workers and tourists in the area.

### **Recommendation 13**

The Department of Environment and Conservation include on its website an updated map of all active and deactivated water sources on former pastoral leases.

## **(c) Fencing**

The fencing issue is particularly sensitive because of the conflict between the needs and requirements of pastoralists and those of the department. DEC's priority is nature conservation, and this is its main motivator when making the decision to construct a boundary fence with a pastoral property. Therefore, when fencing, the department is looking to keep out those animals which diminish land and flora regeneration, such as cattle, sheep and feral goats. In contrast, pastoralists' main priority when fencing is to keep out wild dogs, which attack their cattle and sheep.

The Committee regularly witnessed claim and counter-claim around the issue of fencing and pest animal control. Pastoralists are very concerned about the incursion of wild dogs onto their lands because of the impact on their stock, while some pastoralists seem unwilling to control their stock from entering and grazing on DEC land. DEC addressed the issue in their submission stating that:

*Stock management practices vary throughout the rangelands. Properties in the northern parts of the southern rangelands...are often open range operations and lessees do not consider fencing necessary to their enterprise. It is sometimes difficult to convince these pastoralists of the necessity to boundary fence, even when their cattle persistently graze on conservation reserves or former pastoral leases managed for conservation.*<sup>251</sup>

<sup>251</sup>

Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 20.

Responding to a question on the topic at a hearing, DEC's Director General was more explicit, commenting that some pastoralists had different motivations and stating he suspected that:

*[s]ome of them do not mind their stock being able to sneak across the fence line.*<sup>252</sup>

The Committee understands that pastoralists may have operated under a type of "gentlemen's agreement" in relation to boundary incursions and wandering stock with their neighbours in the past and that sharing a boundary with DEC presents a significant change to stock management practices. Moreover, the regenerating grasses just across the boundary would look very appealing to struggling pastoralists and their stock. However, the Committee believes that failure of pastoralists to control their stock only diminishes the potential for a good working relationship with the department.

Beyond the differing motivations of pastoralists and DEC, there has been significant concern expressed by both parties about the costs associated with fencing. DEC, as a government department, is not subject to the *Dividing Fences Act 1961*, which, under Section 7, establishes equal cost-sharing fencing arrangements between neighbouring properties. Moreover, DEC's *Good Neighbour Policy* provides guidance on the department's position on boundary fencing and states that DEC's commitment to contribute on a shared basis to the construction and maintenance of boundary fencing does not apply to DEC-managed lands adjoining pastoral leases, 'unless there is a very high priority to protect conservation values'.<sup>253</sup>

Despite this apparent loophole, DEC has advised the Committee that the department has been committed to contributing to boundary fencing in the pastoral region on a 50:50 basis since the GMS.<sup>254</sup> Mr David McQuie of Bulga Downs Station near Sandstone reported an excellent relationship with DEC and advised that the department had shared the cost of new boundary fencing with him.<sup>255</sup> Mr Digby Corker of Red Hill Station near Pannawonica also informed the Committee that DEC had paid for a portion of his fence, but said that some of his neighbours had not been so lucky, with DEC unwilling to contribute to fencing or maintenance.<sup>256</sup> Part of Innouendy Station, leased by Mr Miles Williams, is subject to the 2015 pastoral lease exclusion [see page 6]. Mr Williams advised the Committee that he has been trying to negotiate an agreement with DEC to have his boundary fenced and states DEC has vacillated to the point where they have told him they will discuss it with him in 2015.<sup>257</sup>

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<sup>252</sup> Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 7 May 2010, p. 22.

<sup>253</sup> Department of Environment and Conservation, *Good Neighbour Policy*, July 2007, p. 9.

<sup>254</sup> Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 7 May 2010, p. 22.

<sup>255</sup> Submission No. 8A from Mr David McQuie, Bulga Downs Station, 15 April 2010, p. 1.

<sup>256</sup> Mr Digby Corker, Red Hill Station, *Transcript of Evidence*, 19 April 2010, p. 2.

<sup>257</sup> Mr Miles Williams, Innouendy Station, Personal Communication, 28 April 2010.

This difference in priorities is also reflected in the type of fencing erected, which seems mostly to favour DEC's requirements. The wire and post-type fencing used across the rangelands is designed to keep cattle and sheep out, and with some additional horizontal wire placement may also deter goats, but it is not designed to keep wild dogs or kangaroos out.

Mr Kealley, DEC's Regional Manager Goldfields, advised the Committee that on the boundaries between DEC's Earahedy and Lorna Glen properties and the neighbouring pastoral stations, they can use standard fencing because they don't have feral goats.<sup>258</sup> Mr Jim Quadrio of Granite Peak Station, which shares a border with both Lorna Glen and Earahedy, told the Committee that the fence keeps his cattle out of DEC land but doesn't stop the camels, kangaroos or wild dogs that go in and out of Earahedy.<sup>259</sup> Mr Quadrio and DEC held protracted negotiations over a number of years regarding the construction of the fence, which in the end cost Mr Quadrio about \$70,000.<sup>260</sup>

The Committee could not ascertain whether this type of circumstance is common. However, given that biosecurity barrier fencing capable of keeping wild dogs out can cost \$12,000 per kilometre<sup>261</sup> it is unlikely that much of this type of fencing is being erected in the rangelands, by DEC or anyone else. The Committee is not suggesting that DEC should be using this type of fencing, however believes DEC needs to be more cognisant of the effect their fencing decisions have on neighbouring pastoralists. Even a 50:50 sharing of the cost can place a significant strain on pastoralists who are not required to fence their leases, especially when they appear to derive limited benefit from fencing.

It is the Committee's view that it is reasonable for the department to request a 50:50 sharing of the cost only where it can demonstrate commitment to the control of pest animals affecting neighbouring pastoralists through cooperative baiting, trapping, mustering or shooting programs

### **Finding 11**

The Department of Environment and Conservation's policy of 50:50 cost sharing for fence construction is a reasonable policy, provided the department demonstrates a firm commitment to the control of pest animals affecting neighbouring pastoralists through cooperative baiting trapping, mustering or shooting programs.

<sup>258</sup> Mr Ian Kealley, Regional Manager Goldfields, Department of Environment and Conservation, Personal Communication, 29 April 2010.

<sup>259</sup> Mr Jim Quadrio, Granite Peak Station, Personal Communication, 29 April 2010.

<sup>260</sup> *ibid.*

<sup>261</sup> Mr Ashley Dowden, Chairman, Meekatharra Rangeland Biosecurity Association, *Transcript of Evidence*, 20 April 2010, p. 10.

## 6.2 Pest Animal Management

Over 71 per cent of submissions to the Inquiry discussed the issue of pest animal control. The concerns expressed in these submissions, and throughout the Committee's investigative travel, surround two main issues; the amount of funding DEC provides for control programs and the level of control work done on its properties.

### (a) Pest Animal Control Programs

DEC provided the Committee with information on some of its pest animal and weed control programs across the Goldfields, Pilbara and Midwest Regions, where the majority of the former pastoral lease properties are located. For ease of reference, this information and the concerns raised by pastoralists and industry participants are presented under headings below. Due to the restrictive timeframe, the Committee has not sought to verify each of the statements made. They are presented without bias and serve to demonstrate the complex issue of pest animal and weed management in the rangelands as well as the complicated relationship between DEC and the pastoral industry.

#### (i) Wild Dogs

It is essential for pastoralists to understand that DEC's purpose in acquiring these properties is conservation and that it does not derive significant nature conservation benefit from wild dog control. Equally, it is essential for DEC to understand the detrimental effect that the removal of these properties has on control programs, as it reduces the critical mass of participation required to have an effect on wild dog populations.

DEC advises that wild dogs are abundant on pastoral and DEC-managed properties in the eastern Goldfields and across the Meekatharra, Upper Gascoyne and Carnarvon Shires, while properties in the southern parts of the rangelands adjacent to the agricultural areas have consistently recorded negligible wild dog activity.<sup>262</sup>

*While wild dogs do not present significant threats to nature conservation, DEC is committed to reducing the impacts of wild dogs on the neighbouring pastoral industry as stated in its 2007 Good Neighbour Policy and endorses the Western Australian Wild Dog Management Strategy 2005.*<sup>263</sup>

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<sup>262</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 14.

<sup>263</sup> *ibid.*

DAFWA provides an excellent summary of the issues confronting DEC's conflicting responsibilities of conservation and wild dog control in their submission.<sup>264</sup> Among other issues, DAFWA reports:

*... that there is growing evidence that wild dogs exert a competitive and predatory impact on meso-predators such as foxes and cats, in addition to their regulating influence on numbers of unmanaged grazers such as kangaroos and goats. Therefore it is argued that stable populations of wild dogs are linked to improved biodiversity outcomes, and that control of wild dogs is inconsistent with DEC's objective of protecting, conserving and restoring WA's biodiversity.*<sup>265</sup>

These issues and DEC's objectives appear to have contributed to the view amongst pastoralists and others that DEC's lack of interest and ineffective control programs have provided wild dogs with a sanctuary in which to breed and resulted in increased numbers.<sup>266</sup> It would appear obvious that DEC's removal of food and water sources on its properties would deter wild dogs. However, wild dogs are territorial, living in 'small groups or packs in territories where the home ranges of individuals vary between 10 and 300 square kilometres'.<sup>267</sup>

Indeed Mr Greg Gosztyla, the Meekatharra ZCA dogger, advised the Committee that as dogs are territorial, when they breed, the pups find their own territory.<sup>268</sup> Whereas a female dingo will only breed once a year, a female feral dog has the potential to have two litters per year. At an average of five pups per litter, it is easy to see how the numbers can get out of control if not continually managed.<sup>269</sup>

The Committee would like to clarify a misconception held by some pastoralists that DEC is not a signatory to the Western Australian Wild Dog Management Strategy 2005. DEC correctly advised

<sup>264</sup> Submission No. 14 from Department of Agriculture and Food, 16 April 2010, pp. 2-3.

<sup>265</sup> *ibid.*, p. 3.

<sup>266</sup> Submission No. 4A from Ms Janet Mears, Calooli Station, 13 April 2010 p. 1; Submission No. 10 from Ms Leonie McLeod, Warroora Station, 15 April 2010, p. 2; Submission No. 12A from Lyndon Land Conservation District Committee, 11 April 2010, p. 1; Submission No. 19A from Gascoyne Catchments Group, 16 April 2010, p. 1; Submission No. 20A from Shire of Yilgarn, 19 April 2010, p. 1; Submission No. 31 from the Hon. Wendy Duncan MLC, 23 April 2010, p. 2; Submission No. 34A from Ms Karen Morrissey, Meeline Station, 23 April 2010, p. 5.

<sup>267</sup> Fleming, P, Corbett, L, Harden, R & Thomson, P, 'Managing the Impacts of Dingoes and Other Wild Dogs', Bureau of Rural Sciences, Kingston ACT, 2001, p. 10. Available at: [http://www.daff.gov.au/\\_\\_data/assets/word\\_doc/0011/1654571/dingoes-and-dogs.doc](http://www.daff.gov.au/__data/assets/word_doc/0011/1654571/dingoes-and-dogs.doc). Accessed on 10 August 2010.

<sup>268</sup> Mr Greg Gosztyla, Personal Communication, 28 April 2010.

<sup>269</sup> Fleming, P, Corbett, L, Harden, R & Thomson, P, 'Managing the Impacts of Dingoes and Other Wild Dogs', Bureau of Rural Sciences, Kingston ACT, 2001, p. 11. Available at: [http://www.daff.gov.au/\\_\\_data/assets/word\\_doc/0011/1654571/dingoes-and-dogs.doc](http://www.daff.gov.au/__data/assets/word_doc/0011/1654571/dingoes-and-dogs.doc). Accessed on 10 August 2010.

the Committee that it is ‘not a document requiring signing or formal endorsement’.<sup>270</sup> DEC states that it is

*... represented on the committee and provided input to the strategy’s development. DEC uses the strategy to guide departmental operations and bases wild dog control programs on achieving the outlined objectives and actions in the strategy.*<sup>271</sup>

DEC states that it undertakes wild dog control in the Pilbara, Midwest and Goldfields through sodium monofluoroacetate (1080) baiting programs that are conducted twice-yearly to coincide with wild dog breeding cycles.<sup>272</sup> These programs are coordinated by DAFWA with DEC providing financial assistance as well as practical assistance with bait preparation and distribution.<sup>273</sup> In addition to this DEC has, and will continue to, respond to specific wild dog impacts through reactive baiting, trapping and shooting programs.<sup>274</sup> DEC advises that it has been under increasing pressure in the last three years due to growing concern over wild dog numbers and encroachment.<sup>275</sup> DEC states that is addressing requests for the department to be more active in wild dog control and has contributed staff time to ground baiting as well as conducting aerial baiting.<sup>276</sup> Nevertheless, the department’s limited local staff base has resulted in DEC requesting DAFWA’s assistance on a cost recovery basis.<sup>277</sup>

DEC states that its average expenditure on wild dog control in the Midwest and Goldfields is \$110,000 which covers ‘2.5 million hectares on properties that have significant and persistent wild dog populations’.<sup>278</sup> Under separate funding, DEC conducts intensive dog and cat baiting in areas that are the focus of major recovery programs, such as Peron Peninsula and Lorna Glen.<sup>279</sup>

### **Finding 12**

The Department of Environment and Conservation operates its wild dog control programs with limited funding. The department confirmed it has been under increasing pressure to prevent the encroachment of wild dog populations onto the properties of neighbouring pastoralists.

<sup>270</sup> Submission No. 27 - Attachment 32 from Department of Environment and Conservation, 4 June 2010, p. 16.

<sup>271</sup> *ibid.*

<sup>272</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 14.

<sup>273</sup> *ibid.*

<sup>274</sup> *ibid.*, p. 15.

<sup>275</sup> Submission No. 27 - Attachment 30 from Department of Environment and Conservation, 19 April 2010, p. 5.

<sup>276</sup> *ibid.*, p. 6.

<sup>277</sup> *ibid.*

<sup>278</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 15.

<sup>279</sup> *ibid.*

Goldfields

In the Goldfields, DEC's wild dog programs are integrated with the activities of the Kalgoorlie ZCA, and all DEC-managed areas with pastoral neighbours have buffers established through aerial and ground baiting, trapping and specialised baiting programs.<sup>280</sup> DEC assists with bait supply, assembly and distribution and conducts aerial baiting at the same time as the ZCA; and the dogger employed by DEC to work on reserves (including former pastoral leases) operates in conjunction with the ZCA's programs.<sup>281</sup>

For the 2009/10 period, the financial contribution towards wild dog control on UCL and reserves in the Goldfields is \$195,000.<sup>282</sup> The Committee acknowledges this substantial contribution, noting however, that this was not just spent on former pastoral lease properties, which represent only a small portion of the UCL and reserves managed by DEC in the Goldfields. Special rangelands pest control funding during this period has also contributed an extra \$30,000 which was used for extra dog baits and distribution and extra dogger time.<sup>283</sup> There is also a \$50,000 per annum contribution for the Kambalda Weed and Feral Animal control project which is spent on the wild dog DNA project, goat control and weeds.<sup>284</sup>

Mr Allan Morton, former lessee of Lake Barlee Station west of Leonora, advised that the regular visits by the dogger ceased on neighbouring Mt Elvire Station after DEC purchased it, and understands that the department has 'significantly reduced or ceased all baiting, trapping and shooting of feral animals'.<sup>285</sup>

Mr Quartermaine, former lessee of Earraheedy Station reports that immediately after the purchase DEC allowed him to continue baiting on the property, but understands that baiting was discontinued after his departure.<sup>286</sup> The caretaker at Lorna Glen recently told him that he had 'sought and been given permission to lay baits on some parts of Earraheedy where water is often found'.<sup>287</sup> Mr Quartermaine also provides information about the horse cull that took place on Earraheedy in conjunction with the removal operations detailed earlier in this chapter. The details provided suggest that DEC wasted money on a helicopter shoot in an area that it had been advised by two separate parties was clear of horses.<sup>288</sup>

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<sup>280</sup> Submission No. 27 - Attachment 30 from Department of Environment and Conservation, 19 May 2010, pp. 6-7.

<sup>281</sup> *ibid.*, p. 4.

<sup>282</sup> *ibid.*, pp. 6-7.

<sup>283</sup> *ibid.*, p. 7.

<sup>284</sup> *ibid.*

<sup>285</sup> Submission No. 1A from Mr Allan Morton, 2 April 2010, p. 2.

<sup>286</sup> Submission No. 15A from Mr Ross Quartermaine, 16 April 2010, p. 2.

<sup>287</sup> *ibid.*

<sup>288</sup> *ibid.*, p. 3.



Conversely, Mr David McQuie of Bulga Downs Station, west of Leonora, expressed satisfaction with DEC's control programs, advising the Committee that:

*Conducted locally, any requests for vermin control etc, in conjunction with our own program have been accepted and acted upon.*<sup>289</sup>

### Midwest

In the Midwest, DEC undertakes wild dog control through aerial baiting coordinated by the Meekatharra and Carnarvon ZCAs.<sup>290</sup> DEC states that no applications for baiting on DEC lands in the Midwest have been refused.<sup>291</sup> In the Meekatharra Zone, DEC is undertaking additional control efforts in 2009/10 in response to the increased dog presence, with the expenditure for this period estimated at \$20,000.<sup>292</sup> The special rangelands pest control funding mentioned above has also contributed \$44,000.<sup>293</sup>

Mr John Wainwright of Nalbarra Station, which borders the DEC-managed property Burnerbinmah, indicated that confirmed baiting programs were not carried out and DEC had failed to respond to multiple reports of dog tracks.<sup>294</sup> Mr Gosztyla believes there is no dogger working on DEC lands in the area which he sees is a significant problem, as a combination of baiting, shooting and trapping is required for effective control.<sup>295</sup> Mr Robert Harnett, a dogger based in the Murchison agrees with this, noting that although wild dogs are breeding up everywhere, but the only places that are not using a combination of baiting, trapping and shooting are the DEC properties.<sup>296</sup>

Dogs have historically not been a significant problem on DEC's properties in the Carnarvon Zone. Even so, DEC states that the leases in the Kennedy Range area, which is known to support dogs, have been baited regularly since before 2002.<sup>297</sup> In response to growing concerns by neighbouring pastoralists over increasing dog numbers, DEC has allocated \$15,000 for the employment of a dogger.<sup>298</sup> The department expects bait expenditure to be \$8,000 for 2009/10 and has also provided staff to assist in ZCA baiting operations.<sup>299</sup>

<sup>289</sup> Submission No. 8A from Mr David McQuie, Bulga Downs Station, 15 April 2010, p. 1.

<sup>290</sup> Submission No. 27 - Attachment 30 from Department of Environment and Conservation, 19 May 2010, p. 7.

<sup>291</sup> *ibid.*

<sup>292</sup> *ibid.*

<sup>293</sup> *ibid.*

<sup>294</sup> Submission No. 25, Mr John Wainwright, Nalbarra Station, 19 April 2010, p. 1.

<sup>295</sup> Mr Greg Gosztyla, Personal Communication, 28 April 2010.

<sup>296</sup> Mr Robert Harnett, Personal Communication, 28 April 2010.

<sup>297</sup> Submission No. 27 - Attachment 30 from Department of Environment and Conservation, 19 May 2010, p. 5.

<sup>298</sup> *ibid.*, p. 8.

<sup>299</sup> *ibid.*, pp. 7-8.

Leonie McLeod of Warroora Station in the Shire of Carnarvon reports that her neighbouring pastoralists are undertaking basic pest control on DEC-managed former pastoral leases adjoining their properties and being compensated with drums of fuel.<sup>300</sup>

### Pilbara

DEC advised the Committee that it meets annually with pastoralists and DAFWA staff in the Pilbara to plan aerial baiting operations.<sup>301</sup> DEC undertakes these operations at the request of neighbouring pastoralists and has facilitated aerial baiting in all areas requested for at least 15 years.<sup>302</sup> In 2009, six stations requested baiting and DEC applied for baiting on behalf of a further six stations.<sup>303</sup>

### Kimberley

In the Kimberley, where DEC has only three properties totalling just over 80,000 hectares, the department has had a standing offer for the past two years to undertake buffer aerial baiting where neighbours are actively baiting. This has not been taken up.<sup>304</sup>

### **(ii) Feral Goats**

DEC advises that feral goats are widely distributed across all land tenures in the southern rangelands and continue to flourish despite various government-supported control programs.<sup>305</sup>

*Goat populations are much reduced on DEC-managed properties, where the objective is complete removal, in contrast to active goat farming practices which are occurring on many pastoral leases.*<sup>306</sup>

Commercialisation of goats provides a supplementary source of income for pastoralists and goats have, at times, fetched more per head than sheep at the sale yard.<sup>307</sup> The change in attitude toward goats as stock has been extensive and has been reinforced by the change in status of goats from prohibited to authorised stock (under certain conditions) in 2002.<sup>308</sup> DEC reported that:

*It has become difficult during this period for DEC to engage neighbouring pastoralists in effective feral goat eradication. A slump in goat prices (2007-08) resulted in decreased*

<sup>300</sup> Submission No. 10 from Ms Leonie McLeod, Warroora Station, 15 April 2010, p. 2.

<sup>301</sup> Submission No. 27 - Attachment 30 from Department of Environment and Conservation, 19 May 2010, p. 3.

<sup>302</sup> *ibid.*

<sup>303</sup> *ibid.*, p. 7.

<sup>304</sup> *ibid.*, p. 1.

<sup>305</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, pp. 15, 16.

<sup>306</sup> *ibid.*, p. 16.

<sup>307</sup> *ibid.*, p. 15.

<sup>308</sup> *ibid.*

*turnoff and subsequent build-up on pastoral and DEC-managed land. Recent price increases (summer 2009/10) combined with continuing dry conditions that favour trapping programs have resulted in increased turnoff. This cycle of variable control will continue while commercialisation is the primary tool for control. Goats will continue to move from pastoral to DEC-managed lands in the absence of goat-proof fencing, especially when better grazing exists on DEC-managed lands.*<sup>309</sup>

Goat control on DEC-managed former pastoral leases is ‘generally undertaken through contractual arrangements with caretakers, neighbours or private individuals to enable mustering, trapping and removal of goats’.<sup>310</sup> Contractors are encouraged to exert maximum control efforts and DEC prohibits the practice of releasing juvenile and breeding animals to build up stock.<sup>311</sup> Contractors and the department’s regional operations staff carry out a combination of trapping, mustering and ground and aerial shooting.<sup>312</sup> These programs are obviously assisted by the removal of artificial water sources.<sup>313</sup>

DEC also provided an example of the use of exclusion fencing used on Burnerbinmah which was purchased as part of the Sandalwood Conservation Program in 1995.<sup>314</sup> As persistent numbers of feral goats had prevented the desired level of vegetation recovery, 140 kilometres of goat-proof fencing was constructed around the boundary of the property in 2008; funded by DEC at a cost of approximately \$520,000.<sup>315</sup> Burnerbinmah is one of five adjoining former pastoral lease properties and DEC is assessing the cost-effectiveness of this approach in consideration of extending the fence into the other properties in the future.<sup>316</sup>

Mr Richard Shallcross of Bullara Station south of Exmouth, who musters feral goats for export and has established an accredited holding facility on his station, describes DEC’s aerial shooting practices:

*They destroy the goats by shooting from a helicopter with a fixed wing plane overhead in which the passenger spots the animals and guides the helicopter pilot on to their location. The shooter aims at the top of the animals [sic] head but unfortunately the shot sometimes hits the animal elsewhere....Shooting control may have the desired result but in our opinion, this “drop and rot” method is a waste of a resource, very high cost and sometimes cruel and dangerous.*<sup>317</sup>

<sup>309</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 16.

<sup>310</sup> *ibid.*

<sup>311</sup> *ibid.*

<sup>312</sup> *ibid.*, pp. 16-17.

<sup>313</sup> *ibid.*, p. 18.

<sup>314</sup> *ibid.*, p. 17.

<sup>315</sup> *ibid.*

<sup>316</sup> *ibid.*

<sup>317</sup> Submission No. 28A from Mr Richard Shallcross, Bullara Estates Pty Ltd, 21 April 2010, p. 2.

Mr Wardle, the former lessee of the Dirk Hartog Island pastoral lease, advised the Committee that ‘the management of pest animals and weeds is comprehensively covered’ in the 2007 Shark Bay Terrestrial Reserves and Proposed Reserve Additions Draft Management Plan.<sup>318</sup> Mr Wardle, who now works with his son Kieran, the manager of Dirk Hartog Island Lodge, reports that the elimination of remnant goats and sheep commenced with a helicopter shoot in February 2010, with another proposed for August.<sup>319</sup>

### **(iii) Donkeys**

DEC reports a significant population of donkeys on Meentheena, east of Marble Bar and Wanna, south-east of Paraburdoo, and states that there are small populations (around 20) on Woolgorong, north of Mullewa, and Muggon, near the Murchison Settlement.<sup>320</sup> The Committee notes that it also observed and photographed a group of approximately 15 donkeys on the border of Granite Peak Station and the neighbouring DEC-managed property, Earahedy, north-east of Wiluna.

#### Pilbara

In the Pilbara, DEC is a partner in the DAFWA-managed East Pilbara Judas donkey management program and has provided funding to the program for collar purchases and shooting operations.<sup>321</sup> Aerial shooting of donkeys on Meentheena is undertaken twice a year as part of the program.<sup>322</sup>

#### Kimberley

In the Kimberley DEC is invoiced by DAFWA for donkey control programs conducted on DEC-managed land and UCL.<sup>323</sup> The costs in 2008/09 and 2009/10 were \$85,000 and \$51,000 respectively.<sup>324</sup>

#### Midwest

In the Midwest, aerial donkey shooting was carried out by the Agriculture Protection Board prior to DEC’s purchase of the leases and further aerial shooting is planned for the future.<sup>325</sup> DEC also states that opportunistic ground shooting programs have been conducted on other properties.<sup>326</sup>

<sup>318</sup> Submission No. 23 from Mr GJ Wardle, Dirk Hartog Island Lodge, 19 April 2010, p. 2.

<sup>319</sup> *ibid.*

<sup>320</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 19.

<sup>321</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 19; Submission No. 27 - Attachment 30 from Department of Environment and Conservation, 19 May 2010, p. 3.

<sup>322</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, pp. 19-20.

<sup>323</sup> Submission No. 27 - Attachment 30 from Department of Environment and Conservation, 19 May 2010, p. 2.

<sup>324</sup> *ibid.*

<sup>325</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p.20.

<sup>326</sup> *ibid.*

**(iv) Camels**

DEC advises that there are ‘variable but generally low numbers’ of camels present on Midwest properties Doolgunna and Mooloogool, north-west of Meekatharra; Goldfields properties Earahedy and Lorna Glen, north-east of Wiluna; Pilbara properties Meentheena, Cobra and Waldburg; and Tamala in the Shire of Shark Bay.<sup>327</sup>

Midwest & Goldfields

Control of camels in the Midwest and Goldfields is limited to opportunistic ground shooting as their ‘scarce distribution and random movement pattern render aerial control in these areas both ineffective and prohibitively expensive’.<sup>328</sup>

Pilbara

Control on Meentheena is undertaken opportunistically as part of the Judas donkey program.<sup>329</sup>

DEC also advised that it has been ‘a key mediator in negotiating agreement from Traditional Owner groups in the western deserts to allow extensive aerial shooting operations for camels and donkeys along the pastoral/desert fringe, and deep into the desert country’.<sup>330</sup>

DAFWA advises that

*In recent years feral camels have built up into large numbers in areas of Unallocated Crown Land in Western Australia. These animals are encroaching more and more on communities and pastoral businesses and are causing significant damage to environmental, community and pastoral business assets. Very little is being done to control feral camels on public lands while pastoralists are increasing expenditure on their control.*<sup>331</sup>

**(b) Pest Animal Control - Opportunities for Improved Management**

Based on the information it obtained throughout the Inquiry, the Committee has concerns about the overall effectiveness of DEC’s aerial pest management programs.

Aerial pest management can be an expensive resource which should be targeted in its application to derive maximum benefit. In some of the most inaccessible areas under management (Kennedy Range and Mt Augustus National Parks), the case for aerial baiting and shooting is well-

<sup>327</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p.19.

<sup>328</sup> *ibid.*

<sup>329</sup> *ibid.*

<sup>330</sup> Submission No. 27 - Attachment 30 from Department of Environment and Conservation, 19 May 2010, p. 3.

<sup>331</sup> Submission No. 14 from Department of Agriculture and Food, 16 April 2010, p. 2.

supported. Yet where possible, DEC should consider the greater use of land-based strategies conducted in cooperation with neighbouring pastoralists.

The Committee is concerned that aerial shooting programs are limited in their ability to reduce wild animal populations in any substantial number and in a humane way. As the tragic mid-air collision in the Kennedy Ranges highlighted, these operations can also be very dangerous.

Aerial baiting has similar inherent dangers and seems less likely to reach its target as baits placed by hand. Where land is more accessible, laying baits from the ground in a targeted approach can reduce the need for individual baits by up to 80 per cent. Baits placed by hand can also be more effectively monitored.<sup>332</sup>

#### **Recommendation 14**

Department of Environment and Conservation report within six months on the efficiency of its aerial pest management programs in the five zones with a view to reducing costs and reallocating its resources, where appropriate, to more effective local forms of pest animal control.

### **6.3 Pest Weed Control Programs**

There was a relatively small response to the topic of pest weeds throughout the Inquiry. From the information obtained it appears that pest weeds are accepted to be a widespread issue. However, in contrast with pest animals, DEC's acquisition of properties was not generally seen to have exacerbated the problem. What follows in this brief section is an overview of some of DEC's activities in weed control.

DEC states that:

*Weed infestation in the WA rangelands is primarily associated with species that have been introduced through pastoral activities and hence there are many issues that are widespread as a result of the long period of pastoralism. Some of these species, such as ruby dock and buffel grass, are very invasive and represent significant threats to biodiversity values.*<sup>333</sup>

<sup>332</sup> Department of Agriculture, 'Wild Dog Control: Facts Behind the Strategies', July 2003, p8. Available at: [http://www.agric.wa.gov.au/objtwr/imported\\_assets/content/pw/vp/ddf/mp2003\\_23.pdf](http://www.agric.wa.gov.au/objtwr/imported_assets/content/pw/vp/ddf/mp2003_23.pdf). Accessed on 26 July 2010.

<sup>333</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, pp. 21-22.

DEC believes that there are no major infestations of high priority noxious species on any of the former pastoral lease properties but there are a number of treatment programs in place.<sup>334</sup> The department is undertaking a major control program on Paterson's Curse in the Lochada/Karara area east of Morawa.<sup>335</sup> DEC also treats Bathurst Burr and Horehound on Credo, northwest of Kalgoorlie; melon, cacti and Double-Gee at Lorna Glen; Mexican Poppy on Giralia south of Exmouth and Double-gee at Pimbee south of Gascoyne Junction.<sup>336</sup> Spot control is also conducted on areas around water points and old holding yards where a resurgence of species can be experienced after destocking, and the department has also removed tamarisk from some homestead areas.<sup>337</sup>

In addition to treatment carried out on DEC-managed properties, the department has also been working with DAFWA, the LCDCs and the Zone Control Authorities in the Kimberley on infestations of Weeds of National Significance (WONS) identified in the last five years.<sup>338</sup>

*Much of this work has been on lands not managed by DEC, but DEC contributes to the work, as it is more cost effective than delaying it until infestations spread to lands for which DEC has management responsibilities<sup>339</sup>.*

Projects include control of *acacia nilotica* at Nulla Nulla on the Durack River in the east Kimberley to which DEC contributes \$12,000 per year; and *cryptostegia grandiflora* at Willare on the Fitzroy River in the west Kimberley which DEC has been jointly managing with DAFWA for four years and this year will contribute \$30,000 in cash and \$15,000 in-kind.<sup>340</sup>

DEC states that mesquite and parkinsonia, which are of major concern to the pastoral industry, are currently not an issue on DEC-managed areas.<sup>341</sup> There is some opinion, however, that DEC may not detect infestations because they do not move about their properties in the way or with the frequency that pastoralists do.<sup>342</sup> Mr Shallcross, speaking in relation to mesquite, states that '[d]etection is sometimes made while mustering livestock out of thickly vegetated areas'.<sup>343</sup> Obviously, no mustering takes place on DEC-managed former pastoral leases therefore it may be possible that infestations remain undetected.

<sup>334</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 22.

<sup>335</sup> *ibid.*

<sup>336</sup> *ibid.*

<sup>337</sup> *ibid.* See also: Submission No. 27 - Attachment 32 from Department of Environment and Conservation, 4 June 2010, p. 5.

<sup>338</sup> Submission No 27 - Attachment 30 from Department of Environment and Conservation, 19 May 2010, p. 2.

<sup>339</sup> *ibid.*

<sup>340</sup> *ibid.*

<sup>341</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 22.

<sup>342</sup> Submission No. 9A, Mr Graeme Campbell, 12 April 2010, p. 1.

<sup>343</sup> Submission No. 28A from Mr Richard Shallcross, Bullara Estates Pty Ltd., 21 April 2010, pp. 2-3.

DEC lodges herbarium specimens and records weed locations on *FloraBase*<sup>344</sup> and weeds are mapped on individual properties and recorded on works programs and reports.<sup>345</sup> Analysis of the occurrences and biodiversity conservation threats of weeds has been undertaken in the Goldfields and the department intends to develop similar plans for other regions in the future.<sup>346</sup>

## 6.4 Funding for Pest Animal and Weed Control Programs

DEC receives \$1.05 million per annum for the management of its former pastoral lease properties, and since 2002/2003 has reallocated resources to provide an additional estimated \$7.25 million this purpose.<sup>347</sup> As indicated in Chapter 2.4, the Committee believes that this is insufficient to achieve DEC's conservation objectives and fulfil its pest animal and weed control obligations on these properties.

### Finding 13

Under its current budget, the Department of Environment and Conservation will continue to experience difficulties fulfilling its pest animal and weed control obligations.

As already discussed, DEC undertakes a mix of independent and jointly managed pest animal and weed control programs on its former pastoral lease properties that are funded as required. Not only has the Committee heard concerns that DEC does not allocate adequate funding to these programs, but that this selective participation approach is detrimental to control efforts. DEC's approach represents a significant contrast to pest animal and weed control in the rangelands, where the majority of programs are coordinated by the ZCAs and funded by compulsory Agriculture Protection Rates.

Agriculture Protection Rates (APR) apply to all pastoral leases in Western Australia. APR are imposed under ss 60 and 61 of the *Agriculture and Related Resources Protection Act 1976* and are calculated on a cents in the dollar rate applied to the unimproved value of each pastoral lease.<sup>348</sup>

<sup>344</sup> 'FloraBase provides botanical information on all Western Australian vascular plant families, genera and species as well as identification tools, photos, maps, a database of botanical literature and (for registered users) the collecting details of over 722,671 vouchered herbarium specimens from across the State.' Department of Environment and Conservation, 'An Introduction to the Western Australian Flora', n.d. Available at: <http://florabase.calm.wa.gov.au/intro>. Accessed on 11 August 2010.

<sup>345</sup> Submission No. 27 - Attachment 32 from Department of Environment and Conservation, 4 June 2010, p. 5.

<sup>346</sup> *ibid.*

<sup>347</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 7.

<sup>348</sup> Department of Treasury and Finance, 'Agriculture Protection Rates - Pastoral Leases', n.d. Available at: <http://www.dtf.wa.gov.au/cms/content.aspx?id=1413>. Accessed 10 August 2010.



*Pastoralist contributions raised via the APR are usually “matched” dollar-for-dollar by the State Government and the combined funding used to undertake a wide range of “on-ground” programs aimed at controlling pest (declared) plants and animals on, and in relation to, pastoral leases.*<sup>349</sup>

Each of the state’s five pastoral zones has a Zone Control Authority (ZCA) comprised of representatives from producer organisations and local government authorities.<sup>350</sup> The ZCAs recommend how the funding should be invested in control activities in their zone, which are delivered by DAFWA and private contractors.<sup>351</sup> The collection of APR and the matched state government funding will continue under the new *Biosecurity and Agriculture Management Act 2007*.

Significantly, when DEC acquires a pastoral lease, it reverts to Unallocated Crown Land and APR are no longer applied. This results in the loss of the APR and in the matched funding provided by the state government.

DEC estimated that the approximate amount the department would be required to pay annually in APR for its former pastoral lease properties is \$112,070.<sup>352</sup> DEC states that:

*...its overall contribution to pest animal and weed control across the former pastoral leases is roughly equivalent to, or in excess of, the amount that would have been paid as pest rates by pastoral lessees had the properties remained as pastoral leases.*<sup>353</sup>

The Committee acknowledges DEC’s view, however this amount does not include the “matched” funding from the state government, which would bring the total to \$224,140. Additionally, the allocation of the department’s funds is also discretionary, which means that they could be spent disproportionately across the zones and may not be consistently applied from year to year. This discretionary approach makes it difficult for ZCAs to effectively plan their control activities from year to year.

The Committee believes that the loss of the APR has diminished the effectiveness of pest animal and weed control by reducing the available funding for the ZCAs to conduct their operations and by removing any obligation on DEC to work with the ZCAs in this regard.

Evidence has been presented throughout this Report showing that when DEC operates independently of its neighbouring pastoralists, its broad conservation objectives and its relations with local communities are often compromised.

<sup>349</sup> Department of Treasury and Finance, ‘Agriculture Protection Rates - Pastoral Leases’, n.d. Available at: <http://www.dtf.wa.gov.au/cms/content.aspx?id=1413>. Accessed 10 August 2010.

<sup>350</sup> *ibid.*

<sup>351</sup> *ibid.*

<sup>352</sup> Submission No. 27 - Attachment 30 from Department of Environment and Conservation, 19 May 2010, p. 7.

<sup>353</sup> *ibid.*, p. 6.

To improve relations and outcomes, the Committee sees merit in DEC contributing the APR equivalent into the ZCAs. The state government's "matched" funding arrangement for APR should also be applied. Under this arrangement, it would be appropriate that DEC enjoy the rights of a full rate paying member of the ZCAs, enabling it to participate equally with other members in the development and implementation of pest animal and weed control programs while improving its level of accountability with its neighbours.

**Recommendation 15**

The Department of Environment and Conservation pay, and the government match, an amount equivalent to the Agriculture Protection Rates to the Zone Control Authorities for former pastoral leases now under the department's control.

This funding is to be used, in the context of the *Good Neighbour Policy*, to help minimise the impact of feral pests on neighbouring pastoral properties.

**Recommendation 16**

In the context of the *Good Neighbour Policy*, the Department of Environment and Conservation coordinate its pest animal and weed control programs on its former pastoral leases with the Zone Control Authorities to ensure the objectives of the department and the pastoralists are achieved.

## CHAPTER 7 PASTORAL HERITAGE PROGRAMS

The Committee heard concerns from a variety of people regarding DEC's treatment of places and items of potential heritage value and its attitude toward the preservation of pastoral heritage. Comments received from the Eastern Goldfields Historical Society echoed many peoples' views that:

*The pastoral and farming industries, along with the minerals industries, were the basis for the development of Australia and carry a lot of our nation's history and character. Many old homesteads display a great deal of individuality and charm which must not be destroyed. These buildings are a monument to the struggle and determination of past generations and in many cases, although they may be modest, are an icon to local people.*<sup>354</sup>

As noted in Chapter 4, DEC has limited obligations under the *Heritage of Western Australia Act 1990* and the Heritage Council's Government Heritage Property Disposal Process. Any property earmarked for disposal by DEC that is over sixty-years-old or contains items of potential heritage value has to be referred to the Heritage Council of WA for determination as to the property's potential for placement on the State Register.

The evidence presented below provides examples of the department's approach to pastoral heritage preservation. While it can not be taken to be an accurate representative sample, it does serve to demonstrate some shortcomings in this area.

DEC provided the Committee with information on its pastoral heritage activities, including an account of the situation at Earraheedy. The department advised that it is aware of its responsibilities under the *Heritage of Western Australia Act 1990* and the relevance of the *Burra Charter*.<sup>355</sup>

*Whilst acquiring this assemblage of old, as well as more recent, evidence of the difficulties, ingenuity and resilience of the industry in the face of a challenging living environment was not the primary purpose of purchase of these lands, DEC is nevertheless acutely aware of the need to protect and conserve the State's cultural heritage.*<sup>356</sup>

DEC further stated that it:

*...considered the implications of the presence of heritage buildings, in particular on leases under consideration for purchase, to avoid where possible the liabilities associated with conservation/maintenance/repair of listed buildings.*<sup>357</sup>

<sup>354</sup> Submission No. 21 from Eastern Goldfields Historical Society, 14 April 2010, p. 3.

<sup>355</sup> For more information on the Burra Charter please refer to Australia ICOMOS, 'The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance'. Available at: [http://australia.icomos.org/wp-content/uploads/BURRA\\_CHARTER.pdf](http://australia.icomos.org/wp-content/uploads/BURRA_CHARTER.pdf). Accessed 26 July 2010.

<sup>356</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 22.

<sup>357</sup> *ibid.*

In the Committee's view, avoiding the purchase of properties with potential heritage preservation requirements was a sensible decision on the department's behalf. It shows foresight of the effect that the department's limited budget and staff resources would have on its ability to adequately maintain and preserve potential heritage infrastructure.

The Heritage Council advised the Committee that it is working with DEC's Geraldton Office to assemble information on the department's properties in the Midwest region to strategically assess whether there are any places of interest on those properties and which, if any, may cross the threshold for entry on to the State Register.<sup>358</sup> This approach is intended to assist DEC to move forward in 'developing appropriate strategies for places identified as important, and those that are of less, or little importance', and to 'aid comparative analysis and ensure representativeness [sic] and balance is maintained on the State Register'.<sup>359</sup>

Respondents are concerned that DEC is demolishing old homesteads or deliberately allowing them to run down, removing other infrastructure including shearing sheds, windmills, tanks and fences and bulldozing rubbish tips which can yield significant historical evidence.<sup>360</sup> Concerns were raised specifically about the deterioration of the Warriedar homestead and DEC's intentions to demolish it and the Dalgara homestead.<sup>361</sup> The Committee also received detailed evidence about the deterioration and demolition of Earahedy homestead and of the struggling tourism operation at the Historic Bangemall Inn on Cobra.<sup>362</sup>

As discussed, DEC's conservation objectives and pest animal management programs involve the removal or closure of artificial water sources including windmills, tanks and dams, which are potentially of heritage value. DEC's plans to return these properties to a pre-pastoral state can be in conflict with the preservation of pastoral heritage.

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<sup>358</sup> Submission No. 26 from Heritage Council of Western Australia, 16 April 2010, pp. 1-2.

<sup>359</sup> *ibid.*, p. 2.

<sup>360</sup> Submission No. 3 from Mr Alf Campbell, 13 April 2010, p. 2; Submission No. 11A from Mr Robert Baron, 15 April 2010, p. 1; Submission No. 15A from Mr Ross Quartermaine, 16 April 2010, pp. 3-4; Submission No. 21 from Eastern Goldfields Historical Society, 14 April 2010, p. 3; Submission No. 30A from Shire of Yalgoo, 23 April 2010, p. 2; Submission No. 32A from Mrs Norma Ward, Millrose Station, 3 May 2010, p. 1; Submission No. 38 from Ms Gemma Poli, 28 April 2010, p. 1; Submission No. 41 from Pastoralists and Graziers Association of Western Australia, 29 April 2010, p. 3; Submission No. 43A from Shire of Perenjori, 30 April 2010, p. 2; Ms Gemma Poli, Personal Communication, 28 April 2010; Mr Jorgen Jensen, Yoweragabbie Station, Personal Communication, 28 April 2010; Mr Ross Wood, Personal Communication, 12 May 2010.

<sup>361</sup> Submission No. 38 from Ms Gemma Poli, 28 April 2010, p. 1; Submission No. 43A from Shire of Perenjori, 30 April 2010, p. 2; Ms Gemma Poli, Personal Communication, 28 April 2010; Mr Phil Bland, Personal Communication, 28 April 2010.

<sup>362</sup> Submission No. 15A from Mr Ross Quartermaine, 16 April 2010, pp. 3-4; Submission No. 15A - Attachment 1 from Mr Ross Quartermaine, 16 April 2010.

## Warriedar

In the case of Warriedar, DEC referred the homestead to the Heritage Council for assessment under the Government Heritage Property Disposal Process and the Council assessed it as not crossing the threshold for entry to the State Register.<sup>363</sup> DEC indicated that it was ‘considering the demolition of Warriedar because it was not required by us and because of its current condition’.<sup>364</sup> The Heritage Council noted that the condition of the buildings declined sharply after the caretaker was removed, however this was not an influencing factor in determining heritage significance. More information about the Council’s assessment can be found in its submission to this Inquiry.<sup>365</sup>

## Dalgaranga

The Committee has not received information from DEC regarding its intention to retain the Dalgaranga homestead and is advised only that the ‘decision to retain caretaker services on Dalgaranga is under review’.<sup>366</sup>

## Earaheedy

Mr Quartermaine, former lessee of Earraheedy, advised the Committee that at the time of the property’s sale to DEC, he told the department that, among other things, he was keen that the buildings be maintained and offered to help with maintenance work.<sup>367</sup> Mr Quartermaine stated that soon after the sale there was some storm damage to the shearing shed and that he completed the repair work with materials supplied by DEC.<sup>368</sup> However, at a later date when he requested some materials to do unpaid maintenance work to the shearers quarters DEC refused on the grounds that the department ‘would not be spending any money on building maintenance’.<sup>369</sup> Mr Quartermaine added that DEC had a builder’s report which they would not show him and, concerned for the fate of the buildings, he approached the Heritage Council.<sup>370</sup>

Subsequently, a severe storm destroyed the shearing shed and removed part of the roof of the shearers’ quarters causing extensive damage to that area. However, Mr Quartermaine maintained that although the unaffected parts of the shearers’ quarters remained sound, the Heritage Council notified him that:

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<sup>363</sup> Submission No. 26 from Heritage Council of Western Australia, 16 April 2010, pp. 1-2.

<sup>364</sup> Mr Kelly Gillen, Regional Manager Midwest, Department of Environment and Conservation, *Transcript of Evidence*, 17 May 2010, p. 14.

<sup>365</sup> Submission No. 26 from Heritage Council of Western Australia, 16 April 2010, p. 2

<sup>366</sup> Submission No. 27 - Attachment 33 from Department of Environment and Conservation, 2 July 2010, p. 2.

<sup>367</sup> Submission No. 15A from Mr Ross Quartermaine, 16 April 2010, pp. 1, 3.

<sup>368</sup> *ibid.*, p. 4.

<sup>369</sup> *ibid.*

<sup>370</sup> *ibid.*

*...they had declined to list the buildings on the heritage register even though they may have some heritage value because they had other examples of that style of building, because of the storm damage and also because DEC were not prepared to do any maintenance work.<sup>371</sup>*

DEC states that it had initially intended to retain some buildings on Earraheedy.<sup>372</sup> However, it advised the Committee that the Earraheedy homestead, which was a ruin at the time of purchase and had been unoccupied for forty years, was demolished following extensive storm damage due to concerns over visitor risk.<sup>373</sup>

Mr Quartermaine reported that; ‘All buildings except the workshop were demolished with a bulldozer and pushed into a hole.’<sup>374</sup> He also expressed concern that the asbestos in the buildings was not properly handled, but was simply bulldozed with the rest of the buildings and the scrap and rubbish heaps, which contained material that could be used for historical interpretation, were also bulldozed.<sup>375</sup>

During its visit to Earraheedy, the Committee saw and photographed what appeared to be asbestos scattered on the ground. The Committee does not have the expertise to determine whether it was asbestos, but asked DEC to provide details of the asbestos removal procedure conducted on Earraheedy. In response, the department advised that:

*It is possible that there is asbestos at Earraheedy due to the destruction of the shearing shed in a severe storm, which resulted in debris being scattered over a wide area. ... The site was subsequently cleaned up, with asbestos being wrapped and disposed of by licensed contractors and buried at the tip which was registered as an approved asbestos disposal site. Action will be undertaken as required should the pending report from the 2009 inspection identify any additional asbestos and recommend that further cleanup work be carried out.<sup>376</sup>*

DEC stated that the rubbish tips were initially tidied up and established as a managed site, however following the demolition of the homestead buildings, there was no longer a need for a rubbish tip so the site was closed.<sup>377</sup>

Heritage value is not limited to infrastructure, but can include items such as books, pictures, machinery and homewares. Mr Quartermaine states that when he was informed that the buildings were to be demolished, he requested permission to remove a large wood burning stove from the

<sup>371</sup> Submission No. 15A from Mr Ross Quartermaine, 16 April 2010, p. 4.

<sup>372</sup> Submission No. 27 - Attachment 32 from Department of Environment and Conservation, 4 June 2010, p. 7.

<sup>373</sup> *ibid.* See also: Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 24.

<sup>374</sup> Submission No. 15A from Mr Ross Quartermaine, 16 April 2010, p. 4.

<sup>375</sup> *ibid.*

<sup>376</sup> Submission No. 27 - Attachment 32 from Department of Environment and Conservation, 4 June 2010, p. 17.

<sup>377</sup> *ibid.*, p. 7.

shearers' quarters.<sup>378</sup> He was told that there were plans to transport it to Kalgoorlie and sell it, but that he would be told when the sale was to occur.<sup>379</sup> Unfortunately, it appears that Mr Quartermaine was not kept informed, as he later wrote to DEC's Kalgoorlie office and received a reply that implied that the stove had been advertised in the local newspaper and sold.<sup>380</sup>

### **Bangemall Inn**

DEC advised the Committee that in the context of considering the implications of the presence of heritage buildings when contemplating a lease for purchase, the department:

*...accepted that the old Bangemall Inn on Cobra would require substantial resources for long-term maintenance and has undertaken considerable work on the building.*<sup>381</sup>

In February 2004, DEC advertised an Expression of Interest (EOI) for the operation or development and operation of visitor services and facilities at the historic Bangemall Inn and Cobra Homestead.<sup>382</sup> The ten-year contract was won by Mr Jim Millar and Mr Trevor Cook. Mr Millar provided a submission to the Committee in which he outlines the problems he has had with DEC since 2004.

Mr Millar states that due to the very poor condition of the facilities, one of the cornerstone conditions in the EOI was a requirement for a 'schedule of compensation for capital expenditure, improvements and rehabilitations should we not have access to an appropriate period of extension'<sup>383</sup> at the expiry of the ten-year contract. Mr Millar advises that this condition was excluded from the contract offered to he and Mr Cook and that:

*...when its omission was raised by us with CALM we were informed by CALM that if we continued to persist with our requests for its inclusion that CALM would abandon its dealings with us and proceed to the next most suitable interested party.*<sup>384</sup>

Mr Millar indicates that he was unaware of the real condition of the facilities when he and Mr Cook signed the contract and has since learned that DEC 'paid the previous operators as "caretakers" for six months each year, as the low turnover during the summer rendered the

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<sup>378</sup> Submission No. 15A from Mr Ross Quartermaine, 16 April 2010, p. 4.

<sup>379</sup> *ibid.*

<sup>380</sup> *ibid.*

<sup>381</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 23.

<sup>382</sup> Submission No. 27 - Attachment 32 from Department of Environment and Conservation, 4 June 2010, p. 19; Submission No. 27 - Attachment 32 - Attachment 9 from Department of Environment and Conservation, 4 June 2010, p. 1.

<sup>383</sup> Submission No. 36 from Mr Jim Millar, Cobra Bangemall Inn, 26 April 2010, pp. 1-2.

<sup>384</sup> *ibid.*, p. 2.

operation financially unviable.<sup>385</sup> Mr Millar states that he has never been provided with the turnover and operating costs from prior years.<sup>386</sup>

The “Works Program Schedule” included by Mr Millar in the EOI and contract was \$190,000 and in light of the real condition of the facilities was re-estimated by him in November 2008 at \$384,000.<sup>387</sup> Mr Millar advised the Committee that he has made numerous proposals to DEC to improve the viability of the contract but has been informed that any material changes to the contract would require a public recalling of the EOI.<sup>388</sup> Mr Millar finds this unacceptable as he has expended considerable effort and personal financial resources on the operation.<sup>389</sup>

Mr Millar outlined his financial position in his submission, stating

*...I have not drawn any wages over the last 5 ½ years on top of which I have had to make up very substantial operating losses, (including compliance, repair, refurbishment and upgrade outlays) from my own personal resources (including mortgaging my home in Carnarvon).*

*...the total adverse impact on my personal financial position over the 5½ years conduct of the contract totals circa \$1.2 million. I trust this provides a clear indication of the strength of my commitment and my resolve to give this enterprise my best endeavours.*<sup>390</sup>

Mr Millar’s attempts to negotiate a change in the contract with DEC are hampered by the fact that Mr Cook has not participated in or contributed to the conduct of the contract and attempts to have Mr Cook withdraw from the contract have been unsuccessful.<sup>391</sup>

DEC provides this as one of the primary reasons it is not able to negotiate a new contract for the Bangemall Inn, stating that a ‘variation to the existing contract requires the consent of all parties to the existing contract’.<sup>392</sup> DEC states that Mr Millar has advised that he has been unable to contact Mr Cook and does not believe it is his responsibility to address the issue.<sup>393</sup>

It is DEC’s view that as Mr Millar has been unable to meet many of the requirements of the Works Program Schedule, he is in breach of the contract but the department is of the opinion that a variation in the timetable may be possible.<sup>394</sup> In 2006, DEC requested Mr Millar provide a

<sup>385</sup> Submission No. 36 from Mr Jim Millar, Cobra Bangemall Inn, 26 April 2010, p. 2.

<sup>386</sup> *ibid.*

<sup>387</sup> *ibid.*

<sup>388</sup> *ibid.*, p. 3.

<sup>389</sup> *ibid.*

<sup>390</sup> *ibid.*

<sup>391</sup> *ibid.*, p.1.

<sup>392</sup> Submission No. 27 - Attachment 32 from Department of Environment and Conservation, 4 June 2010, p. 19.

<sup>393</sup> *ibid.*

<sup>394</sup> *ibid.*



revised business plan, which was only received by DEC in late-2008 and in their view is aspirational, does not address key issues or provide a timeframe for implementation of the Works Program Schedule, and gives no indication how the business might become financially viable.<sup>395</sup>

DEC states that the existing contract requires Mr Millar to ‘pay all expenses relating to the routine maintenance and repair costs of all equipment at the facility including buildings and assets’.<sup>396</sup> However:

*...due to Mr Millar’s apparent financial difficulties, DEC has assisted by undertaking some maintenance and repairs, including commissioning an architect to assess infrastructure and identify necessary repair works, renovation of the kitchen, inspection and treatment of termites, repairs to termite damaged structures, major renovation of the building’s roof due to storm damage, replacement of a generator and upgrading of electrical wiring. DEC expenditure for this work has exceeded \$118,000 since July 2005, exclusive of salaries and other operational costs. An additional \$42,000 has been allocated for next financial year to continue with priority renovation and repair work.*<sup>397</sup>

DEC also advises that ‘due to Mr Millar’s apparent financial difficulties, and despite the clear contractual arrangement, DEC has never demanded any fee payment’.<sup>398</sup> While DEC states that it is continuing to work with Mr Millar to implement new contractual arrangements, the department is of the view that the current operation is not sustainable and that ‘allowing Mr Millar to continue to operate outside contract conditions ... cannot be supported on an ongoing basis’.<sup>399</sup>

#### **Finding 14**

Given its earlier acceptance that the Bangemall Inn would require substantial maintenance, the Department of Environment and Conservation should have ensured that essential works were completed.

The outcomes of DEC’s interaction with individuals cited above have not always produced mutually beneficial or positive outcomes. This is largely a function of the fact that DEC’s primary conservation objectives and its heritage responsibilities do not always correspond. However, there is no clear evidence that DEC has not met its basic responsibilities under the *Heritage of Western Australia Act 1990* and the Government Heritage Property Disposal Process.

<sup>395</sup> Submission No. 27 - Attachment 32 from Department of Environment and Conservation, 4 June 2010, p. 19.

<sup>396</sup> *ibid.*

<sup>397</sup> *ibid.*, pp. 19-20.

<sup>398</sup> *ibid.*, p. 20.

<sup>399</sup> *ibid.*

To improve future outcomes in the area of DEC's pastoral heritage preservation, the Committee makes the following recommendations:

**Recommendation 17**

The Department of Environment and Conservation work with the Heritage Council of Western Australia to conduct an evaluation of all former pastoral leases managed by the department to determine which, if any, properties should be placed on the State Register of Heritage Places.

**Recommendation 18**

Appropriate funding is made available for the Department of Environment and Conservation for the maintenance of pastoral heritage on any of its properties placed on the State Register following the evaluation conducted by the Heritage Council.

**Recommendation 19**

The Department of Environment and Conservation establish a protocol whereby local governments and historical societies are invited to record and remove for preservation items of heritage value from DEC-managed properties.

## CHAPTER 8 ECONOMIC POTENTIAL OF NON-PASTORAL USES OF LAND UNDER MANAGEMENT

The Committee received numerous suggestions for the economic potential of non-pastoral uses of these former pastoral leases. Many of these suggestions do not appear to have much economic benefit for the department, but may be seen as opportunities to increase the public use of these properties. In addition, many suggestions identified potential diversification options for pastoral lessees.

Many pastoralists would like the opportunity to diversify on their leases, but are heavily restricted under the *Land Administration Act 1997*. The former pastoral lease properties are not restricted in this way, therefore there may be the opportunity for DEC to conduct commercial operations on the properties and to trial the viability of some of the pastoralists' ideas. This chapter provides a brief outline of some of these ideas. Where DEC has provided information about its consideration of a particular idea, reference to this information is included.

### (a) Tourism

Respondents suggested a mix of low-impact tourism on remote or previously undeveloped properties and more substantial operations on properties such as Dirk Hartog Island and those surrounding the Kennedy Range and Mt Augustus National Parks.

Suggestions for low impact tourism centred on making the most of the natural environment and available infrastructure and included heritage and environment tours, station stays, nature-based caravan parks and camping.<sup>400</sup> Ms Frances Jones, Chairperson of The Gascoyne and Murchison Tourism (Inc) and Tourism Manager at Wooleen Station, provided an example of the multiple benefits to the department of low impact tourism:

*...one of the issues the Murchison Community highlighted was overgrown tracks and inaccessible roads on the station causing concern if there was a bushfire....By encouraging tourist[s] to self-drive on the property to scenic locations or day picnics these roads stay in use and don't allow the scrub to take over....The income generated from tourism can then be used to help the DEC manage the property to a higher standard, the homestead for heritage purposes and achieve their overall goals of land regeneration.*<sup>401</sup>

<sup>400</sup> Submission No. 2 from Tourism Western Australia, 12 April 2010, p. 2; Submission No. 8A from Mr David McQuie, Bulga Downs Station, 15 April 2010, p. 1; Submission No. 9A from Mr Graeme Campbell, 12 April 2010, p. 3; Submission No. 11A from Mr Robert Baron, 15 April 2010, p. 1; Submission No. 30A from Shire of Yalgoo, 23 April 2010, p. 2; Submission No. 37 from Yamatji Marlpa Aboriginal Corporation, 20 April 2010, p. 5; Submission No. 38 from Ms Gemma Poli, 28 April 2010, p. 2; Submission No. 49A from Ms Frances Jones, Chairperson, The Gascoyne and Murchison Tourism Inc and Tourism Manager, Wooleen Station, 3 June 2010, pp. 1-2.

<sup>401</sup> Submission No. 49A from Ms Frances Jones, Chairperson, The Gascoyne and Murchison Tourism Inc and Tourism Manager, Wooleen Station, 3 June 2010, pp. 1-2.

The potential for more intensive eco-tourism and pastoral heritage operations exist, however due to DEC's limited budget and the large task of land regeneration and nature conservation, it is the Committee's view that it will be some time before these can be considered. Additionally, problems identified with the operation of the Bangemall Inn on Cobra [see Chapter 7] indicate that DEC may need to reassess the way in which it facilities large-scale tourism facilities.

Mr Wardle, former lessee of the Dirk Hartog Island pastoral lease, whose son currently manages the Dirk Hartog Island Lodge on freehold land, believes that:

*...with an overall concept plan for the preservation of the pastoral heritage on all of the ex pastoral estate now managed by DEC...a comprehensive and economically viable tourist path could be established which would be of worldwide interest.*<sup>402</sup>

This concept was discussed by DEC during the hearing on 17 May 2010, where Mr McNamara stated:

*I see over time significant potential in the inland touring market-the grey nomad market included. I see significant potential for these properties to link up and provide those sorts of opportunities for camping and caravanning. Indeed, I think once they are converted to an appropriate form of conservation reserve and, if you like, coloured in accordingly on the map, they will more readily form part of that sort of circuit in inland tourism.*<sup>403</sup>

DEC acknowledges the tourism potential of its former pastoral lease properties, and has done work to provide for low-key four-wheel drive camping and touring on properties including Jaurdi, Mt Elvire, Goongarrie, Lake Mason and Lochada.<sup>404</sup> The WA 4WD Association Inc. and Subaru 4WD Club of Western Australia have undertaken maintenance and development projects on a number of DEC properties.<sup>405</sup>

The Subaru Club provides detailed reports of the work they have carried out on Lochada, Karara and Kadji-Kadji on their website.<sup>406</sup> This work includes the painting and distribution of signs made out of old windmill blades provided by DEC, GPS logging the tracks on these properties and repairs to the shearing shed on Lochada.<sup>407</sup> The club has held working camps in the past in which

<sup>402</sup> Submission No. 23 from Mr GJ Wardle, Dirk Hartog Island Lodge, 19 April 2010, p. 5.

<sup>403</sup> Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 17 May 2010, p. 5.

<sup>404</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 29.

<sup>405</sup> *ibid.*, p. 31.

<sup>406</sup> Subaru 4WD Club of Western Australia, 'Selection of Trip Reports', various dates. Available at: <http://www.subaru4wdclubwa.asn.au/Reports/reports.htm>. Accessed 10 August 2010.

<sup>407</sup> Subaru 4WD Club of Western Australia, 'Lochada Station - Boiada Camp - Easter, c. April 2006. Available at: <http://www.subaru4wdclubwa.asn.au/Reports/lochada.htm>. Accessed 10 August 2010; Subaru 4WD Club of Western Australia 'Lochada Station - Work & DEC-BBQ', c.October 2008. Available at: <http://www.subaru4wdclubwa.asn.au/Reports/lochada-dec-bbq.htm>. Accessed 10 August 2010; Submission No. 43A from Shire of Perenjori, 30 April 2010, p. 5.

staff from DEC participated.<sup>408</sup> Other volunteer groups, coordinated by DEC, also participate in similar conservation and maintenance activities. The Committee believes that this type of collaboration is an excellent demonstration of DEC thinking innovatively to achieve management objectives while providing tourism opportunities and engaging with the community and encourages the department to pursue other opportunities such as this that may be available.

### **Finding 15**

The Department of Environment and Conservation's collaboration with car clubs, and other volunteer groups, for maintenance work on its properties is an innovative approach to achieving the department's management and conservation objectives.

### **(b) Mining**

While the Committee received only a small number of suggestions for mining as an alternate use for the former pastoral lease properties,<sup>409</sup> DEC states that it:

*...represents the most significant non-pastoral economic opportunity that can be associated with these lands. Current Government policy presents no constraints to exploration and mining activity on the former pastoral leases managed by DEC.*<sup>410</sup>

The department acknowledges that poorly managed exploration programs have caused environmental damage on some of the properties and strongly supports improved environmental management of exploration activity.<sup>411</sup>

The Shire of Perenjori recognises that environmentally conscious mining can bring benefits to remote regions, such as the upgrading and development of roads, increased tourism, improved telecommunications facilities and an increase in water and power infrastructure.<sup>412</sup>

### **(c) Carbon Sequestration**

Carbon sequestration (the capture and long-term storage of carbon dioxide in soil or vegetation) was suggested by two respondents and has been considered by DEC.<sup>413</sup> The department detailed

<sup>408</sup> Subaru 4WD Club of Western Australia 'Lochada Station - Work & DEC-BBQ', c.October 2008. Available at: <http://www.subaru4wdclubwa.asn.au/Reports/lochada-dec-bbq.htm>. Accessed 10 August 2010.

<sup>409</sup> Submission No. 28A from Bullara Estates Pty Ltd, 21 April 2010, p. 3; Submission No. 43A from Shire of Perenjori, 30 April 2010, p. 2.

<sup>410</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 29.

<sup>411</sup> *ibid.*

<sup>412</sup> Submission No. 43A from Shire of Perenjori, 30 April 2010, p. 5.

the current state of carbon sequestration and its economic potential in relation to the former pastoral lease properties in a supplementary submission to the Inquiry.<sup>414</sup> There are currently a number of restrictions under Article 3.4 of the Kyoto Protocol, however DEC calculates that:

*For 6 million hectares of former pastoral lease lands, the carbon revenue from improved land management over 20 years could be worth between \$144 and \$528 million.*<sup>415</sup>

Given the potential financial benefits of carbon sequestration, the Committee encourages the department to continue to consider the potential of this practice if and as opportunities develop.

#### **(d) Agriculture, Horticulture and Aquaculture**

A number of respondents suggested that DEC's former pastoral lease properties could be used for the research and development of agriculture, horticulture and aquaculture operations.<sup>416</sup> Mrs Jano Foulkes-Taylor advised the Committee that she conducted horticultural experimentation with DAFWA for 10 years from 1995 and had a lot of success growing flowers on 4 hectares of land on her pastoral lease.<sup>417</sup> Mrs Foulkes-Taylor states that DEC should be experimenting with grasses that can be used for fodder and that the former pastoral lease properties, which do not have the same restrictions as pastoral leases, are ideal for this purpose.<sup>418</sup>

Mr Graeme Campbell suggested that dams could be expanded and stocked with golden perch as:

*This fish has a ready market; it is tolerant of water conditions and temperature. It is quick growing and is considered a good recreational fish.*<sup>419</sup>

DEC advises that:

*The GMS dedicated considerable resources to investigating the development of new enterprises and industries with regional benefits. These included aquaculture and developing new areas for horticulture. No new enterprises or industries were identified*

<sup>413</sup> Submission No. 10 from Ms Leonie McLeod, Warroora Station, 15 April 2010, p. 4; Submission No. 8A from Mr David McQuie, Bulga Downs Station, 15 April 2010, p. 2. For more information on carbon sequestration, refer to Parliament of Australia Parliamentary Library, 'Carbon Sequestration', February 2010. Available at: <http://www.aph.gov.au/library/pubs/ClimateChange/responses/mitigation/carbon.htm>. Accessed on 17 August 2010.

<sup>414</sup> Submission No. 27 - Attachment 29 from Department of Environment and Conservation, 14 May 2010.

<sup>415</sup> *ibid.*, p. 2.

<sup>416</sup> Submission No. 3 from Mr Alf Campbell, 13 April 2010, p. 3; Submission No. 9A from Mr Graeme Campbell, 12 April 2010, p. 3; Submission No. 30A from Shire of Yalgoo, 23 April 2010, p. 2; Submission No. 33A from Mr Jim Quadrio, 23 April 2010, p. 1; Submission No. 39 from Mrs Jano Foulkes-Taylor, Tardie Station, 27 April 2010, p. 1.

<sup>417</sup> Mrs Jano Foulkes-Taylor, Personal Communication, 28 April 2010.

<sup>418</sup> *ibid.*

<sup>419</sup> Submission No. 9A from Mr Graeme Campbell, 12 April 2010, p. 3.

*during the process. Most options were constrained by seasonal access, distance from markets, cost of labour and establishment and contract opportunities.*<sup>420</sup>

The growth of sandalwood was suggested by a number of respondents<sup>421</sup> and DEC currently has a Sandalwood Conservation Program on Burnerbinmah. As discussed in Chapter 6, DEC has been forced, at considerable expense, to fence the property because of damage by feral goats. However, DEC does not provide any other detail as to the economic potential of this or other sandalwood programs.

### **(e) Other Suggestions**

On the question of the economic potential of non-pastoral leases, DEC noted that:

*There are a number of activities that have been supported on DEC-managed properties that contribute more to community and social outcomes than being of significant economic potential*<sup>422</sup>

The Department provides some examples and respondents have suggested others that could be considered including art retreats, youth rehabilitation and the use of the properties by schools and university or research groups for camps or studies. In regards to the latter, while DEC states the potential for this has not yet been explored, good opportunities exist.<sup>423</sup>

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<sup>420</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 30.

<sup>421</sup> Submission No. 8A from Mr David McQuie, Bulga Downs Station, 15 April 2010, p. 2; Submission No. 43A from Shire of Perenjori, 30 April 2010, p. 2.

<sup>422</sup> Submission No. 27 from Department of Environment and Conservation, 19 April 2010, p. 31.

<sup>423</sup> Submission No. 11A from Mr Robert Baron, 15 April 2010, p. 1; Submission No. 28A from Bullara Estates Pty Ltd, 21 April 2010, p. 3; Submission No. 49A from Ms Frances Jones, Chairperson, The Gascoyne and Murchison Tourism Inc and Tourism Manager, Wooleen Station, 3 June 2010, p.2





# APPENDIX ONE

## *SUBMISSIONS RECEIVED*

List of Submissions received for the Inquiry.

<b>Date</b>	<b>Name</b>	<b>Position</b>	<b>Organisation</b>
2 April 2010	Mr A Morton		
13 April 2010	Ms S Buckland	A/Chief Executive Officer	Tourism Western Australia
13 April 2010	Mr A Campbell		
13 April 2010	Ms J Mears	Pastoralist	Calooli Station
14 April 2010	Mr S Bennison	Chief Executive Officer	Association of Mining and Exploration Companies (Inc)
15 April 2010	Mr P Drayson	Manager Land Acquisition and Development Unit	Goldfields Land and Sea Council
15 April 2010	Mr P Verstegen	Director	Conservation Council of Western Australia Inc.
15 April 2010	Mr D McQuie	Pastoralist	Bulga Downs Station
15 April 2010	Mr G Campbell		
16 April 2010	Ms L McLeod	Pastoralist	Warroora Pastoral Station Outdoor Investments Pty Ltd
16 April 2010	Mr R Baron		
16 April 2010	Mr J Percy	Chairman	Lyndon Land Conservation District Committee
16 April 2010	Mr R Black	Managing Director	Samex
16 April 2010	Mr R Delane	Director General	Department of Agriculture and Food

ECONOMICS AND INDUSTRY STANDING COMMITTEE

<b>Date</b>	<b>Name</b>	<b>Position</b>	<b>Organisation</b>
16 April 2010	Mr R Quartermaine		
16 April 2010	Mr J Craig	Owner/Manager	Marron Pastoral Company
19 April 2010	Mr M Norton	President	Western Australian Farmers Federation
19 April 2010	Mr I Rawlings	Chief Executive Officer	Central Desert native Title Services
19 April 2010	Mr S D'Arcy	Chairman	Gascoyne Catchments Project
19 April 2010	Mr P Clarke	Chief Executive Officer	Shire of Yilgarn
20 April 2010	Mr S Wilson	President	Eastern Goldfields Historical Society Inc.
20 April 2010	Mr D Wilcox AM		
20 April 2010	Mr G Wardle		Dirk Hartog Island Lodge
21 April 2010	Ms P Barblett AM	Chair	Conservation Commission Western Australia
19 April 2010	Mr J Wainwright	Pastoralist	Nalbarra Station
22 April 2010	Mr G Gammie	Executive Director Office of Heritage	Heritage Council of Western Australia
19 April 2010	Mr K McNamara	Director General	Department of Environment and Conservation
21 April 2010	Mr R Shallcross	Director	Bullara Estates Pty Ltd
19 April 2010	Mr P Rawlings	Chief Executive Officer	Shire of Upper Gascoyne
23 April 2010	Ms S Daishe	Chief Executive Officer	Shire of Yalgoo
27 April 2010	Hon. W Duncan MLC		Member for Mining and Pastoral Region
27 April 2010	Ms N Ward	Pastoralist	Millrose Station
27 April 2010	Mr J Quadrio	Pastoralist	Granite Peak Station

ECONOMICS AND INDUSTRY STANDING COMMITTEE

<b>Date</b>	<b>Name</b>	<b>Position</b>	<b>Organisation</b>
23 April 2010	Ms K Morrissey OAM	Pastoralist	Meeline Station
27 April 2010	Mr R Peskett		
26 April 2010	Mr J Millar	Proprietor	Old Cobra Homestead
27 April 2010	Mr S Hawkins	Chief Executive Officer	Yamatji Marlpa Aboriginal Corporation
28 April 2010	Ms G Poli		
28 April 2010	Mrs J Foulkes-Taylor	Pastoralist	Tardie Station
28 April 2010	Mr M Halleen	Pastoralist	Booldardy Station
4 May 2010	Mrs Ruth Webb-Smith	Vice President	Pastoralists and Graziers Association of WA (Inc.)
29 April 2010	Mr P Robertson	State Coordinator	Wilderness Society WA Inc.
5 May 2010	Mr Stan Scott	Chief Executive Officer	Shire of Perenjori
6 May 2010	Mr Paul Roasir	Director General	Department of Regional Development and Lands
30 April 2010	Mrs Leanne Corker	Chair	Pastoral Lands Board
7 May 2010	Mr Sean Ashcroft	President	Amalgamated Prospectors and Leaseholders Association of WA Inc.
10 May 2010	Mr Brian Fearn		
13 May 2010	Mr Ross Lawrie	Executive Manager - Animal Operations	RSPCA WA
10 June 2010	Ms Frances Jones	Tourism Manager	Wooleen Station



## APPENDIX TWO

### HEARINGS

List of hearings for the Inquiry.

Date	Name	Position	Organisation
19 April 2010	Mr Digby Corker	Pastoral Lessee	
20 April 2010	Mr Ashley Dowden	Chairman	Meekatharra Rangeland Biosecurity Association
3 May 2010	Dr Henry Esbenshade	Director, Native Title	Pastoralists and Graziers Association
	Mrs Ruth Webb-Smith	Vice President	Pastoralists and Graziers Association
	Mr Dale Park	Senior Vice President	Western Australian Farmers Federation
	Mr Alan Hill	Director of Policy	Western Australian Farmers Federation
5 May 2010	Mr Graeme Gammie	Executive Director, Office of Heritage	Heritage Council of Western Australia
7 May 2010	Mr Keiran McNamara	Director General	Department of Environment and Conservation
	Mr Gordon Wyre	Director Nature Conservation	Department of Environment and Conservation
	Mr Kelly Gillen	Regional Manager Midwest	Department of Environment and Conservation
10 May 2010	Dr Anthony Brandis	Commissioner	Conservation Commission of Western Australia
	Mr Brian Fearn		
	Ms Penelope Muecke	Lawyer	Yamatji Marlpa Aboriginal Corporation

ECONOMICS AND INDUSTRY STANDING COMMITTEE

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	Ms Brooke Creemers	Lawyer	Yamatji Marlpa Aboriginal Corporation
17 May 2010	Mr Tim Thompson	Project Manager, Invasive Species	Department of Agriculture and Food
	Dr Chris Chilcott	Regional Manager, Rangelands	Department of Agriculture and Food
	Mr Keiran McNamara	Director General	Department of Environment and Conservation
	Mr Gordon Wyre	Director Nature Conservation	Department of Environment and Conservation
	Mr Kelly Gillen	Regional Manager Midwest	Department of Environment and Conservation

## APPENDIX THREE

### *BRIEFINGS HELD*

List of Briefings (witnesses where Hansard is not present).

<b>Date</b>	<b>Name</b>	<b>Position</b>	<b>Organisation</b>
30 March 2010	Mr K McNamara	Director General	Department of Environment and Conservation
	Mr G Wyre	Director of Nature Conservation	Department of Environment and Conservation
	Mr K Gillen	Regional Manager Midwest	Department of Environment and Conservation
28 April 2010	Mr Henry Jones	Pastoralist	Boogardie Station
	Mr David Burton	Chief Executive Officer	Shire of Mt Magnet
	Ms Gemma Poli		
	Mr Jorgen Jensen	Pastoralist	Yoweragabbie Station
	Mr David Jones	Pastoralist	Boogardie Station
	Mr Ashley Dowden	Pastoralist	Challa Station
	Mr Kevin Brand	Councillor	Mt Magnet Shire Council
	Ms Karen Williams	Councillor	Mt Magnet Shire Council
	Mr Greg Gosztyla	Dogger	
	Mr Phil Bland	Tenant	Dalgaranga
	Mr Chris Graham	Caretaker - Muggon	Department of Environment and Conservation
	Mr David Pollock	Pastoralist	Wooleen Station
	Ms Frances Jones	Pastoralist	Wooleen Station
	Mr Michael Foulkes-Taylor	Pastoralist	Tardie Station

ECONOMICS AND INDUSTRY STANDING COMMITTEE

	Mrs Jano Foulkes-Taylor	Pastoralist	Tardie Station
	Mr Mark Halleen	Pastoralist	Boolardy Station
	Mr Sandy McTaggart	Pastoralist	Mt Narryer Station
	Mrs Carol McTaggart	Pastoralist	Mt Narryer Station
	Mr Peter Ardley	Dogger	
	Mr Robert Harnett	Dogger	
	Mr Paul Squires	Pastoralist	Twin Peaks Station
	Mrs Jo Squires	Pastoralist	Twin Peaks Station
	Mr Simon Broad	Pastoralist	Milly Milly Station
	Mr Miles Williams	Pastoralist	Innouendy Station
	Ms Joy Robertson		Wooleen Station
	Mr William Herold	Pastoralist	Curbur Station
	Mr Andrew Whitmarsh		Byro Station
	Mr Michael Allingame	Biosecurity Officer	Department of Agriculture and Food
29 April 2010	Mr Jim Quadrio	Pastoralist	Granite Peak Station
	Mr Ross Quartermaine		
	Mr Ian Kealley	Regional Manager Goldfields	Department of Environment and Conservation
	Mr Bruce Withnell	Caretaker - Lorna Glen	Department of Environment and Conservation
	Mrs Kaye Withnell	Caretaker - Lorna Glen	Department of Environment and Conservation
12 May 2010	Mr Phil Drayson	Manager Land Acquisition and Development Unit	Goldfields Land and Sea Council
	Mr Trevor Donaldson	Operations Manager	Goldfields Land and Sea Council



ECONOMICS AND INDUSTRY STANDING COMMITTEE

	Ms Janet Mears	Pastoralist	Calooli Station
	Mr Brett Crook		Goldfields Rangeland Services
	Mr Tony Cook		Goldfields Rangeland Services
	Mr Scott Wilson	President	Eastern Goldfields Historical Society
	Mr Lindsay Stockdale		Eastern Goldfields Historical Society
	Ms Beverly Quartermaine		Eastern Goldfields Historical Society
	Ms Robin Bowden		Eastern Goldfields Historical Society
	Mr Ross Wood	Pastoralist / Industry Participant	
	Mr Sean Ashcroft	President	Amalgamated Prospectors and Leaseholders Association
	Dr Bob Fagan	Vice President	Amalgamated Prospectors and Leaseholders Association
	Mr Cranston Edwards		Amalgamated Prospectors and Leaseholders Association
	Mr Jim Williams	Owner	Jim's Seeds, Weeds and Trees



## APPENDIX FOUR

### *LEGISLATION*

<b>Legislation</b>	<b>State (or Country)</b>
Agriculture and Related Resources Protection Act 1976	Western Australia
Animal Welfare Act 2002	Western Australia
Biosecurity and Agriculture Management Act 2007	Western Australia
Conservation and Land Management Act 1984	Western Australia
Dividing Fences Act 1961	Western Australia
Financial Management Act 2006	Western Australia
Heritage of Western Australia Act 1990	Western Australia
Land Administration Act 1997	Western Australia
Local Government Act 1995	Western Australia
Mining Act 1978	Western Australia
Native Title Act 1993	Australia
Occupational Safety and Health Act 1984	Western Australia