Pastoral lands, conservation and the law

Pepe Clarke, Deputy Director, Outback to Oceans, Pew Charitable Trusts
Pastoralism is the most extensive land use across the Outback, with states and territories issuing long-term leases over crown land.
Pastoral leases in Queensland, Northern Territory, South Australia and Western Australia.
LARGEST PASTORAL STATIONS IN AUSTRALIA

50 LARGEST STATIONS COVER 48 MILLION HECTARES
Pastoral leases are home to extraordinary landscapes
Pastoral leases are home to diverse, threatened wildlife
Pastoral landscapes are rich in cultural heritage
Conservation values threatened by a lack of active management

‘In many parts of the Outback, there are now fewer people managing country than there have been for tens of thousands of years.’ – Professor John Woinarski
Outback landscapes are under represented in the reserve system

There is increasing recognition of the importance of improved conservation of pastoral lands, under public, private and Indigenous management.
PURCHASE FOR PUBLIC RESERVES

For example, seven million hectares of pastoral leases were purchased for conservation by the WA Government between 1998 and 2003.

www.createrangerparks.org.au
INDIGENOUS MANAGEMENT OF PASTORAL LANDS

More than two million hectares of pastoral leases on Cape York have been purchased and transferred to Indigenous freehold and co-managed parks.
‘Pastoral lease arrangements are characterised by extensive and prescriptive legislation and regulation.

These arrangements typically constrain the emergence of non-pastoral land uses, such as tourism, farming of non-conventional livestock and conservation of native wildlife.

Uncertainty surrounding property rights held by State and Territory Governments and the application of lease conditions, such as stocking rates, may inhibit the emergence of non-pastoral land uses.’

PASTORAL LEASES, PRIVATE LAND CONSERVATION AND THE LAW

• Legislation, regulation, lease conditions, policy and administrative practice:
  • Pastoral purpose – e.g. *Lands Administration Act 1997* (WA), s.106
  • Duty of care – e.g. *Lands Act 1994* (Qld), s.199
  • Stocking rates – e.g. *Lands Administration Act 1997* (WA), s.111

• Legal and administrative flexibility:
  • Destocking – *Pastoral Lease Stocking Policy*, WA Pastoral Lands Board
  • Diversification permits – *Pastoral Lands Act* (NT), Part 7
  • Limited monitoring and enforcement of lease conditions.
RANGELANDS REFORM IN WESTERN AUSTRALIA

• Our research has found that lack of legal certainty surrounding conservation management of pastoral leases (and complementary land uses such as carbon farming), is limiting investment in conservation on pastoral lands in Western Australia.

• For this reason, we are working with a partnership of pastoral, Indigenous and conservation stakeholders to promote balanced reforms to pastoral lands legislation in Western Australia.

• The centrepiece of the reform package is the *rangelands lease*, a new category of lease under the *Lands Administration Act 1997* which allows for a broader range of land uses, including conservation, tourism and carbon farming.

• The proposed legislative amendments would be accompanied by a transition package, including business planning support and support for Indigenous land use agreement negotiations between traditional owners and leaseholders.

www.outbackwa.org.au
PRIVATE PROTECTED AREAS IN QUEENSLAND

The *Nature Conservation Act 1992* establishes a mechanism for the creation of statutory private reserves known as nature refuges. Nature refuges may be declared over freehold land and pastoral leases, and do not affect the underlying land tenure.

Nature refuges are now the fastest growing part of the Queensland protected area system, with more than 500 landholders voluntarily committing to manage land for conservation in perpetuity, covering a total area of more than 4 million hectares.
PRIVATE PROTECTED AREAS IN QUEENSLAND

Nature refuges in pastoral regions account for a large proportion of the network – fifteen largest reserves cover 3 million hectares (75 per cent of network).

Management conditions for nature refuges are set out in a conservation agreement negotiated between the leaseholder and the state government.

Most nature refuges are IUCN Category VI (Sustainable use of natural resources), with grazing permitted on many larger nature refuges.
PRIVATE PROTECTED AREAS IN QUEENSLAND

Legislative amendments have been introduced to create a new class of private protected area – the ‘special wildlife reserve’ – that provides a level of protection similar to a national park.

The Bill includes provisions aimed at addressing the tension between pastoral lease conditions and conservation management (s.45).

(2) The purpose of the lease does not prevent a person from managing the lease land in a way permitted under the Nature Conservation Act 1992 for the special wildlife reserve or nature refuge.
KEY MESSAGES

Pastoral lands are extensive, with diverse conservation values. Pastoral lands present a strategic and cost-effective opportunity to deliver conservation outcomes at scale.

While progress has been made in recent years, pastoral leasehold law continues to create risk and uncertainty for conservation managers.

Reforming pastoral laws to permit sustainable diversification of land use can increase the economic viability and resilience of pastoral properties and remote communities.

Implications for private conservation practice:

• Explore opportunities for large scale conservation

• Carefully assess risks and constraints – make informed decisions, share lessons

• Work with others to support calls for balanced reform.
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