

Operational policy (interim)

Natural Resource Management

Grazing on QPWS managed lands

Operational policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Department of National Parks, Recreation, Sport and Racing. Operational policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.

Policy subject

The authorisation and management of grazing on Queensland Parks and Wildlife Service (QPWS) managed lands.

Background

This policy provides guidance to staff who are required to administer grazing authorities. QPWS manages a wide variety of tenures under the *Nature Conservation Act 1992* (NCA); the *Forestry Act 1959* (Forestry Act); and the *Land Act 1994* (Land Act). National park tenures are managed primarily for conservation, whereas conservation park and resources reserves are managed for conservation but other uses such as grazing and bee keeping may be authorised. State forests are managed primarily for timber production with conservation and catchment management as secondary objectives.

Most State forests and forest reserves have been grazed over a long period of time under either term leases under the Land Act or Stock Grazing Permits under the Forestry Act. Where State forests and forest reserves have transferred to the protected area estate under the NCA, these grazing authorities have usually continued under previous use arrangements, provided for under the NCA.

Similarly, large areas of national park were acquired through surrender of areas from pastoral holdings on the understanding that stock grazing could continue for a period of time on the national parks under the provisions of the (repealed) *National Parks and Wildlife Act 1974* (NPWA).

The NCA does not make provision for commercial grazing on national parks other than as a previous use and only for the term of the previous authority. There are a large number of these previous use arrangements that will expire in the next few years and decisions will need to be made on the future of grazing on those areas.

It should be noted that some of the information contained in this policy, such as that relating to length of permits and leases to be issued, may change based on the outcomes of the forest policy statement and the Parliamentary Committee Inquiry into the future and continued relevance of government land tenures across Queensland. Consequently, this is an interim policy position that provides some guidance until the full outcome of these processes is known.

Policy statement

Stock grazing is a legitimate activity on some classes of protected area, forest reserves and State forests managed by QPWS.

Commercial stock grazing is not consistent with the management of a national park or a national park (scientific).

Stock grazing may be permitted as a consistent use on other categories of QPWS managed lands (Conservation parks and Resource Reserves), dependant on a range of considerations.

When granting stock grazing authorities, QPWS will:

- ensure that any grazing is sustainable, is consistent with the relevant management principles specified in the NCA or the Forestry Act and complies with all relevant legislation;
- ensure that where possible the options to amend conditions in a grazing arrangement are clearly communicated to the permit holder.
- condition grazing authorities to minimise impacts on the recreational amenity, natural and cultural values and ensure best practice management of the land including pest plant and animal and fire management;
- exclude or require stock to be excluded from areas where grazing may threaten recreational amenity or visitor safety and the long-term conservation of the cultural heritage or natural values;
- require authority holders to formally assess and document the impact of their grazing enterprise once a year at the end of the growing season (evaluating that assessment and the condition of the land being grazed);
- only issue authorities to graze cattle;¹
- keep a register of authorities over QPWS managed lands; and
- establish and maintain regular communication with graziers.

(¹ in exceptional circumstances, an authority may be issued for sheep grazing where there is a historical precedent)

Issuing/renewing authorities to graze on QPWS managed lands

Grazing will be allocated to a neighbour or nearby landholder for logistical reasons in the first instance and to overcome the problems associated with absentee landholders in relation to animal husbandry, and fire and pest management.

A decision to issue or renew a grazing authority and the conditions placed on that authority will be based on:

- the legislative requirements, particularly the management principles, of the land tenure;
- an assessment of the land to determine if grazing is a suitable land use; and/or
- documented prior commitments.

Providing grantees have been satisfactory tenants, expiring or expired stock grazing authority holders should be offered a renewed authority in the first instance should a decision be made to re-issue a permit for stock grazing.

Where a new application or applications are received for an area not currently covered by a grazing authority and assessment of that land indicates that grazing would be an appropriate activity, grazing could be allocated to an immediate neighbour and:

- where the land or other logistics such as access, lack of fencing, natural movement of stock, ownership of stock on the area, etc dictate that only one neighbour can be permitted on to the area, then the grazing could be granted without competition.
- where more than one neighbour is interested/suitable and could be granted grazing rights, then a closed competitive expression of interest process for all neighbours of that land will be developed.

Mechanisms for authorising stock grazing

Authority to graze stock on QPWS managed lands will be in one of the following forms:

- an authority (term lease) under the *Land Act 1994* (up to 30 years);
- a Permit to Occupy under the *Land Act 1994* i.e. for Land Act tenures under the management of the QPWS such as Unallocated State Land (USL) or other reserve (less than 12 months);
- a Stock Grazing Permit under the Nature Conservation (Administration) Regulation 2006 (up to 10 years);
- a controlling activity under Section 46 of the Nature Conservation (Protected Areas Management) Regulation 2006 (for a term considered appropriate but no more than 3 years);
- a Stock Grazing Permit under the Forestry Act (up to 7 years);
- an approval under Section 34 of the Nature Conservation (Protected Areas Management) Regulation 2006 (up to 20 years);
- an authority issued under Section 36 NCA (can be issued up to the unexpired term of the existing authority above or up to three (3) years where no existing current grazing authority exists); or
- specific agreements for grazing on other lands managed by QPWS (for example grazing on freehold land owned by QPWS).

Table 1 provides land tenures in the QPWS estate and their associated type of commercial grazing authorisations.

Where flexibility and responsiveness is required, Stock Grazing Permits are the preferred type of authority as they are issued for a shorter term and provide greater flexibility than a lease. Where long-term grazing is considered appropriate, longer term authorities, such as leases, should be used as these provide a greater security and certainty for the grazer. Leases under the *Land Act 1994* are issued by the Department of Natural Resources and Mines.

Stock Grazing Permits are non-transferable under the NCA and can only be transferred under the Forestry Act with the approval of the Chief Executive, and therefore they should not be used as security for loans (mortgaged); whereas leases can be transferred and used as collateral. Persons enquiring about purchase of the home property of the holder of a Stock Grazing Permits should be advised that there is no guarantee that the Stock Grazing Permit would be reissued to them.

To facilitate a better length of tenure for graziers, a grazing authority should be issued for as long as possible. Examples of where the maximum period allowable would not be appropriate include where short-term grazing is required to achieve a particular conservation gain or where the possible length of grazing tenure is limited by the need to harvest timber in a State forest. This period cannot be longer than the maximum period allowable under legislation and any grant of a grazing authority must be consistent with State Native Title work procedures.

In areas of national park where a Stock Grazing Permit cannot be issued, and there is a genuine need to issue a permit to allow continued stock management, one possible avenue is the use of a Stock Mustering Permit. Regulations under the NCA allow a Stock Mustering Permit to be granted for a period of up to 1 year. These permits are normally issued for the maximum reasonable time required to allow an adjacent landholder to muster and remove stock that has strayed onto a protected area. As such, they allow for mustering and related stock management to occur.

Stocking rates

Stocking rates will, at a maximum, be based on a 'stocktake' assessment. The Department of Agriculture, Fisheries and Forestry should be contacted for advice on the appropriate stocking rates for a particular parcel of

land and this rate must be approved by the relevant Regional Director, QPWS prior to issuing an authority to graze. In all instances, conservative stocking rates will be adopted in preference to higher intensity stocking rates. Stocking rates should take into consideration the term of the permit; the values of the land to be maintained or preserved; the availability of permanent water; and other thresholds.

QPWS will include conditions in the authority that provide for the reduction in stocking rates should pasture conditions decline or other threatening issues arise (i.e. drought, native species impacts). These conditions should be reviewed regularly.

Under no circumstances will stocking rates be increased during the term of the authority unless agreed to by the relevant Regional Manager, QPWS.

Authorisations for improvements

QPWS will, unless documented evidence of prior commitments exists:

- not authorise broad-scale clearing of remnant vegetation on any part of the QPWS estate (as defined by the *Vegetation Management Act 1999*);
- not approve clearing of remnant vegetation other than for maintaining existing infrastructure such as fencelines, watering facilities, fire trails or internal access routes;
- assess applications for thinning of regrowth or remnant vegetation and clearing of regrowth based on benefiting ecological processes and or agency land management objectives;
- require that the method of clearing or thinning results in minimal soil disturbance;
- not authorise the introduction of non-native vegetation species (note that the short-term introduction of non-native, non-invasive, non-perennial species may be appropriate for requirements such as the stabilisation of an eroding bank);
- not authorise the introduction of fodder or other feed that poses a risk through seed dispersal or contamination. (Molasses; salt licks and other supplementary feed may be considered appropriate)
- only authorise infrastructure which is removable or which leads to demonstrable management improvement;
- not authorise for a dwelling to be constructed;
- not authorise water storage infrastructure on national parks unless it assists with the dispersal and distribution of grazing; and
- where possible, require that natural water storages (dams; ponds; lagoons) are fenced with off set watering points.

Unauthorised grazing

QPWS staff will undertake all measures necessary to remove unauthorised stock, and in the first instance work with neighbours and cattle owners to identify and co-operatively muster and remove the cattle. Where cattle are unable to be identified, QPWS will work with neighbours and the Stock squad to muster, seize and sell cattle in accordance with the process outlined in the NCA. Where appropriate, joint management organisations may be provided with a benefit of the sale of unclaimed and unbranded cattle. Identifying and exhausting the ownership rights of all cattle is imperative before they are branded, sold or destroyed.

Other matters to consider

Where a lessee has multiple leases over a reserve, amalgamation of those leases will be sought.

Areas that have previously had grazing authorities may not necessarily continue to be made available for grazing.

Disclaimer:

While this document has been prepared with care, it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of National Parks, Recreation, Sport and Racing should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved by

Jason Jacobi	7/01/2014
Signature	Date

Jason Jacobi
Acting, Deputy Director-General
QPWS

Table 1

Land tenures in the QPWS estate and their associated commercial grazing authorisations

Tenure	Management principles	Grazing authorities available
National park scientific	Protect the area's exceptional scientific values i.e. ensure the processes of nature continue unaffected and protect the area's biological diversity to the greatest possible extent, and to allow controlled scientific study and monitoring of the area's natural resources (Section 16 NCA)	Only permissible under Section 46 of the Nature Conservation (Protected Areas Management) Regulations (NC (PAM) Regs).
National park	Provide, to the greatest possible extent, for the permanent preservation of the area's natural condition and the protection of the area's cultural resources and values, present the area's cultural and natural resources and their values, and ensure that the only use of the area is nature-based and ecologically sustainable (Section 17 NCA)	<p>To allow for the phasing out of grazing after dedication of the national park until it is practical to exclude stock or to recognise an existing entitlement, a Section 36 NCA "previous use authority" is issued for a newly dedicated national park where:</p> <ol style="list-style-type: none"> 1. a term/special lease under the <i>Land Act 1994</i>, pursuant to the Forestry Act and NPWA, is current, or 2. an existing Section 34 NCA authority is current, or 3. a Stock Grazing Permit under the Nature Conservation (Administration) Regulation 2006 (NC (Admin) Reg) or Forestry Act is current. <p>The Section 36 authority can be issued up to the unexpired term of the existing authority above or up to 3 years where no existing current grazing authority exists.</p> <p>For areas that were subject to a Stock Grazing Permit on a forest reserve in the SEQFA, a Section 36 authority is deemed to have been granted at the time of dedication as national park.</p>
National park (recovery)	To be rehabilitated so as to be managed as a national park. Section 19A(c) of the NCA states that any commercial use of the park's natural resources to restore its conservation values must be consistent with an approved regeneration plan for the park.	<p>A Section 34 NCA authority or Section 10 NC(Admin) Reg 2006 Stock Grazing Permit may be issued if it is consistent with:</p> <ul style="list-style-type: none"> • management principles for the area; • a regeneration plan; and • if a management plan has been approved for the area, the management plan. <p>Phasing out of grazing after dedication can occur (see "national park" above).</p> <p>A Section 34 NCA authority can be issued for range of periods but generally up to 20 years. Section 19 of NC(Admin) Reg 2006 provides for stock grazing permits to be issued up to 10 years.</p>

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Conservation park	Conserve and present the area's cultural and natural resources and their values, provide for the permanent conservation of the area's natural condition to the greatest possible extent, and ensure that any commercial use of the area's natural resources, including fishing and grazing, is ecologically sustainable (Section 20 NCA)	<p>A Section 34 NCA authority or Section 10 NC(Admin) Reg 2006 Stock Grazing Permit may be issued if it is consistent with:</p> <ul style="list-style-type: none"> • management principles for the area; and • if a management plan has been approved for the area, the management plan. <p>A Section 34 NCA authority can be issued for range of periods but generally up to 20 years. Section 19 of NC(Admin) Reg 2006 provides for stock grazing permits to be issued up to 10 years.</p>
Resources reserve	Recognise and, if appropriate, protect the area's cultural and natural resources, provide for the controlled use of the area's cultural and natural resources, and ensure that the area is maintained predominately in its natural condition (Section 21 NCA).	<p>A Section 34 NCA authority or Section 10 NC(Admin) Reg 2006 Stock Grazing Permit may be issued if it is consistent with:</p> <ul style="list-style-type: none"> • management principles for the area; and • if a management plan has been approved for the area, the management plan. <p>A Section 34 NCA authority can be issued for range of periods but generally up to 20 years. Section 19 of NC(Admin) Reg 2006 provides for stock grazing permits to be issued up to 10 years.</p>
Forest reserve	Transition tenure from State forest or timber reserve to protected area under the NCA. To be managed under the Forestry Act as if it continues as a State forest or timber reserve except no extraction of timber is allowed.	<p>Authorised under Section 70F(b) of the NCA which provides for the continuation of any lawful existing use of the land, provided it is ecologically sustainable, and that all uses of the land under an authority made after any <u>designation of land</u> in the forest reserve as a proposed protected area are consistent with the management principles for the class of area that the land is proposed to become.</p> <p>See "State forest" & "timber reserve" below for issuance of grazing authorities until a <u>designation of land</u> is made.</p>
State forest	Ensure the permanent preservation of such areas for the purpose of producing timber and associated products in perpetuity and of protecting a watershed therein. The management should consider the benefits of grazing the area, the desirability of conservation of soil and the environment and the protection of water quality, and the possibility of applying the area to recreational purposes (Section 33 Forestry Act)	<p>Under Section 35 of the Forestry Act Stock Grazing Permits can be issued for up 7 years and renewed.</p> <p>Under Section 124 of the <i>Land Act 1994</i>, pursuant to Section 35 of the Forestry Act, term leases can be issued over State forests. These will be issued for a period of up to 30 years.</p> <p>Areas declared future protection areas, scientific areas and State forest parks are not available for grazing.</p>
Timber reserve	Reserved for future consideration as a State forest	Under Section 36 of the Forestry Act, a lease or permit may be granted under the <i>Land Act 1994</i> with standard conditions, modified if required. A term lease over a timber reserve can be issued for up to 30 years.

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Reserve under the <i>Land Act 1994</i> (where QPWS is trustee)	Reserved for the particular use defined in the declaration i.e. environmental, recreational, mining, scientific, etc or any combination	Permits to occupy or term leases under the <i>Land Act 1994</i> with standard conditions, modified if required, and termination provisions relevant to the purpose of the reserve. Leases can be issued up to a maximum of 30 years.
USL where QPWS is responsible for management	Land (listed as an asset and QPWS is responsible for its management) acquired awaiting processing to be gazetted as one of the tenures above	Temporary arrangements often as permits to occupy under the <i>Land Act 1994</i> with standard conditions, modified if required, and termination at short notice.
Land held in fee simple by QPWS	Acquired for dedication as one of the above reserves or other environmental purposes, or held for administrative purposes	Specific agreement signed by both parties with standard conditions, which may be modified to meet specific requirements of the area.