

Operational policy

Natural Resource Management

Stock grazing in State forests

Operational policies provide a framework for the consistent application and interpretation of legislation and for the management of non-legislative matters by the Department of Environment and Science. 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 stock grazing in State forests and timber reserves.

Purpose

To outline how stock grazing is authorised and managed by the Department of Environment and Science (DES), through Queensland Parks and Wildlife Service (QPWS), in State forests and timber reserves.

Background

DES, through QPWS, is responsible for managing State forests and timber reserves in conjunction with the Department of Agriculture and Fisheries (DAF) under the *Forestry Act 1959* (Forestry Act).

Section 33 of the Forestry Act outlines the cardinal principle for the management of State forests, which is 'the permanent reservation of such areas for the purposes of producing timber and associated products in perpetuity and of protecting a watershed therein'. State forests are considered multi-use tenures and grazing is specifically recognised in section 33(2) of the Forestry Act as a potential complementary use.

Grazing can be authorised in a State forest through a stock grazing permit (SGP) issued under the Forestry Act or a rolling term lease (RTL) issued under the *Land Act 1994* (Land Act). The Department of Natural Resources, Mines and Energy (DNRME) is responsible for the administration and authorisation of RTLs issued under the Land Act in accordance with section 35 of the Forestry Act.

This operational policy should be considered in conjunction with the *Procedural guide: Assessing applications for grazing authorities over QPWS managed areas*.

For information regarding grazing in protected areas and forest reserves please refer to the *Operational policy: Stock grazing in QPWS protected areas*.

Policy statements

Grazing is considered an appropriate use of forestry land where it is compatible with existing forest values and where the activity does not jeopardise the cardinal principles of State forests and timber reserves (reservation of areas for production of timber and associated forest products, and watershed protection). New grazing may be authorised in State forests provided it is consistent with other uses, legislation and QPWS policies.

Cattle are the only type of stock that will be authorised on State forests and timber reserves. Other stock, such as sheep or goats, are not considered appropriate on QPWS managed areas due to their impact on natural grasses. However, existing grazing authorities for stock other than cattle will be allowed to continue until expiry.

If a grazier applies for an authority over an area of State forest which is not covered by an existing authority, QPWS will undertake an open and transparent assessment process in accordance with the *Procedural guide: Assessing applications for grazing authorities over QPWS managed areas*.

As per section 2.5 of the *Memorandum of Understanding* between the DES and DAF, renewals of any like for like grazing permit or authority over State forest are to be progressed by the agency holding the current or previous authority for a particular area.

All enquiries for new grazing authorities over a State forest or timber reserve not covered by an existing permit are to be directed to DES through QPWS.

Mechanisms to authorise grazing in State forests and timber reserves

All new grazing in State forests and timber reserves is to be authorised through an SGP as opposed to an RTL. New grazing refers to grazing any area that is not currently covered by an existing authority.

Under the Forestry Act, 10 years is the maximum term allowable for an SGP. QPWS will allow the renewal of all SGPs unless there is a valid reason not to, such as demonstrated poor land management performance or a clear incompatibility with other management priorities or existing uses.

QPWS supports the renewal or extension of all existing RTLs, but will not consent to the creation of a new RTL unless QPWS has made a prior commitment to allowing an RTL, or an SGP holder wishes to transition to an RTL arrangement (see *Transitioning from an SGP to RTL* section below).

Any new RTLs, or extensions to existing RTLs, will be for a term of no longer than 30 years. This term length provides the State with sufficient flexibility to be able to effectively manage State forests for the public benefit.

In some cases, multiple applicants may apply for a grazing authority over the one area. In these cases, QPWS will prefer the applicant who can demonstrate the best outcome for the underlying State forest, rather than selecting an applicant on a 'first come first served' basis. QPWS will prefer applicants who have a positive history of working with QPWS and displaying sound land management practices, and/or applicants with grazing operations on adjacent lands, thus minimising the need for additional fencing, watering points and improvements. However, it must be noted that in the case of RTLs, while DES can indicate a preference, the final decision for any approval rests with DNRME.

Stock grazing permit (SGP)

The relevant QPWS region is responsible for assessing applications for a new SGP or the renewal of an existing SGP against the criteria outlined in the *Procedural Guide: Assessing applications for grazing authorities over QPWS managed areas*.

Regional officers must consider the application with regard to the management principles outlined in section 33 of the Forestry Act, including the conservation of soil and the environment, the protection of water quality and the possibility of applying the area to recreational purposes. Existing authorised activities should also be taken into account.

Rolling term lease (RTL)

Applications to extend an RTL will be assessed on a case-by-case basis in accordance with QPWS criteria (refer to *Procedural Guide: Assessing applications for grazing authorities over QPWS managed areas*). Considerations would include lessee performance and whether or not there are any tenure changes or conflicting land use activities proposed for the area (i.e. recreation).

DES will not support applications for extension of an RTL until 10 years prior to expiry of the lease. An extension to an RTL, if approved, is for the original term of the lease, unless the original term of the lease is longer than 30

years. If the original term of the lease is more than 30 years consent will only be given on condition that the term of the extension be for no longer than 30 years.

Pursuant to section 164C(3) of the Land Act and section 35(6A) of the Forestry Act, DNRME must obtain consent from the Chief Executive of DES for any approvals, extensions and lease subdivisions. This power has not been delegated.

QPWS will only support extension of an RTL (or a term lease that has not transitioned to an RTL) on the condition that the current standard RTL conditions are adopted.

QPWS may also require, as a condition of consent, the grazier to develop a Property Resource Management Plan (PRMP) for their grazing operation.

Transitioning from an SGP to an RTL

QPWS will generally not support SGP holders transferring their grazing operation to an RTL, as SGPs are the preferred mechanism for authorising stock grazing. However, in exceptional circumstances QPWS may support transition from SGP to an RTL where:

- The authority holder can justify the need for an RTL (for example, requiring a lease as capital to mortgage against); or
- An RTL will provide a benefit to QPWS management (for example, reducing administrative burden by amalgamating authorities).

QPWS must also be satisfied that the new RTL will not disrupt management of the area, including other uses that may be incompatible with an RTL or future tenure transfers. The authority holder must also demonstrate a history of sound management of the area.

It is not possible to directly transfer from an SGP to an RTL. SGP holders must apply for a new RTL through the DNRME and, if the RTL application is successful, surrender their SGP. For more information refer to the *Procedural Guide: Assessing applications for grazing authorities over QPWS managed areas*.

Limitations to grazing on State forests

Feature protection areas, scientific areas or State forest park

Under section 34A of the Forestry Act, the Governor-in-Council may declare the whole or a part of a State forest (other than a State plantation forest) to be a feature protection area, scientific area or State forest park.

Pursuant to the Forestry Act, a feature protection area must be used and managed to ensure the maintenance of the features which gave rise to its declaration as such. A scientific area must be used and managed to ensure its preservation as a sample of the natural environment of the State forest concerned. A State forest park must be used and managed with a view to maintaining its forest setting.

To ensure these specialised areas are managed in accordance with the legislation, they should be excluded from the activity of grazing unless the compatibility of the activity with the intent of the designated area can be established. Wherever possible, specialised areas are to be excised from the authority area and boundary fencing requirements will be stipulated in the conditions of the authority.

Incompatible land uses

State forests are managed to balance competing commercial, recreational and/or conservation interests. Whilst grazing is recognised under the Forestry Act as a potential complementary use of State forest land, in situations

where grazing is assessed as incompatible with other competing/existing land uses, grazing may not be authorised or may need to be conditioned appropriately.

Stock grazing in plantation forests on state-owned land

Stock grazing may be permitted in plantation forests on state-owned land. In 2010, Hancock Queensland Plantations (HQPlantations) purchased a 99 year licence from the Queensland Government to manage, harvest and re-grow plantation timber on state-owned land.

HQPlantations are responsible for the administration and management of SGPs on areas of State plantation forest wholly covered by the plantation license. It is more appropriate that HQPlantations authorise these activities so that the conditions can appropriately reflect the timber harvesting practices that are in place over the area. QPWS will consult, on a case by case basis, with HQPlantations for the management of existing, and approval of new, SGPs that are partially over plantation licence area.

For queries in relation to SGPs administered by HQPlantations contact information@hqplantations.com.au.

Aboriginal and Torres Strait Islander cultural heritage duty of care

Under the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003* legislation, a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal or Torres Strait cultural heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. Penalty provisions apply for any harm to Aboriginal and Torres Strait Islander cultural heritage.

A duty of care exists for both Indigenous and shared Australian cultural sites. All reasonable and practicable measures must be taken to ensure that activities conducted on QPWS managed areas do not harm Indigenous and shared cultural heritage sites and values.

A search of the Department of Aboriginal and Torres Strait Islander Partnerships' (DATSIP) Aboriginal and Torres Strait Islander Cultural Heritage Database will identify if there are any known Aboriginal or Torres Strait Islander cultural heritage sites within the area. These search results do not necessarily confirm conclusively the existence or otherwise of Indigenous cultural heritage and therefore the duty of care guidelines continue to apply. Please refer to the DATSIP website for more information at www.datsip.qld.gov.au.

Native Title considerations

Native title rights and interests should be assumed to exist regardless of the native title claim or determination status of the area. The Queensland Government, through DNRME, has developed the *Native Title Work Procedures* (NTWP) which apply a set of modules to ensure government dealings over land, water and natural resources may proceed validly with respect to native title rights and interests under the *Native Title Act 1993* (NT Act).

The NTWP contains various guides including the *native title assessment pathway* and a decision tool for each native title module. The decision tools step through a series of questions to indicate whether or not a particular module may apply to validate a proposed dealing or activity.

DES, through QPWS, use the NTWP to assess proposed dealings over QPWS managed areas. The native title assessment is then recorded and completed using the NTWP Native Title Assessment Form (Annexure 7.1). The NTWP and the Assessment Form are available online. Please refer to the DNRME website for further information at www.dnrme.qld.gov.au.

Cessation of grazing

In the case of an expiring authority for which no renewal or extension application has been received, surrender of an authority or forfeiture/cancellation due to non-compliance with the conditions of the authority, the following procedures apply.

For an SGP:

- the authority holder has 90 days from the date of forfeiture, surrender or expiry of the permit within which to remove internal fencing and structural improvements, provided there is no money owed to the State by the authority holder.
- external boundary fencing which borders QPWS estate, or is required for management purposes (e.g. around special management areas) is not to be removed from the permit area.
- compensation is not payable for improvements or developmental work however the authority holder may be compensated by QPWS for their share of the boundary fence.

For an RTL:

- the lessee can apply to remove the improvements belonging to the lessee within a period of 3 months from the date of forfeiture, surrender or expiry of the lease.
- the lessee may only remove improvements if all money owed under the lease has been paid. QPWS will consult with DNRME to ensure that all monies owed have been paid.
- an authorised representative from DNRME may be required to oversee the removal of improvements if requested by the Minister of the Land Act.
- whilst not a condition of the lease, the lessee is to be encouraged to leave boundary fencing in place.
- no compensation for improvements is required to be paid by the State, however may be payable if the State receives payment from an incoming lessee or buyer for the improvements on the land.
- the lessee must remove any improvements to the land and rehabilitate the land to the satisfaction of the Chief Executive of the Forestry Act within one year from the date of the termination of the lease.
- Any improvements such as fences and yards that are not removed within one year from the date of termination will be forfeited to the Chief Executive of the Forestry Act.

Non-compliance with authority conditions

QPWS may undertake compliance investigations and actions where a grazing authority holder is suspected to be in breach of the conditions of their grazing authority. QPWS will not immediately pursue formal compliance action where investigations into possible breaches are demonstrated to occur due to factors such as natural disaster (such as destruction of boundary fencing by flooding or fire). However, compliance actions may follow if such an issue is not rectified as soon as possible.

Where a breach is suspected, QPWS will undertake a site visit to verify and document the incident. The authority holder is to be advised of the date of the proposed site visit and given the opportunity to attend. For an RTL, the site visit must be arranged in consultation with DNRME. The assessment undertaken during this site visit must be documented and include photographic evidence. Records of all correspondence and any interactions with the authority holder must be kept on file. If it can be demonstrated through the site assessment that an authority holder is in breach of the conditions of their permit or lease, the following procedures apply.

For an SGP:

- The authority holder will be notified of the failure to comply in writing and given the opportunity to rectify the breach or pay compensation within 60 business days from the date of receipt of the written notice.
- If the authority holder fails to rectify or pay compensation for the breach as per the written notice, they are considered to be in default under the permit.
- In the event of default, the authority holder will be given notice in writing and the opportunity to show cause as to why the permit should not be terminated within 20 business days from the date of receipt of the written notice.

For an RTL:

- the lessee will be notified of the potential breach during the initial site visit and advised about options for rectifying the issue.
- A follow up site visit will be arranged with the lessee, allowing enough time for the suggested corrective actions to be undertaken.
- If it is deemed during the follow up site visit that the lessee has failed to act upon the advice of QPWS, the assessment must be documented and photographic evidence collected.
- Compliance enforcement action cannot be undertaken without further consultation and approval from DNRME.

Unauthorised grazing

Where sightings of stray stock are reported to QPWS and the cattle is branded or able to be identified, regional officers will contact the owner in the first instance to remove the cattle and address any boundary fencing issues to prevent future incursions.

A general muster or seizure of cattle is only to be initiated as a last resort after all reasonable efforts to identify ownership have been exhausted. If wild stock is unable to be identified, section 72 (*Wild stock*) of the Forestry Act outlines the process for stock removal from a State forest or timber reserve.

For further information, refer to the *Operational policy: Removal and disposal of stock on QPWS Protected Areas (Nature Conservation Act 1992)*. This policy specifically relates to protected areas under the NCA, however the fundamental principles also apply to estate managed under the Forestry Act. This policy also covers how to deal with diseased or unclaimed stock on QPWS protected areas.

Other considerations

Where an authority holder has multiple SGPs over an area, for ease and efficiency of administration, amalgamation of those permits will be sought. Amalgamated SGPs are converted to a single new SGP, with a new term beginning from the date of amalgamation.

In the case of a lessee with several leases over an area, amalgamation would be at the discretion of the lease holder and DNRME, as the landholder bears the cost of having boundaries resurveyed.

Glossary of terms

Property Resource Management Plan (PRMP) means a plan prepared by the permit holder which details the development and management of the permit area. This includes stock, fire, pest and water management strategies, details of all improvements and performance criteria for auditing compliance with the PRMP. The

PRMP must be prepared within 12 months of the date of commencement of an SGP and is subject to approval from the Senior Ranger.

Reference materials

Legislation

Forestry Act 1959

Nature Conservation Act 1992

Native Title Act 1993

Land Act 1994

Stock Act 1915

Further Information

Procedural guide: Assessing applications for grazing authorities over QPWS managed areas

Provides a standardised procedure for the assessment of applications for a new authority or the renewal or extension of an existing grazing authority.

Operational policy: Removal and disposal of stock on QPWS Protected Areas (Nature Conservation Act 1992)

Provides policy direction in relation to the removal and disposal of stock from QPWS protected areas.

Operational policy: Insurance and indemnity requirements for QPWS authorities

Authority holders will be required to indemnify DES and hold insurance as per departmental policy.

Operational policy: Stock grazing in QPWS protected areas

Provides policy direction on the circumstances in which grazing in protected areas (including national parks (scientific), national parks, conservation parks, resources reserves and forest reserves) is appropriate, and how grazing is to be managed in these areas.

Procedural guide: Expiry of grazing authorities over QPWS protected areas

Outlines the necessary steps to facilitate the expiry of grazing authorities over QPWS protected areas which will not be renewed.

Information sheet: Rolling term grazing leases over State forests

Addresses the main areas of concern for those stock graziers who have been granted a Land Act rolling term lease over Queensland State forests.

Human rights compatibility

The department is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When acting or making a decision under this policy, officers must comply with that obligation (refer to [Comply with Human Rights Act](#) or visit <https://www.forgov.qld.gov.au/humanrights>).

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 Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved by

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Signature

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