



Department of Planning,
Lands and Heritage



JULY 2021

Pastoral Lands Board Policy

Rangeland Management Compliance Policy

Supersedes Pastoral Rangeland Monitoring Policy Statement - 19 May 2016

The Pastoral Lands Board acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

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POLICY STATEMENT

The Pastoral Lands Board (PLB) is committed to good land management outcomes on pastoral leases (leases) across Western Australia. The PLB holds the view that profitable pastoralism and ecologically sustainable pastoralism are inextricably linked and, as a result, good land management and good economic performance go hand in hand. In particular, the PLB believes that working cooperatively with pastoral lessees (lessees), and government, will achieve improved land management outcomes.

Further, the PLB acknowledges that lessees are the primary land managers of the pastoral estate, and wants to work with lessees to enable them to operate their leases in an economically sustainable manner, generating the financial capacity to generate good environmental outcomes.

This policy reflects this view.

The PLB's functions with respect to land management are outlined in section 95 of the *Land Administration Act 1997* (LAA). Those functions include:

- To ensure that pastoral leases are managed on an ecologically sustainable basis; and
- To develop policies to prevent the degradation of rangelands; and
- To develop policies to rehabilitate degraded or eroded rangelands and to restore their pastoral potential.

In addition, lessees must comply with the terms of the lease and all legislative requirements, including those listed in Part 7 of the LAA and the *Soil and Land Conservation Act 1945* (SLC Act). Of particular importance to this policy are the obligations lessees have to maintain the lease in accordance with section 108 of the LAA and to the satisfaction of the PLB:

108 Pastoral lessee's duties as to leased land

- (1) Manage and work the land under the lease to its best advantage as a pastoral property.

- (2) Use methods of best pastoral and environmental management practice, appropriate to the area where the land is situated, for the management of stock and for the management, conservation and regeneration of pasture for grazing.
- (4) Maintain the indigenous pasture and other vegetation on the land.

The lessee must balance the requirements of section 108(1) with those in 108(2) and (4) in such a way as to operate a profitable pastoral business while safeguarding and improving the condition of the native vegetation and the land under the lease.

The PLB must also consider these competing, but complementary, obligations when determining whether a lessee is meeting them to its satisfaction. To do so, the PLB receives secretariat, administrative, policy, and operational support from the Department of Planning, Lands and Heritage (DPLH) on matters raised in this policy. Where required, the PLB receives technical assistance in respect of land condition matters from the Department of Primary Industries and Regional Development (DPIRD). The ultimate goal of this policy, in line with the functions of the Board, is to ensure that pastoral leases are managed on an ecologically sustainable basis, which will ensure pastoral businesses are also financially sustainable.

Implementation Approach

In implementing this policy, and in particular elements related to section 108(4) of the LAA, the PLB will seek and have regard to the advice from the Commissioner of Soil and Land Conservation (Commissioner), pursuant to section 108(5) of the LAA, including reports, including Rangeland Condition Assessments (RCAs) undertaken by inspectors from the DPIRD, and other material developed by authorised PLB officers (based in DPLH).

The PLB will seek to work collaboratively with the Commissioner to ensure clear communication, both between the Commissioner and the Board, and with lessees. This is vital to ensuring lessees are presented with clear information regarding land condition, and guidance, where required, regarding the appropriate land management actions to resolve any issues that may arise.

In working collaboratively with the Commissioner, the PLB seeks to ensure that the statutory powers of the PLB and the Minister for Lands under the LAA are utilised in a complementary fashion to those of the Commissioner, pursuant to the SLC Act.

In determining actions based on inspections and other reports, the PLB will take a risk-based approach. Lessees whose land condition is poor, but who have actively undertaken and implemented land management planning will be considered a lower risk than someone whose land condition is equally poor, but has taken no demonstrable steps to manage the land under the lease. Figure 1 highlights the PLB's general approach, consistent with the DPIRD Framework for Sustainable Pastoral Management.

The PLB holds the view that prevention of land degradation is better than rehabilitating degraded land. For this reason, the PLB recommends lessees examine the Good Pastoral Land Management Guidelines and associated materials, speak to their local DPIRD officers, and seek advice where necessary, in order to ensure they are managing their land utilising best practice.

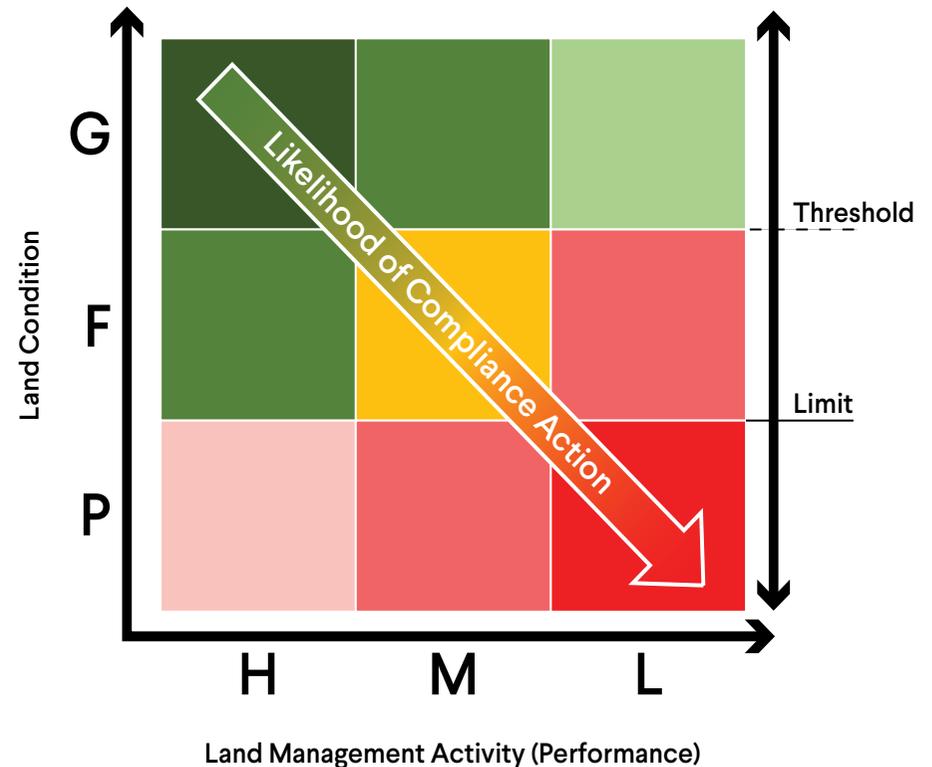


Figure 1: Risk-based decision matrix for lease condition management. (This diagram is adapted from the DPIRD Framework for Sustainable Pastoral Management)

The y axis lines refer to the land condition status/risk of the lease (good, fair, and poor). The x axis refers to the relative level of lease management being undertaken by the lessee (a high level of lease management, a moderate level of lease management, and no or low discernible lease management). The risk level is indicated by the colour, where green is low risk and red is high risk.

On the third axis, the points at which land condition decline to a point by which remedial action is required (threshold), and by which intervention of a substantial nature by the PLB and/or the Commissioner may be required (limit). Generally, this negative land condition trend demonstrates a slide from good to fair (threshold), and then from fair to poor (limit).

References to land condition (good, fair, poor), as well as “threshold” and “limit” will be made throughout this policy, and relate to the diagram at Figure 1.

The table below provides a brief illustration of the types of responses expected of a lessee, based on the risk level identified in the decision matrix above. Further, the table identifies which actions will be taken by the PLB and those the Commissioner will undertake, based on their statutory requirements and functions. Where appropriate, the PLB will seek the advice of the Commissioner.

Additionally, in circumstances where the risk is high or extreme, the PLB and the Commissioner will seek to collaborate to ensure that the PLB and the Commissioner are acting consistently. The LAA and the SLC Act are complementary Acts, and should operate as such.



Risk Level	Risk Mitigation		
	Lessee Response	Commissioner SLC	PLB
Very Low	Minimal / Business as Usual	Encourage Lessee to continue to manage land condition positively	Encourage lessee and refer lessee to PLB guidance documents and policies
Low	Current Management System can continue	Encourage Lessee to continue to manage land condition positively	Encourage lessee and refer lessee to PLB guidance documents and policies
Medium	PLB work with Lessee to improve management	Commissioner to provide input to PLB	PLB may require lessee to respond to land condition concerns
High	Specific outcomes required to be met	Commissioner may issue a Soil Conservation Notice or engage with lessee	PLB may require a Development / Management Plan
Extreme	Specific land management actions to be taken	Commissioner may issue a Soil Conservation Notice; may prosecute	PLB may require immediate land management action; issue a Default Notice, or recommend prosecution or forfeiture

This policy complements the Pastoral Purposes Framework and intersects with the Pastoral Lease Stocking Policy and Good Pastoral Land Management Guidelines: which can be found [here](#).

OBJECTIVE

1. To provide clarity on how the PLB will engage with lessees in respect of management of the land to ensure best practice pastoral and environmental management of the land under the lease, for the management, conservation and regeneration of pasture for grazing.
2. To provide clarity around how the PLB will engage with lessees in respect of the maintenance of indigenous pasture and other vegetation.
3. To outline the criteria against which the PLB will commence a compliance action in respect of land condition.
4. To explain the process for engagement and, where necessary, the escalation of compliance actions.
5. To outline the possible outcomes of any compliance action against a lessee.
6. To ensure consistency with actions the Commissioner may take under the *Soil and Land Conservation Act 1945*.
7. To ensure clear and consistent communication between the PLB, the Commissioner, and lessees.

PRINCIPLES

1. Lessees are required to use methods of best pastoral and environmental management practice at all times. The PLB considers this essential to ensuring that pastoral leases are managed on an ecologically sustainable basis and worked to their best advantage as a pastoral property.
2. The PLB is committed to working collaboratively with lessees and the Commissioner to improve land management and achieve agreed long-term good land condition outcomes that are practical and sustainable.
3. The PLB requires the land under the lease to remain above the limit and demonstrate a stable or improving land condition trend, towards crossing the threshold into good condition, within the context of prevailing seasonal conditions and historical management of the lease.
4. The PLB will work proactively with lessees as a first priority. Should the Commissioner's Office provide an adverse land condition report or RCA to the PLB, DPLH officers shall, in the first instance, contact the lessee to discuss its findings.
5. Compliance actions regarding rangeland condition issues are to be proportional and graduated, based on the severity of the issue and the lessee's initial and ongoing response to the land condition issue, once notified.
6. Inspections of leases will be prioritised utilising a risk-based approach.
7. Principles of natural justice apply to this policy.

IMPLEMENTATION GUIDELINES

General Guidelines

1. Determining which leases to inspect for land condition and other issues will be undertaken via a risk-based approach that acknowledges:
 - a. most lessees are doing, or trying to do, the right thing by the land under the lease while seeking to develop a successful pastoral business
 - b. limited resources to undertake an inspection regime and
 - c. acknowledgement that Government resources are best utilised where most need is exhibited.
2. In determining if a lessee is compliant with section 108(2) and (4) of the LAA, the PLB will review:
 - a. RCAs / technical reports on land condition performed by DPIRD officers and/or
 - b. reports on site visits and/or other engagement activities performed by DPLH staff and
 - c. rangeland monitoring assessments conducted by lessees as a result of previous PLB directions and notices
 - d. advice of the Commissioner with respect to compliance with the SLC Act.
3. When interpreting such a report, the PLB will have regard, relative to the last inspection, for whether land condition trend in areas of the lease that have been assessed is:
 - a. improving
 - b. stable or
 - c. declining.
4. The PLB's main priorities (in order) are:
 - a. **any land that is showing a declining land condition trend, particularly those crossing the threshold and approaching the limit and**
 - b. **land in poor condition, irrespective of trend.**

The PLB requires the land under the lease to be either in a stable or improving land condition trend.

5. Other factors that will be taken into account when evaluating land management issues on a lease include:
 - a. whether the lessee has a current Development Plan, Management Plan, EMU or ESRM plan and whether that plan is being implemented appropriately and/or
 - b. what land management actions have been taken on the land under the lease since the lease was renewed on 1 July 2015 and
 - c. the efficacy of a. and/or b. above.
6. Where a lessee subject to this policy implements agreed land management actions according to an agreed timetable **at any point in steps 1-3 below**, the PLB will be satisfied that the land condition issues are being appropriately managed, and enforcement action under the LAA will not proceed.

7. **Process:** The PLB will engage with lessees according to the following steps, when land management issues are identified on a lease. Escalation to the next step will occur where the PLB considers inadequate progress has been made in resolving the identified issues at each step:
 - 1) first Contact with Lessee: Report Received
 - 2) subsequent Contact with Lessee
 - 3) issuing a PLB Notice
 - 4) issuing a Default Notice
 - 5) prosecution and/or Forfeiture of the Lease.
 - Steps 1) and 2) are the “informal” steps to resolve land management issues, which seek agreement between the PLB, Commissioner, and the lessee.
 - Steps 3), 4), and 5) are “formal” steps that may result in the PLB using its legislative powers to seek resolution of land management matters, including the possibility of prosecution and/or forfeiture of the lease.
8. The PLB reserves the right to skip steps in this process, should the nature, severity, or other aspect of the identified issues warrant it.

1) First Contact with Lessee: Report Received

1. Irrespective of what a report, as referred to in paragraph 2 of the General Guidelines, says, an authorised DPLH officer will contact the lessee to ensure they have a copy of the Report and discuss its findings. This contact will provide the following:
 - a. If land condition is declining, an opportunity for the lessee to discuss their current land management activities, and what might be done to arrest the decline and begin a process of stabilisation and improvement of condition. This discussion may result in an agreement that the lessee establish a Management Plan to address the issues identified in the RCA and subsequent discussion with the DPLH officer. To assist the lessee in this process, the lessee may be:
 - i. directed to additional PLB resources, including the Good Pastoral Land Management Guidelines, and the Development Plan and Management Plan Guidelines and/or
 - ii. referred to relevant third party groups with expertise in land management planning and/or extension advice for assistance.
 - b. If land condition is stable, depending on whether the land condition is good, fair or poor, encouragement to do more to improve land condition on the land under the lease. To do so, the lessee may be:
 - i. directed to additional PLB resources, including the *Good Pastoral Land Management Guidelines*, and the Development Plan and Management Plan Guidelines and/or
 - ii. referred to relevant third party groups with expertise in land management planning and/or extension advice for assistance.
 - c. If land condition is improving or above the threshold, encouragement to the lessee in respect of any land management actions they may be engaged in

- d. On any station, there are likely to be areas that are, respectively, in each of the three categories of land condition and in each of the three land condition trend states. Therefore, lessees will likely receive feedback across each of a., b., and c., and be required to respond accordingly.
2. Where First Contact Guideline 1.a. above applies, and where the land is stable but in poor condition, per First Contact Guideline 1.b., the lessee will be provided an opportunity to respond in writing to DPLH within a specified timeframe. Responses are recommended to include:
 - a. details for the establishment and implementation of a Management Plan over the land under the lease to address areas of concern, in line with the Development Plan and Management Plan Guidelines, and which may include:
 - i. increased monitoring of problem sites on the lease
 - ii. destocking problem areas
 - iii. shutting off watering points in degraded and/or degrading areas
 - iv. destocking the entire land under the lease
 - v. a timeframe for implementation and
 - vi. periodic reporting to the PLB on progress.
 - b. Details of an alternative view to that provided in the Report, such as:
 - i. providing evidence of their own (rangeland monitoring results, rainfall and other data) from areas identified in the report
 - ii. evidence of actions taken to address rangeland condition issues or why the lessee considers there is not a rangeland condition issue.
3. DPLH officers will consult with the Commissioner's Office regarding a proposal provided under 2.a., or a response under 2.b., above, before providing this information to the PLB for consideration.

2) Subsequent Contact with Lessee

1. The PLB will write to the lessee to inform them of their decision at 3 above, advising the lessee of the next steps, which are:
 - a. approval: the letter will inform the lessee of their support for the proposed approach and outline the requirement to implement the plan according to an agreed timeframe or
 - b. rejection of the plan and/or arguments: the PLB will request the lessee revise the plan, or develop a plan, where it rejects the arguments presented.
2. Where the lessee's plan or arguments are approved by the PLB, the lessee will be required to provide regular updates on implementation progress, as per the agreed approach.
3. Where the lessee's plan or arguments were rejected by the PLB, DPLH officers are to reengage with the lessee as per the process set out in section 1) above.
4. Where the lessee provides no reasonable response to contact from the PLB or DPLH officers, the Chair of the PLB will write to the lessee to:
 - a. Outline the land condition issues that have been identified and previously discussed with the lessee
 - b. Restate the proposed actions to remedy the land condition issues;
 - c. Require the lessee to outline a proposed course of action within a specified timeframe, in collaboration with the PLB
 - d. If the lessee disputes the Report's findings, the lessee must respond to them in writing, including any evidence per paragraph 2.b. of section 1) First Contact, within a specified timeframe
 - e. Request that the lessee demonstrate, where appropriate, implementation of land management actions within an agreed timeframe and

- f. Advise that failure to respond satisfactorily to the above may result in compliance actions, including:
 - i. Issuing a PLB Notice
 - ii. Issuing a Default Notice
 - iii. Prosecution and/or Forfeiture of Lease.
5. Any response received by the PLB should be referred to the Commissioner for consideration.

3) Issuing a PLB Notice

1. Where a lessee fails to:
 - a. respond to the letter from the Chair of the PLB within the specified timeframe or
 - b. implement or demonstrate reasonable progress towards implementation of an agreed response within an agreed timeframe, the PLB may issue a PLB Notice containing specific land management actions the lessee is required to implement to remedy land condition on the lease.
2. The PLB will liaise with Commissioner to ensure actions are consistent and, where appropriate, coordinated.
3. Land management actions included in the PLB Notice will be consistent with those contained in the *Good Pastoral Land Management Guidelines*, and may include, but are not limited to:
 - a. development of a long-term Management Plan for the land under the lease
 - b. development and immediate implementation of a grazing management plan, including how stock will be managed or kept out of degraded areas
 - c. development of a land regeneration and rehabilitation plan, including a list of priority land management activities and specific timelines for implementation
 - d. establishment of a Development Plan for infrastructure and maintenance, including ensuring waters in degraded areas are switched off and the suitability of infrastructure for managing stock movements and grazing pressure across the lease (particularly water points and fences, where appropriate)
 - e. control of declared animals and plants (i.e. management of feral animals and weeds).
4. Should the lessee fail to respond to the PLB Notice within the specified timeframe, the PLB may resolve to do any one or more of the following:
 - a. engage with the lessee by phone, letter, email and/or on lease visit about the matter; this is to be conducted by a DPLH compliance officer, at times accompanied by a DPIRD officer, if appropriate, for a lease visit
 - b. allow the lessee more time to implement the land management actions specified in the PLB Notice
 - c. monitor and reassess the lease within a given timeframe
 - d. send a letter to the lessee reminding them of their responsibilities and the risk of being issued a Default Notice
 - e. issue a Default Notice to the Lessee.

4) Issuing a Default Notice

1. If a lessee fails to comply with the PLB Notice, the PLB may issue a Default Notice, pursuant to section 129 of the LAA. Criteria under which the PLB would contemplate issuing a Default notice include:
 - a. the lessee has failed to implement the land management actions specified in the PLB Notice and/or
 - b. the lessee has failed to engage with the PLB and/or DPLH in respect of the PLB Notice in a meaningful way.
2. The PLB will liaise with Commissioner to ensure actions are consistent and, where appropriate, coordinated.
3. Should the PLB issue a Default Notice, it will contain specific land management actions the lessee is required to implement to remedy land condition on the lease, and the timeframe within which these actions must be implemented. Land management actions will be consistent with those contained in the *Good Pastoral Land Management Guidelines* and may include, but are not limited to:
 - a. development and implementation of a grazing management plan, including how stock will be managed or kept out of degraded areas
 - b. development of a land regeneration and rehabilitation plan, including a list of priority land management activities and specific timelines for implementation
 - c. establishment of a Development Plan for infrastructure and maintenance, including ensuring waters in degraded areas are switched off and the suitability of infrastructure for managing stock movements and grazing pressure across the lease (particularly water points and fences, where appropriate)
 - d. development of a long-term Management Plan for the land under the lease
 - e. control of declared animals and plants (i.e. management of feral animals and weeds).

4. Should the lessee fail to respond to the Default Notice in the specified timeframe, or fail to implement the specific land management actions specified in the Default Notice, the PLB may resolve to do any one of the following:
 - a. allow more time for the lessee to implement the land management actions specified in the Default Notice
 - b. write to the lessee reminding them of their requirement to comply with the Default Notice, and their increased risk of prosecution and/or forfeiture of the lease
 - c. advise DPLH to prosecute the lessee or
 - d. recommend the Minister for Lands forfeit the lease.

5) Prosecution and/or Forfeiture of the Lease

1. Should the PLB determine that a lessee has not complied with a Default Notice, the PLB will either:
 - a. request DPLH initiate an investigation regarding prosecuting the lessee and/or
 - b. make a recommendation to the Minister for Lands to forfeit the lease.
2. Once a request to prosecute or recommendation to proceed to forfeiture has been made, DPLH may, at its discretion, seek to obtain additional information, including:
 - a. representations from the lessee and/or
 - b. an inspection of the land under the lease, to confirm the failure of the lessee to comply with the requirements of the Default Notice and/or
 - c. legal advice.

3. Any determination by DPLH not to proceed to prosecution or forfeiture, despite a recommendation of the PLB must be accompanied by compelling evidence and reasoning to the contrary. DPLH must submit a paper to the PLB explaining the reasons for not pursuing the recommended course of action, including:
 - a. any additional evidence received from the lessee and/or
 - b. any additional evidence acquired as a result of a lease inspection and/or
 - c. legal advice received on the matter.