

PGA  PGA
Annual
Report

Year In Review 2022

Contents

PGA President's 2022 Annual Report	1
2022 PGA Livestock Committee Report	3
2022 PGA Grain Growers Committee Report	8
2022 PGA Pastoral Committee Report	11
2022 PGA Property Rights & Resources Committee Report	14

2022-23 Submissions:

Mining Amendment Bill 2023	18
Aboriginal Cultural Heritage Act 2021: Phase 3 Co-Design Process	21
Inquiry into Food Security in Australia	29
PGA Supplementary Submission - Review of the Biosecurity & Agricultural Management Act 2007	32
Notice of Assessment Aboriginal Heritage Place ID 3920 (Gascoyne & Lyons River)	34
Consultation Draft - Land & Public Works Legislation Amendment Bill 2022	36
Agricultural Industry Inquiry	41
Proposed Policy Framework Guiding the Use of Diversification Leases on Crown Land	44
Review of Biosecurity & Agricultural Management Act 2007	47
Review of WA Firearms Act 1973	50
Current Draft Revisions to AS7531 Lighting and Visibility	54

President: Tony Seabrook

Vice Presidents: Digby Stretch, Locky McTaggart

Treasurer: Bevan Henderson

2022 PGA Executive Committee

Ordinary Members

David Boyle

Peter Boyle

Calum Carruth

Digby Corker

Twynam Cunningham

Joe de Pledge

Ashley Dowden

Jeff Fordham

Rob Gillam

Trevor Hodshon

David Lovelock

Kathy Lovelock

Gary McGill

Sandy McTaggart

Bindi Murray

Chris Patmore

Gary Peacock

Judy Snell

Sue Walker

Allan Wilson

Executive Life Member

Barry Court



PGA President's 2022 Annual Report

Once again it has been another challenging year for Western Australia's pastoral and agricultural industries, in what will surely be remembered as an extraordinary period in our Association's 116-year history.

From the lingering impact of the COVID - 19 pandemic, import bans from China, Russia's invasion of the Ukraine, the threat of an incursion of Foot and Mouth Disease and Lumpy Skin Disease from Bali, to the introduction by Governments of zero-net emissions targets, new Aboriginal Cultural Heritage legislation, devastating flooding in the Kimberley, and Federal Labor's election commitment to end live sheep exports were some of the issues that have impacted our pastoral and agricultural members.

At the start of 2021 we still faced travel bans from the State Government's response to the COVID - 19 pandemic and despite extensive lobbying by the PGA, as well as other industry bodies, the then WA Agriculture Minister failed act on our concerns about attracting overseas and interstate labour, resulting in the inability for WA grain farmers facing a record harvest, to secure professional workers; as well as our pastoral and livestock members encountering numerous problems bringing over qualified stockmen, shearers, and even cooks from the Eastern States and New Zealand.

By mid-year, the Federal Election resulted in the ALP returned to power, who immediately resurrected their policy to ban live sheep exports, claiming the industry was in decline and had lost its social license. It is clear that the new Federal Agriculture Minister and the ALP party have little, if no understanding of the value of the live export industry to regional Western Australia.

Any suggestion that the trade is on its last legs is misleading, as the only decline that the trade has suffered over the past three years comes not from a lack of demand from our overseas customers, but from high livestock prices, limited supply, and reduced shipping timeframes due to the current moratorium on exports during the northern hemisphere summer months. Since 2018 the industry and its regulatory framework has undergone significant change, with no reportable incidents (voyage mortalities exceeding one per cent) occurring.

This commitment by the ALP to phase out live sheep exports will only serve to destroy regional jobs, regional communities, regional businesses, and hard working Western Australian regional families. And further, once the live sheep trade is removed, the animal activists next target will be the live cattle trade, which will destroy Northern Australia.

The Federal and State Governments' unstoppable move to committing Australia to Carbon Neutral by 2050 has resulted in Australia facing some of the most draconian environmental regulation and has resulted in increased activities from environmental activist organisations in opposing any development in the Kimberley and turning most of the Northwest into a national park.

This year saw the State Government's long-awaited Land Tenure Reforms package finally introduced into Parliament. While the legislation brings long awaited reforms for the State's pastoral industry and provides a significant modernisation of the **Land Administration Act**, there still remains several deficiencies which will continue to hinder the growth and development of the pastoral estate.

Most concerning to the Association has been the WA State Government's co-design process of the Regulatory Framework for the **Aboriginal Cultural Heritage Act 2021**. The proposed regulations, which applies equally to freehold and pastoral land holders, does not have any exemption for even the most basic of daily farming or pastoral activities.

With no limits on the cost or time frame of permits and consultation with Local Aboriginal Cultural Heritage Services (LACHS), no ability for the proponent to negotiate, no dispute recourse, and the imposition of a surcharge on fees in regional, remote, and north of the 26th parallel areas, many primary producers and pastoralists will be unable to perform the many daily, established, and legal practices in a timely and cost-effective manner due to the costs and uncertain timeframes. This will lead to the unviability of many farming and pastoral businesses, which are the backbone of regional and remote Western Australia.

Adding to this is the ongoing uncertainty created from the State Government's seemingly insatiable drive to create more national parks, and the lack consultation with the pastoral industry over the establishment of the Fitzroy River National Park.

While the PGA remains actively involved in the consultation there is growing anxiety over the Department of Biodiversity, Conservation and Attractions' inability to clearly articulate the scope of the impacted area, including the location of the park's boundaries on pastoral leases.

This process still has some time to work through the details, and as is the case with all the issues the Association has dealt with over the past year, we continue to strive for improved transparency and timeliness from our State and Federal bureaucracies.

As we close our year, I would like to personally thank the PGA Executive for their commitment and guidance, and all those members who have taken time away from their work to speak with us and share their knowledge. It is through the sharing of this valuable information and experience that we, as an Association can continue to develop outcomes that will be effective and allow our industries to grow in this challenging and often uncertain environment.

I would also like to thank my Vice Presidents Digby Stretch and Locky McTaggart: Pastoral Chair Ashley Dowden; Livestock Chair Chris Patmore; Grains Chair Gary McGill; and all the members of Executive for their assistance and support over the past year, and our policy and office team for their passion, energy and unwavering commitment to the Association and its members throughout the year.

Tony Seabrook
PGA President

2022 PGA Livestock Committee Report

Committee Chair - Chris Patmore
Policy Officer – Ian Randles

Live Export

Phase Out of Sheep Live Export

At a meeting of the Live Export Animal Welfare Advisory Group held on 23 June 2022, the Commonwealth Department of Agriculture, Fisheries and Forestry confirmed that it will shortly begin working on the design and timing of a community consultation process that will provide for a phase out in an orderly way that considers the effect on industry.

Consequently, the PGA wrote to the Minister for Agriculture, Fisheries and Forestry, Senator the Hon. Murray Watt asking him to request his Department cease planning for the phase out of sheep live exports, and redirect these resources to more pressing and urgent matters, such as:

- A Foot and Mouth Disease outbreak in Indonesia
- A Lumpy Skin Disease outbreak in Indonesia, which appears to be moving east towards Australia
- Australia's biosecurity in general
- Agricultural labour supply
- Increasing input costs for fertiliser and fuel
- The maintenance of access to Australia's international markets
- The maintenance of an orderly response to drought into the future

The Minister replied on 8 November 2022 saying that the delivery of election commitments would be a priority for their government and the Australian Government will deliver against its election commitment to phase out live sheep exports. However, the phase out will not take place during the current term of government.

Review of live sheep exports by sea to the Middle East

A review of live sheep exports to, or through, the Middle East during the Northern Hemisphere summer was released in November 2021 that recommended a slight easing of arrangements in the Red Sea and to Kuwait, with increases in other areas, and that they be transferred into enduring regulation, rather than perishable Orders.

In March 2022 the Chairman and the Policy Officer met with Officers of the Animal Welfare and Plant and Live Animal Export branch of the Commonwealth Department of Agriculture, Water and the Environment to undertake additional engagement.

However, there was no change to the recommended arrangements.

Stop Puppy Farming Legislation and Working Dogs

In December 2021, the Dog Amendment (Stop Puppy Farming) Bill 2021 passed through Parliament and became law.

In May 2022 the WA Department of Local Government, Sport and Cultural Industries confirmed that farm working dogs are exempt from sterilisation. This is the result of a strong campaign by the PGA and others.

Acts of Veterinary Medicine Surgery

The WA Department of Primary Industries and Regional Development (DPIRD) invited the PGA to participate in a webinar to discuss Consultation on Acts of Veterinary Science on 22 February 2022.

This followed the passage of the Veterinary Practice Bill 2021 through the Parliament of WA between May and October 2021.

The PGA has held to the simple position of preservation of the exemptions under the old Act that allowed for spaying of cattle in a humane way in the pastoral areas of the state and lay pregnancy testing by authorised persons.

DPIRD subsequently released its Consultation paper on Acts of veterinary medicine on 25 February 2022.

With the assistance of the Chairman of the PGA Pastoral Committee, Mr Locky MacTaggart and Committee member Mr Digby Corker, Livestock Committee member Mr Murray Grey and PGA member Mrs Leanne Corker, the PGA responded to this consultation paper with a detailed submission that stressed the need for WA's pastoral regions to have workable access to lay pregnancy testing services and spaying.

Another virtual roundtable was held on 31 May where the PGA position on lay pregnancy testing and the spaying of cattle was presented:

- *Lay pregnancy testing*
Remove the restriction and include pregnancy testing of cattle in the list of acts that are not veterinary medicine, with the proviso that signing a certificate of pregnancy or spayed status for cattle would be 'acts of veterinary medicine' if the animal is exported.
- *Spaying of cattle*
A person spaying a cow in WA must be a veterinarian or a person who is authorised by the Regulations. The Regulations could authorise the spaying of cattle as a class of veterinary medicine if the person has successfully completed a training course in spaying of cattle by a Registered Training Organisation or equivalent.

A final virtual roundtable was held on 26 July to discuss the Regulations, and although expressed in a different way the new Regulations duplicate the exemptions under the old Act.

Due to the combined efforts of the abovementioned members, the PGA was able to achieve this good outcome for its members and preserve workable access to lay pregnancy testing services and spaying in the pastoral rangelands.

Lumpy Skin Disease (LSD) and Foot & Mouth Disease (FMD)

LSD was detected in Indonesia in late February 2022. It uses insects as a vector and the virus can survive for 2.4 days in biting midges. This vector can travel to Australia on cyclonic winds from Indonesia to Northern Australia.

Consequently, the Red Meat Advisory Council stood up its Crisis Management response under the Red Meat MOU.

Subsequently, FMD was detected in Indonesia in early May and then in Bali, a favourite WA holiday destination, on 5 July.

In response to this development, Sheldon Mumby wrote a podcast script to inform livestock producers on the nature of LSD and FMD. It was subsequently recorded using the format of an interview where he asked questions of the Livestock Committee Policy Officer. It was released on the "Podbean" app on 17 July.

Australia is prepared for both LSD and FMD. For both diseases, it has Emergency Animal Disease Response Agreements that detail cost sharing arrangements between Government and industry, and Australian Veterinary Emergency Plans for a nationally agreed approach for the response to emergency animal disease (EAD) incidents in Australia.

The general consensus is that whilst LSD is more likely to arrive in Australia, the consequences of FMD would be more serious.

In September LSD spread from Sumatra into Java.

The main concern of Australian Government officials is that FMD was out of control in Indonesia, including Bali. This meant that large amounts of virus were being expressed.

Australia does trade with, and Australian travellers do visit plenty of countries where FMD is endemic, like Thailand, Malaysia, India, Nepal, China, etc. The difference is, whilst endemic, FMD is also controlled, so the amount of virus circulating is less.

Reported FMD infections in Indonesia are still increasing but its rate is slowing so it now appears that Indonesia is reaching a state of control.

Biosecurity and Agricultural Management (BAM) Act Review

In March 2022 a panel was appointed to review WA's biosecurity laws.

The Panel will inquire into and report on the operation and effectiveness of the Act in providing for all biosecurity needs (agricultural and environmental) and report on the adequacy of the penalties imposed under the Act.

It will not look into the 11 sets of subsidiary regulation.

Stage 1 was an online, open consultation process to identify the major strengths and issues which closed on 27 July, following which, a discussion paper for stage 2 was released that explored the themes arising from stage 1.

The Chairman of the PGA Livestock Committee, its Policy Officer and Mr Sheldon Mumby met (virtually) with two members of the Review Panel on 2 November.

The main points of the 2 November discussion were:

- There is plenty of State and Commonwealth Government legislation protecting the environment and biodiversity.
- A general duty of biosecurity care may have exposed the property owner where BJD was detected in 2021 to some form of prosecution. As BJD is a particularly cryptic disease that takes years to manifest itself, this would be a particularly unfair outcome.
- The Recognised Biosecurity Groups (RBGs) are well supported in the pastoral and agricultural areas but not so well in the Southwest areas where Minister MacTiernan received many complaints. She obviously felt an obligation to act on these complaints.

On 3 November the Policy Officer attended an interactive forum on community-led pest and weed management. It soon became obvious that this forum was really a referendum on the RBGs.

It seems that as the RBG model has been introduced to the lower south-west the cost of collecting the DPR for the State Government has increased. This is because there are many more ratepayers but each paying a much smaller rate than the traditional pastoral RBGs.

An environmental service levy was floated at the forum, and this was welcomed by NRM groups and local government. This levy was a key recommendation of the Biosecurity Council of WA. Such a levy would be applied to all ratepayers state-wide and would be hypothecated (dedication of the revenue from a specific tax for a particular expenditure purpose) for pest and weed management.

However, the Minister came to the meeting in its closing stages and said an environmental services levy is not the solution.

It seems likely that this forum was a way of managing expectations about environmental biosecurity.

The review continues.

Animal Welfare Advisory Committee

The PGA was approached by this Committee in December 2022 seeking a PGA position on training for Animal Welfare Inspectors.

The PGA believes the issue is not training as such but the requirements to be an Animal Welfare Inspector.

In the PGA's view an Inspector needs to have wide experience in livestock handling and animal husbandry.

Animal Welfare and Trespass Legislation Amendment Bill 2021

This Bill was reintroduced into Parliament in June 2021. It will amend three separate Acts, namely the Animal Welfare Act 2002, the Criminal Code (WA) and the Restraining Orders Act 1997.

On 1 December 2022 the Bill passed through the Legislative Assembly of the Parliament of WA and has now been presented to the Legislative Council.

Electronic Identification (eID) for Sheep

Under the impetus of the outbreak of LSD and FMD in Indonesia, the meeting of Australian Agriculture Ministers on 20 July 2022 resulted in an in-principal support for the development of a national mandatory sheep and goat electronic identification (eID) system.

The Commonwealth, state and territory agriculture ministers then met virtually on 9 September at the Agriculture Ministers' Meeting and reaffirmed their commitment for government to work collaboratively with industry to advance work on a national approach to Australia's livestock traceability system.

The WA Department of Primary Industries and Regional Development (DPIRD) had already set up a WA NLIS Sheep and Goat Advisory Group in October 2021. The Vice-President Mr Digby Stretch represents the PGA, and the Policy Officer attends also.

The PGA holds a long-standing position that moving to eID tags for the sake of electronic identification will not improve compliance in the other two legs of livestock traceability, and Western Australia's brand on tag and pink transaction tag is a proven and cost-effective mob-based movement system.

However, in WA eID has moved from debate to the delivery phase.

The State Government has announced \$3.4 million for the current financial year to support the rollout of sheep and goat eID and is seeking at least an additional \$1.2 million from the Commonwealth Government.

Half of this funding will be made available to offer incentives assisting producers to access blue eID tags for their 2023 newborns.

Yellow eID tags for tagging existing stock on property to move from 2025 will be subsidised from July 2024. Saleyards and abattoirs will also be incentivised to make the necessary infrastructure changes.

There will be no exemption for lambs direct to slaughter but rangeland goats going direct to slaughter can go untagged under DPIRD permit.

WA intends to continue with the year-of-birth colour system for electronic tags and pink tags will only be necessary if the original breeder tag has fallen out.

The PGA believes that for eID for sheep to be successful, it will require:

- Comprehensive education and capacity building for sheep producers,
- Equitable funding between each part of the sheep industry,
- An upgraded NLIS database (\$26.6 million was allocated in the recent Federal budget to upgrade it),
- Implementation of a sheep NLIS help desk in WA,
- eNVD that works,
- Ensuring the Integrity Systems Co is sufficiently resourced to do its part of sheep traceability,
- Ensuring that DPIRD is sufficiently resourced to do its part of sheep traceability.

Pain Relief

Although the PGA has a formal policy to encourage the uptake of pain relief for animal husbandry procedures that cause pain, its simple position is that successful pain relief needs to be available across the counter, easy to administer in what is not exactly a controlled environment, and ideally be registered for other husbandry applications on the farm.

To this end the PGA wrote to the Therapeutic Goods Administration (TGA) of the Commonwealth Department of Health in April 2022 in support of over-the-counter registration for injectable meloxicam for sheep.

Unfortunately, the TGA released its final decision on injectable meloxicam in May and it was not rescheduled.

Australian Wool Innovation (AWI)

Wool Q

The PGA has never supported the marketplace functions of AWI's Wool Q. However, it is an elegant on-line platform that will have some application in the post-COVID era of remote relationships, workplaces and meetings. Otherwise, the on-line marketplace has been put into a state of suspended animation by AWI.

Wool Industry Consultative Panel

Ms Bindi Murray, Vice-Chair of the PGA Livestock Committee represents the PGA on this panel. This representation gives PGA direct input into the workings of AWI, something which is not available to any other State Farming Organisation in Australia.

The Chairman has represented the PGA on several Woolgrower Consultative Group forums with various industry themes. This is a much broader and larger group than the WICP and offers broad direction to AWI rather than dealing with specific issues.

Cattle Council of Australia (CCA) Restructure

Once again, the Cattle Council of Australia spent the better part of 2022 progressing its restructure. The PGA's main objective throughout the process has been to preserve the management of its representation to CCA, for the benefit of its own members.

CCA kept the PGA well informed with Industry Leader Forums and other meetings and briefings.

The PGA had some reservations on some aspects of the proposal, but remained broadly supportive, with acknowledgement that the CCA was financially unsustainable. Consequently, the Committee passed the following motion:

"That the PGA support the new Cattle Australia constitution but only on the basis that adequate funding is first found to run the new company".

CCA subsequently supplied a Cattle Australia Annual Operating Budget, Source of Funds and Outlook to 2027 on 7 September. The sources of funds for this budget were entirely speculative and did not satisfy the PGA policy position.

Accordingly, the PGA wrote to CCA stating that to be able to support the CCA's transition into the future Cattle Australia, a requirement would be a balanced budget with a less ambitious outlook. No reply was received.

Consequently, the PGA voted against the restructure proposal presented at the Cattle Council Special General Meeting on 4 October, as did the New South Wales Farmers Association.

Despite this opposition the proposal gained enough support from the other SFOs to pass the 75% threshold, and CCA commenced the process of transitioning to Cattle Australia (CA) which was completed with the election of the Board of Cattle Australia.

The PGA is now no longer entitled to appoint its representative to the Board of CA, but as an Industry Member of CA, it is entitled to appoint a representative to the CA Policy Advisory Council. Consequently, the PGA has written to CA and advised them that the PGA appoints Mr Digby Corker as its representative to this Council.

CCA Policy Council

Mr Digby Corker sat on this Council by virtue of his position as a Director on the Board of Cattle Council and represented the PGA. The Policy Officer is also entitled to sit in on the Council's meetings, but only as a non-voting observer.

Some of the issues the Council has covered are:

- Biosecurity
- Traceability
- Cattle animal welfare
- COP 26 summit
- Tax arrangements for ACCUs
- Biodiversity & carbon pilot
- Global roundtable for sustainable beef
- Australian beef sustainability framework
- UK free trade agreement
- EU free trade agreement
- India free trade agreement

Sheep Producers Australia (SPA) SPA Policy Council

The PGA currently has no representative on the Council, but the Policy Officer attends as a non-voting observer.

Some of the issues the Council has covered are:

- National traceability, particularly sheep EIDs
- Carbon neutrality and climate
- Animal welfare practices
- Market access and trade barriers
- Maximising values
- Accelerated R&D adoption
- Sheep sustainability
- Consumer and community trust

SPA AGM

SPA held its AGM as an on-line meeting on 22 November. It was a routine meeting and the PGA voted in favour of all resolutions presented. This included the re-election to the SPA Board of Mr Jamie Heinrich of South Australia, and the election of Mr Brendan Tatham of Victoria.

WA Livestock Exporters Association (WALEA)

The next WALEA AGM and general meeting were held on 25 October 2022. The Policy Officer represented the PGA.

Items discussed were:

- Live export price indicator
- ASEL 3.2
- LGAP standards
- Independent Observers on ships

The live export wharf at Fremantle Harbour is being upgraded over the next 6 to 8 months. This is an encouraging sign.

Australian Wool Production Forecasting Committee (AWPFC)

The Chairman represents PGA on the WA committee of AWPFC. In an encouraging change from recent wool production declines, production in 2022/23 is expected to increase by 5.7% in WA and 5.0% nationally.

National Wild Dog Action Plan (NWDAP)

The Chairman represents PGA on the NWDAP Coordination Committee. This group provides state input into the Plan as it develops over time. It gives valuable exposure to the Wild Dog problem and is instrumental in securing ongoing attention and funding, particularly at the national level.

The group meets several times per year, including meeting in Esperance in September 2022.

Electronic National Vendor Declarations (eNVD)

Whilst the PGA supports eNVD, it is dubious if complete electronic coverage will ever be a 100% proposition.

However, the Integrity Systems Company (ISC - a wholly owned MLA subsidiary) appears to have overcome this by using Bluetooth to communicate between mobile devices so that eNVD can work offline using QR codes that contain the electronic information. The QR codes are scanned using the camera in the device.

The app was released in November 2022 and as a further inducement ISC will offer a \$30 discount on Livestock Production Assurance audits for those who use eNVD.

WA Wool Technical Advisory Group (Wool TAG)

Following a wool harvesting round table in May last year it was agreed to form a WA Wool TAG. This model has been successfully proven in South Australia and is being rolled out across the other Australian wool producing states.

AWI provide the necessary secretarial support which is delivered by the Executive Officer of WASIA. The Chairman of the PGA Livestock Committee chairs the TAG.

He reports that with increased funding from AWI good progress is being made with shearer and wool handler training in WA.

Conclusion

Once again, the Chairman would like to thank each member of the Committee for their contributions in time and judgement that they bring to every meeting. In particular, he thanks Ms Bindi Murray who is the Vice-Chair of the Committee.

The Chairman also acknowledges the valuable assistance and advice given to him by the Committee's Policy Officer Mr Ian Randles. Ian writes the Committee's letters, deals with correspondence, prepares submissions, takes the Committee's minutes, attends and reports back on meetings and interprets the numerous reports and reviews generated by industry and government.

2022 PGA Grain Growers Committee Report

Committee Chair - Gary McGill
Policy Officer - Ian Randles

CBH Group

Out-Loading Task and Wheat Pricing Differences

The Chairman and Policy Officer met with CBH four times during 2022 to discuss its outturn performance.

CBH acknowledged there were issues with grain carry over and price, and that too much grain in the system would drive prices down.

However, CBH have changed rail operators to access better train maintenance and train set availability. Road contractors were incentivised to continue working with CBH and improve their trucking fleet and retain drivers. CBH grower members were asked to assist with their own trucks by forward loading grain when moving fertiliser and lime, leasing their trucks to CBH road contractors, or contracting directly with CBH.

These meetings culminated with an invitation to tour the CBH Kwinana Grain Terminal on 14 October followed by a meeting to receive an update on their out-loading task.

As of this meeting, CBH had about 3.5 million tonnes of grain in its system, as carry over. Less than 3 million tonnes were stored up-country.

CBH also announced its decision not to pay a rebate to growers who sold their grain to CBH Grains (Marketing and Trading). Instead, the profits from Marketing and Trading were transferred to the CBH parent company to pay for upgrades to the supply chain network, including purchasing more train sets.

With respect to its outturn performance CBH rail transport improved, as COVID absenteeism improved, and CBH used its September maintenance shutdown to train drivers, as route knowledge was also a restriction. They have standardised on 50 wagon train sets, as this means wagons do not have to be dropped off, picked up or shunted.

CBH also offered incentives to grain producers to deliver straight to the Metro Grain Centre.

As the Kwinana Grain Terminal was never built with road delivery of grain in mind, access to the site for road trains is restricted, and the grain handling facilities for trucks are small in comparison to the rail grids.

By the end of the CBH Financial Year (September) CBH had out turned 18 million tonnes of grain.

CBH's long term plan is to increase the rail capacity of its network by making investments at strategic points in its network that will allow them to accumulate more grain quicker at its Northam site.

If the Avon Valley standard gauge railway line is closed due to derailments or bushfires, storing more grain at Northam will allow CBH to catch up with the out-turning task quicker.

CBH Members Forum and AGM

The PGA President, Chairman and Policy Officer all attended.

The AGM was notable for its lengthy question time, with most questions being asked by former Directors of CBH.

Alternate Port Terminals for Grain Export

On the 14 July 2022 episode of WA Countryhour, the CEO/Business Development Director of T Ports, Mr Kieran Carvill, was interviewed about establishing a shallow draft port in WA to export grain and minerals using the trans-shipment method.

T Ports currently operate a similar port at Lucky Bay in South Australia. It was excavated inland and then flooded. It is connected to deeper water by a dredged channel.

Mr Carvill visited WA from 3 October until 9 October on a study tour for possible sites for a shallow draft port in WA to export grain and minerals using the trans-shipment method. To assist him, the Chairman of the Committee arranged a series of meetings in Perth, Dongara and Wongan Hills so Mr Carvill could meet local grain growers and answer their questions on how the T Port model would work.

Both country meetings were well organised and well attended and were very useful information sharing and gathering activities.

Mr Carvill subsequently resigned from T Ports and to be very clear any future port would have no connection with T Ports, and would be owned by Sea Transport Solutions Australia, which is a subsidiary of Sea Transport Corporation of Queensland.

Sea Transport build ferries, transshipment vessels (as used by T Ports) and patrol boats.

Whilst he was here Mr Carvill undertook a physical examination of the coastline from Jurien Bay south to Lancelin and the southeast coast, apparently centring on Ravensthorpe. He has also undertaken significant research into WA sea conditions and grain production statistics.

It should not be forgotten that prior to the construction of the south-west's major deep-water ports, jetties were in widespread use along the WA coast until relatively recent times to land passengers and goods.

International Sustainability and Carbon Certification (ISCC) Program

In late 2021 new ISCC requirements were proposed that would require grain growers to have additional management and action plans to satisfy the EU Renewable Energy Directive.

The Australian Oilseeds Federation subsequently convened an Industry Roundtable on 17 March 2022 to bring grain industry stakeholders together to share their thoughts about, and opportunities and issues with, the ISCC Certification Scheme, with the aim of addressing the outcomes of the Roundtable with ISCC directly. The Chairman and Policy Officer attended.

The roundtable decided to form a Regional Stakeholder Group to interact with ISCC.

The PGA is concerned that changes to ISCC will mean WA farmers may have to comply with unsuitable European requirements.

The PGA is also broadly supportive of the Grain Producers Australia position of an Australian owned sustainability program.

Competition in the WA Grain Supply Chain

For some time, the Chairman has thought long and hard about how to facilitate competition in the WA grain supply chain. He has made a special effort to engage with WA Farmers and the WA Grains Group to tease out their positions on competition in the grain supply chain. This has been a long and delicate process, complicated by routine changes of office holders in both organisations.

To this end, the Chairman was successful in arranging for representatives of WA Farmers and the WA Grains Group (along with himself) to discuss competition in a pre-recorded studio interview as part of WA Countryhour on 1 November.

There was common agreement that WA growers have faced a large difference in pricing between the Kwinana port zone and other wheat growing areas of Australia, especially South Australia, as well as the international basis price.

Whilst WA Farmers has yet to take a firm policy position all agree that competition could be the solution.

Along with WA Farmers and the WA Grains Group, the Chairman continues to engage with CBH on a regular basis to discuss and monitor the performance of the CBH outturn task.

The PGA will continue to look for any opportunity to increase competition.

Agriculture Labour

COVID border restrictions meant that importing workers into WA, whilst not impossible, became much more difficult.

Consequently, a new visa category was announced by the Commonwealth Government in late 2021. The Agriculture Visa was envisaged to work in much the same way as the Pacific Australia Labour Mobility scheme. However, the incoming Albanese ALP Government scrapped it in 2022.

Subsequently a WA Agricultural Workforce Issues Roundtable was held on 26 October 2022 hosted by the State Training Board.

However, the workforce labour shortages that are being experienced in Western Australia appear to be structural. Australia's total fertility rate was 1.70 babies per woman in 2021 and has been below replacement since 1976. As migration is capped it seems Australia's population cannot meet the demand for labour.

Nonetheless, it is not assisted by the State Government's major metropolitan infrastructure project METRONET which is drawing labour and materials away from other sectors of the economy.

Agricultural Vehicle Advisory Committee

This committee met three times in 2022. Mr Guydon Boyle continues to represent the PGA as a subject matter expert on modern agricultural vehicles,

Grain Biosecurity Advisory Committee

This Committee only met once during 2022. The Vice-Chairman and the Policy Officer attended. It was a routine meeting with nothing to report.

Wheat Port Code of Conduct

As part of its 2021–22 bulk grain ports monitoring report the ACCC stated that the Code needed to be reviewed sooner rather than later, because new entrants have typically entered markets with significant and well-established port terminal facilities and have therefore been subject to significant competitive constraint.

Consequently, the default application of the full suite of the Code's obligations on new entrants risks imposing unnecessary regulatory burden, raising barriers to entry, and negatively affecting the development of competition amongst Port Terminal Service Providers.

The PGA view on this sort of regulation is that it is singularly unable to predict the future.

Grain Producers Australia (GPA)

During the past year, it has become apparent that many GPA policy positions were aligning with those of the PGA grains committee such as the International Sustainability and Carbon Certification and the possibility of an Australian-owned and controlled sustainability certification scheme.

Also, the PGA does not support splitting the role of Representative Organisation for the GRDC between Grain Growers Ltd and GPA, which GPA strongly believes is their prerogative.

Consequently, the Committee decided to write to GPA seeking information on a limited form of membership that gives national representation rather than policy development.

GPA offered a number of different membership categories which the Committee will consider.

Agriculture Sectoral Emissions Reduction Strategy

On 30 June 2022 the Policy Officer attended the Agricultural Sectoral Emissions Reduction Strategies (SERS) Industry Consultation held by DPIRD. This strategy was announced in December last year.

WA is the most energy intensive state in Australia and hence has the greatest emissions.

The major causes of agricultural emissions are:

- Animals
- Fertiliser
- Fuel
- Electricity

Methane from cattle is 95% belching, and 5% flatulence. Emissions from agricultural soils are caused by indirect and direct soil processes and produce nitrogen. Liming and the application of urea also releases CO₂ emissions.

2022 PGA Pastoral Committee Report

Pastoral Committee Report

Committee Chair – Ashley Dowden
Policy Director – Sheldon Mumby

2022 was a year of significant changes and challenges for both the Pastoral Committee and the Western Australian Pastoral Industry. While the beginning of the year remained dominated by the impact of COVID-19 on the economy, organizations and travel, PGA pastoral members continued to be actively engaged through email, telephone and virtual meetings to ensure that PGA responses to policy and regulatory issues were informed by member experiences and desires.

From a policy standpoint the Co-design of Regulations for the Aboriginal Cultural and Heritage Act 2021 and the introduction of the Land and Public Works Legislation Amendment Bill dominated the agenda, as did the proposed changes to the Firearms Act 1973.

The release of the State Government's Western Australian Climate Change Policy and net zero emissions by 2050 target, saw a dramatic increase in the activities of hydrogen and other clean energy companies on pastoral leases, and the introduction of a new form of tenure, the Diversification Lease.

The end of the year saw unprecedented flooding in the Kimberley from ex-tropical Cyclone Ellie, which has significantly impacted many members, and it will be some time until the full aftermath of this event will be known.

In August, Locky McTaggart stepped down as chair of the PGA Pastoral Committee and Ashley Dowden was elected Chair, and Trevor Hodshon Vice-Chair. The Committee passed a motion thanking Locky McTaggart for his tenure as chair of the Pastoral Committee over the past five years.

The Chair would like to thank each member of the Committee for their contributions over the past year in time and judgement that they bring to every meeting.

Aboriginal Cultural Heritage (ACH) Co-design processes

In April 2022 the WA State Government began the first of three co-design processes of the Regulatory Framework for the Aboriginal Cultural Heritage Act 2021, with the third phase closing on 6 January 2023.

The PGA Pastoral Committee remained actively involved in all three phases and sent a briefing paper and outlines of key issues to all members for them to provide individual submissions, which many pastoralists did.

The PGA lodged its submission on 6 January 2023 outlining our concerns that from the comments made by primary producers and pastoralists who attended the workshops that throughout the Co-design process little, if any consideration has been given to the financial impacts of these proposed regulations on the viability of WA's agricultural and pastoral industries.

With no limits on the cost or time frame of permits and consultation, which are all borne by the proponent, no ability for the proponent to negotiate, no dispute recourse, and the imposition of a surcharge on fees in regional, remote, and north of the 26th parallel areas, many primary producers and pastoralists will be unable to perform the many daily, established, and legal practices in a timely and cost-effective manner due to the costs and uncertain timeframes. This will lead to the unviability of many farming and pastoral businesses, which are the backbone of regional and remote Western Australia.

The PGA urged that an independent Financial Impact Study on the impacts these proposed regulations and processes will have on regional and remote Western Australia needs to be completed before these proposed regulations are introduced.

Land and Public Works Legislation Amendment Bill 2022

On 7 October 2022 the Minister for Lands, the Hon John Carey MLA released the Land and Public Works Legislation Amendment Bill 2022 (Bill) for a two-week consultation period. On Wednesday, 23 November the Bill was introduced into the Legislative Assembly, with no changes from the draft legislation, and passed the Legislative Assembly on 24 February 2023, and the Legislative Council on 14 March 2023. It is now waiting assent.

The Bill brings long awaited reforms for the State's pastoral industry, including providing the ability to extend the term of a pastoral lease to 50 years, applying a new rental evaluation methodology, and provide for a new form of tenure under a Diversification Lease.

In our submission the PGA held the position that although the Bill provides a significant modernisation of the Land Administration Act 1997, there still remain several deficiencies which will hinder the growth and development of the pastoral estate, including the following:

- The failure of the Bill to address one of the longstanding issues for pastoralists - the inability for those pastoralists who are compliant with their lease obligations to exercise, as is the case with any commercial lease, a right of renewal. The PGA is disappointed that this statutory right of renewal has not been included in the Bill.
- That the proposed reforms do not provide further clarity over on between the proposed diversification leases and existing mining tenements. There are currently potential sites for hydrogen and renewable energy projects located on mining tenements, and in many cases the use case for these projects may not be a purpose directly connected with mining. It will be necessary to carefully review the proposed legislation to determine how the interaction between mining tenure and these new diversification leases will be managed, including whether there will be any changes to the Mining Act processes.
- That some pastoralists had raised concerns about the practicality of the diversification lease and whether the proposed amendments will make much difference to the average pastoralist. Most renewable energy projects are very costly and require investment from external sources in order to be established.
- Diversification leases may only be a viable option for pastoralists with other interests, or those who can gain large investments.
 - The PGA noted that if a diversification lessee has failed to comply with a provision of this Act, or of the lease, that the lease is liable to forfeiture under section 35 and the land will revert to unallocated Crown land. The PGA is concerned that this may result in valuable grazing land removed from the pastoral estate.
- The PGA is concerned that the proposed CPI increases are based solely on the Perth All Groups Index, and not on a regional CPI Index, which was originally discussed in detail with the PLB. Having regional rents increase by a Metro based CPI Index, creates an artificial inflation which does not accurately reflect true inflation in the regions, especially throughout the pastoral estate.
- Further, the PGA remains concerned that there is no cap on the maximum increase for the Market Review. Given the increase to ten years, it is conceivable that there would be significant increases (+25%), which would severely impact most leaseholders.

Mining Amendment Bill 2023

On 23 January the State Government released for public comment until 30 January the Mining Amendment Bill 2023. This Bill seeks to amend the Mining Act 1978 (Mining Act) following on from the consequential amendments found in the Land and Public Works Legislation Amendment Bill 2022 (LPWL Bill), which was introduced into parliament on 23 November 2022.

The Bill's amendments stem from the proposed amendment under the LPW Bill to section 92B(2) of the Land Administration Act 1997 (LAA), which states that a diversification lease can be granted for any purpose. The Bill's amendments provide that objections to a mining tenement application will not be permitted on the grounds that it would affect a carbon farming project.

The PGA lodged a submission on 30 January, outlining our concerns that by not allowing an objection to a mining tenement application solely based on its impact to a carbon farming project, carbon farming proponents, including pastoral and diversification lease holders will be disadvantaged.

Pastoral lease holders who have carbon farm projects have legally binding contracts with the Federal Government and their rights, including rights to compensation need to be recognised.

Draft Land Condition Standards for the West Kimberley

As part of the Framework for Sustainable Pastoral Management, DPIRB is changing the way it monitors and assesses rangeland condition. Included in this is the release of the new Draft Land Condition Standards for the West Kimberley. The Standards will provide a clear description of what is and is not acceptable land condition for key pastures in each region, and how land management could affect the risk levels. This will enable consistent and objective lease and station level assessments of land condition and land management effectiveness.

Standards will be progressively developed for each area across the pastoral estate. The West Kimberley is the first area of the State to have Standards developed.

The PGA attended a briefing in Perth on 3 November, and DPIRD held information sessions for West Kimberley pastoralists in Derby on Monday 14 November 2022 and in Fitzroy Crossing on Tuesday 15 November 2022.

DPIRB Biosecurity Officers access to CAT-D Firearms

The PGA was notified at the end of September that due to internal issues that arose in late June/July within the Department that halted the use of CAT D firearms by Bio Security Officers, has escalated with their firearms licences suspended. This action resulted in three shoots being delayed.

DPIRD anticipated these matters would be formally concluded in December, and then will be in a position to have staff reauthorised to undertake aerial shooting operations. Unfortunately, this timing overlapped with summer weather conditions in the north of the State, and operationally it was not possible to proceed with the planned Kimberley and Pilbara programs, in partnership with the RBG's, prior to the end of December.

Given the need for the wet season to be well finished to undertake these programs, DPIRD will liaise with the RBG's in respect to the option of undertaking the Kimberley and Pilbara programs in May or June 2023.

DBCA Wild Dog Control

Prior to the Department of Biodiversity, Conservation and Attractions (DBCA) handing over of management of ex-pastoral Lands to local Aboriginal Ranger Groups, Recognised Biosecurity Groups managed many dogging activities. However, in December, the RBG's were notified to remove all traps, and cease all dogging-activity on ex pastoral-lands.

The PGA is concerned that this direction will lead to an increase in wild dog predation in the rangelands.

Large Feral Herbivore (LFH) Firearms Review

The PGA was notified on 19 July by DPIRB that the Draft guidelines developed by the LFH Firearms Working Group, which includes both legal advice from an animal welfare perspective on Control of large feral herbivores, and guidelines for RBG's on the use of non-Category D firearms for small scale aerial control of Large Feral Herbivores, would be undergoing further revision.

The revised documents will include extending the species from Large Feral Herbivores to other feral animals including wild cats, feral pigs, and deer; extending the control measures from the rangelands to the agricultural and southwest regions; and increasing the membership of the Working Group to include non-rangelands RBG's, the KPCA, and the RSPCA.

WA Firearms Act Review

On 30 June 2022 the PGA provided a submission to the Western Australian Police Commissioner on the review into the WA Firearms Act 1973.

In making the submission the PGA recognized the need for positive outcomes that will ensure both public safety as well as protecting the legitimate use of firearms by farmers and pastoralists (primary producers).

The PGA submitted that is critical that the focus of any changes to the Act be both cognisant of the need for legally licenced primary producers to continue to access firearms for vermin and pest control, the dispatch of livestock for animal welfare reasons, as well in as for workplace safety when mustering; as well as focused on addressing the criminal misuse of firearms.

On 5 February 2023 the McGowan Government announced that it will introduce mandatory mental health checks for Western Australian gun owners as part of its commitment to overhaul the State's outdated firearms laws and put community safety first.

On 14 February 2023 the McGowan Government announced a ban from 1 July 2023 on 56 types of firearms and 19 calibres of ammunition designed to shoot over long ranges with extraordinary power and precision.

Kimberley Floods

The unprecedented flooding in the Kimberley from ex-tropical Cyclone Ellie significantly impacted many members, and it will be some time until the full aftermath of this event, including stock losses, and damage to infrastructure (including private homesteads and staff accommodation, fencing, water and solar systems, generators, station roads and equipment, and vehicles) will be known.

The PGA has been working with the numerous State Government agencies, departments, and utilities representatives in conducting both rapid and long-term damage assessment to the flood affected areas of the Kimberley, and the President, Pastoral Chair, and Policy Director have phoned members in the Kimberley.

PGA President Tony Seabrook has been in continuous contact with State Agriculture Minister Jackie Jarvis and Federal Agriculture and Emergency Services Minister Murray Watt, and Pastoral Director Sheldon Mumby continues to attend the daily Teams meetings of the FESA Kimberley Operational Area Support Group and Industry Support Group meetings, representing the interests of our Kimberley members.

2022 PGA Property Rights & Resources Committee Report

PGA Property Rights & Resources Committee Report

Committee Chair – Gary Peacock

Policy Director – Sheldon Mumby

Throughout 2022 the PGA has continued to advocate for and defend the property rights, resource and economic interests of our members. Over the past year, within a diverse range of policy areas, the major areas of activity were centred on the Co-design of Regulations for the Aboriginal Cultural and Heritage Act 2021, safety in agriculture (particularly in related to the Work Health Safety Act 2020), environmental regulations, fire management and water planning, and the proposed changes to the Firearms Act 1973.

Aboriginal Cultural Heritage (ACH) Co-design processes

In April 2022 the WA State Government began the first of three co-design processes of the Regulatory Framework for the Aboriginal Cultural Heritage Act 2021, with the third phase closing on 6 January 2023.

The PGA remained actively involved in all three phases and sent a briefing paper and outlines of key issues to all members for them to provide individual submissions, which many members did. Central to this was advising agricultural members of the impact on freehold landholders.

Comments from members who attended the co-design workshops was that the impact on pastoralists and farmers will be significant and at a considerable cost. Most workshops were dominated by various Aboriginal groups, who were wanting every activity to come before a Local Aboriginal Cultural Heritage Service (LACHS) for consideration. Also, the concept of 'cultural significance' has far reaching implications, including that even previously disturbed land could still have cultural or heritage significance, thus preventing a proponent from either maintaining, repairing or upgrading an existing piece of infrastructure. There is the possibility that if one wanted to put down a new bore in an already disturbed area, a producer could be looking at a Management Plan, ACH Council approval and extensive administration costs and constant delays as proponents battle with the very generous response timeframes granted to the LACHS and the Council.

The PGA lodged its submission on 6 January 2023 outlining our concerns that from the comments made by primary producers and pastoralists who attended the workshops that throughout the Co-design process little, if any consideration has been given to the financial impacts of these proposed regulations on the viability of WA's agricultural and pastoral industries.

With no limits on the cost or time frame of permits and consultation, which are all borne by the proponent, no ability for the proponent to negotiate, no dispute recourse, and the imposition of a surcharge on fees in regional, remote, and north of the 26th parallel areas, many primary producers and pastoralists will be unable to perform the many daily, established, and legal practices in a timely and cost-effective manner due to the costs and uncertain timeframes. This will lead to the unviability of many farming and pastoral businesses, which are the backbone of regional and remote Western Australia.

The PGA urged that an independent Financial Impact Study on the impacts these proposed regulations and processes will have on regional and remote Western Australia needs to be completed before these proposed regulations are introduced.

Notice of Assessment Aboriginal Heritage Place ID 39200 (Gascoyne & Lyons River)

The PGA lodged an objection to the assessment by the Aboriginal Cultural Material Committee (ACMC) on Aboriginal Heritage Place 39200 (Gascoyne and Lyons River).

The PGA noted in our objection that the only information provided for landowners is a limited Fact Sheet and a map of the proposed assessment area. There is no further information available, including the original DPHL assessment of the 'Gascoyne and Lyons River', which would allow any stakeholder to make a fair and considered submission on the assessment. As such, this showed a definite lack of 'procedural fairness' for all landowners, as stipulated in the Fact Sheet.

There was also no clarity on the responsibility for management of the areas once granted. This includes responsibility for Biosecurity, fire, and feral pest control of the lands associated with the Heritage places once granted. Clarification is required, as there will be a direct impact on any pastoral leases where their properties boundaries are adjacent to the Aboriginal Heritage Places.

Given that the purpose of the AHA is to protect aboriginal heritage within Western Australia, which does not affect property ownership or land access, and that any future activities by landowners may require a need for approval from the AHA, it is imperative that landowners be provided with all relevant information on the assessment prior to any determination.

WA Firearms Act Review

On 30 June 2022 the PGA provided a submission to the Western Australian Police Commissioner on the review into the WA Firearms Act 1973.

In making the submission the PGA recognized the need for positive outcomes that will ensure both public safety as well as protecting the legitimate use of firearms by farmers and pastoralists (primary producers).

The PGA submitted that it is critical that the focus of any changes to the Act be both cognisant of the need for legally licenced primary producers to continue to access firearms for vermin and pest control, the dispatch of livestock for animal welfare reasons, as well as for workplace safety when mustering; as well as focused on addressing the criminal misuse of firearms.

On 5 February 2023 the McGowan Government announced that it will introduce mandatory mental health checks for Western Australian gun owners as part of its commitment to overhaul the State's outdated firearms laws and put community safety first.

On 14 February 2023 the McGowan Government announced a ban from 1 July 2023 on 56 types of firearms and 19 calibres of ammunition designed to shoot over long ranges with extraordinary power and precision.

Inquiry into Agriculture Work Safe Practices

Following the 12th fatality in 12 months in the Western Australian agricultural industry last June, WorkSafe Commissioner Darren Kavanagh announced an Inquiry into Agriculture work safe practices and appointed an Independent Inquirer.

The Inquiry considered a range of issues and recommendations on matters that affect the safety performance of the agricultural industry and have influenced the increase in deaths.

The PGA provided a submission in which we held that legislation and regulation have never proven to be the answer for improving worker safety in the agricultural industry. The solution must come from within the industry itself. Reducing work-related deaths and serious injuries within the agricultural and pastoral industries depends on creating a culture of safety that is built collaboratively by everyone involved in the industry.

The independent Inquirer, Pam Scott, conducted community consultation meetings, including video linked meetings, around the State, and the PGA has advised members of the dates and locations and encouraged members to attend.

DWER Regulatory Stakeholder Reference Group meeting

On 17 June 2022, PGA Policy Director Sheldon Mumby attended the DWER Regulatory Stakeholder Reference Group meeting, which included information on the Department of Water and Environment Part V fees increase, and the DWER Strategic Plan.

Climate Policy – Sector Emissions Reduction Strategies

On 30 June 2022, PGA Policy Directors Sheldon Mumby and Ian Randles attended the DPIRB Industry Consultation for the Emissions Reduction Strategy for Agriculture, where the Draft Baseline report was presented.

DPIRD has defined 5 Agricultural sectors (grains, livestock, rangelands, intensive livestock and horticulture), with a SERS framework being established for each.

House of Representatives Agriculture Committee Inquiry into Food Security

The PGA provided a submission in which we held that although Australia does not have a food security issue, it remains vulnerable to supply chain issues, due to its reliance on imports of agrichemicals and fertilisers.

Further, the cumulative and ever-increasing pressure on governments to instigate carbon neutral or net zero targets is now placing future pressures on Australia's food security. Most net-zero schemes rely on carbon markets, offset schemes, and using arable land as carbon sinks—a tactic that might mean forced removal of the people currently living and working on them.

The PGA also raised the issue that thousands of square kilometres of valuable grazing and watering land has been excluded due to Commonwealth and State national parks and reserves. In addition, the WA State Governments ambitious 2030 reduction target of 80% below 2020 levels is resulting on valuable land being taken out of the WA pastoral estate for wind and solar farms to develop an emerging WA hydrogen industry.

The PGA also noted that the approval processes for land clearing, and the creation of dams and other watering points, chemical use, transport, as well as stocking densities remain both costly and prescriptive for most producers. Further, the impacts on production and supply chain costs from rising fuel prices, as well as the need for the removal of immigration barriers to allow overseas workers entry to meet the significant labour shortages across the State continue to impact on the ability for producers to increase productivity.

WA Water Users Coalition – Manjimup Spring Exemptions Forum

On 27 Apr 2022, Policy Officer Doug Hall attended and spoke at the WA Water Users Coalition (WAWUC) Forum on the WA Government's Draft Spring Exemption Guidelines in Manjimup. The PGA was invited to speak by WAWUC Chair Bevan Eatts. PGA member Dave Wren is long-time member of the WAWUC Executive Committee and an invaluable conduit between the two organizations.

The PGA presentation focussed on highlighting the long and active relationship between the PGA and WAWUC, including: PGA's long and proud history of defending private property rights; including water rights; that the PGA had attended and spoken at the previous WAWUC Spring Rights Forum in Oct 2020; and how the PGA had advocated on behalf of WAWUC at both the DWER Regulatory Stakeholders Committee and the DWER Water Resources Reform Reference Group (WRRRG) for the Draft Spring Exemption Guidelines to undergo a state-wide consultation.

While the PGA made it very clear that it shared the WAWUC concerns about the Draft Spring Exemption Guideline, far more concerning were new elements, such as Indigenous Water Reservations and the potential removal of Spring Exemptions, that the Minister for Water, DWER and the WA Government could include in the Water Resources Management Bill without adequate scrutiny by industry water users. The PGA has advocated directly to the Minister Water, at the last two WRRRG meetings, for a full public consultation on the Draft Water Resources Management Bill before it is introduced to Parliament.

PGA's presence and presentation at the WAWUC Forum was necessary and essential to remind Manjimup primary producers that it is the PGA that been the long-time supporter and fellow traveller of the WAWUC.

Regulatory Stakeholder Reference Group – Department of Water and Environmental Regulation

The Policy Director and Committee Member Dave Wren attended the RSRG TEAMS meeting on 3 November 2022. Central to the discussions was the DWER Reform Project and the DWER Reconciliation Action Plan.

State Bushfire Advisory Committee

On 3 June 2022, Chairman Gary Peacock attended the State Bushfire Advisory Committee, which was also attended by the new Minister for Emergency Services Stephen Dawson, and DFES Commissioner Darren Clem, and raised our concerns over the new legislation, changes to burning permits, and the new fire danger rating system.

PGA Submissions

2022 – 2023



30 January 2023

Department of Mines, Industry Regulation and Safety
Mineral House
100 Plain Street
EAST PERTH WA 6001

Via email RTD.Consultation@dmirs.wa.gov.au

RE Mining Amendment Bill 2023

INTRODUCTION

The Pastoralists and Graziers Association of WA (PGA) is a non-profit industry organisation established in 1907, which represents primary producers in both the pastoral and agricultural regions of Western Australia. Current pastoral membership numbers equate to 84% of all pastoral leases, excluding Indigenous and conservation leases.

As the peak organisation representing Western Australian pastoral lease holders, we are pleased to provide this brief submission on the *Mining Amendment Bill 2023*.

BACKGROUND

The Bill seeks to amend the *Mining Act 1978* (Mining Act) following on from the consequential amendments to section 92B(2) of the *Land and Public Works Legislation Amendment Bill 2022* (LPWL Bill), which was introduced into Parliament on 23 November 2022. The LPWL Bill allows for a diversification lease, a new non-exclusive broad based land tenure option for Crown land that can coexist with other land uses (multiple land uses).

Carbon farming (referred to in the Bill as “offsets project” to more closely align with Commonwealth legislation) is regarded as a pastoral activity and can be undertaken on pastoral leases. The LPWL Bill amendments will also allow carbon farming to be carried out on diversification leases, which according to the Government may significantly impact resource exploration and resource projects.

Without the Bill amendments, carbon farming proponents may seek to exclude resource industry uses of land through objections to grant of tenements and associated resource activities.

Pastoralists & Graziers Association of Western Australia (Inc)

PO Box 889 West Perth WA 6872

Ph: (08) 9212 6900 Email: pga@pgaofwa.org.au

Currently, no objection to a mining tenement application is available on the grounds that it would affect pastoral activities. To maintain the status quo, the amendments provide that objections to a mining tenement application **will not** be available on the grounds that it would affect carbon farming. The Bill amendments do not preclude objections on other grounds.

CARBON FARMING ON PASTORAL LEASE LANDS

On 5 December 2019, the State Government announced it would consent to pastoralists earning carbon credits via the Commonwealth Government's Emissions Reduction Fund.

State consent is initially limited to the "Human-Induced Regeneration" method of carbon farming. This methodology involves pastoralists undertaking activities such as managing the timing and extent of livestock grazing to allow for the regeneration of native vegetation in degraded areas. Measured increases in native vegetation over time are then used to calculate the extent to which additional carbon has been sequestered, with carbon credits issued accordingly by the Commonwealth Government.

The Department of Planning, Lands and Heritage (DPLH) assesses applications for the State's EIH consent on behalf of the Minister for Lands. Part of the process administered by DPLH is the exclusion of specific areas. This is to reduce the impact on resource activities and the carbon farming project. DPLH requires the carbon project proponent to do the following:

- Granted mining leases and associated general purpose leases and miscellaneous licences, and petroleum production licence areas <1 block must be formally excluded from the project area unless the mining lease owner agrees the activities can take place. The State requires evidence of any such agreement prior to its EIH consent being given.
- Pending mining leases and associated general purpose leases and miscellaneous licences must be formally excluded from project areas unless the mining lease owner agrees the carbon farming activities can take place on the area. The State requires evidence of any such agreement prior to its EIH consent being given.

Other mining tenements including prospecting licences, exploration licences, and retention licences do not need to be formally excluded from the project area.

Any impacts on holders of mineral exploration and prospecting licences are addressed through commitments by the State Government to:

- pay compensation to carbon farming proponents as a result of low-impact mining and exploration activities.

ISSUES

Currently a pastoral lease can only be used for pastoral purposes, which includes the commercial grazing of stock, and any supplementary and ancillary purpose to facilitate that. While a pastoralist may apply for a diversification permit to undertake activities for non-pastoral purposes, these are only granted in limited circumstances and would not allow for the development of hydrogen and other renewable projects.

Diversification leases may only be a viable option for pastoralists with other interests, or those who can gain large investments. However, a diversification lease may be an avenue for pastoralists to establish carbon projects and participate in the Commonwealth's ERF scheme. It is also worth noting that the proposed reforms in the LPWL Bill include the potential for the Minister to approve the extension of the term of a pastoral lease for up to 50 years. This means that prospective areas may well be unavailable for longer periods of time.

SUMMARY

The PGA is concerned that by not allowing an objection to a mining tenement application solely based that it may impact on carbon farming projects, carbon farming proponents, including pastoral and diversification lease holders will be disadvantaged.

Carbon farming, particularly in the rangelands, can require access to very large land areas. While mining tenements can be excised from carbon farms with very little adverse impact, there are still concerns over the timing and awarding of compensation over lost earnings, as well as the delays in future restoration.

Pastoral lease holders who have carbon farms have legally binding contracts with the State Government. Their rights need to be recognized.

Although there is no question over the importance of the mining industry to the Western Australian economy, one cannot underestimate the value of the pastoral industry to regional and remote WA. Any move to limit the rights of pastoral lease holders to the advantage of the mining industry should be treated with concern.

We look forward to discussing these and other issues in a more detailed submission, once the terms of reference are finalised.

Yours faithfully



Tony Seabrook
PGA President



6 January 2023

**PGA Submission on
Aboriginal Cultural Heritage Act 2021
Phase 3 Co- Design Process**

INTRODUCTION

The Pastoralists and Graziers Association of WA (PGA) is a non-profit industry organisation established in 1907, which represents primary producers in both the pastoral and agricultural regions of Western Australia.

Current membership numbers equate to 84% of all pastoral leases, excluding Indigenous and conservation leases, and 21% of broadacre producers in the agricultural regions of Western Australia. This includes grain, livestock and mixed enterprises.

The Western Australian pastoral and broadacre agriculture industries are major contributors to the agrifood sector and the Western Australian economy. Western Australia produces on average 13 million tonnes of grains each year, with this year's harvest estimated to exceed 22 million tonnes, generating more than \$5 billion to the WA economy each year.

Western Australia's livestock industries contribute over \$2.5 billion at the farm gate. The WA beef industry is comprised of approximately 4000 cattle businesses with a total herd of approximately two million head distributed throughout the state. By number, the largest herd are in the Kimberley region of the State, followed by the Pilbara and then Southern Rangelands. The majority of these properties are pastoral lease hold.

As an organisation which consists solely of primary producers from both the pastoral and agricultural regions, we are pleased to provide this submission outlining some of the comments and concerns our members have raised over the Aboriginal Cultural Heritage Act Phase 3 Co-design process.

BACKGROUND

The *Aboriginal Cultural Heritage Act 2021* (ACH Act) received Royal Assent on 22 December 2021 and is expected to commence in 2023. The legislation replaces the Aboriginal Heritage Act 1972, providing a contemporary framework for the recognition, protection, conservation and preservation of Aboriginal cultural heritage.

Through a three-stage co-design process, DPLH is currently developing the regulations, statutory guidelines and operational policies that will support the ACH Act. Phase One of the codesign process ran from 26 April to 27 May 2022. Phase Two ran from 19 July to 19 August, and Phase Three from 15 November to 7 December. The PGA and our Members were active participants each of the stages.

SUMMARY

In making this submission the PGA holds the following principles to guide our advocacy concerning Aboriginal Cultural Heritage (ACH):

1. The PGA acknowledges and respects the cultural and spiritual connection First Nations peoples have with country.
2. The PGA acknowledges the important contribution made by past and present agricultural freehold and pastoral lease landholders to both the Western Australian economy and to regional development, and the importance of ensuring respect for their property rights.
3. As a State-wide organisation representing landholders who manage close to 900,000 square kilometres, approximately 35 per cent of the Western Australian landscape, the PGA has a significant interest in how ACH is managed and protected, and ensuring that an effective, affordable, certain, and timely ACH framework operates in Western Australia.

A key function of the Aboriginal Cultural Heritage Act 2021 (Act) is to manage activities that may harm Aboriginal Cultural Heritage (ACH). This includes all ground disturbance on both pastoral and freehold land. The Act categorises activities that may harm ACH into three tiers and provides a corresponding authorisation process for each of the tiers.

Activity tiers reflect different levels of ground disturbance that are caused by specified activities. The activity tiers will be set out in the *Aboriginal Cultural Heritage Regulations 2022* (Regulations). For the purposes of a Due Diligence Assessment (DDA), a proponent is required to determine the tier of their activity by referring to the Activity Tables.

Where there is a risk of harm to ACH from a proposed activity, *a proponent is required to follow the authorisation pathway corresponding to the relevant activity tier*. The DDA process applies to all activities having regard to their level of ground disturbance.

Residential Lots under 1100 square metres are exempt, ***however there is no exemption for Agriculture, Pastoral or Natural Resource Management activities, all which involve some level of ground disturbance.***

Like for like activities (activities which do not cause new or additional ground disturbance provided that the proposed activity is a like for like activity or is a disturbance that is not a new or additional ground disturbance) are exempt under the regulations provided the scale, profile, and extent of the activity remains comparable with the previous activity.

However, if the proposed activity will not cause any new or additional ground disturbance but exceeds a ***like for like*** activity, (for example different materials or the use of mechanical devices, rather than handheld) ***the proponent is required to undertake the relevant approval process where it may result in a risk of harm to ACH.***

A DDA needs to be completed by any person (proponent) that is proposing to undertake an activity other than an exempt activity. For the purpose of the DDA, the presence of ACH has been categorised into three groups for any given area:

- a) ACH is present.
- b) ACH is absent; or
- c) it is uncertain if ACH is present.

Proponents, including primary producers will be required to seek an approval prior to undertaking certain activities if the activity has the potential to harm ACH. These activities relating to agriculture, pastoralism and NRM activities are identified on Addendum 2.

Under the Act proponents are required to notify and consult Aboriginal parties with regard to any proposed Tier 2 and Tier 3 activities. Where a Local Aboriginal Cultural Heritage Services (LACHS) has been appointed, the proponent is required to notify or consult the LACHS, who are able under the Act to charge fees for services to proponents to recoup costs associated with undertaking certain functions under the Act, including DDAs.

Each LACHS is able to charge proponents according to a fee schedule that has been endorsed by the Aboriginal Heritage Council. These guidelines recognise two specific roles that a LACH may designate for which fees may be charged:

- LACHS Heritage Officer (LHO)
- LACHS Senior Officer (LSHO)

The designation of these positions does not prevent a LACHS from charging proponents for other positions within it, including the Chief Executive Officer, Chief Operating Officer, or Heritage Manager, or for charging fees to proponents for other service providers including but not limited to:

- Elders
- Knowledge holders or other cultural authorities (Aboriginal Consultants or Senior Aboriginal Consultants)
- Heritage professionals
- Legal professionals
- Negotiation specialists
- Engineering and land use professionals, and
- Any other service providers considered necessary to provide expert advice necessary for a LACHS to undertake its functions that the Council considers reasonable and are consistent with the fees established by the guidelines.

The PGA notes that there is no ability for proponents to negotiate the Fees set down by a LACHS, and also notes that according to the consultation draft that *“in regional and remote areas, and above the 26th parallel, 20% should be added to fees”*.

Where a LACHS has not been appointed, a proponent will need to notify the native title party as well as knowledge holders.

When undertaking a DDA, the first step will be to use the ACH Site Directory, which will contain prescribed information about ACH that is located throughout the State. This will include information about ACH previously held on the Register of Aboriginal Sites throughout the administration of the *Aboriginal Heritage Act 1972*, as well as records of new ACH as they are submitted. It is important to note that large sections of the State have not yet been surveyed, or not surveyed comprehensively, and therefore there may be no record of the ACH that exist in these areas.

If a search of the Directory for a given area returns no ACH listed, it must not be presumed that ACH is not located in the area nor that a proposed activity will not result in harm to ACH.

In undertaking a DDA, a proponent needs to assess whether the proposed ground disturbing activity risks harm being caused to ACH. This includes areas of previous ground disturbance where there may continue to exist:

- previously unknown or undisturbed subsurface material (particularly ancestral remains)
- intangible ACH as associated with sacred beliefs, ritual and ceremonial use and social values which continue to be protected by the Act.

ISSUES

The PGA is concerned that there are no clearly delineated boundaries and consistent structures within the proposed frameworks and there is no certainty which will allow agriculture freehold and pastoral lease landholders to proceed with their business as usual while complying with the Act.

There is no clarification over:

- How the Act interacts with and impacts on native title legislation and agreements
- How the Act interacts with other legislation, such as the *Environmental Protection Act 1986* (EP Act) and the *Land Administration Act 1997* (LAA).
- Whether there is room for flexibility to adapt the structure of permits and management plans to different contexts, such as pastoralists and emergency services.
- Costs and funding for activities that are not associated with the development of ACH management plans.

Primary producers and pastoralists need to know how much time it will take and what it will cost. They need clearly quantified thresholds for activities throughout the tiers, solid indicators for what constitutes ACH, and accessible, responsive databases of heritage and contact details.

There is no limit on the cost of permits and consultation, which are all borne by the proponent, and no ability for the proponent to negotiate, nor any dispute recourse. Further it is proposed that a 20% surcharge is placed on fees in regional and remote areas and above the 26th parallel.

Given that neither agriculture nor pastoral activities exempt, and occur on lots in excess of 1100 square meters, the imposition of a surcharge on regional, remote, and north of the 26th parallel, places an unfair financial impost on many primary producers and pastoralists.

Unlike other regional proponents, such as mining or resource companies, which are dominated by multinational corporation with large profit margins, most farming and pastoral operations are family owned and ran and operate at significantly reduced profitability.

There are no limits on the timeframes of consultation to ensure minimal disruption to business processes. There are many factors, including cultural, technological distance, geographical and weather that can impact availability of Aboriginal stakeholders and knowledge holders.

There is also no clarification over what happens if a proponent received no response within

the allocated timeframes to attempts to contact LACHS or knowledge holders. Will this lack of a response equate to consent, or will it require Ministerial approval.

There is some risk the Act could be used to gain advantage or leverage in a dispute on the basis of an allegation that insufficient Due Diligence was undertaken, and harm resulted to ACH. This will potentially generate significant compliance burdens for the State and also administrative and cost burdens to both Traditional Owners and pastoral lease and/or agriculture freehold landholders.

Further in the current environment, there will almost be daily occurrences for both pastoral lease and agriculture freehold landholders where an unplanned activity needed to occur that would trigger, at a minimum, due diligence obligations. Activities required in emergency situations are unplanned and usually conducted as needed to address the relevant emergency as a matter of immediate urgency.

Given the proposed 5-month timeframes for obtaining ACH permits and the proposed 5 months to 1 year timeframe for finalising ACH management plans, as currently proposed, unplanned activities, including emergency-based activities will be considered onerous and often problematic, given that most emergency-based activities are already undertaken under other existing legislative mechanisms that provide for immediate action.

The placement of such activities under a tier 2 or tier 3 category suggests that organisations like Volunteer Fire Brigades would need to obtain pre-emptive type Aboriginal Cultural Heritage (ACH) permits or management plans to account for all of these types of low level or moderate to high level ground disturbance activities over every Local Aboriginal Cultural Heritage Service (LACHS) area or equivalent area in the State.

The current Activity Tables categorises activities undertaken in compliance with section 33 Firebreak Notices as tier 1, which would place an obligation on private landowners to undertake due diligence to determine if Aboriginal heritage is present. Widening of firebreaks is currently categorised as tier 2, which requires private landowners to undertake due diligence and potentially apply for a Permit. This categorisation raises a number of issues including:

- Who will be responsible for educating private landowners about this obligation?
- What if a private landowner uses this requirement as an excuse for non-compliance with a Fire Break Notice?
- What if a private landowner applies for a Permit and due to the timeframe required, the window for undertaking the mitigation activity has passed before the activity is conducted?
- Potentially, Local Governments (and/or DPLH) could receive thousands of enquiries annually from landowners seeking advice and information about how to undertake due diligence and whether there is Aboriginal cultural heritage on their property. This

situation would be overwhelming for Local Governments and could decrease compliance with section 33 Notices/ hazard reduction notices.

- What is the impact of the Act on planned burning for the purposes of fire prevention (including under the Bushfire Notice) not within a protected area, as the Environmental Protection Act schedule 6 items (as listed under the ACH exemptions) allows for clearing, burning or other fire management works by relevant agencies or local government?

For pastoral lease landholders the protection of cultural heritage must be balanced with their legal obligations and responsibility to manage the rangelands. The Pastoral Lands Board, which oversees the implementation of the Land Administration Act on pastoral leases requires pastoralists to maintain and develop infrastructure including buildings, sheds, yards, fences, water points, firebreaks and access tracks, as well as rehabilitating degraded areas and controlling plant and animal pests.

The undertaking of pastoral operations across hundreds of thousands of hectares, including management of the rangelands in accordance with lease obligations, and ensuring the health, welfare and safety of livestock could all be placed under duress as a result of these new obligations. Given the vast area of pastoral leases and the growing scale of some cultural sites, progressing a DDA process and then managing/ mitigating impacts of pastoral activities on huge tracts of land could become unfeasible for some pastoralists.

Further the term *Like for Like* is vague and does not account for increases in technologies or in modern practices. It is not possible for a proponent to replace or undertake an activity that will result in the same scale, structure, profile, and extent as the previous activity. Availability of building materials, erosion, and the use of modern mechanical equipment will result in some form of variance from the original.

RECOMMENDATIONS

- **That regulations should be developed to support the legislation which exempt all activities that are Pastoral purposes as defined in the *Land Administration Act 1997*, including cultivation and grazing. All activities required of pastoral leaseholders under the LAA should be classified as tier 1 activities, requiring "due diligence" only.**
- **That regulations should be developed to support the legislation which exempt all primary agriculture and natural resource management activities including cultivation, grazing, establishing new water points and the use of mechanical devices as well as burning for both conservation and cropping purposes. All agriculture and natural resource management should be classified as tier 1 activities, requiring "due diligence" only.**
- **The list of activities should actually be simplified. The nature of uses listed, and their specificity, including handheld and machinery can lead to gaps in the system**

where certain uses are not defined or missing from the list. A far more overarching approach to the nature of uses in each tier should be defined with activities associated linked back to their relevant legislation or approved program of works.

- **There needs to be further definition and explanation on a number of terms and concepts. These include the definition of:**
 - **Ground disturbance**
 - **Minimal/low/moderate/high ground disturbance**
 - **Community utilities**
 - **Waterways - does it include the sea?**
 - **Already disturbed areas**
 - **Broader definition of mining activity**
 - **Natural ground level**
 - **Known Aboriginal Cultural Heritage**
 - **New or additional ground disturbances**

It is evident from the comments made by primary producers and pastoralists who attended the workshops that throughout the Co-design process little, if any consideration has been given to the financial impacts of these proposed regulations on the viability of WA's agricultural and pastoral industries.

With no limits on the cost or time frame of permits and consultation, which are all borne by the proponent, no ability for the proponent to negotiate, no dispute recourse, and the imposition of a surcharge on fees in regional, remote, and north of the 26th parallel areas, many primary producers and pastoralists will be unable to perform the many daily, established, and legal practices in a timely and cost-effective manner due to the costs and uncertain timeframes. This will lead to the unviability of many farming and pastoral businesses, which are the backbone of regional and remote Western Australia.

It is the PGA's strongest opinion that an independent Financial Impact Study on the impacts these proposed regulations and processes will have on regional and remote Western Australia needs to be completed before these proposed regulations are introduced.

Yours faithfully



Tony Seabrook
PGA President



6 December 2022

Committee Secretary
House of Representatives Standing Committee on Agriculture
PO BOX 6021
PARLIAMENT HOUSE
CANBERRA ACT 2600
Via e-mail: Agriculture.reps@aph.gov.au

Inquiry into food security in Australia

INTRODUCTION

The Pastoralists and Graziers Association of WA (PGA) is a non-profit industry organisation established in 1907, which represents primary producers in both the pastoral and agricultural regions of Western Australia.

Current membership numbers equate to 84% of all pastoral leases, excluding Indigenous and conservation leases, and 21% of broadacre producers in the agricultural regions of Western Australia. This includes grain, livestock and mixed enterprises.

As an organisation which consists solely of primary producers from both the pastoral and agricultural regions of Western Australia, we are pleased to provide this brief submission to the House of Representatives Inquiry into Food Security in Australia.

BACKGROUND

Food security refers to the physical availability of food, and to whether people have the resources and opportunity to gain reliable access to it. Specifically, this includes availability, access, utilization and stability of supply.

Despite being one of the driest continents in the world, and with a limited proportion of arable land, Australia ranks among the most food secure nations in the world, alongside Canada, Germany, and France. Australia is a high-income country, ranking 12th in the world for per capita income, and the vast majority of Australians can purchase basic foodstuffs that provide adequate nutrition.



Australians benefit from being able to choose from an enormous and growing number of food products sourced from all over the world at affordable prices and can access diverse and high-quality foods regardless of seasonal conditions or changes in world prices. We are in the top 10 countries in the world for affordability and availability and have the world's equal lowest level of undernourishment.

Australia also plays a part in the food security of other countries. International trade – including Australian food exports – supports food security in other countries through providing physical access to food, lowering prices, and making food more economically accessible. Australia also contributes to food security in other countries through agricultural research, development assistance, and the transfer of Australian agronomic knowledge and expertise.

SUMMARY

Australia is one of the most food secure countries in the world, and produces much more food than it consumes, exporting around 70% of all agricultural production. In Western Australia up to 80% of grains, meats, fruits and vegetables, and live animals are supplied to the international marketplace.

The Western Australian grains industry is a major contributor to the agrifood sector and the Australian economy. Western Australia produces on average 13 million tonnes of grains each year, and the past harvest at a record 21.3 million tonnes. WA exports approximately 80% of its annual grain production to more than 50 countries world-wide, generating more than \$5 billion for the WA economy each year. Wheat production accounts for over 70% of total cereal production in Western Australia, with close to 90% exported to Asia and the Middle East.

Western Australia's livestock industries contribute over \$2.5 billion at the farm gate. WA is a world leader in live exports (including being the largest exporter of sheep in Australia), superfine wool production and dryland sheep and grazing systems. WA's cattle and sheep systems are focussed on live export markets to Asia and the Middle East and with the exception of mining and petroleum, are the major economic activity in the pastoral regions.

The WA beef industry is comprised of approximately 4000 cattle businesses with a total herd of approximately two million head distributed throughout the state. By number, the largest herd are in the Kimberley region of the State, followed by the Pilbara and then Southern Rangelands. The majority of these properties are pastoral lease hold.

ISSUES

Australia is a net food exporter, including in severe drought years, producing more food than required for domestic consumption. This results in domestic consumption remaining



stable while exports vary, absorbing the ups and downs in annual production associated with Australia’s variable climate and seasonal conditions. However, Australia remains vulnerable to supply chain issues, due to its reliance on imports of agrichemicals and fertilisers. As has been seen with the Russia/Ukraine conflict, or with trade tensions with China, any disruption to the availability of these inputs would have a major impact on both domestic and export production.

The cumulative and ever-increasing pressure on governments to instigate carbon neutral or net zero targets is now placing future pressures on food security. Most net-zero schemes rely on carbon markets, offset schemes, and using arable land as carbon sinks—a tactic that might mean forced removal of the people currently living and working on them.

In Western Australia thousands of square kilometres of valuable grazing and watering land has been excluded due to Commonwealth and State national parks and reserves. In addition, the WA State Governments ambitious 2030 reduction target of 80% below 2020 levels is resulting on valuable land being taken out of the WA pastoral estate for wind and solar farms to develop an emerging WA hydrogen industry.

The approval processes for land clearing, and the creation of dams and other watering points, chemical use, transport, as well as stocking densities remain both costly and prescriptive for most producers. Further, the impacts on production and supply chain costs from rising fuel prices, as well as the need for the removal of immigration barriers to allow overseas workers entry to meet the significant labour shortages across the State continue to impact on the ability for producers to increase productivity.

Left to its own devices agricultural production in Western Australia will continue to increase, however Government intervention is our biggest threat.

The PGA welcomes the opportunity to provide evidence to the Committee on this important issue.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tony Seabrook', with a long horizontal flourish extending to the right.

Tony Seabrook
PGA President



4 December 2022

Ms Kaylene Gulich
Chair
BAM Act Review Panel
C/- Department of Primary Industries and Regional Development
Via email: BAMAreview@dpiird.wa.gov.au

Dear Ms Gulich

RE: PGA Supplementary Submission - Review of the Biosecurity and Agriculture Management Act 2007

Further to our previous submission dated 27 July 2022, on behalf of the Members of the Pastoralists and Graziers Association of Western Australia (PGA) we would like to provide additional comment regarding our strong objection to the Biosecurity Council of WA's proposed 'whole-of-State' biosecurity levy.

In its recent annual report to the Minister, the Biosecurity Council recommended the levy be implemented in a bid to secure a 'sustainable' funding stream for the State's defences against pest animal and plant species.

The report stated that, "There is an opportunity to review and revise WA's biosecurity cost sharing options to ensure a fair and equitable system is in place to carry WA into the future."

"The option favoured by the Council is a whole-of-State rate or levy, similar to the Emergency Services Levy."

"This will augment the available funding to a level more appropriate for maintaining WA's biosecurity, enabling increased government-led biosecurity action and better support for industry and community-driven action."

Pastoralists & Graziers Association of Western Australia (Inc)

Ground Floor, 28-42 Ventnor Avenue, West Perth WA 6005 PO Box 889, West Perth WA
6872 Ph: (08) 9212 6900 Fax: (08) 9485 0299 Email: pga@pgaofwa.org.au

Under the Biosecurity and Agricultural Management Act 2007 the State manages pests both newly arrived at the borders and those present ‘in a small, eradicable population’.

Recognised Biosecurity Groups (RBGs) support land managers to control widespread and established pests, and are funded by rates levied from property holders, with the WA Government equally matching all funding collected under the Declared Pest Rate (DPR).

The PGA notes the Minister for Agriculture’s opposition to the replacement of the DPR with a proposed state-wide levy and agrees with her comments in *The Countryman* on November 11 that there is not a “good argument for replacing the declared pest rate – which is levied on particular communities to deal with particular pests on particular land – to make that a more general tax.”

A State-wide biosecurity levy is not the solution; what is needed is greater support for the RBGs.

Overall, the RBG model is working well as it provides community (including landholders) assistance and guidance on Declared Pest management on their properties. The provision of a Declared Pest Rate provides sustainable funding for LOCAL groups to manage LOCAL pests and is an effective way to manage these pests with landholders contributing funds for pests on a nil-tenure basis. It provides direct community buy-in and responsibility from landholders/community on reporting declared pests and management of declared pests

RBGs have also established great partnerships with government/industry/NRM/Farming groups and other local community groups to raise awareness and have delivered real on-ground outcomes. However there needs to be a fair and proper balance between competing interests.

It is also important to note that pests are cross boundary and the management of Declared Pests on government land necessitates the need for some additional funding to manage these pests and work alongside community efforts. Whilst RBGs provide strategic pest management actions across their specified areas, the Act (or administrators of the Act) should provide a greater flexibility for reactive management of declared pests.

Yours faithfully



Tony Seabrook
PGA President



30 November 2022

Registrar of Aboriginal Sites

Locked Bag 2506
PERTH WA 6001

VIA EMAIL ONLY: registrar@dphl.wa.gov.au

**RE: NOTICE OF ASSESSMENT ABORIGINAL HERITAGE PLACE ID 39200
(GASCOYNE & LYONS RIVER)**

The Pastoralists and Graziers Association of WA (PGA) is a non-profit industry organisation established in 1907, which represents primary producers in both the pastoral and agricultural regions of Western Australia.

The PGA's current pastoral membership numbers equate to 84% of all pastoral leases, excluding First Nations and conservation leases. In addition, the PGA also represents a significant portion of rural and regional freehold landowners engaged in primary production throughout the State.

As the peak organisation representing Western Australian primary land holders, we would like to lodge our objection to the assessment by the Aboriginal Cultural Material Committee (ACMC) on Aboriginal Heritage Place 39200 (Gascoyne and Lyons River).

According to the Fact Sheet, *'Procedural fairness is afforded to all landowners whose land will be affected by this process. This notice is to let all affected landowners know that a decision is being made about a portion of their land and to let them know that should they wish to do so they can provide comments.'*

The PGA notes that the only information provided for landowners is a limited Fact Sheet and a map of the proposed assessment area. There is no further information available, including the original DPHL assessment of the 'Gascoyne and Lyons River', which would allow any stakeholder to make a fair and considered submission on the assessment. As such, this shows a definite lack of 'procedural fairness' for all landowners, as stipulated in the Fact Sheet.

Pastoralists & Graziers Association of Western Australia (Inc)

Ground Floor, 28-42 Ventnor Avenue, West Perth WA 6005 PO Box 889, West Perth WA 6872
Ph: (08) 9212 6900 Fax: (08) 9485 0299 Email: pga@pgaofwa.org.au

There is also no clarity on the responsibility for management of the areas once granted. For example, who is responsible for the Biosecurity, fire and feral control of the lands associated with the Heritage places once granted. Clarification is required, as there will be a direct impact on any landholders where their boundaries are adjacent to Aboriginal Heritage Places.

Given that the purpose of the AHA is to protect aboriginal heritage within Western Australia, which does not affect property ownership or land access, and that any future activities by landowners may require a need for approval from the AHA, it is imperative that landowners be provided with all relevant information on the assessment prior to providing comment.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tony Seabrook', with a long horizontal flourish extending to the right.

Tony Seabrook
PGA President



21 October 2022

Dept of Planning, Lands & Heritage
140 William St
PERTH WA 6000

Via email LAA2022@dplh.wa.gov.au

RE: Consultation Draft - Land and Public Works Legislation Amendment Bill 2022

INTRODUCTION

The Pastoralists and Graziers Association of WA (PGA) is a non-profit industry organisation established in 1907, which represents primary producers in both the pastoral and agricultural regions of Western Australia.

According to Landgate figures as of 2021 there are 449 Pastoral Stations in Western Australia which cover 86 million hectares and extend over 26 shires.

The PGA's current pastoral membership numbers equate to 84% of all pastoral leases, excluding First Nations and conservation leases.

As the peak organisation representing Western Australian pastoral lease holders, we are pleased to provide this brief submission on the *Consultation draft Land and Public Works Legislation Amendment Bill 2022 Parts 2 and 3 to the Land Administration Act 1997*.

BACKGROUND

On 7, October 2022 the Government released the *Consultation draft Land and Public Works Legislation Amendment Bill 2022 Parts 2 and 3 to the Land Administration Act 1997 (Bill)*.

The Bill provides 3 main changes to the *Land Administration Act 1997 (Act)*, including:

1. The introduction of a Diversification Lease, which is a new form of non-exclusive leasehold tenure for uses such as renewable energy (hydrogen) to facilitate demand for multiple land uses at the broad scale without compromising access by other key interests such as the resource sector and native title parties.
2. Administrative Improvements to facilitate and improve land tenure approvals and projects by updating the *Land Administration Act 1997* and the *Public Works Act 1902*
3. Pastoral Amendments including recommendations for pastoral lands reform made by the Auditor General as well as amendments to the pastoral rent methodology.

Pastoralists & Graziers Association of Western Australia (Inc)

Ground Floor, 28-42 Ventnor Avenue, West Perth, WA 6005 PO Box 889, West Perth WA 6872
Ph: (08) 9212 6900 Fax: (08) 9485 0299 Email: pga@pgaofwa.org.au

DIVERSIFICATION LEASE

The Bill introduces a new **Part 6A – Diversification leases** that allows the Minister to grant a lease (diversification lease) over Crown land. A diversification lease may be granted for any purpose or purposes; however, it is not a pastoral lease, nor is it an instrument that allows a pastoral lease to diversify into non pastoral activities. However pastoral activities, such as grazing can occur on a Diversification Lease.

Specifically, a diversification lease is currently proposed to allow proponents to:

- develop the wind and solar farms required for hydrogen production;
- pursue carbon farming projects;
- pursue horticulture projects;
- develop cultural tourism businesses; and
- preserve or rehabilitate biodiversity.

Currently, a pastoral lease can only be used for pastoral purposes, which includes the commercial grazing of stock, and any supplementary and ancillary purpose to facilitate that. While a pastoralist may apply for a diversification permit to undertake activities for non-pastoral purposes, these are only granted in limited circumstances and would not allow for the development of hydrogen and other renewable projects.

In order for a diversification lease to be granted over an area already covered by a pastoral lease, the pastoral leaseholder will need to surrender that portion of the pastoral lease. The proponent seeking the diversification lease (either the pastoralist or a renewable energy developer) would then need to go through all the approvals processes for the grant of the diversification lease. It is unclear what impact the surrender of part of a pastoral lease would have upon the requirements of the remaining portions of the lease, including any impact to stocking numbers and whether the remaining footprint is sustainable.

Nonetheless, the requirement for a pastoralist to surrender a portion of their lease would mean any project proponent will need to negotiate with existing pastoral leaseholders to achieve the surrender of the relevant site so that it is available for a diversification lease - the Government has explicitly provided that a pastoral leaseholder will not be compelled to surrender their tenure, notwithstanding it may have been identified as a prospective site for a hydrogen or renewable energy project. It is also worth noting that the proposed reforms include the potential for the Minister to approve the extension of the term of a pastoral lease for up to 50 years. This means that prospective areas may well be unavailable for longer periods of time.

These reforms have not removed the existing avenue available to pastoralists to seek diversification of their activities (diversification permits). A pastoralist can apply to the Government for a diversification permit to conduct non-pastoralist activities on a pastoral lease. The proposed reforms will focus on streamlining approvals processes for diversification permits and allowing for a diversification permit to be transferred at the same time as a pastoral lease. However, despite these proposed reforms and as flagged above, diversification permits would likely remain unsuitable for proponents of hydrogen and other renewable energy projects.

ADMINISTRATIVE IMPROVEMENTS

There are 18 proposed amendments including allowing the Minister for Lands to hold and deal with land in freehold without having to re-vest to the Crown estate; allowing service of documents by electronic means; inserting a statutory process for consultation with local governments inviting submissions on proposals within 42 days or local government will be deemed to have not made a submission (subject to some practical exemptions) to name a few.

PASTORAL AMENDMENTS

The PGA notes that there are significant changes to **Part 7 – Pastoral Leases**, including the following amendments:

- **Sec 122H** allows the Minister to determine annual rent based on a CPI model which will increase with inflation each year on 1 July. The Valuer General will determine the rent every ten years using market review methodology with the first review to take effect on 1 July 2029. Rents for new pastoral leases will be first determined by the Valuer General and adjusted via a market rent review every ten years, with the first review to take effect on 1 July 2029. **(Sec 122I)** applies annual CPI increases to permits.

The proposed amendments to the LAA provide for a new model for determining pastoral rents, commencing on 1 July 2024. The starting point for rents on this date will be whichever is the lowest out of the current rent for the pastoral lease, or the average rent for the pastoral lease over the last 20 years (as determined in 1999, 2004, 2009, 2014 and 2019). The CPI review date will fall annually on 31 December with the rent determination to take effect the following year on 1 July. Rents will be changed in line with the Perth All Groups Consumer Price Index (the current Perth CPI for the June 2021-22 quarter in 7.4%)

- **Sec 105** states that the terms of a pastoral lease cannot exceed 50 years. Under **(105A(1)(a))**, if the term of a pastoral lease is less than 50 years, the Minister *may* in writing extend the term of the lease; or **(b)** accept the surrender of the lease and grant under section 101 a new lease to the lessee.
- **(Sec 105(2))** sets the conditions on which the Minister will determine the new lease, including under **(Sec 105(3))** where the Minister must have regard to whether a pastoral lessee is a *certified pastoral lessee*, a new term which defined in **(Sec 93)** means a pastoral lessee who is currently certified under an approved land management accreditation system that applies to the lease.

- **(Sec 100A)** allows for the introduction of an approved land management accreditation system and prescribed land condition standards and guidelines by allowing the Pastoral Lands Board under **(Sec 100A(1))** to issue standards setting out benchmarks and objectives in relation to the condition of land held under a pastoral lease. While under **(Sec 100A(2))** the Board must consult the Commissioner before issuing land condition standards, under **(Sec 100A(3))** the Board may issue guidelines that provide guidance on best practice for the management of land held under pastoral leases. This seems somewhat confusing.
- **(Sec 100C)** the Minister may approve land management accreditation systems, where under **(Sec 100C(1))** participation is voluntary. However, given that under **(Sec 105(3))** where the Minister must have regard to whether a pastoral lessee is a certified pastoral lessee, it is clear that there is a strong reason for pastoralists who wish to have their lease extended or receive a new lease to participate in this ‘voluntary’ scheme.
- **(Sec 111A)** states that the Board may make determinations and directions as to number and distribution of stock. According to **(Sec 11A(1))** the Board may from time to time determine the minimum and maximum numbers and the distribution of permitted stock to be carried on land under a pastoral lease. However, it is not clear whether this is on the advice of the Commissioner, or any other agency.
- **(Sec 112A)** allows that if the numbers of permitted stock are reduced under the above direction, that **(Sec 112A(2))** The Minister, on the advice of the Board, may reduce the rent for the pastoral lease in proportion to the reduction in permitted stock. This is a sensible decision; however, the PGA reiterates its position that Lease Rents should not be determined on carrying capacity.

SUMMARY


In making this submission the PGA is of the position that although the Bill provides a significant modernisation of the Act, there still remain several deficiencies which will hinder the growth and development of the pastoral estate, including the following:

- One of the longstanding issues for pastoralists has been the inability for those pastoralists who are compliant with their lease obligations to exercise, as is the case with any commercial lease, a right of renewal. The PGA is disappointed that this statutory right of renewal has not been included in the Bill.
- One area where there is no further clarity in these proposed reforms is the interaction between the proposed diversification leases and existing mining tenements. There are currently potential sites for hydrogen and renewable energy projects located on mining tenements, and in many cases the use case for these projects may not be a purpose directly connected with mining. It will be necessary to

carefully review the proposed legislation to determine how the interaction between mining tenure and these new diversification leases will be managed, including whether there will be any changes to the Mining Act processes.

- Some pastoralists have raised concerns about the practicality of the diversification lease and whether the proposed amendments will make much difference to the average pastoralist. Most renewable energy projects are very costly and require investment from external sources in order to be established.
- Diversification leases may only be a viable option for pastoralists with other interests, or those who can gain large investments. However, a diversification lease may be an avenue for pastoralists to establish carbon projects and participate in the Commonwealth's ERF scheme.
- The PGA notes that if a diversification lessee has failed to comply with a provision of this Act, or of the lease, that the lease is liable to forfeiture under section 35 and the land will revert to unallocated Crown land. The PGA is concerned that this may result in valuable grazing land removed from the pastoral estate.
- The PGA is concerned that the proposed CPI increases are based solely on the Perth All Groups Index, and not on a regional CPI Index, which was originally discussed in detail with the PLB. Having regional rents increase by a Metro based CPI Index, creates an artificial inflation which does not accurately reflect true inflation in the regions, especially throughout the pastoral estate.
- Further, the PGA remains concerned that there is no cap on the maximum increase for the Market Review. Given the increase to ten years, it is conceivable that there would be significant increases (+25%), which would severely impact most leaseholders.

Yours faithfully



Tony Seabrook
PGA President



Ashley Dowden
PGA Pastoral Committee Chair



29 September 2022

Agricultural Industry Inquiry
WorkSafe
Locked Bag 100
EAST PERTH WA 6829
Via email aginquiry@worksafe.wa.gov.au

RE Agricultural Industry Inquiry

INTRODUCTION

The Pastoralists and Graziers Association of WA (PGA) is a non-profit industry organisation established in 1907, which represents primary producers in both the pastoral and agricultural regions of Western Australia.

Current membership numbers equate to 84% of all pastoral leases, excluding Indigenous and conservation leases, and 21% of broadacre producers in the agricultural regions of Western Australia. This includes grain, livestock and mixed enterprises.

As an organisation which consists solely of primary producers from both the pastoral and agricultural regions, the PGA recognises the importance of on farm safety, and the seriousness of work-related deaths and serious injuries within the agricultural and pastoral industries.

We are pleased to provide this brief submission to the Agricultural Industry Inquiry.

BACKGROUND

On 22 June 2022 WorkSafe Commissioner Darren Kavanagh announced an Inquiry under the provisions of the *Work Health and Safety Act 2020* into the agricultural industry, following the 12th work-related death in 12 months in the sector.

The Inquiry will result in a report that reflects the findings and makes recommendations on matters that affect safety performance in the industry and have influenced the increase in fatal accidents.

Pastoralists & Graziers Association of Western Australia (Inc)

Ground Floor, 28-42 Ventnor Avenue, West Perth WA 6005 PO Box 889, West Perth WA 6872
Ph: (08) 9212 6900 Fax: (08) 9485 0299 Email: pga@pgaofwa.org.au

SUMMARY

The most valuable asset to any farm or pastoral station is its workforce. Whether it consists of migrant workers, employees, family, or a combination of all of the above, the health and safety of workers is of foremost concern for all professional farmers and pastoralists. It is in their self-interest, both emotionally and financially, to protect their own health and safety as well as that of their employees.

Like mining and construction, agriculture is one of the highest risk occupations in Western Australia. However, on-farm safety is unique and different from mining and construction in many ways. In no other industry do operators typically live and raise their families in the same place where they work. And in many instances, their employees are their family, friends and neighbours. Any injury or death comes with a heavy emotional and psychological toll for those families and communities.

Agriculture is important and rewarding but is often hard work with a high physical demand, long hours and modest margins. The agricultural sector is also uniquely pressurized by the influences of market demand, the time pressure of seasonal operations, and the need to hire, train and retain workers on a seasonal basis.

Further, broadacre agricultural and pastoral production are conducted over land that is not flat, often exposed to extreme weather events, bushfires, washed out roads and floods, and involves dealing with unpredictable livestock and feral animals.

In addition, these farming and pastoral operations require the use of a wide range of potentially hazardous chemicals and materials and a wide variety of machinery.

Unlike other professions, farmers and pastoralists have a vast range of responsibilities and heavy workloads. Their individual management styles, including a culture of *prioritize the workload and get the job done*, family dynamics and the stressors of operating the farm can push safety thoughts to the sidelines.

As chronic labour shortages continue to plague the agricultural sector, the issue of worker fatigue continues to put extra strain on producers, often contributing to poor decision making. Tiredness and a cultural mentality that 'you got to get it done' is often a precursor to many accidents, especially during harvest or mustering.

The vast majority of farmers and pastoralists are diligent in developing and implementing safety procedures for as many potential threats to worker health and safety as possible. However, it is important that such safety procedures be developed and implemented as a partnership and shared responsibility of both employer and employee, as most modern farming and pastoral operations are run by a very small number of workers who frequently work in isolation due to the sheer physical scale of modern farms and pastoral properties.

Industries such as mining and construction are often held up as the benchmark for what workplace safety systems should be. Yet unlike most farming and pastoral operations, these industries, which are dominated by multi-national corporations, have very large and generally predictable profit margins which allow them to afford sophisticated and expensive safety systems, including the ability to employ specialized health and safety staff to develop and maintain their safety systems.

In contrast, most farming and pastoral operations experience smaller and often infrequent profit margins, due to the unpredictable nature of all the variables previously referred to that agricultural operations are exposed to. This inherently translates to a lesser capacity to afford the development of sophisticated health and safety systems, or the employment of dedicated health and safety professionals. In addition, the use of casual, seasonal and migrant workers, who need to be productive sooner rather than later, provides further complications in ensuring the same compliance levels as in the mining or construction sectors.

These differences in no way excuse farmers and pastoralists from fulfilling their duty and responsibility to protect the safety of all workers. However, it is important to note that it is not practicable to expect or impose the same level of compliance and enforcement as other industries.

Aggressively pursuing and trying to catch farmers and pastoralists on compliance technicalities will in no way initiate any cultural change. Neither will imposing the same “big stick” investigative approach that is used in the mining and construction industries.

Legislation and regulation have never proven to be the answer for improving worker safety in the agricultural industry. The solution must come from within the industry itself. Reducing work-related deaths and serious injuries within the agricultural and pastoral industries depends on creating a culture of safety that is built collaboratively by everyone involved in the industry.

We would welcome the opportunity to meet with the Independent Inquirer to discuss this matter in further detail.

Yours faithfully



Tony Seabrook
PGA President



15 August 2022

Land and Public Works Legislation Amendments
Department of Planning, Lands and Heritage
Locked Bag 2506
Perth WA 6001

Via email LAA2022@dplh.wa.gov.au

RE Proposed Policy Framework Guiding the Use of Diversification Leases on Crown Land

INTRODUCTION

The Pastoralists and Graziers Association of WA (PGA) is a non-profit industry organisation established in 1907, which represents primary producers in both the pastoral and agricultural regions of Western Australia. Current pastoral membership numbers equate to 84% of all pastoral leases, excluding Indigenous and conservation leases.

As the peak organisation representing Western Australian pastoral lease holders, we are pleased to provide this brief submission on the *Proposed Policy Framework Guiding the Use of Diversification Leases on Crown Land*.

BACKGROUND

On 28 June 2022 the State Government released its new draft policy that will guide the future approval process and use of diversification leases on Crown land.

The policy framework will form part of a process to encourage economic diversification and investment by providing pastoralists, Native Title parties and others to be involved in renewable energy projects including carbon farming, hydrogen, wind and solar markets, and assist with the McGowan Government's 2050 net zero emissions target.

DIVERSIFICATION LEASE

Specifically, a diversification lease is currently proposed to allow proponents to:

- develop the wind and solar farms required for hydrogen production;
- pursue carbon farming projects;
- pursue horticulture projects;
- develop cultural tourism businesses; and
- preserve or rehabilitate biodiversity.

Currently, a pastoral lease can only be used for pastoral purposes, which includes the commercial grazing of stock, and any supplementary and ancillary purpose to facilitate that. While a pastoralist may apply for a diversification permit to undertake activities for non-pastoral purposes, these are only granted in limited circumstances and would not allow for the development of hydrogen and other renewable projects.

In order for a diversification lease to be granted over an area already covered by a pastoral lease, the pastoral leaseholder will need to surrender that portion of the pastoral lease. The proponent seeking the diversification lease (either the pastoralist or a renewable energy developer) would then need to go through all the approvals processes for the grant of the diversification lease. It is unclear what impact the surrender of part of a pastoral lease would have upon the requirements of the remaining portions of the lease, including any impact to stocking numbers and whether the remaining footprint is sustainable.

Nonetheless, the requirement for a pastoralist to surrender a portion of their lease would mean any project proponent will need to negotiate with existing pastoral leaseholders to achieve the surrender of the relevant site so that it is available for a diversification lease - the Government has explicitly provided that a pastoral leaseholder will not be compelled to surrender their tenure, notwithstanding it may have been identified as a prospective site for a hydrogen or renewable energy project. It is also worth noting that the proposed reforms include the potential for the Minister to approve the extension of the term of a pastoral lease for up to 50 years. This means that prospective areas may well be unavailable for longer periods of time.

These reforms have not removed the existing avenue available to pastoralists to seek diversification of their activities (diversification permits). A pastoralist can apply to the Government for a diversification permit to conduct non-pastoralist activities on a pastoral lease. The proposed reforms will focus on streamlining approvals processes for diversification permits and allowing for a diversification permit to be transferred at the same time as a pastoral lease. However, despite these proposed reforms and as flagged above, diversification permits would likely remain unsuitable for proponents of hydrogen and other renewable energy projects.

One area where there is no further clarity in these proposed reforms is the interaction between the proposed diversification leases and existing mining tenements. There are currently potential sites for hydrogen and renewable energy projects located on mining tenements, and in many cases the use case for these projects may not be a purpose directly connected with mining. It will be necessary to carefully review the proposed legislation to determine how the interaction between mining tenure and these new diversification leases will be managed, including whether there will be any changes to the Mining Act processes.

SUMMARY

Some pastoralists have raised concerns about the practicality of the diversification lease and whether the proposed amendments will make much difference to the average pastoralist. Most renewable energy projects are very costly and require investment from external sources in order to be established.

Diversification leases may only be a viable option for pastoralists with other interests, or those who can gain large investments. However, a diversification lease may be an avenue for pastoralists to establish carbon projects and participate in the Commonwealth's ERF scheme.

NEW MODEL FOR DETERMINING PASTORAL RENTS

The proposed amendments to the LAA provide for a new model for determining pastoral rents, commencing on 1 July 2024, based on a CPI model which will increase with inflation each year on 1 July and adjusted via a market rent review every ten years.

The starting point for rents on this date will be whichever is the lowest out of the current rent for the pastoral lease, or the average rent for the pastoral lease over the last 20 years (as determined in 1999, 2004, 2009, 2014 and 2019).

The CPI review date will fall annually on 31 December with the rent determination to take effect the following year on 1 July. Rents will be changed in line with the Perth All Groups Consumer Price Index (the current Perth CPI for the June 2021-22 quarter in 7.4%)

The market rent review interval is extending from five years to every ten years, with the next review to take effect on 1 July 2029. The new valuations will be based on market data as of 1 July 2028, and the Valuer General will provide the department with the proposed new rents by 31 December 2028.

SUMMARY

The PGA is concerned that the proposed CPI increases are based solely on the Perth All Groups Index, and not on a regional CPI Index, which was originally discussed in detail with the PLB. Having regional rents increase by a metro-based CPI Index, creates an artificial inflation rate which does not accurately reflect true inflation in the regions, especially throughout the pastoral estate.

Further, the PGA remains concerned that there is no cap on the maximum increase for the Market Review. Given the increase to ten years, it is conceivable that there would be significant increases (+25%), which would severely impact most leaseholders.

We look forward to discussing these and other issues in a more detailed submission, once the terms of reference are finalised.

Yours faithfully



Tony Seabrook
PGA President



27 July 2022

Ms Kaylene Gulich
Chair
BAM Act Review Panel
C/- Department of Primary Industries and Regional Development
Via e-mail: BAMAreview@dpird.wa.gov.au

Dear Ms Gulich

RE: Review of the Biosecurity and Agriculture Management Act 2007

INTRODUCTION

The Pastoralists and Graziers Association of WA (PGA) is a non-profit industry organisation established in 1907, which represents primary producers in both the pastoral and agricultural regions of Western Australia.

Current membership numbers equate to 84% of all pastoral leases, excluding Indigenous and conservation leases, and 21% of broadacre producers in the agricultural regions of Western Australia. This includes grain, livestock and mixed enterprises.

As an organisation which consists solely of primary producers from both the pastoral and agricultural regions who actively participate in the Industry Funding Scheme (IFS) Committees and the Recognised Biosecurity Groups (RBGs), the PGA seeks to contribute throughout all stages of the review to ensure that Western Australia has a contemporary and robust post border biosecurity governance and management framework that is efficient, effective and sustainable, and is a genuine shared responsibility between State Government (and its agencies and departments) and landowners.

We are pleased to provide this brief submission outlining some of the concerns our members have raised over the operation of the Biosecurity and Agriculture Management Act 2007.

Pastoralists & Graziers Association of Western Australia (Inc)

Ground Floor, 28-42 Ventnor Avenue, West Perth WA 6005 PO Box 889, West Perth WA 6872

Ph: (08) 9212 6900 Fax: (08) 9485 0299 Email: pga@pgaofwa.org.au

BACKGROUND

In 2007, the Biosecurity and Agriculture Management Act 2007 (BAM Act) was introduced, which is the principal biosecurity legislation for Western Australia. Despite the BAM Act being gazetted in 2007, the enabling regulations (the Biosecurity and Agriculture Management Regulations 2013) did not come into effect until May 2013.

Following introduction of the regulations, the State Government communicated its new policy setting, a community coordinated approach to managing biosecurity. In WA, Recognised Biosecurity Groups (RBGs) were introduced as the key mechanism to deliver a community coordinated approach, and to manage widespread and established pests in WA. Local Governments were concerned about RBG governance arrangement, with parts of the sector believing that the RBG policy would shift a State Government responsibility, and associated costs, to Local Government.

In December 2013, the Office of the Auditor General assessed the BAM Act's efficacy to manage plant and animal pests in WA. A key finding of the audit was that the BAM Act was failing to achieve state-wide pest management, due to (amongst others) the lack of a statewide integrated approach, no clearly defined roles and responsibilities for government agencies, limited monitoring of pests and no enforcement of the regulations.

SUMMARY

In making this submission the PGA is of the position that although there has been significant improvement since the Auditor General's report there still remains several deficiencies which are hindering the BAM Act's purpose of providing for the state-wide management of pests and has led to gaps in pest management.

The policy to move to a more regional and community-based approach (RBGs) since the gazetting of the BAM Act was poorly developed and implemented by the State, as noted by the Auditor General, and accordingly the interpretation and administration of the Act is what is causing most of the angst among landholders and RBG groups.

Overall, the RBG model is working well as it provides community (including landholders) assistance and guidance on Declared Pest management on their properties. The provision of a Declared Pest Rate provides sustainable funding for LOCAL groups to manage LOCAL pests and is an effective way to manage these pests with landholders contributing funds for pests on a nil-tenure basis. It provides direct community buy-in and responsibility from landholders/community on reporting declared pests and management of declared pests

RBGs have also established great partnerships with government/industry/NRM/Farming groups and other local community groups to raise awareness and have delivered real on-ground outcomes.

However, it is important to note that pests are cross boundary and the management of Declared Pests on government land necessitates the need for some additional funding to manage these pests and work alongside community efforts. Whilst RBGs provide strategic

pest management actions across their specified areas, the Act (or administrators of the Act) should provide a greater flexibility for reactive management of declared pests.

Under the current system, three Industry Funding Schemes exist to address biosecurity threats relevant to the grains/seed/hay, sheep/goat, and cattle industries. Participants in these industry schemes are entitled to benefits such as assistance and compensation (in qualifying circumstances) relating to the priority pests/diseases addressed by the scheme. An Industry Management Committee oversees each Industry Funding Scheme.

Whilst the PGA is of the opinion that the three Industry Funding Schemes (IFS) should continue as is, there is considerable concern over the bureaucratic and political interference in the selection of IFS committee members; the lack of transparency in setting the IFS rates; the lack of any effective opt out provision from certain declared pests; and the increasing tendency of the IFS's to extend their activities beyond their core business.

In 2018, the Minister responsible for making the appointments to the IFS committees did not accept the advice of the Appointments Committee on the selection of new members.

This resulted in the selection and appointment process being drawn out for over eight months, with some members of all three IFS committees finishing their terms within very close proximity, further complicating the selection process.

Given the difficulty in finding suitable candidates of a sufficient ability to appoint to the IFS committees, delays in appointments, and tinkering with terms of tenure only serve to exacerbate this issue.

Further there is concern over the non-transparent process in which the IFS determines its annual rate, including the continued inclusion of declared and established pests, such as Skeleton Weed, which cannot be eradicated, and where funding from grain, seed and hay producers goes to controlling the weed in government managed areas, rather than on farm.

Due to these past management issues, there remains a high level of uncertainty as to how Western Australian pastoralists and farmers will manage established and future incursions of invasive species, including the possible outbreak of exotic diseases including Foot and Mouth Disease (FMD), and Lumpy Skin disease (LSD).

For this reason, the PGA has long been advocating for the sector with regards to biosecurity issues.

We look forward to discussing these and other issues in a more detailed submission, once the terms of reference are finalised.

Yours faithfully



Tony Seabrook
PGA President



30 June 2022

**Commissioner of Police
Western Australian Police Force**

Ken.walker@police.wa.gov.au

Dear Commissioner

Review of WA Firearms Act 1973

INTRODUCTION

The Pastoralists and Graziers Association of WA (PGA) is a non-profit industry organisation established in 1907, which represents primary producers in both the pastoral and agricultural regions of Western Australia.

Current membership numbers equate to 84% of all pastoral leases, excluding Indigenous and conservation leases, and 21% of broadacre producers in the agricultural regions of Western Australia. This includes grain, livestock and mixed enterprises.

As an organisation which consists solely of primary producers, many of whom use firearms in their daily activities, and as a long standing member of the WA Firearms Advisory Committee, the PGA welcomes the opportunity to provide comment to the Western Australian Police Force into the review of the WA Fire Arms Act 1973 (Act), which will result in the drafting of new legislation.

SUMMARY

In making this submission on the Act, the PGA recognizes the need for positive outcomes that will ensure both public safety as well as protecting the legitimate use of firearms by farmers and pastoralists (primary producers).

It is critical that the focus of any changes to the Act be both cognisant of the need for legally licenced primary producers to continue to access firearms for vermin and pest control, the dispatch of livestock for animal welfare reasons, as well in as for work place safety when mustering; as well as focused on addressing the criminal misuse of firearms.

RECOMMENDATIONS

Recommendation 1

The PGA is of the view that the Firearms Legislation **should include a separate genuine reason of a primary producer**. This change will assist in clarifying the range of firearms that may be permitted in respect of this genuine reason, and must permit the firearm owner to use the firearm for both vertebrate pest animal control, animal welfare, and health and safety considerations while mustering.

The PGA recommends that the following categories should be permitted under this genuine reason subject to genuine need:

- Category A;
- Category B;
- Category C (only for a rifle or shotgun for the purpose of destroying vermin or stock as under Schedule 3, Division 4 of the Firearms Regulations);
- Category H (for commercial cattle grazing pastoralists where the firearm is required when mustering or yarding the cattle to deal with any animals (whether cattle or not) that are dangerous to people as under Schedule 3, Division 6 of the Firearms Regulations); and
- Category D (only for vertebrate pest animal control under certain circumstances).

The current legislative exemptions under section 8.1 of the *Firearms Act 1973* should continue to apply - that is, in respect to persons working for the primary producer, or who are family members of such primary producer. Given the potential significance to primary producers of being able to possess and use appropriate firearms in connection with their work, it is desirable that the Firearms Legislation facilitate this with as much flexibility as possible, without compromising broader objectives relating to public safety. The PGA's recommendation that 'primary producer' ought to be a stand-alone genuine reason will assist in this regard.

Recommendation 2

The PGA believes the Firearms Legislation should **provide for a genuine reason of vertebrate pest animal control**. To qualify the applicant should be a professional contract shooter engaged or employed in pest control or a person employed by or authorised by a government agency, including Recognised Biosecurity Groups (RBGs), prescribed by the regulations that has functions relating to the control or suppression of pests.

Section 11A(2)(d) of the current *Firearms Act 1973* provides that a person will have a genuine reason for acquiring or possessing a firearm or ammunition if it is required by the person in the course of the person's occupation.

Primary producers can currently apply for Firearm Licences under this genuine reason and must satisfy the Licensing Authority that there is a genuine need for the use of the firearm, which pertains to the applicant's occupation, and which cannot be achieved by some other means.

A firearm licenced to a primary producer may be used for the purpose of destroying vermin or stock by the primary producer or by persons working for the primary producer, or who are family members of such primary producer under an exemption in terms of section 8(1)(i) of the Firearms Act.

However there are many circumstances where non primary producers require a firearm for pest control. Under section 30(2) of the *Biosecurity and Agriculture Management Act 2007 (WA)* the owner or other person in control, in an area for which an organism is a declared pest, of an organism or thing infected or infested with the declared pest must take the prescribed control measures to control the declared pest, which can include shooting. The PGA is of the view that for clarity there ought to be a separate genuine reason in respect of vertebrate pest animal control.

Recommendation 3

The PGA believes the Firearms Legislation should **provide for a genuine reason of animal welfare**. To qualify the applicant should be a veterinary surgeon, an officer of the RSPCA, a government official with responsibilities for animal welfare, or an owner, transporter, drover or other handler of animals who may need to destroy animals to avoid suffering.

Section 8(1)(h) of the Firearms Act provides that no licence is required, in relation to an approved firearm or ammunition for that firearm, by a person who in the ordinary course of his or her practice, trade or business uses that firearm for the purpose of dealing a blow to any animal with intent to slaughter it or to render the animal insensible prior to slaughtering.

The PGA believes that this exemption is too narrow, as the use of the word 'slaughter' suggests that the exception applies to cases which relate to the killing of animals for food. It does not appear to cover situations involving saleyards, shearing sheds, markets and during transit, where animals are not ordinarily required to be slaughtered but the need to humanely kill an animal may arise if, for instance, the animal becomes injured.

Under the *Animal Welfare Act 2002* everyone has a moral obligation to treat all animals humanely. WA livestock producers take their responsibilities for welfare issues seriously and they are committed to the delivery of good animal welfare outcomes through the adoption and application of the WA animal welfare standards and guidelines.

Further, under the current legislation, a captive-bolt is categorised as an E2 firearm. The PGA believes that captive-bolt should no longer be viewed as a firearm, rather as a necessary tool for farmers, pastoralists, veterinarians, abattoir workers and all other associated industries.

Recommendation 4

The PGA believes the Firearms Legislation **should not require 24 hour remotely required monitoring in remote and regional areas.**

The use of security alarms in remote and regional areas is ineffective as the alarm will not be responded to fast enough to have any deterrent effect. Ultimately it remains the responsibility of the licence holder to make sure that the firearm is securely stored.

Recommendation 5

The PGA believes the Firearms Legislation **should not require a primary producer who provides permission to use a firearm on their land to keep a register.**

S23(10) of the Act states that it is a criminal offence to use a firearm on private land without permission being granted from the landowner. It is common place for this permission to be provided in a verbal manner.

Any proposal to restrict a licence and shooter to a particular property creates burdensome regulation for primary producers who are carrying out necessary land and farm management practices. Requiring primary producers to keep and maintain records of who they have issued property letters creates unnecessary red tape for property owners. The PGA is of the view that the responsibility of submitting and registering property letters should rest with property letter applicant, rather than the landholder.

Yours faithfully



Tony Seabrook
PGA President



25 May 2022

Mr Ian Routcliffe
Standards Development Manager
Rail Industry Standards and Safety Board

Via email: iroutcliffe@rissb.com.au

Dear Mr Routcliffe

PGA Submission on current draft revisions to AS7531 Lighting and Visibility

The Pastoralists & Graziers Association of WA (Inc) (PGA) is a non-profit industry organisation established in 1907, which represents primary producers in both the pastoral and agricultural regions in Western Australia.

As a state farming organisation and representative body for its members, who perforce have to use railway crossings in regional, rural and remote areas, the PGA has a genuine interest in standard setting for lighting and visibility of train sets (engines and wagons/carriages).

According to Main Roads WA, there are some 1,400 public railway crossings throughout Western Australia, and a similar number of non-public (private or occupational) rail crossings.

Whilst it would be best if every one of these almost 3,000 railway crossings were to be controlled at the least by boom barriers and flashing lights, it is incontestable that the great majority of these level crossings have no active protection, only being controlled by STOP or GIVE WAY signs.

Railway crossing upgrades are costly, and at the current rate of upgrades, it will take decades to protect all these crossings.

Therefore, it is important that the operators of train sets assume more responsibility for the safety of the travelling public by adopting the best possible visibility standards for their train sets.

The PGA notes that in Western Australia, movements of Towed Agricultural Implements by night and day are legally required to display a combination of flashing amber lights, reflectors, rear lights, signalling lights and headlights, or daytime running lights, depending on circumstances.

It should be no less for train sets.

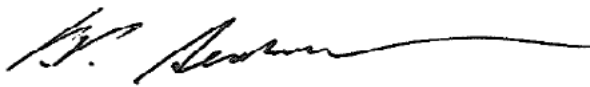
The PGA specifically suggests that:

- Locomotives need better lighting, such as rotating beacons, outline lighting, side lighting, and flashing light bars that include dual colours for contrast.
- Wagons need side lighting and higher standard reflectors.
- The colours of engines and wagons need to be changed to be brighter and with strong, clear contrasts. There should no need to change fleet colours if a 'high vis' stripe approach is considered.

Trains sets will need to be maintained and cleaned so that dirt and grime, and graffiti do not obscure lights and reflectors, and be adequately maintained to ensure that lighting and reflectors are functioning as envisaged.

We look forward to working with you to develop these standards, or better ones, as it is imperative that we do not keep losing lives at these crossings.

Yours faithfully



Mr Tony Seabrook
PGA President

PGA Sponsors 2022

HANCOCK AGRICULTURE





The Pastoralists and Graziers Association of WA (Inc)

Phone: 08 9212 6900 | Email: pga@pgaofwa.org.au

Web: www.pgaofwa.org.au | [@WAPastoralists](https://www.instagram.com/WAPastoralists)

PO Box 889 WEST PERTH 6872 WA