



12 December 2016

Ms Mary Westcott
Acting Research Director
Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
Brisbane Qld 4000
ipnrc@parliament.qld.gov.au

Dear Ms Westcott,

LGAQ Submission – Stock Route Network Management Bill 2016

Thank you for the opportunity to provide input on the above Bill.

Thank you for the opportunity to provide comment on the proposed *Stock Route Network Management Bill 2016* (Bill). Queensland local government, in response to increased costs of managing the network, originally initiated the review of the Stock Route Network, its extent, functions and related fee structures.

The LGAQ has worked with Queensland local governments and the State on Stock Route Network reform since 2003, to ensure proposed legislation appropriately allows for local government to recover the costs associated with the management and operation of the Queensland Stock Route Network.

In the LGAQ's view, the proposed Bill provides the flexibility and scope to meet the key policy requirements of local governments, particularly in relation to a framework enabling greater cost recovery for the administration and management of the Queensland Stock Route Network. However, the Association wishes to stress that such a transition will require extensive awareness raising among landholders and increased resource expenditure by local governments in transitioning to a system of permitted use of the network, which is unlikely to be recouped through additional fees and strongly urges the government to ensure additional funding is provided to support local governments through the transition to the new system.

The LGAQ supports a recommendation of the passing of the Bill to Parliament with the recommendations for amendment provided in the submission attached.

Should you wish to discuss any aspect of this letter, please don't hesitate to contact Ms. Dorean Erhart, Principal Advisor – Climate Change & the Great Barrier Reef [REDACTED]

Yours sincerely,

[REDACTED]

Sarah Buckler
GENERAL MANAGER – ADVOCACY



Stock Route Network Management Bill 2016

LGAQ Submission

12 December 2016

The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association setup solely to serve councils and their individual needs. The LGAQ has been advising, supporting and representing local councils since 1896, allowing them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places that count; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and delivering them the means to achieve community, professional and political excellence.

Submission

Thank you for the opportunity to provide comment on the proposed Stock Route Network Management Bill 2016 (Bill). Queensland local government, in response to increased costs of managing the network, originally initiated the review of the Stock Route Network, its extent, functions and related fee structures.

The LGAQ has worked with Queensland local governments and the State on Stock Route Network reform since 2003, to ensure proposed legislation appropriately allows for local government to recover the costs associated with the management and operation of the Queensland Stock Route Network.

1. LGAQ Policy Statements and Advocacy Action Plan

The LGAQ Policy Statements, the definitive statements of the collective voice of local government in Queensland, notes the following positions regarding the Stock Route Network:

5.2.2 Stock Route Network

5.2.2.1 Local government supports an equitable partnership approach with the State Government in the sustainable maintenance and effective management of the stock route network.

5.2.2.2 Local government supports the inclusion of local government representation to provide opinion, comment and advice to the State and relevant Minister on the development of legislation, policies and guidelines for the use and management of the stock route network.

The LGAQ Advocacy Action Plan (AAP) sets out the highest priority outcomes the Association seeks for its members and how it will achieve them. In relation to Stock Routes, the LGAQ seeks:

The delivery of Stock Route Network management legislation that provides for fair and equitable cost recovery for local government management of the network.

2. Response to the proposed Bill

2.1. Achieving an equitable and adequate funding framework

The LGAQ and its members have advocated for more than a decade for a stock route management framework that enables equitable and adequate resourcing of councils to effectively manage the Stock Route Network (network) and its uses. Councils recoup approximately 4% of the total cost of maintaining the network with the resulting shortfall sponsored by ratepayers.

The Bill delivers this by providing local governments with the flexibility to:

- charge and set cost recovery fees for the processing of applications;
- charge and set a fee for grazing (long term) on all parts of the network; and
- issue permits and set a fee for grazing (short or long term) on related roads and reserves.

The State has confirmed that the current fee split between the State and local government will be replaced and council will retain 100% of any fees, penalties and fines charged and that local governments will have discretion in determining the upper limits of fees.

The LGAQ notes that all penalties and fines and all or part of all other fees must be used for the sustainable management of the Stock Route Network (network), providing confidence to network users that funds collected will be returned to the network.

Further to the above, the LGAQ supports the following additional features of the Bill:

- consultation with all affected local governments in the review of the stock route network's extent and hierarchy;
- provision allowing local governments the option to prepare a local law for the management of grazing and travel on related roads and reserves;
- provision allowing a local government to nominate a local special interest area;
- the ability for local governments to relocate, remove or sell secondary stock facilities and retain the proceeds;
- provision for a local government to amend an approval to prevent stock from circling on the

- same parts of the network;
- removal of the mandatory requirement of a local government area stock route management plan, though local governments may maintain their plans if they wish to; and
- the protection of local government officials from civic liability for any act or omission made honestly and without negligence under the Act.

The LGAQ has confirmed with the Department that there will be no new management requirements as a result of the registration of a Special Interest Area.

Additionally, the Department has confirmed that watering facilities will remain State assets and the State will continue to provide capital to local governments for their upgrading and replacement.

2.2. Introducing a general obligation on all users of the network

In considering and discussing the Bill with members, the LGAQ noted that local government carries almost exclusive responsibility for the achievement of the main purposes of the Act. However, the permit holders are in fact the users of the resource and therefore should carry a general obligation to use the network in a responsible and sustainable manner. This places an up-front responsibility for how the network is used with the user rather than the local government, who should predominantly be the facilitators of appropriate uses, managers of unoccupied sections of the network and lastly the compliance and enforcement agency when necessary.

This approach is consistent with modern legislation and facilitates a better understanding of each stakeholders' role.

Recommendation 1: The State consider the inclusion of a general obligation on all permit holders to use the network in a sustainable manner.

2.3. Maintaining pasture

Section 20(2) of the Bill places a responsibility on local government to manage stock route network pasture to, as far as practicable, ensure there is an adequate supply of pasture for travelling stock and that land degradation is prevented or minimised.

Determining the tipping points between 'adequate' and 'inadequate', 'sustainable' and 'unsustainable' requires knowledge, skill and adequate information. Local government officers must be able to speak with confidence and authority if they are to be required to set stocking rate limits or tell a permit holder they are to remove their stock from the network to maintain adequate pasture and expect the permit holder to accept their decision.

Implementing this clause represents a significant challenge to local governments, however, the LGAQ believes there is also an unmet opportunity.

The State's Advancing Queensland and innovation agendas provide the platforms for the State, stock owners and local governments to partner in the development of innovative new approaches and uses of technology to collect the data and build the knowledge base around sustainable pasture management of all stakeholders.

Some early work done in partnership with the State and key local governments such as the development of a Mobile Pasture Assessment and an online Stock Route Management System appear to have stalled.

These products have cost nearly \$3 million, are excellent examples of innovation and the use of technology to improve process and on-ground outcomes, but appear to be unsupported in getting them into general circulation.

Recommendation 2: The State commit to working with the LGAQ, local governments and other key stakeholders such as AgForce and Regional NRM Groups in the development of innovative tools, datasets and capability building supporting the effective identification of pasture tipping points and appropriate responses.

2.4. Adequately addressing unfit stock, straying stock and fences

Local government regularly report challenges with compliance and enforcement, particularly in relation to unfit stock on the network and disputes about fences and travelling and grazing stock staying off the network.

Section 32: Considerations – travel approval, requires local governments to be satisfied that stock are fit to travel. Feedback from local governments indicates that during increasing drought, some landholders knowingly deceived councils about their stock's fitness to travel. As noted in 2.2, there is a difference between placing the responsibility only on local government and placing the responsibility on both parties. While the Bill provide penalties for willfully misrepresenting the condition of stock, it would be preferable for all parties, including the stock, if the Bill a) established the responsibility of the stock owner for demonstrating fitness to travel; and b) provided for a set of minimum acceptable standards such as the '*National guide to the selection of animals fit for transport*', 2012, MLA.

Recommendation 3: The Bill be amended to place a responsibility on the applicant to demonstrate the stock's fitness to travel.

Recommendation 4: The Bill be amended to provide for the establishment of a set of minimum acceptable standards.

The Bill adequately addresses requirements on landholders to prevent unpermitted stock from straying onto the network and allows for restitution for any damages to assets such as fences resulting from such straying. However, the Bill does not contain similar clauses to prevent permitted stock on the network from straying onto adjoining properties, nor requirements for restitution for any damage caused by straying stock to the landholder's assets.

Wandering stock not only reduce pasture for a landholder's stock, but can also damage private facilities, crops and spread weeds into previously clean pasture.

Recommendation 5: The Bill be amended to include additional clauses in sections 70, 71 and 77 to include the requirement for permit holders to prevent permitted stock on the network straying onto private landholdings and to provide for the ability to seek remedy or restitution for any damages caused.

The conditions for both short and long term grazing as set out in sections 35 and 36 of the Bill establish a requirement for a fencing maintenance agreement between a landholder with an adjoining stock route and a neighbour wishing to apply for a permit to graze on that part of the network (subsection 2), where there is an existing boundary fence.

Two issues were raised by local governments during consultation:

- The possibility of the landholder refusing to enter into the fencing maintenance agreement with the applicant; and
- The absence of a requirement for the establishment of a fence (or other suitable barrier) by the applicant and fencing maintenance agreement between the applicant and landholder where there is no boundary fence in place.

Both matters have the potential to cause unnecessary challenges for the landholders, applicants and local governments.

Recommendation 6: The sections 35 and 36 be amended to include additional clauses that:

- a) stipulate a landholder can not refuse to enter into a fencing maintenance agreement if requested, without reasonable cause; and
- b) includes the requirement for the establishment of a fence (or other suitable barrier) by the applicant and fencing maintenance agreement between the applicant and landholder where there is no boundary fence in place.

Recommendation 7: The State undertakes to continue to work with the LGAQ, Local Government Stock Route Implementation Group and local governments broadly during the drafting of the

regulations and implementation materials to resolve current and potential compliance and enforcement issues.

2.5. Resourcing the implementation of the new legislation

Further to the above considerations is the need to understand what the cost implications of implementing the new legislation will be for local governments.

Ideally, any additional inputs and resourcing required to effectively take advantage of the new opportunities offered through the Bill must be offset by the ability to recover costs.

Additional resources will be required to identify, assess and document all areas subject to permit applications. Some councils may need to engage new staff to be able to undertake this work. As a result of councils charging fees, there may also be an increased expectation by landholders that councils will regulate activities on the network more closely, thereby increasing the compliance and enforcement resource requirements.

While council may recoup some costs through the proposed application fees and other use fees, it is important to bear in mind that most will not reach full cost recovery and local governments are starting from a negative 96% position. Therefore, the Association recommends the State strongly consider providing short term resources to assist councils to establish their internal cost recovery and compliance and enforcement systems.

The implementation of the new Act will require the development of appropriate guidance materials, training and a public education and awareness program to ensure a positive transition.

Recommendation 8: That the State establish a Transition Support Fund to provide resource support grants to applicant local governments seeking additional resources to assist them to establish permits and undertake compliance and enforcement activities across the network in their local government area.

Recommendation 9: The State commit to working with the LGAQ and local governments in the development of training and transition materials, guidelines, tools and templates.

Please don't hesitate to contact Ms Dorean Erhart, Principal Advisor – Climate Change and the Great Barrier Reef on T: [REDACTED] should you wish to discuss any aspect of these comments [REDACTED]