



**CENTRAL HIGHLANDS REGIONAL COUNCIL
SUBMISSION TO LGAQ & STATE GOVERNMENT
STOCK ROUTE MANAGEMENT BILL 2016**

Introduction:

The Stock Route Network Management Bill 2016 (the Bill) was introduced into Queensland State Parliament on 3 November 2016 and referred to the Infrastructure, Planning and Natural Resources Parliamentary Committee for review.

The LGAQ welcomed the introduction of the Bill that is a culmination of 14 years of advocacy and engagement between local governments and the State. Council submissions, to form part of the LGAQ submission is to be completed by Thursday 8 December 2016.

It is agreed that Local governments have been seeking legislative reform since 2002 to ensure the equitable financing of the management of the Stock Route Network.

The Bill proposed allows local governments to permit a range of uses on the network - including a new provision allowing long term grazing where appropriate – and the option to charge fees and keep all revenue.

Background:

On 6 December 2016, Central Highlands Regional Council considered a report on the Stock Route Network Management Bill 2016.

The Bill is currently undergoing public notification, with the Infrastructure, Planning and Natural Resources Committee of the Queensland Parliamentary Service inviting written submission to be made by all interested parties by 10am on Monday 12 December 2016.

The Bill has a considerable history originating in response to the drought of 2002, which triggered the reform, a Stock Route Bill 2011, a parliamentary inquiry and a discussion paper and public consultation all led to the current Stock Route Network Management Bill 2016.

It is also noted that the Bill repeals the Stock Route Management Act 2002 and will also amend:

- Land Act 1994;
- Local Government Act 2009;
- Transport Infrastructure Act 1994;
- Transport Infrastructure (State-controlled Roads) Regulation 2006; and
- Transport Operations (Road Use Management) Act 1995.

Council's submission to LGAQ and State Government:

The submission provided by the Central Highlands Regional Council has been developed with the input of the elected members, Chief Executive Officer, senior staff currently involved with stock route network management and other interested stakeholders that have provided comments.

The Submission is utilising extracts for State Government communications and where necessary Council's comments is highlighted as "***COUNCIL COMMENTS***" and response is ***bold and in italics***.

Section 1 - Overview of the Bill

The Bill has been prepared on the following policy principles and a summary of the key changes is provided below:

1. *Maintain a connected network for travelling stock.*

Policy intent: The main purpose of the network is for travelling stock on foot; grazing is a secondary use of the network. Local governments may temporarily restrict or temporarily prevent access to the network, however the default status is the network is "open for use". Local governments cannot permanently close a stock route. Special interest areas have been retained for the purposes of recognising other significant values, such as natural and cultural heritage.

COUNCIL COMMENTS

Seeking clarification from the State Government on what are 'special interest areas' and any conditions, guidelines and or legislation that may be proposed to recognise significant values such as natural and cultural heritage.

These special interest areas can be identified by either the local or State governments and provides the opportunity for management conditions to be imposed on the use of the area, but such conditions would not impact or prevent access to the network by travelling stock.

COUNCIL COMMENTS

Seeking clarification from the State Government on what management conditions may be imposed on Local Government with respect to special interest areas.

Section 2 - Strengthening local governments' role in sustainably managing the network.

Policy intent: A State Management Plan (SMP) will be prepared to support the new legislation, which will set state wide outcomes for the network. Local governments will no longer be required to prepare and seek State approval of a Local Government Management Plan. Ultimately, this will reduce paperwork for local governments.

The SMP will be implemented by a stock route management system, an electronic system rolled out by the State. This system will:

- record details about the network, such as the quality of facilities and any repair work that needs to be carried out (i.e. asset management);
- issue travel and grazing permits; and
- Include a pasture management tool that will be used to assess the amount of feed on the stock routes.

COUNCIL COMMENTS

Local Government can assume that the State Government's electronic system will provide:

- ***accurate and GIS information regarding stock route infrastructure and this be made available to Councils***
- ***Copies of travel and grazing permits issued by the State Government provided to Council's for their records***
- ***A pasture management tool – what does that mean and what will this look like? Used to assess the amount of feed on the stock routes***

A new two-tier classification for stock routes is proposed following the passing of the Bill, as follows:

Current Classification	Future Classification	What this means for CHRC
Primary	Primary	70 km of primary stock routes retained as primary
Secondary	Primary	287 km of secondary stock routes will be elevated to primary
Minor and Unused	Secondary	1614 km of minor stock routes and 1039 km of unused stock routes will be reclassified to secondary

Water facilities located on primary stock routes must be maintained by local government, in exceptional circumstances the State may require local government to maintain facilities on secondary stock routes.

COUNCIL COMMENTS

Seeking clarification from the State Government on the standard of maintenance expected by Local Government with respect to secondary stock routes.

This change will likely reduce maintenance costs of the stock routes.

COUNCIL COMMENTS

There will still be a cost if Local Government is expected to provide a standard of maintenance with respect to secondary stock routes.

Local governments may dispose of facilities on secondary stock routes with State approval. The facilities will continue to remain the asset of the State with annual capital funding arrangements to continue.

Only local governments will now authorise all grazing on roads and reserves, both on and off the network. The Department of Natural Resources and Mines (DNRM) will no longer issue grazing permits to occupy under the Land Act 1994, with the exception on unallocated state land).

Approximately 1400 permits currently exist on and off the network. As a consequence, local government will now receive revenue from grazing approvals. This change will need to be reflected under Council's Local Laws when the legislation takes force and effect.

COUNCIL COMMENTS

Further amendments to Council's Local Laws are acknowledged and accepted.

Section 4 - Improving the fee framework to reflect the benefits to network users.

Local government will have a greater ability to recover administrative and management costs through fees, as one hundred percent (100%) of revenue from approvals will be retained by local government; currently local governments only retain fifty percent (50%) of travel and agistment permits and water facility agreements revenue.

The fees for each approval are listed below:

Approval	Fees on network – who sets them
Travel approval (standard and slow)	State regulates fee
Grazing approvals (emergency and short-term)	Local governments regulate fee at or above State set minimum
Grazing approvals (long-term)	Local governments regulate fee at or above State set minimum
Pasture harvesting approvals	Local government regulate fee
Unfit stock approvals	Approval fee based on the applicable travel or short-term grazing approval fee
Fees for processing applications	Local governments regulate this fee on cost recovery basis

Fees associated with travel and agistment approvals on other roads and reserves off the network will be regulated by local government. This will be dealt with under the Local Law.

COUNCIL COMMENTS

Council is extremely disappointed that the State Government fees for travelling stock have not increased at all and support the Agforce Cattle Board position of fees being set at 30c per head per week when travelling along a stock route.

Extract from Government media release dated 3 November 2016:

“Currently, the management of the network is 96% subsidised by ratepayers and not the major beneficiaries of its use, resulting in a shortfall of resources to appropriately manage impacts on the quality of the network such as weeds and fire.”

Ratepayers across all Qld Shires would feel that travelling stock fees must reflect the service (and pasture) provided and ongoing subsidisation must cease.

In addition the State Government must provide methodology and financial framework (potentially using the unimproved capital value of the property adjoining the stock route as a base) to assist Local Governments in calculating fees in the approval table listed below.

Approval	Fees on network – who sets them
Grazing approvals (emergency and short-term)	Local governments regulate fee at or above State set minimum
Grazing approvals (long-term)	Local governments regulate fee at or above State set minimum
Pasture harvesting approvals	Local government regulate fee
Unfit stock approvals	Approval fee based on the applicable travel or short-term grazing approval fee
Fees for processing applications	Local governments regulate this fee on cost recovery basis

Section 5 - Other matters

Under the new legislation local governments will be responsible for streamlined compliance and enforcement with these powers being aligned to the Local Government Act 2009 provisions for Authorised Persons.

All Rangers are existing appointed authorised persons under the Local Government Act 2009. The usual enforcement powers will be retained (i.e. seize and dispose of stock, stopping or moving vehicles, etc.) with new compliance tools (i.e. caution notices and directions notices).

COUNCIL COMMENTS

Seeking clarification from the State Government on what section of the Local Government Act will be amended and as part of the new Stock Routes Network Management Act?

The State will reserve powers to ensure that the stock route network is managed to deliver the State interest.

COUNCIL COMMENTS

Seeking clarification from the State Government on what these powers might be and included in any formal regulation.

Section 6 – Implementation

The State intends to implement the new legislation over 1 to 2 years with the following transitional provisions:

1. State management strategy and local management plans continue until new State Management Plan but not beyond 2 years.
2. Water facility agreements will continue.
3. Permit to occupy (grazing purposes) to continue for 2 years after commencement of the new legislation and then end.
4. Affected existing permits to continue under old framework until expiry.
5. Affected existing permit applications to be assessed under old framework, if granted permit becomes an approval under the new framework.

The DNRM will provide training and support for local governments to assist in the transition to the new legislation.

Local governments will be able to continue to enter into regional arrangements for administration and compliance.

The DNRM will continue to provide and maintain systems -

- Stock Route Management System including:
 - Approved forms
 - Support application process
 - Other management tools to assess and monitor the network's condition
- State Stock Route Register and make it publicly available.

COUNCIL COMMENTS

Government training and support will be critical in the roll-out of this new legislation and regular refresher courses being provided.

Section 7 – Conclusion

The proposed legislative changes provides local governments with greater capacity and control to obtain revenue for the management and upkeep of the stock route network. It more clearly defines the local government's obligations and streamlines approval processes and compliance actions. The implementation of a centralised electronic stock route management system administered by the State will ensure that data captured from regular audits of the network can be easily tracked and reported on. The transition period of 1 to 2 years will provide a suitable period of time for council to adapt its current business practices and ensure that all relevant officers receive sufficient training to carry out council's obligations under the new legislation.

ADDITIONAL COUNCIL COMMENTS

- ***Council concern is expressed about the constant spread of weeds from travelling stock (from outside the Shire) on stock routes which could have impacts on current maintenance and eradication programmes in place***
- ***Will the State Government produce any particular conditions and or regulations that can assist local Government in leasing stock routes to adjoining land owners?***
- ***Council will strongly advocate for the retention of all Qld Stock Routes networks being maintained and not consideration for any future wildlife corridors being entertained.***
- ***The State Government previously supported Stock Route Supervisors being employed to assist with management of the network. Any suggestion that Local Government will now be able to employ their own officer to undertake these duties due to the “new” revenue they are about to receive with legislative changes is disputed, considering the extent of the network (2.6 million hectares) and the ongoing responsibilities expected by local governments.***

Chief Executive Officer

7 December 2016