

Control across tenures

Overview

- 7.1 Many people who gave evidence to the committee drew attention to the need for management of pest animals across all land, regardless of tenure.¹
- 7.2 A great deal of frustration was evident in submissions made by landholders who go to great lengths to control pest animals on their properties, only to experience new incursions by pest animals from neighbouring lands where proper control is not exercised.
- 7.3 It is apparent to the committee that effective pest animal control requires that measures be taken by all affected individuals and groups. A few landholders who are ignorant or neglectful of their obligations can jeopardise the success of an otherwise well-managed program.
- 7.4 From the evidence received by the committee, it is apparent that two groups are perceived as being responsible for failing to properly manage pest animal issues on their properties. The first of these is government land owners and managers, particularly national parks, and the second is non-complying private landholders, particularly those new to rural areas who do not necessarily have any experience with pest animal issues.

¹ *Submissions 15*, p. 1, 33, p. 2, 70, p. 15, 72, p. 2, 76, p. 6, 78, p. 5, 97, p. 3.

Management of Crown land and national parks

- 7.5 There was overwhelming evidence presented to the committee that pest animals are not being controlled properly on government land, including state forests and national parks.² This perceived lack of management frustrates many landholders, whose efforts to control pest animals on their own land are being thwarted due to the neglect of government land managers. National parks were referred to by one submitter as a “neighbour from hell”.³
- 7.6 Mr Garry Breadon, a farmer in Mansfield, Victoria, gave the following evidence:

State boundaries are no barrier to wild dogs nor are National or State Park boundaries. If the Australian public continues to demand more and more land to be “locked up” for the public good then they must be prepared to pay for the management of the pest animals which inhabit those areas. Wild dogs in particular will breed very well in these areas as they are at the top of the food chain. This fact must be addressed now before these public lands increase to unmanageable sizes and the full breeding potential of these animals is reached. Good Neighbour Policies and the like seem to be a one way street with public land managers enforcing regulations on private land managers with out the same regulations being enforced on themselves. Restrictions on boundary fence clearing and fence construction expenses are a typical example.⁴

2 Submissions 3, 4, 11, 19, p. 2, 25, p. 1, 26, 31, p. 14, 34, 35, 36, 39, 43, p. 3, 45, 46, 52, p. 2, 53, p. 4, 60, 66, 71, 74, 78, p. 4, 80, p. 1, 95, 96, 100, p. 3, Mr John Alcock, Monaro Merino Association, *Transcript of evidence*, 9 September 2005, p. 14, Mr Alby McIntosh, Ovens Landcare Network, *Transcript of evidence*, 18 June 2004, p. 3, Ms Suzanne Briggs, Carboor/Bobinawarra Landcare Group, *Transcript of evidence*, 18 June 2004, p. 5, Mr Ian Lobban, VFF Barnawartha Branch, *Transcript of evidence*, 18 June 2004, p. 27, Mr Russell Murdoch, New South Wales Upper Murray Graziers, *Transcript of evidence*, 18 June 2004, p. 42, Mr Fraser Barry, *Transcript of evidence*, 18 June 2004, p. 56, Mr John Sinclair, *Transcript of evidence*, 18 June 2004, p. 72, ‘Wild Dog Responsibilities and Perspective in the Western Division of New South Wales’, in *Exhibit 3, Proceedings of the National Wild Dog Summit*, Wodonga, 22 February 2002.

3 Mr Peter Spencer, *Submission 100*, p. 8.

4 *Submission 3*.

- 7.7 At Warrawagine Station in Western Australia, local pastoralists expressed concern that camel shooting is not allowed in national parks. The committee was informed that huge populations of feral camels are building up in national parks, where they cause tremendous environmental damage. The committee was shown photographs of camels that have fallen into waterholes and cannot escape, leading to pollution of the waterholes and making them unusable.⁵
- 7.8 From Queensland, Burdekin Productivity Services Ltd made the following submission:
- There is no visible control in the national park areas located in the Lower Burdekin region. The parks act as a reservoir of pest animals, particularly feral pigs that cause serious environmental damage as well as serious crop damage.⁶
- 7.9 The frustration felt by landholders is compounded because they themselves cannot undertake control measures on government land.⁷ Ms Noeline Franklin, a farmer from Brindabella, gave the following evidence:
- When we, as affected farmers, have gone to parks authorities and said, 'Listen, guys, you have some dogs in there,' they say, 'No, I don't know whether we have.' We say, 'I'm sure you have.' After decades, we have convinced them that they do have dogs. We have a flow of dogs out of there. Yes, they now acknowledge that, particularly since the New South Wales *Rural Lands Protection Board Act 1998*. We say, 'Can you do anything about it?' They say, 'Sorry, we don't have the budget.' We say, 'Can we go in there and do something about it?' They say, 'No, you are not allowed in there with traps, poisons and whatever.' The local community have basically been stopped from doing their own work, for whatever reasons – policy reasons.⁸
- 7.10 The obligation of state government agencies not to allow pest animals on their land to cause nuisance for adjoining landholders has been given judicial recognition in Victoria. In the Supreme Court case of *Stockwell v State of Victoria*,⁹ the plaintiff Ron Stockwell sued the Victorian

5 Discussions at Warrawagine Station, Western Australia, 21 July 2005.

6 *Submission 25*.

7 VFF Barnawartha Branch, *Submission 11*, Mr Noel Cheshire, *Transcript of evidence*, 18 June 2004, p. 53.

8 *Transcript of evidence*, 11 August 2004, p. 7.

9 [2001] VSC 497.

Government for failing to properly control wild dogs on its land. The Stockwells had lost substantial numbers of stock as a result of the build-up of dogs on neighbouring Crown property. The court held that the government was liable for private nuisance and common law negligence because it knew of the presence of the wild dogs, it was foreseeable that the Stockwells would suffer damage if nothing was done, and the government failed to take reasonable measures to rectify the problem.¹⁰

- 7.11 It appears, however, that *Stockwell* is a fairly unique example of enforcement of the obligations of state land managers. Mr Pat Larkin, a member of the Wangaratta Branch of the VFF, mentioned that some of the lands owned by VicRoads “are considered to be pretty adequate fox harbours”, but that there is nothing any other government agency can do to force VicRoads to remove that habitat.¹¹ He called for government agencies to be given the power to enforce compliance with pest animal control obligations of other government agencies.
- 7.12 WAFF noted that the APB has no power to compel other government agencies in Western Australia to meet control obligations on lands under their jurisdiction.¹² Mr Peter Spencer, a sheep farmer from Shannons Flat in New South Wales, recommended legislative amendments to ensure that national parks and wilderness areas are not exempted from having to conform to planning regulations and other land-management requirements.¹³
- 7.13 At the National Wild Dog Summit, in February 2002, the 400 people present unanimously voted to call on all governments to enforce that all public land managers be responsible, transparent and openly accountable for pest animals on government land.¹⁴
- 7.14 The committee emphasises that *all* land managers, be they individuals, industry or government, have responsibilities to manage their land properly, including taking proper measures to control and destroy pest animals on that land. Although it appears that state and territory legislation allows obligations to be enforced on individual landholders, it seems that there is a lack of appropriate enforcement measures against state and territory government agencies that fail to fulfil their responsibilities. Where legislation and policy do not provide for

10 Animal Control Technologies, *Submission 84*, pp. 30-33.

11 *Transcript of evidence*, 18 June 2004, p. 19.

12 *Submission 36*, Attachment.

13 *Submission 100*, p. 15 and see VFF Barnawartha Branch, *Submission 11*.

14 ‘Copy of Motions’, Motion Two, in *Exhibit 3, Proceedings of the National Wild Dog Summit*, Wodonga, 22 February 2002.

appropriate enforcement measures against government land managers, they should be amended.

- 7.15 It appears that the failure of public land managers to address pest animal problems on their land can be partly attributed to a lack of funding.¹⁵ The CWA, in its submission, stated the issue very well:

It should be possible for Agriculture and National Parks to exist in harmony however, it will be necessary for Government to do a lot more than merely annexing areas for National Parks. The cost of a National Park is a lot greater and more ongoing than seems to be considered by Government when they announce the acquisitions of more land to be set aside as National Parks. These announcements are sure-fire vote winners, and maps issued showing the percentage of a state given aside to National Parks are certainly impressive. The question is, can Governments afford to operate these vast areas in a (sic) ecologically sound and sustainable manner?¹⁶

- 7.16 The submission from the Cobar RLPB stated:

NPWS (National Parks and Wildlife Services) has acquired large tracts of land, and concerns have been raised that matching budgets have not been forthcoming for adequate pest animal control within these Parks. It is felt that adequate budgets should be provided and managed more efficiently for these Parks. Government and Community have a duty of care to manage and control pest animals.¹⁷

- 7.17 The NSWFA, in its submission, explained some of the problems related to funding of the NPWS in New South Wales:

The Association understands that in 2003-04, the DEC (Department of Environment and Conservation) will spend an estimated \$3.2 million on "on-the-ground" control programs targeting pest animals such as wild dogs, foxes and feral pigs. Significantly, of the \$3.2 million planned expenditure on operational programs, only \$1.2 million has been allocated for the control of wild dogs.

15 *Submissions 3, 19, p. 2, 29, 36, 40, 41, 46, 54, p. 3, 57, 71, 78, p. 4, 87, p. 2, 95, 100, p. 13, Mr John King and Mrs Susan Litchfield, Monaro Merino Association, Transcript of evidence, 9 September 2005, pp. 18-19, Mr Peter Spencer, Transcript of evidence, 9 September 2005, p. 37, Mr Chris Tallentire, CCWA, Transcript of evidence, 11 April 2005, p. 11.*

16 *Submission 19, p. 2.*

17 *Submission 78, p. 4.*

The Association is also concerned that the \$1.2 million may include expenditure on NPWS salaries related to research into the impact of aerial wild dog baiting on spotted-tailed quolls. If this is the case, potentially less than \$1 million is being spent on actually killing wild dogs that prey on native fauna and farm animals.¹⁸

- 7.18 Similarly, a lack of funding appears to be hindering government land managers in their control of pest animals in Victoria. The Carboor/Bobinawarra Landcare Group of Victoria gave evidence that:

The Carboor / Bobinawarra Landcare Group coordinated a fox baiting program this autumn. It was run concurrently with four neighbouring Landcare Groups baiting programs. However this program was an initiative of the Landcare Groups and funding for the program came from each individual Landcare Group. ... A letter was distributed to Hancock Pines (owners of the privately operated pine plantation) and the Department of Sustainability and Environment (managers of the significant hectares of crown land neighbouring the Carboor / Bobinawarra area), asking if they would participate in the fox baiting program. Hancock Pines responded and were involved in the fox baiting program. *There was no response from the Department of Sustainability and Environment and when contacted, they indicated they did not have the resources (sic) or the funding to participate.*¹⁹

- 7.19 Neil and Marilyn Clydsdale, graziers in the Tintaldra area of Victoria, gave the following evidence:

The proclamation of National Parks which most citizens applaud, has not been resourced at the level required, so with a lack of funding to employ adequate staff to control issues such as weeds, wild dogs, foxes and other emerging pest animals, coupled with under funding to provide baits, traps and chemicals the situation continues to get out of control year after year. If private citizens managed their land as poorly as crown owned land, they would be fined or put in jail.²⁰

18 *Submission 31*, p. 14.

19 *Submission 54*, p. 2.

20 *Submission 40*.

7.20 Similar evidence was also received from the QFF:

Current QPWS (Queensland Parks and Wildlife Service) staffing and budget constraints do not allow for control of feral animals (unless deemed for conservation purposes as part of species recovery plans) on parkland and so large parcels of land in the district are not being addressed in regard to feral pig management. Thus strategic control cannot be achieved. It should be recognised that farmers and QPWS would achieve optimal outcomes in a collaborative effort in control of these pests.²¹

7.21 The committee also received evidence that lack of expenditure on pest animal control within national parks is a major issue in both South Australia and Western Australia.²²

7.22 When questioned about problems with government land management in Western Australia, the response of the Western Australian Government was that of the 110 million hectares of land for which CALM has responsibility, approximately 89 million hectares are unallocated crown land, for which it is not necessarily fair to require government to bear all the costs.²³

7.23 Not all submissions received by the committee were critical of government landholders and their control of pest animal problems. State Council for the RLPB of New South Wales gave evidence that “... generally the NPWS, RLPBs and other pest animal and insect stakeholders are building up a good working relationship when it comes to pest management.”²⁴ The North East Pest Animal Advisory Committee was also supportive of the role played by NPWS, although they pointed out the need for substantial budget increases.²⁵

7.24 The committee also received evidence from the SSAA that its members have recently been allowed into Victorian national parks to conduct coordinated operations to cull goats, foxes and pigs. A formal memorandum of understanding with Parks Victoria in relation to the program was pending at the time of writing this report.²⁶

21 *Submission 59*, p. 16.

22 SAFF, *Submission 46*, Discussions at Warrawagine Station, Western Australia, 21 July 2005.

23 *Transcript of evidence*, 20 July 2005, p. 18.

24 *Submission 81*, p. 7.

25 *Submission 57*.

26 *Transcript of evidence*, 25 May 2005, p. 9, Personal communication with Mr Colin Wood, 16 September 2005.

- 7.25 The committee considers that, despite such examples of positive efforts to control pest animals in national parks, the majority of evidence indicates that state and territory government land managers are neglecting their responsibilities to control pest animals on their lands.
- 7.26 The committee believes that a principal factor in the problems with pest animals on government land is the practice of state governments declaring land as national parks or wilderness areas without providing appropriate funds for management of that land.
- 7.27 The committee acknowledges the need to set aside areas of land for environmental and conservation purposes however such allocations must only be made to the extent that appropriate funding has been set aside for management of that land.
- 7.28 Mr John Sinclair, of Yea-Alexandra in Victoria, summed up the issue in his evidence as follows:
- The federal government should ensure that the authorities that control public land acknowledge their responsibilities with regard to pest animals and plants on that land. Just as I would be responsible for my dog eating, for example, my neighbour's sheep, I see no difference whatsoever in relation to public land managers. This is the key to what I wish to say. It is only through acknowledging that responsibility that suitable funding and management of that problem can be achieved.²⁷
- 7.29 The committee believes that future declarations of national parks and wilderness areas should only be made where adequate funds are available for management of that land, including pest animal problems.
- 7.30 Governments should also assess current landholdings and determine how pest animal problems are to be managed on that land. This may be by means of providing additional funding for management of that land, or opening up possibilities for individuals and organisations to be involved with pest animal management on government-owned land. To ensure that proper control is carried out by government agencies, the committee believes that Australian Government environment funding for states and territories should be made conditional on them achieving agreed targets for control and destruction of pest animals on government land.

27 *Transcript of evidence*, 18 June 2004, p. 72.

Recommendation 39

7.31 The committee recommends that the Australian Government:

- ensure that state and territory governments amend legislation and policy where necessary to ensure that pest animal control obligations are the same for government land managers as for private landholders, and that these obligations are enforced against government land managers;
- encourage state and territory governments to commit adequate funds for management of government-owned and controlled land, including pest animal control;
- emphasise to state and territory governments that future declarations of national parks and wilderness areas should only be made once management needs for that land have been assessed and adequate funds have been set aside for that purpose; and
- make environment funding to states and territories conditional on them achieving agreed targets for control of pest animals on government land.

Non-complying landholders

7.32 Although legislation varies from state to state, generally landholders have an obligation to control declared pest species on their lands.²⁸ A number of submissions pointed to problems caused by absentee landholders and new landholders who are not always aware of these responsibilities.²⁹ This issue arises partly due to the migration of 'lifestyle landowners' to the country, and partly through the increasing encroachment of urban and residential developments on agricultural areas.³⁰

28 For example see *Land Protection (Pest and Stock Route Management) Act 2002* (Qld), Part 8, *Catchment and Land Protection Act 1994* (Vic), s 20, *Rural Lands Protection Act 1998* (NSW), Part 11.

29 *Submissions 5*, p. 5, 18, 22, 24, p. 2, 52, p. 2, 71, 82, 92, p. 3, 101, Mr Alby McIntosh, Ovens Landcare Network, *Transcript of evidence*, 18 June 2004, p. 9.

30 State Council for the RLPB, *Submission 81*, p. 9, Mr John King, Monaro Merino Association, *Transcript of evidence*, 9 September 2005, p. 19.

- 7.33 Mr Pat Larkin discussed the increase in 'lifestyle' land managers in rural areas. His submission pointed to the need for promotion of landholder responsibilities through real estate agents, local government and community groups to counter the problems associated with inexperienced landholders not properly managing pest animals on their properties.³¹
- 7.34 A similar recommendation was made by the Braidwood RLPB in its submission to the inquiry:
- Large areas of rural land are now owned and "managed" by members of the community who do not necessarily have a rural background and may not share the objectives and values of those who are dependant (sic) on the land. Many of these smaller landholders are not ratepayers to the RLPB system and are often unaware of the impact of their activities on their rural blocks and the wider community. A national approach to capturing these landholders and gaining their support in the pursuit of national objectives is required. Some RLPBs now run field days for small landholders. Pest animal control solutions that are appropriate to smaller holdings and acceptable in closely settled areas should be developed and applied.³²
- 7.35 The evidence received indicates that some landholders may be aware of their responsibilities, but still fail to fulfil their obligations.³³ This may be due to a lack of awareness of the nature of the pest animal problem and the consequences of not managing populations properly. It was also noted that hobby farmers often have hectic lifestyles and sometimes refuse to participate in baiting programs because they have lifestyle animals present on the property.³⁴
- 7.36 The Ovens Landcare Network of north-eastern Victoria indicated that there is a need for a strong enforcement program to ensure that landholders who neglect to control pest animal populations on their properties are made to fulfil their obligations. The committee was told that the number of people employed to enforce landholder obligations has been reduced significantly over the last two decades.³⁵ Pastoralists in the Eastern Goldfields region of Western Australia also discussed the need for

31 *Submission 48.*

32 *Submission 71.*

33 Kathy and Malcolm Boladeras, *Submission 87*, p. 2.

34 Mr Alby McIntosh, Ovens Landcare Network, *Transcript of evidence*, 18 June 2004, pp. 9-10.

35 Ovens Landcare Network, *Submission 52*, p. 2, Mr Jack Jones, Ovens Landcare Network, *Transcript of evidence*, 18 June 2004, p. 7.

enforcement of landholders' responsibilities to control wild dogs on their lands.³⁶

- 7.37 The committee believes that these problems are best addressed by a three-fold strategy including informing prospective purchasers about pest animal problems, educating existing landowners and enforcing obligations on those who neglect their responsibilities. Strategies for educating existing landowners about the importance of controlling pest animals on their land are discussed in Chapter 10.
- 7.38 In relation to informing prospective purchasers about their obligations, the committee believes it would be useful if prospective purchasers of rural land could conduct searches for pest animal problems in the same way that they can currently search for outstanding rates, caveats and environmental declarations. Local governments should be encouraged to maintain a database of pest animal problems on local land, which can be searched by prospective purchasers. This will enable landowners to decide in advance of purchase whether they have adequate resources to fulfil their pest animal responsibilities.
- 7.39 The committee also considers that obligations to control pest animals should be enforced more rigorously. In many cases, it is hoped, better performance in terms of pest control will be achieved through improved education and awareness. Where there is blatant disregard of the obligation to control pest animals, however, steps should be taken to enforce those obligations to ensure that the efforts of neighbouring landholders are not jeopardised.

Strategies for control across tenures

- 7.40 The committee is aware that strategies for the effective control of pest animal issues across a range of tenures are already in existence. In particular, the committee notes evidence received about the wild dog and fox control programs coordinated by the TFAWG and the Brindabella and Wee Jasper Wild Dog/Fox Working Group. These programs involved coordinated dog and fox control implemented by private landholders, RLPBs, State Forests and NPWS in New South Wales.³⁷

³⁶ Roundtable with Leonora pastoralists, 12 April 2005.

³⁷ *Exhibit 10*, R Hunt and Brindabella and Wee Jasper Valley wild Dog/Fox Working Group, *Brindabella and Wee Jasper Valleys Cooperative Wild Dog-Fox Control Plan July 2002-June 2005*, 2002, *Exhibit 7*, TFAWG, *Cooperative Wild Dog/Fox Management Program*, Draft no. 5, March 2002.

- 7.41 The Brindabella Wee Jasper wild dog/fox program is an example of a 'nil tenure' approach to pest animal management.³⁸ The Brindabella Wee Jasper wild dog/fox working group first met in December 2000. The economic and social impacts of wild dog and fox attacks were identified. A map was prepared showing historic stock loss areas and access routes used by wild dogs. A baiting and trapping program was then developed and implemented, without reference to land tenure. Land manager costs were calculated by overlaying a tenure map onto the control map. The program was highly successful, with stock losses being reduced by an average of 75 percent per year for three years following an initial trial year in 2001.
- 7.42 The committee also heard evidence in relation to a good neighbour policy currently under development between WAFF and CALM. Although the committee heard that that program has not to date been as successful as might have been hoped, WAFF noted that a successful good neighbour policy would encourage all parties to understand other viewpoints and to have a proper understanding of their responsibilities.³⁹ The committee believes that such programs would be to the benefit of pest animal control generally, and that the proposed National Pest Animals and Weeds Committee should encourage the development of good neighbour programs and policies in each jurisdiction.
- 7.43 In Cooma, the committee heard evidence of an Interstate Pest Animal Working Group involving representatives from the Department of Primary Industries and Parks Victoria, and RLPBs, NPWS and state forests in New South Wales. All representatives are involved in on-the-ground control in their respective jurisdictions. The program has been operating for a number of years and has had some success, particularly in coordinating wild dog baiting across borders and sharing expertise in relation to feral pig control.⁴⁰ The committee believes that efforts at interstate coordination of pest animal control, such as this one, should be encouraged by the proposed National Pest Animals and Weeds Committee, as they provide opportunities for achieving greater consistency in control measures across jurisdictions.

38 R Hunt and Brindabella Wee Jasper wild dog/fox working group, 'The nil tenure approach to a landscape issue (wild dogs)' in S Balogh (ed), *Proceedings of the third NSW Pest Animal Control Conference*, NSW Department of Primary Industries, 4-7 July 2005, pp. 16-19.

39 *Transcript of evidence*, 20 July 2005, pp. 29-30, 37.

40 Mr Graham Hillyer, Bombala RLPB, *Transcript of evidence*, 9 September 2005, pp. 6-8, *Minutes*, Interstate Pest Animal Working Group, 15 September 2005, forwarded to Committee by Mr Graham Hillyer, Bombala RLPB.

Recommendation 40

- 7.44 The committee recommends that the proposed National Pest Animals and Weeds Committee:
- seek advice from the National Pest Animals Advisory Committee as to how local governments can set up pest animal databases that can be searched by prospective purchasers of rural land;
 - encourage state and territory representatives to investigate options for more rigorous enforcement of pest animal control obligations on private land;
 - discuss with state and territory representatives how governments can develop and implement agreements with local governments and community groups and, where appropriate, develop good neighbour policies with adjoining landowners; and
 - encourage the development of interstate cooperative pest animal control arrangements, involving people engaged in on-the-ground control.

