

Pastoral Lands Board Policy Statement No. 3

Policy Title	Permits for the Cultivation of Non-indigenous Plant Species on a Pastoral Lease
Policy Statement	The cultivation of non-indigenous plant species can improve the viability of a pastoral lease however, some species can or have the potential to adversely affect the environment. A permit from the Pastoral Lands Board (the PLB) is required for the cultivation of any plant species not indigenous to Western Australia.
Purpose / Objective	<p>To support the cultivation by Lessees of appropriate non-indigenous plant species on pastoral leases in WA.</p> <p>To provide policy position and guidelines regarding the application process for a permit to cultivate non-indigenous plant species on a pastoral lease in WA.</p>
Background	<p><u>Section 110</u> of the Land Administration Act 1997 (LAA) states that non-indigenous plant species must not be sown or cultivated on a pastoral lease without a permit issued by the PLB (e.g. a permit issued under s.119 or 120).</p> <p><u>Section 111</u> of the LAA requires the lessee to control declared plants on a lease in accordance with the Agriculture and Related Resources Protection Act 1976¹ and to the satisfaction of the PLB.</p> <p><u>Section 119</u> of the LAA allows the PLB to issue a permit to a lessee to cultivate non-indigenous pasture on specified land under a lease.</p> <p><u>Section 120</u> of the LAA allows the PLB to issue a permit to a lessee to use a specific area of land on their lease for crop, fodder, horticultural or other agricultural production if the PLB is satisfied that the proposed use is reasonably related to the pastoral use of the land. The permit may include permission to sell the produce.</p> <p>Under <u>section 117</u> of the LAA the PLB must not issue a permit unless it is satisfied that any requirements in relation to the proposed activity arising from the operation of -</p> <ul style="list-style-type: none">• the Agriculture and Related Resources Protection Act 1976;• the Environmental Protection Act 1986; the Soil and Land Conservation Act 1945; the Wildlife Conservation Act 1950; or• any other written law relating to environmental conservation which is applicable to the land under the lease, have been complied with.

¹ The *Agriculture and Related Resources Protection Act 1976* is to be repealed and replaced by the *Biosecurity and Agriculture Management Act 2007*.

The introduction of non-indigenous plant species into WA is controlled by the Biosecurity and Agriculture Management Act 2007.

Authorities and Delegations

The PLB has authority to consider and approve (or otherwise) granting a permit for the cultivation of non-indigenous plant species under sections 119 and 120 of the LAA.

Policy Implementation Guidelines

In order to satisfy itself that the requirements of section 117 of the LAA have been met, the PLB will refer applications to cultivate non-indigenous plants species on a pastoral lease to the Department of Primary Industries and Regional Development (DPIRD) and the Department of Biodiversity Conservation and Attractions (DBCA) for advice. DPRID and DBCA may conduct the following in relation to the application:

- a Weed Risk Assessment (WRA) on the plant species proposed for cultivation;
- a site assessment.

DPRID will assess the permit application in relation to the requirements of the following legislation:

Biosecurity and Agriculture Management Act 2007 (BAM Act).

This Act regulates the introduction into an area of the State, and the control of declared plants and animals.

Impact: Plants that are declared under this Act are controlled through regulation of movement and the requirement of landholders to control these plants, including the eradication of certain species and to prevent them from spreading to uninfected areas.

*Plant Diseases Act 1914, Schedule 5 - Permitted plants*²

This Act provides that plants must be on the 'permitted list' before being allowed into WA. Permitted plants are those plants which are –

- (a) native to this State; or
- (b) specifically listed in the Schedule 5.

Impact: If the potential plant for introduction is not on the permitted list it must be assessed for its weed potential before being added to either the permitted or quarantine weed list. If any organisation or individual wishes to import a new plant species into WA for any purpose whether for pastoral, other agricultural uses, horticulture, ornamental, medicinal use, or other (e.g. zoo fodder), that species must undergo a weed risk assessment and its potential for carrying diseases must also be assessed.

Soil and Land Conservation Act 1945

This legislation relates to the conservation of the State's soil and land resources and to the mitigation of land degradation.

Impact: Clearing to sow a non-indigenous plant species may impact on the present or future level of land use and the stability of that land.

² Both of these Acts will be repealed when the *Biosecurity and Agriculture Management Act 2007* (BAM Act) commences full operation.

Biosecurity and Agriculture Management Act 2007

This Act is concerned with providing effective biosecurity and agricultural management for WA by controlling the entry, establishment, spread and impact of organisms that may have an adverse impact on other organisms, humans, the environment or agricultural, fishing or pearling activities carried on in WA.

DBCA will assess the permit application in relation to the requirements of the following legislation:

Environmental Protection Act 1986

An Act dealing with environmental harm provisions and the regulation of land clearing.

Impact: The main issue is the potential of the non-indigenous species to directly or indirectly displace the native vegetation or impact on the habitat of indigenous aquatic or terrestrial animals.

Wildlife Conservation Act 1950

This Act is primarily concerned with the protection of Western Australia's native flora and fauna.

Impact: The concern is whether the introduced plant could impact negatively on native flora and/or fauna.

Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

The primary focus of this Act is on the protection of the environment, especially matters of national significance such as World Heritage Areas, Wetlands of International Significance, migratory birds and listed threatened species and communities.

Impact: Proposals that may impact on any of these matters may be assessed under this legislation by the Australian Government or the Department of Environment and Energy under delegated authority.

Some non-indigenous plant species that have a weed history may be under development by DPRID as potential pastures. The PLB may grant a permit for these species if appropriate management conditions can be developed and met by the pastoralist. The applicant should contact DPIRD to develop a management plan prior to submitting an application for a permit.

If the non-indigenous plant species has no documented history of cultivation in the rangelands the PLB may consent to issue a permit for a trial cultivation to be carried out on a pastoral lease in consultation with DPIRD and DBCA. Pastoralists must contact DPIRD to discuss a trial prior to submitting an application for a trial permit to the PLB.

The PLB will consider the advice provided by DPIRD and DBCA in making a determination regarding issuing a permit. If the clearance of land is required for the introduction of the non-indigenous species, a clearing permit is required from the Department of Water and Environmental Regulation.

Definitions	"a non-indigenous species" is any species of plant that is not native to WA.
Policy / Legislative Base	Land Administration Act 1997 – Part 7, available at: State Law Publisher website: https://www.slp.wa.gov.au/Index.html or via the Western Australian Legislation website: www.legislation.wa.gov.au .
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Further Information	Department of Planning, Lands and Heritage Rangelands and Board Support Unit 08 6552 4574 or pastoralapprovals@dplh.wa.gov.au
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