

APPENDIX IV

NRM Policy and Legislation

Introduction

The following is a summary of current policies, strategies and legislation that the Rangelands NRM Coordinating Group acknowledges as being of direct relevance to rangeland management. The Coordinating Group is committed to ensuring that as far as possible, its actions and investment is consistent with the intentions and goals of these documents.

Rangeland Specific Policy

National Level

At a national level the *National Principles and Guidelines for Rangeland Management*, outline an Australia-wide approach to rangelands management. It was coordinated by a Rangeland Working Group, which undertook a comprehensive public consultation process throughout Australia. The *National Principles and Guidelines for Rangeland Management* proposes a 25 year vision of – ***the Australian community is committed to achieving ecologically sustainable rangeland management, supporting diverse social, cultural and economic activities***. It also proposes three goals for achieving the vision of:

1. Conservation and management of the natural environment.
2. Sustainable economic activity.
3. Recognition and support for social, aesthetic, cultural and heritage values, diversity and development.

It also highlights a number of principles and values, which are:

- Ecologically sustainable management of natural resources should be the underlying principle, and the principle against which commercial use of rangeland resources must be tested.
- The Guidelines need to be consistent with the range of present national and intergovernmental agreements and strategies and with international obligations.
- Development of regional strategies should rest primarily with local communities and landholders, but in consultation with government and the broader community.
- While legislative and compliance responsibility for ensuring ecologically sustainable management resides with government at all levels, primary responsibility for natural resource management rests with land users, in accordance with regional objectives, planning processes and relevant legislation.
- Present generations are responsible for the health, protection and care of the rangeland ecosystem.
- There should be equitable opportunities for sustainable multiple use and enjoyment, for this and future generations.
- The rights and responsibilities of rangeland titleholders, and others who use or have an interest in the rangelands, should be respected.

- Security of tenure and security of access to resources is required to enable appropriate resource management, sound business planning and the conservation of biological diversity.
- The right to security of tenure should be balanced by a responsibility for ecologically sustainable management of the resource and by safeguards for its ultimate protection.
- While there is a place for both incentives and sanctions in achieving changes in management in the public interest, change is more constructively achieved through encouragement than by coercion.
- Implementation of the objectives of ecologically sustainable development should be applied across the rangelands, irrespective of how the land is held and used.
- The aspirations and inherent rights of indigenous peoples, their relationship with the rangelands, and the need for culturally appropriate negotiation processes, must be recognised.
- A wide range of values (social, cultural, economic, aesthetic and ecological) need to be considered in making balanced decisions about the rangelands; financial analysis alone is an inadequate tool for this purpose.
- Decisions concerning the rangelands need to take account of inter-dependencies and inter-relationships between components of the ecosystem, both within and between regions, and between the rangelands and the rest of Australia.
- Consideration should be given to the effects of episodic events, the spatial variability of processes and the generally long-term biophysical time frame of the rangelands.
- Prevention of any resource degradation is more effective than rehabilitation.
- The precautionary principle should be adopted so that decisions are based on the best data available, lean to the conservative and do not result in irreversible loss of opportunity.
- All rangeland managers, users, special interest groups and administrators should be committed to and involved in the ongoing development, implementation and review of this set of Guidelines and suggested actions.

Additional national policy statements that have implications for rangeland management are:

- National Framework for the Management and Monitoring of Australia's Native Vegetation
- National Strategy for Conserving Australia's Biodiversity
- National Weeds Strategy
- National Recovery Plans for nationally listed species
- Threat Abatement Plans for Weeds of National Significance and Listed Key Threatening Processes
- National Shorebird Action Plan
- Action Plans for Australian: Marsupials and Monotremes; Birds; Cetaceans; Seals; Reptiles; Frogs; Rodents; Fishes
- Council of Australian Governments Water Reform Framework
- Commonwealth Coastal Policy 1995
- Commonwealth's Oceans Policy Initiative 1998
- Wetlands Policy 1997
- National Water Quality Management Strategy
- National Greenhouse Strategy 1998
- National Strategy for Ecologically Sustainable Development 1992

- Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar, Iran, the Ramsar Convention)
- Asia-Pacific Migratory Waterbird Conservation Strategy: 2001-2005
- Convention on Biological Diversity (Biodiversity Convention)
- Convention for the Protection of the World Cultural and Natural Heritage (World Heritage Convention)

State Level

At a State level, the Western Australian NRM Council has developed a number guiding principles for rangeland management, which are highly consistent with the National Principles. The State principles are:

Over-arching:-

- Ecologically sustainable management of natural resources and associated systems underpins all decision making.
- Commitment to inter- and intra-generational equity.
- Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty is not used as a reason for postponing measures to prevent environmental degradation ('the precautionary principle').
- Decision making processes that effectively integrate both long and short-term economic, environmental, social, cultural and equity considerations need to be considered.
- Development of regional sustainable development strategies should occur primarily with regional and local communities, but in consultation with government and inclusive of the broader community.
- The overall effectiveness of NRM strategies, policies and management plans are evaluated on a regular basis to ensure total effectiveness.
- Evaluation of any given project or program is considered within the context of the entire NRM framework.
- Strategic approaches to resource allocation in progressing sustainable development are required.
- Partnerships between government, industry, non-government organisations and regional and local communities that balance rights and responsibilities are required in progressing sustainability in the rangelands.
- Development of adaptable management that recognises the dynamic nature of the environment and that knowledge is constantly changing.
- Diversification of the instruments used in environmental policy, including market and economic instruments be entertained.
- The close, traditional association of Indigenous people with components of biological diversity should be recognised, as should the desirability of sharing equitably benefits arising from the innovative use of traditional knowledge of biological diversity and ecological management.

Economic and Social:-

- Development of a strong, growing and diversified economy that will enhance long-term economic health, biodiversity and ecological integrity and equity within the capacity of natural systems to maintain that activity.
- Development and maintenance of international competitiveness in an environmentally sound manner through the introduction of accreditation mechanisms such as eco-labelling or stewardship.
- Commitment to economic, social and community development in regional WA, through equity in the provision of services, encouragement of investment and direct support for regional economic development.
- Commitment to Indigenous aspirations for self-determination, protection and development of cultural heritage and achievement of specific requirements for environmental, economic and social development and protection/management.
- Commitment to strengthening local communities to ensure that community aspirations and viability are met through engagement of all people.
- Environmental factors are included in the valuation of assets and services.
- Environmental goals are pursued in the most effective and efficient way, including by way of incentive structures and market based instruments.
- Commitment to innovative alternative economic models that enhance the protection and sustainable management of natural resources and systems investigated and where appropriate implemented.

Land and Water:-

- Recognition of the need to adopt an ecosystem approach in the use of land and water.
- Conservation and restoration of biodiversity in the rangelands to protect biological diversity, maintain ecological processes and integrity and life-support systems.
- Effective monitoring and auditing that is linked to regional ecological objectives and targets for the rangelands.
- Recognition that waterways provide essential habitats and have a high landscape value.
- Commitment to the management of high value waterways.
- Commitment to the development and adoption of environmental management systems and codes of practice that clearly demonstrate that all enterprises in the rangelands, both public and private, have the ability to manage proposed use in an ecologically sustainable way.
- Acknowledgment that biological diversity is best conserved in-situ and managed accordingly.

Key Policy Issues

The NRM Council also identified a number of key policy and regulatory issues to be to be addressed concerning rangeland management.

1. Legislation

Current rangelands legislation lacks flexibility and is a complex maze that is often difficult to understand or effectively implement. There is a need to:

- create integrated rangelands legislation that could be couched under a wider NRM legislation that enables the flexible and effective delivery of sustainable management of natural resources.

2. Institutional and Organisational Structures

The institutional and organisational structures in the rangelands are intricate and involve a multitude of Government agencies at national, state and local level, statutory authorities and other decision-making bodies. This leads to conflict, confusion, competition for resources and overlaps in delivery of services between land-use groups. An approach that effectively integrates the economic, environmental and social aspects is required. There is a need to:

- review current organisational and institutional structures and arrangements to ensure more effective collaboration and integration on a triple bottom line basis,
- review the support and the overall management of the rangelands on a strategic basis,
- review the operational arrangements of agencies and other organisations in respect to establishing formal and informal linkages and inter-group relationships,
- review the appropriate mechanisms, such as codes of practice and memorandums of understanding, for developing and maintaining such relationship.

3. Policy

Like legislation, current policy is complex and involves a multitude of players. No one agency or body is ultimately responsible for integrated rangelands management. Within these policy statements there is often very little cross-referencing or true integration of policy objectives and implementation to achieve often commonly held goals and a sustainable future. Thus the silo effect is perpetuated often resulting in poor implementation and communication of action to stakeholders. A paradigm shift is required to:

- facilitate the development of an over-arching coordinated rangelands policy framework that enables long-term ecological, economic and social management of the rangelands by providing strategic direction and a reference point, including management goals and objectives, for all involved.

4. Implementation

The development of a policy framework, strategic direction and other tools are important processes, however, without effective implementation they can be unsuccessful. Investigation is required into:

- implementing integrated environmental land management systems
- developing mechanisms to overcome short-term funding cycles and secure longer-term funding
- implementing an integrated “whole-of-government” approach to rangelands management
- communicating and adopting a jointly held vision and guiding principles for rangelands management
- developing links with the non-NRM sector.

5. Community Mobilisation

Community mobilisation and engagement has been strong in some sectors involved with rangelands management with groups including Land Conservation District Committees actively participating in NRM activities. There is a need to:

- ensure that all custodians of the rangelands are fully integrated into management processes.

Action to Address Key Policy Issues

A number of the issues identified by the NRM Council are being dealt with through the Government's comprehensive review of the pastoral industry, reflected in the Government's Response to the Reports of Pastoral Industry Working Groups. Whilst the review was focused on the pastoral industry, its implications are more wide reaching as a result of there being six Pastoral Industry Working Groups making recommendations on:

- Pastoralism for Sustainability;
- Alternative Models of Land Tenure;
- Pastoral Industry Economic Monitoring Requirements;
- Access to Pastoral Land;
- Aboriginal Access and Living Areas; and
- Pastoral Rating.

The areas covered, and recommendations made by the working groups are critically important to NRM and there is the potential for considerable integration of the outcomes of the pastoral review process and the regional NRM process in the rangelands. For example, the Government has flagged the establishment of a peak "Rangelands Council" to:

- provide linkages between stakeholders with interest in rangeland management;
- bring stakeholders together to assist in resolving competing resource use issues;
- administer an overarching framework for rangeland management; and
- provide policy advice to Government on sustainable rangeland management.

This council and the Rangelands NRM Coordinating Group will need to work together closely to ensure consistency of targets and objectives for sustainable rangeland management.

Furthermore, the process highlighted a number of key issues about the future of rangeland management, which also have relevance for regional NRM planning including:

- the need for planning in accordance with statutory planning requirements;
- tenure arrangements should support multiple uses and values; and
- on-going land use and management should be subject to reporting on social, economic and environmental outcomes.

State principle for rangeland management are also outlined in the Environmental Protection Authority's Position Statement No 5, *Environmental Protection and Ecological Sustainability in the Rangelands of Western Australia*. The Statement provides an overview of the region's natural resources and the threats to these, and makes recommendations to specific land user groups in the region on addressing these threats.

Other State Policy Statements

In addition to these rangeland-specific policy statements, there is an array of other relevant policies, strategies and programs, that have relevance to Western Australian rangeland management including:

- Western Australian State Sustainability Strategy
- Regional Western Australia - A Better Place to Live

- State Planning Strategy (1997)
- Statement of Planning Policy No. 2 Environment and Natural Resource Policy
- Policy for the Implementation of Ecologically Sustainable Development for Fisheries and Aquaculture in Western Australia
- State Coastal Planning Policy (Statement of Planning Policy 2.6)
- State Coastal Strategy (in development)
- State Marine Planning Strategy (in development)
- Coasts WA: Better integration (Government response to report of the Coastal Ministerial Taskforce)
- Carnarvon-Ningaloo Coast Regional Strategy
- A quality future for Recreational Fishing in the Pilbara/Kimberley by the Pilbara/Kimberley Recreational Fishing Working Group, FMP 181
- Aboriginal Fishing Strategy Department of Fisheries 2003. Fisheries Management Paper 168.
- Aquaculture Development Plans
- Australia's North West: Destination Development Strategy 2004-2014 (Tourism WA)
- Baseline water quality survey of Peron Peninsula – Monkey Mia to Cape Peron Reports
- Breeding of Seabirds in Shark Bay
- Coastal Park Management Plan, Shire of Broome, 1998
- Coasts WA: Better integration (Government response to report of the Coastal
- Commonwealth's Oceans Policy Initiative
- Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar, Iran, the Ramsar Convention)
- Dampier Archipelago Marine Park & Cape Preston Marine Management Area (Proposed) (Draft Indicative Management Plan Currently released for public comment).
- Dampier Archipelago Nature Reserves Management Plan (1990-2000).
- Dampier Port Authority: Port Development Plan (draft) 2004
- DPI Coastal Planning Program
- Draft By-catch Action Plan for Shark Bay Prawn Managed Fishery
- Draft Cape Range National Park Management Plan is in the process of development Shark Bay Terrestrial Reserves Management Plan (2000-2009) *Management Plan no 45*
- Draft Recreation and Tourism Plan
- Dugong Conservation – behavioural, communication and tourist interaction – 1997
- Dugong populations study reports
- Dugong Survey Report- 1994
- Effects of Trawl Fishery on Stock of Pink Snapper in Denham Sound, Shark Bay
- Fisheries and Aquaculture in Western Australia
- Fisheries Annual Report 2002/2003
- Fisheries Environmental Management Review – Gascoyne
- Fisheries Environmental Management Review – Gascoyne – Department of Fisheries

- Fisheries Management Paper No. 181 - 5-year strategy for managing the recreational component of the catch in the Pilbara/ Kimberley (2004).
- Fisheries Management Plans for the Gascoyne
- Flora of the Shark Bay World Heritage Area and Environs
- Floristic Survey of Shark Bay World Heritage Property (Peron Peninsula, Edel Land, Bernier and Dorre Islands)
- Flushing Study of Monkey Mia Lagoon
- Gascoyne Aquaculture Development Plan
- Hamelin Pool Common Management Plan
- Heirisson Prong Management and Research 2003-2004 Report to Shark Bay Salt Venture
- Integrated Fisheries Management (IFM) Plans
- Kimberley Aquaculture Development Plan DoF, 1996
- Living on Saltwater Country: National Oceans Office
- Management Plan for the Ningaloo Marine Park and Muiron Islands Marine Protected Area (2005-2015) Management Plan No. 52.
- Marine Wildlife distribution in Shark Bay Marine Park and Hamelin Pool Marine Nature Reserve
- Ministerial Taskforce)
- Montebello Islands & Barrow Island Marine Conservation Reserves Indicative Mangement Plan (2004-2014).
- Ningaloo Coast Regional Strategy – Carnarvon to Exmouth 2004 (WAPC)
- Ningaloo Marine Turtle Program Annual Report
- Pilbara/ Gascoyne Islands Ecotourism Strategy (PDC)
- Policy for the Implementation of Ecologically Sustainable Development for
- Population Census and Winter Distribution of Shark Bay Dugongs – 1999
- Port Hedland Area Planning Study (WAPC) 2003
- Port Hedland Port Authority Environmental Management Plan 2004
- Proposed Strategy for the Development of the Western Australian Aquaculture Industry Final Report to Minister for Agriculture, Forestry and Fisheries 2003.
- Range and Habitat Characteristics of the Thick Billed Grasswren in Shark Bay
- Recovery Plan for the Thick Billed Grasswren
- Recovery Plans for the Conservation of Rufous Hare Wallaby, Banded Hare Wallaby and Western Barred Bandicoot – Establishment of Mainland populations
- Recreational Site Assessments – Bernier and Dorre Islands Nature Reserves
- Review of Marine Park proposal for waters adjacent to Bernier, Dorre and Dirk Hartog Islands
- Review of Risks of Introduced Marine Pests to Shark Bay World Heritage Property and its Values
- Rowley Shoals MP management plan, draft status?
- Satellite Radio Tracking of Shark Bay Dugongs – 2000
- Shark Bay Marine Reserves Management Plan 1996-2006 Management Plan No 34

- Shark Bay Marine Reserves Monitoring Program Reports – Initialised long-term monitoring sites (commenced in August 1996)
- Shark Bay Regional Strategy
- Shark Bay World Heritage Property Communications and Interpretation Action
- Shark Bay World Heritage Property Draft Strategic Plan
- Shark Bay World Heritage Property Landscape Study
- Shark Bay World Heritage Property Periodic Report
- South Peron Peninsula – Recreation Assessment Study
- State Coastal Planning Policy (Statement of Planning Policy 2.6)
- State Coastal Strategy (in development)
- State Marine Planning Strategy (in development)
- Statewide and regional: Marine conservation priorities. CALM 2003
- Strategic Assessment of Compatibility of Petroleum Industry Activity with Environmental Values and Cultural Use of Shark Bay World Heritage Property
- Strategic Framework for Marine Research and Monitoring in the Shark Bay World Heritage Property
- Strategic Framework for Marine Research and Monitoring in the Shark Bay World Heritage Property
- Summer Distribution and Abundance of Shark Bay Dugongs – 2001
- Tagging of turtles and monitoring of the Loggerhead Turtle rookery on Dirk Hartog Island Reports (this study commenced in 1992 and has occurred annually to date (with the exception of the 94/95 season))
- Tamala-Carrarang Recreation and Tourism Plan
- Terrestrial Attributes of the Shark Bay World Heritage Property
- Twelve Month Survey of Recreational Fishing in Shark Bay 2000-01
- Waterbank Structure Plan 2000, DOLA
- Weeds Register – Shark Bay World Heritage Property.
- State Water Strategy (2003) (incorporating State Water Conservation Strategy)
- Waterways WA: Policy for the management of Waterways in WA (strategy in development)
- Statement of Planning Policy No. 2.7: Public Drinking Water Source (2003)
- State Water Quality Management Strategy for Western Australia (2001)
- Wetlands Conservation Policy for Western Australia (1997)
- State Algal Management Strategy (2003)
- State Biodiversity Conservation Strategy (in development)
- State Rangelands Policy
- Action Plan for Tree Farming in WA
- Western Australian Greenhouse Strategy (in development)

NRM Legislation

There is a myriad of State and Commonwealth legislation that has implications for rangeland management, which is summarised in the following table (taken from the Department of

Agriculture's *Production and Environmental Legislation: a Guide for Primary Producers*,
September 2004).

Issue	Act	Summary of obligations
Vegetation Protection	Environmental Protection Act 1986 This Act regulates a number of activities that may be harmful to the environment, including controls on clearing native vegetation and environmental harm	Clearing native vegetation – a person proposing to clear native vegetation must obtain a permit unless the clearing is the subject of a specific exemption. 'Clearing' is broadly defined to include things such as burning and grazing the vegetation. Native vegetation includes aquatic vegetation within State waters but does not include vegetation in plantations. Exemptions are numerous and include clearing as a result of stock grazing within the terms of a pastoral lease; clearing of fence lines provided the maximum area cleared does not exceed 1 ha in a financial year and clearing which is approved under a licence to take flora under the Wildlife Conservation Act 1950. Penalties for illegal clearing are up to \$250,000 for an individual or \$500,000 for a company. Environmental harm – if unauthorised clearing causes serious or material environmental harm, penalties of up to \$1 million apply.
	Country Areas Water Supply Act 1947 This Act places restrictions on clearing land in certain catchments in order to protect water quality	Clearing – persons wishing to clear vegetation in a controlled catchment must have a licence. Clearing without a licence is an offence. Note that the requirement to obtain a licence under this Act is in addition to the requirement to have a clearing permit under the Environmental Protection Act.
	Land Administration Act 1997 The key Act governing the use of pastoral leases.	Protection of vegetation – a pastoral lessee must apply for a permit to clear vegetation, disturb the soil or to sow or cultivate non-indigenous pasture. Failure to obtain a permit is an offence. This requirement is in addition to the requirement for a clearing permit under the Environmental Protection Act.
Soil and Land Management	Soil and Land Conservation Act 1945 The Act aims to conserve soil and land resources and mitigate the effects of salinity, erosion and flooding.	Land degradation – a Soil Conservation Notice (SCN) may be applied where land degradation has occurred, or is likely to occur, on a pastoral or agricultural land. "Land degradation" includes salinity, erosion, flooding and eutrophication. It is an offence not to comply with a SCN. Drainage – proposals to drain land to control salinity will usually require the person to give at least 90 days notice in writing. Failure to give notice is an offence, and may expose the offender to an offence of causing serious or material environmental harm under proposed changes to the Environmental Protection Act 1986 Voluntary conservation covenants – an owner of land may enter into a conservation covenant to protect native vegetation on the land.
	Land Administration Act 1997 The key Act governing the use of pastoral leases. The Act establishes the Pastoral Lands Board (PLB) which is responsible for ensuring that leases are managed on an ecologically sustainable basis.	Duties on lessee – must manage the lease using best pastoral and environmental management practice, appropriate to the area where the lease is situated. Failure to manage the lease in a sustainable way may lead to the lessee being given directions to remedy any resultant problems. Declared plants and animals – lessees are required to control declared plants and declared animals on the land. Annual returns – lessees must submit an annual report providing information about the land under lease and production activities on that land
	Town Planning and Development Act 1928 This Act establishes a planning system with the aim of ensuring proper and orderly development.	Development approval – approval is required for certain "developments" or changes of land use under local ("town") or regional planning schemes. This will vary between different local governments, but may include earthworks and the carrying of stock on the land. Failure to obtain approval when required to do so is an offence.
	Bush Fires Act 1954 The Act contains provisions for preventing, controlling and extinguishing bushfires.	Firebreaks – landholders are required to comply with a notice from local government to construct firebreaks or undertake other activities to reduce the risk of fire. Vehicle movement restrictions – landholders must not operate harvesters or tractors when restricted movement notice applies
	Dividing Fences Act 1961 The Act addresses issues relating to the maintenance and construction of dividing fences.	Liability for boundary fences – adjoining landholders are required to meet half the costs of erecting and maintaining an appropriate dividing fence. Failure to reach agreement can be dealt with through the nearest Court of Petty Sessions.
	Control of Vehicles (Off-Road Areas) Act 1978 This Act provides for the prohibition on the use of vehicles in certain places and establishment of permitted areas	Prohibited areas – areas of public land can be declared to be prohibited to vehicles for the protection of environmental values. Private land can also be subject to such a prohibition, although this will not prevent the owner from using vehicles on the land

<p>Water Use</p>	<p>Rights in Water and Irrigation Act 1914 The Act regulates the taking and use of water in Western Australia. It also provides for controls on interfering with watercourses and wetlands (see next section).</p>	<p>Rules applying in proclaimed areas, irrigation districts, prescribed areas: Surface water (watercourses and wetlands) – it is an offence to take surface water in one of these areas unless the taking was authorised under a licence, a riparian right or a public right. The riparian and public rights allow water to be taken without a licence in some circumstances, although this is generally limited to taking for domestic purposes and for watering stock not held under intensive conditions. Non-artesian bores – a licence is required to take water from a non-artesian bore in a proclaimed area unless the taking is for domestic and ordinary use, firefighting and for watering stock not held under intensive conditions. Certain types of bores may also be exempted from the licensing requirements (such as is the case for garden bores in Perth) Artesian bores – all artesian bores must be licensed. Water use must comply with the terms of the licence. Outside a proclaimed area, irrigation district, prescribed area Surface water (watercourses and wetlands) – a licence is not required to take water outside one of these districts under the riparian and public rights above. In addition, water can be taken for any other purpose without a licence provided the amount of water in the watercourse or wetland is not sensibly diminished. Non-artesian bores – a licence is not required to take water from a non-artesian bore in a proclaimed area. Artesian bores – all artesian bores must be licensed. Water use must comply with the terms of the licence.</p>
<p>Watercourse and Wetland Protection</p>	<p>Rights in Water and Irrigation Act 1914 In addition to controlling taking of water, the Act also controls activities that may adversely impact on watercourses and wetlands</p> <p>Waterways Conservation Act 1976 This Act provides a mechanism to protect certain watercourses and their associated catchments in WA</p> <p>Environment Protection and Biodiversity Conservation Act 1999 (Cth) This Commonwealth law establishes a number of controls on environmental damage, in this case, damage to internationally recognised wetlands (“Ramsar wetlands”)</p> <p>Town Planning and Development Act 1928 This Act establishes a planning system with the aim of ensuring proper and orderly development.</p> <p>Health Act 1911 This Act regulates protection of human health.</p> <p>Metropolitan Water Supply Sewerage and Drainage Act 1909 Controls activities that may impact on metropolitan water supplies</p> <p>Land Drainage Act 1925 Establishment and control of certain drainage works on the Swan coastal plain</p>	<p>Interference with watercourses and wetlands – a permit is required to interfere with a watercourse or wetland on any land within a proclaimed area or irrigation district or any watercourse or wetland on Crown land outside of one of these areas. Building or altering a dam – a permit is required to build or alter a dam on a watercourse within a proclaimed area unless exempted under a local by-law. Approval is not required to build or alter an off-stream dam provided the works do not diminish the flow of water in the watercourse. Constructing or altering a bore – the construction or alteration of a bore generally requires a licence.</p> <p>Controls on activities impacting on watercourse – approval may be required for certain works within a management area, including draining into a watercourse. Failure to do so is an offence.</p> <p>Proposals impacting on Ramsar wetlands – proposals likely to have a significant impact on the values of a Ramsar wetland must be referred to the Federal Environment Minister for assessment. This is likely to include drainage schemes which impact on a Ramsar wetland.</p> <p>Development approval – approval is required for certain “developments” or changes on land use under local (“town”) or regional planning schemes. This will vary between different local governments, but may include things such as constructing dams, deep drains or erecting flood barriers. Failure to obtain approval when required to do so is an offence.</p> <p>Polluting water supply – it is an offence to pollute a water supply or associated catchment. See also the “pollution” section following.</p> <p>Use of pesticides in catchment areas – it is an offence to use a pesticide in a metro catchment area without approval Development controls – areas can be protected from development through declaration of control areas. These exist for areas such as Gngangara and Jandakot ground water areas</p> <p>Interference with drains – drains subject to this Act cannot usually be modified without prior approval</p>

	<p>Wildlife Conservation Act 1950</p> <p>This Act is directed to protecting the State's native flora and fauna.</p>	<p>In regards to native fauna, the Act provides:</p> <p>All species of native fauna are protected unless declared otherwise by the Minister for the Environment. The dingo is the only native vertebrate animal currently listed as unprotected.</p> <p>The Minister may request that certain species, listed as 'threatened', be given special protection. A list of such species and management requirements is kept by CALM.</p> <p>It is an offence to 'take' protected or threatened fauna without authorisation from CALM. 'Taking' includes killing, hunting and disturbing.</p> <p>The Minister may declare an 'open season' on certain protected native species at certain times and in certain locations. Species for which an open season may be declared include red kangaroos, euros and western grey kangaroos. During an open season, species numbers can be controlled or reduced as long as an appropriate permit has been obtained from CALM.</p> <p>In regards to native flora, the Act provides:</p> <p>All native flora is protected.</p> <p>The Minister may request that certain species, listed as 'rare', be given special protection. A list of such species and management requirements is kept by CALM.</p> <p>It is an offence to 'take' native flora on Crown land without authorisation from CALM. 'Taking' includes gathering, cutting, destroying or otherwise damaging. It is also an offence to take flora on private land for the purpose of sale without approval from CALM (or the Minister in the case of rare species).</p>
<p>Biodiversity Conservation</p>	<p>Environmental Protection Act 1986</p> <p>This Act provides for a number of controls relating to biodiversity.</p>	<p>Environmental impact assessment – proposals likely to have a significant impact on the environment are generally required to be referred to the EPA for an assessment. It is an offence to proceed with a proposal that has been referred to the EPA without approval.</p> <p>Licensing and works approval – certain activities require approval before commencing – this includes certain types of aquaculture projects.</p> <p>Clearing permit – a person intending to clear native vegetation will need a permit unless the activity is exempt. Significant penalties may apply for contravening these provisions (see discussion under "Vegetation protection").</p> <p>Environmental harm and pollution – it is an offence to cause pollution or serious or material environmental harm (for example, by draining water into a nature reserve which results in the death of native vegetation). A person will have a defence to such a charge if (for example) the person had approval to undertake the activity.</p> <p>Environmental protection policies – can protect native species (eg Western Swamp Tortoise Habitat EPP)</p>
	<p>Fish Resources Management Act 1994</p> <p>Act dealing with the management of fish species (including inland fisheries and marine plants)</p>	<p>Restrictions apply to certain species of fish, ranging from complete bans to bag limits. Controls may also apply on a regional basis.</p> <p>Licences are required by some fishers, especially commercial fishers.</p>
	<p>Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)</p> <p>Commonwealth legislation intended to protect matters of national environmental significance and biodiversity.</p>	<p>Referral and approval of actions – a person must refer to the Commonwealth Minister for the Environment any action that is likely to have a significant impact on a matter of national environmental significance, including World Heritage areas, Ramsar wetlands, threatened species and communities, and migratory species protected under international agreements. Failure to do so is an offence.</p> <p>Restrictions on trade in endangered species – it is an offence to trade in an endangered species, to export a native species or to import any live species without authorisation</p>
	<p>Conservation and Land Management Act 1984</p> <p>This Act is the chief means by which conservation areas are set aside and protected. This includes the power for the CALM to enter into agreements with private landholders for the protection of biodiversity</p>	<p>Conservation agreements – CALM can enter into an agreement with a landholder to protect a biodiversity value on that land. This includes the power to enter into an agreement with a pastoral leaseholder with the agreement of the Minister for Lands.</p> <p>Protection of CALM land – it is an offence to graze stock, leave plants, or bring animals onto CALM managed land without authorisation.</p>

	<p>Agriculture and Related Resources Protection Act 1976</p> <p>The Act is intended to limit the impacts of certain plants and animals on the States' agricultural and pastoral industry</p>	<p>In accordance with the provisions of the Act, landholders must:</p> <p>Manage declared species according to the control category.</p> <p>Inform the Department of any declared plant or animal species found on their land.</p> <p>Not introduce, release or keep declared plants or animals on their land.</p> <p>Local governments may also enact local laws requiring the control of pest plants.</p>
	<p>Land Administration Act 1997</p> <p>The key Act governing the use of pastoral leases.</p>	<p>Pastoral leases are to be managed on an ecologically sustainable basis</p> <p>Non-indigenous pasture cannot be sown on a lease without a permit</p> <p>Permits to clear or develop pastoral land cannot be approved unless the requirements under other legislation, including the Wildlife Conservation Act, have been complied with.</p>
	<p>Sandalwood Act 1929</p>	<p>Sandalwood may only be removed if a license has been obtained from CALM</p>
	<p>Animal Welfare Act 2002</p> <p>This Act provides for the humane treatment of animals, including native animals..</p>	<p>Animal cruelty – it is an offence to treat animals with cruelty. There are defences to a charge, such as normal animal husbandry or that a person was complying with an approved code of practice.</p>
	<p>Agriculture and Related Resources Protection Act 1976</p> <p>The Act is intended to limit the impacts of certain plants and animals on the States' agricultural and pastoral industry</p>	<p>In accordance with the provisions of the Act, landholders must:</p> <p>Manage declared species according to the control category.</p> <p>Inform the Department of any declared plant or animal species found on their land.</p> <p>Not introduce, release or keep declared plants or animals on their land.</p> <p>Local governments may also enact local laws requiring the control of pest plants.</p>
<p>Quarantine and Biosecurity</p>	<p>Quarantine Act 1906 (Cth)</p> <p>This Act to prevent or control the introduction of pests that could cause significant damage to Australia.</p>	<p>Restricted/prohibited imports – it is an offence to bring certain things into the country. The list of restricted/prohibited things is extensive, and includes any plant or animal, most food stuffs and most items made from wood.</p>
	<p>Gene Technology Act 2000 (Cth)</p> <p>This Act regulates certain dealings with genetically modified organisms.</p>	<p>Prohibition on certain dealings in GMO's – it is an offence to engage in certain dealings without approval. This includes making, developing, breeding, growing or importing a GMO.</p>
	<p>Genetically Modified Crops Free Areas Act 2003</p> <p>This Act prohibits the cultivation of certain GM crops in WA</p>	<p>Prohibited areas – the Minister for Agriculture can declare an area of the State (or the whole State) to be a prohibited area for the growing or GMOs or specified GMOs.</p> <p>Destruction of crops – where a GM crop is grown in a prohibited area, the owner may be ordered to destroy the crop.</p>
	<p>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</p> <p>Commonwealth legislation intended to protect biodiversity.</p>	<p>Restrictions on trade – it is an offence to trade in an endangered species, to export a native species or to import any live species without authorisation</p>
	<p>Fish Resources Management Act 1994</p> <p>Act dealing with the management of fish species</p>	<p>Noxious fish – it is an offence to bring a noxious fish into WA..</p>
	<p>Wildlife Conservation Act 1950</p> <p>This Act is directed to protecting the State's native flora and fauna.</p>	<p>Releasing animals to wild – it is an offence to release from confinement any animal in any part of the State where it is not ordinarily found in a condition of natural liberty in that part of the State.</p>
	<p>Animal Welfare Act 2002</p> <p>This Act provides for the humane treatment of animals, including native animals..</p>	<p>Abandoning animals – abandoning animals may amount to animal cruelty under this Act.</p>
	<p>Environmental Protection Act 1986</p> <p>The Act is intended to protect the environment and prevent, control and abate pollution.</p>	<p>Pollution – it is an offence to cause pollution. Significant penalties may apply.</p> <p>Works approval and licensing – certain activities are subject tpo special approval and licensing requirements, notably premises on which polluting activities take place (eg intensive cattle feedlots, certain piggeries etc). Failure to obtain a works approval or licence when required to do so is an offence.</p> <p>Environmental harm –it an offence to cause serious or material environmental harm without approval.</p>

Chemical Use and Pollution	<p>Agricultural and Veterinary Chemicals Code Act 1994 (Commonwealth)</p> <p>Agricultural and Veterinary Chemicals (Western Australia) Act 1994 (WA)</p> <p>The co-operative legislative scheme of the Acts controls the import, manufacture, registration, packaging, labelling, distribution and retail sale of agricultural and veterinary chemicals in Australia.</p>	<p>Chemicals must be approved – all agricultural or veterinary chemicals must be approved before they can be sold in Australia.</p> <p>Labels – It is an offence to contravene label directions regarding the transport, use and disposal of agricultural or veterinary chemicals unless you have obtained a permit.</p> <p>Materials Safety and Data Sheets (MS & DS's) must but made available by the reseller at the point of sale for all Agricultural Chemicals and Veterinary Medicines</p>
	<p>Health Act 1911</p> <p>Provides for the protection of human health, and covers things such as the storage, transport, use, and disposal of pesticides and pesticide containers.</p>	<p>Polluting water supply – it is an offence to pollute a water supply or associated catchment. See also the "pollution" section following</p> <p>Human health – it is an offence to use a chemical in a way which endangers human health</p> <p>Licence – you must be licenced by the Health Dept to apply pesticides for payment or reward? (including 'Cockie spraying') unless you are exempt</p> <p>Disposal – Pesticides and used pesticide containers may be disposed of in ways prescribed by the Regulations or in accordance with the written permission of the Executive Director, Public Health.</p>
	<p>Agriculture and Related Resources Protection Act 1976</p> <p>Provides for certain restrictions on chemical use</p>	<p>Restricted areas – certain chemicals may be subject to restricts or prohibitions in certain areas of the State (eg spraying of 2,4-D near certain prescribed vineyards is banned)</p>
	<p>Poisons Act 1964</p> <p>This Act controls the sale of certain chemicals</p>	<p>Spraying certain chemicals – warning signs must be displayed where a Schedule 7 chemical is being sprayed in a public place</p>
	<p>Agricultural Produce (Chemical Residues) Act 1983</p> <p>The purpose of the Act is to ensure that agricultural produce is not contaminated with excessive chemical residues.</p>	<p>Land suspected of being contaminated with an agricultural chemical may be quarantined from grazing or cropping for such a time as is deemed necessary by the Department of Agriculture.</p> <p>Authorised persons may give directions that agricultural produce that is reasonably suspected to be contaminated may be not be used, sold or otherwise disposed of.</p> <p>Authorised persons may give directions that agricultural produce that is confirmed to be contaminated be destroyed or otherwise disposed of.</p> <p>Lessees must comply with any quarantine or direction notice issued to them by the Department.</p> <p>Land used as a dip site may be contaminated with arsenic residues: such sites should be identified, tested and if necessary, isolated to ensure stock are not exposed to arsenic residues.</p>
	<p>Contaminated Sites Act 2003</p> <p>The purpose of the Act is to identify contaminated sites and to provide for clean-ups of dangerous sites.</p>	<p>Reporting of contaminated sites – a person who suspects a site may be contaminated must report this to the Department of Environment</p> <p>Remediation – sites classified as requiring remediation must be cleaned up by the person who caused the contamination. If that person cannot be found, then the owner bears responsibility.</p> <p>Note: at the time of writing, this Act is yet to be proclaimed pending amendments and tabling of Regulations.</p>
	<p>Dangerous Goods (Transport) Act 1998</p> <p>The Act controls the transport of dangerous goods by road or rail.</p>	<p>Most producers would not normally transport sufficient quantities of dangerous goods to be concerned with this legislation. However, if a large volume of a dangerous chemical is transported, a manifest providing details of the substance(s) being transported must be carried in the cab of the vehicle.</p> <p>Note: this Act is set to be repealed once the Dangerous Goods Safety Act 2004 comes into operation</p>
	<p>Explosive and Dangerous Goods Act 1961</p> <p>The Act controls the holding and storage of explosives and dangerous goods, including flammable liquids, and determines the requirements for storage licensing.</p>	<p>Whilst most pastoral operations will be exempt from licensing requirements, to ensure compliance with the requirements of the Act and regulations, landholders should:</p> <p>Make inquiries as to whether a storage licence is required for dangerous and flammable goods including diesel and Avgas.</p> <p>Comply with recommended storage specifications.</p> <p>Ensure that appropriate measures are taken to contain spills of dangerous or flammable goods.</p> <p>Note: this Act is set to be repealed once the Dangerous Goods Safety Act 2004 comes into operation</p>

	Veterinary Preparations and Animal Feeding Stuffs Act 1976	In addition to the requirements of the Agriculture and Veterinary Chemicals Act, this Act makes it an offence for any person, other than a veterinary surgeon or veterinary assistant, to contravene product use, storage and disposal requirements, as established on the label of a veterinary chemical.
	Heritage of Western Australia Act 1990 An Act to protect places of cultural heritage significance	Register of heritage places – approval is required for developments impacting on places on the register of heritage places. Local government controls – local government may also provide for controls of local heritage places.
	Aboriginal Heritage Act 1972 The Act aims to protect places and objects of aboriginal heritage significance. Locations of aboriginal heritage places and objects are “aboriginal sites”.	Any person who has knowledge of aboriginal heritage places or objects shall report them to the Registrar of Aboriginal Sites at the Department of Indigenous Affairs, or a police officer, unless the person reasonably believes that the Registrar already knows of the place or object. It is an offence to damage, destroy, or conceal aboriginal places or objects (and similar related activities) without authorisation of the Registrar or the Minister of Indigenous Affairs. The Governor of Western Australian and the Minister of Indigenous Affairs have powers to protect aboriginal sites by declaration of protected areas to control access on a temporary basis or to compulsorily acquire the area, subject to the payment of compensation. Land on which is located an aboriginal site may be protected by means of a covenant between the landholder and the Minister of Indigenous Affairs.
	Aboriginal and Torres Strait Island Heritage Protection Act 1984 (Cth) The Act aims to protect and preserve areas and objects of particular significance to Aboriginals.	Under the Act, the Minister for Aboriginal Affairs may declare an area or object is subject to the Act. It is an offence for a person to take action contrary to the terms of a declaration.
Aboriginal and Cultural Heritage	Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) Commonwealth legislation intended to protect matters of national environmental significance and biodiversity.	National Heritage List – from 1 January 2004, a person must refer to the Commonwealth Minister for the Environment any action that is likely to have a significant impact on the heritage values of a place entered onto the National Heritage List, which can include places of natural, cultural and indigenous heritage. Failure to refer a proposal is an offence.

There is also Australian Government legislation related specifically to NRM investment:

- **Natural Heritage Trust of Australia Act (1997).** \$1.7 billion has been committed under the Natural Heritage Trust, with a further \$1 billion committed in 2001 to the Natural Heritage Trust Extension. Of this additional \$1 billion, the Australian Government expects to spend at least \$350 million on measures to improve Australia's water quality.
- **Natural Resources Management (Financial Assistance) Act (1992).** This Act makes provision for the funding and administrative arrangements relating to NRM in Australia. The primary objective of this Act is to facilitate the development and implementation of integrated approaches to NRM in Australia that are:
 - For the purpose of achieving efficient, sustainable and equitable NRM in Australia
 - Consistent with the principles of ecologically sustainable development.

The objectives of this Act are to:

- Promote community, industry and governmental partnership in NRM in Australia;
- Assist in establishing institutional arrangements to develop and implement policies, programs and practices that will encourage sustainable use of natural resources in Australia;
- Assist in enhancing the long term productivity of natural resources in Australia; and
- Assist in developing approaches to help resolve conflicts over access to natural resources in Australia.

- **Natural Resources Management (Financial Assistance) Act (1999).** The National Landcare Program is funded through the Natural Resources Management (Financial Assistance) Act 1999. The Act provides for payments to be made to the States and to other activities and establishes the Australian Landcare Council, which advises the Minister for Agriculture, Fisheries and Forestry and the Minister for Environment and Heritage on matters concerning NRM.

