

# Information sheet

## Natural Resource Management

### **Stock grazing permits – Forestry Act 1959, Nature Conservation Act 1992**

*This information sheet outlines the process of applying for stock grazing permits under the Forestry Act 1959 and Nature Conservation Act 1992 and highlights various requirements and conditions.*

#### **Background**

Stock grazing may be authorised on Queensland Parks and Wildlife Service and Partnerships (QPWS&P) managed areas, including State forest areas and some classes of protected areas, for either commercial or conservation purposes. The Department of Environment and Science (DES), through QPWS&P, is responsible for assessing applications, and granting and administering stock grazing permits.

Under the *Forestry Act 1959* (Forestry Act) a stock grazing permit may be granted on a State forest, timber reserve and forest reserve. Under the *Nature Conservation Act 1992* (NCA) a stock grazing permit may only be granted on a conservation park, resources reserves or within a special management area (controlled action) (SMA) on a national park.

QPWS&P may also undertake grazing on protected areas which are primarily set aside for their historical or cultural values, where grazing is considered necessary to maintain or restore those values.

#### **Stock grazing permits under the Forestry Act**

A stock grazing permit is granted under section 35 of the Forestry Act on State forests, timber reserves and forest reserves. In assessing an application, QPWS&P will consider:

- any potential impacts to production of timber and other forest products and quarry material;
- the potential benefits and negative impacts of grazing in the area;
- the desirability of conservation of soil and the environment;
- the protection of water quality;
- potential recreational use values; and
- any potential conflicts with existing lawful uses and users of the area.

#### **State forests and timber reserves**

Stock grazing is recognised in the Forestry Act as a potentially compatible and appropriate activity on State forests and timber reserves. However, grazing is secondary to the cardinal principle of State forests and timber reserves, which is producing timber and associated products and protecting the watershed of the area. A stock grazing permit under the Forestry Act cannot be granted if the proposed grazing activity is inconsistent with any existing lease, agreement, contract, permit, licence or other authority over the same land.

### **Forest reserves**

The forest reserve tenure is used as a transitional or holding tenure for when State forest land is designated or proposed to become protected area land in future. Whilst the standard Forestry Act considerations will apply, a stock grazing permit on a forest reserve is also subject to considerations under Part 4A of the NCA. In assessing applications and managing the area, QPWS&P must ensure that any stock grazing on a forest reserve is ecologically sustainable and is consistent with the management principles for the class of protected area that the forest reserve is designated to become. If the proposed future class of protected area is yet to be determined, the forest reserve will be considered as if it were to become a national park.

### **Permit duration**

A stock grazing permit under the Forestry Act is granted for a fixed term of up to 10 years. If the permit has been fixed at less than that, then the chief executive may extend the permit to an aggregated total of 10 years. Any proposed continuation of grazing beyond the 10 years term requires a new permit application process to enable an assessment of the continued grazing on the land. All stock grazing permits for grazing activities on land in South East Queensland Forestry Agreement forest reserves shall expire no later than 31 December 2024.

### **Transfers**

Stock grazing permits granted on State forests, timber reserves or forest reserves are transferrable only with the written consent of the chief executive of DES. The final tenure of the QPWS&P managed area is a consideration for transfers, for example a forest reserve intended for future conversion to a national park. The permit holder is required to submit a transfer application signed by themselves and the new applicant. Prior to any transfer occurring the new applicant is required to meet suitability criteria under the Forestry Act.

### **Stock grazing permits under the NCA**

Stock grazing on a conservation park, resources reserve or SMA within a national park must be managed in accordance with the management principles for the particular class of protected area and any management plan that is in effect for the area. A stock grazing permit under the NCA is granted under section 50B of the Nature Conservation (Protected Areas Management) Regulation 2017 (NC (PAM) Reg). Their maximum term is 10 years and they are not transferrable. Stock grazing permits do not provide for the exclusive use of an area, and recreation and visitor access to the area can continue.

A stock grazing permit cannot authorise stock grazing on private protected areas, such as nature refuges and special wildlife reserves. Any stock grazing on these tenures would be managed under the terms of a specific conservation agreement, and for a controlling activity only with the consent of the landholder.

### **Conservation Parks**

The management principles for conservation parks provide that some level of grazing may be allowed on some conservation parks, according to the specific values, context and circumstances of the area. Any commercial grazing opportunities will be recognised lower in priority than the three main management principles which are:

- conserving and presenting the area's cultural and natural resources and values,
- providing for the permanent conservation of the area's natural condition to the greatest possible extent, and
- providing opportunities for educational and recreational activities consistent with the area's natural and cultural resources and values.

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Any commercial use of the natural resources of a conservation park, such as grazing, must be authorised and managed to be ecologically sustainable.

### Resources reserves

Resources reserves are managed to recognise and, if appropriate, protect and provide for the controlled use of the area's cultural and natural resources. Any grazing use that is permitted on a resources reserve must be done in a controlled way to ensure that the area is maintained predominantly in its natural condition.

### Special management areas (controlled action) on national park

Stock grazing is considered inconsistent with the management principles of national parks under the NCA, due to the unacceptable impacts to the environmental, cultural and social values of the area. Therefore, it can only occur where an SMA (controlled action) is declared on a national park.

SMA's are areas within a national park that are specifically declared by the chief executive to facilitate either:

- the manipulation of the area's natural and cultural resources to protect or restore the area's natural or cultural values; or
- the continuation of an existing use of the area consistent with maintaining the area's natural and cultural values.

### Permit duration

A stock grazing permit under the NCA will be issued for a maximum term of up to 10 years.

### How to apply

Applications for stock grazing permits can be made via Online Services on the DES website at [www.des.qld.gov.au](http://www.des.qld.gov.au). Applicants can also apply using *the Application form – Stock grazing permits – Forestry Act 1959, Nature Conservation Act 1994*.

The following information will be needed for the Online Services:

- the name of the State forest, timber reserve or forest reserve OR the name of conservation park, resources reserve or SMA to be grazed;
- a draft stock grazing management plan (including information on how compliance with the cultural heritage duty of care will be achieved);
- an A4 Authority Plan and digital spatial data showing the location of the proposed activity, information on the type and number of stock, and how they will be managed (including access and water requirements).

Extensions to the existing permit area or additional infrastructure or clearing of vegetation will require a further application via Online Services.

### Fees

Stock grazing permits are subject to statutory annual fees under the relevant provisions of the NCA and the Forestry Act. Land subject to a stock grazing permit may also attract local government authority rates.

Please refer to the 'Fees and Services' page on the DES website for current fee information at [www.des.qld.gov.au](http://www.des.qld.gov.au).

## Stocking rates

Stocking rates will be confirmed by QPWS&P and are based on the term of the stock grazing permit, the production and environmental values of the land to be maintained or preserved, the long-term and short-term carrying capacities of the area, and the availability of permanent water. Stocking rates may be subject to change according to the specific terms and conditions of a stock grazing permit. Further information on grazing and pasture management, and the stocking rate for the area, can be found via the Stocktake Plus tool on the Queensland Government website at [www.qld.gov.au](http://www.qld.gov.au).

## Property Resource Management Plan

Once the stock grazing permit is approved and issued by QPWS&P, applicants are required to develop a Property Resource Management Plan (PRMP) within 12 months of the commencement of the permit. The PRMP is to be prepared in conjunction with the local QPWS&P staff and builds on the draft stock management plan provided with an application.

Permit holders will be provided with a PRMP template to populate. As a minimum, a PRMP must include:

- A Stock Management Plan
- A Fire Management Plan
- A Pest Management Plan
- A Water Management Plan
- A Visitor Management Plan
- A Cultural Heritage Management Plan
- Details of all improvements (clearing and infrastructure) in the permit area
- Performance criteria for auditing compliance with the PRMP

## Native title

The *Native Title Act 1993* (Cth) recognises that First Nations peoples have rights and interests to their traditional lands and waters deriving from their traditional laws and customs.

QPWS&P applies the Queensland Government Native Title Work Procedures (NTWP) when deciding stock grazing permit applications. The NTWP operate to ensure that State government dealings in relation to land or waters are valid with respect to native title. In certain circumstances, an Indigenous Land Use Agreement (ILUA) may need to be negotiated with native title parties or claimants for a stock grazing permit to be validly granted.

## Aboriginal and Torres Strait Islander Cultural Heritage

First Nations cultural heritage refers to the knowledge and lore, practices and people, objects and places that are valued, culturally meaningful and connected to identity and to Country for First Nations peoples. QPWS&P managed land and waters are typically rich in cultural heritage, both tangible and intangible. QPWS&P is committed to working in partnership with First Nations peoples to protect and conserve First Nation's cultural heritage and values. This commitment is based on respect for Aboriginal and Torres Strait Islander knowledge, culture and traditional practices. The right to enjoy, maintain, control, protect and develop cultural heritage for First Nations peoples is recognised and protected under the *Human Rights Act 2019* (Qld).

The *Aboriginal Cultural Heritage Act 2003* (Qld) and *Torres Strait Islander Cultural Heritage Act 2003* (Qld) (the CH Acts) are the primary legislation that protect First Nations cultural heritage in Queensland. The CH Acts apply to all areas of Queensland, all land types and tenures, including protected areas, State forests, marine

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parks, and other tenures managed by QPWS&P. The CH Acts require anyone who carries out a land-use activity to exercise a duty of care to take all reasonable and practicable measures to ensure their activity does not harm First Nations cultural heritage. Prosecution or penalty provisions may apply where the cultural heritage duty of care has not been complied with, or where a person has harmed First Nations cultural heritage.

The cultural heritage duty of care can be met in various ways under the CH Acts, including in compliance with the cultural heritage Duty of Care Guidelines. The Guidelines are available from the Queensland Government website. Applicants for stock grazing permits must outline how they propose to meet their cultural heritage duty of care in the draft Stock Grazing Management Plan which is submitted with their application. Records of some, but not all, significant sites and areas are kept in an online Aboriginal and Torres Strait Islander Cultural Heritage Database and Register, administered by Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP). Database and Register search request forms are also available from the DSDSATSIP website. However, the duty of care applies regardless of whether cultural heritage has been previously identified or recorded in any database or register.

Once a stock grazing permit has been granted, graziers will need to ensure they continue to meet their cultural heritage duty of care for all activities associated with the grazing enterprise.

### Offences and penalties

Various offence provisions may apply to unauthorised or unlawful stock grazing on QPWS&P managed areas. Stock grazing permit holders are obliged to comply with the conditions of their permit, the authorising legislation (including subordinate legislation) and any other relevant State legislation (including transport legislation). As part of the permit conditions, the Authority Holder must advise and seek written approval for any firearms used as part of their operations on QPWS managed areas.

The offence provision(s) that may apply will depend upon the tenure and authorising legislation, the nature of the breach, and the level of interference or damage to resources and values. A Penalty Infringement Notice (PIN) may apply for minor breaches and the penalty amounts for a PIN vary according to whether an individual or corporation is in breach. Court prosecution may apply for more serious breaches, where the maximum penalties under the relevant legislation could apply. A breach of a condition of a stock grazing permit, if unable to be rectified satisfactorily, may also result in termination or non-renewal of the permit.

### Reference Materials

*Operational policy – Stock grazing in QPWS protected areas*

*Operational policy – Stock grazing in State forests*

*Application form – Stock grazing permits – Nature Conservation Act 1992, Forestry Act 1959*

*Operational Policy – Management of Indigenous Cultural Heritage on QPWS estate*

*Procedural Guide – Managing Indigenous Cultural Heritage*

*DSDSATSIP Aboriginal Cultural Heritage Act Duty of Care Guidelines*

### Further Information

Please contact QPWS&P Industry Engagement via email at [QPWS.estate@des.qld.gov.au](mailto:QPWS.estate@des.qld.gov.au) or visit the DES website at [www.des.qld.gov.au](http://www.des.qld.gov.au) for more information.

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**Human Rights Act 2019 compatibility**

The department is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When acting or making a decision under this information sheet, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

**Disclaimer**

While this document has been prepared with care, it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

**Approved By**

Ben Klaassen
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Signature

21 October 2022
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