

Policy

Wet Tropics Management Authority

Crown Lease and Crown Licence Land Dealings

Policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Wet Tropics Management Authority. Policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.

1 Background

1.1 Tenures within the Wet Tropics World Heritage Area

The Wet Tropics World Heritage Area comprises a variety of land tenures. World Heritage listing and the *Wet Tropics World Heritage Protection and Management Act 1993* does not affect land tenure per se. Similarly, the *Wet Tropics Management Plan 1998* does not regulate 'tenure'. However, the use rights (eg grazing practices, access) associated with different tenures can have significant implications for management of the Wet Tropics World Heritage Area. In effect, different land tenures provide different levels of conservation protection. This policy relates to tenure conversion matters associated with Crown leases and licences.

1.2 Land administration

Department of Natural Resources is the lead agency for administration of most State Land (Crown) tenures in Queensland under the *Land Act 1994*. Decisions on allocation, reservation, conversion, renewal, surrender or resumption of such land by the State are made by Department of Natural Resources. The *Land Act 1994* establishes the evaluation process required for deciding the most appropriate tenure in these instances. The evaluation must take account of State, regional and local planning strategies and policies. The *Land Act 1994* also requires that land administration "must be dealt with in a way not inconsistent with" Commonwealth and Queensland Native Title Acts. The Department of Natural Resources has a policy of seeking the advice of the Wet Tropics Management Authority when deciding appropriate land tenure for land within (and adjacent to) the Wet Tropics World Heritage Area.

1.3 Crown leases and licences

Crown Land tenure categories covered by this policy and relevant to the Wet Tropics World Heritage Area include:

- Perpetual Lease
- Mining Homestead Perpetual Lease
- Non Competitive Lease
- Term Lease
- Special Lease
- Informal Lease
- Pastoral Holding
- Stock Grazing Permit¹
- Road Licence
- Occupation Licence

¹ Stock Grazing Permits are administered under the Forestry Act however the Wet Tropics Management Authority's policy in dealing with Stock Grazing Permits is the same as that for Crown leases and licences.

2 Policy Statement

2.1 Cooperative approach with landholders

In accordance with Protection through Partnerships, the Wet Tropics Management Authority is committed to working cooperatively with all land-holders to protect and appropriately manage the Wet Tropics World Heritage Area.

2.2 Aboriginal interest in land

The Wet Tropics Management Authority will liaise with Aboriginal people particularly concerned with land in the Wet Tropics World Heritage Area in relation to advice the Wet Tropics Management Authority provides to Department of Natural Resources on Crown lease and licence dealings. Such liaison and cooperation shall be consistent with Aboriginal interest protocols endorsed by the Board of the Wet Tropics Management Authority and the *Wet Tropics World Heritage Protection and Management Act 1993*.

2.3 Creation or extension of crown leases and licences

- A) The Wet Tropics Management Authority is generally opposed to the creation or extension of Crown lease or licence tenures in the Wet Tropics World Heritage Area. Exceptions may include:
- where the creation or extension of the lease or licence is associated with native title interests;
 - tenures over land vested in Aboriginal communities under the *Aboriginal Land Act 1991*, *Aboriginal and Torres Strait Islander (Land holding) Act 1985* and the *Community Services (Aborigines) Act 1984*;
 - where the extension of tenure will not adversely affect, or would contribute to achieving the Primary Goal;
 - where the creation of new tenure would contribute to achieving the Primary Goal; or
 - where the Wet Tropics Management Authority is satisfied the said land is necessary to provide essential community services infrastructure for a local government's Wet Tropics World Heritage Area and is consistent with requirements under the *Wet Tropics Management Plan 1998*.

To avoid any doubt, 'extension in interests' includes:

- change of tenure that provides greater security to a lease or licence holder; and
 - renewal of tenure.
- B) If the land administration agency advises it intends to create or extend a Crown lease or licence in relation to land in or adjacent the Wet Tropics World Heritage Area, the Wet Tropics Management Authority will seek to ensure that such approval is conditional on protection of World Heritage values. This may involve a management agreement or other appropriate legal means.

2.4 Reversion of land to the State

Where a Crown lease or licence in the Wet Tropics World Heritage Area expires or is revoked and reverts to the State, the Wet Tropics Management Authority will seek to have the land reserved for purposes most conducive to achieving the Primary Goal. Land with outstanding World Heritage

values will be recommended for declaration as protected Wet Tropics World Heritage Area under the *Nature Conservation Act 1992*.

2.5 Transfer of ownership

Transfer of any lease or licence will not be opposed where the transfer remains within an existing tenure category, however the Wet Tropics Management Authority may seek to have additional conditions imposed to protect World Heritage values should transfer arrangements allow for variation in conditions.

3 Interpretation

- 3.1 The policy establishes important guidelines for Wet Tropics Management Authority in dealing with Crown leases and licences involving land within or adjacent the Wet Tropics World Heritage Area.
- 3.2 Clear and consistent policies are particularly important to maintain good relations with the leaseholders of a relatively small but very significant portion of the Wet Tropics World Heritage Area.

4 Implementation

- 4.1 Department of Natural Resources and other government agencies likely to be dealing in Crown lease and licence matters will be advised of the policy.
- 4.2 The Wet Tropics Management Authority will seek a cooperative approach to the development of an efficient inter-agency process with the Department of Natural Resources and other relevant agencies to ensure that timely notification of land administration dealings within the Wet Tropics World Heritage Area is provided to the Wet Tropics Management Authority. Similarly, the Wet Tropics Management Authority will provide timely advice in response to such notification.
- 4.3 The Wet Tropics Management Authority will include in its advice matters relating to:
 - World Heritage values associated with the land and any concerns related to potential impacts on these values which may result from land management practices associated with the tenure category proposed; and
 - potential implications in relation to activities associated with the tenure category which are regulated under the *Wet Tropics Management Plan 1998*.

Disclaimer

This policy does not necessarily reflect the views of the Australian and Queensland Governments.

Approval

Wet Tropics Board

Meeting 34
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