

# VCE Studies

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## 1. ONE WAY COMPROMISE

Mountain cattlemen have been progressively forced to surrender licences and thus compromise their position on the grazing of cattle in the high country.

As soon as licences in one area were terminated, extreme conservationists sought the closure of other areas.

For example in 1978 the Victorian National Parks Association said that it was, "*not opposed to cattle grazing within the Alpine National Park save in a relatively few locations including wilderness zones*". (Parkwatch June 1978). By 1990, however, this policy had been changed to "*Degrading activities such as grazing...are totally incompatible with Park philosophy.*" (VNPA Parkwatch, December 1990). In the same edition, the VNPA outlined its longer term aim with regard to cattle grazing: "*Consideration should be given to ending grazing on all public land in Victoria as the environmental damage caused by this subsidised grazing is unacceptable.*" (VNPA Parkwatch, December 1990). The only thing to change between 1978 and 1990 has been the attitude of this relatively small group of people.

Even the Cain/Kirner Labor Government's promises of continued access were overturned within short periods of time. In 1988, the then Labor Government stated in a paper promoting the Alpine Area: "*Victorians should also know that the State Government recognises the traditions associated with the mountain cattlemen as part of our heritage and that these will be respected in the park.*" By 1991, the same Government was promoting Wilderness areas which would have resulted in another round of licence terminations.

The Land Conservation Council has also progressively changed its mind. In 1979 and 1983 the LCC recommended that grazing be permitted in areas, which, within 10 years, it was recommending should be Wilderness areas without cattle grazing. The cattlemen believe that this change has been more to do with changes in the membership of the LCC than changes in the Alpine Area.

### A quick glance at history -

- 1923 Grazing terminated on Mt. Buffalo.
- 1940 Stricter controls on the number of cattle grazed.
- 1944 Grazing terminated above the timberline in the Snowy Mountains.
- 1956 Grazing terminated on Mts. Feathertop, Loch, and the summit of Mt. Bogong.
- 1957 Grazing terminated on the remainder of Snowy Mountains
- 1960 Premier's directive gave control of the number of cattle to be taken above the snowline to the then Soil Conservation Authority. Numbers that could be grazed were gradually reduced. Grazing terminated on Mt. Buller.
- 1964 Three families evicted from Mt Bogong.
- 1979 Land Conservation Council recommends that grazing be withdrawn from: parts of Wonnangatta-Moroka National Park, parts of Bogong National Park, Snowy River National Park, Wabonga Plateau State Park, Avon Wilderness, the Bluff-Mount Clear Natural Features and Scenic Reserve.
- 1980 Government endorses the LCC recommendations and decides to terminate licences after phase-out period.
- 1982 Grazing terminated in Avon Wilderness
- 1983 Government directs LCC to recommend extensions to National Parks. This results in more licence terminations. 1984 Grazing terminated on Mt. Howitt and Mt. Magdala.
- 1988 Government purchases Wonnangatta Station and closes leases. Snowy River National Park - one licence terminated 1988 Wabonga Plateau - one licence terminated 1988

- 1991 Significant parts of the Bogong National Park. There are 21 separate licences on the Bogong High Plains. Northern end runholders have been relocated to the southern end. The Bluff-Mount Clear National Features Scenic Reserve - one licence partly terminated. Howitt Plains - one licence terminated. Mt. Stirling - one licence terminated.

The mountain cattlemen are no longer prepared to be gradually phased out of existence, particularly where this is largely the result of a desire by political parties to placate the demands of extreme conservationists who, in any event, represent a minority group in our community and do not reflect general public opinion.

## 2. THE CONFUSION OF REASONS.

It has become conventional wisdom within the more extreme parts of the conservationist community that cattle cause damage in the alpine area, that they should be removed and that this has been the reason for recent terminations of licences. **This is incorrect.** The 1991 termination of licences was mainly due to the view which the conservationists had forced on governments that cattle grazing conflicts with other values and users.

More recently the LCC has moved away from the allegations of damage and is now basing its opinion on the view that grazing conflicts with other values. Therefore the terminations were based on a philosophical objection consisting of subjective and personal assessments of 'conflicts' and 'values.' Furthermore the ideology of the extreme conservationists is that there should be no commercial use of public land.

### 2.1 The 1979 LCC Report

In its 1979 Report on the area, the LCC stated that it:

*"recognises the very high nature conservation values of the alpine and sub-alpine grasslands and herbfields and believes that the long term aim should be to remove grazing from these areas."*

On the basis of this, and alleged damage that the cattle were causing, the LCC proposed that grazing be withdrawn from:

- Parts of Wonnangatta-Moroka National Park,
- Parts of Bogong National Park
- Snowy River National Park
- Wabonga Plateau State Park
- Avon Wilderness
- The Bluff-Mount Clear National Features and Scenic Reserve.

Government subsequently adopted the Council's recommendations, (January 10, 1980) but varied them to the extent that a phase-out period of ten years to 1991 was approved.

### 2.2 Contrary views of the LCC Chairman and a Minister of the Government.

The decision to terminate licences did not appear to have had the full support of the Government of the day. The Minister of Forests in commenting on the proposal to phase grazing out on The Bluff, stated in a letter (30.4.81) to The Hon. F.S. Grimwade:

*"...grazing is well managed and is not having any adverse effects on the vegetation or soils. I agree with you that no action should be taken to terminate the grazing until the matter is further investigated and I shall be pleased to support your view on the matter."*

Even the issue of the alleged damage caused by cattle remained clouded. This was highlighted in a letter to the President of the MCAV, Mr J. Commins. The Chairman of the LCC, Mr Dimmick stated:

*"You indicated in your letter that it is thought that alleged damage was a major factor in deciding what areas were to be phased out. This is incorrect, as the basic reason for the*

*Council's recommendation to phase out grazing from the major area - a portion of the Bogong National Park - was the need to include in the park an area where the uses were fully compatible with the generally accepted concept of National Parks."*

### 2.3 The LCC View in 1988

In 1988, five years after the LCC's 1983 Report, the LCC released its "Statewide Assessment of Public Land Use". In it, the LCC stated that:

*"The Council recommended that grazing be phased out from...Bogong National Parks, The Bluff-Mount Clear park addition, and the Howitt Plains area, because grazing conflicts with other values and uses in these areas".*

With regard to allegations about damage, the LCC stated:

*"Concerns recently expressed about the high plains grazing in particular are that cattle preferentially eat certain alpine herbs thus reducing their distribution, that they cause increases in shrub cover, that they foul springs and waterholes with excreta carrying intestinal worms and liver fluke.*

*The Council has taken the view that these concerns, although real, **do not justify the removal of grazing** from areas other than the most sensitive or important for conservation or walking, as previously mentioned. The Council has recommended further studies, however".* (Our emphasis). It is important to note that the LCC moved away from its earlier statements concerning the alleged damage being caused by cattle. In 1979 it recommended that cattlemen be evicted. Ten years later it has stated that these concerns - "do not justify the removal of grazing" - and switched to justifying these evictions by suggesting that - "grazing conflicts with other values and uses in these areas". As recently as April 1990 the LCC advised the MCAV that:

*"...when the Land Conservation Council was preparing its final recommendations for the Alps it sought to ensure that some part of the national park should be without grazing. It therefore recommended that a consolidated area of the Bogong High Plains be excluded from grazing **because of the need to include in the Alpine park system a representative area where the uses were fully compatible with the generally accepted concept of national parks**".* (Our emphasis).

### 2.4 Conflicts and Values

Several surveys indicate that the general public do not share the views about grazing conflicting with other uses.

a) 77% of respondents recommended that the level of grazing activity should remain the same. An increase was recommended by 11% and the remaining 11% recommended the complete banning of cattle. 73% considered that grazing did not affect their enjoyment of the area. 13% considered cattle grazing improved their enjoyment and 13% considered their enjoyment spoilt by cattle grazing.

Source: Survey of 25,000 tourists in the Alpine Area conducted by the Victorian Sawmillers Association 1977.

(b) Respondents who believed public land to be not very well, or very badly managed, were asked "Why did you say that?" The fourth most common response was that the potential for bushfires had been further increased since grazing had ceased. No-one (or a statistically insignificant number) criticised public land management for the continuation of grazing. Source: Survey by Yann Campbell Hoare Wheeler, 1990 conducted for the Department of Conservation and Environment, titled "Market analysis of Victoria's public land".

(c) A moderate number of people made "pro" comments about cattle grazing. A few made "anti" comments. Source: Alpine Areas Visitor Survey, Easter 1989, Department of Conservation Forests and Lands.

(d) No-one (or a statistically insignificant number) complained about cattle grazing when asked what needed to be provided or changed to attract them to the high country in non-winter. Respondents were asked about the most discouraging aspects of a high country holiday. None (or a statistically insignificant number) complained about cattle grazing. Source: Survey by Pannell Kerr Forster for the Alpine Resorts Commission, Department of Conservation Forests and Lands and the Victorian Tourism Commission, 1989.

(e) Tourist attractions in the high country include "Mountain Cattle-men's Get Togethers" and cattle drives from the high plains. Promotional strengths include "Mountain Cattlemen heritage and mustering of cattle on the High Plains".

Source: Gippsland Hinterland Region Consumer Perceptions, an assessment prepared by Destination Australia Marketing and Consultancy Pty. Ltd for the Department of Conservation Forests and Lands, 1989.

The MCAV contends -

(a) Since the time that the decisions were made to remove grazing from the northern section of the Bogong High Plains, there has been a significant shift in public opinion towards sustainable development and the sustainable multiple use of public land. The conditions under which this earlier decision was made, have changed. This warrants a re-evaluation of the earlier decision to remove cattle grazing.

(b) There is no evidence to suggest that the number of people who consider that grazing conflicts with their values, is significant. Only a few people think grazing conflicts with other values.

(c) There is no evidence to suggest that the number of people who consider that grazing does not conflict with their values, is significant. A large number of people do not find any conflict in cattle grazing.

(d) As only 30 - 35% of the Alpine National Park is actually grazed, there was no need to remove grazing from the northern end of the Bogong High Plains to ensure that there was an area in the Park that was *fully compatible with the generally accepted concept of national parks*.

## 2.5 Conclusion

- The LCC's reasoning had become confused.
- The LCC could not be convinced about matters relating to the grazing of cattle if it has "recommended further studies".
- The reasoning has changed from allegations of damage to concerns about conflicts over values.
- The community has never held the view that conservation of the alpine area depends on the removal of the mountain cattlemen.
- The MCAV considers that the community would, in general, oppose the removal of the mountain cattlemen.



## 3. THE PARLIAMENTARY AGREEMENT AND ITS IMPLEMENTATION.

In 1988, the Minister for Conservation, Forests and Lands, stated in the introduction to the document

*"Victoria Needs an Alpine National Park" :*

*"Victorians should also know that the State Government recognises the traditions associated with the mountain cattlemen as part of our heritage and that these will be respected in the park".*

The document also stated that the Government intended to:

*"offer longer-term licences to all (remaining) cattlemen in the high country".*

Despite these promises, it was not until the Bill to establish the Alpine National Park was debated in 1989 that an agreement was struck and included in Hansard. The Alpine National Park Act (1989) established the benchmark for cattle grazing. The Agreement provided for:

- seven year licences for cattle grazing;
- the protection of conservation values;
- the mechanics of cattle grazing, and
- the removal of grazing from several areas.

The full agreement can be found in the Legislative Council Hansard, page 77, 25th May 1989. The agreement was established because, following the long history of terminations of grazing licences, the cattlemen and the then Opposition, wanted a clear statement of where cattle could be grazed. The gradual whittling away of licences was unfair and not conducive to long term grazing operations. The Parliament responded with a clear declaration of where the tenure for cattle grazing could be long term and secure. It was expected that the Act and the Agreement would settle the controversy surrounding alpine cattle grazing. Within months, however, controversies erupted over several issues. The pressure for further terminations was applied through the following (these points are discussed in more detail below):

(a) Changing the method of counting cattle to one which forces a reduction in total allocations.

(b) Introducing new *"evidence"* to reduce allocations further.

(c) Long delays in the provision of seven year licences.

(d) Refusing to grant full licences to Tom Groggin Station.

(e) The listing of cattle grazing as a potentially threatening process under the Flora and Fauna Guarantee Act.

(f) Selectively using statistics to give an impression that the majority of the alpine area is grazed by cattle.

(g) Pressing for unacceptably higher charges for cattle grazing licences.

(h) Declining to discuss positive cattle management initiatives.

(i) Proposing wilderness areas on land that is grazed and, against the directions of the Parliament, proposing the removal of the cattle.

(j) Threatening to withdraw licences and claiming cattle have destroyed native tree seedlings.

(k) Redrawing boundaries for southern Bogong licence holders, which made their grazing operation impossible.

### **3.1 The termination of licences on the northern part of the Bogong High Plains.**

The termination of the licences on the northern part of the Bogong High Plains had always been

a controversial issue but the manner in which it has been partially resolved has been extraordinary. (In the previous section it was argued that the northern end of the Bogong High Plains should be reopened to grazing).

**No alternative grazing areas** In the parliamentary debates on this issue, (1989) the Government stated (second reading speech) that it would offer alternative grazing areas to displaced cattlemen.

In fact there were no alternative grazing areas available. The only option was for the displaced runholders to join the existing cattlemen on the southern end of the Bogong High Plains.

At this stage, the cattlemen resolved with the Department of Conservation and Environment that:

1. former northern runholders would reduce their adult cattle numbers by 30%.
2. Southern runholders would reduce their adult cattle numbers by 15%, and
3. both former northern and southern runholders would all run their cattle on the southern part of the Bogong High Plains.

**In the middle of this dispute the Department of Conservation and Environment changed the rules on counting calves.**

It has always been the case that only adult cattle have been counted in allocations and licence charges have been based on the concept of a grazing unit which includes a cow and a calf.

As recently as 1989, a Department of Conservation and Environment document - *"Alpine and Bush Grazing - Rental Charges - Report of the Panel formed to advise the Minister on rental charges for the 1989/90 season"* stated that:

*"For the purposes of setting the charges, a yearling **a cow and calf unit**, and a bullock should all **count as one head**".* (Our emphasis).

Despite this long history, the Department of Conservation and Environment decided to count calves as the equivalent of an adult beast. DCE considered this was necessary to have a clear measure of the actual grazing pressures.

With the inclusion of calves, if the total allocation remained the same, the cattlemen would have to reduce their total numbers. This is further explained with the example of, say, a cattleman who had always taken 100 cows and 40 calves to the alpine runs. In the past, the calves would have been ignored and his total count would have been 100. If calves were now to be counted and the allocation kept at 100, this cattleman would have to reduce his numbers from 100 cows plus 40 calves, to 60 cows plus 40 calves in order to maintain his total allocation of 100 animals.

Counting calves without simultaneously and unilaterally increasing cattle allocations had the simple effect of reducing the total number of animals that cattlemen could send to the high plains.

Following some negotiation, DCE amended its proposal from one calf = one cow to one calf = half a cow.

The MCAV refused to accept this change from long established world practice of a "head" = a cow and calf unit.

**Dispute referred to a Panel** (16-18 December, 1991)

DCE stuck to its decision and advised the MCAV that if this was not acceptable the matter would need to be determined by a Panel.

## **DCE change another rule in determining stock allocations**

DCE also decided that the condition of the land should be assessed, beyond the usual assessment by local advisory bodies, and be used in determining total stocking levels.

This change occurred at a time when it would have been expected that the allocation of cattle on the southern end could have been increased to assist in accommodating the displaced northern cattlemen. In 1989 the southern end ran 4,514 beasts (including calves). Instead of marginally increasing the total number, DCE proposed a reduction down 30% to 3,162. DCE justified the reduction in total cattle allocations with a paper prepared by P W Farrell and L R Jeremiah, both of DCE, titled "*Assessment of Rangeland Condition of the Bogong High Plains*".

The MCAV's consultant rangeland scientist, Dr. A D Wilson, did not consider that DCE established a case for a reduction in numbers.

Interestingly, the Panel also found that "*...present monitoring indicates that the area has been stable over at least the last decade*".

### **The issues "*resolved*" by the Panel:**

1. The allocation of numbers was to revert to the use of adult cattle only for the 1991/2 season.
2. Thereafter, calves would be counted in the allocation at the rate of two calves = one adult beast.
3. Stock numbers are not to be decreased at any time in the future without 12 months advance negotiation with the licensees and are not to be reduced unless there is a major natural disaster.

### **Matters still in dispute**

1. DCE has imposed a reduction in the total allocation on the southern Bogong High Plains.
2. As the Panel's findings have a bearing on alpine grazing allocations, cattlemen on runs other than Bogong High Plains will face a reduction in their allocation when they have to count calves as equivalent to half an adult beast.
3. With the alteration in counting to include calves, all allocations will need to be reassessed to ensure that no cattleman is in a worse position than that which existed at the time of the 1989 Agreement.

### **The preferred solution**

The preferred solution, as argued in the previous section, is the re-opening of the northern part of the Bogong High Plains. Also the method of counting cattle should return to the world-wide standard of a cow and calf = one cattle unit.

### **3.2 The battle over 7 year licences**

The cattle grazing agreement provided for 7 year renewable and transferable grazing licences. The Department of Conservation and environment was very slow to provide these 7 year licences and only did so after the MCAV threatened the Department with legal action.

**At the present time (1996) MCAV is still negotiating with the Department to provide 7 year bush grazing licences promised in 1989. MCAV has a Ministerial commitment that the licences will be issued this year.**

### **3.3 The Tom Groggin Station case**

Seven year licences were provided to all eligible cattlemen - including those in areas that were being targeted for wilderness nomination - except for the owners of Tom Groggin Station.

At the time of establishing the agreement there was no indication that licences on any "wilderness" areas would be phased out.

The only difference here was that the ownership of Tom Groggin Station changed hands in August 1990. The previous owner was eligible for, and applied for, a 7 year renewable and transferable licence. The property was then sold and the new owner applied for the licences to be transferred into its name. The application then fell foul of the same delays that surrounded all the cattlemen's applications.

Finally the Department of Conservation and Environment provided a licence but for only one third of the area to which the new owner was entitled. The other two thirds was in the Davies Plain area which was under investigation for Wilderness nomination. Tom Groggin Station then pressed the claim to be treated like all the other cattlemen and to be given a 7 year licence to the traditional runs.

Despite the clear intention of the Victorian Parliament, clear statements of principle and intent from the Minister, the Department procrastinated.

The Supreme court finally decided in favour of Tom Groggin Station and ordered the Department of Conservation and environment to provide the licences.

The judgement states that the Minister affected Tom Groggin Station by

*"...truncating the licences in a wholly inappropriate and, as I have found, illegal way."* (Nathan J. Supreme Court, Melbourne, 8th May, 1992.)

#### **3.4 The Flora and Fauna Guarantee Act**

The Flora and Fauna Unit has listed "Soil erosion and vegetation damage and disturbance in the Alpine regions of Victoria caused by cattle grazing" as a potentially threatening process.

During correspondence about the nomination, DCE indicated to the MCAV that 85% of the alpine region is available for grazing. However, Land Conservation Council figures show that only about 35% is actually grazed.

The MCAV asked the Scientific Advisory Committee, how can grazing be regarded as a potentially threatening process if it never occurred or had been removed from large parts of the alpine area? DCE has been unable to state, what proportion of sites of each of the threatened flora are in grazed, compared to ungrazed, areas. Clearly, if the vast proportion of known sites of a particular plant or community is in the ungrazed portion of the alpine area, cattle grazing could not be regarded as a potentially threatening process.

The Scientific Advisory Committee (SAC) responded that

*"...the percentage of an area which is ungrazed, as well as the number of ungrazed sites which contain threatened taxa are management details. However, these details do not alter the potential of a particular process to pose a threat to the survival of a range of flora and fauna. Moreover, 'listing' does not imply that the existing management is inadequate...Your assertion that because particular areas have either never been grazed or are no longer grazed would indicate cattle grazing in alpine regions in Victoria is not a potentially threatening process is incorrect. The recommendation for listing of this potentially threatening process has identified that when cattle grazing does occur in the alpine regions of Victoria, **in the absence of management** it poses or has the potential to pose a significant threat to the survival of a range of flora and fauna...The percentage of the alpine area grazed is not relevant to our conclusion*

*that the nominated process (cattle grazing) poses some highly significant threats in some places."*

The MCAV argued that the nomination should be dismissed on the grounds that it was vexatious and that any threatened flora and fauna should have been specifically protected by the species specific action statements.

Because mountain cattlemen have a wealth of knowledge, a meeting with the SAC was requested. The request was refused. The AsAssociations still waiting for the "action statement" to be prepared.

### **3.5 Exaggerations about the area grazed**

The MCAV is concerned about the manner in which the Department of Conservation and Natural Resources (DCNR) seems intent on always giving the impression that cattle graze the majority of the Alpine Area and the Alpine National Park.

In May 1992, DCE responded to some questions about the Flora and Fauna Guarantee in the following terms:

*"The total 'alpine area' is approximately 1,360,000ha whereas the total area of the Alpine National Park is 646,200ha. At present over 85% of the 'alpine area' will be available for grazing. For the Alpine National Park this figure is over 80%"*

DCE give the impression of vast areas under cattle grazing by using a figure of areas "available for grazing" rather than the more realistic figure of the area actually grazed.

The area actually grazed is much less than the figure which DCE use about the extent of cattle grazing in the Alpine Area.

The statistics below highlight the difference between these two figures:

- Total Alpine Area - 1,360,000 ha.
- Available for grazing according to DCE - 1,156,000 ha
- Actually grazed (LCC, 1977) - 476,000 ha
- Actually grazed (MCAV, 1988) - 182,389 ha

In fact, mountain cattlemen's licences cover less than 2.4% of the total area within the alpine planning units. However MCAV estimates that only 26% of the land licensed is actually grazed by cattle, and therefore only 0.9% of the total area within the management planning units was grazed by cattle in 1988. Since 1988 there have been further withdrawals of the land available for grazing, and hence the same calculations for 1996 would be reduced.

### **3.6 The persistent moves to remove cattle grazing**

Mountain cattlemen have sought to take a positive approach to the management of cattle. however, whenever the Government agencies (DCNR, LCC) have identified any problem with the grazing of cattle their only solution has been the removal of the cattle.

They have never sought other solutions involving the management of the cattle. Active and positive management could involve the use of fencing, salt licks, single year exclusions and timing of seasons.

### **3.7 Cattle grazing in wilderness areas**

The Wilderness investigation provided yet another opportunity for those opposed to cattle grazing to suggest a further phase out. Under initial proposals in the Wilderness Bill, cattle grazing would have been wiped out of all wilderness areas.

At the time the MCAV argued that cattlemen who have licences in proposed Wilderness areas in the Alpine National Park have a right to 7 year licences. These licences are renewable subject to good performance. At that time there was no question of parts of the Park becoming Wilderness and there was no indication that the agreement was subject to any subsequent nomination of Wilderness areas.

It would have been the grossest travesty of justice for the new 7 year licences to have been terminated but this was proposed by the Government in early 1992.

Even the LCC contravened its own Act by not assessing the economic implications of nominating Indi for wilderness. The LCC wrongly assumed that the Indi area was no longer licensed for grazing and therefore failed to assess the social and economic consequences of recommending this area as wilderness. In fact, as subsequently confirmed by the Supreme Court, a large part of the area is, and will continue to be grazed.

Ultimately, the then Coalition moved to amend the Bill in the Legislative Council and this allowed cattle grazing to continue in the proclaimed wilderness areas.

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