

Pastoral Board Communiqué – March 2021

The Pastoral Board and the Pastoral Lands Bill

With the ongoing public discussions about the Government's *Pastoral Lands Bill 2020*, the Pastoral Board is keen to provide the public with information concerning its role in the development of the new pastoral legislation, and to provide some facts on some of the key issues being debated. This includes information about the current situation under the current Pastoral Act and how the draft Bill may address some of those issues.

What is the Board's statutory role?

The Pastoral Board is responsible to the Minister for Primary Industries and Regional Development for the administration of the Pastoral Land Management and Conservation Act 1989 (PLMC Act). Under the Pastoral Act, the Board provides policy advice to the Minister on the administration of pastoral land, and has several prescribed statutory functions and powers.

The Board has been performing a strong regulatory and land stewardship function over the pastoral lands for over 100 years in South Australia. The Board continues to work closely with the Minister and with lessees to maintain the land condition for the state, while aiming to improve the prosperity and growth of the state's pastoral industry.

What is the Board's role in developing the new Act?

The primary responsibility for establishing new legislation is the Department of Primary Industries and Regions, under the direction of the Minister, and for which the Department follows a policy development process including public consultation. As part of this consultation process, the Pastoral Board has made several submissions on the draft Bill to the Minister.

What was included in the submissions made by the Board through the consultation process?

The Board supports the intent of the draft Bill, which is to provide secure leasehold tenure to underpin the state's pastoral industry, and to ensure the pastoral lands are sustainably managed for the public good.

The Board supports a technology-based approach in administering the legislation to provide efficient and real-time land condition monitoring, which must be adequately resourced. The Board is keen to work with the Department to ensure that the implementation anticipated under the new Act is resourced to address stakeholder expectations. In the future, such a system should also be accessible to pastoralists and the public in general.

Many may not realise that the traditional on-ground assessment method only covers a limited area over an entire lease. However, the Board believes that remote-sensing based technology, which can provide an objective overview of an entire lease, should be used to complement not replace on-ground assessments.

Based on the Board's experience in administering the current Pastoral Act, below is some more specific Board views on issues faced in dealing with the current Act, and how the new Bill addresses those issues.

Topic: Stock Maximums

Current PLMC Act

- Provides a ceiling for maximum stocking rates under favourable seasonal conditions but does not prevent overgrazing caused by poor management such as overstocking around water points.
- Difficult to enforce compliance, as annual reporting on stock numbers by lessees only indicates total stock numbers at one point in time.
- Difficult and expensive for Board to check the number of stock at any given time to ensure compliance, except through a lease-wide muster.
- Stock maximums do not account for total grazing pressure. Therefore, actual grazing impacts are amplified by native and pest species that are not accounted for in stock maximums.
- There is uncertainty in the accuracy of the stocking maximums figures for most leases.
- Lessees must apply for approval to increase stocking numbers in excess of the lease's maximum.
- Stocking maximums were never intended to be used for lease market valuation purposes.

Pastoral Lands Bill

- Proposed modern assessment and monitoring methods will identify changes to land condition and will measure impact of total grazing pressure on landscape, not just sheep or cattle.
- Maximum stocking rates can still be set if required for compliance action.

Topic: Lease terms and extensions

Current PLMC Act

- Based on a system of ‘rolling terms’ which get ‘topped up’ every 14 years, following a statutory assessment of land condition, to a maximum term of 42 years.
- Once a lease is granted, the lease remains with the lessee unless they chose to transfer or surrender.
- Leases can only be cancelled by the Pastoral Board in very limited circumstances.

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- Longer lease terms to provide long-term security of tenure for lessees and enables long term business and family succession planning.
- Longer lease terms do not reduce lessee’s legal obligation to comply with lease conditions including maintaining condition of the land.
- Longer lease terms allow greater flexibility for alternative land uses, where many emerging industries require land tenure for these uses to be secured for greater than the current 42 years.
- Enhanced penalties, and leases can be cancelled if there is misuse of the land, including breaches of lease conditions and land degradation.

Topic: Land use diversification

Current PLMC Act

- A degree of diversification allowed for under PLMC Act to support primary pastoral purpose on pastoral tenure.
- Act is not clear on the degree of diversification permitted versus maintaining a pastoral purpose, however whole leases being used for non-pastoral purposes not considered to be consistent with the objects of the Act.

Pastoral Lands Bill

- Greater clarification of non- pastoral purposes, with statutory policy mechanisms to guide implementation.
- Pastoralism remains the primary purpose in the Bill.

Topic: Native Title interests

Current PLMC Act

- The PLMC Act recognises the rights of Aboriginal persons provided for under the Native Title Act 1993 (Commonwealth), and recognises the role of Indigenous Land Use Agreements on pastoral leases.

Pastoral Lands Bill

- The draft Bill upholds the existing rights and interests of Aboriginal persons as provided in the current Act.

Topic: Public access

Current PLMC Act

- PLMC Act provides mechanisms for the public to access leases, but can create issues of land degradation, and result in biosecurity and public safety risks where there is inappropriate use by the public.

Pastoral Lands Bill

- The draft Bill retains conditional public access to pastoral leases and dedicated Public Access Routes.
- Greater compliance enforcement assists in increasing public safety and maintaining lessee rights.