

PASTORAL BOARD GUIDELINE

Approved/revised date: 1 December 2021

Review date: At expiry or as required

Document Reference: A5152987

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Pastoral Board Guideline – Approval for Increase in Pastoral Lease Stocking Maximum

Background

This Guideline provides a framework for Pastoral Board decision-making when considering applications from pastoral lessees to permanently or temporarily increase stocking levels above the lease's currently approved stocking maximum, which is specified on the lease title.

Under section 22(1)(b)(ii) of the *Pastoral Land Management and Conservation Act 1989* (Pastoral Act), it is a land management condition of the lease that lessees must ensure that numbers of stock on the land or a particular part of the land do not exceed the maximum levels specified in the lease, except with the prior approval of the Board. Any approval of the Board must be in writing and may be subject to conditions.

Lessees are able to request approval from the Pastoral Board for a temporary or permanent increase in the lease's stock maximum.

In making any decision under the Pastoral Act, the Board must comply with the statutory duty in section 5 of the Pastoral Act to:

- Act consistently with, and seek to further the objects of the Pastoral Act;
- Have regard to plans or guidelines established by Government agencies, regional landscape board and planning authorities that are applicable to pastoral land; and
- Have regard to the relevant terms of any Indigenous Land Use Agreement (ILUA).

The Objects of the Pastoral Act and other relevant provisions in the Act are copied below (see 'Legislative Context').

Depending on the nature of an application to increase a lease's stocking maximum, approvals may also be required under other legislation.

Definitions

The words and phrases used in this Guideline have the meanings below:

Stock maximum: A stocking level specified on the pastoral lease title that represents the maximum number of stock that can be held on the lease under favourable conditions at any one point in time. Stock level numbers are expressed as the number of head of sheep or cattle. A conversion of 5 sheep to 1 cow is used for leases that can carry both stock types.

Stock: Has the same meaning as in the Pastoral Act and means any species of animal permitted by the terms of a pastoral lease to be pastured by the lessee on the land as part of the commercial enterprise of the lease (As per Section 3, Pastoral Act). This currently includes only sheep and/or cattle breeds.

The Board: Has the same meaning as in the Pastoral Act and means the Pastoral Board established under the Pastoral Act. References to the Board in this Guideline include a delegate of the Board.

Waterpoint: A permanent or semi-permanent source of drinking water for stock which is usually available for periods of more than 12 months. Waterpoints may be composed of natural surface water, or constructed.

Application and assessment procedure

The Board will consider all written applications in accordance with this Guideline and the Pastoral Act, and advise the applicant in writing whether the increase in the stocking maximum is approved, not approved, or whether further information is needed.

Applications must be received using the application form, [available here](#).

Applications will be assessed on a case-by-case basis.

An application fee may be payable (further information on the application form).

Applications for a permanent increase

For any approved permanent increase in a lease's stocking maximum, the new stocking maximum figure will be noted on the lease's title as a lease condition. To change a lease title requires the written consent of the lessee (pursuant to section 22(4) of the Pastoral Act) and this will be coordinated by PIRSA.

Applications for a temporary increase

Temporary increases in the lease's stocking maximum may be approved on application, when above average seasonal conditions allow for increased numbers of stock to be sustained on a lease for relatively short periods.

Conditions

Any approvals and their conditions are at the discretion of the Board.

In that instance the Board proposes to apply conditions, the Board will consult with the applicant regarding any proposed conditions prior to making any final approval.

For approved temporary increase in a lease's stocking maximum, a statutory declaration of stock numbers may be requested at the end of the approval term.

Assessment criteria

The Board will use the following criteria when considering an application:

Land condition

- Land condition information from section 25 assessment and other inspection reports, will be used to assess current land condition. The Board generally considers a lease assessed within the required statutory 14-year interval to be current.
- Current land condition must be acceptable. Land condition is assumed to be acceptable unless the Board has formed the opinion it is necessary to; or has taken action under Section 41 - Property plans or Section 43 - Notices to destock or take other action that is still current.

Stocking history

- The stocking average in the preceding years based on the closing figure declared on annual stock returns will be used to assist in determining the need for an increase in the stocking maximum. As a general guide, the lease should have been stocked no less than 75% of the lease's stocking maximum

over the preceding 10 years. Climatic conditions will be taken into account when assessing stocking levels.

Grazing land availability/ infrastructure development

- Water point and other infrastructure development since stock maximum was last specified, which has increased the area of land available for grazing. It will be assumed the lessee is compliant and has the necessary approvals under other legislation in relation to any water point development.

Boundary fencing

- Boundary fencing contains and controls the movement of stock. The Board assumes boundary fencing contains and controls the movement of stock unless an investigation is underway or the Board has commenced compliance action against a lessee for failure to maintain fencing in a stock proof condition.

Overabundant native species and feral herbivores

- The Board will assume overabundant native species and feral herbivores do not adversely impact land condition unless:
 - They have been identified as an issue on stock returns submitted by lessee;
 - They have been identified as an issue as part of a section land condition assessment 25 report;
 - Action has been commenced to address poor land condition under the Pastoral Act;
 - Action has been taken under the *Landscapes South Australia Act 2019*.
- Information on legislative compliance will be sought during the application and assessment process.

Pastoral lease condition compliance

- The Board considers that if there is no current compliance action underway under the Pastoral Act, this indicates that a lessee is willing to comply with their statutory requirements. The level of significance of any previous compliance history, particularly where it relates to overstocking; poor land condition; and maintenance of stock proof boundary fences, will also be considered.

Assessment of stock maximum figures

- The Board have regard to indicative sustainable stock numbers per waterpoint taken from Soil Conservation District Plans and other sources of information when assessing stock maximum figures.

Seasonal conditions (for applications for temporary increase only)

- Where available, lease rainfall records, Bureau of Meteorology reports, satellite imagery and photos provided by the applicant will be used to assess the recent seasonal conditions used for a justification for a temporary increase in the stocking maximum.

Minimum information required for application

The following information will be required as a minimum:

- Whether you are applying for a permanent or temporary increase.
- If requesting a temporary increase, the period of time required for the temporary increased stock maximum.
- The requested new stocking maximum figure for each individual lease in question (stock maximums will not be assessed at a 'station' level).

- Justification for an increase in the stocking maximum and how increased numbers can be sustained on the lease/s.
- For applications for a permanent increase, detailed information on infrastructure development (fences and waterpoints) on the lease/s.
- For applications for a temporary increase, information on seasonal conditions and feed availability to support increase stock numbers. Information on how seasonal conditions will be monitored and how this will inform destocking regimes will also be required.
- Refer to the application form for more detailed information, [available here](#).

Roles and responsibilities

Pastoral Board

1. Act consistently with the Pastoral Act and seek to further the objects of the Pastoral Act.

PIRSA

1. Support the Board in the Board's decision-making process, or may make decisions under delegation.
2. Act consistently with the Pastoral Act and seek to further the objects of the Pastoral Act.
3. Provide lessees any required information regarding applications for approval for increase of stock levels above the lease stock maximum.
4. Facilitate required tenure administration or consultation with registered interests.

Lessee

1. Must obtain approval from the Board to exceed the maximum stocking figure specified on the lease.
2. In seeking approval, provide the Board with all required information using the application form, [available here](#).

Disclaimer

This Guideline provides a framework for Board decision-making, but it is not a legally enforceable or a binding policy instrument. The Board reserves the right to amend or remove this Guideline at any time.

This Guideline also identifies lessee's obligations under the Pastoral Act and informs lessees and other applicants about the information that should be provided in applications. Nothing in this Guideline should be taken to be legal advice and lessees should seek their own legal and/or other advice where required.

Any person using the information contained in this document does so at their sole risk and is responsible for assessing the accuracy, currency, completeness and relevance of the information for their own purposes. The State of South Australia does not warrant or make any representation, express or implied, regarding the accuracy, reliability, suitability, currency or completeness of the information in this Guideline and accepts no liability arising for any consequences resulting from any use or reliance on the information in this document.

Legislative Context

Pastoral Land Management and Conservation Act 1989 ([available here](#))

Part 2 - Objects and duties

4 - Objects

The objects of this Act are as follows:

- (a) to ensure that all pastoral land in the State is well managed and utilised prudently so that its renewable resources are maintained and its yield sustained; and
- (b) to provide for -
 - (i) the effective monitoring of the condition of pastoral land; and
 - (ii) the prevention of degradation of the land and its indigenous plant and animal life; and
 - (iii) the rehabilitation of the land in cases of damage; and
- (c) to provide a form of tenure of Crown land for pastoral purposes that is conducive to the economic viability of the pastoral industry; and
- (d) to recognise the right of Aboriginal persons to follow traditional pursuits on pastoral land; and
- (e) to provide the community with a system of access to and through pastoral land that finds a proper balance between the interests of the pastoral industry and the interests of the community in enjoying the unique environment of the land; and
- (f) to provide for the operation of wind farms on pastoral land, concurrently with the land being used for pastoral purposes.

5 - Duty of the Minister and the Board

The Minister and the Board, in administering this Act and in exercising any other power or discharging any other function in relation to pastoral leases -

- (a) must act consistently with and seek to further the objects of this Act; and
- (b) must have regard to plans or guidelines established by Government agencies, regional landscape boards and planning authorities that are applicable to pastoral land; and
- (c) must have regard to the relevant terms of any ILUA.

22(1)(b) land management conditions providing for -

- (ii) the lessee's obligation to ensure that numbers of stock on the land or a particular part of the land do not exceed the maximum levels specified in the lease, except with the prior approval of the Board;
- (4) Nothing in this Act prevents a lessee and the Board from entering into an agreement for the variation of a condition of the lease.

22(6) The Board may, at the request or with the consent of the lessee -

- (b) approve a level of stock on the land, or on a particular part of the land, in excess of the maximum levels specified in the lease;

22(7) An approval of the Board under subsection (6) must be in writing and may be subject to conditions.