
Policy Framework

**for the *Pastoral Land Management
and Conservation Act 1989***

August 2021

Policy Framework 2021 - Pastoral Land Management and Conservation Act 1989

Endorsed by the Pastoral Board on 18 August 2021



Government of South Australia

Pastoral Board

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Abbreviations

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|------------|---|
| Board | Pastoral Board of South Australia |
| Department | Department for Primary Industries and Regions |
| Minister | Minister for Primary Industries and Regional Development |
| PLMC Act | <i>Pastoral Land Management and Conservation Act 1989</i> |

CONTENTS

| | |
|---|----------|
| 1 INTRODUCTION..... | 1 |
| 1.1 Background..... | 1 |
| 1.2 Purpose and Scope of the Policy Framework | 1 |
| 1.3 Policy Framework term, updates and availability..... | 2 |
| 1.4 Definitions | 2 |
| 2 POLICY HEIRARCHY | 3 |
| 3 POLICY PRINCIPLES..... | 3 |

1 INTRODUCTION

1.1 Background

The Pastoral Board (the Board) of South Australia is established under section 12(1) of the *Pastoral Land Management and Conservation Act 1989* (PLMC Act) but has been in operation since 1895.

The Board administers pastoral leasehold tenure over approximately 505,000 km² stretching across the north of the State. The pastoral region is made up of cattle and sheep properties, separated by the Dog Fence (cattle north and sheep south of the fence). At the time of developing this framework, there are 322 pastoral leases in South Australia administered through the PLMC Act by the Board and the Minister.

The Board is responsible to the Minister in administering the PLMC Act, and is subject to the control and direction of the Minister (section 17). The Board must also advise the Minister on the policies that should govern the administration of pastoral land. A primary duty of the Board is to act consistently and to seek to further the objects of the PLMC Act (section 5).

To provide consistency to the interpretation and application of the PLMC Act, policies and other policy products can be developed as required. This Policy Framework has been designed to guide the development of policy and other policy products, for the administration of the PLMC Act.

1.2 Purpose and Scope of the Policy Framework

The purpose of the Policy Framework is to:

- Guide the provision of policy advice from the Board to the Minister under the PLMC Act.
- Guide the operation, review and development of policies and other policy products.
- Clarify the relationships between different legislative and policy instruments in administering the PLMC Act.
- Describe the principles that underpin policy development to ensure transparency and consistency for decision makers under the PLMC Act and stakeholders.

The Policy Framework can be applied to all areas of the PLMC Act as required.

The application of this Policy Framework applies to all decision makers in administering any policies or policy products associated with the PLMC Act.

The Policy Framework should be read in the context of the PLMC Act, and other strategic and governance documents including the:

- *Pastoral Board Strategic Plan* - directions and priorities for the Board to meet its legislative responsibilities, and community and industry expectations.
- *Governance Charter* - policies and procedures to guide the Board and the Department in achieving 'good governance'.

1.3 Policy Framework term, updates and availability

- The term of the Policy Framework will be ongoing from the date of adoption by the Board.
- The Framework will be subject to updates and reviews as required and approved by the Board.
- The Framework will be made publicly available.

1.4 Definitions

Act

An Act of Parliament or Act is a Bill that has been enacted by Parliament and assented to by the Governor. An Act is a public document and is not confidential. An Act is a sequence of legal provisions containing statements and rules. What is achieved by the Act can depend on the interpretation of the provisions.

Regulation

A regulation is a form of subordinate legislation which provides detail within the statutory structure or framework that has been created by its Act. Regulations dictate how certain provisions of the Act are applied. Regulations must be consistent with the purpose and intent of the principal Act.

Policy

A formal statement or directive that gives effect to regulatory requirements. A policy guides decision-making for a particular context or a section of legislation. Policies provide transparency and consistency for decision-making and should reflect best-practice.

Policies must be consistent with the purpose and intent of the principal Act or Regulations, and as policy they have no statutory force they cannot require anything over and above the principal legislation. Policy documents should generally be expressed in non-mandatory language except where content references legislative requirements. The PLMC Act provides no basis to develop statutory policies, therefore they are not legally enforceable in their own right. They can however outline the intent for how a lessee should comply with sections of the Act, including the duties of lessees and lease conditions.

Procedure

Procedures are internal operational documents that describe the processes and actions that are required to enable the implementation of a policy or a legislative requirement. Procedures may specify roles and responsibilities for personnel implementing the procedure.

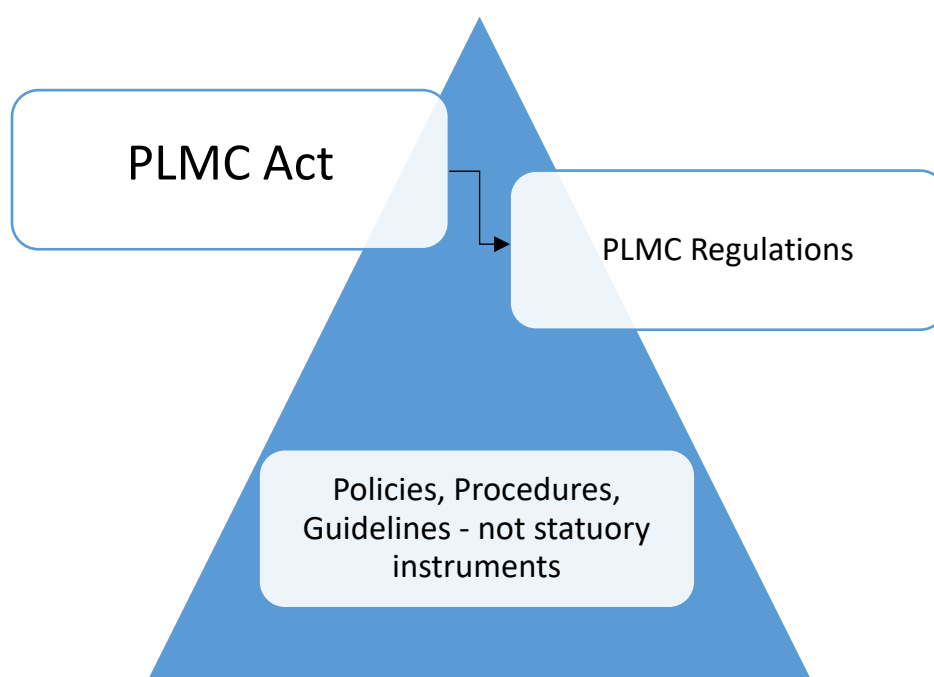
As with policies, procedures should reflect best-practice to provide transparency and consistency in the processes used to support decision-making, but are not legally enforceable. Procedures may be used to enable the monitoring of policy implementation.

Guideline

Guidelines provide standards and guidance in implementing a policy, procedure or a legislative provision. A guideline may be used as an external communication mechanism to assist stakeholders to meet specific statutory requirements or policy.

2 POLICY HEIRARCHY

The policy hierarchy diagram below outlines the relationships between the PLMC Act and other policy-related documents. It should be noted that there are other Acts that also interact with the PLMC Act that must be considered in its implementation. These include those listed in section 22 of the PLMC Act and the Regulations 2006, including: the *Natural Resources Management Act 2004*; the *Native Vegetation Act 1991*; the *Dog Fence Act 1946*; the *Mining Act 1971*; the *Petroleum Act 2000*; and any other prescribed Act.



3 POLICY PRINCIPLES

The following principles are foundational in developing and reviewing policies, procedures, and other policy-related products under the PLMC Act.

Quality outcomes

3.1 Policies will support the achievement of quality outcomes and reduce risk by establishing standards, consistency and internal controls.

Policy needs

3.2 The need for policy product development (policy, procedure or guidelines) will be based on the key compliance and regulatory requirements of the PLMC Act, risk to the Board and Minister, and the need to communicate to and educate stakeholders the decision-making process and criteria considered for decisions.

Policy intent

3.3 A policy is a statement of principles or position that is intended to guide or direct decision-making that supports the achievement of the Minister's or Board's responsibilities under the PLMC Act, the Board's vision for good governance and the Board's strategic objectives.

3.4 Policies should be relevant, transparent in their intent and meaning, and developed in consultation with key stakeholders where appropriate.

3.5 Policies cannot require anything over and above legislation.

3.6 Policies should clearly articulate their relationship to other legislative or policy documents.

Approval

3.7 The Board can provide advice to the Minister regarding the development, review and revoking of policies under the Act.

3.8 The Minister must approve any policies to be established under the PLMC Act.

3.9 The Board may develop and approve procedures and guidelines, in liaison with PIRSA.

Policy library management, structure and accessibility

3.10 The last approved version of policies and associated procedures and guidelines will be stored and managed as a Policy Library, held on PIRSA's records management system.

3.11 The Policy Library will generally be structured in alignment with sections of the PLMC Act, with names of policies closely reflecting the PLMC Act section and requirements.

3.12 Approved and current policies and guidelines will be publicly available on the Board's webpage.

3.13 Making procedures and guidelines publicly available is at the discretion of the Board and PIRSA.

Term and review of policies

3.14 Policies will have a fixed term of two years, but may be subject to review at any time.

3.15 Prior to the two-year term expiring, policies will be reviewed and recommendations made whether they should be amended and/or to extend their term without change.

3.16 Policy reviews may be initiated by the Minister, Board or PIRSA and occur where there is a need to align policy with legislative requirements, a Ministerial/Government/PIRSA directive or policy, Board resolution or changes to related pastoral best practice or industry standards.

Policy advice

3.17 Crown Solicitor's Office advice will be sought where required to ensure the validity of policies.

Policy style

3.18 Policies should be concise, and written in consistent and clear language.

3.19 Policies should generally be no more than 2 pages and will conform to PIRSA approved templates.

3.20 Policies should be written in a way that the position is clear and logically connects to both the legislative context, and the underlying procedure or guideline (where appropriate).