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voice for livestock producers

**LIVESTOCK SA...**

Unit 5, 780 South Road, Glandore SA 5037

**P** 08 8297 2299 **F** 08 8293 8886

**E** [admin@livestocksa.org.au](mailto:admin@livestocksa.org.au)

[livestocksa.org.au](http://livestocksa.org.au)

Information Sheet to LivestockSA members re proposed changes to

## Pastoral Leases

### The proposed Pastoral Lands Bill

Over the past year the SA Government has been developing amendments to change the *Pastoral Land Management and Conservation Act* to the *Pastoral Lands Act*. This is the Act that governs the lease arrangements over pastoral leases in South Australia.

The government has issued a statement saying,

*“South Australia’s pastoral rangelands are essential to our economy and the wellbeing of our regional communities. They provide regional jobs and support the growth of our red meat and wool industries. We would like to unlock their potential to achieve positive outcomes for our state. With no significant changes to the legislation for the past 30 years, the new Pastoral Lands Act will reflect the modern needs of South Australia’s pastoral industry.”*

The Government has indicated that the following key changes are being proposed:

- The new Act will help lessees make long-term investment decisions with long term leases up to 100-years from the current 42 years. The reset system will be retained.
- Enable pastoral lessees to take advantage of seasonal opportunities and vary stocking rates while still maintaining land condition.
- The current inspection system will be changed to inspections on a 10 year cycle rather than the current 14 year cycle, however, those inspections will be able to be conducted using technology such as satellites, aircraft and similar systems.
- It will support lessees to diversify their income and support pastoral businesses using the land for appropriate non-pastoral purposes, such as tourism.
- Retain the main focus of the land. The pastoral rangelands are for pastoralism and any other land uses should not detract from this primary use.
- Continue to provide for a Pastoral Board, which will be extended to five year terms from the current three year terms. This will ensure good land management practices are in place to grow the pastoral industry. A new nomination committee will ensure appropriately skilled and experienced members are identified for the Minister to appoint, with the majority of Board members drawn from current lessees. Livestock SA will have a seat at the selection table.
- Public access routes will remain.
- Better addressing inappropriate behaviour from those visiting or travelling through pastoral lands by establishing an offence for misuse including trespass, littering, hunting or shooting without legal authority.
- The rights of native title holders will continue to be upheld, including acknowledging Indigenous Land Use Agreements.
- The Pastoral Lands Fund will have greater flexibility in how it can be used to support the new Act’s administration and objectives.
- Lessees retain the right to seek a review of decisions under the Act. The Board will be required to publish a record of its meetings, with at least two public meetings a year held within the pastoral rangelands.

- For those who fail to meet their lease obligations, the new Act will have stronger powers to intervene and change behaviours, with significant penalties for breaching the conditions of a lease or using the land inappropriately.

Conservation and sustainability remain an element of management to ensure long-term sustainable use of these unique landscapes. The new Act is aimed at ensuring that lessees can maximise their business opportunities while ensuring they look after the land appropriately.

The Government's explanatory guide can be found at:

<https://s3-ap-southeast-2.amazonaws.com/assets.yoursay.sa.gov.au/production/2020/08/31/05/15/29/82cf0e11-1857-49b2-bd53-c9740ede259f/Pastoral%20Lands%20Bill%202020%20-%20Explanatory%20Guide.pdf>

LivestockSA generally supports the proposed changes to the Act. The current legislation reflects a degree of intentional uncertainty as it blends the concepts of conservation and pastoralism.

The proposed Act, while protecting the land, places the focus clearly on the development and improvement of the land for commercial purposes. LivestockSA members generally have a proud history of careful and considered development of their leases and that certainly won't change. But the new Act makes it clear that the land is to be used to assist in the advancement of the common wealth of South Australia.

It is clear from the draft bill that the intention of government is to place greater responsibility and freedom into the hands of their tenants.

Nevertheless, LivestockSA has also made a number of recommendations to government for improvements to the proposed Act. However, it is currently the position of LivestockSA to support the bill even if Government does not accept further recommendations as LivestockSA does not support the notion of sacrificing what is good in trying to pursue the perfect.

Areas where there is still room for improvement are:

- Where a pastoralist refuses access to a person that person may appeal to the Minister to override the pastoralist's refusal without reference to the pastoralist in making that decision. LivestockSA maintains that the Minister must at least listen to the pastoralist before making a decision.
- Where a pastoralist refuses access to travelling livestock the person applying may appeal to the Minister to override the pastoralist's refusal without reference to the pastoralist in making that decision. As with the above, LivestockSA maintains that the Minister must at least listen to the pastoralist before making a decision.
- It should be open to a pastoralist to commence a proceeding under the Act in the case of trespass. Currently it is restricted to the Minister, the DPP or person authorised by the Minister.
- Where the Minister proposes new guidelines in accordance with the Act it should also be legislated that the Minister must keep a copy of superseded guidelines in the instance of a dispute.
- A declaration of liability for stray or feral animals entering a pastoralists property, including from public reserves, private property or other parts of the pastoral estate.

LivestockSA will continue to monitor development and consult with pastoral lease holders as this legislation proceeds through the parliamentary process.

If anyone has any issues they wish to raise feel free to contact Deane Crabbe or John Elferink at the LivestockSA offices on 82972299.