



# PIRSA

# Planning for the future of South Australia's Pastoral Rangelands

Discussion Paper



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## All Enquiries

For more information or other queries relating to the Pastoral Act review contact:

Ben Tanti  
Primary Industries and Regions SA (PIRSA)  
GPO Box 1671, Adelaide SA 5001  
P 8429 0425  
E [PIRSA.PastoralActReview@sa.gov.au](mailto:PIRSA.PastoralActReview@sa.gov.au)

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# Introduction

South Australia's regions are fundamental to the success of South Australia's economy. The Government wants to support and grow the state's agriculture sector, and industries such as red meat and wool play a central role in this. For the red meat and wool industries to continue to grow, they need an increased and more consistent supply of quality sheep and cattle year round, and the ability to satisfy requirements for access to premium markets. The Government's \$7.5 million injection into the South Australian red meat sector aims to grow productivity in the industry by boosting on-farm productivity. This funding builds on the beef and sheep industry blueprints, which highlight the opportunities for an increase in economic returns to our producers.

South Australia's pastoral rangelands are critical to supporting our red meat and wool industries and the Government wants to unlock the potential for increased production in this region. To support this increased production, the protection of our current stock from the impacts of wild dogs is also critical. The once-in-a-generation rebuild of South Australia's Dog Fence will commence in the next year and will enable greater protection of pastoralists from the severe impacts of wild dogs.

The pastoral rangelands are managed under the *Pastoral Land Management and Conservation Act 1989* (Pastoral Act) and make up about 40 per cent of South Australia's land. From this point forward, this paper will refer to the pastoral rangelands under the management of the Pastoral Act as the 'rangelands'.

South Australia has a long history of shared responsibility for the rangelands between land managers and the State Government. Following the transfer of the Pastoral Act to the Minister for Primary Industries and Regional Development on 1 January 2019, a review of the Act is being conducted by the State Government. This review aims to work with industry and stakeholders to grow the livestock sector and regional economies in South Australia. The Marshall Liberal Government wants to build on the efforts of landholders in the rangelands to ensure this area reaches its full economic potential.

## Context

Throughout South Australia's history, the value of the state's rangelands has been recognised by ensuring these areas are put to productive pastoral use, while their intrinsic environmental and cultural values are managed sustainably.

Historically, this has occurred through a lease model, which has allowed predominantly pastoral grazing, with a range of requirements and obligations imposed through legislation and through lease conditions to protect land condition.

The existing legislation allows limited capability to respond to new and emerging issues and opportunities, such as temporary changes to the land from rain or dry conditions, the introduction of new breeds with different grazing habits, and the diversification of pastoral enterprises through alternative land uses, such as tourism, renewable energy, carbon farming and livestock alternatives to sheep or cattle.

For South Australia to realise the greatest value from these lands and to maximize the productivity and profitability of our pastoral industry, a model of management is needed which allows the greatest possible flexibility for leaseholders, enables adaptation for future conditions and technologies, and preserves the land condition for productive use.

This review will look at the management of the rangelands with a view to the future - which may include allowing lessees to diversify their use of the land to support the economic sustainability and growth of their pastoral business.

At the heart of this review is a core question:

*How do we ensure that South Australia realises the greatest value from the rangelands, while continuing to maintain the environmental and productive condition of the land for future generations?*

## Review process

The Pastoral Act has not been reviewed or had significant improvements made to it since being established 30 years ago. The Act has become outdated and is no longer efficient, particularly as it does not adequately utilise modern science and technology. It is clear the current Act does not meet the needs of the state's lessees. With significant delays in assessing the condition of the land and the renewal of leases, the Pastoral Act in the past has created unnecessary angst and limited the economic growth of the pastoral industry.

It is important the government receives feedback on whether the Pastoral Act is inhibiting the sustainability and growth of pastoralism by restricting a lessee's opportunities to diversify their business.

To boost the economic future of the rangelands it is vital to operate under modern legislation reflecting the shared vision South Australians have for the future of the pastoral industry and the public value of the rangelands.

There will be several opportunities to be involved in planning for the future of South Australia's rangelands.

The first opportunity to provide feedback is through this discussion paper, where government is seeking your vision for the rangelands, and how they are conserved, managed and administered. The paper sets out a series of questions to guide your feedback. Feedback can be provided by completing the online survey available via the government's YourSAy website (<https://yoursay.sa.gov.au/pastoral-rangelands>) by 5:00pm, 13 September 2019.

From this discussion paper, feedback from stakeholders will assist in considering what changes are required to modernise the Act. A paper summarising feedback from the consultation process will be circulated and a draft Bill will also be provided to pastoral lease holders and stakeholders for further comment.

## What does this mean for current leases?

Once feedback has been received on the discussion paper, consideration will be given to what changes might be required to the Pastoral Act. During this period, leases will remain unchanged.

# Vision for the future of the pastoral rangelands

Understanding the long term future of the rangelands and potential opportunities will help set the purpose and objectives of a new Pastoral Act.

The land is at the heart of the environmental, economic, cultural, and social wellbeing of the rangelands. And so, feedback on the future of the rangelands may address:

- productive economic use of the land
- strong cultural connections
- sustainable local communities
- preservation of a unique landscape for all South Australians.

## Questions:

1. What do you want South Australia's rangelands to look like for future generations?
2. How can this vision be achieved?
3. Do you think the rangelands should be used for activities in addition to pastoral purposes?
4. Should pastoralism still be the majority use of the rangelands? If not, why?

## Land condition

Maintaining land condition is in everyone's interest as it means the people of South Australia can continue to derive value from the rangelands for many years into the future, through ongoing, sustainable productive and profitable use.

The current Act puts land condition as the primary focus and allows for lease conditions to protect land condition through controlling activities and use of the land.

This review is an opportunity to consider why land condition is important, what constitutes good land condition, how it is measured and monitored, and who is best placed to undertake those activities.

## Questions:

5. What do you think is meant by 'good land condition'?
6. Should government decide what the standard of 'good land condition' is? What constitutes sustainable use for the rangelands?
7. Are there any issues that need to be managed at a whole of landscape level, rather than at an individual property level?

## Lease arrangements

Pastoral leases are currently granted for a term of 42 years, and are subject to conditions and reservations. Land management conditions are currently highly prescriptive. The conditions specify what species of animal can be pastured, maximum stock levels, use of the land, maintenance of fencing and water points, and obligations to prevent land degradation. A lease may also be subject to reservations securing the rights of the Crown for any minerals, petroleum, underground water and timber, construction of public roads and granting of wind farm licenses.

The Pastoral Board can extend the term of a pastoral lease and vary the land management conditions, after an assessment of land is undertaken as per section 25. Within 12 months after an assessment, the Pastoral Board must extend the pastoral lease to a balance of 42 years if no changes to land management conditions are proposed. If land management conditions are proposed, the Board must offer to extend the lease based on acceptance of the varied conditions, with the lessee having 12 months to accept (or decline) the offer. The Pastoral Board has the power to refuse to extend a pastoral lease if there has been a willful breach of a lease condition resulting in, or likely to result in, degradation of the land or if the lessee has failed to discharge their duty.

### Questions:

8. Are 42 year leases appropriate, or do you believe different lease length should be considered?
9. If longer leases were considered, how would this transition occur for the current lessees?

## Rights of Aboriginal people

Section 47 of the Pastoral Act sets out rights for Aboriginal people to enter, travel across or stay on pastoral land for the purpose of following traditional pursuits, with some limitations to camping in proximity to a dwelling or watering point. Consistent with Commonwealth Native Title law, these rights are not subject to any requirement to give notice to a lessee and do not require the granting of permission from the lessee before they are exercised. If an Indigenous Land Use Agreement (ILUA) is in place in relation to pastoral land, some additional rights may be granted to Aboriginal people pursuant to the ILUA, which are in addition to section 47.

The grant of a pastoral lease under the Pastoral Act does not extinguish Native Title and the existing native title rights and interests are not limited to section 47. These rights will be recognised when considering any changes to the use of pastoral land that may impact on these rights.

The review of the Pastoral Act will not consider removing the section 47 rights of Aboriginal people, and will need to be consistent with Commonwealth native title law.

### Question:

10. Consistent with the retention of the section 47 provisions, are there matters this review should consider that will help realise the greatest value from the rangelands, maintain the condition of the land and improve economic and cultural opportunities for Aboriginal people in the rangelands?

## Land use

The use of the rangelands contributes to South Australia's economy and industry, and is important for Aboriginal culture and supporting local communities.

Current legislation only allows for very specific uses. To futureproof the rangelands and those that depend on them, consideration should be given to how we can allow flexibility for a range of profitable uses.

This may include mixed uses, where a lease is used for multiple purposes, such as grazing, tourism, environmental programs, and energy production. Being flexible about land use will allow businesses to diversify to better manage income and risk and take advantage of opportunities as they arise.

It may also include land being used for a single purpose other than pastoralism such as energy generation or tourism.

### Questions:

11. How can we create flexibility for a range of uses in the rangelands while preserving land condition and supporting the productivity and profitability of pastoralism?
12. How should mixed uses of one site be managed as there may be different land impacts?

## Land management

The rangelands are managed through legislation, which establishes a lease model, with the rangelands leased at a fee based on the unimproved land value as set by the Valuer-General. In combination, the Act and the lease conditions set out what activity is and is not allowed on the land.

The current model describes who can occupy the land and what purpose the land can be used for.

To allow greater flexibility and responsiveness to how the land is used, an alternative model may be to lease the land, and license the activities that take place on the land. This would mean the lease would provide a right to occupy the land and the license/s outlines what activities can occur, and set the rules for their operation and monitoring and assessment. A lease may have multiple licenses for different land uses.

### Questions:

13. How should government manage who occupies the rangelands, and what they can use the land for?
14. If occupation and use are managed separately, can it be ensured the process is streamlined, responsive and cost effective?
15. What are some potential off-lease impacts and how should these be managed?
16. Should there be an ability to enter into agreements on pastoral land that extend beyond the term of the lease? If so, who should benefit from these arrangements and why?

## Public access

As an asset for all South Australians, the public currently has a right to travel across and camp on South Australia's rangelands through the Public Access Route system (Section 48 of the *Pastoral Land Management and Conservation Act 1989*) to places of interest.

### Questions:

17. Do you agree public access to the pastoral rangelands should be preserved? If so, why?
18. How should public access to the pastoral rangelands be managed?
19. Who should be responsible for monitoring and maintaining the provision of public access?

## Land access

There are current examples of non-pastoral use and access to the rangelands including mining, defence training and testing (Cultana Training Area and Woomera Prohibited Area), conservation, and tourism.

With multiple, often intersecting land uses, access to the rangelands can be challenging.

### Questions:

20. How can flexibility and access to the rangelands be improved?
21. How can interactions between mixed uses of the rangelands be clarified or improved?

## Governance

It is important to those using and accessing the land that quick decisions can be made to allow them to better manage their businesses and preserve the landscape that sustains them. The current model establishes a Pastoral Board, with the Pastoral Unit within PIRSA supporting the Board in the administration of the Pastoral Act.

### Questions:

22. How do we ensure decisions are objective, consistent and responsive?
23. How should governance decisions be made? Should all decisions be made in the same way?

## Dog Fence

The 5,400 km dog fence stretches eastwards across South Australia from the Great Australian Bight near Fowlers Bay, borders the grazing properties into New South Wales and then turns north and east across Queensland to the Darling Downs. The fence protects sheep graziers and their livestock from wild dogs and dingoes on the southern side of the fence and is a crucial part of supporting and protecting the South Australian sheep industry.

A Dog Fence Board has been established to administer and manage the South Australian section of the Dog Fence. Local dog fence boards are established to patrol and maintain the Dog Fence. In South Australia, parts of the Dog Fence are owned by pastoral lessees, whose properties are on the southern

side of the fence and adjacent to it. The Local Dog Fence Board maintains the Dog Fence on behalf of many pastoral lessees inside the Dog Fence.

The Dog Fence is inextricably linked to the sustainability and profitability of the pastoral industry, however the Dog Fence and the pastoral lands are currently managed separately, by two different boards. This review provides an opportunity to consider the governance and management of the Dog Fence, in the context of the governance and management of the rangelands.

### Question:

24. Do you think the Pastoral Board and the Dog Fence Board should be combined into a single Board? If so, why?

## Assessment and compliance

In South Australia lessees, communities, and Aboriginal people understand the importance of maintaining land condition. The government has a responsibility to monitor that the land is being well managed, and ensure compliance activities are undertaken if not.

### Questions:

25. What assessment and compliance should be in place to manage risk? What obligations should be on different parties?
26. Do you agree that assessment and compliance action should be commensurate to the risk the activity poses to land condition?
27. Should government have the active role of monitoring and managing the landscape?

## Administration

Managing and administering the rangelands is currently met through lease fees determined by the unimproved land value.

### Questions:

28. Do you agree land value is the most appropriate way to determine lease costs?
29. Should costs vary based on how the land is used and the intensity of assessment and compliance required?

## Other

This paper is an overview of the issues raised in the management of the rangelands covered by the Pastoral Land Management and Conservation Act 1989 and is designed to prompt your thinking on the future of South Australia's rangelands.

### Question:

30. Are there any other topics not identified in this discussion paper on which you would like to provide feedback?

