



Your strong and independent
voice for livestock producers

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23 October 2020

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Draft Pastoral Lands Bill 2020

Over the past year the South Australian 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.”

Livestock SA strongly endorses this statement. As Livestock SA represents the interests of beef cattle, sheep and goat producers across South Australia, including the pastoral region of South Australia, we congratulate and thank the Government for taking this initiative.

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.

As the draft Bill is a vast improvement on the existing Act, Livestock SA generally supports the proposed changes.

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

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

From the consultations on the Bill, and from direct communications with pastoral members of Livestock SA, it is clear that there are still concerns with parts of the new Bill.

Livestock SA's position is to support the intention of the Bill and to work with Government to address areas of concern and possible improvements to further develop the draft Bill prior to its introduction to the parliament.

Areas for improvement

From listening to our members, Livestock SA has identified several key concerns.

- Funding

There is considerable concern about the funding for the requirements in the draft Bill, and the need for adequate funding to resource the Pastoral Unit to ensure its capability to effectively manage the changes that will take place if the draft Bill is accepted, and particularly for compliance. There was a clear message that there were upgraded fines, but these will amount to nothing if there are not the resources to do the investigations that lead to successful prosecutions. While rents paid by pastoralists go towards funding, as the pastoral region covers more than 40% of the State, other sources of funding are also required. If the State and the general public for example want there to be public access routes across pastoral leases and the rights of native title holders to continue to be upheld, then there needs to be funding provided from general revenue not just for public benefits but for those who will directly benefit. It is also not clear if all conservation lessees currently pay rents to assist. Pastoralists cannot be expected to be entirely responsible for funding all activities in the pastoral region. There at least needs to be matched funding, perhaps with the State providing two thirds – this level would need to be determined.

- Assessments

While the proposal to have assessments in real-time is welcomed, there is real concern that this is premature. While it sounds good in theory pastoralists, as practical, hands-on people, need to see the proposed new assessment processes working in practice, so that they can see how the assessment may impact their lease. Until then, there is considerable scepticism on whether this will work, and whether it will be necessary to continue the current procedures with the associated delays in assessments.

- Maximum stocking rates

There remains considerable concern about losing maximum stocking rates. Maximum stocking rates have traditionally been used by financial institutions to assess the capacity of a leaseholder to repay loans, as well as provide an assessment of the value of a lease by buyers. Maximum stocking rates have also been used to set water allocations as well as being used in making valuations by the Valuer-General to determine pastoral rents. It is suggested that maximum stocking rates should be included at this stage in the new regulations rather than in the new Act. As confidence grows with the proposed assessment process, these rates become less relevant. To ensure sustainable management, stock numbers need to be adjusted to seasonal conditions. In most years, a pastoral lease is unable to sustain the maximum stocking rate.

- Management of feral and over-abundant native animals

An ongoing issue that needs to be recognised is the ongoing need for the management of feral and over-abundant native animals. This particularly relates to the expansion of kangaroo numbers particularly in good seasons, facilitated by the number of watering points available and the effect this has on a property's total grazing pressure. Over-grazing due to kangaroo numbers is an ongoing issue and more consideration is required for control of these numbers. In relation to wild dogs, fortunately with the rebuild of the dog fence, it is hoped that this will assist producers south of the

fence. However wild dogs will continue to inflict considerable damage north of the fence without adequate control measures in place.

- Livestock biosecurity

There needs to be emphasis in the new Act on the importance of livestock biosecurity and for this to be recognised. Of particular concern for all livestock producers is the necessity for the livestock sector to maintain good livestock biosecurity practices which minimise the risk of a disease or pest incursion. It is common practice throughout South Australia to restrict access by outsiders to reduce the risk of disease, weed or pest incursions and maintain a register of any outsiders who may enter livestock properties to enhance traceability. This must include pastoral leases. There is also significant concern surrounding the ability for outsiders including mining companies to access property owned water infrastructure and natural water courses due to the risk of contamination and introduction of pests and disease. Limiting vehicle access and restricting use of water resources on the property is essential not only for a producer's individual biosecurity compliance and risk management but increasingly for the whole livestock industry to be able to maintain and expand market access both domestically and internationally. With many pastoral lessees being organically certified for beef production, good biosecurity becomes even more essential to ensure this accreditation is not corrupted.

- Inclusion of goats

It is disappointing that goats are not to be immediately included as one of the prescribed species of livestock, particularly given that the Bill has an economic development focus. This is an immediate missed opportunity, given that there will be obvious safeguards in the Bill in relation to the duty of pastoral lessees to manage the land to ensure its productive and environmental capacity are sustainable, and to prevent any negative impacts of their management practices on neighbours (Section 7). There is also the requirement for both adequate fencing and other infrastructure, as well as maintaining these. It is conceded that goats need to be excluded from some regions such as the Flinders Ranges. South Australia is now the only Australian State that does not allow goats to be farmed on pastoral leases. Given the current high goat prices, despite the drought there is still money to be made from goats. Our pastoralists should not be denied this income stream.

Other areas where there is still room for improvement include:

- 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. Livestock SA 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, Livestock SA 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 Director of Public Prosecutions or person authorised by the Minister.

- There needs to be a limitation on the size of any reference areas declared, and the lessee needs to be involved in the decision for these to be declared.
- 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.
- While the proposed changes to the Pastoral Board are generally accepted, consideration needs to be given to only half the Board being up for replacement/re-appointment to ensure some continuity in the make-up of the Board.
- The notice of cattle muster in the current Act should be continued in the new Act. This should include notifications of how the mustering will be done, such as the use of aircraft or drones.
- 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.
- Better addressing inappropriate behaviour from those visiting or travelling through pastoral lands. Fossicking needs to be included. Gyrocopter and drone usage (protocol) is also of increasing concern especially for mustering and monitoring activity. Recreational drone users likewise pose a risk to low level mustering.
- There is still nothing in the draft Bill regarding fencing. Pastoralists have to maintain and upgrade 100% of boundary fences where they have common boundaries with National Parks. The split should be 50/50.
- Use of the proposed pastoral register needs to be clarified particularly in relation to which information is public and which will remain restricted. Any public details provided must not be allowed to be mis-used by such groups as Aussie Farms and the misleading map they produced last year.
- Pastoral lands should be exempt from the application of clearance by grazing regulations in the Native Vegetation Act. The regulations of the Native Vegetation Act potentially limit the use of pastoral land for pastoralism where land has been effectively un-grazed for 10 years. Currently approval from the Native Vegetation Council is required to approve the ongoing use of land for pastoral purposes.
- In relation to the right to travel across and camp on pastoral land, while the stated distances in the Bill are an improvement, these should be further extended to 5 km of any house, shed or outbuilding; 1 km from any livestock watering point; and 2 km from any infrastructure (Clause 53 (4)). Pastoralists are concerned not only for their own safety and that of their employees, but also the safety of the those camping, or travelling over the lease, and any associated compensation in case of accidents. Camping must be prohibited around watering points.

- While it is proposed that the Minister will be consulted before any rights are granted under another Act over a pastoral lease, lessees also need to be consulted/informed too of any changes.

Conclusion

Livestock SA will continue to monitor development and consult with pastoral lease holders as this legislation proceeds through the parliamentary process, including the development of the appropriate regulations.

Livestock SA's overall position is to support the further develop the draft Bill prior to its introduction to the parliament. The Bill's focus is on supporting the continued growth of South Australia's pastoral industry, while ensuring the sustainable management for future generations. The pastoral rangelands are a critical economic contributor to the State's red meat and wool sector, required if the State is to achieve the South Australian Government's aim of \$23 billion by 2030 and the Australian agriculture target of \$100 billion, also by 2030.

Yours Sincerely,



Andrew Curtis