

Legislative Council—No 139

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South Australia

Pastoral Land Management and Conservation (Use of Pastoral Land) Amendment Bill 2023

A BILL FOR

An Act to amend the *Pastoral Land Management and Conservation Act 1989*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Pastoral Land Management and Conservation (Use of Pastoral Land) Amendment Act 2023*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Pastoral Land Management and Conservation Act 1989*

10 3—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *the Board* insert:

carbon farming means land management activities that avoid or reduce carbon in the atmosphere or sequester carbon in the landscape, as defined in the regulations;

- 15 **Note—**

See subsection (3).

conservation purposes means conservation of biodiversity, ecosystems or native vegetation (including by way of heritage agreements or environmental benefits under the *Native Vegetation Act 1991*) or other ancillary conservation uses;

- 5 (2) Section 3(1), definition of *pastoral lease*—after "for pastoral purposes" insert:
or other purposes (such as carbon farming or conservation purposes) with the approval of the Board under this Act
- (3) Section 3—after subsection (2) insert:
- 10 (3) The Minister must consult with the following bodies on any regulations proposed to be made for the purposes of the definition of *carbon farming* in subsection (1) before those regulations are made:
- (a) the Board;
 - (b) the Conservation Council of South Australia Inc;
 - (c) First Nations of South Australia Aboriginal Corporation;
 - 15 (d) Primary Producers SA Incorporated;
 - (e) Livestock SA Incorporated.

4—Amendment of section 4—Objects

Section 4—after paragraph (f) insert:

and

- 20 (g) to allow pastoral land to be used for conservation purposes; and
- (h) to allow pastoral land that is being used for pastoral or conservation purposes to also be used for other appropriate purposes (such as carbon farming).

5—Amendment of section 7—General duty of pastoral lessees

- 25 Section 7(a)—delete "the enterprise" and substitute:
enterprises

6—Amendment of section 8—Pastoral land not to be freeholded

Section 8—at the end of section 8 insert:

Note—

- 30 Nothing prevents land that is to be used for conservation purposes, or for a combination of pastoral or conservation purposes and other purposes, (with the approval of the Board in accordance with this Act) from remaining subject to a pastoral lease.

7—Amendment of section 12—Establishment of Pastoral Board

- 35 (1) Section 12(2)(b)—delete "for Environment and Heritage" and substitute:
responsible for the administration of the *Native Vegetation Act 1991*

- (2) Section 12(2)(c)—delete "for Primary Industries, Natural Resources and Regional Development" and substitute:

responsible for the administration of the *Livestock Act 1997*

- (3) Section 12(2)(e)—delete "South Australian Farmers Federation" and substitute:

Primary Producers SA Incorporated

- (4) Section 12(2)(f)—after "Inc" insert:

(the ***Conservation Council***), being persons who, in the opinion of the Conservation Council, have knowledge of, and experience in, the conservation of the rangelands environment

8—Amendment of section 19—Grant of leases

Section 19(2)—delete "for pastoral purposes" and substitute:

under this Act

9—Amendment of section 20—Assessment of land prior to grant of lease

Section 20(1)(b)(i)—delete "pastoral purposes" and substitute:

the purposes for which the pastoral lease would be granted

10—Amendment of section 22—Conditions of pastoral leases

Section 22(6)(c)—after "pastoral purposes" insert:

(including, without limitation, conservation purposes or, if the land is being used for pastoral or conservation purposes, carbon farming)

11—Amendment of section 23—Rent

Section 23(6)(a)—delete " enterprise" and substitute:

an enterprise

12—Amendment of section 25—Assessment of land

Section 25(2)(b)—after "stock" insert:

(taking into account the purposes for which the land is being used)

13—Amendment of section 42—Verification of stock levels

- (1) Section 42(1)—delete "The" and substitute:

Subject to subsection (1a), the

- (2) Section 42—after subsection (1) insert:

(1a) If pastoral land is being used for a purpose other than pastoral purposes (with the approval of the Board in accordance with this Act), the Board may exempt the lessee from the requirement to provide a statutory declaration under this section.

Schedule 1—Transitional provisions

1—Interpretation

In this Schedule—

principal Act means the *Pastoral Land Management and Conservation Act 1989*.

5 2—Approvals

10 A purported approval by the Pastoral Board under the principal Act as in force before the commencement of this Act to use land subject to a pastoral lease for a purpose other than pastoral purposes (being an approval purportedly in force immediately before the commencement of this Act) continues as a valid approval under section 22(6) of the principal Act as in force after the commencement of this Act.