No 212 of 2006 published in *Gazette 31.8.2006 p 3063*

South Australia

Pastoral Land Management and Conservation Regulations 2006

under the *Pastoral Land Management and Conservation Act 1989*

Contents

1 Short title
2 Commencement
3 Interpretation
4 Prescribed percentage of net rental income for Fund
5 Other Acts to be complied with by lessees
6 Public access routes
7 Gates
8 Travelling stock
9 Lessee may give directions
10 Establishment of panel of experts for Tribunal
11 Directions relating to access to water for travelling stock
12 Compensation for taking water for mining etc

Schedule 1—Fees

Schedule 2—Revocation of *Pastoral Land Management and Conservation Regulations 1991*

1—Short title

These regulations may be cited as the *Pastoral Land Management and Conservation Regulations 2006*.

2—Commencement

These regulations will come into operation on 1 September 2006.

3—Interpretation

In these regulations, unless the contrary intention appears—

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

4—Prescribed percentage of net rental income for Fund

For the purposes of section 9(2)(a) of the Act, the prescribed percentage is 10 per cent.

5—Other Acts to be complied with by lessees

For the purposes of section 22(1)(a)(v)(G) of the Act, the following Acts are prescribed:

(a) the *National Parks and Wildlife Act 1972*;

(b) the *Native Vegetation Act 1991*;

(c) the *Noxious Insects Act 1934*.

6—Public access routes

(1) A person must not, without lawful authority or reasonable excuse, travel on or across a public access route while it is temporarily closed under section 45(7) of the Act.

Maximum penalty: $1 250.

(2) Subregulation (1) does not apply to the lessee on whose land the access route is situated, or to an agent or employee of such a lessee.

7—Gates

A person who travels on a public access route must—

(a) close any gate across the route that the person finds closed; and

(b) leave open any gate that the person finds open.

Maximum penalty: $1 250.

8—Travelling stock

(1) For the purposes of section 46(1) of the Act, notice to the lessee—

(a) must be given in writing at least 7 days before the stock are to enter the land; and

(b) must set out the following particulars:

(i) the number and type of stock;

(ii) the place of origin and the destination of the stock;

(iii) the proposed route;

(iv) the proposed date of arrival of the stock on the land and date of departure from the land;

(v) the name and address of each person who will be in charge of the stock; and

(c) must be accompanied by a statutory declaration by a qualified veterinary surgeon that the stock are disease free.

(2) If stock are to travel over pastoral land for the predominant purpose of obtaining feed from the land, the lessee must forward particulars of the travel arrangements to the Board.

(3) For the purposes of section 46(2) of the Act, the rate of compensation for travelling with stock over pastoral land where the predominant purpose is to obtain feed for the stock from the land is as follows:

(a) for sheep—5 cents per head per day;

(b) for cattle—20 cents per head per day.

9—Lessee may give directions

(1) A lessee or an agent or employee of a lessee may give to a person travelling across or camping on the lessee's land such directions as may be reasonably required for the purpose of preventing undue interference with the lessee's stock management practices.

(2) A person who, without lawful authority or reasonable excuse, fails to comply with such a direction is guilty of an offence.

Maximum penalty: $1 250.

10—Establishment of panel of experts for Tribunal

(1) For the purposes of section 50(3) of the Act, the following provisions apply in relation to the establishment of a panel of experts from which members of the Pastoral Land Appeal Tribunal will be drawn:

(a) the panel must be constituted of not less than 2 persons, appointed by the Governor on the nomination of the Minister, from each of the fields of expertise considered by the Governor to be appropriate for the proper functioning of the Tribunal;

(b) each person nominated by the Minister for appointment to the panel must be a person who has, in the opinion of the Minister, wide experience in land management;

(c) a member of the panel is to be appointed for a term, not exceeding 3 years, determined by the Governor and specified in the instrument of appointment;

(d) a member of the panel is entitled to such allowances and expenses as may be determined from time to time by the Governor;

(e) the Governor may remove a member of the panel from office for—

(i) misconduct; or

(ii) neglect of duty; or

(iii) incompetence; or

(iv) failure to carry out satisfactorily the duties of his or her office;

(f) the office of a member of the panel becomes vacant if the member—

(i) dies; or

(ii) completes a term of office and is not reappointed; or

(iii) resigns by written notice addressed to the Minister; or

(iv) is removed from office by the Governor under paragraph (e);

(g) on the office of a member of the panel becoming vacant, a person must be appointed in accordance with this regulation to the vacant office.

(2) A member of the panel who has a personal or a direct or indirect pecuniary interest in a matter before the Tribunal may not participate in the hearing of the matter.

11—Directions relating to access to water for travelling stock

A person who, without reasonable excuse, fails to comply with a direction given by a lessee under section 59(1)(b) of the Act is guilty of an offence.

Maximum penalty: $1 250.

12—Compensation for taking water for mining etc

For the purposes of section 59(3) of the Act, the rate of compensation payable to a lessee for water taken by the holder of a mining tenement other than water taken from a natural source solely by means of equipment or infrastructure supplied by the holder of the mining tenement is $1.00 per kilolitre.

Schedule 1—Fees

1	Dealing with an application—		
	(a)	under section 28(1) of the Act for consent to transfer etc a lease or part of a lease—	
		(i) for one lease or part of one lease	$300.00
		(ii) for each additional lease or part of each additional lease	$143.00
	(b)	for a duplicate or amended consent under section 28(1) of the Act	$21.00
2	Preparing—		
	(a)	a lease	$395.00
	(b)	a surrender or resumption of a lease	$237.00
	(c)	a surrender or resumption of part of a lease	$395.00
	(d)	on the request of a lessee, a notice of alteration of boundaries under section 31 of the Act	$201.00
	(e)	an agreement between a lessee and any other person or body for the acquisition or extinguishment of easement rights by that other person or body	$201.00
3	Correcting on the register any error in particulars supplied by or on behalf of a lessee, purchaser or other party to a transaction		$201.00
4	Producing a lease at the Lands Titles Office on the request of a lessee as security where the lease is in possession of the Department for Environment and Heritage for other purposes		$119.00
5	Preparing or checking a definition for a notice to be published in the Gazette under section 44 or 45 of the Act by the Board on request		$207.00
6	Processing on request any other transaction under the Act (not being one in respect of which an application fee has been paid under these regulations—see item 1)		$300.00

Note—

The fees in this Schedule do not include L.T.O. fees or stamp duty that may be payable.

Schedule 2—Revocation of *Pastoral Land Management and Conservation Regulations 1991*

The *Pastoral Land Management and Conservation Regulations 1991* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 31 August 2006

No 212 of 2006

WBCS06/0017