

South Australia

**PASTORAL LAND MANAGEMENT AND CONSERVATION
REGULATIONS 1991**

SUMMARY OF PROVISIONS

1. Citation
2. Revocation
3. Interpretation
4. Prescribed percentage of net rental income for fund
5. Other Acts to be complied with by lessees
- 5A. Public access routes
- 5B. Gates
- 5C. Lessee may give directions
6. Travelling stock
7. Establishment of panel of experts for Tribunal
- 7A. Directions relating to access to water for travelling stock
8. Compensation for taking water for mining, etc.
9. Fees

SCHEDULE

Fees

APPENDIX 1

LEGISLATIVE HISTORY

APPENDIX 2

DIVISIONAL PENALTIES AND EXPIATION FEES

**REGULATIONS UNDER THE PASTORAL LAND MANAGEMENT AND
CONSERVATION ACT 1989**

*Pastoral Land Management and Conservation
Regulations 1991*

being

No. 42 of 1991: *Gaz.* 18 April 1991, p. 1351

as varied by

- No. 119 of 1991: *Gaz.* 27 June 1991, p. 2216¹
No. 6 of 1992: *Gaz.* 23 January 1992, p. 208
No. 96 of 1992: *Gaz.* 18 June 1992, p. 1808²
No. 52 of 1993: *Gaz.* 8 April 1993, p. 1286³
No. 49 of 1994: *Gaz.* 2 June 1994, p. 1574⁴
No. 184 of 1994: *Gaz.* 27 October 1994, p. 1419⁵
No. 94 of 1995: *Gaz.* 10 May 1995, p. 2091⁶
No. 133 of 1996: *Gaz.* 30 May 1996, p. 2801⁷
No. 115 of 1997: *Gaz.* 13 May 1997, p. 1935⁸
No. 106 of 1998: *Gaz.* 28 May 1998, p. 2418⁹
No. 105 of 1999: *Gaz.* 27 May 1999, p. 2910¹⁰
No. 118 of 2000: *Gaz.* 25 May 2000, p. 2830¹¹
No. 118 of 2001: *Gaz.* 31 May 2001, p. 2100¹²

- ¹ Came into operation 8 August 1991: reg. 2.
² Came into operation 30 July 1992: reg. 2.
³ Came into operation 12 July 1993: reg. 2.
⁴ Came into operation 1 July 1994: reg. 2.
⁵ Came into operation 27 February 1995: reg. 2.
⁶ Came into operation 1 July 1995: reg. 2.
⁷ Came into operation 1 July 1996: reg. 2.
⁸ Came into operation 1 July 1997: reg. 2.
⁹ Came into operation 1 July 1998: reg. 2.
¹⁰ Came into operation 1 July 1999: reg. 2.
¹¹ Came into operation 1 July 2000: reg. 2.
¹² **Came into operation 1 July 2001: reg. 2.**

NOTE:

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last consolidation.
- For the legislative history of the regulations see Appendix 1.

Citation

1. These regulations may be cited as the *Pastoral Land Management and Conservation Regulations 1991*.

Revocation

2. The regulations in force under the *Pastoral Acts 1904 to 1922* are revoked.

Interpretation

3. In these regulations, unless the contrary intention appears—

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

Note: For definition of divisional penalties (and divisional expiation fees) see Appendix 2.

Prescribed percentage of net rental income for fund

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

Other Acts to be complied with by lessees

5. 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 *Soil Conservation and Land Care Act 1989*;
- (d) the *Noxious Insects Act 1934*.

Public access routes

5A. (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.

Penalty: Division 8 fine.

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

Gates

5B. 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.

Penalty: Division 8 fine.

Lessee may give directions

5C. (1) A lessee or the 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 enjoyment of the lease.

3.

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

Penalty: Division 8 fine.

Travelling stock

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

- (a) must be given at least 7 days before the stock are to enter the land; and
- (b) must set out particulars of—
 - (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 that the stock are disease free.

(2) Where 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:

Sheep—5 cents per head per day.

Cattle—20 cents per head per day.

Establishment of panel of experts for Tribunal

7. 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 two 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 will be appointed for such term of office, not exceeding three years, as the Governor may determine and specifies in the instrument of appointment;

4.

- (d) a member of the panel is entitled to such allowances and expenses as the Governor may from time to time determine;
- (e) the Governor may remove a member of the panel from office—
 - (i) for misconduct;
 - (ii) for neglect of duty;
 - (iii) for incompetence;or
 - (iv) for mental or physical incapacity to carry out the duties of office satisfactorily;
- (f) the office of a member of the panel becomes vacant if the member—
 - (i) dies;
 - (ii) completes a term of office and is not reappointed;
 - (iii) resigns by written notice addressed to the Minister;or
 - (iv) is removed from office by the Governor under paragraph (e);
- (g) upon the office of a member of the panel becoming vacant, a person must be appointed in accordance with this regulation to the vacant office.

Directions relating to access to water for travelling stock

7A. 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.

Penalty: Division 8 fine.

Compensation for taking water for mining, etc.

8. 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 pursuant to subsection (2) is 85 cents per kilolitre.

Fees

9. Fees are payable to the Minister in accordance with the schedule.

SCHEDULE
Fees

Application fees**1. Dealing with an application—**

- (a) under s. 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 \$250.00
- (ii) for each additional lease or part of each additional lease \$124.00
- (b) for a duplicate or amended consent under s. 28(1) of the Act \$17.90

Document fees**2. Preparing—**

- (a) a lease \$329.00
- (b) a surrender or resumption of a lease \$198.00
- (c) a surrender or resumption of part of a lease \$329.00
- (d) on the request of a lessee, a notice of alteration of boundaries under s. 31 of the Act . . \$168.00
- (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 \$168.00

- 3. Correcting on the register any error in particulars supplied by or on behalf of a lessee, purchaser or other party to a transaction \$168.00**

Miscellaneous fees

- 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 \$100.00**

- 5. Preparing or checking a definition for a notice to be published in the *Gazette* under s. 44 or 45 of the Act by the Board on the request of some other person \$172.00**

- 6. Processing on the request of some person any other transaction under the Act (not being one in respect of which an application fee has been paid under these regulations) \$250.00**

(N.B. The fees in this schedule do not include L.T.O. fees or stamp duty that may be payable.)

APPENDIX 1

LEGISLATIVE HISTORY

(entries in bold type indicate amendments incorporated since the last consolidation)

Regulation 5:	varied by 6, 1992, reg. 2; 184, 1994, reg. 3
Regulations 5A - 5C:	inserted by 184, 1994, reg. 4
Regulation 6:	redesignated as reg. 6(3) by 184, 1994, reg. 5(a)
Regulation 6(1) and (2):	inserted by 184, 1994, reg. 5(a)
Regulation 6(3):	varied by 184, 1994, reg. 5(b)
Regulation 7A:	inserted by 184, 1994, reg. 6
Regulation 8:	varied by 184, 1994, reg. 7
Schedule:	substituted by 119, 1991, reg. 3; 96, 1992, reg. 3; 52, 1993, reg. 3; 49, 1994, reg. 3; 94, 1995, reg. 3; 133, 1996, reg. 3; 115, 1997, reg. 3; 106, 1998, reg. 3; 105, 1999, reg. 3; 118, 2000, reg. 3; 118, 2001, reg. 3

APPENDIX 2**DIVISIONAL PENALTIES AND EXPIATION FEES**

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	-	\$500	\$100
10	-	\$200	\$75
11	-	\$100	\$50
12	-	\$50	\$25

Note: This appendix is provided for convenience of reference only.