

South Australia

Pastoral Land Management and Conservation Regulations 1991

under the *Pastoral Land Management and Conservation Act 1989*

Contents

- 1 Short title
- 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

Legislative history

Appendix—Divisional penalties and expiation fees

1—Short title

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

2—Revocation

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

3—Interpretation

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.

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

5A—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.
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.

5B—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.

Penalty: Division 8 fine.

5C—Lessee may give directions

- (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.
- (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.

6—Travelling stock

- (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.

7—Establishment of panel of experts for Tribunal

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;
- (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; or
 - (ii) for neglect of duty; or
 - (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; 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) 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.

7A—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.

Penalty: Division 8 fine.

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

9—Fees

Fees are payable to the Minister in accordance with the Schedule.

Schedule—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	\$271.00
	(ii) for each additional lease or part of each additional lease	\$134.00
	(b) for a duplicate or amended consent under s 28(1) of the Act	\$19.40
2	Preparing—	
	(a) a lease	\$356.00
	(b) a surrender or resumption of a lease	\$214.00
	(c) a surrender or resumption of part of a lease	\$356.00
	(d) on the request of a lessee, a notice of alteration of boundaries under s 31 of the Act	\$182.00
	(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	\$182.00
3	Correcting on the register any error in particulars supplied by or on behalf of a lessee, purchaser or other party to a transaction	\$182.00
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	\$108.00
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 request	\$186.00
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)	\$271.00

Note—

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

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1991	42	<i>Gazette 18.4.1991 p1351</i>	18.4.1991
1991	119	<i>Gazette 27.6.1991 p2216</i>	8.8.1991: r 2
1992	6	<i>Gazette 23.1.1992 p208</i>	23.1.1992
1992	96	<i>Gazette 18.6.1992 p1808</i>	30.7.1992: r 2
1993	52	<i>Gazette 8.4.1993 p1286</i>	12.7.1993: r 2
1994	49	<i>Gazette 2.6.1994 p1574</i>	1.7.1994: r 2
1994	184	<i>Gazette 27.10.1994 p1419</i>	27.2.1995: r 2
1995	94	<i>Gazette 10.5.1995 p2091</i>	1.7.1995: r 2
1996	133	<i>Gazette 30.5.1996 p2801</i>	1.7.1996: r 2
1997	115	<i>Gazette 13.5.1997 p1935</i>	1.7.1997: r 2
1998	106	<i>Gazette 28.5.1998 p2418</i>	1.7.1998: r 2
1999	105	<i>Gazette 27.5.1999 p2910</i>	1.7.1999: r 2
2000	118	<i>Gazette 25.5.2000 p2830</i>	1.7.2000: r 2
2001	118	<i>Gazette 31.5.2001 p2100</i>	1.7.2001: r 2
2002	124	<i>Gazette 20.6.2002 p2670</i>	1.7.2002: r 2
2003	110	<i>Gazette 29.5.2003 p2284</i>	1.7.2003: r 2
2004	100	<i>Gazette 27.5.2004 p1616</i>	1.7.2004: r 2

Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
r 5	varied by 6/1992 r 2	23.1.1992
	varied by 184/1994 r 3	27.2.1995
rr 5A—5C	inserted by 184/1994 r 4	27.2.1995
r 6		
r 6(1) and (2)	inserted by 184/1994 r 5(a)	27.2.1995
r 6(3)	r 6 redesignated as r 6(3) by 184/1994 r 5(a)	27.2.1995
	varied by 184/1994 r 5(b)	27.2.1995
r 7A	inserted by 184/1994 r 6	27.2.1995
r 8	varied by 184/1994 r 7	27.2.1995
Sch	substituted by 119/1991 r 3	8.8.1991

substituted by 96/1992 r 3	30.7.1992
substituted by 52/1993 r 3	12.7.1993
substituted by 49/1994 r 3	1.7.1994
substituted by 94/1995 r 3	1.7.1995
substituted by 133/1996 r 3	1.7.1996
substituted by 115/1997 r 3	1.7.1997
substituted by 106/1998 r 3	1.7.1998
substituted by 105/1999 r 3	1.7.1999
substituted by 118/2000 r 3	1.7.2000
substituted by 118/2001 r 3	1.7.2001
substituted by 124/2002 r 3	1.7.2002
substituted by 110/2003 r 4	1.7.2003

Appendix—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.