



Enabling public access to South Australia's pastoral lands

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Abstract

South Australia's pastoral lands are a rich resource of unique landscapes and Aboriginal and European heritage, drawing visitors from across the world to experience these amazing locations alongside commercial pastoral businesses.

The Pastoral Land Management and Conservation Act 1989 (the Act) enables access to pastoral lands:

- the public can access any pastoral lands with consent from the pastoral leaseholder,
- Aboriginal people have the right to access pastoral land to carry out traditional practices, in accordance with non-exclusive Native Title, which exists over most pastoral leases,
- Public Access Routes enable public access to significant sites of high value without requiring leaseholder consent.

The Pastoral Board has established a network of 23 Public Access Routes (PARs) totalling more than 700km of tracks to National Parks or historic infrastructure which can only be accessed by passing through pastoral land. These tracks are largely unmonitored and require a 4WD for clearance and access. PARs were initially established in the late 1990s and early 2000s to encourage visitation into the pastoral lands and boost tourism, as well as to develop a remote road network to help connect pastoral lease holders with the broader community.

The SA Government is reviewing the long-term sustainable management of the PAR network to better enable public access to these valuable lands, while mitigating potential risks. This will include reviewing where PARs should be, trends in use, options for maintenance funding, and options for undertaking management of PARs including the role of lessees, government agencies and users. Stakeholders and the broader community will be closely involved during the review.

Introduction

The Pastoral Unit, which sits within the Department for Environment and Water (DEW), supports the Pastoral Board and the Minister for Climate, Environment and Water for the administration of the Act. The Pastoral Unit provides the following support:

- land condition assessments on pastoral land,
- lease condition matters including investigating compliance issues,
- lease tenure dealings (e.g. consents for transfers, mortgages, sub-leasing),
- maintaining operation of the Pastoral Board including communication to or from the board, and

- assistance and advice regarding access to pastoral leases (including public access routes and rights of access for Aboriginal persons).

The South Australian pastoral lands provide a valuable contribution to the economic prosperity of the state. There are 322 leases making up 220 stations over an area of 40 million hectares. This is approximately 40% of South Australia's landmass. Enabling access to these areas provides an opportunity for the public to experience and appreciate complex ecosystems, absorb Aboriginal and European heritage and visit historical infrastructure that helps shape the story of South Australia's transformation throughout time.

Striking the right balance between how, when and where to enable public access to the rangelands access is important. Getting this balance right helps maintain the health of the environment, ensure pastoral activities can be undertaken with minimal disturbance, while also promoting tourism opportunities to unique locations of both historical and conservation value.

There are legislative requirements in place to assist in ensuring access to the rangelands is safe for visitors, respectful for traditional owners, considerate of pastoral lessees and sustainable for the environment. Outside of legislation, the government needs to consider what the desired outcomes are for enabling access to the rangelands. This will help to proactively address possible risks associated with remoteness, isolation, and fragility of the landscape.

Discussion

Access to the rangelands can be achieved through several mechanisms. Each is in place to provide different outcomes for different people and visitors.

Traditional owner access

Aboriginal and Torres Strait Islander people have a deep connection with the land, which is central to their spiritual identity. This connection remains despite the many Aboriginal people who no longer live on their land. Aboriginal and Torres Strait Islander people describe the land as sustaining and comforting, fundamental to their health, their relationships and their culture and identity.

For Aboriginal and Torres Strait Islander people, their traditional Country and what it represents in terms of their history, survival, resilience and cultural and spiritual identity gives them much to take pride in. In the dominant Australian culture, land is thought of as a commodity to be used, enjoyed and owned, or as a place to build a home or grow food or develop a park. Aboriginal and Torres Strait Islander people consider the land differently. This is an important perspective for decision makers to understand to ensure all stakeholder views and beliefs are considered when access to the rangelands is being discussed.

There can be sensitivities around different land use property rights and cultural heritage that have the potential to cause conflicts between land holders and traditional owners if not consulted effectively. One mechanism that is also available to provide traditional owners assurance that they can access culturally significant land and undertake traditional practices is under Section 47(1) of the Act. This section outlines that Aboriginal people have the right to access pastoral land to carry out traditional practices, in accordance with non-exclusive Native Title (Native Title (South Australia) Act 1994), which exists over most pastoral leases. To help defuse possible privacy tensions with pastoralist, the Act prevents camping within a 1km radius of a dwelling or within 500m of a dam or water point.

General visitation

Should a member of the public wish to access part of the rangelands that forms part of a pastoral lease, they must gain consent from the lessee prior to accessing the land. Section 48(3) of the Act set outs the requirements for a person to seek consent of the lessee or the Minister prior to travelling across a pastoral lease, and outlines the penalty for non-compliance with this section of the Act.

This legislative compliance mechanism is an important inclusion to ensure respect of pastoral lessees and their operations are considered when accessing the rangelands, while also providing an opportunity for the public to visit and explore remote areas of the state.

Public access routes (PARs)

The Pastoral Board can gazette PARs under the Act, which provide delineated routes where the public can traverse leased land without needing permission of the lessee. The routes lead to sites of interest, like historical landmarks, infrastructure and National Parks. Before gazetting or revoking a PAR the Pastoral Board must consult with all pastoral lessees affected by the proposal, the relevant regional landscape board and any other interested organisations. No proposals for new PARs have been received since 2011.

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A lessee's rights cease over a PAR. The care, control and management of the routes are vested in the Minister of the Act. However, the Minister is not obliged to maintain the routes, recognising these tracks are in remote areas and there may be limitations in funding available for ongoing maintenance and management of the tracks. There is often a reliance on lessees, PAR users and Park Rangers to provide advice on track condition. PAR users are responsible for adhering to weather warnings and track closures to reduce risks while travelling along PARs. DEW installs signs to identify PARs and notable hazards on the track, and remind users of their responsibilities while on the PAR.

Upon the request of a lessee, tracks can be temporarily closed due to public safety reasons, facilitating stock management or conducting rehabilitation work on adjacent land. Closures are listed on publicly available websites, and the Pastoral Board can require a lessee to erect signs to highlight the temporary closure.

The SA Government is reviewing the long-term sustainable management of the PAR network to better enable public access to these valuable lands, while maintaining the safety of users, and at limited impost to the lessee. This will include reviewing where PARs should be, trends in use, options for maintenance funding, risk management, and options for undertaking management of PARs including the role of lessees, government agencies and users. Stakeholders and the broader community will be closely involved during the review.

Outback roads network

The Department of Infrastructure and Transport (DIT) manage and maintain over 10,000kms of unsealed, outback roads. These roads act as a gateway to the more remote areas of the rangelands, and are an important asset for pastoralism, tourism and other industries like mining and freight. These roads are graded regularly to ensure the network stays in safe condition for all road users. DIT are responsible for maintaining, repairing and upgrading outback unsealed roads to improve road surfaces. Capital works projects can be funded through a combination of South Australian government initiatives and federal funding.

Reasons for visiting the rangelands

Traditional owners may visit the rangelands for cultural reasons, while members of the public travel and visit for tourism purposes, or recreation and leisure activities like four-wheel driving. Some of South Australia's most impressive natural wonders can be found in the rangelands and are often cited as a reason for visiting. For example, Kati Thanda-Lake Eyre, Australia's largest salt lake, is located 770km north of Adelaide. This spectacle provides visitors with an opportunity to set up camp and appreciate the cultural significance this site has for the traditional owners, the Arabana people. Although usually dry, heavy rain events can see the lake come to life, with waterbirds and other wildlife descending into the area.

Rangeland access allows visitors to explore National and Desert Parks, some of which are home to World Heritage Nominated fossil sites, and world-renowned areas like the Flinders Ranges. Maintaining access to

these locations encourages tourism, which can benefit state prosperity and growth, while also providing an opportunity to educate visitors on Aboriginal heritage and culture, and the important environmental value that these assets hold.

In more recent times, it has become increasingly evident that, as well as pastoralism, access to the rangelands is important for mining, commerce, and other business ventures, such as the emerging hydrogen and renewable energy industry. Most travel for such ventures is along outback roads, managed by DIT. In addition, some PARs are used as transit routes, which is beyond their scope of use and capacity. They vary in their condition and standard. As part of the current PAR review project, it will be important to explore how these routes can be made safer and more accessible if going to be frequently used for transit and thoroughfare purposes, while also maintaining environmental values. Consideration of an expansion of DITs outback road network could create transport efficiencies, improve economic growth while also increasing public safety.

Some land holders facilitate tourism operations and accommodation for visitors on their leased properties within the rangelands.

Limitations and risks

The South Australian rangelands are home to unique and beautiful landscapes. Care must be taken when travelling in isolated areas like these, as the remoteness and weather conditions can become hazardous quickly. DEW mitigates risks like these by closing the access to Desert Parks between December and March, to reduce the risk of travellers becoming stranded during the hotter months. The PARs that provide access to these sites of interest are also closed to help mitigate the risk. Closures to these areas can be disappointing for keen travellers. Clear communication for the reason for closures is an important part of rangeland access and management.

Given the expansiveness of the rangelands, and the multiple legislative frameworks that govern certain areas, it is sometimes difficult to ascertain the risk profile of an area. If an incident was to occur to a member the public visiting the rangelands, it can be case dependent for who has a duty of care and what personal responsibility the visitor has. Exploration into the minimum standard of the Minister's duty of care within the rangelands will be an important part of the PAR review to ensure PARs are maintained to an acceptable level, as well as ensuring sites of interests are actively monitored by the correct entity.

The remoteness of far north South Australia and lack of resources to monitor the movement of people through the rangelands is a risk that requires a multifaceted approach. Active communication between the Pastoral Unit, National Parks and Wildlife Service, DIT and lessees is a useful tool to gauge road condition and weather events. This can help determine if sites of interests or PARs must be closed, and it also assists DIT in developing their Outback Unsealed Roads Grading Program.

Conclusion

Enabling sustainable access to the rangelands promotes the value of their societal contribution, and provides benefits to a range of industries, including pastoralism and agriculture, tourism and the environment. Lessees, visitors and the government need to be aware of the connection traditional owners have with the land and work collaboratively to ensure positive outcomes for the rangelands are realised. It is important for the future health and prosperity of the rangelands that stakeholders engage and work together to identify suitable accessibility solutions, especially as land use and demographic changes emerge in these areas.

Improved accessibility could be achieved through increased funding for maintenance and management of PARs, the identification of a broader outback roads network to be maintained by DIT, and through a collaborative approach with traditional owners, lessees and DEW to identify important cultural heritage sites for tourism promotion. This promotion could leverage funding to improve the condition and accessibility of the sites, including signs for safety, a maintenance program for road condition, and any other infrastructure to protect to integrity of the sites of interest, like fencing.

Risks and responsibility associated with rangeland access must be determined prior to any change in policy or decision making that increases or decreases accessibility. This will help clearly identify the rights and responsibilities of stakeholders who are accessing, visiting or using the rangelands. In doing so, proactive risk mitigation strategies can be deployed, allowing people to safely and sustainably enjoy the landscape.