



## **Submission to the Review of the *Pastoral Land Act (Northern Territory) 1992 – Key Issues Paper***

### **Issue 1 Non-Pastoral use of Pastoral Land and Diversification**

The ILC supports the expansion of pastoral land uses as diversification provides opportunity for greater income security and increased employment for pastoral leaseholders. The ILC believes legitimate uses should include cultural and social uses, allowing Indigenous people to maintain their culture on country and provide social, environmental and economic benefits. Diversification also needs to take into consideration protection of Indigenous people's access, use and native title rights.

### **Issue 2 Access to Pastoral Land (waterways and features of public interest) and Issue 15 Aboriginal access to pastoral land/ Indigenous rights and interests**

Amendment to the Act should support mechanisms that protect cultural heritage sites and areas, sacred sites, native title and Indigenous access and use of pastoral lands. The ILC recommends that the nominations of access routes involve all stakeholders, including Indigenous people. Denial of access to Pastoral land does occur (despite access provisions), hence a clear and accessible process for the settlement of such disputes should exist.

### **Issue 12 Access through pastoral land to Aboriginal land**

A sound legislative framework is integral to recognising the rights of Indigenous people regarding access and other uses, along with those of pastoralists to safeguard their capacity to run effective and profitable business. Denial of access rights to Aboriginal land does occur and there should be a clear and accessible process for the settlement of such disputes.

The ILC recommends the following should be considered:

- Indigenous access to Indigenous-held land should not be restricted;
- Provisions for access through pastoral land to Aboriginal land should apply to access to community living areas, which should be considered Aboriginal Land for this purpose;
- Nominations of access routes should involve consultation with all stakeholders, including Indigenous people;
- Access roads should be gazetted;
- The mechanism of negotiated access agreements with contractual arrangements for road construction, fencing and maintenance, could be extended to access routes to Indigenous-held land and should be viewed as an opportunity to provide employment and training for Indigenous communities; and
- Consideration of public liability should include both declared and undeclared tracks.

### **Issue 9 Establishment of the Pastoral Land Board - powers and functions, composition, qualifications for membership**

The ILC supports consideration of provisions specifying an appropriate experience and skill set for Board members, that includes Indigenous representation. Ideally the Board should consist of representatives with experience and skills in pastoralism, tourism, transport, ecology (land condition, assessment flora and fauna management, soil conservation, feral animal and weed control), water resources, Indigenous land use, planning (land sub-division) and lease administration.

### **Issue 13 Aboriginal Community Living Areas**

The review of the provisions for Community Living Areas needs to ensure significant improvement to the current process so it is suitable to the needs of Indigenous people.

The ILC believes the following need to be considered:

- A realistic definition of applicant;
- The concept of present need should support excisions for cultural and social needs;
- Consent agreements could provide greater benefits by being supported explicitly by reference to the ILUA process and allow that mechanism to lead to grant of title to living areas. Nevertheless, there should continue to be a process for instances where there is no lessee consent. The ILUA process combined with a mediation procedure could be useful, however, more appropriate criteria should also be provided in the Act for a non-consent mechanism;
- Concept of Community Living Area should be broadened to allow sufficient area for activities such as running a few cattle (killer herds) and undertaking small-scale horticulture;
- Any amendments to the Pastoral Land Act should be consistent with the Native Title Act; and
- Placing the onus on the lessee to maintain fences to exclude stock from a community living area.

### **Issue 17 Biodiversity conservation**

### **Issue 18 Compliance with national agreements and best practice**

### **Issue 37 Protection of areas of high conservation value/ rivers, wetlands and coasts/ threatened species**

The ILC supports the view that the Pastoral Land Act should take into consideration a commitment to best practice so protection of cultural heritage and conservation of biodiversity occurs.

The Pastoral Land Act should:

- Include commitment to protect natural and cultural heritage and biodiversity;
- Comply with Ecologically Sustainable Development principles;
- Encourage pastoral management that assists in the conservation of biodiversity on pastoral lands and protects areas of natural and cultural value from degradation; and
- Ensure reasonable and practical measures are taken so that pastoral activities do not harm Indigenous cultural heritage.