

Serial  
Pastoral Land Amendment Bill 2011  
Mr Hampton

A Bill for an Act to amend the *Pastoral Land Act*, and for related purposes

DRAFT ONLY

**CONSULTATION DRAFT**

**NORTHERN TERRITORY OF AUSTRALIA**

**PASTORAL LAND AMENDMENT ACT 2011**

---

**Act No. [ ] of 2011**

---

**Table of provisions**

<b>Part 1</b>	<b>Preliminary matters</b>	
1	Short title .....	1
2	Commencement .....	1
<b>Part 2</b>	<b>Amendment of Pastoral Land Act</b>	
3	Act amended .....	1
4	Section 3 amended.....	1
5	Sections 3A to 3D inserted .....	4
	3A Meaning of <i>healthy landscapes</i> and related terms	
	3B Meaning of <i>pastoral purposes</i>	
	3C Application of Criminal Code	
	3D Act binds Crown	
6	Section 4 replaced.....	5
	4 Objects of Act	
7	Section 6 replaced.....	6
	6 General duties of pastoral lessees	
8	Section 8A inserted .....	7
	8A Ministerial guidelines	
9	Sections 9 and 10 replaced .....	8
	9 Delegation by Minister	
10	Sections 15 and 16 replaced .....	8
	16 Chairperson	
11	Sections 19 and 20 replaced .....	8
	19 Acting Chairperson	
12	Sections 22 to 30 replaced .....	9
	22 Disclosure of interest	
	23 Functions of Board	
	24 Powers of Board	
	25 Board may gather information	
	26 Delegation by Board	
	Division 3 Authorised officer	
	27 Authorised officer	
	28 Identity cards	
	29 Production of identity card	

---

	30	Return of identity card	
	30A	Authorised officer may enter pastoral land	
	30B	Authorised officer may use reasonable force and assistance	
	30C	Obstructing authorised officer	
13		Section 31 amended.....	12
14		Section 35 amended.....	12
15		Section 38 amended.....	12
16		Section 39 amended.....	13
17		Sections 40 and 41 replaced .....	14
	40	Contravention of conditions	
18		Section 50 amended.....	15
19		Section 55 amended.....	16
20		Section 57 replaced.....	16
21		Section 61 amended.....	16
22		Sections 67 and 68 replaced .....	16
	67	Consent of Minister	
	68	Minister's consent for section 67	
23		Section 72C amended .....	17
24		Parts 5, 6 and 7 replaced.....	18
	Part 5	Monitoring and enforcement	
	73A	Monitoring use of pastoral land	
	73	Control of feral animals	
	74	Reference areas	
	75	Monitoring sites	
	76	Remedial plans	
	77	Lessee may voluntarily prepare remedial plan	
	78	Responsibility of lessee for degraded or damaged land	
	Part 6	Access to pastoral land by members of public	
	79	Object of Part	
	80	Meaning of <i>recreational purposes</i>	
	81	Meaning of <i>accessible areas</i>	
	82	Minister may enter into agreement for access	
	83	Minister may declare areas for access	
	84	Infrastructure and public amenities on pastoral land	
	85	Limit of lessee's liability	
	Part 7	Permits for major developments or non-pastoral purposes for pastoral land	
	Division 1	Preliminary matters	
	86	Object of Part	
	87	Meaning of <i>major development</i>	
	88	Meaning of <i>permissible non-pastoral purpose</i>	
	89	Meaning of <i>conservation management area</i>	
	90	Offences	
	Division 2	Procedures for issuing permit	
	91	Application for permit	
	91A	Acceptance of application	
	91B	Notification of application	
	91C	Consideration of application	
	91D	Decision of CEO	

	Division 3	Operation of permit	
	91E	When permit is in force	
	91F	Extension of term of permit	
	91G	Variation of permit – by CEO	
	91H	Variation of permit – by application of lessee	
	91J	Suspension and revocation of permit – by CEO	
	91K	Suspension or revocation of permit – by application of lessee	
	Division 4	Enforcement provisions for permits	
	91L	Compliance direction	
	91M	Stop work direction	
	91N	Offences about directions	
	Division 5	Other matters relating to permits	
	91P	Minister may impose fees and charges	
25		Section 92 amended.....	40
26		Part 9 replaced .....	40
	Part 9	Reviews of decisions	
	115	Meaning of <i>reviewable decision</i> and <i>affected person</i>	
	116	Meaning of <i>review notice</i>	
	117	Application for review – Review Tribunal	
27		Section 121 replaced.....	42
	121	Objections	
28		Sections 123A to 123G inserted.....	42
	Division 1	Criminal liability for offences	
	123A	Definitions	
	123B	Liability of representative	
	123C	Conduct of representative	
	123D	Criminal liability of partner in partnership	
	123E	Criminal liability of manager of unincorporated association	
	123F	Criminal liability of executive officer of body corporate	
	Division 2	Other matters	
	123G	Registration requirements	
	123H	Penalty interest	
	123J	Misleading information	
	123K	Continuing offence	
29		Sections 127 and 128 replaced .....	49
	127	Confidentiality of information	
	128	Protection from liability	
	128A	Acquisition on just terms	
	128B	Approved form	
	128C	Regulations	
30		Part 12 heading replaced.....	51
	Part 12	Transitional matters for Pastoral Land Act 1992	
31		Part 13 inserted .....	51
	Part 13	Transitional matters for Pastoral Land Amendment Act 2011	
	136	Definitions	
	137	Continuation of appointment – Chairperson of Board	





# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2011

An Act to amend the *Pastoral Land Act*, and for related purposes

[Assented to [ ] 2011]  
[Second reading [ ] 2011]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Pastoral Land Amendment Act 2011*.

### 2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

## Part 2 Amendment of Pastoral Land Act

### 3 Act amended

This Part amends the *Pastoral Land Act*.

### 4 Section 3 amended

(1) Section 3(1)

*omit*

, unless the contrary intention appears

- (2) Section 3(1), definitions **Aborigine**, **Appeal Tribunal**, **Chairman**, **feral animal**, **pastoral lease** and **pastoral purposes**

*omit*

- (3) Section 3(1)

*insert (in alphabetical order)*

**Aboriginal person** means a person who identifies himself or herself as a member of an Aboriginal community in Australia.

**accessible area**, see section 81.

**acting in an official capacity**, in relation to an authorised officer, means the officer is exercising powers or performing functions under, or otherwise related to the administration of, this Act.

**affected local government authority**, for pastoral land all or part of which is located in a local government area – the council constituted under the *Local Government Act* for the area.

**affected person**, see section 115(2).

**approved form** means a form approved under section 128B.

**authorised officer** means an authorised officer mentioned in section 27.

**biodiversity**, see section 3A(4).

**carbon storage**, see section 3A(4).

**CEO** means the Chief Executive Officer of the Agency.

**Chairperson** means the person holding or occupying the office of Chairperson of the Board.

**clearing** means clearing as defined in section 8(1) of the *Native Vegetation Management Act*.

**compliance direction**, see section 91L(1).

**conservation management area**, see section 89.

**emission**, see section 3A(5).

**environmental management plan**, see section 91(4).

**feral animal** means a feral animal for which a declaration under section 73(1) is in force.

**greenhouse gas**, see section 3A(5).

**healthy landscapes**, see section 3A(1).

**indicator**, for healthy landscapes, means an indicator for healthy landscapes as mentioned in section 3A(1).

**landscape health**, see section 3A(3).

**local government area** means a part of the Territory that, under section 9(1)(a) of the *Local Government Act*, is constituted as a local government area.

**major development**, see section 87.

**major development permit**, see section 91(1)(a).

**Ministerial guidelines** means guidelines made under section 8A.

**non-pastoral purposes** means purposes other than pastoral purposes.

**non-pastoral use permit**, see section 91(1)(b).

**notification date**, see section 91B(2)(b).

**pastoral lease** means a lease granted under section 31.

*Note*

*See section 50(3)(a) and Part 12 for the circumstances in which a pastoral lease may be taken to exist.*

**pastoral purposes**, see section 3B.

**permissible non-pastoral purpose**, see section 88.

**permit** means:

- (a) a major development permit; or
- (b) a non-pastoral use permit.

**perpetual pastoral lease** means a pastoral lease covered by section 48(1)(a).

**recreational purposes**, see section 80(1).

**related environmental management plan**, see section 91D(5)(a).

**reviewable decision**, see section 115(1).

**review notice**, see section 116(1).

**Review Tribunal** means the Lands, Planning and Mining Tribunal established under the *Lands, Planning and Mining Tribunal Act*.

**stop work direction**, see section 91M(1).

**term pastoral lease** means a pastoral lease covered by section 48(1)(b).

**working day** means a day other than a Saturday, Sunday or public holiday under the *Public Holidays Act*.

## 5 Sections 3A to 3D inserted

After section 3, in Part 1

*insert*

### 3A Meaning of **healthy landscapes** and related terms

- (1) **Healthy landscapes** are maintained if the indicators for healthy landscapes as recognised by the discipline of landscape ecology and other related studies are substantially met at the appropriate scales in time and space.
- (2) Without limiting subsection (1), those indicators include the following:
  - (a) biodiversity;
  - (b) ecological integrity;
  - (c) carbon storage in soil and vegetation;
  - (d) greenhouse gases emission;
  - (e) other long-term benefits to the community that can be derived from the ecology.

*Examples of long-term benefits for subsection (2)(e)*

1 *Clean air, reliable supply of water, good soil and stable landforms.*

2 *Preservation of cultural values.*

- (3) The **landscape health**, in relation to an area of land, has the meaning corresponding to subsection (1) and is to be assessed by reference to the indicators as mentioned in subsections (1) and (2).
- (4) For this section, the meaning of **biodiversity**, **ecological integrity** and **carbon storage** and the application of **appropriate scales** for

subsection (1) are to be determined in accordance with the discipline and studies mentioned in subsection (1).

- (5) **Emission** and **greenhouse gas** have the meanings as defined in section 7 of the *National Greenhouse and Energy Reporting Act 2007* (Cth).

### **3B Meaning of *pastoral purposes***

- (1) **Pastoral purposes**, in relation to an area of land, are the following:
- (a) the pasturing of stock on the land for sustainable commercial purposes (the ***pastoral enterprise***);
  - (b) other activities (including, for example, agriculture, production of agricultural products for stock feeding and pastoral based tourist operation) that:
    - (i) do not constitute the dominant use of the land; and
    - (ii) are essential to or inseparable from, or are carried out in conjunction with, the pastoral enterprise.
- (2) A regulation may specify activities not to be regarded as undertaken for pastoral purposes in specified circumstances.

### **3C Application of Criminal Code**

Part IIAA of the Criminal Code applies to an offence against this Act.

*Note for section 3C*

*Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.*

### **3D Act binds Crown**

This Act binds the Crown in right of the Territory and, to the extent the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

## **6 Section 4 replaced**

Section 4

*repeal, insert*

#### **4 Objects of Act**

- (1) The objects of this Act are:
- (a) to provide for pastoral leases as a form of tenure of Crown land; and
  - (b) to ensure pastoral land is used for pastoral purposes, except (as provided in Part 7) in relation to the following purposes:
    - (i) the creation of a conservation management area;
    - (ii) other permissible non-pastoral purposes; and
  - (c) to ensure Aboriginal people may continue to engage in traditional activities on pastoral land; and
  - (d) to allow reasonable access to pastoral land by members of the public; and
  - (e) to ensure, as far as practicable, healthy landscapes are promoted and maintained on pastoral land.
- (2) To achieve the objects of this Act, this Act provides for:
- (a) the granting of pastoral leases and other related matters (see Part 4); and
  - (b) the monitoring of the use of pastoral land to detect and assess its landscape health and any other changes of its conditions (see Part 5); and
  - (c) the access to pastoral land by members of the public for recreational purposes (see Part 6); and
  - (d) the granting of permits to enable pastoral land to be used for major developments or permissible non-pastoral purposes (see Part 7); and
  - (e) the establishment of Aboriginal community living areas on pastoral land (see Part 8); and
  - (f) matters relating to the administration of this Act (see Parts 3, 9, 10 and 11).

#### **7 Section 6 replaced**

Section 6

*repeal, insert*

**6 General duties of pastoral lessees**

- (1) A lessee must:
  - (a) carry out pastoral activities under the pastoral lease in accordance with this Act; and
  - (b) without limiting paragraph (a) – participate in the monitoring of pastoral land as provided in Part 5; and
  - (c) without limiting paragraphs (a) and (b) and Part 5 – ensure the presence of feral animals on the pastoral land is regularly monitored and kept under reasonable control.
- (2) Each requirement in subsection (1) is a condition of the pastoral lease.

**8 Section 8A inserted**

After section 8

*insert*

**8A Ministerial guidelines**

- (1) The Minister may make guidelines about the following matters:
  - (a) a request by the Minister for, and the giving of, the Board's advice for the purposes of this Act, including, for example, advice about any of the following:
    - (i) the grant of pastoral leases;
    - (ii) the surrender, subdivision and consolidation of pastoral land;
    - (iii) the surrender of a term pastoral lease in exchange for a perpetual pastoral lease;
    - (iv) the variation of the reservations in, or conditions or provisions of the lease;
    - (v) the extension of pastoral leases;
    - (vi) the forfeiture of pastoral leases;
    - (vii) the issue of a permit;
    - (viii) the variation, suspension or revocation of a permit;
  - (b) the making of a decision by the Minister under this Act

---

(including, for example, the making of a decision mentioned in paragraph (a)).

- (2) For subsection (1), the Minister may request the Board to prepare draft guidelines for the Minister's consideration.
- (3) The Minister must, by *Gazette* notice, give notice of the making of guidelines under this section as soon as practicable after making them.
- (4) The *Gazette* notice must specify:
  - (a) the matters in relation to which the guidelines were made; and
  - (b) when the guidelines were made; and
  - (c) how a copy of the guidelines may be obtained or inspected.
- (5) The Minister may give public notice about the guidelines in any way the Minister considers appropriate.

## **9 Sections 9 and 10 replaced**

Sections 9 and 10

*repeal, insert*

## **9 Delegation by Minister**

The Minister may delegate to a public sector employee any of the Minister's powers and functions, other than a power or function under section 34(1)(a), 48(1), 61, 62 or 67.

## **10 Sections 15 and 16 replaced**

Sections 15 and 16

*repeal, insert*

## **16 Chairperson**

- (1) The Minister must appoint a member of the Board to be its Chairperson.
- (2) The Minister must notify the appointment by *Gazette* notice as soon as practicable after making the appointment.

## **11 Sections 19 and 20 replaced**

Sections 19 and 20

*repeal, insert*

## **19 Acting Chairperson**

- (1) The Minister may appoint a person to act as Chairperson:
  - (a) during a vacancy in the office of Chairperson (whether or not an appointment has previously been made to the office); or
  - (b) during a period or all periods when the Chairperson is unable to perform the functions of the office.
- (2) The appointed person must not act continuously for more than 3 months as Chairperson.

## **12 Sections 22 to 28 and Part 3, Division 3 replaced**

Sections 22 to 28 and Part 3, Division 3

*repeal, insert*

## **22 Disclosure of interest**

- (1) A Board member who has a direct or indirect interest in a matter to be considered by the Board must disclose the interest to the Board.
- (2) The disclosure must be recorded in the Board's minutes.
- (3) The member:
  - (a) must not take part in any deliberation or decision of the Board about the matter; and
  - (b) must be disregarded for the purposes of constituting the quorum of the Board for the deliberation or decision.
- (4) The Board may decide subsection (3) does not apply to the matter.
- (5) However, a decision under subsection (4) must be deliberated and voted on in the absence of the member.

## **23 Functions of Board**

The functions of the Board are:

- (a) to advise the Minister about a matter arising from this Act as requested by the Minister; and
- (b) other functions conferred on the Board by this or another Act.

**24 Powers of Board**

The Board has the powers necessary to perform its functions.

**25 Board may gather information**

The Board may, in performing its function in relation to a matter under this Act, inform itself as it considers appropriate about the matter.

**26 Delegation by Board**

- (1) The Board may delegate any of the Board's powers and functions to a member or committee of its members.
- (2) In addition, the Board must comply with any written direction of the Minister in exercising its power of delegation.

**Division 3 Authorised officer****27 Authorised officer**

- (1) The CEO may appoint persons to be authorised officers under this Act.
- (2) The CEO must be satisfied that each person appointed has appropriate qualifications to perform functions and exercise powers under this Act.

**28 Identity cards**

- (1) The CEO must give each authorised officer an identity card stating the person's name and that the person is an authorised officer.
- (2) The identity card must:
  - (a) show a recent photograph of the officer; and
  - (b) show the card's date of issue and expiry; and
  - (c) be signed by the officer.
- (3) This section does not prevent the issue of a single identity card to a person for this and another Act.

*Note for section 28*

*An authorised officer must produce his or her identity card when asked to do so in exercising a power or performing a function in relation to a person under this Act (see section 128D).*

**29 Production of identity card**

An authorised officer exercising a power or performing a function under this Act in relation to a person must, if asked by the person, produce the officer's identity card for the person's inspection.

**30 Return of identity card**

- (1) A person who ceases to be an authorised officer must return the person's identity card to the CEO within 21 days after the cessation.

Maximum penalty: 20 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant establishes a reasonable excuse.

**30A Authorised officer may enter pastoral land**

- (1) An authorised officer may enter pastoral land for:
- (a) monitoring compliance with this Act; or
  - (b) any other purposes relating to the administration of this Act.
- (2) Without limiting subsection (1)(b), the following are purposes relating to the administration of this Act:
- (a) the exercise of a power or performance of a function of the Minister or CEO under this Act;
  - (b) a purpose relating to an application under Part 8.
- (3) An authorised officer must not enter pastoral land under subsection (1) unless:
- (a) the officer has given reasonable notice to the owner, occupier or a person apparently in charge of the land; and
  - (b) for entry to a homestead on the land – the officer has the permission of the lessee of the land to do so.

**30B Authorised officer may use reasonable force and assistance**

An authorised officer may use the force and assistance in exercising a power under this Part that is reasonable in the circumstances.

---

**30C Obstructing authorised officer**

- (1) A person must not obstruct an authorised officer acting in an official capacity.

Fault elements:

The person:

- (a) knows the authorised officer is acting in an official capacity;  
and
- (b) intentionally obstructs the authorised officer.

Maximum penalty: 200 penalty units.

- (2) In this section:

**obstruct**, includes hinder and resist.

**13 Section 31 amended**

After section 31(6)

*insert*

- (7) Despite subsection (1), pastoral land may be used for non-pastoral purposes as provided under a permit that is in force.

**14 Section 35 amended**

Section 35(4)

*omit, insert*

- (4) A person must not engage in conduct that results in a contravention of a notice given to the person under subsection (1).

Fault elements:

The person:

- (a) intentionally engages in the conduct; and
- (b) is reckless as to the result.

Maximum penalty: 430 penalty units.

**15 Section 38 amended**

- (1) Section 38(1)(d)

*omit*

section 88

*insert*

any permit held by the lessee that is in force

(2) Section 38(1)(h)

*omit, insert*

(h) that the lessee will not conduct any clearing of vegetation on pastoral land except as provided by the *Native Vegetation Management Act* and any other law of the Territory relating to land clearing;

(3) Section 38(1)(m)

*omit, insert*

(m) that the lessee will not remove any timber, stone, sand, gravel or soil from the pastoral land except for use solely for pastoral purposes on the land;

(4) Section 38(5)

*omit, insert*

(5) A person commits an offence if:

- (a) a pastoral lease contains a reservation in favour of the Aboriginal inhabitants as mentioned in subsection (1)(n); and
- (b) the person, without just cause, engages in conduct that results in interference with the exercise of the rights under the reservation by anyone entitled to the rights.

Fault elements:

The person:

- (a) intentionally engages in the conduct; and
- (b) is reckless as to the result.

Maximum penalty: 40 penalty units.

**16 Section 39 amended**

(1) Section 39(a), (b), (c) and (d), at the end

*insert*

and

- (2) Section 39(c) and (d)

*omit*

Board

*insert*

Minister

- (3) Section 39(d)

*omit*

the purposes of

- (4) Section 39(f)

*omit*

land.

*insert*

land; and

- (5) After section 39(f)

*insert*

- (g) if an environmental management plan is incorporated as part of a permit that is in force in relation to the land – comply with the requirements specified in the plan.

## **17 Sections 40 and 41 replaced**

Sections 40 and 41

*repeal, insert*

## **40 Contravention of conditions**

- (1) If the Minister considers a lessee has contravened a condition of the lessee's pastoral lease, the Minister may, by written notice given to the lessee, specify:
- (a) the contravention; and

- (b) that the lessee must give explanations for the contravention to the Minister by a reasonable time specified in the notice.
- (2) On or after the specified time mentioned in subsection (1)(b), the Minister must, by written notice given to the lessee:
  - (a) accept or reject the explanations; and
  - (b) if the Minister considers it appropriate to do so – require the lessee to do one or both of the following:
    - (i) stop the contravention;
    - (ii) take specified actions to remedy the contravention by a reasonable time specified in the notice.
- (3) On or after the specified time mentioned in subsection (2)(b)(ii), the Minister may, by written notice given to lessee, notify the lessee of the Minister's intention to forfeit the lease if:
  - (a) it is a term pastoral lease; and
  - (b) the Minister is not satisfied the lessee has taken the specified actions mentioned in subsection (2)(b)(ii) or any other appropriate action to remedy the contravention.
- (4) The notice mentioned in subsection (3) must include a review notice for the decision to forfeit the lease.
- (5) The Minister may, by *Gazette* notice, forfeit the lease:
  - (a) 20 working days after giving the notice mentioned in subsection (3); or
  - (b) if a review of the decision to forfeit the lease is sought – the confirmation of that decision when the review is completed.

## **18 Section 50 amended**

After section 50(2)

*insert*

- (3) Despite the expiration of the former pastoral lease, while the arrangement is in force:
  - (a) this Act has effect as if the pastoral lease continues to be in force; and
  - (b) the person is the pastoral lessee.

---

**19 Section 55 amended**

(1) Section 55(1)

*omit*

and (4)

*insert*

, (3A) and (4)

(2) After section 55(3)

*insert*

(3A) In declaring a percentage of the unimproved value of pastoral land for a District, the Minister must have regard to the particular circumstances of the District, including the rates imposed by an affected local government authority.

**20 Section 57 replaced**

Section 57

*repeal*

**21 Section 61 amended**

Section 61(9)

*omit, insert*

(9) The surrender of the pastoral lease:

(a) must be made within 12 months after the date of the notice;  
and

(b) takes effect from the date of the commencement of the new leases.

**22 Sections 67 and 68 replaced**

Sections 67 and 68

*repeal, insert*

**67 Consent of Minister**

(1) It is a condition of a pastoral lease that, except with the Minister's consent, the lessee must not:

- (a) transfer the lease; or
  - (b) sublet all or part of the pastoral land; or
  - (c) otherwise part with the possession of all or part of the pastoral land.
- (2) An act mentioned in subsection (1)(a), (b) or (c), or an arrangement in relation to such an act, has no effect if it is done without the Minister's consent.
- (3) In this section, a reference to a pastoral lease includes a reference to a sublease of all or part of the pastoral land.

### **68 Minister's consent for section 67**

- (1) A lessee may apply for the Minister's consent for section 67(1).
- (2) The application must be in the approved form.
- (3) Subject to subsections (5) and (6), the Minister must, as soon as practicable after receiving the application, by written notice given to the applicant:
- (a) give the consent; or
  - (b) refuse to give the consent.
- (4) The Minister may seek the Board's advice before deciding the application.
- (5) The Minister must not consent to the transfer of a pastoral lease if there is any outstanding amount payable to the Territory in relation to the lease.
- (6) The Minister must not consent to a subletting of pastoral land to be used for non-pastoral purposes unless they are covered by a non-pastoral use permit that is in force.

### **23 Section 72C amended**

Section 72C(4)

*omit*

Tribunal

*Insert*

Review Tribunal

---

**24** **Parts 5, 6 and 7 replaced**

Parts 5, 6 and 7

*repeal, insert*

**Part 5** **Monitoring and enforcement****73A** **Monitoring use of pastoral land**

- (1) The Minister may, by written notice given to a lessee, require the lessee to give information by a specified time about activities carried on by the lessee on pastoral land of the lessee.
- (2) The lessee must comply with the notice.  
Maximum penalty: 100 penalty units.
- (3) An offence against subsection (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subsection (2) if the defendant establishes a reasonable excuse.
- (5) If the Minister considers the lessee is carrying on activities relating to a non-pastoral purpose on the pastoral land, the Minister may, by written notice given to the lessee, require the lessee, within 30 working days:
  - (a) to apply to the Minister for:
    - (i) the surrender of the pastoral lease to the extent to which it relates to the part of the pastoral land on which the activities are being carried out; and
    - (ii) the exchange of that pastoral lease for a separate title under another Act for that non-pastoral purpose; or
  - (b) if the activities relate to a permissible non-pastoral activity – to apply to the CEO for a non-pastoral use permit; or
  - (c) to cease the activities.
- (6) The lessee commits an offence if the lessee engages in conduct that results in a contravention of the notice mentioned in subsection (5).

Fault element: The lessee intentionally engages in the conduct.

Maximum penalty: 200 penalty units.

**73 Control of feral animals**

- (1) The Minister may:
  - (a) by *Gazette* notice, declare a feral animal for any of the following (the **specified place**):
    - (i) a specified District;
    - (ii) a specified part of a specified District;
    - (iii) specified pastoral land; and
  - (b) by written notice, direct each lessee whose pastoral land is located in the specified place to control the animal by reasonable means (including, for example, by culling or fencing) specified in the notice.
- (2) A lessee must comply with a notice given to the lessee under subsection (1)(b).

Maximum penalty: 100 penalty units.
- (3) An offence against subsection (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subsection (2) if the defendant establishes a reasonable excuse.

**74 Reference areas**

- (1) The Minister may, by *Gazette* notice, declare a specified area of pastoral land to be a reference area for evaluating the effect of grazing of stock on the land.
- (2) The Minister must not do so unless the Minister:
  - (a) has given notice to the lessee of the pastoral land of the proposed declaration, specifying:
    - (i) details of the proposed declaration; and
    - (ii) the proposed date of the declaration; and
    - (iii) that the lessee may make comments about the proposed declaration to the Minister within 20 working days after the date of the notice; and
  - (b) has considered any comments given by the lessee under paragraph (a)(iii).
- (3) The Minister must ensure a reference area:

- (a) does not exceed 1 sq km in size; and
  - (b) is fenced as specified by the Minister.
- (4) Subject to any contrary provision in an agreement between the Minister and a lessee, the lessee is not obliged to maintain a reference area or its fences.
- (5) A person must not:
- (a) allow stock to enter or remain in a reference area that is fenced; or
  - (b) do anything at or near a reference area that degrades or damages, or is likely to degrade or damage, the area or its fences.

Maximum penalty: 100 penalty units.

- (6) A lessee must, as soon as practicable after becoming aware of any damage to the fence around a reference area, advise the Minister of the damage.

Maximum penalty: 50 penalty units.

- (7) An offence against subsection (5) or (6) is an offence of strict liability.
- (8) It is a defence to a prosecution for an offence against subsection (5) or (6) if the defendant establishes a reasonable excuse.

## **75 Monitoring sites**

- (1) The Minister may establish monitoring sites on pastoral land as the Minister considers appropriate for the purposes of this Act.
- (2) The Minister may do so by marking the sites in a way prescribed by regulation.
- (3) A person must not remove or do anything that defaces or otherwise damages the marking.

Maximum penalty: 50 penalty units.

- (4) An offence against subsection (3) is an offence of strict liability.
- (5) It is a defence to a prosecution for an offence against subsection (3) if the defendant establishes a reasonable excuse.

**76 Remedial plans**

- (1) This section applies if the Minister considers:
  - (a) particular pastoral land has been degraded or otherwise damaged, or is likely to suffer degradation or other damage; and
  - (b) action under this section is necessary in order to:
    - (i) prevent, stop or minimise the degradation or damage; or
    - (ii) rehabilitate the land.
- (2) The Minister may, by written notice given to the lessee of the pastoral land, require the lessee to submit to the Minister, by a reasonable time specified in the notice:
  - (a) a remedial plan in relation to a specified period; or
  - (b) if a remedial plan is already in force for the land – a revised remedial plan.
- (3) A remedial plan (including a revised remedial plan) must be in the approved form and contain specified information about any of the following as required by the Minister:
  - (a) preventing, stopping or minimising the degradation or damage of the pastoral land;
  - (b) rehabilitating any part of the pastoral land that has been degraded or damaged.
- (4) On receiving the plan, the Minister may, by written notice given to the lessee:
  - (a) approve the plan; or
  - (b) refer the plan back to the lessee for changes; or
  - (c) reject the plan and require the lessee to submit another remedial plan; or
  - (d) reject the plan and prepare a remedial plan.
- (5) If the Minister prepares a remedial plan, the cost of doing so is a debt due and payable by the lessee to the Territory.
- (6) If a lessee fails to comply with a notice under subsection (2) or (4)(b) or (c):

- (a) the Minister may prepare a remedial plan for the pastoral land; and
  - (b) the cost of doing so is a debt due and payable by the lessee to the Territory.
- (7) A remedial plan prepared for subsection (4)(d) or (6)(a) is taken to be a remedial plan approved by the Minister for the pastoral land to which it relates.
- (8) An approved remedial plan under subsection (4)(a) or (7) (an **approved remedial plan**) may be varied by the lessee with the Minister's approval.
- (9) A lessee must not engage in conduct that results in a contravention of:
- (a) a notice under subsection (2) or (4); or
  - (b) an approved remedial plan.
- Fault elements:
- The lessee:
- (a) intentionally engages in the conduct; and
  - (b) is reckless as to the result.
- Maximum penalty: 200 penalty units.
- (10) It is a defence to a prosecution for an offence against subsection (9) if the defendant establishes a reasonable excuse.
- (11) A contravention mentioned in subsection (9) constitutes a breach of the conditions of the pastoral lease.

*Note for section 76*

*An instrument for a covenant in gross must be registered for the approved remedial plan under section 123G.*

## **77 Lessee may voluntarily prepare remedial plan**

- (1) A lessee may voluntarily prepare a remedial plan and submit it to the Minister.
- (2) Section 76(3) to (11) applies in relation to the remedial plan as if the plan were prepared as a result of a request mentioned in section 76(2).

**78 Responsibility of lessee for degraded or damaged land**

- (1) Despite any other provisions of this Act:
  - (a) a lessee is responsible for the expenses for rehabilitating degraded or damaged pastoral land only to the extent to which the degradation or damage is attributable to the lessee's conduct; and
  - (b) any failure of the lessee to take action for rehabilitating degraded or damaged pastoral land, to the extent to which the degradation or damage is attributable to conduct of others, is not a breach of a condition of the pastoral lease.
- (2) The Minister may enter into an agreement with a lessee for the payment of the costs of rehabilitating or restoring degraded or damaged pastoral land mentioned in subsection (1).
- (3) In this section:

**conduct** includes an omission.

**Part 6 Access to pastoral land by members of public****79 Object of Part**

- (1) The object of this Part is to ensure:
  - (a) members of the public may access parts of pastoral land for recreational purposes; and
  - (b) the access will not interfere with the normal use of the land under a pastoral lease or permit.
- (2) The object of this Part is to be achieved through the following:
  - (a) providing for the Minister to enter into an agreement with a lessee about public access to parts of the pastoral land for recreational purposes (see section 82);
  - (b) the power of the Minister to declare specified areas of pastoral land to be accessible by the public for recreational purposes (see section 83).
- (3) In addition, the object of this Part may also be achieved through the CEO's granting of non-pastoral use permits under Part 7.

*Example for subsection (3)*

*A non-pastoral use permit that allows the use of pastoral land for a tourism*

*operation.*

### **80 Meaning of *recreational purposes***

- (1) In this Part, ***recreational purposes*** include fishing (otherwise than for commercial purposes), hiking and any other recreational use of land.
- (2) A regulation may prescribe activities carried on in specified circumstances:
  - (a) are recreational purposes; or
  - (b) are not recreational purposes.

### **81 Meaning of *accessible areas***

In this Part, an ***accessible area*** comprises:

- (a) any of the following:
  - (i) an area of naturally occurring perennial water and its immediate vicinity;
  - (ii) a heritage place as defined in section 4(1) of the *Heritage Conservation Act*;
  - (iii) an area of significant geological interest;
  - (iv) any other area prescribed by regulation; and
- (b) a reasonable access route to the area mentioned in paragraph (a).

### **82 Minister may enter into agreement for access**

- (1) The Minister may enter into an agreement with one or more lessees about access by members of the public (***visitors***) to specified accessible areas (***agreed areas***) for recreational purposes for a specified period.
- (2) The agreement must specify one or more of the following:
  - (a) visitors may access agreed areas only during specified times;
  - (b) the duration of a visitor's stay in an agreed area must not exceed a specified period of time;
  - (c) a visitor's stay in an agreed area is subject to specified conditions (including, for example, conditions about the use of roads or a route used for the passage of travelling stock);

- (d) conditions of the agreement under which the lessee may refuse access by a visitor to an agreed area in specified circumstances (including, for example, while the area is being used for conservation purposes).
- (3) The Minister must not enter into the agreement unless the Minister:
- (a) has, at least 30 working days before doing so, given notice of the Minister's intention to enter into the agreement in a newspaper circulating in the District in which the pastoral land is located, specifying:
    - (i) details of the proposed agreement; and
    - (ii) that anyone may give comments about the proposed agreement to the Minister by a reasonable time specified in the notice; and
  - (b) has taken into account any comments given to the Minister under paragraph (a)(ii).
- (4) The Minister must, as soon as practicable after entering the agreement, give public notice of the agreement in a newspaper circulating in the District in which the pastoral land is located.
- (5) A person must not enter or remain on pastoral land in contravention of the agreement unless the person is otherwise authorised to do so by the lessee or under another provision of this Act.
- Maximum penalty: 20 penalty units.
- (6) A lessee of pastoral land that includes an agreed area must not:
- (a) obstruct access to the area in contravention of the agreement; or
  - (b) do anything else that results in a contravention of the agreement.
- Maximum penalty: 100 penalty units.
- (7) An offence against subsection (5) or (6) is an offence of strict liability.
- (8) It is a defence to a prosecution for an offence against subsection (5) or (6) if the defendant establishes a reasonable excuse.

**83 Minister may declare areas for access**

- (1) The Minister may, by *Gazette* notice, declare that members of the public (**visitors**) may access specified accessible areas (**declared areas**) for recreational purposes for a specified period.
- (2) The declaration must specify one or more of the following:
  - (a) visitors may access declared areas only during specified times;
  - (b) the duration of a visitor's stay in a declared area must not exceed a specified period of time;
  - (c) a visitor's stay in a declared area is subject to specified conditions (including, for example, conditions about the use of roads or a route used for the passage of travelling stock);
  - (d) conditions of the agreement under which the lessee may refuse access by a visitor to a declared area in specified circumstances (including, for example, while the area is being used for conservation purposes).
- (3) The Minister must not make the declaration unless the Minister:
  - (a) has, at least 30 working days before doing so, given notice of the Minister's intention to make the declaration in a newspaper circulating in the District in which the pastoral land is located, specifying:
    - (i) details of the proposed declaration; and
    - (ii) that anyone may give comments about the proposed declaration to the Minister by a reasonable time specified in the notice; and
  - (b) has taken into account any comments given to the Minister under paragraph (a)(ii).
- (4) A person must not enter or remain on pastoral land in contravention of the declaration unless the person is otherwise authorised to do so by the lessee or under another provision of this Act.

Maximum penalty: 20 penalty units

- (5) A lessee of pastoral land that includes a declared area must not:
  - (a) obstruct access to the area in contravention of the declaration;or

(b) otherwise contravene the declaration.

Maximum penalty: 100 penalty units.

- (6) An offence against subsection (4) or (5) is an offence of strict liability.
- (7) It is a defence to a prosecution for an offence against subsection (4) or (5) if the defendant establishes a reasonable excuse.

#### **84 Infrastructure and public amenities on pastoral land**

- (1) The Minister may establish and maintain infrastructure and public amenities for an agreed area or declared area.
- (2) If the Minister is satisfied doing so will be a future act in relation to an area of land, the Minister must not do so unless the Minister is satisfied all procedures under the *Native Title Act 1993* (Cth) relevant to the future act have been followed.
- (3) Except as otherwise provided by an agreement between the Minister and a lessee, the Territory is responsible for the costs of establishing and maintaining the infrastructure and public amenities mentioned in subsection (1).

- (4) In this section:

**future act**, see section 233 of the *Native Title Act 1993* (Cth).

**infrastructure** includes roads, boat ramps, camping areas, fencing and any other building or structure to facilitate the access to, and use of, an agreed area or declared area.

**public amenities** includes public toilets, rubbish collecting facilities and any other amenities for visitors to an agreed area or declared area.

#### **85 Limit of lessee's liability**

- (1) A lessee is not civilly liable to a person for any personal injury or damage to property occurring on pastoral land because of this Part to the extent to which the injury or damage is not caused intentionally or negligently by the lessee.
- (2) Subsection (1) has effect subject to any agreement between the Minister and the lessee.

## **Part 7                    Permits for major developments or non-pastoral purposes for pastoral land**

### **Division 1            Preliminary matters**

#### **86            Object of Part**

The object of this Part is to create a permit scheme for pastoral land that will:

- (a) ensure pastoral land will be used primarily for pastoral purposes; and
- (b) further the objects of this Act.

#### **87            Meaning of *major development***

A ***major development*** is work carried out on pastoral land for pastoral purposes that:

- (a) is intended to increase the productive capacity or potential productive capacity of the land; and
- (b) could significantly affect any of the following on or away from the land:
  - (i) landscape health;
  - (ii) other matters prescribed by regulation.

#### **88            Meaning of *permissible non-pastoral purpose***

An activity conducted on pastoral land is for a ***permissible non-pastoral purpose*** if the activity is conducted:

- (a) for any of the following purposes:
  - (i) the establishment and maintenance of a conservation management area;
  - (ii) the establishment and carrying on of an operation for tourism, forestry, agriculture or horticulture;
  - (iii) any other purpose prescribed by regulation; and
- (b) in a way that:
  - (i) complies with any requirements prescribed by regulation; and

- (ii) if paragraph (a)(i) does not apply – does not adversely affect the predominant use of the pastoral land for pastoral purpose.

## **89 Meaning of *conservation management area***

- (1) A ***conservation management area*** is an area consisting of all or part of pastoral land that is:
  - (a) reserved solely for promoting and maintaining landscape health; and
  - (b) covered by a non-pastoral use permit that is in force.
- (2) The area does not need to be used for pastoral purposes while the permit is in force.

## **90 Offences**

- (1) A lessee must not carry out a major development on pastoral land unless the development is authorised by a major development permit that is in force.

Fault element: The lessee intentionally carries out the major development.

Maximum penalty: 1 000 penalty units.

- (2) A lessee must not use pastoral land for a non-pastoral purpose unless that use is authorised by a non-pastoral use permit that is in force.

Fault element: The lessee intentionally uses the pastoral land for a non-pastoral purpose.

Maximum penalty: 1 000 penalty units.

- (3) A lessee must not engage in conduct that results in a contravention of a permit that is in force.

Fault elements:

The lessee:

- (a) intentionally engages in the conduct; and
- (b) is reckless as to the result.

Maximum penalty: 1 000 penalty units.

## **Division 2      Procedures for issuing permit**

### **91      Application for permit**

- (1) A lessee may apply to the CEO for one or more of the following permits in relation to the lessee's pastoral land:
  - (a) a permit (a **major development permit**) to carry out a specified major development on the pastoral land;
  - (b) a permit (a **non-pastoral use permit**) to use the pastoral land for specified permissible non-pastoral purposes.
- (2) The application must:
  - (a) be in the approved form; and
  - (b) for an application for a major development permit – be accompanied by an environmental management plan unless the applicant is exempt by the CEO to do so; and
  - (c) for an application for a non-pastoral use permit – be accompanied by an environmental management plan if the CEO has required the applicant to do so.
- (3) The CEO may exercise the power under subsection (2)(b) or (c) only after the CEO has considered the likely environmental impact of the proposed permit.
- (4) An **environmental management plan** is a document containing information about the following:
  - (a) any proposals relating to an application for a permit about clearing, water extraction or water usage on pastoral land under a law in force in the Territory;
  - (b) a strategic plan to ensure healthy landscape is maintained on pastoral land;
  - (c) any other information prescribed by regulation.

### **91A      Acceptance of application**

- (1) Within 15 working days after receipt of an application for a permit, the Minister must, by written notice given to the applicant, accept for consideration, or reject, the application.
- (2) The CEO must reject the application if the application does not comply with the requirements of this Act in relation to the making of the application.

**91B Notification of application**

- (1) Within 15 working days after an application for a permit is accepted for consideration under section 91A, the CEO must:
  - (a) give notice about the application in a newspaper circulating in the District in which the pastoral land is located; and
  - (b) give notice about the application to each affected local government authority about the application.
- (2) Each of the notices must specify:
  - (a) details of the application; and
  - (b) that a person may give comments to the CEO about the application within a specified period not less than 20 working days after the date (the **notification date**) on which the notice mentioned in subsection (1)(a) is given; and
  - (c) any other information prescribed by regulation.
- (3) A person or affected local government authority may give comments about the application within the specified period.
- (4) The applicant must pay the reasonable costs for giving the notices.

**91C Consideration of application**

- (1) The CEO may:
  - (a) seek the Board's advice about the application; and
  - (b) otherwise inform himself or herself about the application in any way the CEO considers appropriate.
- (2) In considering the application, the CEO must have regard to:
  - (a) the conduct of the applicant in relation to the pastoral land (including the extent to which the applicant has complied with this Act); and
  - (b) the likely impact on the environment if the permit were granted; and
  - (c) any advice given by the Board in response to a request by the CEO; and
  - (d) the object of this Part; and
  - (e) any other matter prescribed by regulation.

- (3) Without limiting subsection (1), the CEO may require the applicant or someone who has made comments about the application to give further information to the CEO in relation to the application or comments (as appropriate).
- (4) An individual may give information on behalf of a corporation for subsection (3).

#### **91D Decision of CEO**

- (1) The CEO must, by written notice given to the applicant, decide the application within 6 months after the notification date by:
  - (a) granting the permit as specified in the application; or
  - (b) granting a permit with specified changes to the application made by the CEO (including any changes to the environmental management plan to which the application relates); or
  - (c) refusing the application.
- (2) If the CEO is satisfied granting the permit will be a future act in relation to an area of land, the CEO must not do so unless the CEO is satisfied all procedures under the *Native Title Act 1993* (Cth) relevant to the future act have been followed.
- (3) The notice mentioned in subsection (1) must:
  - (a) if subsection (1)(a) or (b) applies – be accompanied by the permit; and
  - (b) if subsection (1)(b) or (c) applies – include a review notice for the decision.
- (4) The permit must specify the following:
  - (a) the pastoral land to which it relates;
  - (b) whether it is a major development permit or non-pastoral use permit and the related development or permissible non-pastoral purposes as mentioned in section 91(1)(a) or (b);
  - (c) any conditions of the permit;
  - (d) any other information prescribed by regulation.
- (5) On granting the permit:
  - (a) any environmental management plan (the ***related environmental management plan***) to which the application

---

relates (including any changes made to it by the CEO) is taken to be part of the permit; and

(b) any requirements in the plan are taken to be conditions of the permit.

(6) In this section:

**future act**, see section 233 of the *Native Title Act 1993* (Cth).

### **Division 3      Operation of permit**

#### **91E      When permit is in force**

(1) A permit has effect for the term specified in the permit (including the permit as varied under this Part) unless it is revoked or surrendered at an earlier time.

(2) To avoid doubt, a permit has no effect while it is suspended.

(3) A regulation may provide for matters arising from this section, including, for example, the term that may be specified for a permit.

*Note for section 91E*

*An instrument for a covenant in gross must be registered for the permit under section 123G.*

#### **91F      Extension of term of permit**

(1) A lessee may apply to the CEO for the extension of the term of a permit granted for the pastoral land for a specified period.

(2) The application must be made in the approved form before the permit ceases to be in force.

(3) The CEO may:

(a) seek the Board's advice about the application; and

(b) otherwise inform himself or herself about the application in any way the CEO considers appropriate.

(4) In considering the application, the CEO must have regard to:

(a) the conduct of the applicant in relation to the operation of the permit (including the extent to which the applicant has complied with the conditions of the permit); and

(b) the likely impact on the environment if the permit were extended; and

- (c) any advice given by the Board in response to a request by the CEO; and
  - (d) the object of this Part; and
  - (e) any other matter prescribed by regulation.
- (5) The CEO must, by written notice to the applicant, decide the application by:
- (a) extending the permit for the specified period; or
  - (b) extending the permit for a shorter period as decided by the CEO; or
  - (c) refusing the application.
- (6) If subsection (5)(b) or (c) applies, the CEO must include in the notice a review notice for the decision.
- (7) If the CEO has not decided the application before the permit ceases to be in force, the CEO is taken to have refused the application.
- (8) A permit cannot be extended more than once.

**91G Variation of permit – by CEO**

- (1) The CEO may, by written notice given to a lessee in relation to whose pastoral land a permit is in force, vary the permit if the CEO considers the variation is necessary, having regard to:
- (a) the conduct of the applicant in relation to the operation of the permit (including the extent to which the applicant has complied with the conditions of the permit); and
  - (b) the likely impact on the environment if the variation were made; and
  - (c) any advice given by the Board in response to a request by the CEO; and
  - (d) the object of this Part; and
  - (e) any other matter prescribed by regulation.
- (2) The notice must specify:
- (a) the variation; and
  - (b) include a review notice for the decision to vary the permit.

- (3) A permit may be varied more than once under this section.
- (4) In this section:
  - variation**, of a permit:
    - (a) includes a variation of the related environmental management plan and any conditions of the permit; but
    - (b) does not include an extension of the term of the permit.

#### **91H Variation of permit – by application of lessee**

- (1) A lessee in relation to whose pastoral land a permit is in force may apply to the CEO for a specified variation of the permit.
- (2) The application must be made in the approved form before the permit ceases to be in force.
- (3) The CEO may:
  - (a) seek the Board's advice about the application; and
  - (b) otherwise inform himself or herself about the application in any way the CEO considers appropriate.
- (4) In considering the application, the CEO must have regard to:
  - (a) the conduct of the applicant in relation to the operation of the permit (including the extent to which the applicant has complied with the conditions of the permit); and
  - (b) the likely impact on the environment if the variation were made; and
  - (c) any advice given by the Board in response to a request by the CEO; and
  - (d) the object of this Part; and
  - (e) any other matter prescribed by regulation.
- (5) The CEO must, by written notice to the applicant, decide the application by:
  - (a) varying the permit as specified in the application; or
  - (b) varying the permit as specified in the application, but with specified changes made by the CEO; or
  - (c) refusing the application.

- (6) If subsection (5)(b) or (c) applies, the CEO must include in the notice a review notice for the decision.
- (7) If the CEO has not decided the application before the permit ceases to be in force, the CEO is taken to have refused the application.
- (8) A permit may be varied more than once under this section.
- (9) In this section:
  - variation**, of a permit:
    - (a) includes a variation of the related environmental management plan and any conditions of the permit; but
    - (b) does not include an extension of the term of the permit.

#### **91J Suspension and revocation of permit – by CEO**

- (1) The CEO may, by written notice to a lessee in relation to whose pastoral land a permit is in force, suspend the permit if the CEO thinks the suspension is necessary, having regard to:
  - (a) the conduct of the applicant in relation to the operation of the permit (including the extent to which the applicant has complied with the conditions of the permit); and
  - (b) any special circumstances giving rise to the need for the suspension (including, for example, an emergency); and
  - (c) the likely impact on the environment if the permit were suspended; and
  - (d) any advice given by the Board in response to a request by the CEO; and
  - (e) the object of this Part; and
  - (f) any other matter prescribed by regulation.
- (2) The notice must specify:
  - (a) the period of the suspension (the **suspension period**); and
  - (b) if the suspension has arisen because the CEO considers the lessee has contravened this Act in relation to the permit or pastoral lease:
    - (i) details of the contravention; and
    - (ii) if the contravention may be remedied – that the lessee

must take specified actions to remedy the contravention by a reasonable period as specified in the notice; and

- (iii) if the CEO considers the permit should be revoked – that the lessee must, by a reasonable time specified in the notice, give reasons to the CEO why the permit should not be revoked; and
- (c) include a review notice for the decision to suspend the permit.
- (3) Before the end of the suspension period, the CEO may, by written notice given to the lessee:
  - (a) revoke the permit if the CEO considers the permit should be revoked, having regard to:
    - (i) whether or not the lessee has taken the specified actions mentioned in subsection (2)(b)(ii) or any other appropriate action to remedy the contravention mentioned in the subsection; and
    - (ii) any reasons given by the lessee under subsection (2)(b)(iii); and
    - (iii) the likely impact on the environment if the permit were revoked; and
    - (iv) any advice given by the Board in response to a request by the CEO; and
    - (v) any other matter prescribed by regulation; or
  - (b) reinstate the permit.
- (4) If the CEO revokes the permit, the notice must include a review notice for the decision.
- (5) A permit may be suspended more than once under this section.

#### **91K Suspension or revocation of permit – by application of lessee**

- (1) A lessee in relation to whose pastoral land a permit is in force may apply to the CEO for:
  - (a) the suspension of the permit for a specified period; or
  - (b) the revocation of the permit.

- (2) The application must be made in the approved form.
- (3) The CEO may:
  - (a) seek the Board's advice about the application; and
  - (b) otherwise inform himself or herself about the application in any way the CEO considers appropriate.
- (4) In considering the application, the CEO must have regard to:
  - (a) the conduct of the applicant in relation to the operation of the permit (including the extent to which the applicant has complied with the conditions of the permit); and
  - (b) any special circumstances giving rise to the need for the suspension or revocation (including, for example, an emergency); and
  - (c) the likely impact on the environment if the decision to suspend or revoke the permit were made; and
  - (d) any advice given by the Board in response to a request by the CEO; and
  - (e) the object of this Part; and
  - (f) any other matter prescribed by regulation.
- (5) The CEO must, by written notice given to the applicant, decide the application by:
  - (a) approving the application by suspending or revoking the permit; or
  - (b) refusing the application.
- (6) If subsection (5)(b) applies, the CEO must include in the notice a review notice for the decision.
- (7) A permit may be suspended more than once under this section.

## **Division 4      Enforcement provisions for permits**

### **91L      Compliance direction**

- (1) The CEO may give a notice (a ***compliance direction***) to a person if the CEO reasonably believes:
  - (a) the person is the occupier of a place where:

- (i) an activity that contravenes, or is likely to contravene, this Part is being carried out; or
  - (ii) an activity has been carried out that contravened this Part and it is likely the contravention will be repeated; or
- (b) the person:
  - (i) is carrying out an activity that contravenes, or is likely to contravene, this Part; or
  - (ii) has carried out an activity that contravened this Part and it is likely the person will repeat the contravention.
- (2) The compliance direction must:
  - (a) specify the reasons the CEO has given the direction; and
  - (b) specify that the person must rectify the circumstances that gave rise to the direction; and
  - (c) specify any action the person is required to take to rectify the circumstances; and
  - (d) specify the period within which the person must comply with the direction; and
  - (e) include a review notice for the decision to give the direction.

### **91M Stop work direction**

- (1) The CEO may give to a person a notice (the ***stop work direction***) directing the person to stop any work purportedly carried out under a permit if the CEO is satisfied the person has contravened, contravenes or will contravene a condition of a permit in carrying out the work.
- (2) The stop work direction must:
  - (a) specify that the person must cease specified work; and
  - (b) include a review notice for the decision to give the direction.

### **91N Offences about directions**

- (1) A person commits an offence if:
  - (a) a compliance direction or stop work direction is given to the person; and
  - (b) the person engages in conduct that results in a contravention

of the direction.

Fault elements:

The person:

- (a) intentionally engages in the conduct; and
- (b) is reckless as to the result.

Maximum penalty: 400 penalty units.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant establishes a reasonable excuse.

## Division 5 Other matters relating to permits

### 91P Minister may impose fees and charges

- (1) The Minister may, by *Gazette* notice, impose fees and charges payable by a lessee for a permit in force in relation to pastoral land.
- (2) Without limiting subsection (1), a fee or charge may relate to any of the following:
  - (a) the recovery of costs for administering this Act;
  - (b) a valuation made by the Valuer-General under the *Valuation of Land Act* of the improved capital value of the pastoral land.

### 25 Section 92 amended

- (1) Section 92(1), definitions **Chairman** and **Deputy Chairman**  
*omit*

- (2) Section 92(1)  
*insert (in alphabetical order)*

**Chairperson** means the Chairperson of the Tribunal.

**Deputy Chairperson** means the Deputy Chairperson of the Tribunal.

### 26 Part 9 replaced

Part 9

*repeal, insert*

## **Part 9                    Reviews of decisions**

### **115            Meaning of *reviewable decision* and *affected person***

- (1) A ***reviewable decision*** is a decision specified in Schedule 2.
- (2) An ***affected person***, for a reviewable decision, is a person specified in Schedule 2 for the decision.

### **116            Meaning of *review notice***

- (1) A ***review notice*** for a reviewable decision is a written notice specifying the following:
  - (a) the decision;
  - (b) the reasons for the decision;
  - (c) the following details:
    - (i) an affected person may apply to the Review Tribunal for a review of the merits of the decision;
    - (ii) the period allowed for applying for the review;
    - (iii) how to apply for the review.
- (2) The validity of a reviewable decision is not affected by a failure:
  - (a) to give a review notice to an affected person for the decision;  
or
  - (b) to comply with this section.

### **117            Application for review – Review Tribunal**

- (1) An affected person for a reviewable decision may apply to the Review Tribunal for a review of the merits of the decision.
- (2) The application must be made within 20 working days after:
  - (a) for an affected person who is given a review notice for the decision – the day the person receives the notice; or
  - (b) for an affected person who is entitled to be given, but is not given, a review notice for the decision – the day the person becomes aware of the decision; or

- 
- (c) for any other affected person – the day the person becomes aware of the decision.

*Note for section 117*

*The Lands, Planning and Mining Tribunal Act provides for the hearing of proceedings for reviews of reviewable decisions.*

## **27 Section 121 replaced**

Section 121

*repeal, insert*

### **121 Objections**

- (1) This section applies if the Minister gives a person a notice (the **determination notice**) for an amount of compensation payable to, or fees payable by, the person that is wholly or partly based on a determination of the value of improvements made to pastoral land.
- (2) The person may object to the determination by writing (the **objection**) given to the Minister within the following period after receiving the determination notice:
- (a) for an amount of compensation – 6 months;
  - (b) otherwise – 30 working days.
- (3) The Minister may extend the period as the Minister considers appropriate.
- (4) The Minister must:
- (a) consider the objection within 6 months after receiving it; and
  - (b) by written notice to the person:
    - (i) disallow the objection; or
    - (ii) allow the objection wholly or partly.

## **28 Sections 123A to 123G inserted**

Before section 123, in Part 11

*insert*

## **Division 1      Criminal liability for offences**

### **123A      Definitions**

In this Division:

***declared provision*** means any of the following provisions:

- (a) sections 73A(2) or (6), 90(1), (2) or (3) and 91N(1);
- (b) a provision prescribed by regulation.

***representative***, of a person, means an employee or agent of the person.

### **123B      Liability of representative**

- (1) It is not a defence to a prosecution for an offence against a provision of this Act that the defendant was, at the time of the commission of the offence, another person's representative.
- (2) However, it is a defence if the defendant proves the defendant was, at the time of the commission of the offence:
  - (a) another person's representative; and
  - (b) acting as the other person's representative under the direct or indirect supervision of the other person.

### **123C      Conduct of representative**

- (1) This section applies to a prosecution for an offence against a provision of this Act.

*Note for subsection (1)*

*This section deals with prosecutions of individuals. Part IIAA, Division 5, of the Criminal Code contains provisions about corporate criminal responsibility.*

- (2) Conduct engaged in by a representative of a person within the scope of the representative's actual or apparent authority is taken to have been also engaged in by the person.
- (3) However, subsection (2) does not apply if the person proves the person took reasonable steps to prevent the conduct.
- (4) In deciding whether the person took reasonable steps to prevent the conduct, a court must consider:
  - (a) any action the person took to ensure the representative had a reasonable knowledge and understanding of the requirement to comply with the contravened provision; and

- (b) the level of management, control or supervision that was appropriate for the person to exercise over the representative.
- (5) Subsection (4) does not limit the matters the court may consider.
  - (6) If it is relevant to prove a person had a fault element in relation to a physical element of an offence, it is enough to show:
    - (a) the conduct relevant to the physical element was engaged in by a representative of the person within the scope of the representative's actual or apparent authority; and
    - (b) the representative had the fault element in relation to the physical element.
  - (7) A person may rely on section 43AX of the Criminal Code in relation to conduct by a representative that would be an offence by the person only if:
    - (a) the representative was under a mistaken but reasonable belief about the facts that, had they existed, would have meant that the conduct would not have constituted an offence; and
    - (b) the person proves the person exercised due diligence to prevent the conduct.

*Note for subsection (7)*

*Section 43AX of the Criminal Code provides a person is not criminally responsible if the person engaged in conduct under a mistake of fact in relation to an offence of strict liability.*

- (8) A person (the **defendant**) may not rely on section 43BA of the Criminal Code in relation to a physical element of an offence brought about by another person if the other person is a representative of the defendant.

*Note for subsection (8)*

*Section 43BA of the Criminal Code provides a person is not criminally responsible in circumstances of an intervening conduct or event.*

- (9) A person who is convicted of an offence cannot be punished by imprisonment for the offence if the person would not have been convicted of the offence without subsection (2) or (6).
- (10) In this section:

**fault element** includes intention, knowledge, recklessness, opinion, belief and purpose, but does not include negligence.

**person** means an individual.

---

**123D Criminal liability of partner in partnership**

- (1) A partner in a partnership commits an offence if:
- (a) another partner in the partnership (the **offender**) commits an offence in the course of the activities of the partnership by contravening a declared provision (a **relevant offence**); and
  - (b) the partner was in a position to influence the conduct of the offender in relation to the contravention; and
  - (c) the partner failed to take reasonable steps to prevent the contravention.

Fault element: The partner was reckless about whether the contravention would happen.

Maximum penalty: The maximum penalty that may be imposed on an individual for the relevant offence.

- (2) This section does not affect the liability of the offender.
- (3) This section applies whether or not the offender is prosecuted for, or convicted of, the relevant offence, but does not apply if the offender would have a defence to a prosecution for the relevant offence.
- (4) In this section:

**partner**, of a partnership, includes a person who is concerned with, or takes part in, the management of the partnership.

**partnership** does not include an incorporated limited partnership formed under the *Partnership Act*.

**123E Criminal liability of manager of unincorporated association**

- (1) A manager of an unincorporated association commits an offence if:
- (a) another manager of the association (the **offender**) commits an offence in the course of the activities of the association by contravening a declared provision (a **relevant offence**); and
  - (b) the manager was in a position to influence the conduct of the offender in relation to the contravention; and
  - (c) the manager failed to take reasonable steps to prevent the contravention.

Fault element: The manager was reckless about whether the contravention would happen.

Maximum penalty: The maximum penalty that may be imposed on an individual for the relevant offence.

- (2) This section does not affect the liability of the offender.
- (3) This section applies whether or not the offender is prosecuted for, or convicted of, the relevant offence, but does not apply if the offender would have a defence to a prosecution for the relevant offence.
- (4) In this section:

**manager**, of an unincorporated association, means a person who is concerned with, or takes part in, the management of the association.

### **123F Criminal liability of executive officer of body corporate**

- (1) An executive officer of a body corporate commits an offence if:
  - (a) the body corporate commits an offence (a **relevant offence**) by contravening a declared provision; and
  - (b) the officer was in a position to influence the conduct of the body corporate in relation to the contravention; and
  - (c) the officer failed to take reasonable steps to prevent the contravention; and
  - (d) the officer was reckless about whether the contravention would happen.

Maximum penalty: The maximum penalty that may be imposed on an individual for the relevant offence.

- (2) In deciding whether the executive officer took (or failed to take) reasonable steps to prevent the contravention, a court must consider the following:
  - (a) any action the officer took directed towards ensuring the following (to the extent the action is relevant to the contravention):
    - (i) the body corporate arranged regular professional assessments of the body corporate's compliance with the declared provision;
    - (ii) the body corporate implemented any appropriate recommendation arising from an assessment under subparagraph (i);

- (iii) the body corporate's representatives and contractors had a reasonable knowledge and understanding of the requirement to comply with the declared provision;
- (b) any action the officer took when the officer became aware that the contravention was, or could be, about to happen.
- (3) Subsection (2) does not limit the matters the court may consider.
- (4) This section does not affect the liability of the body corporate.
- (5) This section applies whether or not the body corporate is prosecuted for, or convicted of, the relevant offence.
- (6) This section does not apply if the body corporate would have a defence to a prosecution for the relevant offence.
- (7) In this section:

**executive officer**, of a body corporate, means a director or other person who is concerned with, or takes part in, the management of the body corporate.

## **Division 2      Other matters**

### **123G      Registration requirements**

- (1) This section applies if any of the following (the **relevant document**) is in force:
  - (a) an approved remedial plan;
  - (b) a permit.
- (2) The Minister must ensure an instrument of covenant in gross for the relevant document (which is annexed with the document and any related environmental management plan) is lodged with the Registrar-General for registration.
- (3) The instrument is an instrument for the *Law of Property Act* that provides for the obligations and rights under the permit to have effect in relation to the land covered by the permit.
- (4) The Registrar-General must register the instrument.
- (5) The obligations and right under the permit has effect as a covenant in gross on the registration of the instrument.
- (6) In this section:

**covenant in gross** means a covenant in gross mentioned in section 168 of the *Law of Property Act*.

**Registrar-General** means the Registrar-General for the Northern Territory and includes a Deputy Registrar-General appointed under the *Registration Act*.

### **123H Penalty interest**

- (1) If an amount of rent, or a fee or charge, that is payable under this Act in relation to a pastoral lease or permit is not paid within the time it is due under this Act, interest is accrued on the amount at the following rate from the end of that time until it is paid:
  - (a) the statutory interest rate specified in section 35 of the *Taxation Administration Act*;
  - (b) if another rate is prescribed by regulation – that rate.
- (2) Except as provided by subsection (3), the amount of interest accrued is taken to be part of the rent, fee or charge for this Act.
- (3) The Minister may remit all or part of an amount of interest accrued under this section.

### **123J Misleading information**

- (1) A person must not give misleading information to an authorised officer acting in an official capacity.

Fault elements:

The person:

- (a) intentionally gives the information to the officer; and
- (b) knows the information is misleading; and
- (c) knows the officer is acting in an official capacity.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

- (2) A person must not give a document containing misleading information to an authorised officer acting in an official capacity.

Fault elements:

The person:

- (a) intentionally gives the document to the officer; and

- (b) knows the document contains misleading information; and
- (c) knows the officer is acting in an official capacity.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

- (3) Subsection (2) does not apply if the person, when giving the document:
  - (a) draws the misleading aspect of the document to the authorised officer's attention; and
  - (b) to the extent to which the person can reasonably do so – gives the authorised officer the information necessary to remedy the misleading aspect of the document.

- (4) In this section:

***misleading information*** means information that is misleading in a material particular or because of the omission of a material particular.

### **123K Continuing offence**

- (1) This section applies if a court has found a person guilty of an offence against section 35(4), 73(2), 74(5) or (6), 76(9), 82(5) or (6), 83(4) or (5) or 90(1), (2) or (3).
- (2) The court may, in addition to any penalty imposed for the offence, impose a penalty not exceeding 10 penalty units for each day during which the offence continues after the day the offence is committed.

## **29 Sections 127 and 128 replaced**

Sections 127 and 128

*repeal, insert*

### **127 Confidentiality of information**

- (1) A person commits an offence if:
  - (a) the person obtains information in the course of exercising a power or performing a function under this Act; and
  - (b) engages in conduct that results in the disclosure of the information to someone else.

Fault elements:

The person:

- (a) intentionally engages in the conduct; and
- (b) is reckless as to the result.

Maximum penalty: 40 penalty units or imprisonment for 6 months.

- (2) Subsection (1) does not apply to a person disclosing information:
  - (a) under this or another Act; or
  - (b) with the consent of the person to whom the information relates; or
  - (c) for legal proceedings arising out of the operation of this Act.

## **128 Protection from liability**

- (1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function as any of the following:
  - (a) the Chairperson or another member of the Board;
  - (b) an authorised officer.
- (2) Subsection (1) does not affect any liability the Territory would, apart from that subsection, have for the act or omission.
- (3) In this section:

**exercise**, of a power, includes the purported exercise of the power.

**performance**, of a function, includes the purported performance of the function.

## **128A Acquisition on just terms**

If the operation of this Act would, apart from this section, result in an acquisition of property from a person otherwise than on just terms:

- (a) the person is entitled to receive from the Territory the compensation necessary to ensure the acquisition is on just terms; and
- (b) a court of competent jurisdiction may decide the amount of compensation or make the orders it considers necessary to ensure the acquisition is on just terms.

**128B Approved form**

- (1) The CEO may approve forms for this Act.
- (2) The CEO must publicise the approved form in a way decided by the CEO (for example, on the Internet).

**128C Regulations**

- (1) The Administrator may make regulations under this Act.
- (2) A regulation may provide for the following:
  - (a) applications for the right to the grant of a pastoral lease;
  - (b) publication of the results of invitations for such applications;
  - (c) records to be kept by lessees of pastoral land;
  - (d) a penalty not exceeding 200 penalty units for an offence against a regulation;
  - (e) an offence against a regulation to be an offence of strict or absolute liability but not with a penalty exceeding 100 penalty units;
  - (f) criteria and procedures for assessing the condition of land for this Act;
  - (g) regulating persons and activities on pastoral land;
  - (h) prescribing standard provisions for pastoral leases and other instruments for this Act.

**30 Part 12 heading replaced**

Part 12, heading

*omit, insert*

**Part 12 Transitional matters for Pastoral Land Act 1992****31 Part 13 inserted**

After section 135

*insert*

## **Part 13 Transitional matters for Pastoral Land Amendment Act 2011**

### **136 Definitions**

In this Part:

***amending Act*** means the *Pastoral Land Amendment Act 2011*.

***commencement*** means the commencement of the amending Act.

### **137 Continuation of appointment – Chairperson of Board**

The appointment of a person as the Chairman of the Board that was in force immediately before the commencement continues as if the person had been appointed as the Chairperson of the Board under this Act.

### **138 Continuation of appointments – Chairperson or Deputy Chairperson of Tribunal**

- (1) The appointment of a person as the Chairman of the Tribunal for Part 8 that was in force immediately before the commencement continues as if the person had been appointed as the Chairperson of the Tribunal under this Act.
- (2) The appointment of a person as the Deputy Chairman of the Tribunal for Part 8 that was in force immediately before the commencement continues as if the person had been appointed as the Deputy Chairperson of the Tribunal under this Act.

### **139 Savings – pastoral leases**

A pastoral lease in force immediately before the commencement continues despite the amendments made by the amending Act.

### **140 Savings – feral animal declaration**

A declaration under section 73 that was in force immediately before the commencement continues as if it were made under that section as in force after the commencement.

### **141 Savings – permission under repealed Part 7**

A written permission by the Board under Part 7 as in force immediately before the commencement (***repealed Part 7***) continues until the end of its term as if repealed Part 7 were in force.

**32 Schedule heading amended**

Schedule, heading

*omit***Schedule***Insert***Schedule 1****33 Schedule 2 inserted**

After Schedule 1

*Insert***Schedule 2 Reviewable decisions and affected persons**

section 115

<b>Reviewable decision</b>	<b>Affected person</b>
decision to forfeit a pastoral lease under section 40(5)	lessee
decision to vary a reservation in, or condition or provision of, a lease under section 43(1)	lessee
refusal of an application to vary a reservation in, or condition or provision of, a lease under section 44	applicant
refusal of an application to extend a pastoral lease under section 49(2)	applicant
refusal of an application to subdivide pastoral land under section 61(6)	applicant
refusal of an application for an exchange for a perpetual pastoral lease under section 62(5)	applicant
refusal of an application for consolidation of pastoral land under section 64(5)	applicant
refusal of an application for a	applicant

---

surrender of pastoral land under section 66(3)	
refusal of an application for consent under section 68(3)	applicant
decision to grant a major development permit under section 91D(1)(a)	any person who has given comments under section 91B(2)(b) in relation to the application for the permit (an <b>interested party</b> )
decision to grant a permit with specified changes under section 91D(1)(b)	for a major development permit – the lessee or an interested party for a non-pastoral use permit – the lessee
refusal to grant a permit under section 91D(1)(c)	for a major development permit – the lessee or an interested party for a non-pastoral use permit – the lessee
decision to extend a major development permit under section 91F(5)(a)	an interested party
decision to extend a permit for a shorter period under section 91F(5)(b)	for a major development permit – the lessee or an interested party for a non-pastoral use permit – the lessee
refusal to extend a permit under section 91F(5)(c)	for a major development permit – the lessee or an interested party for a non-pastoral use permit – the lessee
decision to vary a permit under section 91G(1)	for a major development permit – the lessee or an interested party for a non-pastoral use permit – the lessee
decision to vary a major development permit under section 91H(5)(a)	an interested party
decision to vary a permit with specified changes under section 91H(5)(b)	for a major development permit – the lessee or an interested party for a non-pastoral use permit – the

---

	lessee
refusal to vary a permit under section 91H(5)(c)	for a major development permit – the lessee or an interested party for a non-pastoral use permit – the lessee
decision to suspend a permit under section 91J(1)	for a major development permit – the lessee or an interested party for a non-pastoral use permit – the lessee
decision to revoke a permit under section 91J(3)	for a major development permit – the lessee or an interested party for a non-pastoral use permit – the lessee
decision to suspend or revoke a major development permit under section 91K(5)(a)	an interested party
refusal to suspend or revoke a permit under section 91K(5)(b)	for a major development permit – the lessee or an interested party for a non-pastoral use permit – the lessee
decision to give a compliance direction under section 91L(1)	person to whom notice is given
decision to give a stop work direction under section 91M(1)	person to whom notice is given

### **34 Act further amended**

The Schedule has effect.

## **Part 3 Consequential amendments of other Acts**

### **35 Act amended**

This Part amends the *Lands, Planning and Mining Tribunal Act*.

### **36 Section 5 amended**

Section 5(1)(aa), after "*Native Vegetation Management Act*"

*insert*

*or Pastoral Land Act*

**37 Section 12 amended**

Section 12(1)(aa), after "*Native Vegetation Management Act*"

*insert*

*or Pastoral Land Act*

**38 Section 16 amended**

Section 16(3), after "*Native Vegetation Management Act*"

*insert*

*or Pastoral Land Act*

**39 Section 17 amended**

After section 17(3A), after "*Native Vegetation Management Act*"

*insert*

*or Pastoral Land Act*

**40 Section 21A amended**

Section 21A, definition ***decision maker***, after "*Native Vegetation Management Act*"

*insert*

*or Pastoral Land Act*

**41 Section 21B amended**

Section 21B, after "*Native Vegetation Management Act*"

*insert*

*or Pastoral Land Act*

**42 Expiry of Part**

This Part expires on the day after it commences.

---

**Schedule Pastoral Land Act further amended**

section 34

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part 1, heading, at the end		<b>matters</b>
section 5	shall	must
sections 7 and 8	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 12(1)	shall consist	consists
sections 12(2), 13 and 18(2)	shall	must
section 18(2)(b)	benefit,	benefit;
section 21(1), (2) and (3)(b), (c) and (d)	Chairman ( <i>all references</i> )	Chairperson
section 21(1), (2), (3)(b), (c) and (d), (4) and (5)	shall ( <i>all references</i> )	must
section 21(3)(a) and (b), at the end		and
section 31(2)	Without limiting the generality of	Without limiting
section 31(3)	referred to	mentioned
section 31(6)	shall	must
section 31(6)(b)	or in pursuance of	
section 32(1)	shall	must
section 32(1)(a) and (b)	in the case of	for
section 32(1)(a) and (b), at the end		and
section 32(2)	shall	must

---

	, if any,	
section 32(3)	by virtue of shall	under must
section 32(4)	notice in the <i>Gazette</i> shall be	<i>Gazette</i> notice is
section 32(5)	notwithstanding that such	even though
section 32(6)	in pursuance of	under
section 33(1)	shall ( <i>all references</i> )	must
section 33(2)	the purposes of	
section 34, heading	, <b>&amp;c.</b>	<b>etc.</b>
section 34(1)(b)	Act,	Act;
section 34(1)	shall	must
section 34(1)(c) and (d) at the end		or
section 34(2)	the purposes of	
section 34(2)(a)	shall be deemed (as the case may be)	is taken (as appropriate)
section 34(2)(b)	shall pursuant to	must in relation to
section 34(2)(d)(i)	in the case of a trustee being a corporation referred to	for a trustee that is a corporation mentioned
section 34(2)(d)(ii)	in the case of a trustee being a natural person	for a trustee that is an individual
section 34(2)(a), (b), (c)(iii) and (d)(ii), at the end		and
section 34(2)(c)(ii) at the end		or

---

section 34(2)(e)	shall	must
section 34(2)(f)(vi)	in the case of the person being a corporation	if the person is a corporation
section 34(2)(f)(i) to (iii), (iv)(B), (v)(A) and (vi)(A), at the end		or
section 34(3)	whole subsection	(3) In this section: <b>corporation</b> means a corporation as defined in section 57A of the Corporations Act 2001.
section 35(1)(a) and (c)	within the meaning of	as mentioned in
section 35(1)(a) to (c), at the end		and
section 35(3)	In the case of	For
section 35(3) and (4)	shall	must
section 35(5)	referred to	mentioned
section 35(6)	shall , if any,	must
section 35(7)	shall	must
section 35(10)	pursuant to shall <i>(all references)</i> in the case of notice in the <i>Gazette</i>	for must for <i>Gazette</i> notice
section 35(11)	shall	must
section 35(12)	, as the case may be,	as appropriate
section 37, heading	, <b>&amp;c.</b>	<b>etc.</b>
section 37(b)	grant,	grant;
sections 37 and 38(1)(a) and (b) and (2)	shall	must

---

and (2)(g)		
section 38(1)(f)	shall be	is
section 38(1)(k)	shall be	is to
section 38(2)(a), at the end		or
section 38(2)(c)	land,	land;
section 38(2)(d), at the end		and
section 38(2)(f)(ii)	naturally,	naturally;
section 38(2)(f)	land,	land;
section 38(2)(g) and (h)	referred to	mentioned
section 38(2)	Aborigines <i>(all references)</i>	Aboriginal people
section 38(4)	Aborigines <i>(all references)</i>	Aboriginal people
	Aborigine <i>(all references)</i>	Aboriginal person
section 38(6)	the purposes	
section 42(1)(b)	land,	land;
section 42(2)	shall be	is
section 42(3)	shall	must
section 42(4)	Notwithstanding	Despite
section 43(1)	in pursuance of	under
section 43(2)	shall , if any,	must
section 44	Notwithstanding	Despite
sections 45 and 48(1) and (2)(a)	shall	must
section 48(2)(b)	referred to	mentioned

---

section 49(3)	shall	must
section 50(2)	in pursuance of shall	for must
sections 51, 52 and 53(1), (2), (3) and (4)	shall <i>(all references)</i>	must
section 53(1)	in pursuance of	for
section 53(5)(a), at the end		and
section 53(5)(c)	in pursuance of	under
section 54(1)	within the meaning	as defined in defined in section 4(1)
section 54(2)	all words from "by" to "referred to"	under subsection (1), is to be construed so that the period of 3 years mentioned in that subsection
section 55(1)	notwithstanding	despite
section 55(2)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 55(4)	Notwithstanding	Despite
section 56(1) and (2)	shall	must
section 56(1)(a), at the end		and
Part 4, Division 3, heading and section 61, heading	<b>, &amp;c.</b>	<b>etc.</b>
section 61(2)(a) and (b), (3) and (4), (7), (9)(a) and (10)	shall <i>(all references)</i>	must
section 61(4)(a) to (d), (7)(b)(i), (8)(a) and (10)(a), at the end		and
section 61(7)(b) and (10)(a)	, if any,	

---

section 61(8)(c)	notice,	notice;
section 62(2), (3) and (9)	shall ( <i>all references</i> )	must
section 62(3)(b)	subject,	subject;
section 62(4)(a), (5)(a) and (b) and (8)(a), at the end		and
section 62(5)(b)	, if any,	
section 62(8)(c)	(if any) fixed under subsection (7)	fixed under subsection (7);
sections 63 and 64(2) to (6), (8)(a) and (9)	shall ( <i>all references</i> )	must
section 64(8)(b)	shall have effect	has effect
section 64(6)(a) to (c), (7)(a), (9)(a), at the end		and
section 64(6)(b) and (c) and (9)(a)	, if any,	
section 64(7)(c)	(6),	(6);
section 65(1), (2) and (4) to (7)	shall ( <i>all references</i> )	must
section 65(5)	in pursuance of	under
section 65(7)	pursuant to referred to	under mentioned
section 65(8)	section <b><i>economic</i></b>	section: <b><i>economic</i></b>
section 66(2)(a), at the end		and
section 66(2) and (4) to (10)	shall ( <i>all references</i> )	must
section 66(6)	, if any, the purposes of	

---

section 66(9)(a) and (b) and (10)(a) and (b)	in the case of	for
section 66(10)	referred to ( <i>all references</i> )	mentioned
section 69(3)	shall	must
section 69(4)	all words from "referred" to "deemed"	mentioned in that subsection is taken
section 70(1)	Notwithstanding section	Despite sections
section 70(2)	For the purposes of this section Aborigines	For this section,  Aboriginal people
section 71(1)	shall be deemed notwithstanding	is taken despite
section 71(2)	the purposes of	
section 72(3)	, if any,	
section 72(4)	shall	must
Part 4, Division 4, heading	, <b>&amp;c.</b> ,	<b>etc.</b>
section 72A(a) and (b), at the end		and
section 72A(d)	64,	64;
section 72A(f)	of the Commonwealth	(Cth)
section 72B(1) and (3)	Divisions 1 and 2 of Part IV	Part IV, Divisions 1 and 2
section 72B(2)	the purposes of	
section 92(1), definition <b>applicant</b> , paragraphs (a) and (b),	Aborigine	Aboriginal person
section 93(2)	Tribunal shall consist	Community Living Areas Tribunal consists of

---

section 93(2)(a)(ii)	Territory,	Territory;
section 93(2)(a), at the end		and
sections 93(2)(a) and (ab) and (8)	Chairman <i>(all references)</i>	Chairperson
section 93(3)	shall, by notice in the <i>Gazette</i>	must, by <i>Gazette</i> notice
section 93(3) and (4)	the purposes of	
sections 93(2)(b)(i) and (ii), (4), (5) and (6)	shall <i>(all references)</i>	must
section 94	the purpose of referred to	mentioned
section 95(1)	the purpose of	
section 95(2)	Chairman or Deputy Chairman	Chairperson or Deputy Chairperson
section 96	Chairman the purpose of	Chairperson
section 97	Chairman <i>(all references)</i> by reason <i>(all references)</i> by virtue shall	Chairperson  because because must
section 99(1)	notwithstanding that	even though
section 99(2)	shall	must
section 100, heading	<b>Aborigine</b>	<b>Aboriginal person</b>
section 100(1)	in the case of	in relation to
section 100(1) and (2)	Aborigine <i>(all references)</i>	Aboriginal person
section 100(2)	in pursuance of shall	for must

---

	referred to	mentioned
section 101(1) and (4)	Aborigines <i>(all references)</i>	Aboriginal people
section 101(2)	Aborigine the purposes of	Aboriginal people
section 101(2)(b)	referred to	mentioned
section 101(3) and (4)	shall	must
section 102(1)(b)	Aborigine or Aborigines	Aboriginal people
section 102(1)(a) to (e), at the end		and
section 102(1) and (2)	shall	must
section 102(2)(b)	, if any, served,	served;
section 102(2)	pursuant to referred to	under mentioned
section 104(1)	shall referred to , if any,	must mentioned
section 104(2)	referred to furnish	mentioned give
section 104(3)	referred to shall	mentioned must
section 104(3)(b)	notice,	notice;
section 104(4)	shall	must
section 105	shall Chairman	must Chairperson
sections 105A(2) and 106(1)	shall <i>(all references)</i>	must
section 106(1), (1A)(a), (1B)(a) and (b), (1C),	Chairman	Chairperson

---

(2) and (7)	<i>(all references)</i>	
section 106(1A)	referred to in subsection (1) shall	mentioned in subsection (1) is to
section 106(4)	furnish	give
section 106(3) and (6)	pursuant to	under
section 106(6)	shall	must
section 106(6)(b)	application,	application;
section 106(7)	referred to	mentioned
section 106(8)	Notwithstanding	Despite
section 108, heading	<b>, &amp;c.,</b>	<b>etc.</b>
section 108(1)	shall Aborigine or Aborigines	must Aboriginal people
section 108(2)	shall referred to subparagraphs (i) to (x) of section 109(1)(b)	must mentioned section 109(1)(b)(i) to (x)
section 109, heading	<b>, &amp;c.,</b>	<b>etc.</b>
section 109(1)(b)	Aborigine	Aboriginal person
section 109(1)(b)(i), (vi), (vii) and (ix)	Aborigines <i>(all references)</i>	Aboriginal people
section 109(1)(b)(iv)	, if any,	
section 109(1)(b)(i) to (viii), at the end		and
section 109(1)(b)(x)	them,	them;
sections 109(1), (2) and (3) and 110(1) and (2)	shall	must
section 110(1)	referred to	mentioned
section 111(1)(a), at the end		or

---

section 111(1)(c)	section 109(1)(c),	section 109(1)(c);
section 111(1)	shall, for the purposes of	must for
section 111(1)(d)	Aborigines of the Commonwealth	Aboriginal people (Cth)
section 111(1)(e)	Part,	Part;
section 111(2)	shall <i>(all references)</i>	must
	referred to <i>(all references)</i>	mentioned <i>(all references)</i>
Part 8, Division 5, heading, at the end		<b>matters</b>
section 112(1)(b)	decision,	decision;
section 112(1)	shall be	is
section 112(3)	shall <i>(all references)</i>	must
section 112(3)(b)	matter,	matter;
section 113(1)	Part 2 or 3 of Schedule 1 Commonwealth	Schedule 1, Part 2 or 3 (Cth)
section 113(2)	referred to the purposes of shall	mentioned  must
section 113(3)	the purposes of shall <i>(all references)</i> Chairman	must  Chairperson
section 113(4)	shall	must
section 113(5)	by virtue of referred to	under mentioned
section 114(1)	Aborigines	Aboriginal people

---

section 114(3) and (4)	shall	must
section 114(4)(c)	Aborigines, if any,	Aboriginal people
section 114(4)(a) to (d), at the end		and
section 114(5)	shall <i>(all references)</i> pursuant to	must  under

---