

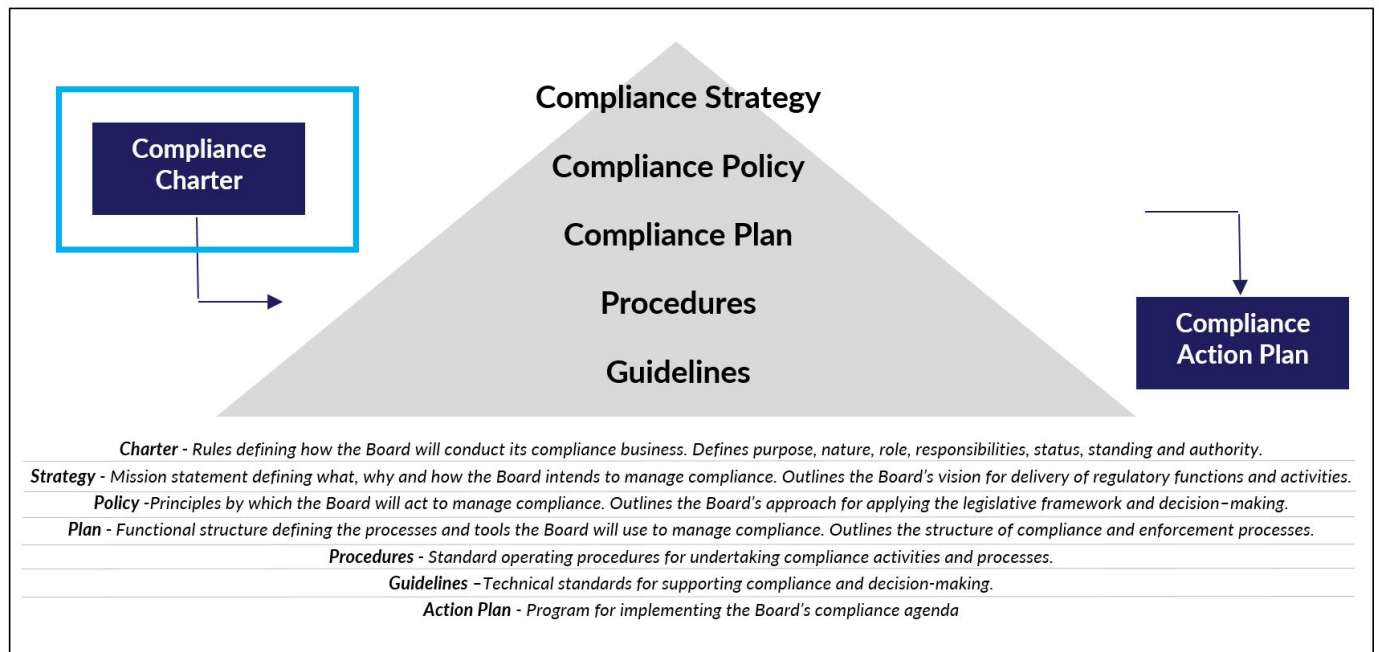
# Compliance Charter

*Pastoral Land Act 1992*



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## 1. Purpose

The purpose of the Compliance Charter is to identify the rules on how the Pastoral Land Board (Board) conducts its compliance business for the management of the land resource. The Charter outlines the regulatory roles and responsibilities under the *Pastoral Land Act 1992* (the Act) and details the Board's approach to managing compliance matters concerning the land resource.

## 2. Pastoral Land Act 1992

The Act makes provision for the conversion and granting of title to pastoral land and the administration, management and conservation of pastoral land, and for related purposes. The objects of the Act are:

- (a) to provide a form of tenure of Crown land that facilitates the sustainable use of land for pastoral purposes and the economic viability of the pastoral industry
- (b) to provide for:
  - (i) the monitoring of pastoral land so as to detect and assess any change in its condition
  - (ii) the prevention or minimisation of degradation of or other damage to the land and its indigenous plant and animal life, and
  - (iii) the rehabilitation of the land in cases of degradation or other damage
- (c) to recognise the right of Aboriginal persons to follow traditional pursuits on pastoral land
- (d) to provide reasonable access for the public across pastoral land to waters and places of public interest, and
- (e) to provide a procedure to establish Aboriginal community living areas on pastoral land.

Both the Minister and the Board, in administering the Act and in exercising a power or performing a function in relation to pastoral land, are required to act consistently with, and seek to further, the objects of the Act.

### General duty of pastoral lessees

It is the duty of a pastoral lessee:

- (a) to carry out the pastoral enterprise under the lease so as to prevent degradation of the land
- (b) to participate to a reasonable extent in the monitoring of the environmental and sustained productive health of the land, and
- (c) within the limits of the lessee's financial resources and available technical knowledge, to improve the condition of the land.

## 3. Functions of the Board

The Board is an independent statutory authority established under section 11 of the Act. It has twelve specific functions (**Table 1**) and other responsibilities (**Table 2**) under the Act. The functions and responsibilities are largely classed as administrative, advisory to assist the Minister and decision-making functions, such as issuing permits, making compliance notices, taking enforcement actions and bringing about a prosecution. The Act provides that to enable the Board to undertake its functions, it can do all things that are necessary or convenient in relation to the performance of its functions.

Table 1 – Section 29 functions of the Pastoral Land Board

Section	Function	Mode
29(a)	to report regularly to, and as directed by, the Minister, but in any case not less than once a year, on the general condition of pastoral land and the operations of the Board;	Annual Report
29(b)	to consider applications for the subdivision or consolidation of pastoral land and make recommendations to the Minister in relation to them;	Application assessment
29(c)	to plan, establish, operate and maintain systems for monitoring the condition and use of pastoral land on a District or other basis;	Rangelands monitoring program
29(d)	to assess the suitability of proposed new pastoral leases over vacant Crown land;	Application assessment
29(e)	to direct the preparation, and monitor the implementation, of remedial plans;	Compliance
29(f)	to monitor, supervise or cause to be carried out work in relation to the rectification of degradation or other damage to pastoral land;	Compliance
29(g)	to monitor the numbers and effect of stock and feral and other animals on pastoral land;	Compliance
29(h)	to monitor and administer the conditions to which pastoral leases are subject;	Compliance
29(ha)	to consider and determine applications for permission to use pastoral land for a non-pastoral purpose in accordance with Part 7;	Application assessment
29(j)	to make recommendations to the Minister on any matter relating to the administration of this Act;	(Compliance)
29(k)	to hear and determine all questions, and consider and make recommendations on all matters, referred to it by the Minister; and	(Compliance)
29(l)	such other functions as are imposed on it by or under this or any other Act or as directed by the Minister.	Table 2

Table 2 – Other functions and responsibilities of the Pastoral Land Board

Section	Topic	Responsibility	Role
5	Conduct	act consistently with and seek to further the objects of the Act	Scope
8	Administration	recommend Pastoral Districts	Advise Minister
9(1)	Land access	authorise person in writing to enter pastoral land	Administration
24(1)	Delegation	delegate powers and functions	Administration
25	Consultation	consult persons, associations, institutions and bodies & make inquiries	Application assessment
26	Lease applications	consider application for pastoral lease etc.	Advise Minister
28	Rules of evidence	The Board is not bound by rules of evidence – may inform itself in manner it thinks fit.	Scope
30	Powers	- enter land for rangeland monitoring and inspect lessee data - act as agent for the Territory or a statutory corporation	Scope
41(2)	Lease conditions	investigate the circumstances re. failing to comply with lease conditions and report to Minister and recommend lease forfeiture to Minister	Compliance
45	Advise Minister	provide opinion to vary a lease reservations, conditions or provisions	Application assessment
61(4) & (5)	Lease surrender	recommend subdivision terms and conditions	Application assessment
62 (3) & (4)	Perpetuity conversion	recommend perpetuity terms and conditions	Application assessment
64(4)	Lease surrender or consolidation	recommend surrender	Application assessment

Section	Topic	Responsibility	Role
65(2)	Uneconomic Crown Land	recommend incorporation	Application assessment
62(2)	Lease transaction	recommend lease transaction	Advice
73(1)	Feral animal control	direct lessee to control feral animals by culling/fencing/other	Compliance
73(2)	Feral animal control	declare a feral animal in relation to a District or part of District, by <i>Gazette</i> notice	Administration
74(2)	Reference Areas	declare a reference area for evaluating grazing impact, by <i>Gazette</i> notice	Administration
75(1)	Monitoring sites	establish monitoring site in prescribed manner	Monitoring
76	Remedial plans	require lessee to submit a remedial plan	Compliance
78	Camping periods	prescribe allowable camping periods	Administration
79	Access to waterways	declare route over pastoral land to waterway	Administration
82	Temporary closure of access	administer temporary access closure	Administration
83	Closure for rehabilitation	declare an area closed for rehabilitation	Administration
90 & 91	Land use details	require a lessee to provide details on land use	Administration
Part 7	Non-Pastoral Use	<ul style="list-style-type: none"> <li>- grant permits, subject to conditions</li> <li>- make guidelines</li> <li>- lodge permits with the Registrar-General</li> <li>- comply with <i>Native Title Act 1993</i></li> <li>- take government policy into account</li> <li>- consider impacts to environment and pastoral enterprise</li> <li>- consider public submissions</li> <li>- invite submitters to meeting (if public) and let them address the Board</li> <li>- extend or vary a permit</li> <li>- suspend or revoke a permit</li> <li>- direct lessee to alleviate impacts of revoked permit</li> </ul>	Application assessment & Compliance
Part 7A	Pastoral Land Clearing	<ul style="list-style-type: none"> <li>- issue permits, subject to conditions and staging</li> <li>- make guidelines</li> <li>- consider submissions, guidelines and other matters</li> <li>- lodge permits with the Registrar-General</li> <li>- extend or vary a permit</li> <li>- suspend, revoke or reinstate permit</li> <li>- issue notice specifying remedial actions for lessee to undertake</li> <li>- issue stop work direction to a person and vary or revoke it</li> <li>- prosecute a person for an unpermitted clearing offence</li> <li>- prosecute non-compliance with stop work direction</li> <li>- issue a rehabilitation direction to a person requiring preparation and/or implementation of an approved rehabilitation plan</li> <li>- revoke or vary an approved rehabilitation plan</li> <li>- lodge a rehabilitation plan with the Registrar-General</li> <li>- prosecute non-compliance with a rehabilitation direction or plan</li> </ul>	Application assessment & Compliance

## 4. Publications

### 4.1. Annual reporting

The Board is required to report to the Minister not less than once a year on the general condition of pastoral land and the operations of the Board.

The Board provides an annual report to the Minister once a year to satisfy this requirement. Once tabled in parliament, the report is published on the Board's website.<sup>1</sup>

From 2023, the Board will include in the annual report a compliance report card summarising:

- pastoral permit audit activities and findings
- the number and type of compliance-related complaints received
- the number and type of compliance investigations undertaken
- the number and type of compliance actions undertaken or instruments issued
- remedial works undertaken at the direction of the Board
- any other compliance matters relating to the land resource as deemed appropriate by the Board.

## 5. Governance

### 5.1. Delegations

The Board has delegated some powers and functions to the Chairperson of the Board and to persons from time to time holding, acting in or performing the duties of the position in the Department of Environment, Parks and Water Security. The delegations are published on the Board's website.<sup>1</sup>

The Board may from time to time decide by resolution to make delegations for a specific matter under section 24(1) of the Act. These specific delegations are generally not published on the Board's website. However, it is published as part of any decision notice relating to the specific delegation.

The Board is notified of all decisions and actions undertaken by a delegate at the next available Board meeting.

### 5.2. Board provides reasons

Where the Board takes an action or makes a decision that adversely affects a lessee (and the action or decision may be reviewed by the Tribunal under the Act) the Board gives reasons for taking the action or making the decision. The reasons are provided in the relevant format (e.g. notice to lessee).

### 5.3. Conflict of interest

Any member of the Board with a direct or indirect proprietary or other pecuniary interest in a matter being considered by the Board is required to disclose the nature of their interest to the Board. The disclosure is

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<sup>1</sup> <https://depws.nt.gov.au/boards-and-committees/pastoral-land-board>

recorded in the minutes and the member will not take part in the Board's deliberation, quorum or decision-making about the matter.

## 5.4. Confidentiality

Information provided to the Board as commercial-in-confidence is not shared outside of the Board unless authorised or required by law.

All information held by the Board is managed under the *Information Act 2002*.

## 5.5. Registers

All determinations by the Board are recorded in a Determinations Register managed by the Executive Officer, Pastoral Land Board. The Board will establish a Compliance Register for tracking compliance matters outlined in the Compliance Framework.

## 5.6. Response times

The Board will adhere to all statutory compliance timeframes specified in the Act. It will respond to all compliance matters in a sensitive, timely and appropriate manner.

The Board will state timeframes in which lessees must respond to compliance correspondence or directives (as required).

# 6. Relationships and communication

## 6.1. Pastoral lessees

The Board will correspond with lessees directly regarding formal compliance matters. In carrying out their work to assist the Board, departmental officers may also contact lessees. The Board will also consider all compliance issues raised by lessees.

## 6.2. Applicants

A person must not, before or after a meeting of the Board, communicate with a member of the Board to influence a recommendation or decision of the Board. If this occurs, the Board member will report the incident to the Board for appropriate consideration and action (e.g. referral to the Minister).

A person may raise an issue of concern with the Board in writing, for tabling and appropriate consideration at the next scheduled Board meeting.

## 6.3. Industry

The Board will engage with, consult, or seek advice from relevant industry groups concerning compliance matters relating to the management of the land resource as it deems appropriate.

The Board will update relevant industry groups regarding amendments to compliance matters, policy or documentation as appropriate.

The Board will consider all compliance matters raised by industry groups.



## 6.4. Other groups and statutory bodies

In relation to compliance matters concerning the management of the land resource, the Board:

- may call on the assistance or advice of other statutory bodies as it requires
- will notify relevant statutory bodies regarding compliance action taken under the Act that may have implications for other legislation
- will refer other matters (when identified) to relevant statutory bodies that may trigger compliance action under their respective legislation
- may call on the assistance or advice of other government or independent groups as it requires
- will consider all compliance matters raised by statutory bodies, government or independent groups.