



Compliance Charter

Pastoral Land Act 1992

For management of the land resource

Consultation Draft

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Abbreviation	Full form
Act	<i>Pastoral Land Act 1992</i>
Board	Pastoral Land Board
Class A	Excellent condition (land condition is 100%)
Class B	Good condition (land condition is 75% of Class A)
Class C	Fair (land condition is 45% of Class A)
Class D	Poor (land condition is ≤20% of Class A)
DEPWS	Department of Environment, Parks and Water Security
DITT	Department of Industry, Tourism and Trade
ILIS	Integrated Land Information System
NPU	Non-Pastoral Use
NTG	Northern Territory Government
PLAB	Pastoral Lease Administration Branch
PLC	Pastoral Land Clearing

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1. Introduction

1.1. Purpose

The purpose of this Compliance Charter is to identify the rules defining how the Pastoral Land Board (Board) will conduct its compliance business. The Charter aims to:

- Outline regulatory responsibilities prescribed in the *Pastoral Land Act 1992* (the Act)
- Articulate the Board's approach to managing compliance matters concerning the land resource
- Demonstrate the Board's commitment to upholding its responsibilities under the Act
- Provide guidance on matters of good governance in relation to compliance
- Facilitate transparency and accountability consistent with public expectations; and
- Support lessee awareness and engagement with the Board and its compliance mandate.

1.2. Context

The Board is a statutory body established in accordance with Division 2 of the Act and is governed by its duty, functions and powers as prescribed in the Act – see **Section 2** below.

This Charter is an ancillary document designed to support the Board in the implementation of other compliance documentation (see **Figure 1**) and is complementary to the Board's Terms of Reference and Compliance Action Plan.

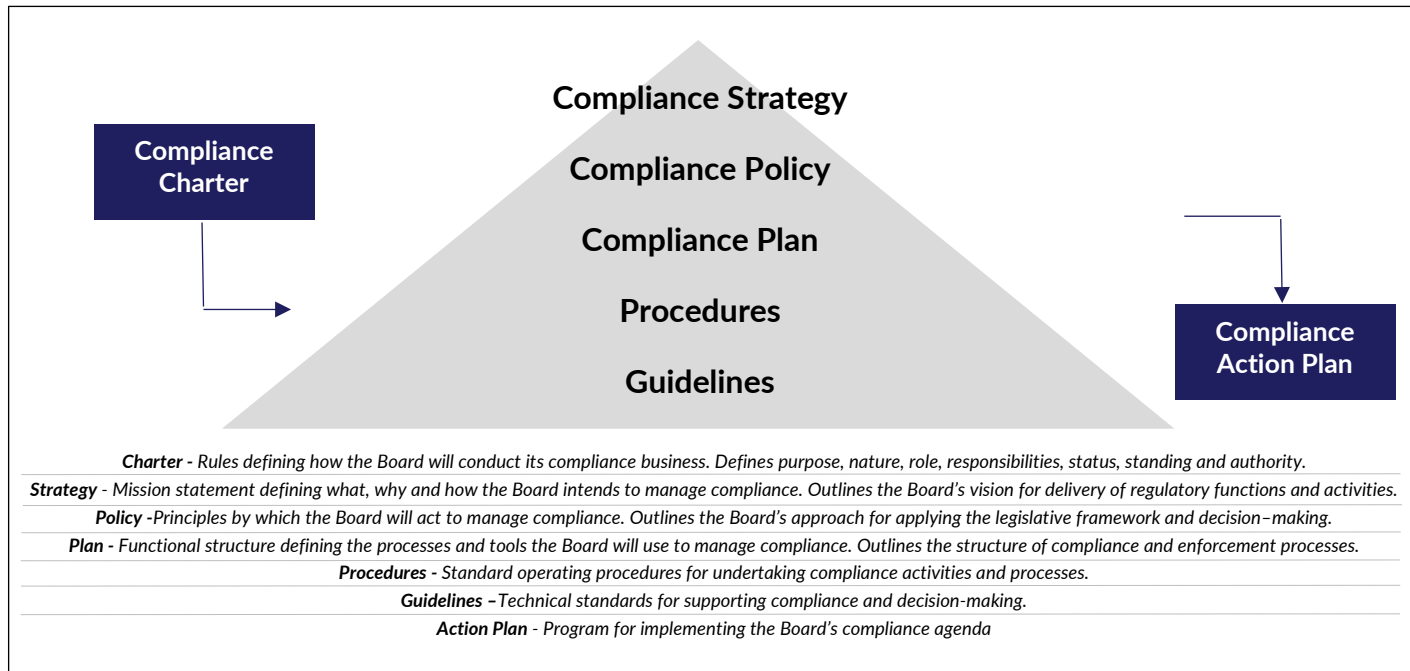


Figure 1 – Compliance documentation hierarchy. The Compliance Charter is an ancillary document that informs implementation of other compliance documentation.

1.3. Charter term, updates and availability

- The term of the Charter will be ongoing from the date of approval by the Board.
- The Charter will be reviewed and updated at the Board's discretion, including at a minimum of every three years. Updates or amendments must be approved by the Board.
- The Charter will be publically available and published on the Board's website.

2. Responsibilities

2.1. Role of the Pastoral Land Board

The Board is an independent statutory authority established under Section 11 of the Act, charged with administering pastoral leases within the Northern Territory.

In accordance with Section 5 of the Act, both the Board and the Minister have a duty to "act consistently with, and to seek to further, the objects of the Act" (see **Section 2.4** below).

The responsibilities of the Board under the Act can be broadly categorised as being:

- administrative
- advisory; or
- compliance-related.

This Compliance Charter seeks to address the compliance responsibilities of the Board related to management and use of the physical land resource. For more information about the land resource, refer to the **Compliance Plan**.

Whilst the Board carries responsibility for overseeing the implementation of many aspects of the Act, the Board reports to the Minister. In accordance with section 24(1) of the Act, the Board may also delegate any of its powers or functions under the Act to such persons or committees of its members as it thinks fit. Furthermore, in accordance with Section 25 of the Act, the Board may, in exercising its powers and performing its functions, consult with such persons, associations, institutions and bodies, and make such enquiries as it thinks fit. Accordingly, the Board may seek advice or assistance from relevant government departments – including, but not limited to, the Department of Environment, Parks and Water Security (DEPWS) and the Department of Industry, Tourism and Trade (DITT). A complete summary of the Board's responsibilities as outlined in the Act is provided at **Appendix 1**.

2.2. Role of the Minister

The Minister for Environment (the Minister) is ultimately responsible for implementation of the Act. In administering the Act and in exercising a power or performing a function in relation to pastoral land, the Minister also has a duty to "act consistently with, and to seek to further, the objects of the Act" (see **Section 2.4** below). The Minister will therefore refer matters to the Board for investigation / advice / recommendation before undertaking compliance or enforcement action (e.g. see Section 41 and 29(j) of the Act). In accordance with section 10(1) of the Act, the Minister may also delegate to a person, any of the Minister's powers and functions under the Act.

2.3. Role of the Pastoral Lease Administration Branch

The Pastoral Lease Administration Branch (PLAB) forms part of the Rangelands Division, DEPWS. The role of the Branch is to facilitate administration of the Act on behalf of the Minister and to support the functions of the Board. By facilitating extension and compliance pathways on behalf of the Board, PLAB officers play a key role in enhancing sustainability and improved economic productivity within the pastoral estate. Responsibilities of PLAB include:

- Board administration;
- Rent and lease administration;
- Strategic projects relating to management of the pastoral estate; and
- Coordination of *Pastoral Land Act 1992* compliance programs and caseload.

PLAB officers are governed by the Northern Territory Public Sector Code of Conduct and the DEPWS Strategic Plan. For more information refer to the **Compliance Plan**.

2.4. Objectives of the Pastoral Land Act 1992

Part 2 of the Act specifies five objects of the Act. In particular, section 4(b) states that the Act is to provide for the following and informs the basis of the Compliance Plan:

- (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.

The Act's other objects relate to matters regarding:

- Land tenure for pastoral purposes – s4(a)
- Aboriginal rights in respect of pastoral land – s4(c)
- Public access to pastoral land – s4(d)
- Aboriginal community living areas on pastoral land – s4(e).

2.5. Functions of the Board

Section 29 of the Act lists twelve specific functions of the Board, which are shown in **Table 1** below. Functions of particular significance for the **Compliance Plan** relate to:

- remedial plans – s29(e);
- rectification of land degradation – s29(f);
- stock and feral animal control – s29(g); and
- compliance with lease conditions – s29(h).

To enable the Board to undertake its functions, the Act provides it specific powers in Section 30 of the Act, including the power to:

- do all things that are necessary or convenient in relation to the performance of its functions – s30(1)
- enter pastoral land to assess the condition of the land, and to identify, establish and operate monitoring sites and reference areas – s30(2)(a)*
- inspect recorded land data kept by the lessee - s30(2)(b)*.

*The Board may also authorise persons to enter land and inspect data on its behalf (see Section 9 of the Act).

Table 1 - 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;	Rangeland 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.	Appendix 1

2.6. General duty of pastoral lessees

In accordance with Section 6 of the Act, all pastoral lessees have a duty:

- (a) to carry out the pastoral enterprise under the lease so as to **prevent degradation of the land** (i.e. this is more than tokenism risk reduction – it is active avoidance to the greatest extent possible);

- (b) to participate to a reasonable extent in the **monitoring of the environmental and sustained productive health of the land**

(i.e. this is more than holding out for the next rain event - a short lived boom is not indicative of a sustainable and healthy system); and

- (c) within the limits of the lessee's financial resources and available technical knowledge, to **improve the condition of the land**

(i.e. this is more than simply doing no harm – it is intentional utilisation of best management practices to enhance pastoral and environmental productivity).

In carrying out this duty, lessees are legally required to comply with all pastoral lease conditions as specified in Section 38 (general conditions) and Section 39 (land management conditions) of the Act.

3. Compliance approach

To administer its responsibilities under the Act and oversee lessee compliance, the Board commits to:

- Fostering a culture of compliance within the pastoral estate
- Ensuring compliance action is appropriate, proportionate and consistent
- Providing transparency in its approach through publication of a Compliance Strategy, Policy and Plan
- Identifying and regularly reviewing priority compliance issues in the Compliance Policy
- Undertaking appropriate engagement with stakeholders and suitably qualified experts
- Taking into consideration seasonal conditions (including natural disasters) and the measures undertaken by lessees to fulfil their duty under the Act.

4. Relationships and communication

4.1. Minister

- The Board will liaise with the Minister as prescribed in the Act.
- The Board will advise the Minister of all serious compliance matters.

4.2. DEPWS

- The Board will liaise with the department, through the Pastoral Land Administration Branch.
- The Board may nominate departmental officers as Authorised Officers under the Act to assist the Board in carrying out its duties (e.g. land condition monitoring and compliance site inspections).
- The Board will engage assistance from the department through the appropriate channels.
- Further information is provided in the **Compliance Plan**.

4.3. Pastoral lessees

- The Board (or Delegate) 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 consider all compliance issues raised by lessees.

4.4. Industry

- The Board will engage with, consult, or seek advice from relevant industry groups concerning compliance matters relating to 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.

4.5. Other groups and statutory bodies

In relation to compliance matters concerning 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.

Refer to Section 6.2 of the **Compliance Policy** for further details.

4.6. Media

- The Board will not correspond with the media except through the Chair or at the direction of the Minister.
- The Department may correspond with the media regarding matters affecting the pastoral estate in accordance with its media policy.

4.7. Annual reporting

Section 29(a) of the Act states that 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. Once tabled in parliament, the report is published on the Board's website. Reporting timeframes recently changed from a seasonal to calendar-year basis. In addition, the Board will publish an annual pastoral estate compliance report card containing a summary of the following:

- number and type of permits issued (e.g. PLC and NPU)
- PLC and NPU audit activities and findings
- land condition trends within the pastoral estate
- 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.

All Board publications are available on the following website:

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

5. Governance

5.1. Delegations

Section 24 of the Act states the following:

- (1) Subject to subsection (4), the Board may, by resolution, delegate to such persons, or committees of its members, as it thinks fit any of its powers and function under this Act, other than this power of delegation;
- (2) A power or function delegated under this section, when exercised or performed by the delegates shall, for the purpose of this Act, be deemed to have been exercised or performed by the Board.
- (3) A delegation under this section does not prevent the performance of a function or the exercise of a power by the Board or the supervision by the Board of its performance or exercise by the delegate.
- (4) The Minister may give to the Board written guidelines as to the number of members who shall jointly as a committee perform a function or exercise a power of the Board, or as to the functions or powers that should not be delegated except to members of the Board, and when such guidelines have been given the Board shall not delegate the function or power except in accordance with the guidelines. [No such guidelines have been issued by the Minister].

At its 139th meeting in June 2021, the Board resolved to establish the following compliance delegations:

Compliance Subcommittee

- Standing subcommittee comprising four members, as elected by the Board.

- Duty to oversee the development and review of compliance related documentation and make decisions regarding the documentation on behalf of the Board.
- Duty to collaborate on compliance matters out of session (as appropriate) and to bring such matters to the attention of the Board for the purposes of briefing or decision-making (as required).

Chair

- Ability to action/sign/approve the following compliance documentation on behalf of the Board without requiring Board consultation:
 - Notice to cease works or Stop Work Direction
 - Warning letters
 - Requests for information

The Board will be notified of all decisions and actions undertaken via delegation at the next Board meeting.

Other delegations are published on the Board's website:

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

5.2. Compliance register

- The Board will establish a compliance register for the purpose of tracking station compliance in relation to:
 - Lease conditions relating to management of the land resource
 - Land condition, degradation, remediation and management
 - PLC Permits and activities
 - NPU Permits and activities
 - Compliance with statutory (e.g. Remedial Plans) and non-statutory (e.g. Recovery Plans) items pertaining to the *Pastoral Land Act 1992*
 - Compliance with all other legislation related to management of the land resource (e.g. *Weeds Management Act 2001*, *Soil Conservation and Land Utilisation Act 1969*, etc.).
- The register will be managed internally by PLAB and will not be published.
- All statutory instruments will be managed in accordance with the Act and will be registered in NTG's Integrated Land Information System (ILIS) as required
- Compliance information will be shared between NTG agencies as appropriate (e.g. where there are implications in relation to other legislation or management of the land resource)
- Both statutory and non-statutory compliance items will be disclosed in relation to due diligence requests

5.3. Decisions register

- All Board determinations are recorded in a Determinations Register managed by the Executive Officer, Pastoral Land Board.
- All decisions made by the Board regarding general compliance issues concerning the pastoral estate will be recorded in the Determinations Register.
- All decisions made by the Chair, Compliance Subcommittee or the Board regarding station-specific compliance issues will be recorded in the Compliance Register.
- The register will identify precedent setting and reasons for decisions will be provided to lessees as required by the Act.

5.4. Reporting

- The Board will report to the Minister regarding all compliance matters as specified in the Act.
- Lessees will be notified regarding general compliance matters via the Board's newsletter and/or via the Board's website.
- Lessees will be notified regarding station-specific compliance matters by private correspondence (e.g. letter, email, telephone).
- Refer to Section 4.7 above,

5.5. Response times

- The Board will adhere to all statutory compliance timeframes specified in the Act.
- The Board 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).

5.6. Board to notify reasons

- In accordance with Regulation 30, 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 will give reasons for taking the action or making the decision. The reasons will be provided in the relevant format (e.g. notice to lessee).

5.7. Confidentiality

- Information provided to the Board as commercial-in-confidence will not be shared outside of the Board or PLAB unless authorised or required by law. All information held by the Board will be managed in accordance with the *Information Act 2002*.

5.8. Communication with members of Board

- In accordance with Regulation 4, a person must not, before or after a meeting of the Board, communicate with a member of the Board with a view to influencing a recommendation or decision of the Board. In the event that 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.

5.9. Conflict of interest

- In accordance with Section 20 of the Act, 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 will be recorded in the minutes and the member will not take part in the Board's deliberation, quorum or decision-making in relation to the matter.

5.10. Public submissions and complaints management

- The Board commits to developing and publishing a complaints management process.
- All submissions regarding publically exhibited proposals pertaining to the Act will be managed in accordance with the relevant procedures. For example, such submissions should be submitted during the public exhibition period, will be considered by the Board during the assessment process and will be provided to the applicant.
- Consistent with Section 25 of the Act, the Board may also consider matters that pertain to the pastoral estate raised by any person. Such matters should be communicated in writing to the Board for consideration in accordance with the relevant section of the Act and referred to the Minister or other relevant authority as required.
- Part 3 of the Act relates to matters of Board Administration, including Board membership and conduct. Complaints relating to a Board member or Board conduct should be directed to the Minister (and are beyond the scope of this Charter).

6. Performance evaluation

- The Board commits to undertaking an internal evaluation of its performance in relation to meeting its land resource compliance responsibilities under the Act on an annual basis.
- The Board commits to identifying and implementing improvements as a result of the evaluation.
- The evaluation results and subsequent outcomes will be reported on and published at the Board's discretion (e.g. in the annual report, the pastoral estate compliance report card, or as a separate communique).
- The above measures will be reviewed following a trial period, once the process has been established and implemented (e.g. independent auditing may be considered, subject to funding).

Appendix 1

Responsibilities of the Pastoral Land Board (PLB) as prescribed by the *Pastoral Land Act 1992*

Topic	Responsibility	Role	Section of Act
Conduct	Act consistently with and seek to further the objects of the Act	Scope	5
Admin	Recommendations to Minister regarding Pastoral Districts	Advise Minister	8
Power	Power to enter pastoral land Authorise person in writing to enter pastoral land	Admin	9(1)
Delegation	Delegate PLB powers and functions Supervise performance of delegated function / exercise of delegated power	Admin	24(1) 24(3)
Consultation	Consult persons, associations, institutions and bodies & make inquiries	Admin	25
Lease applications	Consider application for pastoral lease etc.	Advise Minister	26
Rules of evidence	PLB not bound by rules of evidence – may inform itself in manner it thinks fit.	Scope	28
Functions	(a) Annual reporting re. pastoral estate and PLB operations	Admin	29
	(b) Consider subdivision/consolidation applications (recommendations to Minister)	Advice	
	(c) Rangelands monitoring (condition & use)	Monitoring	
	(d) Assess suitability of application to convert VCL to PL [s26]	Advice	
	(e) Direct the preparation & monitor implementation of remedial plans	Compliance	
	(f) Monitor, supervise, cause work to be carried out for rectification of degradation/damage to pastoral land	Compliance	
	(g) Monitor number and effect of stock/feral/other animals on pastoral land	Monitoring	
	(h) Monitor & administer pastoral lease conditions	Compliance	
	(ha) Assess & determine NPU applications [Part 7]	Advice	
	(j) Make recommendations to Minister re. administration of Act	Advice	
	(k) Respond to Ministerial referrals	Advice	
	(m) Other functions under Act or directed by Minister.	Various	
Powers	1. Perform functions 2. Enter land for rangeland monitoring and inspect lessee data 3. Act as agent for the Territory or a statutory corporation	Scope	30
Lease conditions	Investigate the circumstances re. failing to comply with lease conditions and report to Minister and recommend lease forfeiture to Minister	Compliance	41(2)
Advise Minister	Provide opinion to Minister (if sought) re. review and vary PL reservations, conditions or provisions	Advice	45
Lease surrender	Make recommendations to Minister re. subdivision application	Advice	61(4) & (5)
Perpetuity conversion	Make recommendations to Minister re. perpetuity application	Advice	62 (3) & (4)
Lease surrender or consolidation	Make recommendation to Minister re. lease surrender/consolidation	Advice	64(4)

Topic	Responsibility	Role	Section of Act
Uneconomic Crown Land	Make recommendation to Minister re. application to lease adjoining uneconomic Crown land	Advice	65(2)
Lease transaction	Make recommendation to Minister re. application for lease transaction	Advice	62(2)
Feral animal control	Direct lessee to control feral animals by culling/fencing/other	Compliance	73(1)
Feral animal control	Declare a feral animal in relation to a District or part of District, by Gazette notice	Admin	73(2)
Reference Areas	Declare a reference area for evaluating grazing impact, by Gazette notice	Admin	74(2)
Monitoring sites	Establish monitoring site in prescribed manner	Monitoring	75(1)
Remedial plans	Require lessee to submit a remedial plan	Compliance	76
Camping periods	Prescribe allowable camping periods	Admin	78
Access to waterways	Assess/approve/alter route to waterway (and prescribe distances in the Gazette)	Admin	79
Temporary closure of access	Oversee / administer temporary access closure	Admin	82
Closure for rehab	Declare an area closed for rehabilitation	Admin	83
Land use details	Require lessee to provide details re. land use; surrender subject land for separate title for NPU and apply for NPU permit. Declare in Gazette a land use to be a NPU.	Admin	90 & 91
Non-Pastoral Use (NPU)	<ul style="list-style-type: none"> -grant NPU permit subject to any conditions Board deems appropriate - issue NPU guidelines - lodge permits with the Registrar-General - determine method of application - request additional information - comply with <i>Native Title Act 1993</i> - take government policy into account - consider impacts to environment and pastoral enterprise - consider public submissions - invite submitters to meeting (if public) and let them address the Board - public notice in newspaper and on website - determine applications for extension of permit term - vary a permit of own initiative - determine applications for permit variation - suspend permit - revoke permit -determine applications for permit to be suspended or revoked - direct lessee to alleviate impacts of revoked permit 	Compliance	Part 7
Pastoral Land Clearing (PLC)	<ul style="list-style-type: none"> - prosecute a person for an unpermitted clearing offence (s91C) - determine and publish PLC permit exemptions in Gazette (s91D) - publish PLC guidelines (s91E) - publically advertise PLC applications (s91G) - consider submissions, PLC guidelines and other matters (s91H) - determine PLC app and issue permit with/without conditions (91H) 	Compliance	Part 7A

Topic	Responsibility	Role	Section of Act
	<ul style="list-style-type: none"> - determine a specified clearing period or stages and conditions (s91J) - lodge permit/variation/extension details with Registrar-General (91L) - determine whether to approve permit extension application (91N) - determine whether to approve permit variation application (91P) - determine to suspend, revoke or reinstate permit (91Q) - issue notice specifying remedial actions for lessee to undertake (91R) - determine application for permit suspension or revocation (s91S) - issue stop work direction to a person and vary or revoke it (s91T) - prosecute non-compliance with stop work direction (s91U) - issue a rehabilitation direction to a person requiring preparation and/or implementation of an approved rehabilitation plan (s91V) - revoke or vary an approved rehabilitation plan (s91W) - lodge a rehabilitation with the Registrar-General (s91Y) - prosecute non-compliance with a rehabilitation direction (s91ZA) - prosecute non-compliance with a rehabilitation plan (s91ZB) 		