



Compliance Plan

Pastoral Land Act 199

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
BFNT	Bushfires NT
BMP	Best management practice
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
DIPL	Department of Infrastructure, Planning and Logistics (e.g. Crown Land Estate)
DITT	Department of Industry, Trade and Tourism (e.g. Agriculture Division)
NT EPA	Northern Territory Environment Protection Authority
NPU	Non-Pastoral Use
NTG	Northern Territory Government
PL	Pastoral Lease
PLAB	Pastoral Lease Administration Branch
PPL	Perpetual Pastoral Lease
PLC	Pastoral Land Clearing
Rehab	Rehabilitation
SWD	Stop Work Direction

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1. Introduction

1.1. Purpose

The purpose of this document is to provide a structural framework for compliance and enforcement processes pertaining to the *Pastoral Land Act 1992* (the Act), specifically in relation to management and use of the physical land resource. The six key areas of compliance addressed are:

1. Compliance with lease conditions
2. Stock and feral animal management
3. Permit compliance
4. Remedial plans
5. Remedial works
6. Rehabilitation plans

This Plan does not address statutory administrative matters.

For governance purposes, the Pastoral Land Board (Board) has published this Compliance Plan to assist the Board in addressing matters relating to land degradation within the pastoral estate in a consistent and transparent manner; including declining land condition, unpermitted clearing of native vegetation and unauthorised non-pastoral use activities.

1.2. Context

The Compliance Plan sits within a documentation hierarchy (see **Figure 1**) and is informed by the overarching Compliance Strategy outlining the Board's vision for delivery of its regulatory functions and activities; and a Compliance Policy outlining the Board's approach for applying the legislative framework and decision-making. All documents are informed by the rules of conduct outlined in the Compliance Charter, including regulatory responsibilities (of the Minister, Board and lessees) in the context of the objectives, functions and duties outlined in the Act.

With regard to sustainable use of the land resource, this Compliance Plan outlines:

- A compliance and enforcement framework that escalates through four phases;
- A risk matrix and rules to support consistent decision making;
- Non-statutory and statutory compliance and enforcement tools/outcomes;
- Other relevant legislation with implications for management of the land resource; and
- Pathways for supporting best land management practices.

1.3. Plan term, updates and availability

- The term of the Plan will be ongoing from the date of approval by the Board.
- The Plan 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 Plan will be publically available and published on the Board's website.

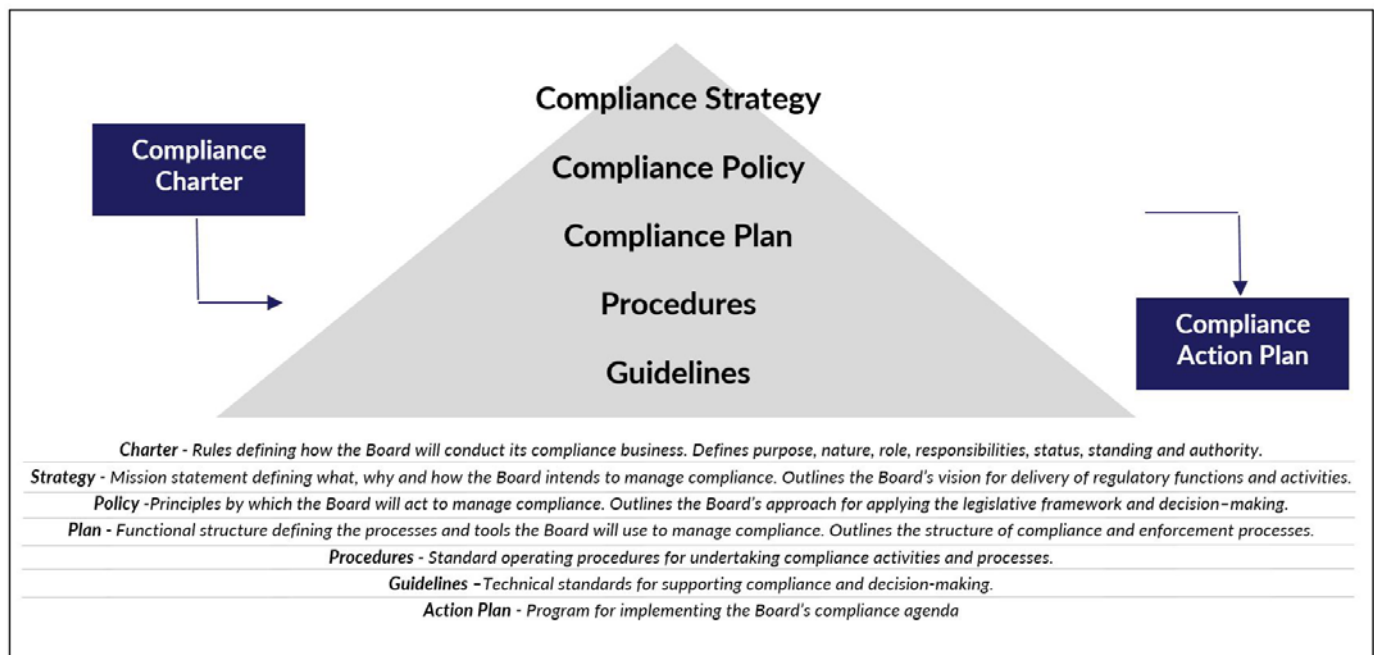


Figure 1 - Compliance documentation hierarchy.

2. Compliance matters

Examples of issues or activities affecting the land resource that could lead to compliance and enforcement action include the following; and further information is provided below.

Topic	Examples	Nature of non-compliance
Land degradation	Declining land condition as a result of inappropriate management practices Incidents of land degradation (e.g. erosion, weeds) Failure to prepare/implement a Remedial Plan as directed Failure to undertake Remedial Works as directed	Breach of lease conditions
Non-pastoral use (NPU)	Conducting activity that is not a pastoral purpose without a permit Undertaking a NPU activity outside of a permitted NPU extent Failure to comply with the conditions of a NPU permit	Breach of Part 7
Pastoral land clearing (PLC)	Clearing without a permit & not subject to an approved exemption Clearing outside of a permitted PLC extent Failure to comply with the conditions of a PLC permit	Breach of Part 7A
Stock & Feral animals	Failure to keep a continuous record of stock levels Failure to control feral animals	Breach of Section 73

2.1. Land degradation

The Act provides the following definition:

Degradation, in relation to land, means a decline in the condition of the natural resources of the land, including the capacity of the land to sustain pastoral productivity, resulting directly or indirectly from human activities on or affecting the land.

In a pastoral context, land condition is generally described as the ability of land to respond to rainfall and produce useful forage and is assessed on the basis of four major features of the landscape: pasture structure and composition, soil condition, presence of weeds and woodland structure.

In a natural resource management (NRM) context, land condition is generally understood to encompass the health of component natural resources (soil, water, air, biodiversity) and associated systems and processes. Biodiversity refers to the diversity of living organisms, including flora (vegetation composition and structure) and fauna (native and introduced species).

In both contexts, the interplay of climate/weather (temperature, precipitation, wind, wildfire) and human activities is key in determining how changes in land condition will respond.

It is important to recognise both contexts in relation to the land use activities and management practices that may occur on pastoral land – including for both *pastoral purposes* and *non-pastoral purposes* – because the NRM context will increase with land use diversification.

As outlined in the **Compliance Charter** and demonstrated in **Table 1** below, the Act focusses on preventing, minimising and remediating land degradation.

Accordingly, the Act also provides the following definition:

Rehabilitate, in relation to land, means to bring the land back as near as practicable to the condition it was in before its degradation, having particular regard to its capacity to carry stock and its level of soil stability and

(a) if there is a remedial plan in force under section 76 in respect of the land – the action required to comply with the remedial plan; or

(b) if there is a rehabilitation plan in force under section 91V in respect of the land – the action required to comply with the rehabilitation plan.

This definition highlights the importance of monitoring land condition in order to establish a baseline and to detect change over time (improvement or decline). It is the responsibility of lessees to independently monitor land condition and its contributing factors on their individual lease; and it is the Board's responsibility to monitor land condition across the entire pastoral estate, overseeing the effectiveness of individual leases. Land condition monitoring undertaken by DEPWS staff via remote sensing or site inspections on behalf of the Board generally identify trends over time and may pick up specific isolated issues on an ad hoc basis – however this may not provide all the information needed to understand the cause of an identified decline in land condition. Therefore lessees may be required to furnish the Board with additional information in accordance with the Act.

Factors that trigger land degradation may include one or more of, but are not limited to, the following examples:

- **Stock management** (e.g. overstocking in relation to feed available and/or not destocking early enough in response to declining feed availability or seasonal conditions; and/or insufficient spelling)
- **Erosion** (e.g. caused by soil disturbance and loss of groundcover)
- **Weeds** (e.g. introduced or unmanaged)
- **Feral animals** (e.g. increasing grazing pressure and soil disturbance)
- **Fire** (e.g. of excessive intensity and/or frequency, or at wrong time of year)
- **Clearing of native vegetation** (e.g. without consent and not as per best management practices)
- **Unsuccessful pasture improvement or other development activity** (e.g. causing erosion)
- **Land contamination or pollution** (e.g. impacting system health)
- **Poor land management practices**. (e.g. affecting all of the above)

How the Act deals with these issues varies, but is primarily in relation to a breach of lease conditions.

Table 2 provides a summary of the mechanisms within the Act specifically relating to land degradation.

Table 1 – Pastoral Land Act mechanisms relating to land degradation and remediation

Mechanism	Section of Act	Description
Object of Act	4(b)	To provide for: (i) the <u>monitoring</u> of pastoral land so as to detect and <u>assess</u> any change in its condition; (ii) the <u>prevention</u> or <u>minimisation</u> of degradation of or other damage to the land and its indigenous plant and animal life; and (iii) the <u>rehabilitation</u> of the land in cases of degradation or other damage.
Duty of Board	5	Act consistently with, and seek to further, the objects of the Act (above).
Duty of lessee	6	(a) To carry out the pastoral enterprise under the lease so as to <u>prevent</u> degradation of the land; (b) to participate to a reasonable extent in the <u>monitoring</u> 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 <u>improve</u> the condition of the land.
Function of Board	29	(c) To plan, establish, operate and maintain systems for <u>monitoring</u> the condition and use of pastoral land on a District or other basis. (e) to direct the preparation, and monitor the implementation, of <u>remedial plans</u> (f) to monitor, supervise or cause to be carried out work in relation to the <u>rectification</u> of degradation or other damage to pastoral land (g) to monitor the numbers and effect of <u>stock</u> and <u>feral</u> and other animals on pastoral land.
Power of Board	30(2)	Authorise officers to enter pastoral land to assesses the condition of the land and inspect recorded land data kept by the lessee in accordance with the requirements of the Act
Lease conditions	39	(a) Not use or stock the land other than as permitted by or under the Act or lease (c) prepare a remedial plan, as directed by the Board and undertake such action as is required in the plan
Penalties (clearing)	Part 7A	<ul style="list-style-type: none"> • Prosecution for unpermitted clearing of native vegetation – Section 91C1(c) • Issuance of a Stop Work Directive – Section 91T & 91U • Issuance of a Rehabilitation Directive – Section 91V & 91ZA • Requirement to prepare / implement a Rehab Plan – Section 91V & 91ZB
Penalties (other)	Various	<ul style="list-style-type: none"> • Prosecution for breach of lease conditions or failure to prepare and implement a remedial plan as directed – Section 40(7) • Prosecution for failure to control declared feral animals – Section 73 • Fund remedial works (which may include destocking) or remedial plan arranged by the Board/Minister – Section 76(5), 42, 91V(5)&(6). • Prosecution for failure to keep records regarding stock numbers and control of declared feral animals – Regulation 28

2.2. Lease conditions

Every pastoral lease is subject to the requirements listed in Section 38 (general conditions) and Section 39 (land management conditions) of the Act. Non-compliance with these requirements may constitute an offence and ultimately expose the lessee to potential prosecution by the Minister in accordance with Section 40 of the Act. A summary of all lease conditions is provided in **Appendix 3**.

Lease conditions relating to management of the land resource and the focus of this Compliance Plan are as follows, noting that the Minister may impose such other conditions as the Minister thinks fit on the granting of a pastoral lease:

- 38(1)(d) - that, subject to section 88, the lessee will use the land only for pastoral purposes
 - *'pastoral purposes' means the pasturing of stock for sustainable commercial use of the land on which they are pastured or agricultural or other non- dominant uses essential to, carried out in conjunction with, or inseparable from, the pastoral enterprise, including the production of agricultural products for use in stock feeding and pastoral based tourist activities such as farm holidays, but does not include a use which, under section 91, is declared by the Board not to be a use for pastoral purposes.*
- 38(1)(h) - that the lessee will not clear pastoral land unless the lessee is granted a clearing permit or the clearing is permitted under section 91D
 - [Northern Territory Pastoral Land Clearing Guidelines](#)
 - [Pastoral Land Clearing Permits](#)
- 38(1)(j) - that the lessee will comply with the requirements of or under all laws of the Territory relating to the use and maintenance of the land the subject of the lease
 - Examples of relevant legislation are provided in **Section 7** below.
- 39(a) - not use or stock the land other than as permitted by or under this Act or the lease
 - Stock and feral animal control is addressed in **Section 2.3** below.
 - Non-pastoral use is addressed in **Section 2.4** below.
- 39(b) - take all reasonable measures to conserve and protect features of environmental, cultural, heritage or ecological significance
 - [Northern Territory Planning Scheme Land Clearing Guidelines](#) – environmental and ecological features
 - [Territory Parks and Wildlife Conservation Act 1976](#) – threatened species
 - [Heritage Act 2011](#) – cultural places
 - [NT Aboriginal Sacred Sites Act 1989](#) – sacred sites
- 39(c) - prepare a remedial plan, as directed by the Board and undertake such action as is required in the plan
 - *'remedial plan' means a plan prepared by a pastoral lessee at the direction of the Board (or under section 76(5) by the Board) that details the proposed management of pastoral land over a specified period (or the time taken to rectify a problem) to prevent, arrest or minimise degradation of the pastoral land or to rehabilitate the land.*
 - Land degradation can be a result of the interplay of climate and land management and is typically associated with: loss of groundcover and soil disturbance through fire or over-

grazing, subsequent erosion and soil loss and the introduction of non-native species such as declared weeds or feral animals. Overstocking and poor land management practices have the potential for irreversible consequences, which land condition monitoring and remedial plans aim to prevent. See **Section 2.1** above.

2.3. Feral animal control

- In accordance with section 29(g) of the Act, it is a function of the Board to monitor the numbers and effect of stock and feral and other animals on pastoral land.
- The Act provides the following definitions:
 - **Stock** means a species of animal permitted by or under the Act or the terms of a pastoral lease to be pastured on pastoral land as part of the pastoral enterprise under the lease.
 - **Feral animal** means an animal of a kind introduced into Australia since 1787 that is living in a wild state. (i.e. unbranded, untagged and unfenced).
- The *Pastoral Land Regulations 1992* further state:
 - Regulation 6 - In every pastoral lease, unless otherwise provided in the lease, stock includes beef cattle, buffaloes, horses, donkeys, mules or camels which are not in a feral state.
 - Regulation 28 – A pastoral lessee must keep, in respect of each area of pastoral land held by him or her under a separate pastoral lease, a continuous record of: (a) the stock levels on, and turned off from, the pastoral land; and (b) measures taken to control feral animals as directed under section 73 of the Act by the Board.
- In accordance with the Compliance Policy, from December 2022 pastoral lessees will be required to submit annual stock returns that include feral animal control data. In addition to the Regulations, this requirement is consistent with section 30(1) of the Act which provides the Board with the power to do all things that are necessary or convenient to be done (such as require the provision of data from lessees) for or in connection with the performance of its functions – including monitoring the numbers and effect of stock and feral animals on pastoral land as per Section 29(g) of the Act. Notably, stock and feral data is essential for informing land condition.
- Section 73(1) of the Act states that the Board may, by written notice, direct a pastoral lessee to control declared feral animals on the lessee's pastoral land by culling, fencing or other means directed by the Board. Should the lessee fail to comply with the requirements of the notice, they may be prosecuted in accordance with Section 73(1A).
- Section 73(2) states that the Board may declare a feral animal (by notice in the Gazette) in relation to the District or part of the District in which the lease land is situated.
- To date only one declaration has been made. A declaration regarding horses and donkeys living in a wild state in the V.R.D was published in the NTG Gazette No. G22 on 9 June 1999.
- Sections 47 and 48 of the *Territory Parks and Wildlife Conservation Act 1976* (TPWC Act) relate to declaration of feral animals and feral animal control areas by the Minister. In 1999 a "pest control area" was simultaneously declared in Gazette No. G22.
- Feral animals most likely to affect pastoral enterprises and supporting ecosystems are outlined in **Table 2**.

Table 2 - Feral animals of significance to the pastoral estate

Feral / Region	Top End	Arnhem	VRD	Katherine	Gulf	Barkly	Central	Management
Camel			x				x	Aerial culling, live muster
Buffalo	x	x	x		x			Aerial culling
Donkey			x	x	x	x	x	Aerial culling
Horse	x	x	x	x	x	x	x	Aerial culling
Pig	x	x	x		x			Aerial culling, baited traps, poison
Dog	x	x	x	x	x	x	x	Poison, trapping, fencing, shooting
Cat	x	x	x	x	x	x	x	Trapping, poison
Red Fox						x	x	Poison, trapping, fencing, shooting
Rabbit							x	Ripping warrens, poison, trapping, fumigation
SOURCE:	https://nt.gov.au/data/assets/pdf_file/0003/208254/feral-animals-poster.pdf							

2.4. Non-pastoral use

- Part 7 of the Act addresses the non-pastoral use (NPU) of pastoral land.
- Section 88 of the Act enables the Board to issue a NPU Permit subject to any conditions the Board thinks appropriate to be specified on the permit.
- Section 91 of the Act enables the Board to declare a specific land use to be a NPU (by notice in the NTG Gazette); however none have yet been declared.
- Consequently, a NPU may essentially be defined as an activity that does not meet the definition of a *pastoral purpose* (as defined in the Act) and must remain the sub-dominant land use on the lease.
- The Board has published the [Northern Territory non-pastoral use guidelines](#) in accordance with Section 85A(2) of the Act. Applications for a NPU Permit are required to satisfactorily address matters outlined in the Guidelines.
- Refer to Sections 5.3.3 and 6.2.4 below and **Appendix 7**.

2.5. Pastoral land clearing

- Prior to commencement of the amended Act, pastoral land clearing (PLC) was regulated as a lease condition under section 38(1)(h) which stated that: *the lessee will not clear any pastoral land except with and in accordance with the written consent of the Board or guidelines, if any, published by the Board*. PLC permits were issued by the Board; permit exemptions were specified in the PLC Guidelines; and non-compliance potentially subject to prosecution by the Minister per section 40 of the Act.
- Following commencement of the amended Act, a permitting system was introduced in Part 7A and section 38(1)(h) was changed to: *the lessee will not clear pastoral land unless the lessee is granted a clearing permit or the clearing is permitted under section 91D*. These changes mean that the Board is now responsible for issuing and regulating PLC permits (including potential prosecution for non-compliance) and specifying 'permitted clearing' (i.e. permit exemptions) in the Gazette. The Minister also retains the option to prosecute (instead of the Board). However, no transitional provisions were

included in the amended Act, meaning that non-compliance with PLC permits issued prior to commencement of the amended Act must be managed per the original lease condition.

- In the amended Act, section 91C(1) states that: *A person commits an offence if: (a) the person intentionally engages in conduct; and (b) the conduct results in clearing pastoral land and the person is reckless in relation to that result; and (c) the clearing was not: (i) conducted in accordance with a clearing permit; or (ii) permitted under section 38(1)(k) or (2)(f) or 91D.* This means that the lessee and / or other responsible persons may be prosecuted; whereas previously only the lessee was liable. It also means that fault elements apply per sections 43AI (intention) and 43AK (recklessness) of the *Criminal Code Act 1983*.
- Part 7A of the amended Act addresses pastoral land clearing (PLC), including the following aspects.
- Section 91H enables the Board to issue a PLC Permit subject to any conditions the Board thinks appropriate to be specified on the permit.
- Section 91D enables the Board to determine circumstances in which clearing pastoral land is permitted without a permit i.e. permit exemptions (by notice in the NTG Gazette), e.g. clearing tracks.
- The Act also provides the following definitions:
 - **Clear**, in relation to land, means any of the following: (a) the killing, destruction or removal of native vegetation; or (b) any substantial damage to native vegetation - s91A.
 - **Native vegetation** means a plant that is terrestrial or intertidal flora indigenous to the Territory (e.g. grasses, shrubs and mangroves) – s91B.
- Subject to s91C of the Act, a person (whether lessee or other) commits a PLC offence if the clearing was not (i) conducted in accordance with a PLC permit or (ii) permitted under:
 - s38(1)(k) – Ministerial authorisation to harvest timber and timber products
 - s38(2)(f) – Aboriginal persons to take vegetable matter for food/ceremonial purposes
 - s91D – PLC permit exemptions (per Gazette notice).
- The Board has published (updated) [Northern Territory Pastoral Land Clearing Guidelines](#) consistent with section 91E of the Act. Applications for a PLC Permit are required to satisfactorily address matters outlined in the Guidelines.
- The Act also includes provisions relating to PLC permit timeframes (s91J), duration (s91K), extension (91N), variation (s91P), suspension (s91Q & 91S) and revocation (s91R & 91S).
- Additional statutory mechanisms provided in the Act include the ability of the Board to issue a Stop Work Direction (SWD) (s91T) and/or a Rehabilitation Direction (s91V) relating to Rehabilitation Plan requirements, as well as associated penalties for non-compliance (s91U, s91ZA and 91ZB respectively).
- Refer to Sections 5.3.4 and 6.2.5 below and **Appendices 8, 9, 10**.

2.6. Other matters

In accordance with Section 42 of the Act, the Minister may cause such action to be taken in respect of the land or property (including the destocking of all or part of the land) as the Minister thinks necessary to rehabilitate the land (or to eliminate a danger to life or property) whereby an amount equal to the value of the work undertaken and expenses incurred in relation to the work shall be a debt due and payable by the lessee. This may occur where, in the opinion of the Minister, the lessee has failed or neglected to observe

or perform any of their obligations that are: expressed or implied under the Act or the relevant lease document, remedial plan or directive to implement a remedial plan. This includes complying with Section 6 of the Act – i.e. the general duties of the pastoral lessee. In accordance with Section 29 of the Act, it is the responsibility of the Board to make recommendations to the Minister on any matter relating to the administration of this Act. As such, any compliance issues relating to management of the land resource that are not addressed via one of the pathways outlined in this Plan, may be dealt with in this way.

Other compliance matters with implications for management of the land resource that are specified in the Act but not addressed in this Plan relate to:

- reference areas (s74);
- monitoring sites (s75);
- public access to waterways (s79);
- obstruction of public access (s80);
- access to features of public interest (s81);
- temporary closure of public access (s82); and
- closure of public access for rehabilitation and conservation purposes (s83).

3. Supporting a culture of compliance

In accordance with its Compliance Policy, the Board is committed to fostering a culture of compliance within the pastoral industry and respects the vital role lessees play in promoting the health of the pastoral estate's land resource when carrying out their duty as part of everyday business.

The Board encourages lessees to utilise the following measures to enhance: their existing level of compliance; the condition of the land and the environmental services it supports; and ultimately the economic productivity of the industry.

Management practices:

- Knowing, understanding and acting on lessee responsibilities prescribed by the Act – including fulfilling duties and adhering to all lease conditions
- Engaging with NTG staff for appropriate information and advice – officers from the Pastoral Lease Administration Branch (PLAB) can provide contact details for relevant DEPWS and DITT staff regarding:
 - Lease administration and compliance
 - Soil conservation
 - Land resource mapping
 - Weed management
 - Water resources
 - Pastoral land clearing and land use diversification
 - Agriculture and livestock management
 - Forage budgeting, carrying capacities and stocking rates

- Economic implications for grazing strategies in relation to sustainability and profit optimisation
- Feral animal control
- Bushfire management
- Seeking the right advice early, from suitably qualified professionals – industry groups and private consultants can provide tailored information and services to aid planning and maximise resource efficiencies
- Keeping useable and effective records to inform and improve management practices
- Monitoring management outcomes and regularly reviewing and adapting practice appropriately
- Self-reporting any instances of non-compliance to hasten remediation, prevent further degradation and avoid penalties
- Sharing in success stories to promote innovation, best practice and enhanced compliance with industry and government.

Available resources:

- Land condition reports – (formerly called ‘Blue Books’) provide a vital resource for understanding lease-specific performance trends and outcomes over time and for optimising land use and management practices
- Land resource mapping – accessing and understanding soil and land type information is essential for property planning and managing and enhancing land condition, development and productivity
- Published resources – there are many Territory-specific information resources available on the NTG, DEPWS, DITT, TNRM and other websites
- Courses and workshops – provide important training, development and learning opportunities, such as grazing land management (GLM), land condition assessment, carrying capacity calculation and forage estimates
- Industry and NRM groups – provide important services and resources and offer alternatives to those publically available through government (e.g. [NTCA](#), [MLA](#), [NT Farmers](#), [TNRM](#)).
- Spatial data – all published natural resource data is available for use at [NR Maps](#).
- Internet – there are numerous short courses, products, services, tools and advice available online through independent providers
- Drought Hub – the [Northern Western Australia and Northern Territory \(NWANT\) Drought Resilience Adoption and Innovation Hub](#) is led by Charles Darwin University, funded by the Australian Government and other Hub partners; and is focussed on the co-design of innovative tools to improve drought preparedness. Hub nodes are located in Darwin, Katherine and Alice Springs.

4. Monitoring responsibilities

4.1. Departmental monitoring programs

In accordance with section 38(1)(j) of the Act, it is a condition of all pastoral leases that the lessee will comply with the requirements of or under all laws of the Territory relating to the use and maintenance of the land the subject of the lease. Accordingly it is appropriate that the Board be informed of any serious matters of non-compliance within the pastoral estate identified by NTG agencies. With reference to the land resource, this may extend to matters influencing land condition, including: clearing, erosion, weeds, fire, feral animal control and land contamination or pollution. Further, due to the inter-related nature of natural resources and land use, other factors may also come into play such as: water, biodiversity, cultural heritage, sacred sites, infrastructure, animal welfare and environmental protection.

There are a number of natural resource management programs undertaken by DEPWS as part of its responsibilities under various legislation, or on behalf of the Board. Whilst many of these programs are run independently and by different business units, the Pastoral Lease Administration Branch (PLAB) provides a central point for coordination (see **Figure 2**) of the various activities and information for interpretation and provision to the Board as required to enable the Board to perform its functions. The following programs play a key role in relation to pastoral compliance:

1. Rangelands monitoring program – informs land condition monitoring and identifies land degradation
2. Remote sensing program – monitors land condition and land clearing extent
3. PLC & NPU permit application assessment program – ensures permits are in accordance with statutory requirements
4. Simplified PLC auditing program – monitors compliance in accordance with policy
5. PLC & NPU permit compliance – facilitates compliance with implementation of permit conditions, including permitted activity extent
6. Weed Management Branch compliance program – administers the *Weeds Management Act 2001*.

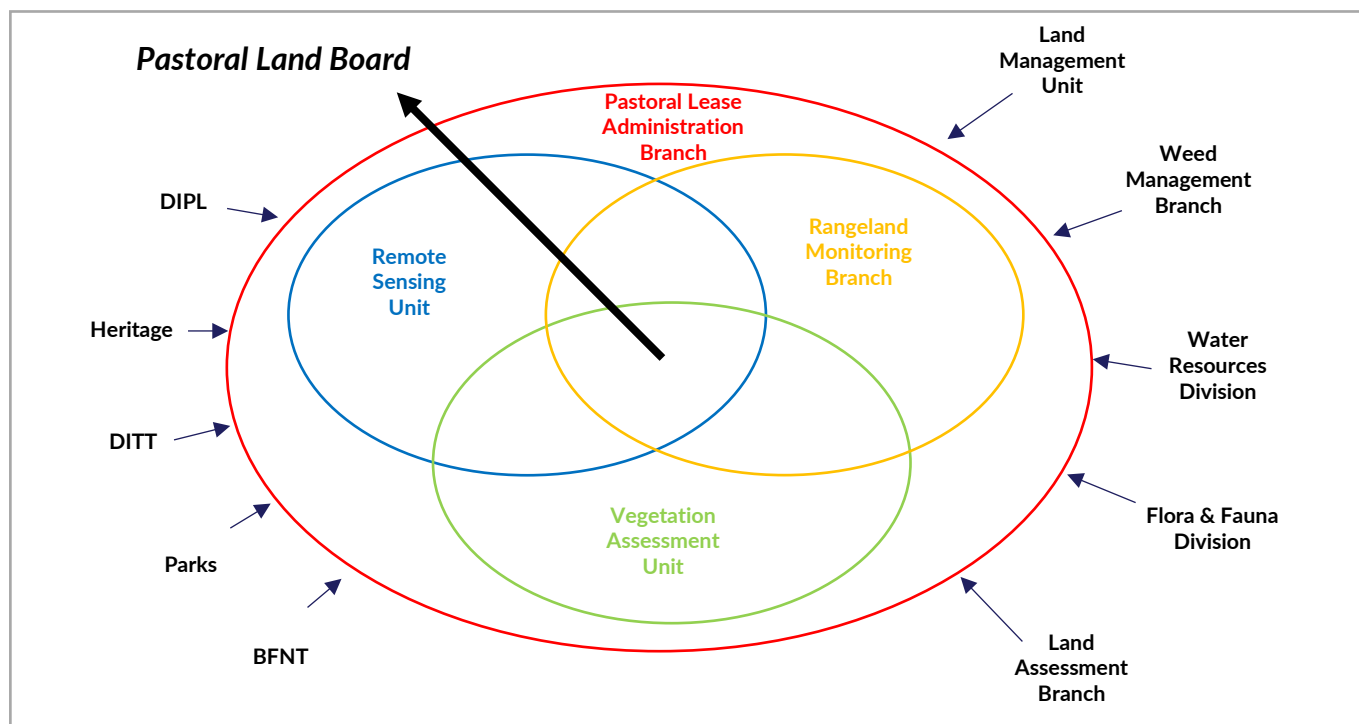


Figure 2 - Graphical representation of how technical NTG resources are positioned to support the Board. The Remote Sensing Unit, Rangeland Monitoring Branch and Vegetation Assessment Unit each run specific programs on behalf of the Board, while other groups provide technical expertise and services as required. The Pastoral Lease Administration Branch is responsible for coordinating and facilitating provision of these services to the Board.

4.2. Stocking rates

Stocking rates are a critical factor for informing land condition, particularly in relation to distinguishing between the impacts of climate and management. Trends in stock data in relation to other environmental variables over time can help to inform optimal stocking rates for specific land types and conversely, rates that are not conducive to sustainable grazing practices or the duty of pastoral lessees to prevent land degradation (refer to Section 2.6 of the **Compliance Charter**).

As described in Section 2.3 above, lessees and the Board have regulatory responsibilities to monitor and record stocking rates within the lease and the pastoral estate, respectively. The Board also has the power to request the data from lessees. In accordance with Section 7.2 of the **Compliance Policy**, the Board has determined that lessees are required to submit annual stock returns.

It should be noted that in accordance section 39 of the *Soil Conservation and Land Utilisation Act 1969*, the Commissioner for Soil Conservation may also require a lessee to furnish the following information: works executed, livestock carried and land management practices implemented on the lease – as verified by a statutory declaration. Accordingly the Board may also refer serious land degradation issues associated with grazing pressure to the Commissioner as required.

4.3. Feral animals

Similarly, feral animals influence grazing pressure, competing with stock and adversely affecting land condition through unmanaged grazing with consequent effects on vegetation structure and composition, elevated levels of soil disturbance and weed spread. As described in Section 2.3 above, the Board has a responsibility to monitor the number and effect of feral animals on pastoral land and has determined that lessees provide feral animal data as part of an annual stock return. Data requirements relate to declared feral and non-native pest animals and will be used to help inform the Board regarding interpretation of the impact of (domestic) stocking rates on land condition and to support the industry by notifying the Minister/DEPWS of problematic populations (for potential action) and the need to make further declarations under the Act. Data provision also allows the lessees to demonstrate good management.

5. Compliance process

There are four phases in the compliance process, with a transition between phases being triggered by an escalation in the seriousness of the breach. The specific process to be followed will vary depending on the type of compliance matter, however the overarching concept is shown in **Figure 3**. The four phases are summarised in **Table 3** and detailed below.

In accordance with the Board's compliance principles outlined in the **Compliance Policy**, the majority of non-compliance is likely to be resolved through Phase 1 and Phase 2; and a diagrammatical flowchart incorporating these two phases is provided at **Appendix 4**.

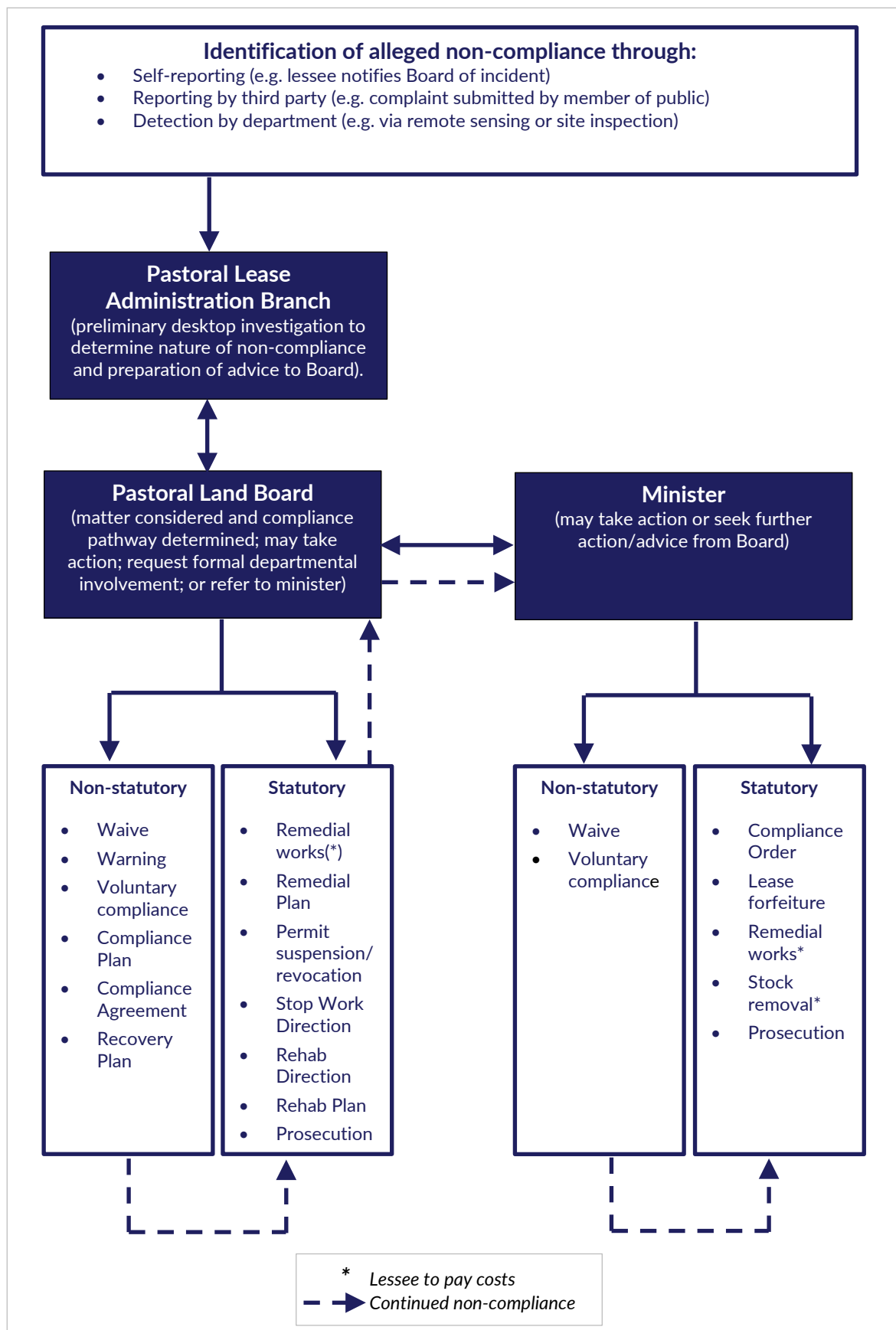


Figure 3- Compliance Plan overview

Table 3 – Summary of the four compliance phases

Phase	Steps	Response options
Phase 1: Scoping	<ol style="list-style-type: none"> 1. Issue identified & Board notified 2. Desktop investigation 3. Board consideration 4. Lessee contacted 5. Lessee to respond 6. Board to determine 7. Lessee to be notified 	<ul style="list-style-type: none"> ➤ Preliminary investigation ➤ Formal investigation ➤ Warning letter
Phase 2: Non-statutory response by Board	<ol style="list-style-type: none"> 1. Lessee to action 2. Board to review 3. Lessee to implement 4. DEPWS to verify 5. Board to determine 6. Lessee to be notified 	<ul style="list-style-type: none"> ➤ Waive breach ➤ Warning Letter ➤ Voluntary compliance ➤ Compliance Agreement ➤ Compliance Plan ➤ Recovery Plan
Phase 3: Statutory Response by Board	<p>Issue-based compliance pathways:</p> <ul style="list-style-type: none"> • Land degradation (Remedial Plan) • Pastoral Land Clearing • Non-Pastoral Use • Feral animal control 	<ul style="list-style-type: none"> ➤ Remedial Plan ➤ Remedial works ➤ Stop Work Direction* ➤ Permit suspension ➤ Permit revocation ➤ Rehab Direction* ➤ Rehab Plan* ➤ Prosecution ➤ Referral to Minister <p>*PLC only</p>
Phase 4: Escalation to Minister	<ol style="list-style-type: none"> 1. Referral to Minister 2. Lessee to be notified 3. Lessee to respond 4. Minister to determine 5. Compliance action implemented 	<ul style="list-style-type: none"> ➤ Waive breach ➤ Voluntary compliance ➤ Compliance Order ➤ Remedial action ➤ Prosecution ➤ Lease forfeiture

5.1. Phase 1: Scoping

All compliance matters will proceed through Phase 1. An overview of the steps is provided below

Steps:

1. Issue identified

- Issue identified by following mechanisms: reported by third party; lessee self-reporting; land condition monitoring site inspection and/or land condition report update; PLC or NPU site inspection; remote sensing program.
- Issue reported to PLAB for actioning.
- Board notified.

2. Desktop investigation

- PLAB to undertake preliminary investigation to determine nature of non-compliance.

- Identify level of urgency, potential risk and recommended course of action.
- May contact lessee for further information or seek assistance from other NTG staff.
- Complete due diligence search of records to check whether activity has (historical) approval etc.
- Prepare communication outlining issue and providing recommendation/s for Board.
- Strict record keeping essential in event matter escalates to prosecution.

3. Board/Delegate consideration

- Matter considered by Board/Delegate at earliest opportunity to determine how to proceed (e.g. whether to proceed with particular non-statutory pathway or escalate to Phase 3).
- Board to determine whether Minister needs to be notified (not required for minor issues).
- Note: For incidents relating to breach of a PLC permit issued prior to commencement of the amended Act, incident must be treated as per breach of lease condition (due to absence of transitional provisions) – i.e. progress through Phase 1 and 2, with escalation to Phase 3 if required. All other PLC related incidents (e.g. unpermitted clearing that occurred after or breach of PLC permit condition issued after commencement of amended Act) should first be triaged to determine whether a SWD is required to be issued, before continuing progression through Phase 1, 2 or 3 as determined by the Board / Delegate based on the seriousness of the incident. Board/Delegate to triage and action incident per the following:
 - Urgent: issue SWD within 24hrs
 - Non-urgent: issue SWD within appropriate timeframe (e.g. at next Board meeting or sooner)
 - Negligible: Board to determine SWD not required at next Board meeting.

4. Lessee to be contacted

- If continuing with non-statutory pathway, Board to write to lessee notifying them of alleged non-compliance, outlining potential compliance actions and requesting a formal explanation. May recommend voluntary compliance.

5. Lessee to respond

- Lessee to provide formal written response to Board providing requested information.
- Lessee may resolve issue by way of voluntary compliance and provide evidence to Board.

6. Board to determine

- PLAB to review/verify lessee response and prepare communication for Board to consider.
- Board may request formal investigation by DEPWS; which may further influence Board determination. (Note: this will be required if Phase 3 or 4 to be pursued).
- Board to determine whether to progress to Phase 2, 3 or 4 and the appropriate course of action using the compliance matrix (see **Section 5.5**).

7. Lessee to be notified

- Board to write to lessee advising them of outcome.
- If action to be taken (e.g. lessee required to prepare non-statutory plan), letter must specify all requirement details (e.g. performance criteria and due dates, etc.) and appeal options (i.e. review by Minister).
- If determination to waive the issue, matter is resolved and no further action required by lessee. Warning Letter may be issued at Board's discretion.

5.2. Phase 2: Non-statutory response by Board

Depending on the seriousness of the non-compliance, the Board will determine whether to proceed to Phase 2, 3 or 4. The Board may also issue a Warning Letter to the lessee at any time as they see fit (e.g. if compliance progress is untimely, etc.). Minor issues will proceed as follows.

Steps:

1. Lessee to action

- Lessee to action direction from Board. If required to prepare an agreement or plan, lessee to send draft to PLAB for review. If required to undertake action (without plan), lessee required to submit evidence of compliance to PLAB.
- PLAB to review document/evidence, seek advice from relevant branches as required and liaise with lessee regarding any necessary amendments/resubmission.
- When PLAB consider document is satisfactory, prepare communication and refer to Board for consideration.

2. Board to review

- Board to review document and determine whether satisfactory.
- If document is satisfactory and implementation required – Board to notify lessee and consent for remediation to commence in accordance with document.
- If document is satisfactory and no action required – Board to notify lessee and matter is resolved.
- If document is not satisfactory and resubmission or further works required – Board to notify lessee and prescribe further specific action.
- Board to seek follow-up by PLAB as required.

3. Lessee to implement

- Requirements will vary depending on whether Compliance Plan, Compliance Agreement, or Recovery Plan is required.
- Lessee to liaise with PLAB and other relevant NTG staff for advice (as required).
- Lessee to keep records or report on progress to PLAB (as required).
- At completion of activity, lessee to advise PLAB and provide evidence (as required).

4. Compliance verification

- PLAB to review lessee submission.
- Site inspection to be undertaken by PLAB/NTG where required and site inspection report to be prepared.
- PLAB to prepare communication for Board.

5. Board to determine

- Board to consider communication, lessee submission and any supporting documents.

6. Lessee to be notified

- If satisfactory – Board to notify lessee matter is resolved and no further action required.
- If not satisfactory (minor issue) – Board to notify lessee (go back to step 3 - implementation).
- If not satisfactory (major issue) – matter to progress to Phase 3 or 4.

5.3. Phase 3: Statutory response by Board

Under the Act, the Board's functions include to:

- monitor land condition within the pastoral estate (and identify land degradation) – s29(c);
- monitor the number and effect of stock and feral animals within the pastoral estate – s29(g);
- monitor compliance with lease conditions (particularly regarding land management) – s29(h);
- cause rectification of land degradation within the pastoral estate – s29(f);
- direct the preparation, and monitor the implementation of Remedial Plans – s29(e); and
- undertake other functions as are imposed on it under this Act (including administration of Part 7A regarding PLC) – s29(m).

If compliance is unable to be achieved in relation to these issues through Phase 1 or 2, the Board will choose the most appropriate statutory response for the specific circumstances using the compliance matrix (see **Section 5.5**). In most instances where land degradation is not associated with PLC or NPU activity, the Board will require preparation and implementation of a Remedial Plan (see **Section 5.3.1**) to address the issues outlined above. However where land degradation is associated with PLC and/or NPU activity, multiple statutory provisions may be triggered e.g. issuance of a SWD in relation to the clearing, revocation of both PLC and NPU permits, issuance of a Rehabilitation Direction, prosecution for unpermitted clearing; and potential further prosecution for non-compliance with statutory directions.

In instances where compliance cannot be achieved through statutory responses available to the Board, the Board will refer the matter to the Minister (see **Section 5.4** below).

The following sections outline statutory compliance pathways prescribed in the Act for specific compliance matters.

5.3.1. Remedial Plans (for land degradation)

Following an investigation, the Board may determine that the matter should be addressed through preparation and implementation of a Remedial Plan, as prescribed in Section 76 of the Act. A flowchart outlining this statutory process is provided at **Appendix 5**. Failure by the lessee to prepare a satisfactory Remedial Plan or to implement it to the satisfaction of the Board constitutes a breach of lease conditions and will trigger escalation to Phase 4 for action by the Minister.

Section 76(1) of the Act states:

If the Board is of the opinion that pastoral land has been degraded or otherwise damaged, or is likely to suffer degradation or other damage, and that in order to prevent, arrest or minimise degradation of or other damage to the land, or to rehabilitate the land, it is necessary that action under this section be taken, it may, by notice in writing to the pastoral lessee, require the lessee to submit to the Board:

(a) a remedial plan detailing the proposed management of the pastoral land over a specified period; or

(b) a revised remedial plan,

in accordance with the notice.

This means that if the Board is of the opinion:

1. that pastoral land:
 - a. has been degraded or otherwise damaged; or
 - b. is likely to suffer degradation or other damage

AND

2. that it is necessary that action under this section of the Act be taken to:
 - a. prevent, arrest or minimise degradation of or other damage to the land; or
 - b. to rehabilitate the land

THEN

3. By notice in writing, the Board may require the lessee to submit to the Board either:
 - a. a Remedial Plan; or
 - b. a Revised Remedial Plan.

The Act also provides the following definitions:

Remedial plan means a plan prepared by a pastoral lessee at the direction of the Board (or under section 76(5) by the Board) that details the proposed management of pastoral land over a specified period (or the time taken to rectify a problem) to prevent, arrest or minimise degradation of the pastoral land or to rehabilitate the land.

Degradation, in relation to land, means a decline in the condition of the natural resources of the land, including the capacity of the land to sustain pastoral productivity, resulting directly or indirectly from human activities on or affecting the land.

For further information regarding land degradation and rehabilitation, refer to **Section 2.1** above.

Steps:

1. Written Notice

- Board to notify lessee that Remedial Plan is required detailing the proposed management of the pastoral land over a specified period of time, including content requirements.

2. Plan preparation & submission

- Lessee to engage consultant to prepare Remedial Plan in accordance with Board requirements. May contact PLAB/other for specific advice.
- Lessee to submit plan to PLAB.

3. Plan assessment

- PLAB to assess plan (with input from relevant branches) and prepare recommendation for Board. Plan may require amendments at discretion of Board on advice from PLAB.
- Lessee to amend and resubmit plan as required.

4. Plan approval

- Board to endorse plan when satisfactory.
- PLAB to lodge plan with Registrar-General per s76(10) for registration on title per s76(11).

- Note: Remedial Plan is binding on mortgagee in possession of, and on successors in title to, the land per s76(12).

5. Plan implementation

- Lessee to implement plan and report to Board as required.

6. Site inspection

- At completion of works or on meeting required level of rehabilitation (as specified), PLAB/DEPWS to undertake site inspection and prepare report (with recommendation) for Board.
- Board may undertake inspection (at their discretion).

7. Board Consideration

- Board to consider whether plan has been satisfactorily implemented and land degradation issue/s have been satisfactorily remediated/rehabilitated.
- If unsatisfactory, Board may consider further action.

8. Matter resolved

- Board to notify lessee of outcome – matter resolved if rehabilitation is deemed satisfactory.

5.3.2. Feral animal control (per Gazette declaration/s)

The impacts of feral animals on land condition may be addressed through compliance pathways relating to land degradation (see **Section 5.3.1** above); and as outlined in **Section 2.3** above, the Board may require a lessee to control declared animals as directed or risk prosecution. However, the Board must first declare a feral animal on a District basis by notice in the NTG Gazette.

5.3.3. Non-pastoral use activities

Every compliance incident in relation to non-pastoral use (NPU) must be assessed on a case by case basis to determine the seriousness of the breach and the most appropriate compliance action, including consideration of the most beneficial environmental outcome.

NPU non-compliance pathway

- NPU non-compliance may be in one of the following forms:
 - Undertaking a NPU activity without a permit
 - Undertaking a NPU activity outside of the permitted NPU extent
 - Undertaking a NPU activity in breach of permit conditions (e.g. activity commences prior to satisfying a conditions precedent that requires preparation and implementation of an Erosion and Sediment Control Plan to the satisfaction of the Board).
- Compliance pathway is outlined in Part 7 of the Act and a flowchart is provided in **Appendix 7**.
- The first part of the process is similar to Phase 1 & 2 (non-statutory response by Board e.g. preliminary investigation and request for information or for voluntary compliance), with statutory response options escalating in Phase 3 depending on the nature of non-compliance.

- Phase 3 responses where no permit has been issued include:
 - Waive
 - Surrender the subject part of the lease for a separate title – s90(2)(a)
 - Retrospective permit – s90(2)(b)
- Phase 3 responses where a permit has been issued include:
 - Waive
 - Suspend permit – s89D
 - Revoke permit – s89E
 - Direction to undertake remedial works – s89(1)G
 - Requirement to prepare and/or implement a Remedial Plan – s76
- Following permit revocation, failure to comply with a written direction to undertake remedial works is prosecutable by the Board or the Minister (s89G(2)); while failure to comply with a Remedial Plan constitutes a breach of lease conditions (s76(9)) and will trigger escalation to Phase 4.
- Notably strict liability (see section 43AX of the *Criminal Code Act 1983*) applies in relation non-compliance with a remedial works direction – s89G(3). However it is a defence to a prosecution if the lessee has a reasonable excuse – s89G(4).

5.3.4. Pastoral land clearing activities

Every compliance incident relating to PLC must be assessed on a case by case basis to determine the seriousness of the breach and the most appropriate compliance action, including consideration of the most beneficial environmental outcome.

Non-compliance relating to a PLC Permit (i.e. contrary to permit conditions) issued or unpermitted clearing undertaken prior to commencement of the amended Act will be managed as a breach of lease condition (i.e. there are no transitional provisions in the Act relating to this).

However any non-compliance relating to a PLC permit issued or any unpermitted clearing undertaken after the commencement of the amended Act (i.e. including clearing external the permitted clearing extent of a permit issued prior to commencement of the amended Act), will be managed in accordance with Part 7A.

Part 7A of the Act outlines the various statutory tools available and the associated penalties for non-compliance. The mechanisms provide flexibility to accommodate cases of differing urgency, seriousness and complexity, noting that penalties may apply to lessees and/or other persons involved. A summary of potential penalties is provided in **Table 4**.

Pre- commencement of amended Act

PLC non-compliance pathway

- Section 38(1)(h) – lessee will not clear any pastoral land except with and in accordance with the written consent of the Board or guidelines, if any, published by the Board.
- It is a condition of every lease that clearing of native vegetation not occur without consent of the Board (unless in accordance with an exemption specified in the PLC Guidelines current at the time the clearing occurred).
- PLC non-compliance may be in one of the following forms:

- Clearing without a permit (and not subject to an exemption)
- Clearing outside of the permitted clearing extent
- Clearing in breach of permit conditions (e.g. clearing undertaken prior to satisfying a conditions precedent that requires preparation and implementation of an Erosion and Sediment Control Plan to the satisfaction of the Board).
- After Phase 1 (desktop investigation), Board/Delegate may issue a Notice to cease.
- Board may determine to progress to Phase 2, 3 or 4 depending on the seriousness of the breach.
- For cases that progress to Phase 2, the required compliance action may be preparation and implementation of an approved Compliance Agreement or Compliance Plan relating to voluntary rehabilitation. Non-compliance with these requirements may progress to Phase 3 or Phase 4.
- Phase 3 entails statutory action instigated by the Board. Options available to the Board include suspending or revoking the PLC Permit (may entail request to undertake remedial works), requiring preparation and implementation of a Remedial Plan (**Appendix 5**), or referring the issue to the Minister for Phase 4 (**Appendix 3**).
- Notably strict liability (see section 43AX of the *Criminal Code Act 1983*) applies in relation to unpermitted clearing – s91C(2). However it is a defence to a prosecution if the lessee/person has a reasonable excuse – s91C(3).
- An example compliance pathway is described below.

Steps:

1. **Incident identified** – via audit or receipt of report/complaint.
2. **Preliminary desktop investigation** – by PLAB.
3. **Notice to cease** – If required, Delegate to issue request to cease works immediately.
4. **Investigation** – Board to request DEPWS undertake investigation (including site inspection) and report back to Board.
5. **Request for explanation** – Board to write to lessee notifying them of alleged non-compliance and investigation findings, outline potential compliance outcomes and request formal explanation.
6. **Lessee response** – to be sent to Board within specified timeframe.
7. **Board consideration** – Board to consider all available information and select from following options:
 - Waive
 - Suspend / revoke permit
 - Compliance Plan (e.g. non-statutory rehabilitation plan)
 - Remedial works (statutory)
 - Remedial Plan (statutory)
 - Notify Minister (with recommended action)
8. **Notify lessee** – provide written advice of outcome to lessee and specific instructions (e.g. implement immediate temporary erosion and sediment controls and submit a Compliance Plan).
9. **Plan submission** – applicable plan to be submitted for consideration (to be assessed by DEPWS for feedback; when satisfactory, sent to Board for consideration and approval). If statutory Remedial Plan required, follow process outlined in Act (i.e. to be registered on title).
10. **Plan implementation** – lessee to implement plan in liaison with PLAB/DEPWS and report back to Board as required.

Note: if implementation of non-statutory Compliance Plan/Agreement is unsatisfactory; Board may require a statutory Remedial Plan. If this is unsatisfactory, the Board may escalate the matter to Minister (e.g. works to be undertaken at cost to lessee; prosecution and/or lease forfeiture).

Post- commencement of amended Act

PLC non-compliance pathway

- s91C(1) – A person commits an offence if... the clearing was not (i) conducted in accordance with a clearing permit; or (ii) permitted under sections 38(1)(k) i.e. Ministerial authorisation to harvest timber and timber products, 38(2)(f) i.e. Aboriginal persons taking vegetable matter for food/ceremonial purposes; or 91D i.e. Gazetted permit exemptions.
- PLC non-compliance may be in one or more of the following forms:
 - clearing without a permit in circumstances when a permit is required – s91C
 - clearing not in accordance with a permit – i.e. contrary to:
 - permit conditions – 91H(2)(a), 91H(3)(b)
 - the clearing period – s91J(1)(a), 91H(3)(c)
 - the clearing stages & clearance conditions– 91J(1)(b), 91J(2)
 - the permitted clearing extent – 91H(3)(a)
 - clearing after a permit has been suspended or revoked – 91Q, 91R, 91S
 - not complying with one of the following directions:
 - Stop work direction – 91T, 91U
 - Rehabilitation direction – 91V, 91ZA
 - Direction to undertake remedial works, if permit revoked – 9R(2)(b)(ii)
 - not complying with a Rehabilitation Plan - 91V, 91ZB.
- Phase 1 to include desktop investigation, triage and potential issue of statutory SWD.
- Board may determine to progress to Phase 2, 3 or 4, depending on seriousness of breach.
- For cases that proceed to Phase 2, compliance action may include a Performance Agreement or a Compliance Plan (or other) – see Section 6.1 below.
- For cases that proceed to Phase 3, compliance actions may include one or more of the following: permit suspension, a direction to undertake remedial works, permit revocation, a Rehabilitation Direction to prepare and/or implement a Rehabilitation Plan, and/or prosecution by the Board. Failure to comply with a compliance action may result in further penalties (see **Table 4**) and/or escalation to Phase 4 (i.e. referral to the Minister).
- Flowcharts for statutory compliance pathways are provided as follows:
 - **Appendix 8** – PLC activity breach by lessee
 - **Appendix 9** – PLC activity breach by person
 - **Appendix 10** – Rehabilitation Direction

Table 4 – Potential penalties associated with PLC non-compliance

Penalty:	Stop work direction (non-compliance)	Non-statutory response	Permit suspended	Permit revoked (+ remedial actions)	Rehabilitation direction (non-compliance)	Rehabilitation plan (non-compliance)	Prosecution for unpermitted clearing	Max. non-compliance PU
Trigger:	91U	At PLB discretion	91Q	91R	91ZA	91ZB	91C	
Max. PU:	500				500	500	500	
Lessee:	X	X	X	X	X	X	X	2,000 (\$314k*)
Person:	X					X	X	1,500 (\$235.5k*)
End:	91T(2)(b) Direction ends when revoked by PLB	At PLB discretion	91Q(3) Suspension ends on expiration date, when revoked or permit reinstated by PLB	Indefinite	91V(3) Direction ends when plan approved by PLB	91X Plan remains in force until revoked by PLB	NA	
Key:	X = Penalty available (more than one may apply) PU = Penalty Units *Based on PU value of \$157 for 2021/2022							

5.4. Phase 4: Escalation to Minister

Under the Act, the Board's functions include:

- to monitor and administer the conditions to which pastoral leases are subject - 29(h); and
- to make recommendations to the Minister on any matter relating to administration of the Act - 29(j).

In instances where satisfactory compliance has not been able to be achieved through mechanisms available to the Board (e.g. through non-statutory measures, permit revocation or statutory Remedial Plans) – or the issue of non-compliance is very serious – the Board may determine to refer the matter to the Minister.

Section 40(1) of the Act states:

Where the Minister is satisfied that a pastoral lessee has failed to comply with a condition of the lessee's pastoral lease, the Minister may give written notice of the breach to the lessee and require the lessee to furnish to the Minister, within the time specified in the notice, an explanation of why the lessee has not complied with the condition.

Whether the lessee provides a satisfactory response will determine how the matter is progressed.

A flowchart outlining this statutory process is provided in **Appendix 6**; however the process will generally proceed as follows:

Steps:

1. Referral to Minister

- The Board will refer the matter to the Minister for consideration.

2. Written Notice

- Minister to provide written notice to lessee advising of breach and requesting explanation.

3. Lessee to respond

- Lessee to provide explanation regarding reasons for breach within requested timeframe.

4. Ministerial discretion

- Minister to consider lessee response and all other information provided (may request additional information from the Board).
- If Minister is satisfied with the explanation, Minister may waive the breach and may direct that the applicable lease condition be complied with.
- If Minister is not satisfied with the explanation or an explanation is not provided within the requested timeframe, the Minister will determine the appropriate compliance action.

5. Compliance action

- The Minister may: direct the lessee to comply with the lease condition within a set timeframe; undertake remedial action (at cost to lessee) which may include destocking; prosecute; and / or forfeit the (term) lease.

5.5. Decision making framework

To facilitate consistency and to help determine the seriousness of a non-compliance issue/instance and an appropriate course of action, the Board may use the following decision-making framework. The enforcement response matrix provided in **Table 4** is essentially a tool for guiding decision-making and may be used in any of the four Compliance Phases. The Board ultimately retains discretion regarding how and when this tool is used (e.g. this will be influenced by the **Compliance Policy**, situation complexity and on a case-by-case basis); however it provides lessees and stakeholders with an idea of what to expect.

The matrix comprises a horizontal axis representing an increasing risk of land degradation or impacts; and a vertical axis of increasing lessee culpability. Example considerations for determining the level of each is provided in **Table 6 - Risk of land degradation /impact of action**, and **Table 7 - Culpability of lessee**. Where these two parameters intersect (in **Table 4**) is the recommended enforcement response; and these are defined in **Table 5- Key to enforcement response**.

Table 5 – Enforcement response matrix

Culpability of lessee	Serious (Intentional)					Lease forfeiture
	Major (Reckless)				Appropriate statutory response	
	Moderate (Knowing)			Recovery Plan		
	Minor (Negligent)		Compliance Plan / Agreement			
	Low (Unaware)	Voluntary compliance / Waive				
		Low / Low	Unlikely / Minor	Possible / Moderate	Likely / Major	Certain / Severe
Risk of land degradation and / or impact						

Table 6– Key to enforcement response

Colour / Classification	Enforcement description and action required
Extreme	Prosecute / Lease Forfeiture <ul style="list-style-type: none"> Prepare prosecution brief and submit for legal advice
Very high	Penalise / Enforce <ul style="list-style-type: none"> Select most appropriate statutory penalty for breach Board may decide to require Remedial Works or a Remedial Plan; or to refer the matter to the Minister. The Minister may decide to issue a Compliance Order; cause Remedial Works or stock removal to be undertaken (at expense of lessee); and/or to prosecute.
High	Instruct / Penalise <ul style="list-style-type: none"> Board may direct the lessee to prepare a Recovery Plan.
Medium	Warn / Instruct <ul style="list-style-type: none"> Issue a formal warning letter and advice on achieving compliance. Board may direct the lessee to submit a Compliance Plan or Compliance Agreement to ensure compliance is achieved
Low	Educate / Warn <ul style="list-style-type: none"> Encourage voluntary compliance (refer lessee to appropriate NTG staff) Issue a formal warning letter and advice on achieving compliance.

Table 7 - Risk of land degradation /impact of action

Risk	Impact	Applies to any one of the following:
Certain	Severe	<ul style="list-style-type: none"> • Prolonged land condition D • Catastrophic erosion • Weed density and distribution indicates it will have a severe (long-term, serious or wide-scale) impact on property, assets, the environment or human health, safety and well-being. • Feral animal population explosion • Repeated and/or ongoing PLC/NPU non-compliance
Likely	Major	<ul style="list-style-type: none"> • Decline from land condition C to D • Extensive erosion issues impacting land use profitability or polluting environment • Weed density and distribution indicates it will have a major (medium to long-term or wide-scale) impact on property, assets, the environment or human health, safety and well-being. • Feral animal population showing sustained increase and spread, causing significant damage to natural resources and pastoral enterprise • PLC/NPU non-compliance of significant extent or impact to the environment or ineffective management practices relating to permit conditions
Possible	Moderate	<ul style="list-style-type: none"> • Decline from land condition B to C • Widespread or multiple stable/active erosion incidents • Weed density and distribution indicates it will have a moderate (local / short-term) impact on property, assets, the environment or human health, safety and well-being. • Feral animal population showing increase and or spread, causing damage to natural resources and pastoral enterprise • PLC/NPU non-compliance of measureable extent or impact to the environment or continued failure to comply with permit conditions
Unlikely	Minor	<ul style="list-style-type: none"> • Decline from land condition A to B • Widespread stable erosion or isolated active erosion • Weed density and distribution indicates it will have a minor (brief/temporary) impact on assets, environment or amenity. • Feral animal population causing minimal impact to natural resources or pastoral enterprise • PLC/NPU non-compliance with permit conditions
Low	Low	<ul style="list-style-type: none"> • Singular isolated incidence of erosion (e.g. single small gully) • Weed density and distribution indicates it will have no or minimal impact on the environment. Affects amenity only. • Feral animal population causing negligible impact to natural resources or pastoral enterprise • PLC/NPU non-compliance of negligible extent or impact to the environment (e.g. could be attributed to GPS spatial discrepancy)

Table 8 – Culpability of lessee

Rating	Applied to any one of the following
Serious	<p>Intentional</p> <ul style="list-style-type: none"> Deliberate or wilful act causing non-compliance, including non-compliance with permit conditions. Repeated non-compliance due to land management actions (or no management actions) that put other properties, assets, the environment and/or human or animal health, safety and well-being at risk and/or impact. Two or more past compliance directives or convictions under the Act within 5 years. Actions with no regard to harm or damage, or prompted by financial motivation to save incurring an expense. Continual non-compliance over many seasons. Risk caused by actions or non-actions was obvious and preventable Non-compliance represents a significant gap between actions/non-actions and standards required for land conditions management Misleading conduct.
Major	<p>Reckless</p> <ul style="list-style-type: none"> Regular and / or repeated non-compliance, or non-compliance with permit conditions or a compliance directive. Acted recklessly but gave no thought to the risk, despite obvious consequences Risk was readily foreseeable and easily preventable. Concerns of NTG officers ignored. Non-compliance represents a significant gap between actions / non-actions and standards required for avoidance of land degradation. Harm has not been abated. No remedial action has been started. Unwilling to abate harm or take remedial action.
Moderate	<p>Knowing</p> <ul style="list-style-type: none"> A past conviction or compliance directive issued under the Act. Persistent complaints from others. Disregard of risks. Risks were foreseeable and preventable. Acted knowing that harm could result. Non-compliance of medium duration. Non-compliance occurred due to poor land management practices, not meeting best practice standards. Harm abated through remedial action and implementation of best practice.
Minor	<p>Negligent</p> <ul style="list-style-type: none"> Past non-compliance dealt with by way of written warning. Little apparent regard to risk of harm, with or without knowledge of risks caused by actions despite no intention to cause harm. Non-compliance occurred despite reasonable standard of grazing land management. Harm abated through voluntary compliance remedial action; or willing to abate harm or take remedial action.
Low	<p>Unaware</p> <ul style="list-style-type: none"> Low culpability; genuine lack of awareness; OR no history of non-compliance

6. Compliance and enforcement outcomes

- Consistent with other compliance documentation:
 - The Board's intent is to facilitate a culture of compliance and encourage best practice, voluntary compliance, self-reporting and lessees seeking appropriate advice;
 - Lessees will always be afforded natural justice and the right of reply;
 - The Board will exercise appropriate discretion in their discernment of 'reasonable' explanations and circumstances;
 - All compliance matters will be assessed on a case-by-case basis and afforded due process; and
 - The Board will ensure compliance outcomes are applied in a consistent and proportionate manner, in accordance with the Compliance Charter, Strategy and Policy.
- This section provides a summary of each of the available compliance and enforcement outcomes.
- It is important to distinguish between the following terms used in the document and appendices, noting that a single letter may represent a combination:
 - **Written notice** – formal communication from the Board or the Minister notifying the lessee about an issue or decision; may require a response, such as the provision of an explanation or specific information.
 - **Warning letter** – formal communication from the Board or the Minister advising the lessee that a compliance matter or potential compliance matter has been identified and the lessee should take caution in relation to the matter (e.g. ensure an incident is not repeated or exacerbated).
 - **Compliance notice** – formal communication from the board or the Minister directing the lessee to undertake a specified action within a specified timeframe – e.g. cease an activity, undertake works, prepare and submit a plan, etc.

6.1. Non-statutory

6.1.1. Warning

- Non-statutory (not in Act)
- May be issued by Board and/or Minister
- Written notification to lessee cautioning against repeating or exacerbating a non-compliance issue/incident.
- May accompany a written notice (such as a decision to waive) or a compliance notice (such as a Notice to cease).
- The number of warnings received may have implications for escalation of compliance action (e.g. see **Compliance Policy**).

6.1.2. Voluntary compliance & best practice

- Non-statutory (not in Act)

- Written notice from Board or Minister may include request for lessee to remedy a situation voluntarily, to resolve a minor issue of non-compliance.
- Lessee recommended to contact DEPWS/DITT for technical advice regarding best management practices.
- Lessee will need to demonstrate satisfactory implementation to Board or Minister to resolve issue, if requested.

6.1.3. Performance Agreement

- Non-statutory (i.e. not in Act or able to be registered on title).
- Prepared by lessee, agreed to by Board (Board may require amendments).
- Lessee may apply to board to vary an approved Agreement; or Board may request a variation.
- Should lessee change, new lessee would be expected to uphold the Agreement or apply to the Board to vary the Agreement.
- The purpose of the Performance Agreement is to :
 - Formally recognise the non-compliance issue
 - Set mutually agreed targets / outcomes regarding rectification of the non-compliance issue
 - Formalise lessee's commitment to achieving the targets / outcomes within a specified timeframe and to a specified standard
 - Include specific actions (if required).
- The focus on the Performance Agreement is the achievement of environmental outcomes, with the method largely left to the discretion of the lessee (whereas a Compliance Plan is more prescriptive).
- The Agreement may address one or multiple issues.
- Unsatisfactory implementation of an Agreement may result in escalation of the compliance matter e.g. to the requirement for a Compliance Plan, Recovery Plan, or Remedial Plan.

6.1.4. Compliance Plan

- Non-statutory (i.e. not in Act or able to be registered on title).
- Prepared by lessee or consultant, to be approved by Board (Board may require amendments).
- Lessee may apply to board to vary an approved Plan; or Board may request a variation.
- Should lessee change, new lessee would be expected to uphold the Plan or apply to the Board to vary the Plan.
- The purposes of the Compliance Plan is to :
 - Formally recognise the non-compliance issue
 - Set mutually agreed targets / outcomes regarding rectification of the non-compliance issue
 - Formalise the lessee's commitment to achieving the targets / outcomes within a specified timeframe and to a specified standard

- Provide specific detail regarding how compliance will be achieved
- The focus of the Compliance Plan is to provide prescribed details regarding the actions the lessee will undertake to rectify the issue/s and may include methods, schedules, design drawings, maps, etc.
- The Plan is likely to address one or two specific issues within the lease (whereas a Recovery Plan is more holistic and would seek to address multiple/related/complex issues across the lease).

6.1.5. Recovery Plans

- Replaces former 'Voluntary Management Plans'.
- Non-statutory (i.e. not in Act or able to be registered on title).
- Prepared by lessee or preferably, a consultant, to be approved by Board (Board may require amendments).
- Lessee may apply to Board to vary an approved Plan; or Board may request a variation.
- Should lessee change, new lessee would be expected to uphold the Plan or apply to the Board to vary the Plan.
- The purpose of the Recovery Plan is to :
 - Formally recognise the non-compliance issues
 - Set targets / outcomes regarding rectification of the non-compliance issues
 - Formalise the lessee's commitment to achieving the targets / outcomes within a specified timeframe and to a specified standard
 - Provide specific detail regarding how compliance will be achieved
- The purpose of the Plan is to provide an holistic approach to addressing multiple/related/complex issues affecting a lease and negatively impacting land condition.
- The Plan should be prepared using the prescribed template.

6.2. Statutory

6.2.1. Remedial Works

- Per Section 29(f) of the Act, it is a function of the Board to monitor, supervise or cause to be carried out work in relation to the rectification of degradation or other damage to pastoral land.
- Per Section 42, the Minister may cause such action to be taken in respect of the land (including the destocking of all or part of the land) as the Minister thinks necessary to rehabilitate the land, where the lessee has either failed or neglected to observe or perform any of their obligations (expressed or implied) under the Act or has failed to manage the land in such a way as to prevent or minimise land degradation - where the value of the work shall be a debt due and payable by the lessee to the Territory. This includes failure to effectively implement a statutory Remedial Plan (and the general duty of the lessees per Section 6 of the Act).

- In certain circumstances it may be appropriate for specific works to be undertaken without the need for a detailed plan to be approved by the Board or Minister. Such circumstances may include (but are not limited to): instances where immediate action is required urgently to prevent issue escalation; and/or the works required do not require detailed design; and/or a lessee has failed to undertake the works as required or directed by the Board or Minister.
- The Board may require a lessee to undertake statutory remedial works in instances where compliance with a non-statutory Compliance Agreement or Compliance Plan has not been effective, if appropriate.
- Per section 89G, in relation to a revoked NPU permit – the Board may direct the lessee to take reasonable steps to alleviate any impact on the land arising from the associated NPU activity and the lessee may be liable to prosecution by the Board for failure to comply.
- Per section 91R, in relation to a PLC permit subject to potential revocation – the Board may direct the lessee to take specified actions to remedy a non-compliance within a reasonable, specified period; and failure to comply may result in revocation of the permit and/or issue of a Rehabilitation Direction (see section 6.2.6 below).

6.2.2. Remedial Plans

- Prescribed in s76 of the Act and must be registered on title.
- Prepared by consultant, to be approved by Board (Board may require amendments).
- Lessee may apply to board to vary an approved Plan; or Board may request a variation.
- Should lessee change, new lessee must comply with the Plan.
- Refer to **Section 5.3.1** above.
- The Remedial Plan process flowchart is provided at **Appendix 5**.
- No template available.

6.2.3. Feral animal control

- In accordance with Section 73 of the Act:
 - The Board may direct the lessee to control feral animals (as declared for pastoral District in Gazette) by culling, fencing or other prescribed means; and
 - A lessee commits an offence if they fail to comply with the Board's written directive and may be prosecuted.
- Lessees are required to keep records (per Regulation 28) and to provide feral animal control data via an annual stock return.

6.2.4. Non-pastoral use

- Board may vary (s89B), suspend (s89D) or revoke (89E) a NPU Permit.
- Refer to **Section 5.3.3** above and NPU activity breach flowchart at **Appendix 7**.

6.2.5. Pastoral land clearing

- Board may vary or revoke a PLC permit issued before commencement of the amended Act subject to section 43 of the *Interpretations Act 1978*.
- Board may vary, suspend or revoke a PLC Permit issued after commencement of the amended Act subject to respective sections: 91P, 91Q, 91R.
- Other related statutory mechanisms the Board may employ include: a Stop Work Direction (s91T), a Rehabilitation Direction (s91V) to prepare/implement a Rehabilitation Plan (s91W), or a direction to undertake remedial works before PLC permit is revoked (s91R(2)(b)(ii)).
- Refer to **Section 5.3.4** above and the PLC activity breach flowcharts at **Appendix 8** (lessee) and **Appendix 9** (person).

6.2.6. Rehabilitation Direction & Rehabilitation Plan

- Per section 91V(1) of the Act, the Board may direct a lessee/person to rehabilitate land (i.e. issue a Rehabilitation Direction) if the Board believes on reasonable grounds that the clearing resulted in substantial degradation of the land, or was contrary to a PLC Permit or the Act.
- Per section 91V(2), the Rehabilitation Direction may either require the lessee/person to prepare and submit (within a specified period) a Rehabilitation Plan to the Board for assessment or to implement a Rehabilitation Plan prepared by the Board.
- Critically, if the lessee/person is required to submit a plan, they cannot commence implementation until it has been assessed as satisfactory by the Board and approved. If the plan is not satisfactory, the person/lessee will be required to amend and resubmit the plan (s91V(3)). Depending on the complexity of the situation, it may be prudent for the lessee/person to engage a consultant to prepare the plan on their behalf. The lessee/person is required to implement the approved plan (s91V(4)) to the satisfaction of the Board (on advice from DEPWS) and the plan will remain in force until revoked by the Board (s91X).
- The Board may also vary the Rehabilitation Plan (s91W) or lodge it with the Registrar-General for registration in the land register.
- Penalties apply for contravening a Rehabilitation Direction (s91ZA) or Rehabilitation Plan (s91ZB). In instances where the lessee/person fail to implement a Rehabilitation Plan (or aspects thereof) within a prescribed timeframe, the Board may also authorise an alternative person to undertake the outstanding rehabilitation activities - whereby the cost to the Territory for the work will be a debt due and payable to the Territory by the lessee/person.
- Refer to flowchart at **Appendix 10**.

6.2.7. Referral to the Minister

- Applicable when other statutory responses available to the Board have not effectively addressed the issue (e.g. through lessee non-compliance) or if compliance matter is very serious and/or may affect other landholders or the industry.
- Phase 4 response.

6.2.8. Prosecution

- The Act includes prosecution options as follows:
 - Section 40 – Breach of Conditions
 - Section 73(1)(a) – Control of feral animals
 - Section 89G – NPU continued post revocation of permit
 - Section 91C – Unpermitted PLC
 - Section 91U – Contravention of Stop Work Direction (PLC only)
 - Section 91ZA – Contravention of Rehabilitation Direction (PLC only)
 - Section 91ZA – Contravention of Rehabilitation Plan (PLC only)
 - Regulation 28 – Lessee to keep records of stock numbers and feral animal control measures
- A list of offences prescribed by the Act is provided at **Appendix 2**
- A summary of lease conditions is provided at **Appendix 3**
- Prosecution pathways in relation to non-compliance affecting the pastoral land resource are detailed in the flowcharts provided in the appendices.

6.2.9. Lease forfeiture

- Statutory; jurisdiction of the Minister
- Only applicable for term Pastoral Leases (PL) – not Perpetual Pastoral Leases (PPL).

7. Other legislation

Section 38(1)(j) of the Act states that the lessee will comply with the requirements of or under all laws of the Territory relating to the use and maintenance of the land the subject of the lease. This means that if a lessee breaches or is prosecuted under other legislation, they will be in breach of the *Pastoral Land Act 1992* and therefore subject to penalties under the Act also (e.g. the Minister could prosecute for breach of lease conditions). Other relevant legislation and related issues are summarised in **Table 8** below.

Table 9 – Other legislation relevant to management of the land resource within the pastoral estate

Act	Purpose	Relevance	Contact
Soil Conservation and Land Utilisation Act 1969	An Act to make provision for the prevention of soil erosion and for the conservation and reclamation of soil	Commissioner for Soil Conservation may issue Soil Con Orders, provide advice, or require lessees to furnish information (e.g. stocking rates)	Land Management Unit, DEPWS 08 8999 4404 DevelopmentAssessment.DEPSWS@nt.gov.au
Weeds Management Act 2001	An Act to protect the Territory's economy, community, industry and environment from the adverse impact of weeds	Controlling declared weeds on pastoral land.	Weed Management Branch, DEPWS weedinfo@nt.gov.au
Water Act 1992	An Act to provide for the investigation, allocation, use, control, protection, management and administration of water resources	Interfering with a waterway, water extraction and bore construction.	Water Division, DEPWS water.licensing@nt.gov.au
Waste Management and Pollution Control Act 1998	An Act to provide for the protection of the environment through encouragement of effective waste management and pollution prevention and control practices	Environmental (air, soil, water) pollution; land contamination; waste management.	Environmental Operations Branch, DEPWS ntepa@nt.gov.au
Environment Protection Act 2019	An Act to provide for the protection of the environment	Environmental impact assessment and compliance.	Environmental Assessment Branch, DEPWS eia.ntepa@nt.gov.au
Bushfires Management Act 2016	An Act to provide for the protection of life, property and the environment through the mitigation, management and suppression of bushfires	Installation and maintenance of firebreaks; permits to burn.	Bushfires Division, DEPWS BushfiresNT.Compliance@nt.gov.au
Territory Parks and Wildlife Conservation Act 1976	An Act to make provision for and in relation to the establishment of Territory Parks... and the study, protection, conservation and sustainable utilisation of wildlife	Threatened species Wildlife management	Flora & Fauna Division, DEPWS Biodiversity.Assessment@nt.gov.au Parks & Wildlife Division, DEPWS pwpermits@nt.gov.au
Heritage Act 2011	An Act about the Territory's cultural and natural heritage	Impacts to (i) places, (ii) archaeological places, or (iii) Aboriginal or Macassan archaeological places within the meaning of the Act.	Heritage Branch, DTFHC Heritage.Branch@nt.gov.au
Northern Territory Aboriginal Sacred Sites Act 1989	Protection and registration of sacred sites	Impacts to sacred sites	Aboriginal Areas Protection Authority enquiries.aapa@nt.gov.au

Act	Purpose	Relevance	Contact
<i>Animal Welfare Act 1999 & Animal Protection Act 2018</i>	To provide for the welfare of animals, prevent cruelty to animals and for related purposes	Animal welfare, including native, domestic and introduced species.	Department of Industry, Tourism and Trade Info.dpir@nt.gov.au

Appendix 1 - BMP information resources

Managing pastoral land

<https://nt.gov.au/industry/agriculture/farm-management/managing-pastoral-land>

Land management technical notes and factsheets

<https://depws.nt.gov.au/rangelands/technical-notes-and-fact-sheets/land-management-technical-notes-and-fact-sheets>

Rangelands resources

<https://depws.nt.gov.au/rangelands>

Primary Industry resources

<https://industry.nt.gov.au/publications/primary-industry-publications>

TNRM resources

[Managing outback roads manual](#)

[Territory NRM - Protecting Native Vegetation for Good Pastoral Business](#)

Other resources

[Australian Rangeland Society](#)

[Bush Agribusiness Pty Ltd](#)

[DAWE Rangelands policies and strategies](#)

[Ecosystem Management Understanding](#)

[Ecologically Sustainable Rangeland Management](#)

[FAO Global Soil Partnership](#)

[FutureBeef - one-stop shop for north Australian beef information](#)

[Meat and Livestock Australia](#)

[Northern WA and NT Drought Resilience Adoption Hub](#)

[The Mulloon Institute](#)

[WA Good Pastoral Land Management Guidelines](#)

Appendix 2 – List of offences under the Act

Topic	Section	Offence	Max PU*	Cont.
Maximum holdings	35(4)	Person's conduct results in contravention of notice	440	8/day
Aboriginal rights	38(5)	Person interferes with Aboriginal rights	60	
Lease conditions**	40(7)	<p>Lessee's conduct contravenes Minister's notice to comply with lease conditions including:</p> <ul style="list-style-type: none"> allowing entry of authorised persons paying rent using the land only for pastoral purposes clearing native vegetation only in accordance with permit or exemption complying with all NT legislation relating to use and maintenance of the land taking timber/trees, stone, sand or gravel only with Ministerial consent adhering with reservation in favour of Aboriginals 	85	4/day
Lease transaction	67(1)	Individual enters lease transaction without Minister's consent	40	
Lease transaction	67(1)	Body corporate enters lease transaction without Minister's consent	650	
Feral animals	73(1A)	Lessee does not comply with Board notice to control declared feral animals	40	4/day
	r28(b)	Lessee does not keep a continuous record of measures taken to control declared feral animals as per s73	15	
Reference Areas	74(5)	Person lets stock into fenced reference area	440	
	75(5B)	Person damages reference area fence	440	
	75(5D)	Person causes degradation of reference area	440	
	75(5E)	Lessee does not report known reference area damage to Board	8	
Monitoring Areas	75(2)	Person interferes with monitoring site marker	40	
Public access	80(1)	Person unlawfully places obstruction in access route	40	
	80(4)	Person erects fence across access route without providing alternate access route	40	
	80(6)	Person intentionally locks gate across access route	40	
	82(2)	Board directs lessee to revoke notice of temporary access closure	40	
	83(3)	Person contravenes Board's declaration of area closed for rehab/conservation	4	
NPU	89G(2)	Lessee does not comply with rehabilitation direction (after NPU permit revoked)	500	10/day
PLC	91C	Lessee/person undertakes unpermitted clearing of native vegetation	500	
	91U	Lessee/person contravenes Stop Work Direction	500	10/day
	91ZA	Lessee/person contravenes Rehabilitation Direction	500	10/day
	91ZB	Lessee/person contravenes Rehabilitation Plan	500	10/day

*PU = penalty units. (2020-2021: 1xPU = \$158).

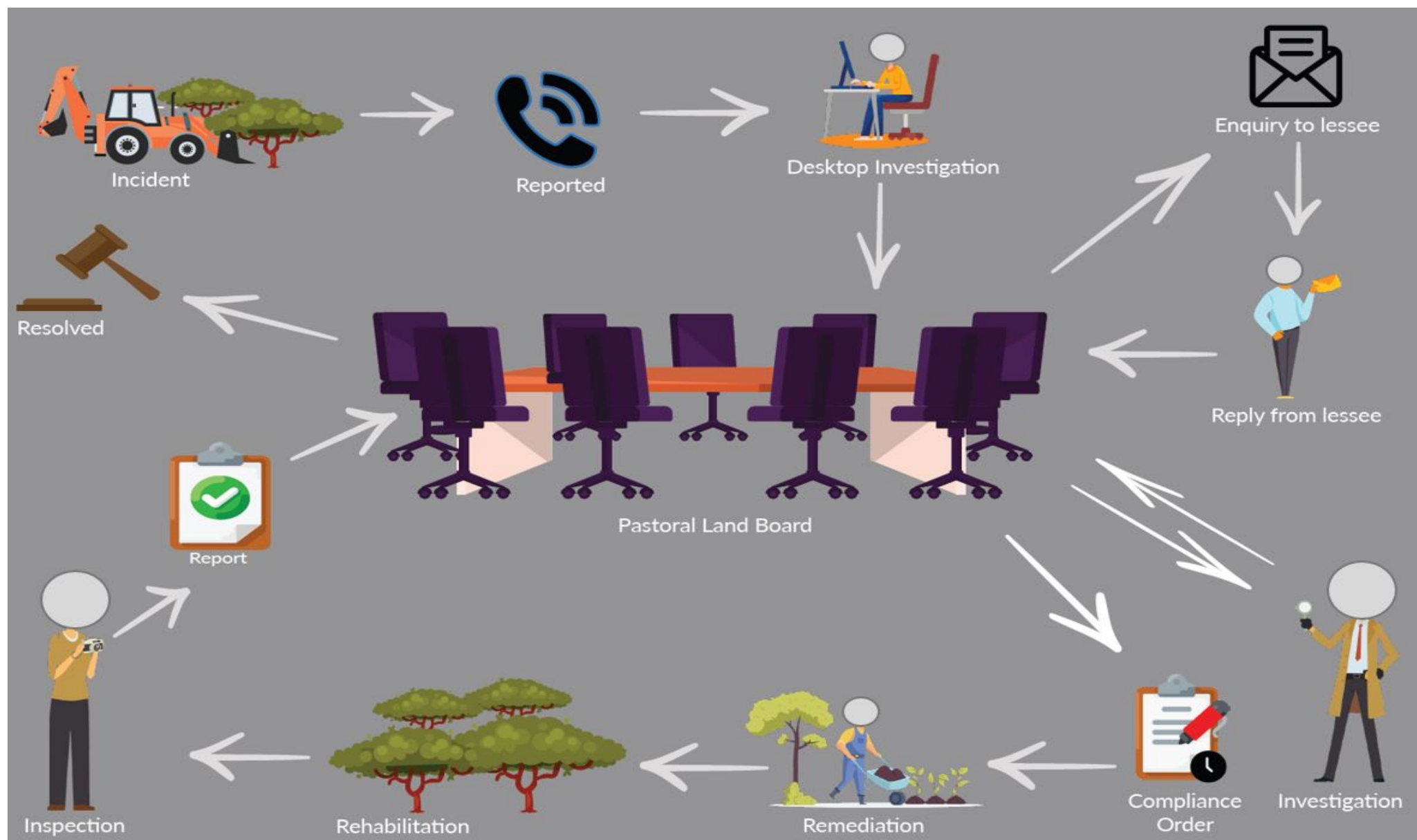
**Refer to Appendix 3 for summary of all lease conditions

Appendix 3 – Summary of lease conditions lessees must comply with

Topic	Section	Condition (summarised)	Plan*
Reservation	38(1)(a)	Leases subject to a reservation of a right of entry and inspection to authorised persons.	
Reservation	38(1) (b)	Leases subject to a reservation of all minerals in or on the leased land.	
Rent	38(1) (c)	Lessees will pay rent in accordance with the Act.	
Land use	38(1) (d)	Lessees will only use the land for pastoral purposes (unless a NPU permit has been issued as per s88)	x
Lease	38(1) (e)	Lessees may surrender the lease at any time (as prescribed)	
Rent	38(1) (f)	Lease is liable to forfeiture if rent not paid for 12 months or more (excluding PPL)	
Forfeiture	38(1) (g)	Lease is liable to forfeiture for non-compliance with lease conditions (excluding PPL)	x
Land clearing	38(1) (h) old	Lessees will not clear pastoral land except with and in accordance with the written consent of the Board or guidelines	x
	38(1) (h) new	Lessees will not clear pastoral land except in accordance with clearing permit or a gazetted exemption.	x
Land Management	38(1) (j)	Lessees will comply with the requirements of or under all NT legislation relating to the use and maintenance of the land	x
Reservation	38(1) (k)	Leases subject to a reservation of all timber / trees	
Consent	38(1) (m)	Lessees will not take any timber trees or parts of trees or stone, sand or gravel on the leased land except for use on or in connection with the land.	
Reservation	38(1) (n) & (2)	Leases subject to a reservation in favour of the Aboriginal inhabitants of the Territory.	
Land Use	39(a)	Lessees will not stock or use the land other than as permitted by or under the Act	x
Land Management	39(b)	Lessees will take all reasonable measures to conserve and protect features of environmental, cultural, heritage or ecological significance.	x
Remedial plans	39(c)	Lessees will prepare a remedial plan , as directed by the Board and undertake such action as is required in the plan	x
Monitoring sites	39(d)	Lessees will allow the establishment of and access to monitoring sites	
Reference areas	39(e)	Lessees will allow fencing of and access to reference areas subject to s74(1)	
Improvements	39(f)	Lessees will maintain in good repair all improvements necessary for sustainable pastoral production in the land.	

*X = Addressed in this Compliance Plan.

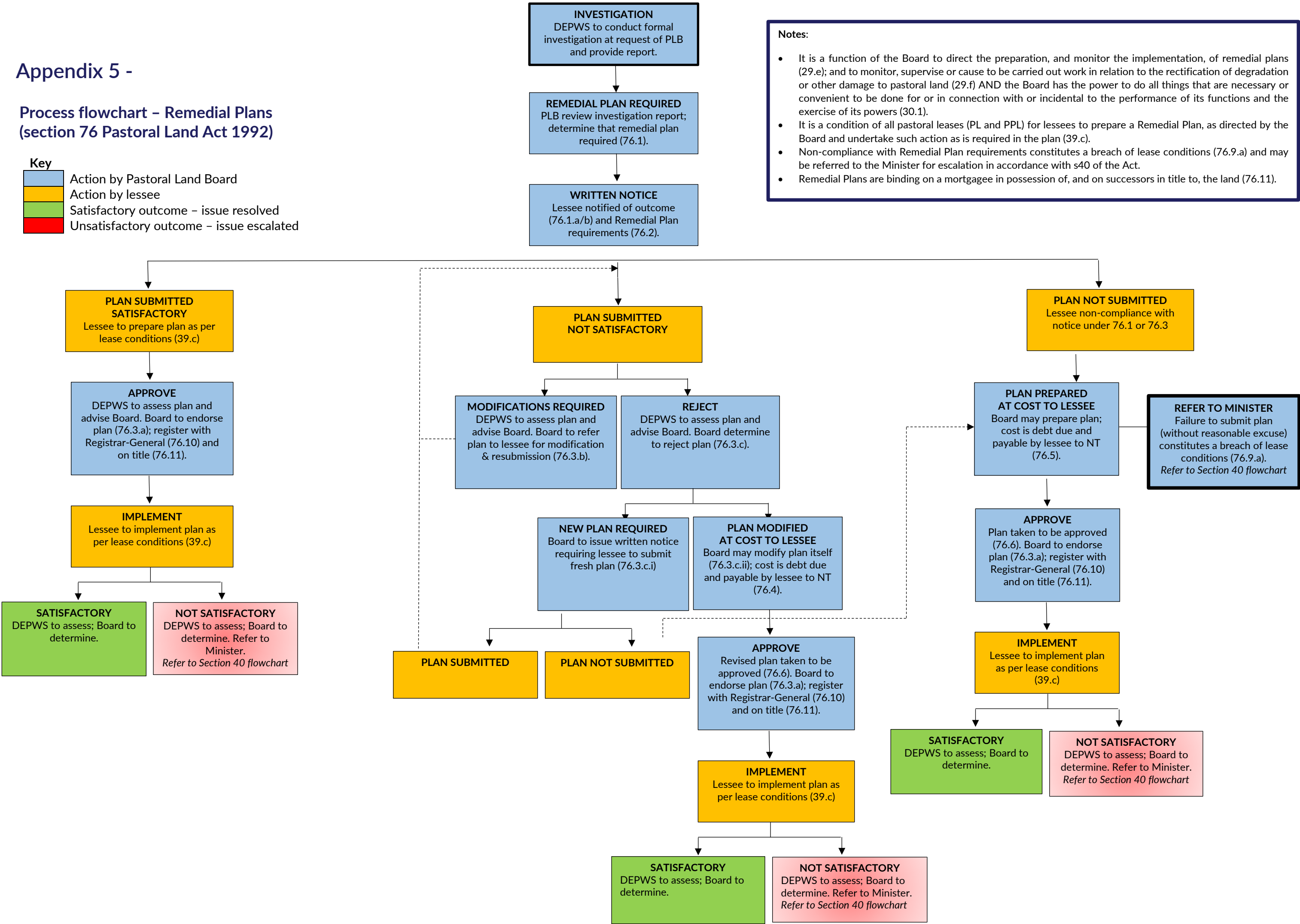
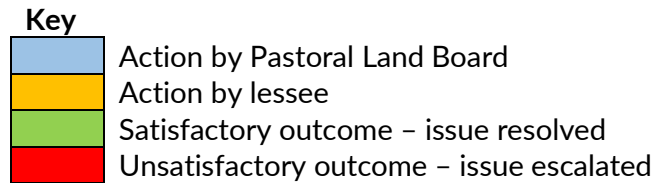
Appendix 4–Compliance process combining Phase 1 and Phase 2*



*Example of typical compliance process for minor breach.

Appendix 5 -

Process flowchart – Remedial Plans (section 76 Pastoral Land Act 1992)



Appendix 6
Process flowchart – Breach of lease conditions
(section 40 Pastoral Land Act 1992)

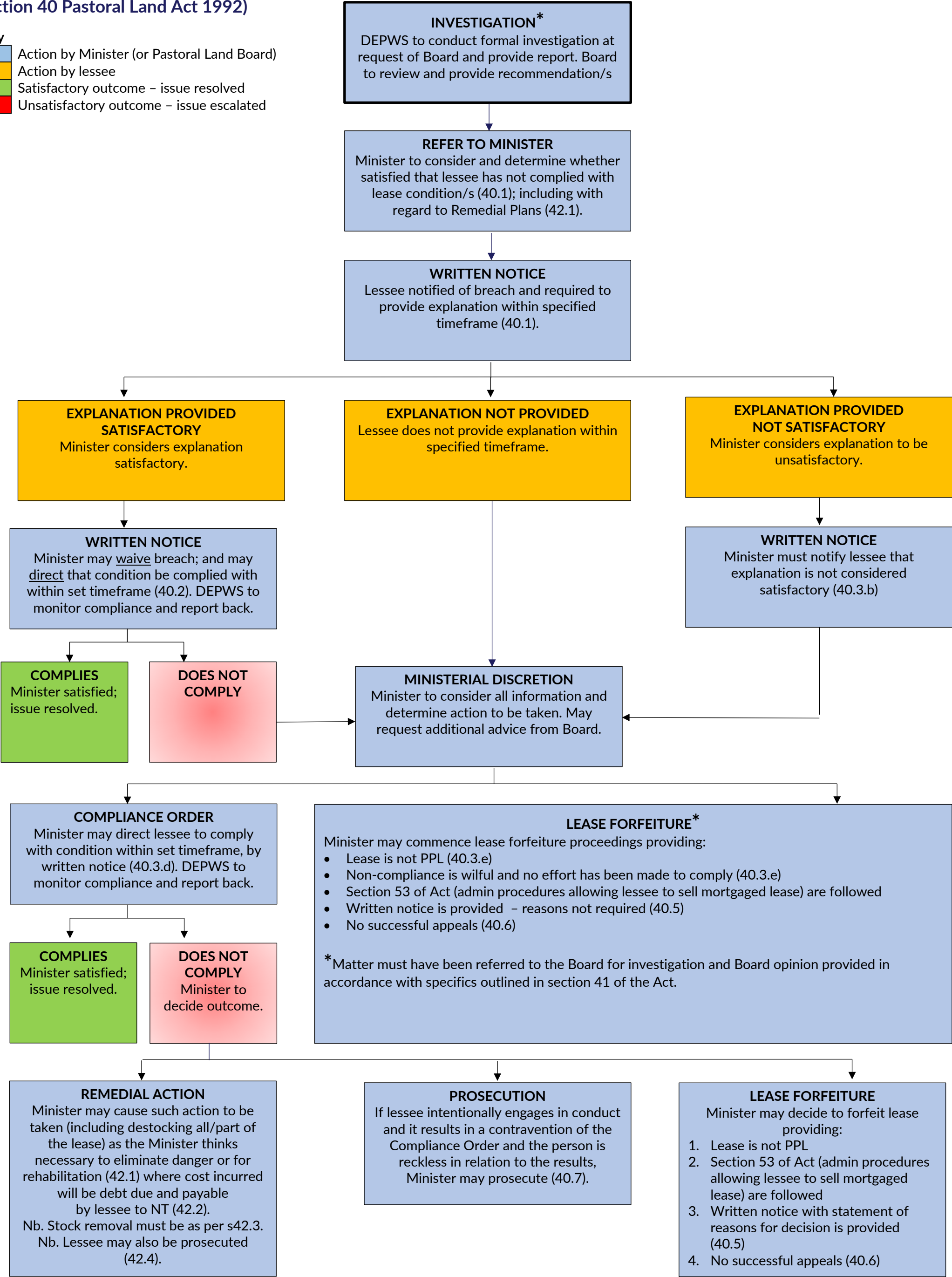
Key

Action by Minister (or Pastoral Land Board)

Action by lessee

Satisfactory outcome – issue resolved

Unsatisfactory outcome – issue escalated



Appendix 7

Process flowchart – NPU activity breach
(sections 89D, E & G *Pastoral Land Act 1992*)

Key

Action by Pastoral Land Board (or Minister)

Action by lessee

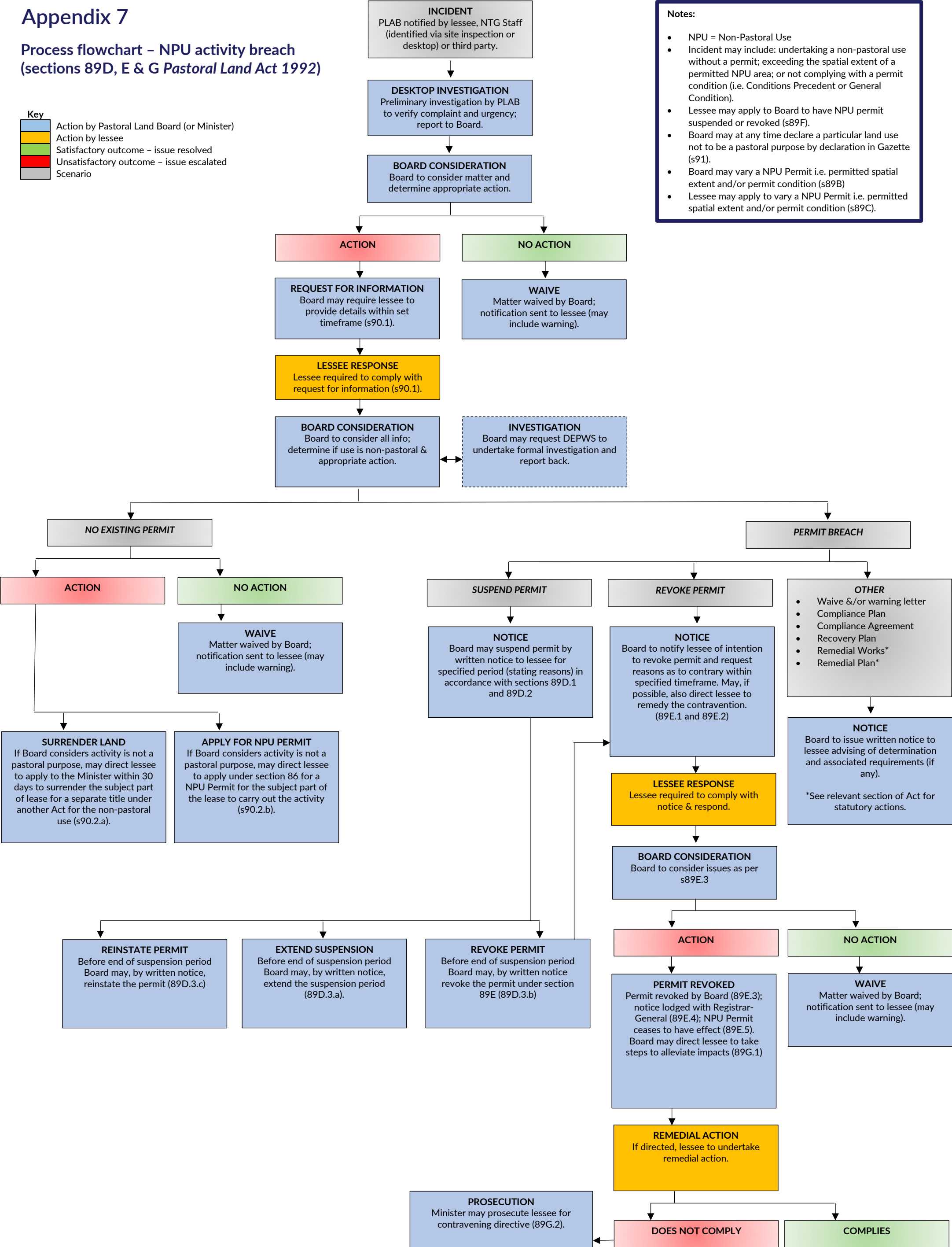
Satisfactory outcome – issue resolved

Unsatisfactory outcome – issue escalated

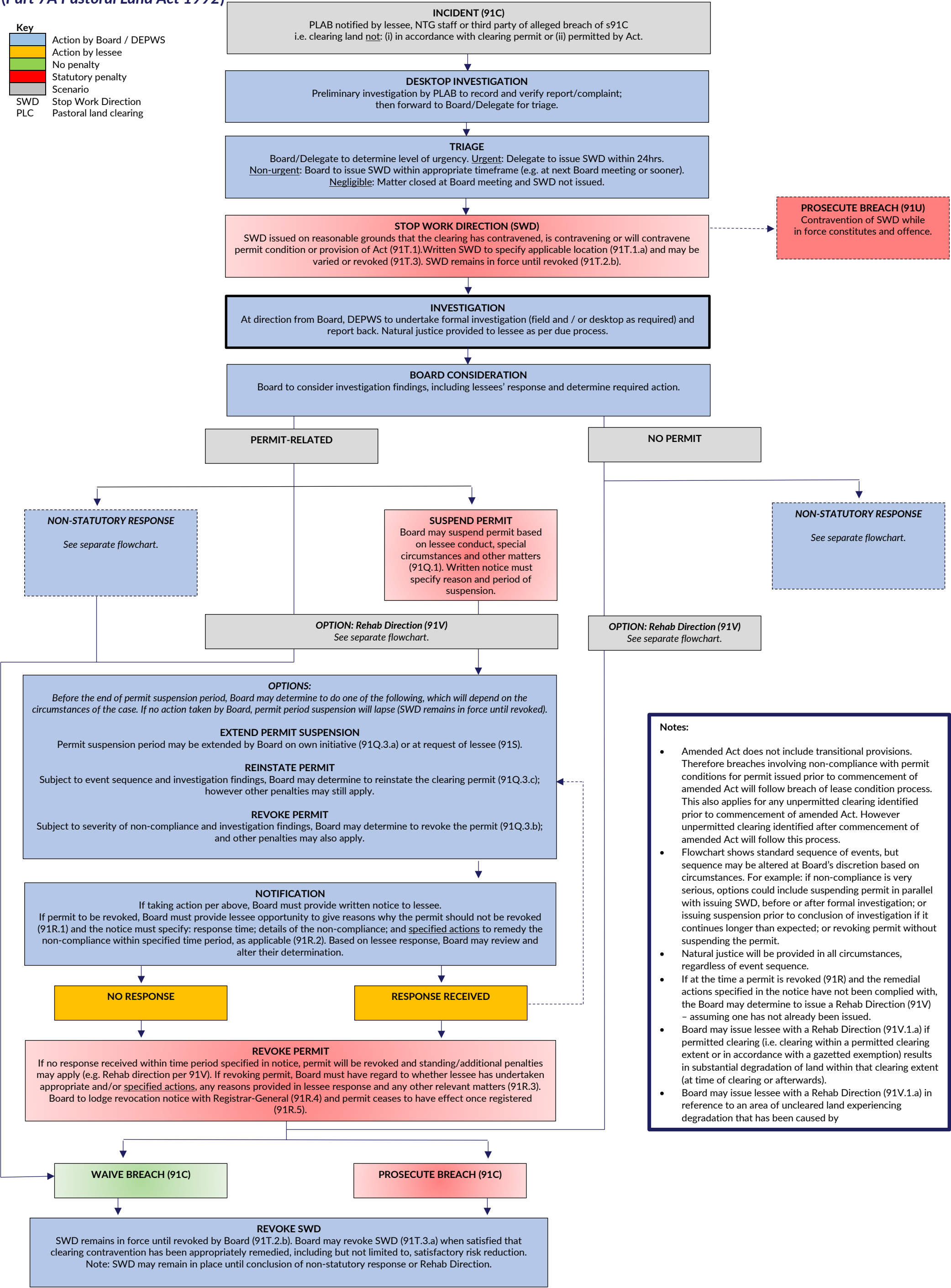
Scenario

Notes:

- NPU = Non-Pastoral Use
- Incident may include: undertaking a non-pastoral use without a permit; exceeding the spatial extent of a permitted NPU area; or not complying with a permit condition (i.e. Conditions Precedent or General Condition).
- Lessee may apply to Board to have NPU permit suspended or revoked (s89F).
- Board may at any time declare a particular land use not to be a pastoral purpose by declaration in Gazette (s91).
- Board may vary a NPU Permit i.e. permitted spatial extent and/or permit condition (s89B)
- Lessee may apply to vary a NPU Permit i.e. permitted spatial extent and/or permit condition (s89C).



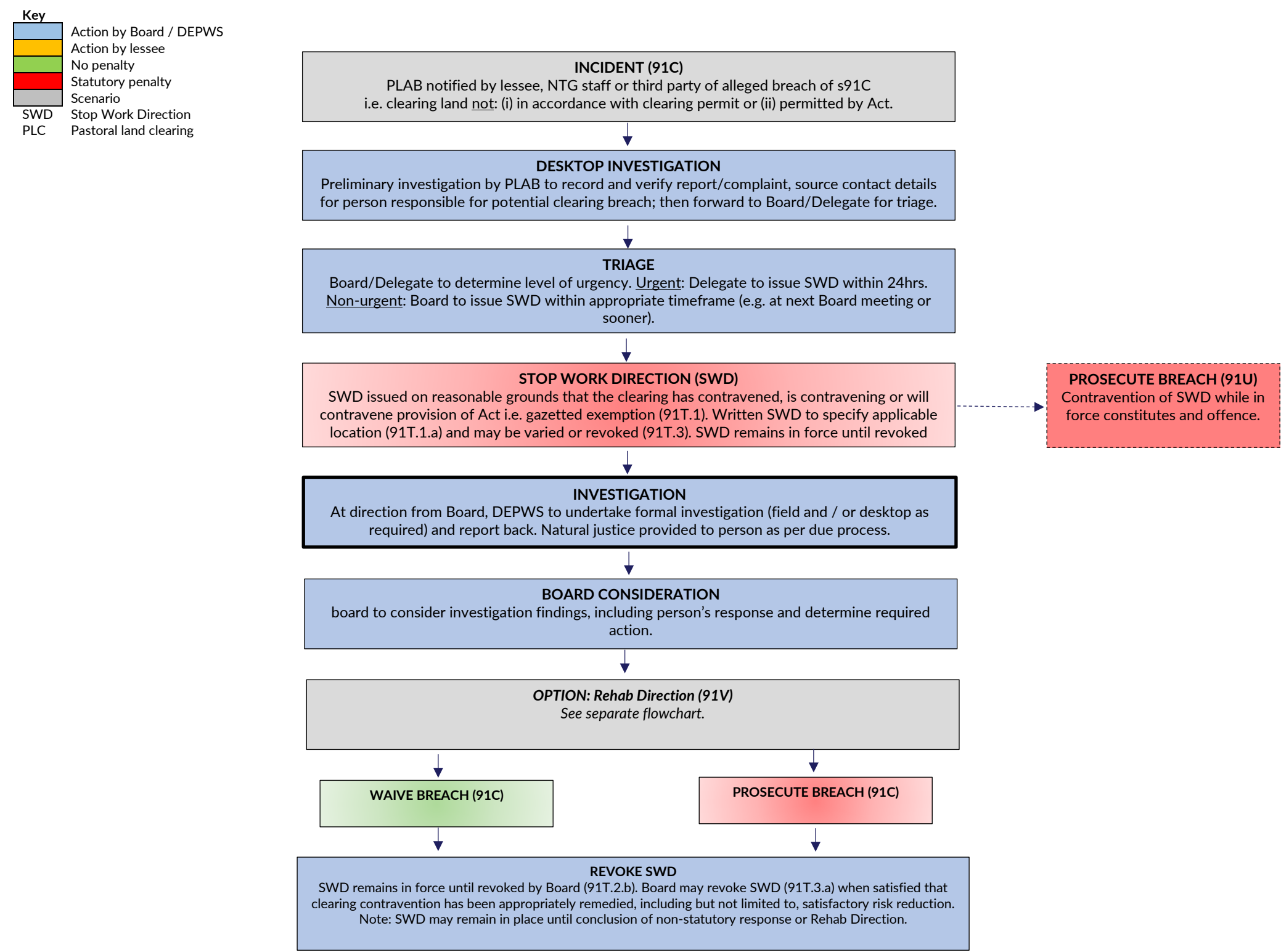
Appendix 8
Process flowchart – PLC activity breach by lessee
(Part 7A Pastoral Land Act 1992)



Appendix 9

Process flowchart – PLC activity breach by a person

(Part 7A Pastoral Land Act 1992)



- Notes:
- Flowchart shows standard sequence of events, but sequence may be altered at Board's discretion based on circumstances.
 - Natural justice will be provided in all circumstances, regardless of event sequence.
 - Board may issue a person with a Rehab Direction (91V.1.a) in reference to an area of uncleared land experiencing degradation that has been caused by permitted/unpermitted clearing they undertook elsewhere (e.g. an adjacent paddock within the same lease).
 - Following a non-statutory compliance pathway is not an option in relation to non-lessees. However Board may determine not to pursue identified non-compliance.

Appendix 10
Process flowchart – Rehabilitation Direction
(Part 7A Pastoral Land Act 1992)

