

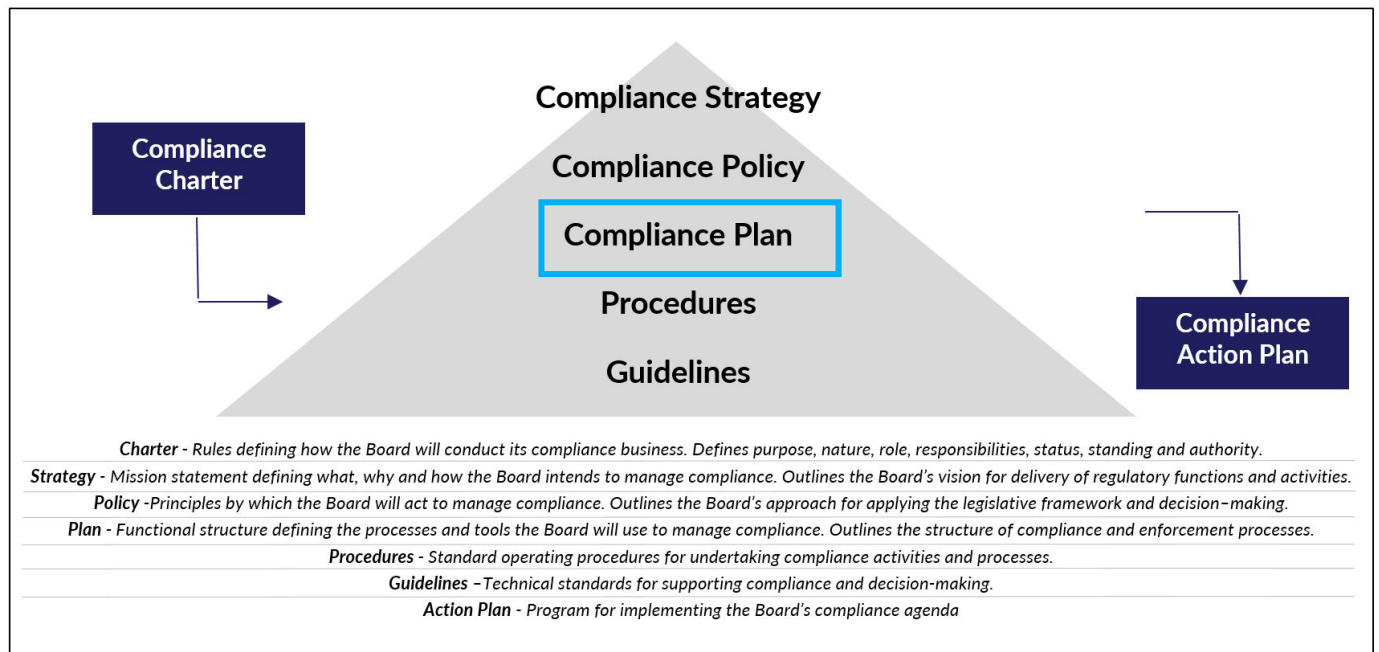
Compliance Plan

Pastoral Land Act 1992



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1. Purpose

The purpose of the Compliance Plan is to provide the framework for compliance pathways under the *Pastoral Land Act 1992* (the Act).

The Plan specifically outlines:

- the four phases of investigation and actions under the compliance framework
- the risk matrix and rules to support consistent decision-making
- non-statutory and statutory tools and outcomes.

2. Land resource compliance matters

There are key areas of compliance on pastoral land that relate to lease conditions, stock and feral animal management, permitting and remedial and rehabilitation plans. Common examples of issues or activities on pastoral land that could lead to investigations for compliance and enforcement action include:

Topic	Examples	Nature of non-compliance
Land degradation	Declining land condition from inappropriate management Incidents of land degradation (e.g. uncontrolled erosion, weeds) Failure to prepare/implement recovery measures Failure to undertake remedial works	Breach of lease conditions
Pastoral permitting	Conducting activity that is not a pastoral purpose without a permit Clearing without a permit Undertaking an activity outside of a permitted extent Failure to comply with the conditions of a permit	Breach under Parts 7 & 7A
Stock & feral animals	Failure to keep a continuous record of stock levels Failure to control feral animals	Breach under section 73

2.1. Land degradation

The Act provides that:

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.

Land condition is an assessment of vegetation and soil health as indicated by ground cover species composition, tree and shrub density, the abundance of invading plants (native and exotic), soil surface condition and soil erosion. In general terms, it is the ability of the land to respond to rainfall and produces useful forage.

The main influences on land condition are rainfall, grazing by domestic, native and feral grazers and fire. Grazing is managed by manipulating stocking rate, stock water distribution, feral grazing control and fire. Fire on its own can change land condition by being too frequent or too infrequent over a long period but its main effect on land condition is through changing the distribution of grazing.

Overstocking and poor land management practices have the potential for irreversible consequences.

The Act is constructed to allow the Pastoral Land Board (Board) to monitor pastoral land and take reasonable and commensurate measures to respond to land degradation matters on pastoral land (Table 1).

Table 1 - Pastoral Land Act 1992 functions on land degradation and remediation

Mechanism	Section of Act	Description
Object of Act	4(b)	To provide for: (i) the monitoring of pastoral land so as to detect and assess any change in its condition (ii) the prevention or minimisation of degradation of or other damage to the land and its indigenous plant and animal life (iii) the rehabilitation 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.
Duty of lessee	6	(a) to carry out the pastoral enterprise under the lease so as to prevent degradation of the land (b) to participate to a reasonable extent in the monitoring of the environmental and sustained productive health of the land (c) within the limits of the lessee's financial resources and available technical knowledge, to improve the condition of the land.
Function of Board	29	(c) to plan, establish, operate and maintain systems for monitoring the condition and use of pastoral land on a District or other basis (e) to direct the preparation, and monitor the implementation, of remedial plans (f) to monitor, supervise or cause to be carried out work in relation to the rectification of degradation or other damage to pastoral land (g) to monitor the numbers and effect of stock and feral and other animals on pastoral land.
Power of Board	30(2)	Authorise officers to enter pastoral land to assess 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

2.1.1. Monitoring (early detection)

The Department of Environment, Parks and Water Security assesses and monitors land condition for the Board under the Pastoral Land Monitoring Program. The integrated program uses data from ground-based site inspections, remote sensing or satellite products and local knowledge and understanding to identify land conditions trends and detection of changes in landscape dynamics. The program method and reporting for each monitoring cycle are published in the Board's annual report and individual reports and maps are prepared for the pastoral lessee.

The Board uses the program for regular reporting and as an early engagement tool with pastoral lessees on land condition and degradation matters, which may include:

- Stock management (e.g. overstocking for 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 the wrong time of year)
- 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).

2.1.2. Rehabilitation

The Act provides that:

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*
- (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 continuous monitoring of the land condition to create a reliable and robust baseline to establish change over time. The Board's program is likely to identify general trends over time and may pick up specific isolated issues on an ad hoc basis. The Board recognises that its routine monitoring program is a complementary tool to the lessee's independent monitoring and evaluation of land condition and management, where the local knowledge and experience will provide more information on the cause and remedy of an identified decline in land condition.

2.2. Pastoral permitting

The Board issues pastoral permits for non-pastoral uses and clearing of native vegetation. The Board makes guidelines and forms to assist pastoral lessees, consultants who prepare applications on behalf of pastoral lessees, and the public, who can participate in the assessment process. The Board regularly reviews and publishes the guidelines and forms on the webpage.^{1,2}

The Board grants pastoral permits and publishes the granted permits on a public register.^{3,4}

When the Board issues a pastoral permit, it can grant it for a period it considers appropriate and for that permit to be subject to any conditions that the Board thinks are appropriate to be specified on that permit. These conditions usually require a permit holder to clear or use land within a defined area on a pastoral lease, for the permit holder and its contractors to have possession of the permit and associated drawings or plans, when undertaking the activity, and for appropriate erosion and sediment control to be in place while the activity is occurring. The Board can also impose staging requirements for clearing permits.

The Act provides that a permit can be extended and varied with the consent of the Board.

2.3. Stock & feral animals

The Board is responsible for monitoring the number and effect of stock and feral or other animals on pastoral land. The Act and Regulations provide that:

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.

¹ <https://nt.gov.au/property/land-clearing/pastoral-land/clearing-native-vegetation-on-pastoral-land>

² <https://nt.gov.au/industry/agriculture/farm-management/non-pastoral-use-of-pastoral-land>

³ <https://nt.gov.au/property/land-clearing/pastoral-land/pastoral-land-clearing-applications-and-permits>

⁴ <https://nt.gov.au/industry/agriculture/farm-management/non-pastoral-use-applications-and-permits>

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).

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.

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.

Feral animals that are most likely to affect pastoral enterprises and supporting ecosystems are outlined in Table 2. The Act allows the Board to direct a pastoral lessee to control declared feral animals on pastoral land by culling, fencing or other means directed by the Board. There are penalties should a lessee fail to comply with the requirements of the notice.

The Act also allows the Board to declare a feral animal by notice in the *Gazette* in a pastoral district or part of a district. There is a declaration regarding horses and donkeys living in a wild state in the V.R.D. in effect.⁵

Table 2 - Feral animals of significance to the pastoral estate

Feral / Region	Management							
	Top End	Arnhem	VRD	Katherine	Gulf	Barkly	Central	
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

Stocking rates are a critical factor for informing land condition, particularly in distinguishing between the impacts of climate and management. Trends in stock data with 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.

Pastoral 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 and does so through the requirement to submit stock returns.

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,

⁵ Northern Territory Government, *Gazette*, No G22 9 June 1999

elevated levels of soil disturbance and weed spread. The Board has a responsibility to monitor the number and effect of feral animals on pastoral land and collects this information from lessees as part of stock return reporting.

Data requirements relate to declared feral and non-native pest animals and will be used to help inform the Board regarding the interpretation of the impact of stocking rates on land condition and to support the industry by notifying the Minister of problematic populations and the need to make declarations under the Act.

3. Compliance pathways

There are four phases in the compliance pathway, with a transition between phases being triggered by an escalation in the seriousness of the matter (Table 3).

The specific process to be followed will vary depending on the type of compliance matter. However, the majority of non-compliances are likely to be resolved during Phase 1 and Phase 2.

Table 3 - Four compliance phases

Phase	Functions
Phase 1: Scoping	<ul style="list-style-type: none"> • Desktop investigation • Lessee contacted on the nature of the matter and provided with an opportunity to respond • Board notified of the matter
Phase 2: Non-statutory	<ul style="list-style-type: none"> • Lessee and Board work together on an agreed plan or outcome • Lessee to action • Board to review
Phase 3: Statutory	Issue-based compliance pathways: <ul style="list-style-type: none"> • Remedial action • Compliance with permitting requirements under a pastoral permit • Feral animal control
Phase 4: Escalation to Minister	<ul style="list-style-type: none"> • Referral to Minister

Phase 1: Scoping

Desktop investigation

- Matter raised by:
 - third party notification
 - lessee self-reporting or requesting assistance
 - routine business (e.g. land condition monitoring, permit audit, etc.).
- Identify the level of urgency and potential risk scoped, including input from other Government agencies.
- Lessee notified of the matter and provided reasonable time to reply.
- Board notified of the matter and preliminary findings from the desktop investigation.

Board consideration

- The matter is considered by Board at the earliest opportunity to determine how to proceed (i.e. whether to proceed with a particular non-statutory pathway or escalate to Phase 3 or 4).

Phase 2: Non-statutory

- The Board is satisfied that the matter has been suitably addressed and takes no further action. The lessee is notified that the matter has been waived.
- The Board is satisfied that all reasonable measures have been taken but considers a warning against repeating or exacerbating an issue/incident. The lessee is formally cautioned.

Voluntary compliance & best practice

- The Board notifies the lessee that it may voluntarily benefit from advice and/or assistance from a suitably qualified professional or agency that can provide extension support or technical advice on best management practices.
- Lessee will need to demonstrate satisfactory implementation to the Board if requested.

Performance agreement

- Lessee and Board agree to a performance agreement:
 - 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
 - include specific actions, if required.
- Lessee will need to demonstrate satisfactory implementation to the Board if requested.

The focus of the Performance Agreement is the achievement of pastoral outcomes, with the method largely left to the discretion of the lessee.

Compliance Plan

- Lessee and Board agree to a Compliance Plan:
 - 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.
- Lessee will need to demonstrate satisfactory implementation to the Board if requested.

The focus of the Compliance Plan is to provide prescribed details regarding the actions the lessee will undertake to rectify the issue and may include methods, schedules, design drawings, maps, etc. The Plan is likely to address one or two specific issues within the lease.

Recovery plan

The recovery plan has replaced the former 'Voluntary Management Plan' and the Board has made a recovery plan template, which is available on it's webpage.⁶

- Lessee and Board agree to a Recovery Plan:
 - 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.
- Lessee will need to demonstrate satisfactory implementation to the Board if requested.

The purpose of the Recovery Plan is to provide a holistic approach to addressing multiple, related and/or complex issues affecting a pastoral lease.

Milestone verification and close out

- The Board and the lessee will agree to the period to verify that the plan, agreement or initiatives have been implemented and a mechanism to measure its success. The verification may require a site inspection and/or evidence that works have been completed, and a report to be made to confirm that the matter has been resolved.
- For matters where the recovery potential is prolonged, can only be verified over a period of years or is reliant on a climatic event (e.g. good wet season, suppressed fire season), it may be necessary to also receive periodic updates from the lessee before that matter can be formally closed.
- The lessee and the Board mutually agree to close out the matter and the Board will formally notify the lessee confirming close out.

Phase 3: Statutory

If compliance is unable to be achieved through Phase 1 or 2, the Board will decide on the most appropriate statutory response for the specific circumstances. In most instances where land degradation is not associated with pastoral permitting, the Board will require the preparation and implementation of a Remedial Plan to address the matters. However, where land degradation is associated with pastoral permitting, multiple statutory provisions may be triggered under the relevant provisions of the Act.

Remedial plan

- The Board directs the lessee to prepare a Remedial Plan under section 76 of the Act.

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.

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

⁶ <https://depws.nt.gov.au/boards-and-committees/pastoral-land-board>

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.

- 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.
- The Board lodges the Remedial Plan with the Registrar-General, and it will appear on the pastoral lease title.

Milestone verification and close out

- The Board will set the relevant milestones, the period to verify that the plan has been implemented and the mechanism to measure its success. The verification may require a site inspection and/or evidence that works have been completed, and a report to be made to confirm that the matter has been resolved.
- For matters where the recovery potential is prolonged, can only be verified over a period of years or is reliant on a climatic event, it may be necessary to also receive periodic updates from the lessee before that matter can be formally closed.
- The Board will confirm the close out procedure for the matter and the Board will formally notify the lessee confirming that close out has occurred.

Pastoral permit suspension or revocation & stop works

- The Board suspends or revokes a permit or provides a stop work direction on the relevant pastoral permit.

The Board will provide reasons, and clear directions and specify a period in the notice.

Permitting notices and close out

- The Board will specify its instructions and directions in any notice it issues regarding pastoral permitting and will assess the actions of the notice recipient against its instructions and directions.
- The Board will notify the notice recipient of compliance with its instructions and directions, once it has been verified.

Rehabilitation Direction & Plan – clearing

- The Board directs the lessee to prepare a Rehabilitation Direction and/or Plan under sections 91V of the Act:
 - set targets/outcomes regarding rectification of the clearing non-compliance
 - 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 Board lodges the Plan with the Registrar-General, and it will appear on the pastoral lease title.

Milestone verification and close out

- The Board will set the relevant milestones, the period to verify that the direction or plan has been implemented and the mechanism to measure its success. The verification may require a site inspection and/or evidence that works have been completed, and a report to be made to confirm that the matter has been resolved.
- For matters where the recovery potential is prolonged, can only be verified over a period of years or is reliant on a climatic event, it may be necessary to also receive periodic updates from the lessee before that matter can be formally closed.
- The Board will confirm the close out procedure for the matter and the Board will formally notify the lessee confirming that close out has occurred.

Phase 4: Escalation to Minister

The Minister is ultimately responsible for the administration of the Act. In instances where satisfactory compliance has not been able to be achieved through mechanisms available to the Board or, in the rare instances that the matter is very serious, the Board may refer the matter to the Minister. The Minister's role is to consider all aspects of the matter in conjunction with the leasing agreements on pastoral land to take appropriate action, which could include waiving a matter, statutory directions, prosecution or forfeiting a pastoral lease.

A referral to the Minister will be accompanied by material collated under Phase 1, reasons from the Board to justify why the matter is being referred and may include a recommendation about the suggested actions for the Minister to take.

4. Offences

The Act includes offences and prosecution options (Table 4).

Table 4 - List of offences under the *Pastoral Land Act 1992*

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)	Lessee's conduct contravenes Minister's notice to comply with lease conditions including: <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	
Non-pastoral use	89G(2)	Lessee does not comply with rehabilitation direction (after NPU permit revoked)	500	10/day
Clearing	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.

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 a risk-based decision-making framework.

The enforcement response matrix is guidance tool (Table 5). The Board ultimately retains discretion regarding how and when this tool is used. 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 are provided in Table 6, Table 7 and Table 8.

Table 5 - Enforcement response matrix

Culpability of lessee	Serious (Intentional)					Referral to Minister / Prosecute
	Major (Reckless)				Statutory response	
	Moderate (Knowing)			Recovery Plan		
	Minor (Negligent)		Compliance Plan / Agreement			
	Low (Unaware)	Voluntary compliance / Waive / Warning				
	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 <ul style="list-style-type: none"> Prepare prosecution brief
Very high	Penalise / Enforce <ul style="list-style-type: none"> Select the most appropriate statutory penalty for a breach Board may decide to require Remedial Works or a Remedial Plan or to refer the matter to the Minister
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 Issue a warning letter and advice on achieving compliance

Table 7 - Risk of land degradation /impact of action

Risk	Impact	This applies to any one of the following:
Certain	Severe	<ul style="list-style-type: none"> • Prolonged land condition D • Catastrophic erosion • Severe and wide-spread uncontrolled weed density and distribution • Feral animal population explosion • Repeated and/or ongoing pastoral permitting non-compliance
Likely	Major	<ul style="list-style-type: none"> • Decline from land condition C to D • Extensive erosion issues impacting land use profitability • Wide-spread undercontrolled weed density and distribution • Feral animal population showing sustained increase and spread • Pastoral permitting non-compliance of significant extent or impact on the environment or ineffective management practices relating to permitting conditions
Possible	Moderate	<ul style="list-style-type: none"> • Prolonged land condition C • Widespread or multiple stable/active erosion • Undercontrolled weed density and distribution • Feral animal population showing increase and or spread, causing damage to natural resources and pastoral enterprise • Pastoral permitting non-compliance of measurable extent or impact on the environment or continued failure to comply with permit conditions
Unlikely	Minor	<ul style="list-style-type: none"> • Decline from land condition B to C • Widespread stable erosion or isolated active erosion • Weed density and distribution identified and managed • Feral animal population causing minimal impact on natural resources or pastoral enterprise
Low	Low	<ul style="list-style-type: none"> • Singular isolated incidence of erosion (e.g. single small gully) • Weed density and distribution identified and well-managed • Feral animal population causes a negligible impact on natural resources or pastoral enterprise

Table 8 – Culpability of a 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 a 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, 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.

Rating	Applied to any one of the following
	<ul style="list-style-type: none"> • 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 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, and not meeting best practice standards. • Harm abated through remedial action and implementation of best practices.
Minor	<p>Negligent</p> <ul style="list-style-type: none"> • Past non-compliance dealt with by way of a written warning. • Little apparent regard for the risk of harm, with or without knowledge of risks caused by actions despite no intention to cause harm. • Non-compliance occurred despite reasonable standards 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.