



# Compliance Policy

*Pastoral Land Act 1992*

For management of the land resource

**Consultation Draft**

<b>Document title</b>	Compliance Policy
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Version	Date	Author	Changes made
1.0	21/07/2021	Principal Officer	First draft – for targeted stakeholder consultation
1.1	30/11/2021	Principal Officer	Second draft – for public exhibition

Acronyms	Full form
Act	<i>Pastoral Land Act 1992</i>
Board	Pastoral Land Board
Class A	Excellent condition (land condition is 100%)
Class B	Good condition (land condition is 75% of Class A)
Class C	Fair (land condition is 45% of Class A)
Class D	Poor (land condition is ≤20% of Class A)
DEPWS	Department of Environment, Parks and Water Security
NPU	Non-Pastoral Use
NTG	Northern Territory Government
PLB	Pastoral Land Board
PLC	Pastoral Land Clearing

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## 1. Purpose

The purpose of this Compliance Policy is to provide clear and transparent guidance regarding how the Pastoral Land Board (Board) administers its compliance responsibilities under the *Pastoral Land Act 1992* (the Act) with respect to sustainable management of the land resource within the pastoral estate.

## 2. Objective

- Provide a strategic approach for applying the *Pastoral Land Act 1992* legislative framework and decision-making in relation to compliance and enforcement across the pastoral estate in a consistent, ethical and accountable manner.
- Facilitate responsible, sustainable and compliant use of the pastoral estate's land resource, including implementation of best land management practices.
- Identify compliance matters and corresponding enforcement pathways relevant for both 'pastoral purposes' and 'non-pastoral uses' that are appropriate and proportionate, to support the viability of the pastoral industry in a manner equitable for all stakeholders (including lessees, the Territory and the public).
- Outline the principles by which the Board will act to manage compliance.
- Foster a culture of compliance within the pastoral estate and industry.

## 3. Scope

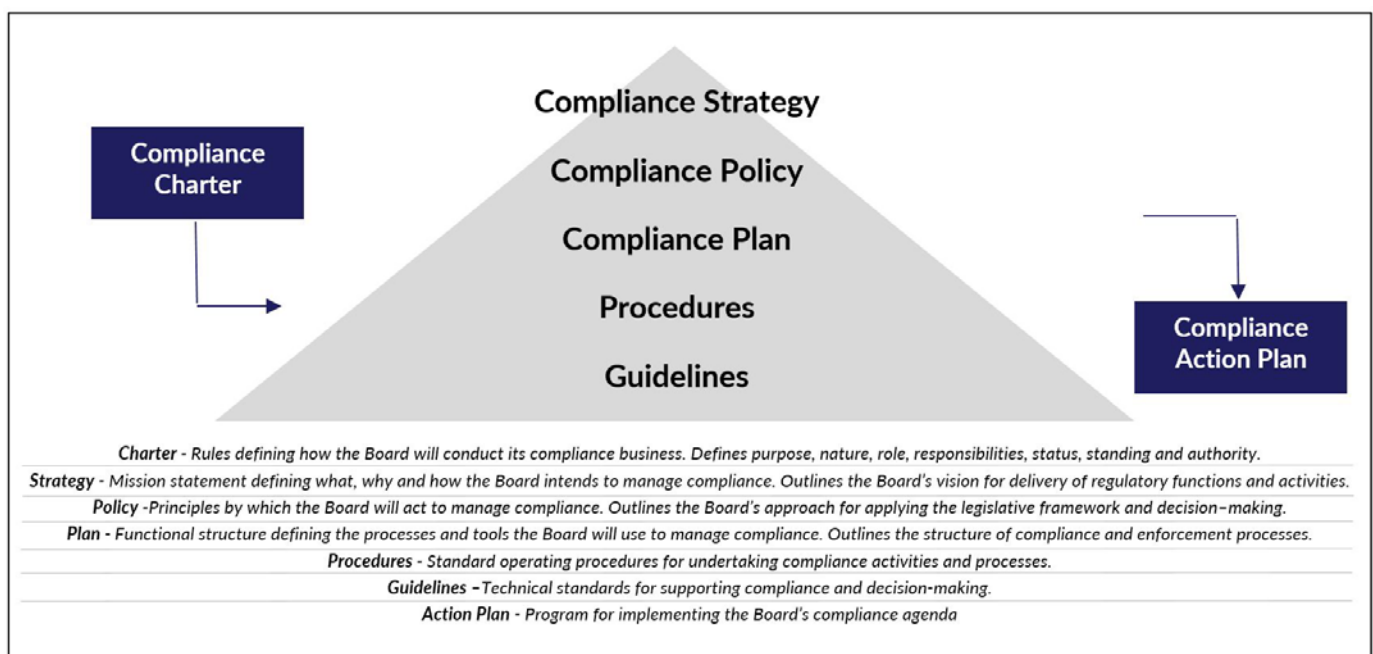
- This policy only addresses compliance matters pertaining to management and use of the physical land resource relating to:
  - Best land management and grazing practices
  - Compliance with lease conditions
  - Remedial Plans
  - Remedial Works
  - Stock and feral animal management
  - Pastoral Land Clearing (PLC)
  - Non-Pastoral Use (NPU)

## 4. Policy term, updates and availability

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

## 5. Context

- The Board is an independent statutory authority established under Section 11 of the Act, charged with administering pastoral leases within the Northern Territory. The Board reports to the Minister for Environment and both have a duty under the Act to “act consistently with, and to seek to further, the objects of the Act”.
- The objects of the Act and the regulatory responsibilities (e.g. role, functions, duty and powers) of the Board, the Minister and lessees are addressed in detail in the **Compliance Charter**. How the Board performs its responsibilities (governance) is addressed in **Section 7** below.
- This Compliance Policy sits within a documentation hierarchy (see **Figure 1**). It is informed by an overarching **Compliance Strategy** outlining the Board’s vision for delivery of its regulatory functions and activities; and the ancillary **Compliance Charter**. The Policy informs a **Compliance Plan** by outlining the Board’s approach to applying the legislative framework and decision-making.



**Figure 1** – Compliance documentation hierarchy.

## 6. Resources

### 6.1. Provisions under the Act

To support the Board in carrying out its functions under the Act, the Act provides the Board substantial discretion in relation to the provisions outlined in **Table 1**.

**Table 1 – Pastoral Land Act 1992 provisions supporting the Board**

Provision	Section
<b>Do all things necessary</b>	s30(1) – subject to this Act, the Board has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions and the exercise of its powers.
<b>Consult relevant parties</b>	s25 – the Board may, in exercising its powers and performing its functions under this Act, consult with such persons, associations, institutions and bodies, and make such inquiries, as it thinks fit.
<b>Delegate responsibilities</b>	s24(1) – the Board may, by resolution, delegate to such persons, or committees of its members, as it thinks fit any of its powers and functions under this Act.
<b>Authorise others</b>	s30(2) – for the purpose of performing its pastoral monitoring functions, the members of the Board, and persons authorised in writing for that purpose by the Board, may... (a) enter on pastoral land to assess the condition of the land...and (b) inspect recorded land data kept by the pastoral lessee in accordance with the requirements of or under this Act.
<b>Rules of evidence</b>	s28 – the Board is not bound by rules of evidence but may inform itself in such manner as it thinks fit.

## 6.2. Other support

- The Northern Territory Government (NTG) has critical resources on which the Board can draw to support implementation of its compliance responsibilities, including various services, expertise and technical skills. Key groups with reference to natural resource management are shown in **Table 2**.
- Relevant staff from the Department of Environment, Parks and Water Security (DEPWS) may be appointed by the Board as Authorised Officers under the Act for the purpose of assessing land condition or conducting compliance investigations.
- Other statutory bodies or expert panels from whom the Board may seek advice or refer compliance matters to include the:
  - Commissioner for Soil Conservation
  - Native Vegetation Assessment Panel
  - Controller of Water Resources
  - Northern Territory Environment Protection Authority
  - Regional Weeds Reference Groups
  - Land councils
  - Aboriginal Areas Protection Authority
- In addition, the Board may draw on the following resources:
  - All other NTG and Commonwealth government agencies as appropriate
  - NTG spatial data resources (e.g. permit databases and NR Maps)
  - Recognised experts external to government
  - Pastoral lease land condition reports (Blue Books)

- o Natural resource management and industry groups.

Table 2 – Key NTG resources

Group	Role / Skills	Support to Board
<b>Rangelands Division, DEPWS</b>		
Pastoral Lease Administration Branch	Executive Officer & Principal Officer	Administrative support; compliance coordination; land management advice
Delegate of the Pastoral Land Board	Executive Director, Rangelands & Chief Executive, DEPWS	Undertake duties as delegated by the Board
Vegetation Assessment Unit	PLC and NPU permit system	Permit system coordination and compliance auditing and investigations
Land Management Unit	Land management and soil conservation expertise	Assessment of permit applications and management plans and associated implementation; extension advice
Remote Sensing Unit	Spatial data management and interrogation	Monitoring and modelling of land condition, land use and clearing of native vegetation
Rangeland Monitoring Branch	Land condition pastoral lease site inspections	Land condition data collection from site inspections
Land Assessment Branch	Land resource assessment (i.e. soil and vegetation mapping)	Assessment of permit applications in relation to land capability/suitability; provision of soil and vegetation data
Weed Management Branch	Weed management	Assessment of permit applications and management plans and implementation; extension advice; implementation of the <i>Weed Management Act 2001</i>
<b>Flora &amp; Fauna Division, DEPWS</b>		
Species Management Unit	Fauna policy, research and extension	Feral monitoring, data provision and advice
<b>Parks &amp; Wildlife Division, DEPWS</b>		
Wildlife Operations	Feral animal control	Feral control, data provision and advice
<b>Department of Industry, Tourism and Trade</b>		
Agriculture Division	Livestock industries Plant industries Agribusiness development	Provision of advice
Biosecurity & Animal Welfare Division	Biosecurity Animal welfare	Provision of advice

## 7. Compliance

### 7.1. PLB compliance principles

- The Act provides a form of tenure over Crown land to facilitate the sustainable use of pastoral leasehold land for pastoral purposes (as defined by the Act) and the economic viability of the pastoral industry.
- All pastoral leases (whether perpetual or term) are Crown land and lessees are custodians charged with a duty under the Act to: (a) prevent land degradation, (b) monitor the environmental and productive health of the land, and (c) improve the condition of the land; on behalf of the Crown.
- The Territory's pastoral estate is a public asset and sustainable management of its natural capital is critical. Stakeholders with a vested interest in the effective and appropriate management of the pastoral estate and its land resource include: the Territory, the Minister, the Pastoral Land Board, the pastoral community, native title holders, and the public.
- It is an expectation of all stakeholders that all lessees comply with their duty and all other responsibilities prescribed by the Act.
- It is also an expectation of all stakeholders that the Board complies with its duty and responsibilities prescribed by the Act; and equally that non-lessees respect and comply with the Act as it relates to them.
- The Board seeks to foster a culture of compliance via the following measures:
  - Recognising good management practices and efforts to enhance land condition
  - Raising lessee compliance awareness and providing advice and support through DEPWS
  - Working with lessees to achieve compliance via appropriate non-statutory avenues where possible
  - Taking appropriate and proportionate statutory compliance action when required
  - Acting in a consistent, transparent and accountable manner; and in accordance with published compliance documentation
  - Observing confidentiality as appropriate
  - Undertaking appropriate stakeholder engagement whilst maintaining mutually respectful relationships and communicating in a timely manner
  - Being committed to proactive, responsive and informed oversight of the pastoral estate; and
  - Identifying priority compliance issues in the Compliance Policy.

### 7.2. PLB compliance priorities

- Whilst the Board has a responsibility to oversee compliance with all aspects of the Act under its jurisdiction, the Board has determined the following issues as requiring priority action:
  - i. The need to address poor or deteriorating land condition (as defined in Section 2.1 of the Compliance Plan);
  - ii. Strict compliance with clearing of native vegetation regulations; and
  - iii. The need to enhance and support strategic control of feral and non-native pest animals within the pastoral estate and surrounds.



- The Board may review/amend these priorities at its discretion.
- To address these issues, the Board has resolved that:
  - i. Consent for clearing of native vegetation will not be given retrospectively and appropriate penalties will apply
  - ii. Land in D (poor) condition will require lessees to develop and implement a non-statutory Recovery Plan or a statutory Remedial Plan or as otherwise directed by the Board
  - iii. A single warning policy will apply for land in C (fair) condition, whereby lessees will receive one warning only to undertake voluntary remedial action; where subsequent management is unable to improve condition, appropriate compliance action will be instigated
  - iv. Serious land degradation and erosion issues may be referred to the Commissioner for Soil Conservation for action under the *Soil Conservation and Land Utilisation Act 1969*
  - v. Serious weed issues will be referred to the Weed Management Branch, DEPWS for action under the *Weeds Management Act 2001*; and
  - vi. All lessees will be required to submit an annual stock return from 31/12/2022 in accordance with section 29(g) of the Act and Regulation 28, to inform land condition monitoring. The data will be managed in accordance with a Stocking Guide to be developed prior, in conjunction with a discussion paper and return template, and subject to lessee consultation.
- DEPWS officers undertaking compliance investigations on behalf of the Board must have a Certificate IV in Government Investigations or equivalent.

## 8. Ethical practice

The Board will ensure compliance matters are managed in accordance with ethical practice as demonstrated by the following commitments:

- The Board will act in accordance with its Compliance Charter and other compliance documentation.
- All responsibilities and matters for consideration as outlined in the Act will be adhered to.
- Compliance and enforcement responses will be determined using the decision-making matrix in the Compliance Plan.
- Other guidelines may also be used to inform decision-making as applicable (e.g. Northern Territory Planning Scheme Land Clearing Guidelines, Pastoral Land Clearing Guidelines, Non-Pastoral Use Guidelines, etc.).
- Advice will be sought from relevant experts, as required and appropriate.
- Station site inspections associated with the Rangelands Monitoring Program run by DEPWS on behalf of the Board are undertaken on a scheduled rotational basis (e.g. every five years). Additional inspections may occur as required.
- The Board will act in a fair and responsive manner whereby no station, lease or lessee will be individually targeted unless there is reasonable cause (e.g. history of outstanding compliance issues).
- A permit auditing program will be developed and equitably rolled out for the purpose of: identifying compliance matters; holding responsible parties to account; ensuring land degradation is remediated; findings are appropriately evaluated; and policies and processes are improved as required.

- Matters will be appropriately reported (e.g. to the Minister) and published for public transparency whilst ensuring confidentiality is maintained in accordance with the *Information Act 2002* and commercial-in-confidence sensitivities will be observed.
- The Board will develop and publish a complaints management process (see section 5.10 of Compliance Charter).

## 9. Accountability

In the interests of all stakeholders, the Board is committed to providing a high level of public transparency and accountability via the following measures:

- Natural justice - will be provided in all compliance processes, as outlined in the Compliance Plan (e.g. lessees will be notified of compliance concerns and provided a right of reply within a timely manner).
- Right of appeal - compliance decisions may be subject to an appeals process (e.g. a decision by the Board may be reviewed by the Minister; Minister decisions may be appealed through the Northern Territory Civil and Administrative Tribunal).
- Registers – as per the Compliance Charter, the Board will maintain a Compliance Register and a Decision Register for internal purposes. Statutory compliance instruments (e.g. Remedial Plan, Rehabilitation Direction, Rehabilitation Plan) will be lodged with the Registrar-General for entry in the land register (i.e. on title) per the Act.
- Reporting – as per the Act, the Board will report to the Minister, including timely notification of compliance matters (as required) and publication of an annual report. The Board will also develop and publish annual pastoral estate compliance report cards (see section 4.7 of Compliance Charter).
- Public Exhibition – all PLC and NPU applications will be subject to a public exhibition period in accordance with the respective guidelines; and all permits will be published online (and removed if revoked).
- Due diligence – Details regarding the terms of both statutory (e.g. Remedial Plan) and non-statutory (e.g. Recovery Plan) plans will be provided in response to due diligence requests, including notification that the Board would expect a prospective lessee to continue plan implementation or to negotiate any amendments.
- Awareness – to promote best practice and effective management of land condition, the following stations will be mentioned in the Pastoral Land Board Newsletter: those stations that have shown improved condition; and those stations in overall A (excellent) condition.

## 10. Innovation

The Board is committed to supporting the adoption of new innovative techniques and technologies that will enhance management of the land resource, improve land condition, and facilitate compliance within the pastoral estate. Examples of initiatives adopted and/or supported by the Board include:

- Use of remote sensing and drone technology to inform monitoring of land condition, land use and clearing of native vegetation
- Streamlining of approvals processes, auditing programs and compliance investigations
- Collaboration with industry and natural resource experts

- Engagement with interstate counterparts to share learning
- Application of adaptive management, where appropriate
- Development of tools to improve pasture monitoring and stock management
- Receiving feedback from pastoralists regarding land resource compliance concerns or suggestions (to raise with the Minister)
- Actively seeking information and advice from industry regarding innovation (to advise the Minister).

## 11. Engagement

The Board is committed to meaningful engagement with all stakeholders:

- through appropriate channels and in accordance with the Compliance Charter
- by developing a stakeholder engagement strategy, including release of discussion papers in relation to compliance issues that may affect lessees
- in a responsive, respectful and productive manner
- to advocate for responsible natural resource management and effective improvement of land condition
- to provide a conduit for ministerial advice and policy reform with regard to management of the pastoral estate's land resource; and
- to further the objects of the Act.

## 12. Cultural values

- In relation to the pastoral estate, cultural values can broadly be categorised as relating to pastoral lessees; Aboriginal persons; and the general public. As detailed in Section 1 above, the purpose of this document is to outline how the Board administers its responsibilities under the Act in relation to sustainable management of the land resource. Whilst the Board recognises cultural values, they are largely outside the scope of the compliance framework and the Board's associated regulatory responsibilities are limited.
- Examples of other relevant legislation include: the *Native Title Act 1993*, the *Aboriginal Land Rights (Northern Territory) Act 1976*, the *Northern Territory Aboriginal Sacred Sites Act 1989*, and the *Heritage Act 2011*.
- Other references include the following:
  - Section 4.5 (Other groups and statutory bodies) of the Compliance Charter
  - Section 6.2 (Other support) above
  - Section 2.2 (Lease conditions) and Section 7 (Other legislation) of the Compliance Plan.