



# Frequently asked questions

## Proposed Amendments to the Pastoral Land Act

### Why is the current Act being reviewed?

The *Pastoral Land Act* (the Act) was passed in 1992. While much of the legislation still provides a good platform for the delivery of government policy, some amendments, anomalies and limitations have been identified.

Global issues such as greenhouse gas emissions, climate change and carbon abatement / trading mandate the need for the legislation to recognise clearing, conservation and sustainable pastoral land management issues.

### What are the key changes?

Clearing controls for non-pastoral land were introduced in December 2002. There needs to be consistency with regard to clearing on all land tenure in the Northern Territory.

Penalties for offences under the Act are in-effective, particularly in relation to unauthorised clearing and need to be brought into line with the provisions of the *Environmental Offences and Penalties Act* to make them effective. Additionally, there are no provisions relating to corporate liability, liability of directors and managers, vicarious liability and other related matters.

The current legislation for providing public access to pastoral land is impractical.

Non-pastoral use approvals are only short term, do not provide for the activity to be carried out by a third party, are not transferable with title and do not have a proper fee structure. Conservation management is not recognised as an allowable non-pastoral activity in the Act.

These concerns were supported by the Productivity Commission research paper *Pastoral Leases and non-Pastoral Use of Land* that suggested that pastoral lease administration processes constrain the emergence of non-pastoral land use.

The current Act has no provisions to regulate major development work such as pasture ponding banks, dams, irrigation works, feed lots and extensive areas of non-native pastures.

There are also a number of technical amendments required.

### What hasn't changed?

The section dealing with Aboriginal community living areas is not being reviewed at this stage, as any issues will need to be addressed in a broader framework of Indigenous policy. It will be necessary to engage the numerous internal and external stakeholders in any review of this section, due to the complexities involved and links to other legislation, including changes introduced to both Northern Territory and Commonwealth policy and law.

### Why is the Pastoral Land Board being retained?

In the proposed advisory role, the Pastoral land Board would provide recommendations and advise the Minister for Natural Resources, Environment and Heritage on land management policy relating to the pastoral industry, develop guidelines for Ministerial endorsement and commission research into any matters that it considers relevant to the pastoral industry.

### **Why has land clearing been removed?**

Removing the land clearing provisions from the Act would place all native vegetation management under a single consent authority ensuring consistency of decision making across all forms of tenure.

Currently clearing on land held under pastoral tenure subject to an Interim Development Control Order, requires the consent of both authorities. The proposed amendments will remove the potential for such anomalies.

### **What are the key elements to public access provisions?**

The proposed amendments provide a legislative mechanism for the Minister for Natural Resources, Environment and Heritage to declare public access across pastoral land. The amendments provide public liability cover, provisions for closure of access (due to mustering activities, seasonal conditions and road conditions), construction of adequate roads and associated access infrastructure and limitations of visitor numbers.

The most significant change to the proposed amendment is that government will assume public liability.

### **Will the non-pastoral use and major developments provisions alter the nature of pastoral land?**

“Non-Pastoral Use” of the Act is to be renamed “Development Permits” and expanded to provide for all activities on land held under pastoral tenure where consent to carry out an activity is required. This will provide for increased opportunity for diversification and acceptance of alternative land uses, including conservation, within a predominantly pastoral landscape.

### **How can I have my say?**

The Territory Government is inviting the community to have their say on the proposed amendments to the *Pastoral Land Act*.

Online submissions are welcome and further information is available by visiting [www.nt.gov.au/consult](http://www.nt.gov.au/consult)

You may also seek further information or submit written comments to:

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### **Where to from here?**

Community consultation on the proposed amendments to the *Pastoral Land Act* close on **31 May 2011**.

The Territory Government will consider all public submissions.

The final Bill will be tabled and debated in the Northern Territory Legislative Assembly. It is too early to say when the proposed amended legislation might come into effect, but it is anticipated to be before the end of 2011.

*Submissions must include your name and address and will become public documents published on the Department website. If you would like your submission to remain confidential, please provide a separate written request. Please note, Freedom of Information access requirements will apply to all submissions, even those treated as confidential.*