



LEGISLATIVE ASSEMBLY OF THE NT
TABLED DOCUMENTS

Committee: *Estimates*
Paper No: *7.1* Date: *19/6/18*
Tabled By: *Moss*
Signed: *[Signature]*

DEPARTMENT OF
ENVIRONMENT AND
NATURAL RESOURCES

Chief Executive Officer
Goyder Centre
25 Chung Wah Terrace
PALMERSTON NT 0830

Postal Address
GPO Box 496
PALMERSTON NT 0831

08 8999 3662
E joanne.townsend@nt.gov.au

File Ref: TRIM No.
Your Ref:

Mr Paul Burke
NTCA
GPO Box 2288
ALICE SPRINGS NT 0871

Dear Mr Burke *Paul*

I am writing to inform you of the decisions that have been made by the Northern Territory Government with respect to the Pastoral Land Legislation Amendment Bill which was tabled in the Legislative Assembly in October 2017.

As you are aware the Bill included provisions to allow the Minister to approve a sub-lease for primary production purposes (agriculture, horticulture, forestry, and aquaculture) that could be registered on the title. These proposed amendments were opposed by the Northern and Central Land Councils in the media, correspondence to the Chief Minister and through submissions and the hearing of the Economic Policy Scrutiny Committee.

As a result of the ongoing concerns raised about the sub-leases, approval is being sought from Government to remove these provisions from the Bill and for it to proceed minus the sublease provisions, for debate in August 2018. It is important that the other proposed amendments of the Bill progress to provide for functional administration of the *Pastoral Land Act*.

As discussed at our meeting in Newcastle Waters on 22 April 2018, the Northern Territory Government has agreed to give due consideration implementing further changes to the *Pastoral Land Act* to give effect to increased rights for Native Title holders, on the basis that a workable, practical and legally sound model can be agreed. At that meeting the NTCA requested our understanding of the legal position. This is enclosed in a summarised form for your information. The Solicitor General for the Northern Territory has agreed to speak with your legal representative directly, should this be required.

You have also requested a copy of any documented model requested by the Land Councils. I have been advised that this is being developed but is not yet complete. I have requested this information is shared with DENR and with NTCA as soon as possible.

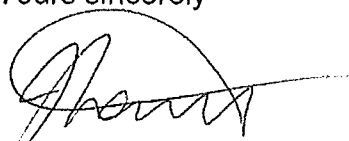
To achieve a collaborative outcome I also invite your participation in discussions with the Northern Land Council (NLC) and the Central Land Council (CLC) on the model or models to give effect to greater procedural rights to native title holders in the issuing of Non-Pastoral Use Permits under the *Pastoral Land Act* which will then be presented

to Government for their consideration. At this stage the Department is expected to provide options for Government consideration by August 2018.

The contact in DENR for both the Pastoral Land Legislation Amendment Bill and the development of the model for increased procedural rights for Native Title holders in future amendments to the Act is Mr Luis Da Rocha, Executive Director Rangelands.

I will of course continue to liaise with you directly as we progress matters.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jo Townsend', with a large, sweeping flourish extending to the right.

JO TOWNSEND

11 May 2018

Mr Joe Morrison
Northern Land Council
PO Box 1222
DARWIN NT 0801

Chief Executive Officer
Goyder Centre
25 Chung Wah Terrace
PALMERSTON NT 0830

Postal Address
GPO Box 496
PALMERSTON NT 0831

08 8999 3662
E joanne.townsend@nt.gov.au

File Ref: TRIM No.
Your Ref:

Dear Mr Morrison

I am writing to update you of the decisions that have been made by the Northern Territory Government with respect to the Pastoral Land Legislation Amendment Bill which was tabled in the Legislative Assembly in October 2017.

As you are aware the Bill included provisions to allow the Minister to approve a sub-lease for primary production purposes (agriculture, horticulture, forestry, and aquaculture) that could be registered on the title. These proposed amendments were opposed by the Northern Land Council (NLC) in the media, in direct petitions to the Northern Territory Government and through submissions and at the public hearing of the Economic Policy Scrutiny Committee.

As a result of the ongoing concerns raised about the sub-leases, approval is being sought from Government to remove these provisions from the Bill and for it to proceed minus these provisions, for debate in August 2018. It is important that the other proposed amendments of the Bill progress to provide for functional administration of the *Pastoral Land Act*.

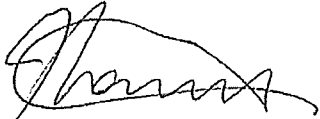
To achieve a collaborative outcome I also invite your participation in discussions with the Central Land Council (CLC) and the Northern Territory Cattlemen's Association (NTCA) on a model or models to give effect to greater procedural rights to native title holders in the issuing of Non-Pastoral Use Permits under the *Pastoral Land Act*. This is a matter which you have called for and to which the Chief Minister has agreed to give due consideration, on the basis that a workable, practical and legally sound model can be established.

This work will be led by the Department of Environment and Natural Resources (DENR). I understand that the NLC and the CLC have commissioned independent advice on a proposed model and it would be appreciated if this could be shared as soon as possible. At this stage the Department is expected to provide options for Government consideration by August 2018 so there is some urgency in your proposed model being shared with DENR and the NTCA to commence our discussions. In the meantime, I enclose a summary of our understanding of the legal position on this matter.

The contact in DENR for both the Pastoral Land Legislation Amendment Bill and the development of the options for increased procedural rights for Native Title holders is Mr Luis Da Rocha, Executive Director Rangelands. I would appreciate your organisation's agreement to participate in this process and your nominated contact.

I will of course continue to liaise with you directly as we progress matters.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jo Townsend', written in a cursive style.

JO TOWNSEND

// May 2018

Mr David Ross
Central Land Council
PO Box 4845
DARWIN NT 0801

Chief Executive Officer
Goyder Centre
25 Chung Wah Terrace
PALMERSTON NT 0830

Postal Address
GPO Box 496
PALMERSTON NT 0831

08 8999 3662
E joanne.townsend@nt.gov.au

File Ref: TRIM No.
Your Ref:

Dear Mr Ross

I am writing to inform you of the decisions that have been made by the Northern Territory Government with respect to the Pastoral Land Legislation Amendment Bill which was tabled in the Legislative Assembly in October 2017.

As you are aware the Bill included provisions to allow the Minister to approve a sub-lease for primary production purposes (agriculture, horticulture, forestry, and aquaculture) that could be registered on the title. These proposed amendments were opposed by the Central Land Council in correspondence to the Chief Minister and through submissions to the Economic Policy Scrutiny Committee.

As a result of the ongoing concerns raised about the sub-leases, approval is being sought from Government to remove these provisions from the Bill and for it to proceed minus sublease, for debate in August 2018. It is important that the other proposed amendments of the Bill progress to provide for functional administration of the *Pastoral Land Act*.

To achieve a collaborative outcome I also invite your participation in discussions with the Northern Land Council (NLC) and the Northern Territory Cattlemen's Association (NTCA) on a model or models to give effect to greater procedural rights to native title holders in the issuing of Non-Pastoral Use Permits under the *Pastoral Land Act*. The Northern Territory Government has agreed to give due consideration implementing further changes to the *Pastoral Land Act* to give effect to increased rights for Native Title holders, on the basis that a workable, practical and legally sound model can be agreed.

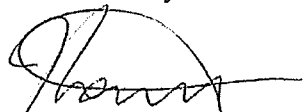
This work will be led by the Department of Environment and Natural Resources (DENR). I understand that the Land Councils have commissioned independent advice on a proposed model and it would be appreciated if this could be shared as soon as possible to meet Government's expectation that options will be considered by August 2018. In the meantime, I enclose a summary of our understanding of the legal position on this matter.

The contact in DENR for both the Pastoral Land Legislation Amendment Bill and the development of options for increased procedural rights for Native Title holders in future amendments to the Act is Mr Luis Da Rocha, Executive Director Rangelands. To date

our preliminary discussions with the CLC have been with Mr James Nugent. We would welcome the opportunity to continue working with James, alternatively you may wish to nominate an alternate or additional contact from the CLC.

I will of course continue to liaise with you directly as we progress matters.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jo Townsend', with a large, sweeping initial 'J' and a horizontal line extending to the right.

JO TOWNSEND

1 May 2018