Pastoral Lands Board

Policy Statement No. 1

Policy Title

AGISTMENT OF AUTHORISED LIVESTOCK ON A PASTORAL LEASE

Policy Statement

The Land Administration Act 1997 (LAA) requires that a pastoral lessee obtains the written permission of the Pastoral Lands Board (PLB) for any agistment arrangement on a pastoral lease.

Agistment is distinguished from subleasing, in that the pastoral lessee remains responsible for the maintenance of pastoral infrastructure on the land.

Purpose / Objective

To provide a policy statement and guidelines to pastoral lessees regarding the agistment of stock on pastoral leases

Background

Section 111(2) of the LAA provides that:

A pastoral lessee must not cause or allow the agistment on land of stock of any kind, except with the permission in writing of the Board.

Delegations

The PLB has the sole power to grant written permission for the agistment of stock on a pastoral leases, under Section 111 of the LAA.

The PLB may consult with the agency responsible for the administration of the Biosecurity and Agriculture Management Act 2007 in relation to the carrying capacity of the pastoral lease and the suitability of the proposed agistment of the lease.

The PLB may authorise the Pastoral Land Unit of the Department of Planning, Lands and Heritage to approve applications for the agistment of drought-affected stock for periods of up to 12 months, to facilitate the early movement of stock. Further, the PLB may authorise the Pastoral Land Unit to approve applications for agistment arrangements involving short terms and/or low stock numbers.
The PLB recognises that the agistment of stock is often a proactive and responsive management approach, particularly necessary in times of drought or after a damaging weather event. The PLB requires pastoral lessees to manage the land in accordance with best land management practice. The PLB acknowledges that these practices will vary depending on locational, climatic and other factors.

The PLB believes that the unsustainable use of the rangeland resource will compromise the pastoral and ecological potential of the land. An agistment arrangement is characterised by its temporary nature. As a result, an agistment must not:

- Exceed 12 months in duration; or
- Involve the placement of infrastructure on the pastoral lease for the specific purpose of supporting third party authorised stock.

Agistment from the perspective of the PLB involves the depasturising of stock for a grazing/agistment fee that may not include the placement of or investment in infrastructure on the pastoral lease.

An application to the PLB for approval of an agistment by the lessee must be submitted. Where no rangeland condition issues have been identified on the host lease, the application need only include the following information:

- Proposed length of term for the agistment; and
- Type and approximate number of stock to be agisted.

On leases where rangeland condition issues have been identified on the host lease, the PLB requires the following additional information from the lessee:

- Report on the current number of stock being run on the pastoral lease in addition to the proposed number of agisted stock;
- Describe the proposed management arrangement for the stock, as agreed by all parties (management can be undertaken either by the pastoral lessee or the owner of the stock);
- Identify infrastructure existing on the lease or proposed to be installed to support the stock. The infrastructure must be adequate for supporting the stock numbers/class of stock proposed in the agistment application; and
- A statement of range condition over time to demonstrate that the proposed agistment will not have an adverse impact on range condition.

In addition, the PLB may request the Department of Primary Industry and Regional Development (DPIRD) to provide additional information in relation to rangeland condition on the host lease.

The pastoral lessee remains responsible for range condition over the pastoral lease as a whole as per s.108 of the LAA, as well as compliance with any other conditions of the pastoral lease and/or the LAA.
Where an approved development/management plan is in place the pastoral lessee must ensure that the agistment agreement does not compromise any commitments made under that approved plan and that any departure from the approved plan will require further specific approval of the PLB.

In general, the PLB will not consider agistment for periods greater than 12 months. The lessee may apply to extend an agistment arrangement. However, if multiple extensions are sought and granted, the activity may cease to be considered temporary and the PLB may instead require a sublease to be put in place.

The authorised stock being agisted on a pastoral lease can be managed by the lessee or the owner of the stock. All involved parties should be aware of their mutual responsibilities towards the stock being agisted, in accordance with the Animal Welfare Act 2002.

In the event that the PLB determines an agistment proposal exceeds the temporary nature of an agistment arrangement, a sublease application from the lessee will be required. If the sublease required is over part of the pastoral lease, the written approval of both the Minister for Lands (or their delegate) and the PLB must be obtained in order to sublease part of a pastoral lease to a third part. Please refer to Pastoral Lands Board Policy Statement 11- Subleasing Part of a Pastoral Lease, for further information.

If the sublease application will be over the whole of the placement of the pastoral lease, approval must be sought from the Minister for Lands.

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**Policy / Legislative Base**

*Land Administration Act 1997 – Section 111(2)*

Found at the State Law Publisher website:


**Definitions**

“Agistment” refers to the temporary grazing of stock.

“Agistor”/lessee refers to the pastoral lessee supporting the grazing of a third party’s authorised stock on their pastoral lease.

“Agistee” refers to the third party that has ownership of authorised stock grazing on a pastoral lease that they do not have a registered interest in.

“Authorised Livestock” are controlled livestock managed according to industry codes of practice for husbandry and identification prescribed as:

(a) sheep (ovis aries);
(b) cattle (bos indicus, bos taurus);
(c) horses (equus caballas);
(d) goats (capra hircus); and
(e) stock kept for domestic or household use.

“Minister” means the Minister for Lands, a body corporate continued under the *Land Administration Act 1997*.

“Sublease” refers to a lease over a pastoral lease. The sublessee is responsible for maintaining/constructing pastoral infrastructure while the pastoral lessee, or head lessee, supplies the land. A sublease is typically an arrangement of 5+ years and requires the approval of the Minister for Lands.

“Sublessee” means the individual or company holding the sublease.

“Part of Lease Sublease” means a sublease over part of a pastoral lease, which require the approval of both the Minister for Lands and the PLB.

**Related Documents**

Policy No. 11 – Subleasing Part of a Pastoral Lease

**Date of Approval of Original Version**

13 December 2006

**Date of Approval of Current Version**

14 December 2017

**Further Information**

Department of Planning, Lands and Heritage.

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**Version**

5.0