

Pastoral Lands Board

Policy Statement No. 13

Policy Title	Provision of Rent Relief
Policy Statement	In instances where a pastoral lease is adversely affected by a disaster or a lessee is suffering personal financial hardship as a result of poor economic conditions in the pastoral industry, the Pastoral Lands Board (the PLB) may recommend to the Minister that the lessee be granted an appropriate level of rent relief.
Purpose	/ To provide policy and implementing guidelines regarding recommendations to the Minister for pastoral lease rent relief.
Objective	
Background	<p>Under section 128 of the <i>Land Administration Act 1997</i> (LAA), the PLB may make recommendations to the Minister that rent relief be granted for a pastoralist:</p> <ul style="list-style-type: none">(a) whose lease has been adversely affected by drought, fire, cyclone, flood or other disaster; or(b) who is suffering personal financial hardship as a result of poor economic conditions in the pastoral industry. <p>A natural disaster may have significant impacts for a pastoral lease in terms of damage to infrastructure, loss of stock, and interruptions to pastoral operations. Whilst the risk of a natural disaster should be factored into a lease's business plan, the PLB recognises that such events can be more debilitating than anticipated.</p> <p>The PLB also recognises that poor economic conditions in the pastoral industry may have a direct impact on a pastoralist's financial position.</p> <p>If the degree of the negative impact of either of these two types of occurrence is severe enough to result in ongoing hardship, the PLB may see a case to recommend to the Minister that the payment of rent be deferred or waived or the level of rent outstanding be reduced, in order to provide a degree of financial relief for the affected lessee.</p>
Authority and Delegations	<p>Under s.128 (3) of the LAA the PLB has authority to consider applications and make recommendations for rent relief to the Minister for Lands.</p> <p>Under s.128 (1) the Minister has authority to allow a payment of rent to be delayed, reduced or waived entirely, on the recommendation of the PLB.</p>

Policy
Implementation
Guidelines

The PLB will consider applications for rent relief due to drought, fire, cyclone, flood or other disaster, or due to personal financial hardship as a result of poor economic conditions in the pastoral industry.

In assessing an application for rent relief the PLB may take into consideration the following factors:

- where the disaster is drought:
 - whether the lessee has reduced stock numbers or de-stocked;
 - past and current climatic conditions.
- where the disaster is a fire, cyclone, flood or other 'sudden' disaster:
 - the severity of the disaster;
 - the extent of damage that was sustained.

The PLB may also take into consideration whether the application has any outstanding Board directives.

The PLB may require the application to provide evidence of the disaster and its effect on the land and the lessee's financial circumstance. In particular, the PLB may require the lessee to provide audited / authenticate accounts of relevant operations and transactions and / or a statutory declaration. The applicant may be required to attend a PLB meeting and be examined under oath.

The PLB may refer rent relief applications to the Department of Primary Industries and Regional Development for financial assessment.

In instances where the disaster is a declared or proclaimed natural disaster the PLB may refer to the criteria of an official assistance provided by the State or Commonwealth Government in assessing rent relief applications.

The PLB will endeavour to contact relevant lessees when a 'sudden' disaster occurs to advise them of the availability of rent relief. Rent relief application forms are available on the Department of Planning, Lands and Heritage website.

Policy / Legislative
Base

Land Administration Act 1997 – Section 128

Found at the State Law Publisher website:

<https://www.slp.wa.gov.au/Index.html> or via the Western Australian Legislation website: www.legislation.wa.gov.au.

Definitions

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

Related Documents

- Rent Relief Application Form For Reduction or Waiver of Rent Payments.
- Rent Relief Application Form For Reduction or Waiver of Rent Payments due to Disaster.

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Further Information Department of Planning, Lands and Heritage
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