



## **Pastoral Lands Board**

### **Policy Statement No. 1**

#### **Policy Title**

## **AGISTMENT OF AUTHORISED LIVESTOCK ON A PASTORAL LEASE**

#### **Policy Statement**

Agistment of authorised livestock on pastoral lease land will require the approval of the Pastoral Lands Board (PLB). Approval will be in accordance with the present and/or potential carrying capacity of each lease, in association with the current Rangeland Condition Assessment (RCA).

#### **Purpose / Objective**

To provide policy direction and implementing guidelines regarding the requirements and conditions concerning pastoral leaseholders seeking permission to agist and undertake husbandry of livestock owned by another party.

Under section 111(2) of the *Land Administration Act 1997*, a pastoral leaseholder must not allow agistment of stock on its pastoral lease unless it has the written permission of the PLB.

#### **Background**

Pastoral leaseholders have a pastoral lease with the State of Western Australia, who is the landlord. Pastoral leases are administered under the *Land Administration Act 1997* by the Minister for Lands on behalf of the State. The Pastoral Lands Board (PLB) provides advice, assistance and recommendations to the Minister in the administration of the pastoral leases.

Section 111(2) of the *Land Administration Act 1997* provides that a pastoral leaseholder must not cause or allow the agistment on land of livestock of any kind, except with the prior permission in writing from the PLB.

The PLB can approve agistment arrangements for up to three years, with extensions permissible on written application to and approval by the PLB, subject to the Policy Implementation Guidelines (below).

#### **Delegations**

The Pastoral Lands Board has authority to consider and approve (or otherwise) applications for agistment under s.111(2) of the *Land Administration Act 1997*.

The Pastoral Lands Board may authorise the Department of Regional Development and Lands (RDL), Pastoral Land unit, to approve applications for the agistment of drought-affected stock for periods of up to 12 months, to facilitate the early movement of stock.

The Pastoral Lands Board may authorise the RDL Pastoral Land unit to approve applications for agistment arrangements involving short terms and/or low stock numbers.

**Policy  
Implementation  
Guidelines**

The following information should be provided to the Pastoral Lands Board (PLB) when applying for an agistment agreement:

- Duration of the agistment proposal (up to three years);
- Statement on recent seasonal conditions (three years);
- Number of own livestock by type and class on hand;
- Number of agisted livestock by type and class; and
- Where on the lease agisted livestock will be located, i.e. whole of lease or specific paddock names and locations.

The following should be considered and adhered to if making an application for agistment:

- (a) Approval will not generally be given to agist livestock on a pastoral lease that has a history of land management issues and/or poor range condition, unless the pastoral leaseholder identifies to the satisfaction of the PLB how the issues will be addressed.
- (b) Where a pastoral lease is noted as having some level of issue, the application may be referred to the Department of Agriculture and Food for comment.
- (c) Where a large number of livestock are to be agisted over consecutive years the PLB may require a new Rangeland Condition Assessment (RCA), if one has not been done within a timeframe that can be relied upon to accurately reflect the potential effect of the increase in livestock numbers.
- (d) The RCA will provide a baseline for the pastoral leaseholder in terms of the condition of the lease, and may safeguard against any future disputes between the pastoral leaseholder and the owner of the agisted livestock.
- (e) The PLB may undertake further RCA(s) during the term of the agistment agreement.
- (f) Where an approved development/management plan is in place the pastoral leaseholder 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.
- (g) Where a third party seeks to run and directly manage their own livestock on a pastoral lease, this is a sublease and NOT an agistment. The pastoral leaseholder must in these circumstances apply to the Minister for approval to sublease all or any part of the pastoral lease (see Policy Statement No.11).
- (h) The pastoral leaseholder has full management control of the livestock owned by the third party, while the livestock are on the pastoral lease, and the pastoral leaseholder is accountable for any breaches of the *Land Administration Act 1997* that occur as a result of this agisted livestock being on the lease.

**Policy /  
Legislative  
Base**

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

Found at the State Law Publisher website:

[http://www.slp.wa.gov.au/legislation/statutes.nsf/main\\_actsif\\_1.html](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_actsif_1.html)

**Definitions**

“Agistment” is generally considered to be an arrangement with a finite period over the short to medium term, (up to three years) where the pastoral leaseholder manages a third party’s livestock.

“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 caballus*);
- (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*.

“Pastoral lease” can also be termed Head Lease or Crown Lease, all of which for the purposes of this agistment policy have the same meaning.

**Related  
Documents**

- Policy Statement No.11 – Subleasing of Leases
- Guidelines – Management/Development Plan of Pastoral Land
- Guidelines – Standard Conditions of Transfer of a Pastoral Lease

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*Original* Version**

13 December 2006

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**Further  
Information**

Department of Regional Development and Lands

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