



## Pastoral Lands Board Policy Statement No. 10

### Policy Title

## Guidelines for the Sale and Transfer of Leases

### Policy Statement

The Pastoral Lands Board adopts the **Guidelines: Sale and Transfer of Leases**.

### Purpose / Objective

To provide guidelines on the Board's expectations for selling, purchasing or transferring a pastoral lease.

### Background

The Pastoral Lands Board (PLB) is responsible for ensuring that the conditions of the Western Australian rangelands are maintained in an ecologically sustainable manner. The Board makes recommendations to the Minister for Lands on the granting and transfer of leases. The Minister must approve all grants and transfers.

The Board has the responsibility to ensure that an incoming lessee will be able to run a viable pastoral business on the pastoral lease. *The Land Administration Act 1997* ("The Act") states that leases cannot be granted unless they are viable.

Section 101 (4) states:

*A pastoral lease must not be granted unless -*

*(a) the Board is satisfied that the land under the lease will be capable, when fully developed, of carrying sufficient stock to enable it to be worked as an economically viable and ecologically sustainable pastoral business unit; or*

*(b) the lease is to be amalgamated with an adjoining pastoral lease.*

The issue is less clear for transfers of current leases. A number of current pastoral leases across the rangelands are not considered viable, mostly because they are unable to carry the minimum number of domestic stock required to be viable.

### Delegations

The Board retains its authority to recommend (or otherwise) to the Minister for Lands, the sale or transfer

of pastoral land leases.

The Minister for Lands retains its authority to approve (or disapprove) the sale or transfer of pastoral land leases.

**Policy  
Implementation  
Guidelines**

All written applications for the sale or transfer of pastoral leases are assessed by the Pastoral Lands Board prior to making recommendations to the Minister for Lands.

It is the Minister for Lands who has the final decision whether to approve or not the granting and transfer of leases.

***A. The lessee selling the lease***

1. A lessee is obliged to apply in writing to the Minister for Lands through the Pastoral Lands Board for permission to transfer or sell.

2. A Range Condition Assessment will be undertaken by the Board on the property, and a schedule for required works, stocking rates and management practices, if any, will be drawn up.

3. The Pastoral Lands Board will not recommend that the Minister grant permission to transfer if there are any outstanding obligations or requirements.

4. The lessee will be required to satisfy any conditions of sale until such time as the lease is transferred.

This effectively constitutes "transitional controls" on the lease, and prevents the deterioration of the lease during the period it is on the market.

5. In the event of non-compliance with the conditions of sale any audit inspections may be undertaken at the full cost of the lessee.

6. The lessee is obliged to provide the purchaser with a copy of the most recent Range Condition Assessment

***B. The proposed purchaser***

1. The proposed purchaser(s) will submit to the Board a business plan for the lease, including:

– evidence of sufficient financial capacity to satisfy the requirements of the Act;

– plans to address the issues identified in the Range Condition Assessment (to maintain/

– improve the lease and the condition of the rangelands, if required

– a management plan, including stock and any other

business expected

– to be undertaken on the lease (subject to Section 106 of the Act)

NOTE: This requirement is covered in Section 107 of the Land Administration Act 1997, which states:

*If the Board is of the opinion that the reasonable development of the land under the lease for pastoral purposes requires improvements to be made, it may require the lessee to submit a development plan, satisfactory to the Board, for the progressive achievement of those improvements to a specified timetable.*

2. The Board is required to ensure that the lease will be managed in a manner and according to the most sound and approved methods of pastoral husbandry so that the land is used to the best advantage as a pastoral property.

3. The proposed purchaser(s) will acknowledge in writing that they are aware of the provisions in Part 7 of the Act in respect to pastoral leasing, and Part 9 in respect to compulsory acquisition of interest in land, and they agree to abide fully by such provisions.

4. The proposed purchaser(s) will acknowledge in writing that they are aware of the provisions of the Soil and Land Conservation Act.

5. The Board will receive in writing, the proposed transferee's assurance that the Australian equity will be maintained at not less than 50 per cent during the tenancy of the lease.

6. The proposed purchaser(s) will acknowledge in writing that they have read the Range Condition Assessment and agree to comply with the conditions set by the Board and the recommended management practices in that Report, including the schedule for works on the lease.

7. Once transfer has taken place, the incoming lessee will need to fulfill all conditions of sale and other requirements of the Board applying to the lease, prior to the Board recommending to the Minister any future transfer of the lease.

### ***C. Pastoral Land Business Unit/Landgate***

1. Once Ministerial approval has been granted to a proposed transfer, a stamped (stamp duty paid) and executed (signed) Transfer of Land document must be presented to the office of the Pastoral Land Business Unit to arrange endorsement of Ministerial consent thereon.

2. Minister's consent may not be endorsed if there are any outstanding pastoral lease rents or Agriculture

Protection Board rates.

3. Once Ministerial consent is endorsed on the Transfer of Land document, it may be lodged at the Customer Services Branch of Landgate together with the Duplicate Crown Lease and lodgment fee.

4. The Pastoral Land Business Unit will assist the purchaser in liaising with the Department of Agriculture and Food WA to acquire an individual station plan and the "Pastoral Resources and their Management" publication for the particular region.

**Policy /  
Legislative  
Base**

*Land Administration Act 1997 (LAA)*

**Definitions**

"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 Sale and Transfer of Leases Guidelines have the same meaning.

**Related  
Documents**

- GUIDELINES – MANAGEMENT PLAN FOR PASTORAL LAND
- GUIDELINES - STANDARD CONDITIONS FOR TRANSFER OF A PASTORAL LEASE

**Date of  
Approval of  
*Original* Version**

27 July 1999

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Approval of  
*Current* Version**

23 February 2009

**Further  
Information**

Department of Regional Development and Lands

Lands Division - Pastoral Land

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**Version**

2.0

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