



Department of Planning,
Lands and Heritage



AUGUST 2023

Pastoral Lands Board Policy

Provision of Rent Relief

The Pastoral Lands Board acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

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alternative formats on application
to the Communications Branch.

INTRODUCTION

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 (PLB) may recommend to the Minister that a lessee be granted an appropriate level of rent relief.

The Minister may also, of his/her own initiative or on recommendation of the PLB, apply rent relief to all pastoral leases, or pastoral leases of a particular class, following consultation with the PLB.

PURPOSE

To provide policy and implementing guidelines regarding recommendations to the Minister for pastoral lease rent relief.

Under section 128 of the *Land Administration Act 1997* (LAA), the PLB may make recommendations to the Minister that rent relief be granted:

- (a) to take into account the occurrence of a drought, fire, cyclone, flood or other disaster that affects the land under 1 or more pastoral leases; or
- (b) to take into account poor economic conditions in the pastoral industry; or
- (c) in prescribed circumstances.

A natural disaster may have significant impacts for a pastoral lease in terms of damage to infrastructure, loss of stock, and interruption to pastoral operations. Whilst the risk of a natural disaster should be factored into a pastoralist's business plan, the PLB recognises that such events can be more debilitating than anticipated.

The PLB also recognises that poor economic conditions in the pastoral industry may have a direct impact on a pastoralist's financial position.

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 a 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.

AUTHORITY AND DELEGATIONS

Under s128 the Minister has the power to allow a payment of rent to be delayed, reduced or waived entirely. The Minister may exercise the power:

- on the recommendation of the PLB, following an application by a lessee, in respect of a particular pastoral lease, or
- on the Minister's own initiative in respect of all pastoral leases, or pastoral leases of a particular class, having first consulted with the PLB.

POLICY IMPLEMENTATION GUIDELINES

The PLB will consider applications received from pastoral lessees 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.

If the PLB thinks it necessary for proper consideration of the application, it may require the application to provide evidence of the disaster and its effect on the land and the lessee's financial circumstances. In particular, the PLB may require the lessee to provide authenticated/audited accounts of relevant operations and transactions and/or a statutory declaration.

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 declared or proclaimed a natural disaster the PLB may refer to any criteria applied to 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 via the Western Australian Legislation website:
<https://www.legislation.wa.gov.au/>

DEFINITIONS

“Minister” means the Minister for Lands, a body corporate continued under s7(1) of the *Land Administration Act 1997*.

RELATED DOCUMENTS

- Pastoral Lease Rent Relief Application Form – Economic Conditions.
- Pastoral Lease Rent Relief Application Form – Disaster.

For forms please visit <https://www.wa.gov.au/organisation/departments-of-planning-lands-and-heritage/pastoral-lands-board>.

QUESTIONS AND FURTHER INFORMATION ON PROVISION OF RENT RELIEF

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