



Department of Planning,  
Lands and Heritage



AUGUST 2024

# Pastoral Lands Board Policy

## Cultivation of Non-Indigenous Plant Species on a Pastoral Lease

### Acknowledgement of Country

The Pastoral Lands Board acknowledges Aboriginal people as the traditional custodians of Western Australia. We pay our respects to the Ancestors and Elders, both past and present, and the ongoing connection between people, land, waters and community. We acknowledge those who continue to share knowledge, their traditions and culture to support our journey for reconciliation. In particular, we recognise land and cultural heritage as places that hold great significance for Aboriginal people.

### Disclaimer

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## POLICY STATEMENT

The Pastoral Lands Board (PLB) supports the cultivation of approved non-indigenous plant species on pastoral leases. The PLB is committed to creating an environment where government and pastoral lessees (lessees) work cooperatively to enhance productivity and financial viability, while achieving improved land management outcomes. This policy is a further demonstration of that commitment and is consistent with the [Pastoral Purposes Framework](#).

Part 7 of the *Land Administration Act 1997* (LAA) provides that lessees must obtain a permit to sow or cultivate non-indigenous pasture, and to sell fodder or other produce from non-indigenous pasture, regardless of whether the fodder is sown, cultivated, or has grown organically. Specifically permits are issued under Division 5 sections 119, 120, or 122.

## OBJECTIVE

1. To provide clarity regarding the PLB's considerations in relation to applications for a permit that include the cultivation and/or sale of non-indigenous plant species on a pastoral lease.
2. To clarify the interactions between the LAA and other legislation, and the roles and responsibilities of the relevant administrative agencies in relation to applications for permits that include the cultivation of non-indigenous plant species on a pastoral lease.

## PRINCIPLES

1. The PLB must not issue a permit unless it is satisfied that the proposal is compliant with any requirements arising from the operation of environmental legislation, as per section 117 of the LAA, which states:

### **117. Environmental conservation requirements to be satisfied before permit can be issued**

The Board must not issue a permit under this Division unless it is satisfied that any requirements in relation to the proposal arising from the operation of –

- (a) the *Biosecurity and Agriculture Management Act 2007*; or
  - (b) the *Environmental Protection Act 1986*; or
  - (c) the *Soil and Land Conservation Act 1945*; or
  - (d) the *Biodiversity Conservation Act 2016*; or
  - (e) any other written law relating to environmental conservation which is applicable to the land under the lease have been complied with.
2. In order to ensure that the requirements of section 117 are met, the PLB refers applications for permits to cultivate non-indigenous plants to the agencies principally charged with managing environmental legislation in Western Australia, including the Department of Primary Industries and Regional Development (DPIRD), the Department of Biodiversity, Conservation and Attractions (DBCA), and the Department of Water and Environmental Regulation (DWER), each of which provides expert advice to the PLB on the plants, any biosecurity concerns, potential impacts on biodiversity, and broader environmental concerns.
  3. In deciding whether to issue a permit, the PLB considers the environmental, economic, and social impacts of the proposal.

# IMPLEMENTATION GUIDELINES

1. Lessees seeking to sow, cultivate, or sell fodder harvested from non-indigenous plant species that have grown organically, will be referred in the first instance, to the Department of Planning, Lands and Heritage (DPLH) website for guidance on applying for a permit under section 119, 120, or 122 of the LAA and the associated timeframes. A checklist and frequently asked questions pertaining to a permit application under sections 119, 120, or 122 of the LAA are also available on the website. These documents are designed to assist a lessee to self-select plant species that are permitted under the *Biosecurity and Agriculture Management Act 2007* (BAM Act), are appropriate for the area in which a given lease is located and include:
  - a. an explanation of the process
  - b. a link to the Western Australian Organism List (WAOL). The PLB will not approve permit applications that include cultivating plants that are prohibited under section 12 of the BAM Act
  - c. A link to the Future Farm Industries Weed Risk Assessment version 1 (FFI WRA) page. This is to determine whether the plant has been through an FFI WRA process:
    - i. if the FFI WRA weed risk rating of a plant species is High or above, specific conditions may be placed on the permit to mitigate the risk of off-site impacts, such as a Biosecurity Plan; alternatively, the PLB at its discretion may determine not to grant a permit based on a risk assessment
    - ii. if the FFI WRA weed risk rating of a plant species is Medium or below, the PLB at its discretion may issue a permit with standard conditions
      - iii. if no FFI WRA weed risk rating exists, the PLB may, at its discretion, determine to grant a permit to plant the species subject to a future FFI WRA process determining its weed risk rating to be Medium or below.
  - d. A contact list for lessees seeking assistance in developing their proposal.
2. The PLB recommends lessees seek advice from DPIRD in relation to the plant species they wish to cultivate, both in respect of pastoral potential and weed risk.
3. It is currently not possible to amend a permit to include additional species not listed on an existing permit, and a new permit must be issued in order to accommodate any additional species. When applying for a permit, lessees should, after seeking advice from DPIRD, apply for the full (one or more) range of plant species required.
4. Once DPLH, on behalf of the PLB, is satisfied that all required information is present, DPLH refers the application to DPIRD and DBCA. These referrals provide the following information back to DPLH:
  - a. confirmation, via WAOL, that the proposed plant species is/are permitted species pursuant to the BAM Act
  - b. check that an FFI WRA process has been completed. If not, DPIRD, in conjunction with DBCA, may undertake an assessment during the referral process depending on resources and priority
  - c. DPIRD and DBCA then advise the level of weed risk in relation to their respective legislative responsibilities.



For DPIRD, those responsibilities include:

- i. the potential impact on soil and land under the BAM Act and the *Soil and Land Conservation Act 1945* (SLC Act)
- ii. whether the weed risk is negligible-low, medium, high, or very high and

DBCA will advise on the potential impacts of the proposal on threatened species and ecological communities protected under the *Biodiversity Conservation Act 2016*.

5. DWER administers applications from lessees for any native vegetation clearing permits (clearing permits) and water licences that may be associated with an application for a permit.

In relation to a clearing permit, DWER refers applications to DPLH, DPIRD, and DBCA to clarify whether:

- a. DPLH: an application for a permit has been received
- b. DPIRD: the proposed clearing could lead to land degradation (SLC Act) and
- c. DBCA: the proposed clearing could impact on any significant flora, fauna, or ecological communities.

In relation to the water licence, other departments are contacted if information is required regarding:

- a. DPLH: whether a permit is required and/or will be issued and any conditions or restrictions
- b. DPIRD: irrigation rates for nominated plant species and
- c. DBCA: potential impacts from pumping to threatened species ecological communities.

6. DWER may, after receiving advice from other agencies, approve clearing permit applications based on its assessment of the impact of the clearing. In situations where a clearing permit is required, this must be issued prior to a pastoral permit, meaning that should DWER reject the application for a clearing permit, the PLB is effectively precluded from issuing a permit for pastoral purposes.
7. DWER may, after receiving advice from other agencies, approve water licence applications based on its assessment of the impact of the pumping of water. Unlike a clearing permit, the LAA does not preclude the PLB from issuing a permit if DWER rejects the application for a water licence. However, in the absence of a water licence the permit holder would not be in a position to conduct the activity.
8. DPLH receives the advice and recommendations from DBCA and DPIRD, as well as notification from DWER regarding the clearing permit, and develops a PLB submission with a recommendation to approve or reject a permit application (in full or modified). In addition to environmental considerations, the submission may also discuss social and economic considerations, and any other issues that may have bearing on the application.
9. The PLB makes a determination to approve or reject the application based on a range of factors, including expert advice from DPIRD and DBCA:
  - a. where a non-indigenous plant proposed for cultivation is a prohibited species under the BAM Act, any application to cultivate that plant will be rejected
  - b. where DPIRD and DBCA have assessed the weed risk of the non-indigenous plant to be medium or below, should the PLB approve the permit, it is to be issued on standard conditions and
  - c. where DPIRD and DBCA have assessed the weed risk of the non-indigenous plant to be high or above, should the PLB approve the permit, the PLB may:
    - i. insert additional conditions, having regard to advice and/or draft

conditions DBCA and DPIRD may provide, which may include, but are not limited to:

1. the requirement that a Biosecurity Plan be developed, implemented and reported
2. establishment of monitoring zones appropriate to the weed risk of the plant
3. a requirement for regular monitoring and review of, and reporting to the PLB on, the permit area, monitoring zones, and Biosecurity Plan above and beyond what might be required under the standard conditions.

ii. approve a permit with a reduced list of non-indigenous species.

10. Following the PLB approval of the permit, lessees are required to ensure that introduced species are contained within the permit area and to comply with all permit conditions, noting:
  - a. Permit conditions will specify the consequence(s) if conditions of the permit are breached and the plant escapes into the environment.
  - b. Sowing or cultivating of non-indigenous plant species on pastoral land without a permit is an offence pursuant to section 110(1) of the LAA. The penalty for this offence is \$20,000.
  - c. Selling fodder or other produce from non-indigenous pasture, other than the products of animals grazed on it, without a permit is an offence pursuant to section 110 (2) of the LAA. The penalty for this offence is \$20,000.
11. The PLB will advise DPIRD, DBCA, and DWER of its decisions on permit applications.