



# Delbessie Agreement

*(State Rural Leasehold Land Strategy)*

## Overview



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## Outline

- Brief history of land tenure in Queensland
- What is the Delbessie Agreement?
- Background on the agreement
- Lease renewals
- Lease term extensions
- Land management agreements
- Lease condition assessments
- Implementation of the agreement



## History of settlement in Queensland

- **1859** – Queensland separated from NSW
- **1859 to 1994** - legislation supported by a *policy of closer settlement*
- Policy implemented through actions such as:
  - Subdivision of pastoral leases over larger areas, which were managed at low level of intensity
  - Expiring pastoral leases re-subdivided into grazing selections or additional areas for other leases
  - In higher rainfall areas near the coast, many grazing selections since converted to freehold



## History of settlement in Queensland

- **Family farm policy** - legislation also restricted the amount of land that could be held and excluded corporations from holding leases in settled areas
- Retention of family-based farm enterprises contributed to overall stability and viability of rural communities
- In the more remote areas of State closer settlement by families was limited because of the successful development of these lands required significant levels of capital investment.
- Corporations were able to purchase and amalgamate small, non-viable holdings in these more remote areas.



## History of settlement in Queensland

- **Early 1900s** – The **prickly-pear** plant was introduced in the 1850s as a botanical curiosity. It was common for landholders to grow them as hedges around homesteads.
- Early spread was slow but by **1900** it became noticeable when an area of 10 million acres was affected
- Rapidly spread after break of great drought of **1902** when prickly-pear was used as stock feed due to its high water content and ability to withstand long dry periods.
- By **1920** prickly-pear had spread to 60 million acres
- Catastrophic effect with many lessees forced to abandon their holdings
- The **1925** discovery and subsequent release of ***Cactoblastis Cactorum*** rapidly destroyed the prickly-pear
- Millions of acres of valuable and fertile land was able to be returned to production
- From **1930-1940** over 20 million acres of former dense prickly-pear country made available for settlement using tenures known as **Prickly-Pear Selections**



## History of settlement in Queensland

- **1959** – A review of Queensland land policy was commissioned by the Government and undertaken by **Sir William Payne**
- The ‘**populate or perish**’ strategy emerged – belief that the extent to which land is settled and developed, its production increased by more intensive use, and its increased capacity to maintain a growing population were measures of Queensland’s progress as a State.
- The **Land Act 1962** was drafted and enacted.
- Brigalow Land Settlement Scheme commenced from 1962 in the Fitzroy Basin. Mechanical tree clearing methods enabled staged release, by public competition, of 250 blocks between 1962 and 1975.
- Capital was available to lessees from State to carry out developmental work on brigalow leases



## History of settlement in Queensland

- **1990** – Another review of Queensland land policy was commissioned by the Goss Government and undertaken by a committee chaired by Patricia Wolfe
- The review recommended the need to rationalise the large number of different tenures and a range of other amendments to promote land care.
- The current **Land Act 1994** was drafted and enacted.
- Under this Act, closer settlement has virtually ceased and current land administration policy now encourages build-up to economic units
- The 1994 legislation also recognises the land degradation problem which has occurred on many non-viable properties created under earlier legislation.



## Delbessie Agreement

- Formerly known as the *State Rural Leasehold Land Strategy*
- Signed at Delbessie, near Hughenden, on 3 December 2007 by the Premier, Minister for NRW, ARCS and AgForce
- Culmination of 10 years work
- Major piece of public policy — approved by Cabinet
- Its purpose is to ensure the long-term environmental, social and economic sustainability of rural leasehold land
- Provides a framework to support profitable and productive agricultural enterprises and addresses the natural resource management issues challenging the management and use of state rural leasehold land
- Substantial funds have been allocated to implement the agreement — \$19 million over four years



## Background

For all leaseholders the **Delbessie agreement** has clarified:

- when and how the government will identify and acquire land required for the protected area estate (national parks)
- when land may be excised from a lease to meet community land requirements
- that the government will assist with the development of draft Indigenous access and use agreements
- the arrangements for subdivision and amalgamation
- that the policy on diversification will be reviewed
- and strengthened the State's ability to take remedial action against breaches of lease conditions and/or duty of care obligations, and to address land degradation



## Background (cont'd)

For lessees of *rural leasehold land* the agreement provides a range of measures, covering:

- lease tenure (lease renewals and extensions, etc.)
- clarification of duty of care
- land management agreements
- assessing the condition of lease land





## Rural leasehold land leases:

- are leases for agricultural, grazing or pastoral uses
- exclude leases over land within a reserve, state forest, timber reserve, national park, or other Nature Conservation Act 1992 tenures





## Lease renewals – ‘Rural leasehold land’

Applies to leases with a current term of 20 years or more and an area 100 ha or greater and excludes leases over reserves. The lessee maybe offered a:

- 30-year lease
- 40-year lease =
  - ✓ lease land is assessed as in ‘good’ condition
- 50-year lease =
  - ✓ land is in ‘good’ condition
  - ✓ Indigenous access and use agreement or ILUA (*and* Minister considers it appropriate)
  - ✓ conservation covenant or conservation agreement (*and* Minister considers it appropriate)



## Lease renewals – Cape York

Applies to leases with a 20 year or more term and an area 100 ha or larger:

- a 75-year lease =
  - ✓ area of international conservation significance under the *Cape York Peninsula Heritage Act 2007*
  - ✓ land is in 'good' condition
  - ✓ Indigenous land use agreement (ILUA) entered into
  - ✓ conservation covenant or conservation agreement (*and* Minister considers it appropriate)



## Lease extensions – ‘Rural leasehold land’

- 30 – 40 year term
  - ✓ no more than 10 years has passed since a LMA was first registered
  - ✓ the land is in ‘good’ condition
  - ✓ the lessee has complied with the LMA
- 30 or 40 – 50 year term
  - ✓ the land is in good condition
  - ✓ there is at least 10 years of the lease term remaining
  - ✓ the lessee has complied with the LMA
  - ✓ an indigenous access and use agreement
  - ✓ a conservation covenant or conservation agreement, if deemed appropriate by the Minister



## Lease extensions – ‘Rural leasehold land’

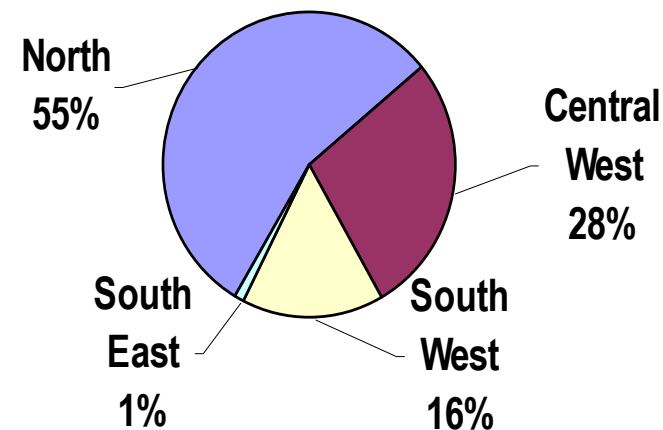
- Term of an extended lease may be reduced where:
  - lease was extended as it was assessed as in good condition *and* the Minister considers the lease land is no longer in good condition; OR
  - lease was extended as an Indigenous access and use agreement had been entered into and it is no longer in effect.
- Minister may reduce the term of the lease by an amount that is no more than the period for which it was extended under section.
- Minister can not reduce the term by an amount that results in the lease no longer having an unexpired term.



## Estimates

- Approx 1600 leases
- Over half are located in the North region, followed by Central West, South West and South East
- During the course of 2008, 52% (834 leases) will be 80% through their term
- By 2012 this figure will increase to 65% (approx 1061 leases)

Leases affected by Agreement  
by Region





## Land management agreement (LMA)

- An LMA is a negotiated agreement between the lessee and the state:
  - based on the outcomes of an assessment of land condition (including vegetation, biodiversity and water), conducted by NRW officers
  - enabling lessees to meet the specified **duty of care** provisions
- Under an LMA, the lessee and NRW agree how the lease land will be managed, including any 'issues' identified through the condition assessment



## Duty of care

Lease for agricultural, grazing or pastoral purposes ⇒  
Lessees are required to:

- (a) Avoid causing or contributing to land salinity that:
  - (i) reduces its productivity; OR
  - (ii) damages any other land
- (b) Conserve soil
- (c) Conserve water resources
- (d) Protect riparian vegetation
- (e) Maintain pastures dominated by perennial and productive species
- (f) Maintain native grassland free of encroachment from woody vegetation
- (g) Manage any declared pest
- (h) Conserve biodiversity





## Land management agreements (cont'd)

### LMAs:

- have no fixed term
- are reviewed by NRW at least once every 10 years
- are self-assessed after 5 years
- provide for random assessments
- are registered on the lease title → binding the incoming lessee where a lease is transferred
- document format aims to be useful and practical





## Land management agreement (cont'd)

*The purpose of a LMA is to do each of the following to the extent they are relevant to the lease land:*

- a. identify and describe the natural and physical characteristics of the leased land, including known Indigenous and other cultural heritage attributes, and significant **natural environmental values**
- b. record the condition of the lease land at a particular point in time
- c. improve or maintain its condition so that it is, or will be, at least in 'good' condition
- d. identify any **land degradation** issues relating to the land
- e. establish the agreed management outcomes for any identified issues and the associated strategies to address them



## Land management agreement (cont'd)

- f. identify measures to protect the known indigenous and other cultural heritage and the identified significant **natural environmental values**
- g. establish a monitoring and reporting program
- h. establish a process to verify the performance of the lessee in relation to the outcomes
- i. establish a dispute resolution process
- j. establish a review process to maintain the relevance and effectiveness of the agreement.



## Land degradation

**Includes** any of the following:

- soil erosion, salinity or scalding
- destruction of soil structure, e.g. loss of fertility, organic matter or nutrients
- decline in perennial pasture grasses, pasture composition and density
- low ground cover
- thickening in woody plants
- stream bank instability and slumping
- the presence of any declared pest
- water logging
- rising water tables
- a process that results in declining water quality.



## Land management agreement (cont'd)

An LMA is required:

- ✓ on purchasing a lease made available by the State at public auction (with a term of 20 years or more)
- ✓ on applying for an additional area (perpetual and term leases of 20 or more years)
- ✓ on transfer of a lease from an existing lessee
- ✓ on renewing a lease (with a term of 20 years or more)
- ✓ on issuing a new perpetual lease



## Land management agreement (cont'd)

An LMA is also required for a lease:

- ✓ **subdivision**, where there is a LMA over the original lease
- ✓ **amalgamation**, where there is a LMA over one of the existing leases





## Failure to have a LMA

- May result in a lease being forfeited

## Failure to comply

- triggers remedial action that may result in:
  - a financial penalty
  - a remedial action order
  - a reduction of the lease term
  - additional lease conditions





## Lease condition — ‘Good condition’ guidelines

- The Minister may make guidelines about what constitutes ‘good condition’ for lease land
- Minister must seek advice from the advisory committee about their appropriateness
- Guidelines will be:
  - available to the public
  - available to be read free of charge at each NRW office



## Proposed condition assessment

- Consistent method developed to account for natural regional variability (e.g. species composition, cover) and climate impacts (drought, fire, flood)
- Conducted by NRW staff
- Taken at a 'point in time'
- Based on known methods to assess land and biodiversity condition





## Proposed condition assessment

### Comprises

- Desktop assessment – collate data, stratify lease by land type, etc.
- Lease inspection – site assessment and inter-site observations
- Report and recommendations – LMA

### Assesses

- Key indicators of:
  - long-term land condition
  - land degradation and duty of care values





## Implementation—Legislation

- the *Land Act 1994* was amended by the *Land and Other Legislation Amendment Act 2007* (LOLAA)
- amendments commenced on 1 January 2008
- a Ministerial Advisory Committee is being formed to provide the minister with advice, primarily on land condition assessment guidelines



## Information

- Documents available on the NRW internet site include:
  - *Delbessie Agreement* (document on website renamed)
  - Summary brochure
  - Fact sheets:
    - *Delbessie Agreement*
    - *Delbessie Agreement – Duty of Care Obligations*
    - *Delbessie Agreement – Land Required for the Protected Area Estate*