



Environment Institute
of Australia and
New Zealand Inc.

21 April 2023

Department of Climate Change, Energy, the Environment and Water
Canberra

Submitted via: NRS.environment@dcceew.gov.au

To Whom It May Concern,

RE: Submission on the Consultation Paper on the draft Principles to guide recognition of other effective area-based conservation measures in Australia

About EIANZ

Founded in 1987, EIANZ is a professional association of some 2,000 environmental practitioners from across Australia and New Zealand. We provide opportunities for professional and academic dialogue across all sectors of the environmental industry. The Institute membership includes specialists in a range of environmental disciplines: climate change, contaminated land, planning, engineers, law, environmental science, freshwater, marine and coastal sciences, and ecology.

A significant initiative of EIANZ is the Certified Environmental Practitioner (CEnvP) Scheme, which is Australasia's first accreditation scheme designed exclusively for environmental practitioners and recognises environmental professionals in line with their professional counterparts from engineering, accounting, planning and architecture. Several members of EIANZ hold specialist CEnvP ecologist certifications. These credentials are significant in the recognition of environmental practice in Australia and New Zealand.

Our approach

The feedback expressed in this submission is formed from a consensus approach amongst practitioners within EIANZ. More importantly it represents the collective experience of environmental practitioners who work with and implement the environmental legislation. We emphasise that our submission is based on the clarity, consistency, and practicality of the proposed guideline.

EIANZ congratulate the Department of Climate Change, Energy, the Environment and Water for setting up their national target to protect 30% of Australian's land and 30% of Australian's oceans by 2030 – the national '30 by 30 target' which triggers the protection and conservation of an additional 60 million hectares across Australia. EIANZ supports the Other Effective Area-based Conservation Measures (OECMs). EIANZ particularly commends the emphasis on delivering effective in-situ conservation of biodiversity, regardless of primary management objectives, however, we have comments regarding the specific Principles which we detail below.

Specific submissions

It is understood the consultation paper seeks views with respect to the guide on the following:



1. Are there principles missing?
2. Is anything unclear in the principles?
3. Do the principles give you confidence that high quality / robust sites will be identified?
4. Do you have a view on the minimum long-term timeframe required for an OECM?
5. Do you see opportunities for OECM recognition?

With respect to consultation item 1, the Convention on Biological Diversity's (CBD) Subsidiary Body on Scientific, Technical and Technological Advice in Montreal has defined 'other effective area-based conservation measures' (OECM), in these terms:

A geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in-situ conservation of biodiversity with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values. (CBD Decision 14/8)

The Principles outlined in the consultation paper have a strong focus on Biodiversity values but lack cultural, spiritual, socio-economic, and other locally relevant values. While we recognised that the protection of Biodiversity values is main aim of the OECM, we suggest to add another Principle that would cover the second part of the OECM definition.

Table 1 outlines our comments for each Principle with reference to the five consultation items set out above.

| Principles to guide OECM recognition in Australia | Relevant consultation items | Comments |
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| <p>4.1 CONSENT</p> <p>Consent of the site's governance authority must be obtained before an eligibility assessment is undertaken.</p> | 2 | <p>EIANZ generally support the consent Principle.</p> <p>Based on the <i>"Site-level tool for identifying other effective area-based conservation measures (OECMs)"</i> (IUCN World Commission on Protected Areas, Version 2.0, May 2022), the primary governing authority has a recognised mandate to make decisions on the overall management and use of the site. The authority may be government, regional inter-governmental organisations, private entities, Indigenous peoples, local communities, other groups, or a combination of these. To be consistent with the <i>"Recognising and reporting other effective area-based conservation measures"</i> prepared by the World Commission on Protected Areas Task Force on OECMs (2019), we suggest that the consent is sought in two stages: consent for the assessment, and consent for the site to be recognised as an OECM, if it qualifies.</p> |
| <p>4.1.1 FREE, PRIOR AND INFORMED CONSENT</p> <p>Assessment and recognition of potential OECMs governed by First Nations people, requires the free, prior and informed consent of those governance authorities.</p> | 2 | <p>EIANZ support the strong focus on the consultation with the First Nations people, and the need for discussion to be free, prior and informed consent of those governance authorities.</p> <p>Consultation process as part of the consent process shall be recorded including the dates and description of key meetings and other events in the assessment process, documentation of the participation and consent of governance and management authority(ies), Indigenous peoples, local communities, and other rights-holders, including any agreed conditions for the assessment.</p> |
| <p>4.2 BIODIVERSITY VALUES</p> <p>OECMs must have important biodiversity values, documented in detail at the time of the site assessment. These values are to be maintained in the long-term.</p> | 2, 3 | <p>The <i>"Site-level tool for identifying other effective area-based conservation measures (OECMs)"</i> (IUCN World Commission on Protected Areas, Version 2.0, May 2022) should be referred in the description of this Principle as a clear methodology on how to assess and record biodiversity on site. However, we note that this methodology is very broad and would need to be refined to match some of the assessment tool that are existing as part of other legislation in order to avoid reinventing the wheel.</p> |

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| | | <p>The Principle refers to the need for a site to support “Important biodiversity values”, but the term is not defined. Examples of Important biodiversity values includes:</p> <ul style="list-style-type: none"> (a) rare, threatened or endangered species and ecosystems (b) natural ecosystems which are under-represented in protected area networks (c) high level of ecological integrity or intactness (d) significant populations of range restricted species or ecosystems (e) important species aggregations, such as spawning, breeding or feeding areas (f) importance for ecological connectivity, as part of a network of sites in a landscape or seascape <p>Scale must be considered. For example, a local government may consider an area supporting the last individuals of a particular species of plant as an “important biodiversity value”, but it is an otherwise abundant species.</p> <p>Definitions of key terms should be included as part of the documentation.</p> |
| <p>4.2.1 PRIORITISATION OF AREAS OF PARTICULAR IMPORTANCE FOR BIODIVERSITY</p> <p>Areas of particular importance for biodiversity should be prioritised for assessment and designation as a formal protected area, or recognition as an OECM.</p> | <p>2, 3</p> | <p>EIANZ acknowledge that work is underway to assess methodologies for identifying areas of particular importance for biodiversity, for protection and conservation.</p> <p>However, the IUCN recommends that areas that meet all elements of the IUCN definition of a protected area, and are recognised as such by the governance authority, be considered protected areas rather than OECMs (For example, some privately protected areas are not reported as protected areas by national governments, even though they may satisfy the IUCN criteria).</p> |
| <p>4.2.2 RESTORATION SITES</p> | <p>3</p> | <p>Sites which are degraded, but under active restoration, should be bound by specific success criteria to manage the risk of failure of the restoration works.</p> |

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| <p>A site that is severely degraded, damaged or destroyed and not yet under restoration is not appropriate for OECM recognition.</p> <p>A site under ecological restoration may be recognised as an OECM, once delivering demonstrable and significant biodiversity outcomes. Restoration actions must include actions that address the cause of the original degradation / biodiversity loss.</p> | | <p>EIANZ support recognition of only those sites that are delivering the effective in-situ conservation of biodiversity. Sites that are not yet being actively restored, are severely degraded, damaged, or destroyed in most circumstances may not appropriate for OECM recognition. One exception is where restoration activities will deliver or support ecological connectivity by seeking to improve ecological connections, in particular where this links significant but otherwise isolated areas. Monitoring tools / reports that measure or identify habitat condition to track progress against success criteria should be made mandatory as part of the OECM assessment process.</p> <p>Restoration sites must demonstrate "significant biodiversity outcomes" – again this term is not defined. Some clear guidance must be provided around this requirement.</p> |
| <p>4.3 PROTECTED AREA CONSIDERATION</p> <p>A site's suitability for protected area designation should be considered first. Suitability for OECM recognition should be considered in circumstances where formal protected area designation is not appropriate, achievable or desirable.</p> | 4 | <p>While we support the intent of this Principle, we suggest removing it from the list. Similar to Principle 4.2.1, protected area from IUCN hold different meaning and it is important to clearly identified the important biodiversity area that would meet the protected area under the IUCN prior to identifying them as OECM.</p> <p>Protected areas and OECMs are both expected to result in the long-term and effective in-situ conservation of biodiversity. However, whereas protected areas have nature conservation as the primary management objective, OECMs may or may not have nature conservation as an objective.</p> <p>Protected areas provide the strongest, long-term legal protection of biodiversity via either legislative means or conservation covenants recorded on land title. Therefore, area that are currently not protected under any legislation but support very high biodiversity value shall be identified as Protected area and not OECM and shall be part of the different process all together.</p> |

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| <p>4.4 GEOGRAPHICALLY DEFINED AREA</p> <p>OECMs must be geographically defined, that is, have clear and agreed boundaries that can be accurately identified on maps and on the ground.</p> | | <p>EIANZ strongly support this Principle. All OECM, as well as any IUCN Protected Area shall be mapped and related to boundaries.</p> <p>We understand that no minimum or maximum site size is proposed as part of the consultation process. While we agree that a sufficient size is highly contextual and dependent on the ecological requirements for the persistence of the relevant species and ecosystems, it is essential that smaller size (e.g. less than 20ha for instance) illustrate strong ecological outcome. Other best practice approached to reserve design, such as minimisation of edge to area ratios, must also be considered.</p> <p>It is essential for the success of the OECM to illustrate a direct causal link between the area's overall objective and management and the in-situ conservation of biodiversity over the long-term.</p> <p>It is our understanding that the '30 by 30' conservation target includes 30% of land and 30% of oceans to be protected and conserved. As the Consultation Paper outlines, around 45% of Australia's oceans are in marine protected areas and therefore Australia already meets the targets. However, there is no mentioned about how these areas are monitoring and would currently meet the OECM requirement.</p> <p>For future stages, we recommend that the Department create a map showing areas that are currently protected under the current legislation as well as IUCN Protected Area and proposed OECM. This is especially important for ocean-based conservation. The Principle of "clear and agreed boundaries that can be accurately identified on maps and on the ground" is more challenging for ocean environments.</p> |
| <p>4.5 LAND TENURE</p> <p>OECMs can be recognised on all forms of land tenure in Australia.</p> | | <p>EIANZ support this Principle. No further comments.</p> |

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| <p>To be recognised on leasehold land, conservation must be compatible with lease conditions / legislation.</p> | | |
| <p>4.6 GOVERNANCE</p> <p>The following governance types will be recognised: governments; private individuals or organisations; First Nations people; and shared or jointly managed areas.</p> | | <p>EIANZ support this Principle. No further comments.</p> |
| <p>4.7 SITE MANAGEMENT</p> <p>Management objectives and activities must not be incompatible with biodiversity conservation.</p> <p>Sites with a primary or secondary conservation objective should have a site management plan or arrangement that includes (at a minimum), a section on biodiversity conservation that outlines the conservation objectives for the site, adaptive management actions, and relevant jurisdictional land management requirements.</p> <p>Sites should meet minimum management requirements set by jurisdictions, relating to invasive / feral species management, fire risk management, and any other minimum requirements set out in jurisdictions' regulations.</p> | <p>2, 3</p> | <p>EIANZ support this Principle.</p> <p>Management plan guidelines shall be based on existing guidance material (e.g. EPBC Act environmental management plan guidelines). We suggest that the Principles details be more descriptive and outline key elements that shall be included in the management plans such as:</p> <ul style="list-style-type: none"> - Describe the legal or other recognised basis for long-term governance and management. - Describe any official designation. - Describe how the governing authority, Indigenous peoples, local communities, other rights-holders and other stakeholders are involved in the governance and management arrangements. - Monitoring the effectiveness of OECMs. This should include: <ul style="list-style-type: none"> o (i) baseline documentation and ongoing monitoring of the sites' biodiversity values; o (ii) ongoing community-based monitoring, participatory mapping and incorporation of traditional knowledge, where appropriate; o (iii) monitoring conservation actions, including those focused on sustaining biodiversity and improving in situ conservation; and |

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| <p>Aboriginal and Torres Strait Islander knowledge in caring for Country should be considered in OECM management arrangements.</p> | | <ul style="list-style-type: none"> ○ (iv) monitoring of governance, stakeholder involvement and management systems that contribute to the biodiversity outcomes. |
| <p>4.8 SUSTAINED LONG-TERM</p> <p>For a site to be recognised as an OECM with a primary or secondary biodiversity conservation management objective, and ancillary OECMs where applicable, at a minimum, there must be:</p> <ul style="list-style-type: none"> • a clear long-term intention for the continuation of management arrangements that deliver in-situ biodiversity conservation outcomes • a commitment to a minimum timeframe for management arrangements that deliver in-situ biodiversity conservation outcomes, determined at the time of site assessment • no intention to sell or develop the site in a manner incompatible with biodiversity conservation • • no land use zoning on the site that is incompatible with biodiversity conservation | <p>2</p> | <p>EIANZ support this Principle. However, there is a disconnect between the language used in the principle (i.e. "long-term") with text outlined in section 3.2 of the document (i.e. "protect and conserve"). The Macquarie Dictionary defines "protect" as to "cover or shield from injury or danger" and "conserve" as to "preserve from loss, decay, waste or injury". Protection and conservation are terms that should be applied in perpetuity if an area is to be shielded from loss or injury. Sustaining an area for the "long-term" should therefore aim for perpetuity, where removal of all, or part of, an OECM is only permissible by agreement of both parties (i.e. the Commonwealth and the OECM manager) under exceptional circumstances (e.g. there is an overriding community benefit).</p> <p>Furthermore, monitoring and reporting OECM should be added as an essential item.</p> |



Additional comments

The benefits of obtaining OECM recognition to a landholder are unclear. To achieve the '30 by 30' target there needs to be clear incentives to encourage landholders/managers to participate. Other contemporary schemes that afford surrogate protection, such as Land for Wildlife, provide incentives to landholders (e.g. rate relief; training; materials; access to knowledge sources etc.). While benefits/incentives needn't be included within the Principles, they should be broadly acknowledged in introductory text. While not forming part of the principles, incentives should be aimed at facilitating or enhancing outcomes sought by the principles including Site management and Restoration Sites.

Closing

The EIANZ submission can be summarised as follows:

- EIANZ congratulate the Department in the development of the consultation paper. It is a well-developed document which captures the key elements of OECM and how this can be implemented in Australia.
- There is a need to clearly identify and map 'important biodiversity area' that are already meeting the Protected Area definition under the IUCN and identifying new area that would meet the OECM criteria.
- Include the notion of cultural, spiritual, socio-economic, and other locally relevant values into the Principle to show consistency with the OECM definition.
- It is unclear if the Department is going to utilise or update the existing IUCN resources including the "*Recognising and reporting other effective area-based conservation measures*" prepared by the World Commission on Protected Areas Task Force on OECMs (2019) or "*Site-level tool for identifying other effective area-based conservation measures (OECMs)*" (IUCN World Commission on Protected Areas, Version 2.0, May 2022), or create new guidance materials.
- We understand that all States and Territories' Environment Ministers have agreed to work collectively to meet the national target, and to develop a national framework for the recognition of OECMs. However, it is still unclear if each State and Territories will also require to protect and conserve at least 30% of their landmass and ocean by 2030.
- The consultation paper does not provide any information on the assessment tools and assessment team to approved OECM in Australia. This is a critical information that should be included in the Principle to ensure consistency with the IUCN requirement.
- Monitoring and reporting of OECM are missing from the Principles.

We hope this helps in developing your final recommendations for the inquiry.

Kind regards

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