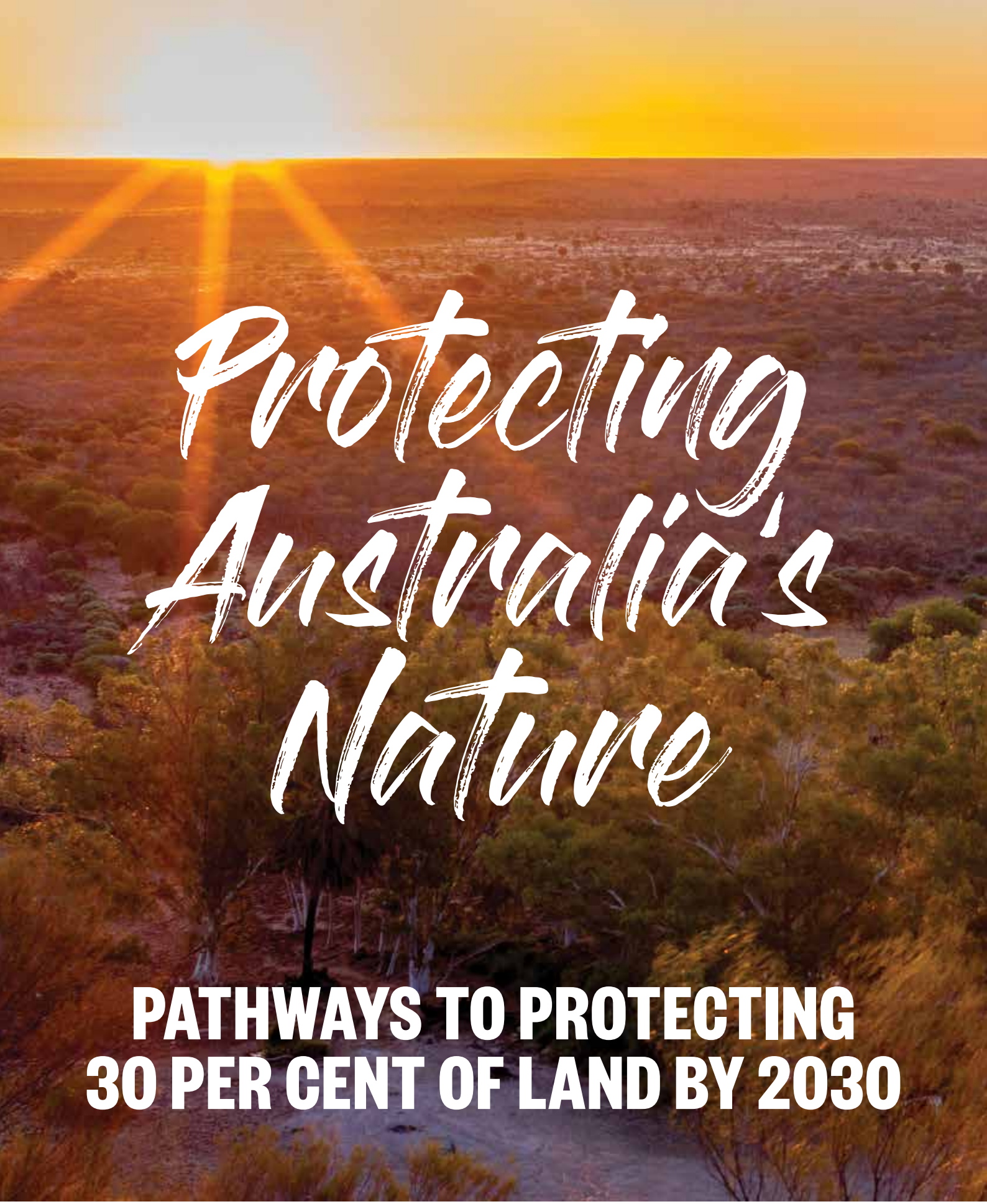

Protecting Australia's Nature

PATHWAYS TO PROTECTING 30 PER CENT OF LAND BY 2030

The Nature Conservancy

WWF

alca Australian Land Conservation Alliance

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ACKNOWLEDGING, RESPECTING AND ENABLING FIRST NATIONS LEADERSHIP

We acknowledge Aboriginal and Torres Strait Islander people across Australia as the First Peoples of our nation. We recognise and respect the enduring relationship that Aboriginal and Torres Strait Islander people have with these lands and waters and pay our respects to Elders past, present and emerging.

The centrepiece of global best practice for protected area growth is the principle of Free, Prior and Informed Consent (FPIC) as outlined in the United Nations Declaration on the Rights of Indigenous Peoples. Target 3 of the Kunming-Montreal Global Biodiversity Framework (GBF) reflects this in speaking of "recognising and respecting the rights of Indigenous peoples and local communities, including over their traditional territories".

We acknowledge and support the application of principles that can give effect to First Nations leadership in protected areas planning and implementation, such as for example the outcomes of the Reimagining Conservation Forum - Working Together for Healthy Country (2022): rights based approach; economic opportunities; managing Country together; equity in managing Country; weaving knowledge systems; and valuing culture and recognising indigenous cultural authority. We recognise the importance of ongoing capacity building and effective resourcing.

We recognise that for Aboriginal and Torres Strait Islander people, nature and culture are inextricably connected and we value the role Aboriginal and Torres Strait Islander people continue to play in managing Country today.

The organisations supporting this report recognise that there is still much to learn and improve as we work together to achieve outcomes for people and planet.

Split Rock Escarpment overlooking the Kennedy Valley near Laura, QLD. Kerry Trapnell

EXECUTIVE SUMMARY

Australia is the only nation to span a continent and is home to a diversity of unique species and stunning landscapes. Billions of dollars in economic activity and many thousands of jobs depend on our natural environment. However, Australia is facing one of the highest species extinction rates in the world and the state of our environment remains on a consistent downward trend.[i]

As part of efforts to meet this challenge, Australia has signed the Kunming-Montreal Global Biodiversity Framework (GBF), and committed to action on Target 3 by protecting at least 30 per cent of our lands and oceans by 2030.

Australia is making progress towards this target, with approximately 22 per cent of land already protected, and bipartisan political support across federal, state and territory jurisdictions for a coordinated national approach.

> **A clear pathway is required to protect at least an additional 60 million hectares of land – to meet Australia's target under the GBF – in a way that represents the diversity of habitats and species across Australia.**

The recommendations outlined in this report are built around a robust science-based framework that, if adhered to, will deliver a comprehensive, adequate and representative network of protected areas on land which will protect the full range of Australia's landscapes. With this will come economic, social and cultural benefits whilst also playing a critical role in preventing new extinctions.

It is noted that whilst the goal for high level protection of at least 30 per cent of Australia's oceans by 2030 is of equal importance, this report is focused on pathways to achieving Australia's land target.

> **Central to this report are three principles and four recommendations for the Australian Government to progress the most effective pathways to protect at least 30 per cent of Australian land in a comprehensive, adequate and representative manner and meet Target 3 of the Kunming-Montreal Global Biodiversity Framework.**

PRINCIPLES

1. **Recognise the rights and interests of First Nations peoples.** Practical steps to recognition can include dedicated, financially supported and leading roles in policy design, governance, implementation, and management of protected areas.
2. Continue to use Australia's **science-based framework and the CAR (Comprehensive, Adequate and Representative) principles** to guide the prioritisation for new protected areas.
3. **Increase ecosystem representation across the National Reserve System** through investment in public, private and Indigenous protected areas across all levels of government.

RECOMMENDATIONS

1. **Establish a new dedicated $5 billion fund** for the purchase of land of high biodiversity importance to create new public, private or Indigenous protected areas.
2. Rebuild government capacity and continue to **support the creation of new Indigenous Protected Areas (IPAs)** to meet Traditional Owner demand and aspirations and establish secure long-term funding for IPA management.
3. Increase support for the uptake of permanent conservation covenants through:
    a. Providing direct **federal support to state and territory conservation covenant programs** with an explicit focus on expanding the uptake and execution of new conservation covenants expanding the protected area estate in under-represented bioregions and ecosystems.
    b. **Supporting states and territories to develop enhanced protection conservation covenants** in their jurisdictions, in order to attract larger scale private conservation investment.
    c. Instigating a **Treasury or Productivity Commission review** into federal and state tax and financial incentives and barriers to private land conservation.
4. Partner with states and territories to **systematically review Crown land** to identify areas of high conservation significance and subsequent protected area opportunities consistent with the principles of comprehensiveness, adequacy and representativeness (CAR), and enable jurisdictions and Traditional Owners to undertake the necessary negotiations.

Lamington National Park, QLD. Chris Fuller

Grassy box woodland protected by a permanent conservation agreement on Woomargama Station, NSW. Clare Cannon

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Bell Gorge within Wunaamin Conservation Park, WA. Glenn Walker

INTRODUCTION

The Convention on Biological Diversity's Kunming-Montreal Global Biodiversity Framework (GBF) sets out four global goals by 2050 and 23 global targets by 2030 to reverse the decline of biodiversity. In recognition of the need for global action and to address domestic challenges, Australia is a signatory to the GBF.

Target 3 of the GBF (Box 1) focuses governments on protecting at least 30 per cent of the planet's terrestrial and inland waters and marine and coastal areas by 2030. This has become widely known as the 30x30 commitment. However, Target 3 is far more than a quantitative (at least 30 per cent) and time bound (2030) target and should be used as a blueprint for what should be protected as well as the approaches for protection that should be utilised.

In Australia, this target needs to be a central pillar of our national efforts to address biodiversity loss and habitat degradation. While the goal for high level protection of at least 30 per cent of Australia's oceans by 2030 is of equal importance, this report is focused on pathways to achieving Australia's land target.

The target will also enhance efforts to manage land as a significant carbon sink in support of global climate action under the Paris Agreement. Our unique flora and fauna face ongoing and increasing threats from land clearing, invasive species, overexploitation, inappropriate fire management, water extraction, disease, and climate change. By committing to this target, Australia is aligned with global biodiversity goals and has an opportunity to address our national biodiversity challenges whilst making an enduring contribution to a sustainable and interconnected natural world. The commitment also builds on Australia's long-standing science-based policies and programs to develop a comprehensive, adequate and representative system of protected areas.

Australia is well placed to lead the way in protecting 30 per cent of its land and oceans by 2030. We are world leaders in innovative and relatively equitable land protection, and with an equally robust record on ocean conservation. Australia has already come a long way, with 22 per cent of Australia's land currently in protected areas, up from seven per cent in the mid-1990s.

While national parks and nature reserves on public land are some of the most common approaches used to meet national protection targets, Australia has pioneered several other approaches to land conservation.

Box 1

Target 3 of the Kunming-Montreal Global Biodiversity Framework

Ensure and enable that by 2030 at least 30 per cent of terrestrial and inland water areas, and of marine and coastal areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognising indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognising and respecting the rights of indigenous peoples and local communities, including over their traditional territories.

Indigenous Protected Areas (IPAs) cover more than 74 million hectares and make up half of our protected area estate on land.[ii] These occur in iconic landscapes such as the Kimberley, Arnhem Land, Cape York, and the vast deserts of central Australia, as well as smaller areas in agricultural or peri-urban landscapes. Bilbies, rock-wallabies and Gouldian Finches are just a handful of many species that have benefited from improved management from Indigenous rangers and Indigenous Protected Areas. IPAs are on track to form the majority (by area) of all terrestrial protected areas in Australia.

Australia also has more than 6,000 privately protected areas and has the largest area of land under this arrangement in the world. Through progressive philanthropic and government investment in land purchase by non-government land trusts and commitment from private landholders to permanent protection of habitats on their properties through conservation covenants, privately protected areas conserve some of Australia's most threatened ecosystems and provide critical landscape connectivity.

To meet the national 30x30 commitment requires protecting at least a further 60 million hectares of land. Securing this additional eight per cent on land by 2030 is ambitious, but achievable.

Beneath the national target of at least 30 per cent sits an important set of criteria and metrics to determine priorities for expanding the protected area estate and to ensure we protect the full suite of ecosystems across Australia's diverse landscapes. It is not simply a measure of how much of the continent is protected – it is also a matter of the diversity and quality of landscapes and biodiversity protected.

POLICY JOURNEY

In June 2021, Australia joined the High Ambition Coalition for Nature and People – a body that sought to drive international consensus on 30x30. In December 2022, the Australian Government committed to the GBF, and the 30x30 commitment was backed by all Australian state and territory environment ministers in October 2022 (Box 2).

While delivery of this commitment will help Australia make significant progress in addressing the global biodiversity crisis, it is essential that the pathways we take to get there deliver enduring outcomes for people and nature. Protected areas can make significant social and economic contributions to regional and remote communities when they are planned and managed with these benefits in mind. [iii]

Australia faces an unprecedented opportunity – to build a network of well managed protected areas by 2030, which play a central role in preventing extinctions, mitigating climate change and delivering continent-wide recovery of environmental values and diversifying regional economies. To achieve this, we must ensure that our targets encompass a broad selection of representative habitats, in all regions across the continent.

This science-based approach will also alleviate intense land use competition, adapt to worsening environmental conditions and ensure the costs of recovering threatened species and land acquisition are not increasingly prohibitive.

This report provides an overview of world leading features of Australia's National Reserve System (NRS) delivered by federal, state and territory jurisdictions, First Nations peoples, non-government organisations and private landholders. It then provides recommendations on the most effective ways to meet 30x30 for the ecosystems of continental Australia.

Wedge-tailed Eagle (*Aquila audax*) at Witchelina Nature Reserve, SA. Alex Nankivell

Box 2

AUSTRALIA'S POLICY COMMITMENT JOURNEY TO 30 X 30

June 2021:

Australia signs up to the High Ambition Coalition for Nature and People – an intergovernmental group of countries united by a shared ambition to implement the global goal of effectively conserving and managing at least 30 per cent of the world's land and oceans by 2030.

July 2022:

The *2021 State of the Environment Report* is released, revealing that Australia's unique animal and plant species are under significant pressure and action is needed quickly to arrest environmental decline.

The Australian Government commits to protecting 30 per cent of Australia's lands and oceans by 2030, at the National Press Club.

October 2022:

The Australian Government launches the *Threatened Species Action Plan: Towards Zero Extinctions*, including a commitment to zero new extinctions and re-confirms its 30x30 commitment.

Australian state, territory and federal environment ministers agree to work collectively to achieve the national target of 30x30.[iv]

December 2022:

The Australian Government launches the *Nature Positive Plan*, the Government's response to the Independent Review of the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*, outlining its pathway for protecting and repairing Australian nature.

Parties to the Convention on Biological Diversity (CBD), including Australia, adopt the Kunming-Montreal Global Biodiversity Framework (GBF) including Target 3 (30x30).

June 2023:

Australian state, territory and federal environment ministers agree to develop a roadmap to 30x30 by 2024.

Swamp Gum (*Eucalyptus regnans*) in Mount Field National Park, TAS. Piter Lenk

AUSTRALIA'S NATIONAL RESERVE SYSTEM

The National Reserve System (NRS) is the centrepiece of nationally coordinated efforts to conserve our unique and globally significant biodiversity. This is achieved through a network of national parks, nature reserves, marine reserves, Indigenous protected areas and privately protected areas.[v] Expanding these protected areas offers a strategic approach to address increasing threats from inappropriate land use, invasive species and the impacts of climate change.

PROGRESS TO DATE

Australia's First Nations people have a continuing history of caring for Country, with archaeological evidence showing land management techniques spanning tens of thousands of years before the arrival of Europeans. The unique ecosystems, flora and fauna that colonisers encountered upon arrival on the continent were a product of intricate and millenia-long interaction with Indigenous peoples, across multiple different contexts and inseparable from cultural practice and on-country activities. European arrival and colonisation resulted in an ongoing set of shocks to these systems that Australia continues to face today.

In more recent history, Australia's first National Park – Royal National Park in New South Wales – was declared in 1879. While protected area growth since this has been approached in different ways by successive state, territory and federal governments, the last three decades have seen continent-wide efforts to expand the protected area estate.

Beginning in the mid-1990s, the NRS initiative established collaborative efforts between federal, state and territory governments, First Nations communities, non-government organisations and private landowners. Within a robust scientific framework and bipartisan support, the NRS established time-bound targets and criteria to protect the full suite of species, habitats and ecosystems across Australia's diverse landscapes.

Using a bioregional approach (the Interim Biogeographic Regionalisation for Australia) and the concept of a CAR reserve system (Box 3), government agencies began to systematically grow protected areas, targeting underrepresented ecosystems, critical habitat for threatened species and building connectivity. These criteria incorporate both coarse and fine filters for biodiversity conservation. This includes assessing the reservation levels of landscapes at a bioregional or subregional level and at the ecosystem level within bioregions.

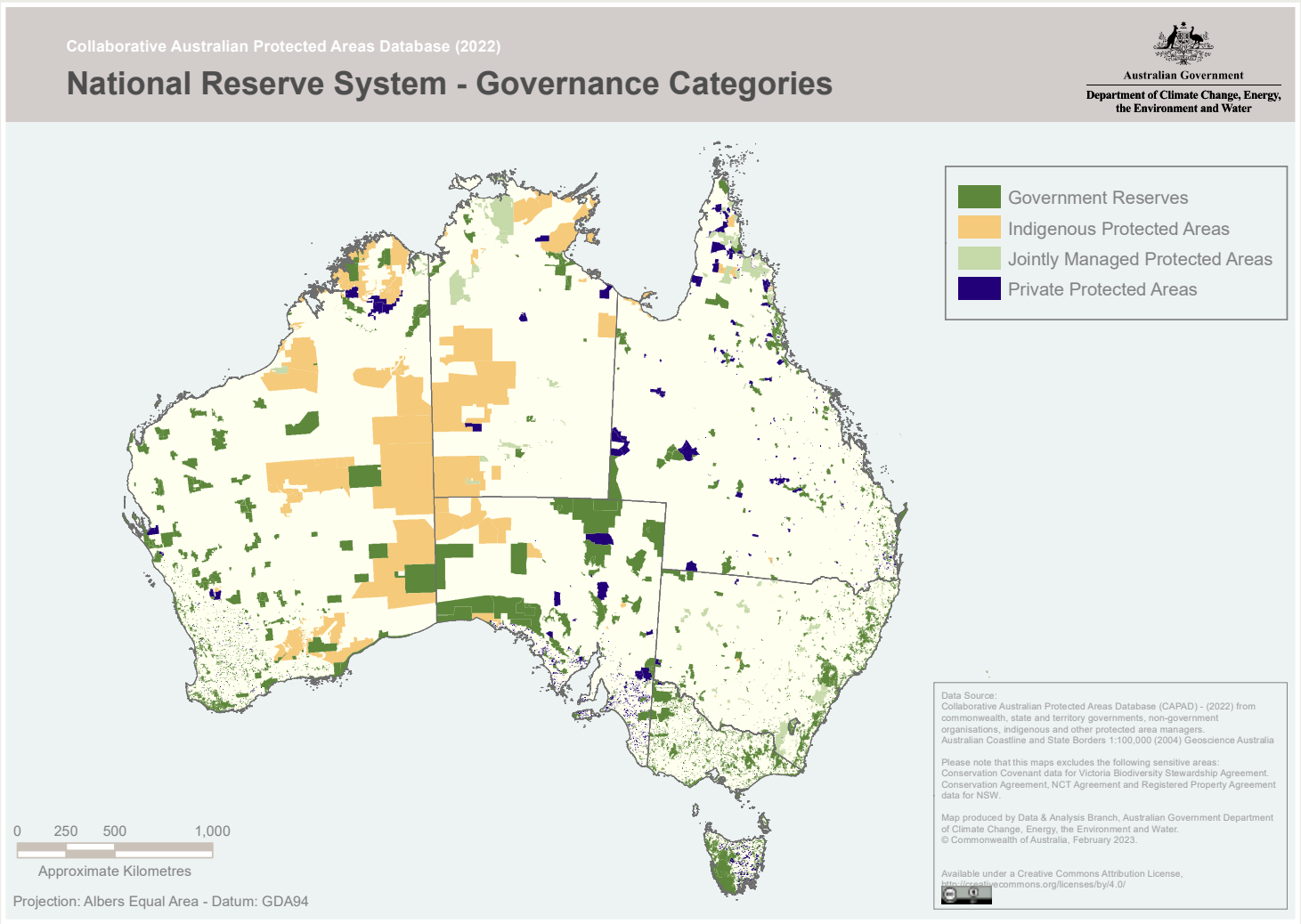
Box 3

The CAR principles: Comprehensive, Adequate and Representative

Australia's National Reserve System is underpinned by a scientific framework to ensure that we progressively extend protection to examples of all our ecosystems.

The scientific framework has a clear objective: to develop a 'comprehensive, adequate and representative' system of protected areas.

1. **Comprehensive:** the inclusion of examples of regional-scale ecosystems in each bioregion;
2. **Adequate:** the inclusion of sufficient spatial scales of each ecosystem within the protected area network to provide ecological viability and to maintain the integrity of populations, species and communities; and
3. **Representative:** the inclusion of areas at a finer scale, to encompass the variability of habitat within ecosystems.



Map 1

Existing National Reserve System and governance categories of protected areas.

There are four broad protected area governance categories across Australia's state and territory jurisdictions: community (including Indigenous Protected Areas), government (or public), joint-managed areas and privately protected areas. Indigenous Protected Areas are now the largest contributor to the National Reserve System, covering 49.48 per cent of the NRS (and 10.94 per cent of the Australian continent).

Source: Australian Government Department of Climate Change, Energy, the Environment and Water, 2023.

Storm clouds build in Karijini National Park, WA. Tomasz Judkowiak

A bioregional approach ensures the historic biases in protecting the easiest and most scenic areas does not undermine the systematic distribution of protected areas across all environments.

Australia's existing framework is well suited to delivering key features of Target 3, by including areas of particular importance for biodiversity, ecosystem functions and services, and by ensuring protected area systems are ecologically representative and well-connected.
A CSIRO review of the NRS (including the CAR principles) concluded that the strategy underpinning the NRS is likely to be highly robust in the face of significant environmental change in Australia.[vi]

> **Australia's long-standing science-based framework using bioregions and CAR principles should continue to guide the prioritisation of new protected areas.**

GAPS AND PRIORITIES FOR EXPANSION

Australia's commitment to 30x30 is a unique opportunity to rapidly scale up conservation efforts and overcome historic barriers and biases in protected area placement.

As of 2022, Australia's NRS covered 22.1 per cent of Australia's inland waters and terrestrial landscapes – a total of 169,941,262 hectares across 13,903 protected areas.[vii]

Each state and territory has its own mechanisms to declare protected areas over public land (e.g. national parks and nature reserves), and private land (through conservation covenants). The Australian Government can also declare protected areas on Commonwealth land, collaborate on Indigenous Protected Area agreements led by Indigenous corporations and fund the establishment of new privately protected areas (e.g. via land conservancies). This enables Australia to ensure permanent protection of land through diverse governance arrangements and to meet the unique management needs for biodiversity and people (see Map 1).

With 22.1 per cent of land on the Australian continent protected, the increase in area needed to achieve 30 per cent of protection by 2030 will be more than 60.9 million hectares.

However, simply focusing on a coarse target of 30 per cent of the continent alone will not achieve Australia's commitments under Target 3 of the GBF, nor meet criteria built into our existing scientific framework. There are still large regions of Australia with very little land protected.

> **Twenty-nine of Australia's 89 bioregions and 205 of our 419 subregions are still very poorly represented, with less than 10 per cent of their area in any form of protected area in 2022.**

Fourteen (16 per cent) of our bioregions have only between 5-10 per cent of their area protected, whilst 15 (17 per cent) have less than 5 per cent protected (Maps 2 and 3). Some of these areas still have potential for conservation of largely natural areas, while others have been mostly cleared or transformed.

Achieving enhanced protection in under-represented bioregions and subregions will necessarily require the addition of new protected areas where restoration of some degraded ecosystems will be required. This will also assist Australia to make progress toward achieving Target 2 of the GBF (Box 4).

DIRECTIONS FOR GROWTH

In order to increase ecological representation as required under Target 3, Australia must consider and define ecological targets for growth. Such targets may emphasise different pathways to get there. For example:

- **a target of protecting 10 per cent of each bioregion** would result in 15.3 million hectares of the continent-wide target of 60.9 million hectares needing to be protected in our most under-represented bioregions.
- **a target of protecting 20 per cent of each bioregion** would result in 54.7 million hectares of the 60.9 million hectares needing to come from those bioregions which currently have less than 20 per cent protected.
- **a target of protecting 30 per cent of each bioregion** would require 102.8 million hectares protected, although such a target is not practical in bioregions that have substantially less than 30 per cent native vegetation cover remaining.

Box 4

Target 2 of the Kunming-Montreal Global Biodiversity Framework

Ensure that by 2030 at least 30 per cent of areas of degraded terrestrial, inland water, and coastal and marine ecosystems are under effective restoration, in order to enhance biodiversity and ecosystem functions and services, ecological integrity and connectivity.

Currently under-represented bioregions support a range of land tenures and uses, including Indigenous tenure, pastoral leases and agriculture. Adequately increasing their protection will require the full suite of protection mechanisms, including land acquisition for national parks and privately protected areas, Indigenous protected areas and conservation covenants.

Additionally, some bioregions with greater than 30 per cent already protected may also require increases in protection by 2030, due to the need to protect areas of high conservation value, contain ecosystems that are poorly represented (Maps 4 and 5), have large intact landscapes, or enable connectivity.

There is an urgent need to correctly site – and then effectively manage – protected areas to ensure Target 3 is met. This includes building a protected area network that protects "areas of particular importance for biodiversity and ecosystem functions and service" and that is "ecologically representative".[viii]

Expanding the NRS will improve connectivity between fragmented habitats, facilitate the movement of species and safeguard genetic diversity. This interconnectedness supports the resilience of ecosystems against climate change, disturbance events, disease outbreaks, and invasive species.

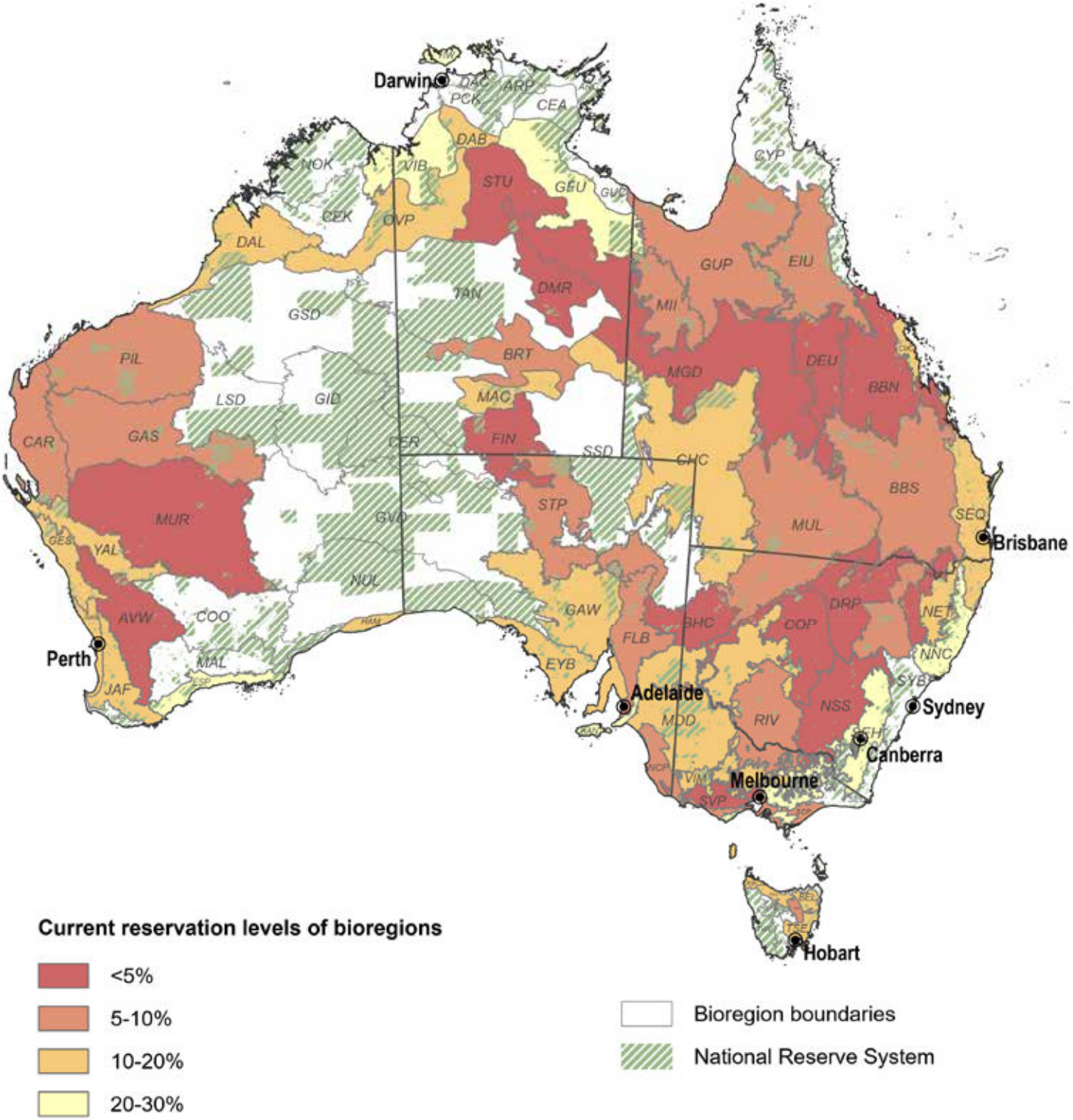
> **Australia must rapidly increase ecosystem representation across the NRS through public, private and Indigenous protected areas – across state, territory and federal levels of government.**

Gouldian Finch (*Chloebia gouldiae*) in the Kimberley, WA. Steve Murphy

Map 2

Bioregional reservation levels within the National Reserve System as at 2022

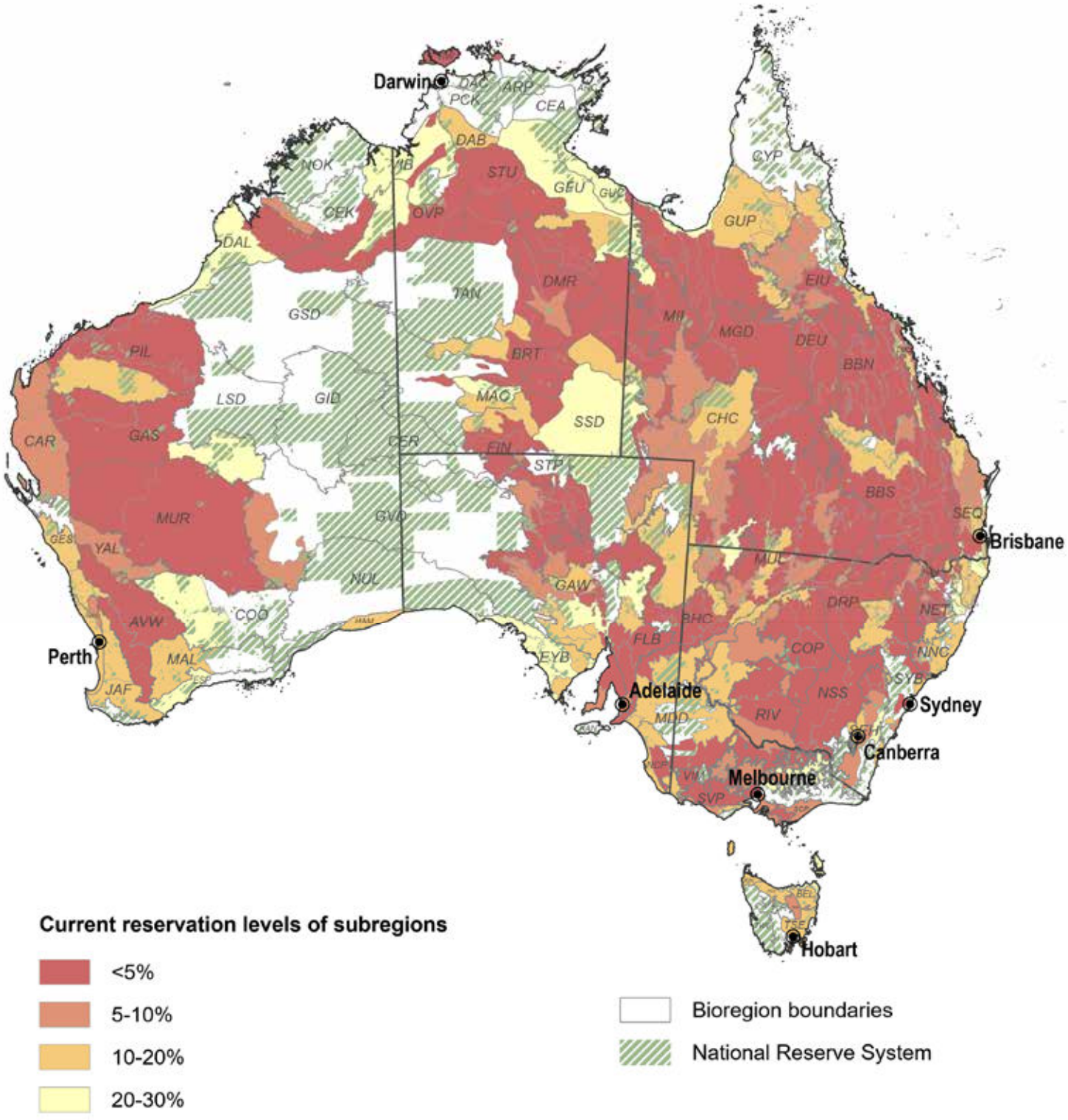
Source: Centre for Conservation Geography, 2023.



Map 3

Subregional reservation levels within the National Reserve System as at 2022

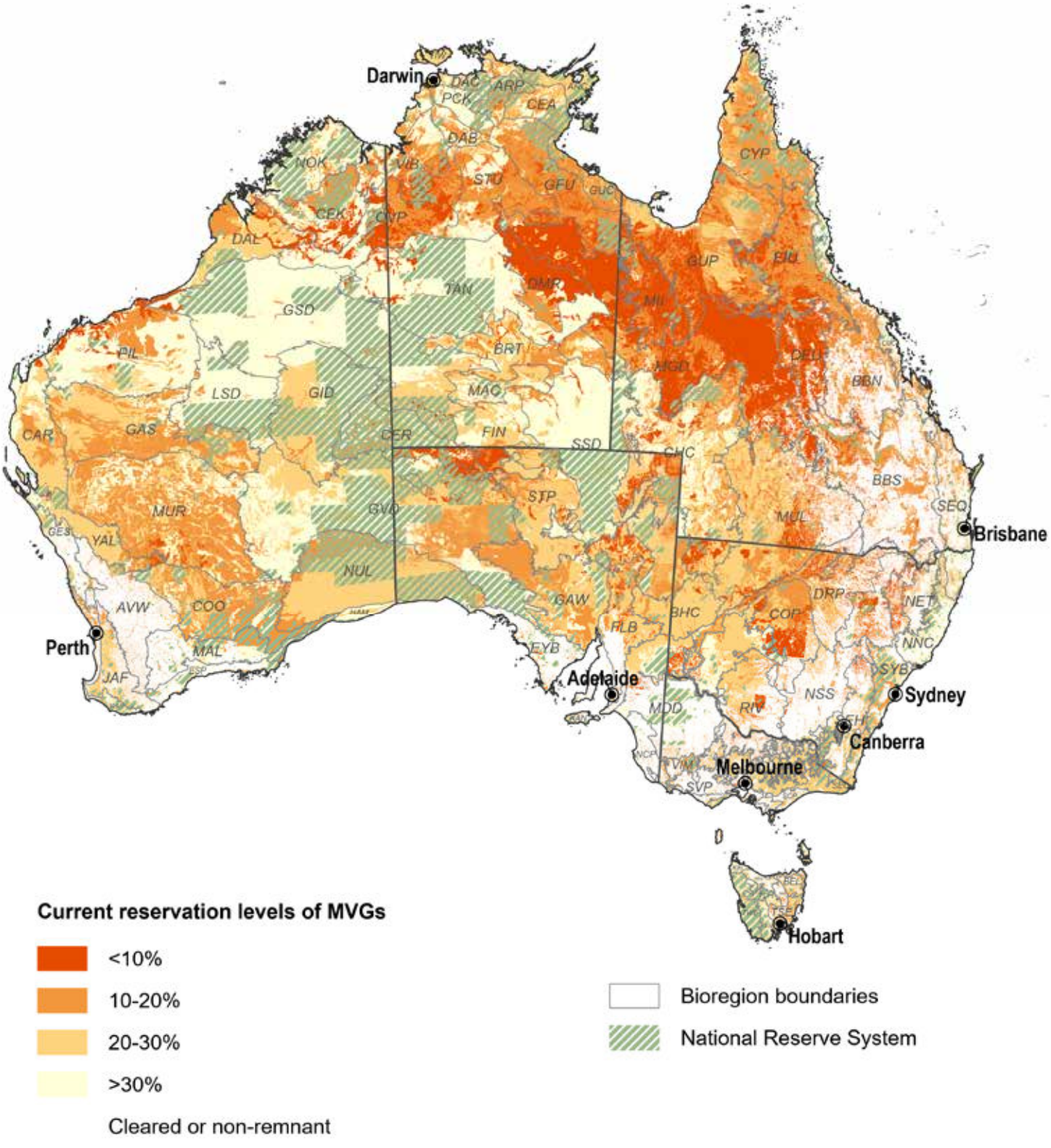
Source: Centre for Conservation Geography, 2023.



Map 4

Representation of Major Vegetation Groups (MVG)[ix] in the National Reserve System

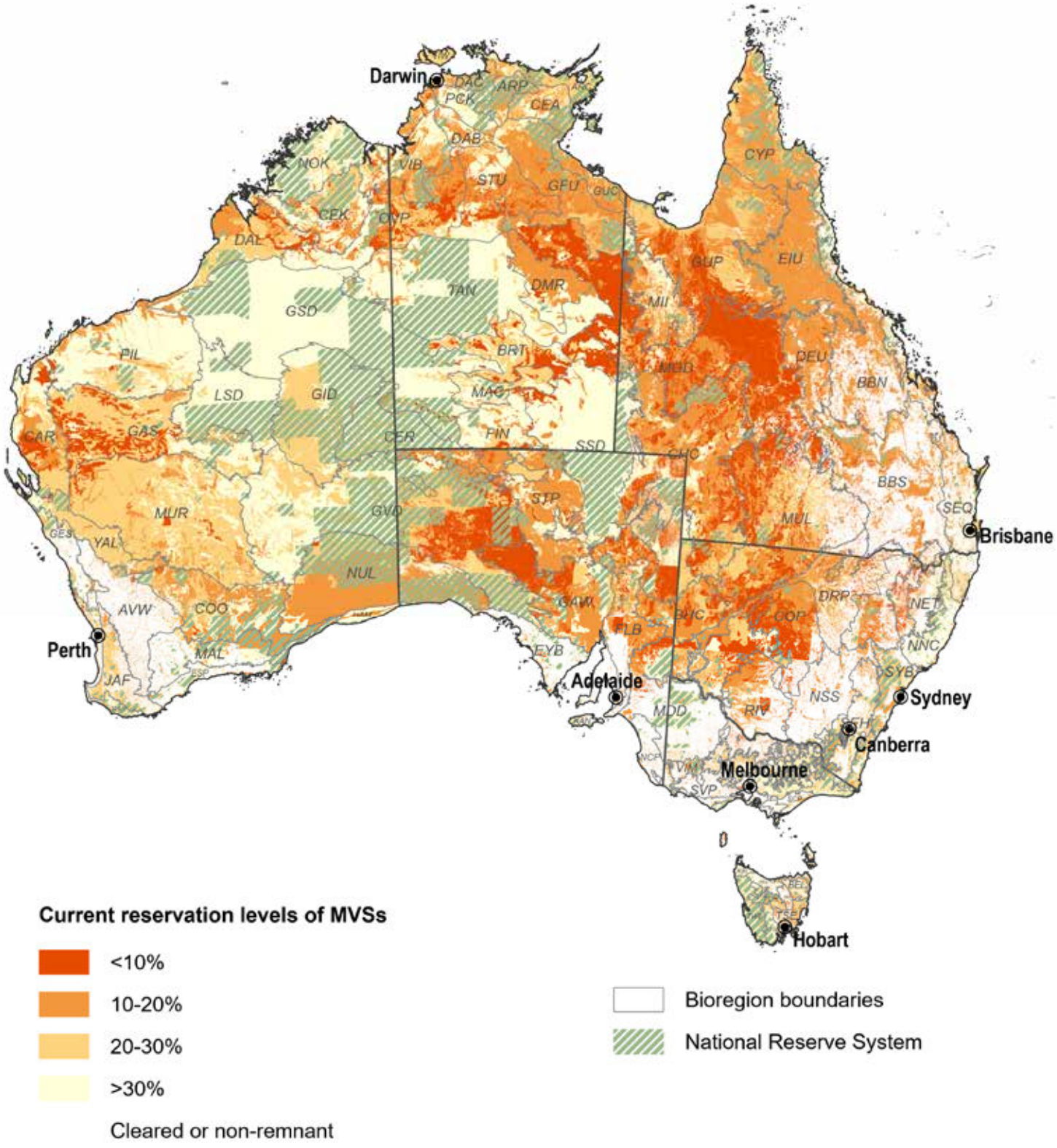
Source: Centre for Conservation Geography, 2023.



Map 5

Representation of Major Vegetation Subgroups (MVS) in the National Reserve System

Source: Centre for Conservation Geography, 2023.



Cooloola Great Walk, Great Sandy National Park, QLD. Andrew Bain

PATHWAYS AND RECOMMENDATIONS

To protect at least 60 million hectares in an ecologically representative manner by 2030, Australia will need to invest in increasing all forms of protected area measures across all land tenure types throughout state and territory jurisdictions.

Target 3 of the GBF explicitly calls for recognition and respect for the rights of Indigenous peoples and local communities, including over their traditional territories. To equitably grow Australia's protected areas, First Nations people must have a leading role to play in protected area policy and design and on-ground management.[x]

Previous large expansions of the protected area network can be traced back to two programs that involved federal government funding and coordination – the National Reserve System Programme (NRSP) and the Indigenous Protected Area (IPA) program. Between 1997 and 2022, these programs have been the main drivers of lifting the conservation estate from 7 to 22 per cent of the continent.

The NRSP largely supported the purchase of private or leasehold land by state governments and not-for-profit conservancies for the creation of new public and privately protected areas, respectively. The IPA program has primarily supported the creation of protected areas on exclusive possession Native Title lands, Indigenous held pastoral leases and other strong Indigenous tenures.

Australia already has proven and successful tools that are suitable across all land tenures to enable us to reach 30x30. While there are other pathways currently being considered in order to reach Target 3, such as the use of Other Effective Area-based Conservation Measures (OECMs), care should be taken to ensure any pathway genuinely contributes to adding to the NRS, and does not compromise the delivery of existing, available mechanisms that with adequate resourcing could deliver more quickly and effectively to the spatial and ecological elements of 30x30.

> **Revitalising a collaborative and cooperative approach to building protected area networks will be critical to the success of the pathways outlined below and to achieving Target 3 of the GBF.**

This involves federal, and state and territory governments, Traditional Owners and Indigenous corporations, non-government organisations, covenanting entities, private landowners and local communities.

Pathways

Weighing up the effectiveness of previous and existing models of substantive protected area growth in Australia, we have identified four demonstrably effective pathways to meet Target 3 of the Global Biodiversity Framework:

1. **A dedicated fund for conservation land purchase**
2. **Continued investment in the Indigenous Protected Areas program**
3. **Expanding permanent private land conservation**
4. **Transitioning public land into conservation tenures**

Karri trees (*Eucalyptus diversicolor*) in Warren National Park, WA. Simon Neville

A DEDICATED FUND FOR CONSERVATION LAND PURCHASE

The Australian Government's National Reserve System Programme (NRSP), which ran with dedicated funding from 1996 to 2013 is widely regarded as one of Australia's most successful biodiversity conservation programs.[xi]

Through the NRSP, the Australian Government provided approximately $200 million in funding to assist the purchase of 371 properties (around 10 million hectares) for addition to the National Reserve System. An independent review of the NRSP found it "to be an important and cost-effective component of the Australian Government's efforts to conserve Australia's unique biodiversity".[xii]

The NRSP offered up to two-thirds of the purchase price for private land that was acquired by state governments or land trusts/community groups for new public protected areas or privately protected areas, respectively, for inclusion in the NRS. The remaining one-third of the purchase price was sourced from elsewhere – such as state government budgets or philanthropic sources – who were often stimulated by the leverage inherent in this model.[xiii]

Private land purchased through the NRSP required agreements to be binding on the title of that land in perpetuity, or through a minimum of 99-year agreements.[xiv]

Unfortunately, funding for the NRSP was not extended past 2013 and, as noted in the 2021 State of the Environment report "since 2016, the total extent of the NRS has remained steady, with fewer additions following the cessation of federal funding for acquisitions".[xv]

A dedicated federal fund for conservation land purchase, leveraged with funding from the state and territory governments, philanthropy and corporate investment, is considered a critical means of achieving a comprehensive, adequate and representative protected area system.

This is due to several factors:

1) A dedicated fund allows governments the ability to act rapidly when suitable land comes onto the market;
2) In some instances, purchase of properties of strategic importance from willing sellers may be the only way to ensure protection where those landholders are not interested in other protection mechanisms;
3) A federally administered fund provides confidence and certainty for state agencies, non-profit organisations and Indigenous corporations to establish their own funding programs, including the ability to unlock larger, longer-term co-investments; and
4) A leveraged model allows public investment to go further and for larger or more expensive properties to be purchased than otherwise would have been possible.

Recommendation 1

The Australian Government should establish a new dedicated $5 billion fund for the purchase of land of high biodiversity importance to create new public, private or Indigenous protected areas.

This fund would assist Australia to:

- meet its commitments under Target 3 of the GBF;
- progress national policy regarding a comprehensive, adequate and representative reserve system, and zero extinctions commitments;
- support Indigenous-led protected area initiatives;
- scale the current protection provided by privately protected areas from its current extent of 2 per cent of private land to 5 per cent by 2030; and
- improve the connectivity of the protected area estate.

It would also signal the Australian Government's commitment to achieving 30x30 – to state and territory governments, philanthropic investors, the private sector, and to international governments.

Such a fund should be accompanied by a substantial increase in funding for the management of protected areas to maintain and enhance natural and cultural values, such as by managing and eradicating invasive species, responding to worsening climate risks such as bushfire and drought, sediment and erosion control, and ecological restoration of degraded areas.

A Western Chestnut Mouse (*Pseudomys nanus*) captured during a biodiversity survey in the Kimberley, WA. Ari Gorring

CONTINUED INVESTMENT IN THE INDIGENOUS PROTECTED AREAS PROGRAM

The Indigenous Protected Areas (IPA) program is one of the most successful collaborative conservation efforts in Australia. Indigenous communities manage and protect their traditional homelands, maintaining cultural practices and increasing and improving land management.

IPAs contribute to biodiversity conservation, habitat restoration, and other land uses, while empowering Indigenous peoples in land stewardship and economic opportunities. Through this program, traditional knowledge is integrated with modern conservation strategies, creating a unique approach to environmental protection.

> **In 2022, IPAs contributed 49.48 per cent of the NRS, covering 10.94 per cent of Australia's land area.**

With First Nations rights and interests established across 57 per cent[xvi] of Australia under various tenures, IPAs will continue to make an integral contribution to meeting the 2030 targets and will be critical in protecting some of the largest intact landscapes across Australia including in some under-represented bioregions.

However, the continued growth and reach of IPAs – together with improvements to delivery – requires long-term funding solutions and more engaged government support structures.[xvii] Central to this will be increasing the staffing capacity within government environment agencies to support the delivery of the program to address existing shortfalls and increasing capacity commensurate to the growth of the program towards 2030.

While IPAs are currently concentrated in Australia's deserts and northern regions, there is increasing interest from First Nations groups where land tenure and current land use represent barriers to first nations ownership. By increasing land acquisition to enable return to First Nations ownership, IPA expansion combined with other approaches (such as Indigenous private protected areas and joint-managed national parks) will deliver better protection of under-represented ecosystems and bioregions.

Recommendation 2

The Australian Government should rebuild government capacity and continue to support the creation of new Indigenous Protected Areas (IPAs) to meet Traditional Owner demand and aspirations and establish secure long-term funding for IPA management.

EXPANDING PERMANENT PRIVATE LAND CONSERVATION

Australia has one of the largest networks of privately protected areas in the world, both in terms of number (more than 6,000) and area (over 10,000,000 hectares).[xviii] This network comprises conservation covenants and land owned by non-government land conservancies.

Privately protected areas make important contributions to increasing the representation of bioregions and ecosystems in the protected area system, protecting threatened species habitat and increasing connectivity, especially in those dominated by private land.[xix] Unfortunately, private land conservation still faces a significant range of barriers at all levels of government, and the incentives that do exist are not always well-calibrated, or are inaccessible in practice.

As outlined elsewhere in this report, major growth of private land conservation through land acquisition has occurred historically during the period that the NRSP was operating[xx] but has slowed in subsequent years.

> **A dedicated federal fund remains a critical pathway for scaling up private land conservation in Australia.**

Through strategic design, this can also expand opportunities for First Nations ownership and co-management arrangements on privately held land.

Conservation covenant programs at the state and territory level currently provide the foundational funding and/or supporting frameworks for permanent private land conservation. However, the quality of the support provided varies by jurisdiction. Targeted support for covenanting has been shown to deliver outcomes for threatened species or ecological communities[xxi], and emerging covenant innovations are endeavouring to promote greater relevance and opportunities for First Nations ownership, access and management of Country.

In addition, conservation covenant programs are restricted in some states and territories. The Northern Territory does not have a conventional covenanting program leading to permanent protection outcomes. Conservation covenants are currently being frustrated within the pastoral estate of Western Australia and South Australia. Although conservation still occurs on a limited number of pastoral leases, the legal ambiguity and consequential risk creates a major deterrence to investing in conservation within these pastoral estates.

Recommendation 3a

The Australian Government should provide direct support to state and territory conservation covenant programs with an explicit focus on expanding the protected area estate in under-represented bioregions and ecosystems.

Privately protected areas on freehold land and pastoral leases across Australia may still be damaged by some forms of development such as mining. This risks their security and permanence. The Queensland Government addressed this risk by legislating Special Wildlife Reserves which have the same levels of protection as a National Park, with Pullen Pullen Reserve the first to be declared.[xxii] This mechanism provides a model for other jurisdictions to adopt to strengthen protections for privately protected areas.

This support should focus on those states and territories identified as possessing significant potential uplift for the establishment of new conservation covenants, and to resolve legal ambiguity in the pastoral estates of South Australia and Western Australia.

Wetlands on Murbpook Lagoon Nature Reserve, SA. Charles Phillpot

The exclusion of extractive activities, such as mining, from within conservation covenants creates a substantial increase in the extent of protection available to conservation values and cultural significance. This more holistic protection is of critical benefit where substantial investments are required to establish, manage, and rehabilitate land of environmental and cultural significance.

Enhanced protection conservation covenants (such as Special Wildlife Reserves in Queensland) are also of great value to investors, especially major international philanthropic foundations. Some of these entities will likely only currently fund long-term conservation in Australia where there is a high level of protection assured (such as the ability to exclude mining). The funding from these entities also offers opportunities to dramatically leverage government and domestic conservation sector investment for more long-term protection of Australian biodiversity.

Recommendation 3b

The Australian Government should support states and territories to develop enhanced protection conservation covenants in their jurisdictions, in order to attract larger-scale private conservation investment.

Recommendation 3c

The Australian Government should instigate a Treasury or Productivity Commission review into federal and state tax and financial incentives and barriers to private land conservation.

The role and impact of tax (and tax incentives) upon investment decisions and uptake of private land conservation – especially formal, durable, and in-perpetuity conservation – should not be underestimated.[xxiii] However, it should also be stressed that tax reform in isolation will not be sufficient to deliver the potential uplift available to private land conservation.

Current state and federal tax incentives for private land conservation are not effective and are insufficiently accessible, and the taxation of conservation activities is treated unfavourably compared to most activities that are undertaken for private gain. The taxation of land use can be a complex economic issue and there should be an opportunity for all stakeholder views to be listened to and incorporated. The 2020 Independent Review of the EPBC Act also supported this approach.[xxiv]

This review should also provide advice on the tax settings required to support a successful Nature Repair Market.

Eastern Quoll (*Dasyurus viverrinus*). Deb Talan

TRANSITIONING PUBLIC LAND INTO CONSERVATION TENURES

Crown land refers to land that is owned by the government and is held in trust for the public, mainly by state or territory governments but sometimes by the Federal Government. Some Crown lands are 'unallocated' but many have leases for a variety of purposes, with the dominant uses over much of the continent being grazing of stock and mining or mineral exploration.

Over time, as land use has changed and land management priorities have evolved to include conservation and biodiversity protection, some Crown land has been repurposed for conservation, including for addition to the public protected area estate. There are various types of Crown land in Australia that could be considered for conversion into protected areas, providing a cost-effective opportunity without the cost of acquisition to obtain protection outcomes, particularly in critical areas for biodiversity and areas that provide significant ecosystem services (e.g. carbon and water).

Increasingly there are areas of state forest with conservation values that are becoming available for conservation due to the phasing out of native forest logging. Victoria and Western Australia have both made commitments to phase out logging of native forests on public land by 2024, as has Queensland for its South East forests. The foreshadowed review of the National Forest Policy Statement (NFPS)[xxv] presents an opportunity to consider incorporation of 30x30 commitments and other recent biodiversity conservation policies and commitments that have been developed since the NFPS. This should involve a review of the various Regional Forest Agreements.

Some states have dedicated authorities to assess public land at a regional level (such as the Victorian Environmental Assessment Council and the New South Wales Natural Resources Commission). Investigations run by these authorities have been important for increasing protected areas on public land but recent recommendations in some states are yet to be implemented. Opportunities for protection on public land could also be identified as part of the Federal Government's regional planning process, however these processes are unlikely to be completed in a timeframe to make substantial additions to the protected area estate by 2030.

While designated water production areas in intact native forested catchments typically have water production as a primary purpose, these lands do contribute to the protection of ecosystems and provide vital ecosystem services, including water purification, flood regulation, and protection of carbon stocks. Several water production areas have also been subsequently included in national parks (such as Melbourne's closed catchments as part of Yarra Ranges National Park), demonstrating an alignment of purposes. Other opportunities for declaring designated water catchments on public land as protected areas should be explored.

Crown land within underrepresented bioregions or that contain under-represented ecosystems and threatened species habitat should also be assessed for potential inclusion in the protected area (e.g. travelling stock routes, unallocated lands, public forests, previous acquisitions and other tenures).

The conversion of Crown land to a conservation use must secure the consent of Traditional Owners and often an Indigenous Land Use Agreement (ILUA). A properly resourced negotiation of an ILUA is an opportunity to ensure informed consent and create agreements that underpin both the conservation outcomes of protected areas and other goals such as cultural protection, tourism and economic development, and remote and Indigenous employment in land management.

Although not the primary focus of this report, Australia's network of marine protected areas occur entirely in waters controlled by state, territory and federal governments (i.e. Crown land). The networks in each of these jurisdictions and the zoning of those networks should be reviewed to reflect Australia's commitment to Target 3 of the GBF and to comply with Australian policy commitments to establish a comprehensive, adequate and representative National Representative System of Marine Protected Areas.[xxvi]

Recommendation 4

The Australian Government should partner with states and territories to systematically review Crown land to identify areas of high conservation significance and subsequent protected area opportunities consistent with the principles of comprehensiveness, adequacy and representativeness (CAR), and enable jurisdictions and Traditional Owners to undertake the necessary negotiations.

The critically endangered Plains-wanderer (*Pedionomus torquatus*), NSW.

Apline meadow in Mount Buffalo National Park, VIC. Martin Wurt

Savannah landscape within Kakadu National Park, NT. Sean Lema

ACRONYMS AND DEFINITIONS

CAR	Comprehensive, Adequate, and Representative
CBD	Convention on Biological Diversity
EPBC	Environment Protection and Biodiversity Conservation Act 1999
FPIC	Free, Prior and Informed Consent
GBF	Kunming-Montreal Global Biodiversity Framework
IBRA	Interim Biogeographic Regionalisation for Australia
ILUA	Indigenous Land Use Agreement
IPA	Indigenous Protected Area
NFPS	National Forest Policy Statement
NRS	National Reserve System
NRSP	National Reserve System Program
OECM	Other Effective Area-based Conservation Measures
SWR	Special Wildlife Reserves

REFERENCES

i Cresswell ID, Janke T, Johnston EL (2021), Australia State of the Environment 2021: overview, independent report to the Australian Government Minister for the Environment, Commonwealth of Australia.

ii Putnis A, O'Leary P, Leach A, Ings E, See P (2021), Strong on Country: Sustaining Success in Indigenous Land and Sea Management in Australia, Country Needs People.

iii Driml S, Brown RPC, Moreno Silva C (2020), Estimating the Value of National Parks to the Queensland Economy. School of Economics Discussion Paper Series 636. School of Economics, The University of Queensland.

iv Australian Environment Ministers Meeting - 21 October 2022 Agreed Communiqué.

v Natural Resource Management Ministerial Council (2010), Australia's Strategy for the National Reserve System 2009–2030, Natural Resource Management Ministerial Council

vi Williams KJ, Harwood TD, Ferrier S (2016), Assessing the ecological representativeness of Australia's terrestrial National Reserve System: A community-level modelling approach, (A report prepared for the Australian Government, Department of the Environment, CSIRO Land and Water).

vii Commonwealth of Australia (2022), Collaborative Australian Protected Areas Database (CAPAD).

viii 15th meeting of the Conference of Parties to the UN Convention on Biological Diversity (2022), Kunming-Montreal Global Biodiversity Framework, CBD/COP/15/L25.

ix Commonwealth of Australia, National Vegetation Information System Fact Sheets 2017, Australian Government, Department of Environment and Energy.

x North Australian Indigenous Land and Sea Management Alliance, Protected Areas Collaboration, Australian Committee for IUCN, NSW National Parks and Wildlife Service, Reimagining Conservation Forum - Working Together for Healthy Country, 2022.

xi Taylor MFJ, Fitzsimons J, Sattler P (2014), Building Nature's Safety Net 2014: A decade of protected area achievements in Australia, WWF-Australia.

xii Gillian B (2006), The National Reserve System Programme: 2006 evaluation, Australian Government Department of the Environment and Heritage.

xiii Humann D (2012), A personal journey to innovation. In: P. Figgis, J. Fitzsimons and J. Irving (eds.) Innovation for 21st Century Conservation, Australian Committee for IUCN, pp. 16-23.

xiv Natural Resource Management Ministerial Council (2005), Directions for the National Reserve System: A partnership approach, Natural Resource Management Ministerial Council; Fitzsimons JA (2006), Private Protected Areas? Assessing the suitability for incorporating conservation agreements over private land into the National Reserve System: A Case Study of Victoria, Environmental and Planning Law Journal 23, pp. 365-385.

xv Cresswell ID, Janke T, Johnston EL (2021), Australia State of the Environment 2021: overview, independent report to the Australian Government Minister for the Environment, Commonwealth of Australia.

xvi Williams K, Hunter B, Schmidt B, Woodward E, Cresswell I (2021), Australia State of the Environment: Land, independent report to the Australian Government Minister for the Environment, Commonwealth of Australia.

xvii Putnis A, O'Leary P, Leach A, Ings E, See P (2021), Strong on Country: Sustaining Success in Indigenous Land and Sea Management in Australia, Country Needs People Limited.

xviii Fitzsimons JA (2015), Private protected areas in Australia: Current status and future directions. Nature Conservation 10, pp 1-23; Bingham HC, Fitzsimons JA, Mitchell BA, Redford KH, Stolton S (2021), Privately Protected Areas: Missing pieces of the global conservation puzzle, Frontiers in Conservation Science 2, 74827.

xix Archibald CL, Barnes MD, Tulloch AIT, Fitzsimons JA, Morrison TH, Mills M, Rhodes JR (2020), Differences among protected area governance types matter for conserving vegetation communities at-risk of loss and fragmentation, Biological Conservation 247, 108533.

xx Fitzsimons JA (2015), Private protected areas in Australia: Current status and future directions, Nature Conservation 10, pp 1-23.

xxi Elton P, Fitzsimons JA (2023), Framework features enabling faster establishment and better management of privately protected areas in New South Wales, Australia, Frontiers in Conservation Science 4, 1277254.

xxii Queensland Government (2021), Queensland's first special wildlife reserve, Department of Environment and Science.

xxiii Smith F, Smillie K, Fitzsimons J, Lindsay B, Wells G, Marles V, Hutchinson J, O'Hara B, Perrigo T, Atkinson I (2016), Reforms required to the Australian tax system to improve biodiversity conservation on private land, Environmental and Planning Law Journal 33, p443-450.

xxiv Samuel G (2020), Independent Review of the EPBC Act – Final Report, Australian Government, Department of Agriculture, Water and the Environment.

xxv National Conference Outcomes (2023), Labor Environment Action Network.

xxvi Guidelines for Establishing the National Representative System of Marine Protected Areas (1998), Australian and New Zealand Environment and Conservation Council Task Force on Marine Protected Areas.

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Ecological monitoring on Tasmanian Land Conservancy property, TAS. Heath Holden