



## WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

21 April 2023

Protected and Conserved Areas Policy Section  
Department of Climate Change, Energy, the Environment and Water  
GPO Box 3090,  
Canberra ACT 2601  
Via link: <https://consult.dcceew.gov.au/consult-draft-principles-for-oecms-in-australia/have-your-say>

Dear Sir/Madam

The Wildflower Society of Western Australia has prepared this submission in response to your invitation for people to comment on the draft principles to guide recognition of other effective area-based conservation measures (OECMs) in Australia. The Society considers this initiative by the Federal Government a great step forward in the conservation of our biological assets.

The Wildflower Society uses its independent technical knowledge of WA's wildflowers to help the community better know, grow, enjoy, and conserve the wildflowers of Western Australia. The Society was established in 1958 to promote the value of our natural bushland and has been a strong advocate for conservation of individual species, and specific vegetation communities and the establishment of a network of conservation reserves and linkages within our fragmented landscapes. The Society has for several decades promoted the need to reserve at least 30% of our landscape with a cover of native vegetation to maintain a sustainable representation of biodiversity.

The Society recognises that meeting the 30% target will be a challenge in areas like the Western Australian Wheatbelt where many local government areas have less than a combined 10% of remnant vegetation on public and private land collectively and the WA Government continues to issue clearing permits to further decrease that cover, often through projects that are funded by the State and Federal Governments. In that respect, the Society considers the Federal Government should review expenditure of funds it makes available where those funds will result in clearing land where existing remnant vegetation cover is less than 30% to progress the 30x30 target.

It is recommended that the 30% target be applied separately to each IBRA region. Areas, public and private, that are included to achieve the 30% should then formally become part of a 'Comprehensive, Adequate and Representative' (CAR) reserve system, and other possible sites. Where this is not possible, other sites should be investigated for potential improvement for additional at some future time. In the Western Australian Wheatbelt achievement of the 30% minimum should be accompanied by legally enforced clearing bans on all remnant land, public and private, and other measures to extend revegetation should be identified, including use of funds held in offset trust funds as a matter of urgency. Similarly, for the Perth sub-region of the Swan Coastal Plain IBRA Region.

The Society agrees that the recognition of OECMs provides many great opportunities, the least of which is to protect our biodiversity for the balance of this century. We do understand it needs to be a community effort but its intent to:

PO BOX 519, FLOREAT WA 6014 TELEPHONE (08) 9383 7979  
email: [enquiry@wildflowersocietywa.org.au](mailto:enquiry@wildflowersocietywa.org.au) website: [www.wildflowersocietywa.org.au](http://www.wildflowersocietywa.org.au)



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- Be voluntary
- Require assessment of each individual potential site
- Require presence of important biodiversity values, that are to be maintained in the long-term

has some shortcomings.

### **Covenants**

The Society considers the expectation that private landholders will voluntarily offer land and bear the cost of managing that land is fanciful, given the range of other options than can return a profit to the landholders. Many farmers offered up land to voluntary or permanent covenanting in the late 1908's and 1990s. The voluntary covenants are now maturing and a significant proportion of that land is now being cleared to meet the demand for food, stockfeed and animal products, as even the cost of transferring the land to perpetual covenants is significant without the annual burden of management, both in cost, and skills and understanding required. In several cases, the Society has provided vegetation survey services to these landholders, at minimal cost for overheads only, to enable them to understand the management requirements of their 'bit of bush'.

In these instances, financial incentives such as substantial tax breaks, concessional land tax or reduced local government rates on areas of land not used for production should be introduced. The cost of surveying the land reserved with perpetual covenants could also be met by government.

However, even with perpetual covenants, there is an on-going risk that these areas of land can still be surveyed, cleared and developed for mining. Despite the difficulty and entrenched opposition to excluding conserved land, whether public or private, from mining, serious consideration should be given to amending legislation, regulations, policies and practice to deny permission to disturb conserved land for mining purposes.

In a landscape where less than 10% of natural vegetation prevails, the Society contends that any remnant vegetation has some biodiversity values, even if it is only the genetic diversity of a single native species. Management of all remnant areas requires input from not only landholders, but also the governments and community as the workload to conserve and restore the biodiversity is a task on its own that may be beyond the human resources available to many landholders.

### **The Principles**

The Society agrees with the following principles as they stand:

1. Governance
2. Sustained long-term
3. Geographically defined areas

The Society offers comment and recommendations in relation to the remainder of the principles:

- **Consent**



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The Principle of Free, Prior and Inform Consent for indigenous people should be extended to all individuals during the eligibility and assessment process as part of the overall consideration of an area as an OECM.

- **Biodiversity Values**

This Principle, while strongly supported by the Society, needs strengthening. Areas recognised as 'biodiversity hotspots' are recognised as such due to the biodiversity values that have been lost. To achieve a minimum 30% of natural vegetation cover, conservation reserves alone will not be sufficient. All landholders must be held responsible for maintaining and sustaining their vegetation cover through a duty of care for nature – most already have that responsibility anyway in areas such as pollution, emissions and contamination. This land should then be jointly managed through a perpetual covenant and with management supported using public funds.

The gains in biodiversity in 'hotspot' areas should be actively promoted to inform the public of the achievements made.

- **Prioritisation of areas of particular importance for biodiversity**

Generally, the priority areas should focus on the biodiversity hotspots as these are where the areas of greatest biodiversity loss has and continues to occur. Nowhere has this occurred (and is still occurring, thanks to the policies of the McGowan Government) as extensively as the South-West, Wheatbelt and Swan Coastal Plain areas of the South-West of Western Australia. This area must be given priority nationally and it requires specific policy and actions to prevent further loss of biodiversity through an improved conservation management program. These areas must include TECs listed under the EPBC Act and the other MNES, such as the endangered habitats of the threatened black cockatoos, and areas such as RAMSAR wetlands and the peatlands in the south-west forests. These areas are all areas on national and international significance, and they need to be legally protected and that protection enforced, if not through the EPBC Act then through supplementary legislation.

- **Restoration Sites**

While the Society feels the condition 'restoration' is highly unlikely to be achieved it is possible to rehabilitate areas to a condition that resembles to a greater or lesser extent the former biodiversity of area. The Society supports the overall principles and actions but in many areas in Western Australia many areas that are considered 'degraded' have remnants that are as important as some well-conserved areas in other areas, simply because there is so little remnant vegetation left. The Society believes that the action of fencing of remnants should be sufficient to warrant their consideration as 'protected areas', as such action invariably results in natural regeneration and provides an opportunity to carry out assisted rehabilitation. It is important that OECMs do not just focus on areas that are already diverse but also the overall cover within a region or habitat type.

- **Protected Area Considerations**

The Society strongly supports this principle and considers that all areas declared OECMs should be protected by truly perpetual covenants and that each covenant is listed on the land title or lease deed. The state of compliance with the covenant should then be regularly



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assessed, especially on transfer of the property to new owners, as there is evidence that new owners do not respect and comply with the covenant conditions as rigorously as the former owners, who may have expended considerable effort and funds to conserve and improve the biodiversity of their holding.

Similarly, areas that have been the recipient of Commonwealth or state funding to revegetate, fence-off or improve their biodiversity must not be allowed to be cleared by new owners, as unfortunately is happening in some areas of the Western Australian Wheatbelt as land holdings are consolidated and transferred to less environmentally-aware or concerned owners.

In pastoral leasehold areas, land tenure legislation should be amended to encourage pastoralists to adopt practices that protect the land, including destocking or longer rotations that encourage regeneration.

The development of connectivity between remnant patches is needed to promote biodiversity. Areas where the primary purpose is not conservation on public land, such as road reserves and streams and rivers, should be protected for the purpose of conservation of biodiversity and options for infrastructure improvement should be pursued on land that has another primary use. Simply fencing stretches of streams and rivers to remove animal grazing will encourage regeneration of these areas, particularly as rivers represent the major natural energy flows in the landscape.

In Western Australia, programs, such as Bush Forever, Land for Wildlife, and roadside conservation should be given a high priority by the State and Federal Government. All areas identified in the Western Australian Systems Red Books that were released in the late 1980s should be revisited and formally set aside as OECMs or Nature Reserves.

The Society is concerned that the capacity to manage Protected Areas is inadequate at all levels of Government in Australia. While there are many programs for First Nations people to take up this role, this should be seen as a long-term objective. In the interim, Governments should be looking to build up their professional teams to support the 30x30 objectives and then use these teams to bring First Nations peoples up to speed with management requirements while integrating First Nations management practices into their management programs.

- **Land Tenure**

Public access to Protected Areas is worthy of consideration, particularly in areas where the primary land use is not conservation. Areas of high biodiversity leasehold land should be required to have explicit exemptions and require conservation of the biodiversity. Areas protected under the EPBC Act through designation as TEC, MNEs such as endangered species or RAMSAR wetlands, or indigenous heritage, should override the primary land use if it threatens biodiversity. The Society has been actively campaigning for the exclusion of mountain bikes, e-bikes, motorcycles, and horses from formally protected areas, such as National Parks and Regional Conservation Parks as they are a threat to the long-term biodiversity of the area.



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In pastoral areas, the Society sees the establishment of large solar energy and wind energy projects as a major threat to the biodiversity of the prepared sites for these projects. The Society contends that all remnant vegetation is a potential OECM and should be assessed as such prior to any development proposal being considered by any level of government. The findings of such an assessment should be listed on the land title. Such projects should be sited in cleared, highly degraded or contaminated land to the maximum extent possible.

The presence of OECMs within a native title claim area should be settled during the hearing of the claim and actions for engagement of First Nations people considered as part of that process.

- **Site Management**

As stated earlier, the Society contends that the capacity and expertise to carry out management of OECMs at a site level needs to be built up at all levels of government in Australia. The skills and principles required is extensive and includes use of local species (and their breeding and propagation), fire and pest management and people control. Most private landholders would require training to carry out this management and surveillance mechanisms implemented to enforce the conditions placed on OECMs.

Restrictions or impediments to landholders undertaking biodiversity restoration on their land, whether in agricultural or peri-urban areas, need to be eliminated. Unfortunately, the trend is to do the reverse, with an increasing number of rural local governments, in particular, requiring landowners to seek approval and submit detailed applications. These approvals come with onerous management conditions and exclusions, to plant biodiverse native vegetation on their holding for the sole purpose of biodiversity restoration and protection.

It is expected increased funding at all levels of government or specific actions, such as exclusion of rates and taxes for OECMs on private land, and funding of fencing to exclude grazing of land, would be among many initiatives to reach the 30x30 target. Maintenance of OECMs after 2030 will be an ongoing challenge as maintaining a minimum coverage of 30% will need continuous effort and resources. As we have seen with programs like 'the Decade of Landcare' ongoing resources are necessary to maintain the energy of such initiatives.

- **Fire**

Fire management on public and private lands, and its implications for sustaining the biodiversity, has become a very frequent topic around Australia and planned fuel reduction burns used here in Western Australia is constantly being discussed, not only about biodiversity but also community health. Legislation in Western Australia allows for fire prevention measures and actions to control fire to override all legislation relating to protection of biodiversity and the environment.

Management of OECMs will require specific reference to fire management in protected remnant vegetation and the networks set up through this program.



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- **Sustained Long-term**

Long-term sustainability of the program requires much of what the Society describes above to be initiated. The program needs:

- All OECMs to be held under perpetual covenant;
- Enforcement of conditions of the covenant;
- A strong outreach program for private landholders who have nominated OECMs on their holding;
- Ongoing government commitment at all levels – the national government should not allow state and local governments to slide out of principles through negotiation;
- Commitment to a timeframe of at least 97 years (given we have been reducing the biodiversity for the last 200 years);
- No land use zoning that is incompatible with biodiversity conservation; and
- A sustained education program for authorities who manage public land on the requirements for management of biodiverse lands.

Notably in the WA Wheatbelt numerous 30-year conservation covenants that were agreed to in the 1990s and for which Federal and State funding was used for flora vegetation surveys, landscape mapping and/or fencing subsidies, have now expired and the current owners are seeking to clear the natural areas for agricultural purposes.

### **Next Steps**

A principle is needed for EPBC listed TECs that recognises and requires the implementation and enforcement of the Approved Conservation Advices under the EPBC Act for each TEC Community. The Advices should be applied and enforced via OECMs for all landholdings where the TEC is mapped.

A separate database for reporting statistics of progress, toward to 30x30 goal, nationally and internationally should be established and the information required should be requested from OECM landholders as part of the monitoring and compliance requirements. The use of current databases would not be adequate as the Society is aware that there are significant gaps in information stored at a government level and it is often held by disparate groups without being consolidated for any specific region. Some groups withhold their data from government due to a lack of trust.

### **SUMMARY**

The Wildflower Society sees this initiative as a significant step forward by the Federal Government that, with some tweaking, could provide a sound foundation for increasing the degree of vegetation cover and the overall biodiversity across Australia.

We agree with the list and intent of most principles. Several suggestions and experiences have been included here to aid the expansion of the actions required to progress the principles.

The Society believes the success of the creation of OECMs requires all levels of government to react positively to the initiative. From our own experience here in Western Australia we would argue that the intent of some legislation and programs has/is not being considered in their implementation. The failure to apply Approved Conservation Advice for TECs is a glaring example in our view.





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We believe the current EPBC Act TECs and MNES items provide a good starting point for OECMs to complement the existing conservation reserve system around Australia. Some of the tools to expedite this process exist in Western Australia, including covenants previously agreed and bioregional studies completed 30 years ago, so we do not have to start from scratch.

We look forward to being continually briefed and informed on this matter and invite further conversation to assist in the progression of the principles into a formal program that is supported broadly by the community.



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