

Policy Note: Enhanced Protection Conservation Covenants

November 2023

Why are enhanced protection conservation covenants valuable?

The exclusion of extractive activities, such as mining, from land creates a substantial increase in the extent of protection available to conservation values and cultural significance - a level of protection that is currently beyond the scope of other conservation covenants¹. This more holistic protection is of critical benefit where substantial investments are required to establish, manage, and rehabilitate environmentally and culturally significant land.

Enhanced protection conservation covenants (such as Special Wildlife Reserves) are also of great value to investors, especially international philanthropic foundations, major private donors, and corporate investors. Some of these entities will only fund long-term Australian conservation in Queensland because it is the only jurisdiction to provide the level of protection they require to invest. 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.

Special Wildlife Reserves – an example of an enhanced protection conservation covenant

Special Wildlife Reserves (SWRs) are a type of conservation covenant currently only found in Queensland. Enacted under the *Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Act 2019 (Qld)*², SWRs create a level of enhanced protection for conservation that can be only granted over areas that can demonstrate exceptional natural and cultural resources and values.

What makes SWRs unique is that they explicitly exclude a broader range of activities incompatible with conservation (including mining, logging, and commercial grazing leases)³ that otherwise may occur in other types of conservation covenants.

Key points:

- Enhanced protection conservation covenants exclude extractive activities, like mining, from land otherwise dedicated to conservation
- They are especially valuable when substantial investments are required to establish, manage, and rehabilitate environmentally and culturally significant land.
- They provide a level of protection required for many external parties to invest in conservation, especially major international philanthropic foundations, offering opportunities to dramatically leverage government funding for nature.



What are the benefits to Government?

Enhanced protection conservation covenants (such as SWRs) contribute to:

- The protection of diverse habitats as a critical part of national, State, and private conservation investments; a strategic, well-planned, and well-managed network of protected areas is the most prospective and important strategy for reducing the negative impacts of climate change on biodiversity⁴
- Our economy; approximately half of Australia's GDP has a moderate to very high dependence on nature⁵ (this echoes the World Economic Forum's findings that "over half the world's total GDP – is moderately or highly dependent on nature and its services."⁶); the long-term protection of our remnant biodiversity is the best way to safeguard the nature-reliant sectors of our economy
- An expansion in the funding available for investment in conservation by attracting and leveraging capital that requires this enhanced level of conservation protection to invest, as demonstrated by the experience with SWRs
- The shared State, Territory and Commonwealth government commitment to developing comprehensive, adequate, and representative ('CAR') terrestrial protected areas within the National Reserve System⁷
- The shared State, Territory and Commonwealth government commitment to "work collectively to achieve a national target to protect and conserve 30% of Australia's landmass and 30% of Australia's marine areas by 2030"⁸
- Australia's international commitments to the Kunming-Montreal Global Biodiversity Framework Agreement under the United Nations Convention on Biological Diversity⁹
- The reconnection of Traditional Owners to country and the strengthening of partnerships and relationships that guide land management.



Case study

Bush Heritage Australia's Pullen Pullen Reserve on Maiawali Country in western Queensland was the State's first SWR to be declared in 2020. This unique area demonstrates exceptional natural and cultural values and it is where the elusive and critically endangered Night Parrot was rediscovered in 2013.

Bush Heritage owns 42 conservation properties spanning 1.2 million hectares across Australia, all of which – where possible – are protected by State conservation covenants. However, until SWR legislation was introduced in Queensland, no covenant in Australia provided complete protection from incompatible land uses.

The added level of protection that comes with the SWR status ensures that the Pullen Pullen SWR is permanently protected from possible incompatible land uses such as mining, timber harvesting, and grazing. It provides peace of mind to Bush Heritage Australia and its supporters by ensuring that funds raised can be spent on the conservation of the property and its natural and cultural values, and not on contesting mining applications.

Bush Heritage Australia and its First Nations partners see tremendous value in the SWR protection and are currently working on five additional applications. For example, the Mulligan River Aboriginal Corporation representing the Wangkamadla people are working with Bush Heritage to achieve SWR status over Pilungah and Ethabuka reserves (approximately 450,000 hectares). These areas have exceptional natural value and cultural significance and are currently protected by nature refuge agreements (i.e., ordinary conservation covenants) but this does not preclude mining which deeply threatens the cultural and natural integrity of these areas, including the Wangkamadla songline which runs through the properties. Only a SWR will ensure the complete protection of these areas in perpetuity.

In 2022, an international philanthropic body funded a dedicated Special Wildlife Reserve Project Officer at Bush Heritage to work on the five additional SWRs for declaration in Queensland. A number of large international philanthropic foundations have signalled their interest in supporting new private protected area acquisitions where those areas can be declared as SWRs.



Recommendations

ALCA strongly recommends that:

- State and Territory Governments add enhanced protection conservation covenants to their suite of conservation investment tools by advancing legislative amendments and subsequent programmatic support
- The Federal Government proactively support and encourage the adoption of legislative frameworks for these enhanced protection conservation covenants across all Australian jurisdictions.

ALCA and its members can:

- Provide technical assistance in developing enhanced protection conservation covenant legislation and supporting policy
- Provide a pipeline of conservation opportunities that are investment-ready for enhanced protection conservation covenants.

Next steps

- More information on Special Wildlife Reserves (SWRs) can be found online at: <https://www.qld.gov.au/environment/parks/protected-areas/private/special-wildlife-reserves> and by contacting the Queensland Government via swr@des.qld.gov.au.
- Contact ALCA's Policy Lead, Michael Cornish (michael@alca.org.au) or the ALCA inbox (info@alca.org.au). ALCA stands ready to provide further assistance and information.

[1] "A conservation covenant is a voluntary agreement made between a landholder and an authorised body (such as a Covenant Scheme Provider) that aims to protect and enhance the natural, cultural and/or scientific values of certain land"; see:

<https://www.dcceew.gov.au/environment/biodiversity/conservation/covenants>

[2] See: <https://www.legislation.qld.gov.au/view/pdf/asmade/act-2019-008>

[3] The terms of the conservation agreement for a special wildlife reserve must prohibit "the granting of a mining interest, geothermal tenure or GHG [greenhouse gas] authority in relation to the land; the carrying out of an activity under the Forestry Act 1959 [Qld] on the land that is prohibited from being carried out on a special wildlife reserve under that Act; [and] the granting of a licence or permit under the Fossicking Act 1994 [Qld] in relation to the land."

[4] See: p7, Australia's Strategy for the National Reserve System 2009–2030, May 2009;

<https://www.dcceew.gov.au/sites/default/files/documents/nrsstrat.pdf>

[5] Australian Conservation Foundation, *The nature-based economy: How Australia's prosperity depends on nature*, September 2022;

<https://www.acf.org.au/how-australias-prosperity-depends-on-nature>

[6] World Economic Forum, *Nature Risk Rising: Why the Crisis Engulfing Nature Matters for Business and the Economy*, January 2020;

<https://www.weforum.org/reports/the-global-risks-report-2020>

[7] As reaffirmed in: *Directions for the National Reserves System – A partnership approach*, Natural Resource Management Ministerial Council, 2005;

<https://www.dcceew.gov.au/sites/default/files/env/pages/35ded9a1-0a17-47fa-a518-05f7bfe045ce/files/directions.pdf>

[8] *Agreed Communiqué, Environment Ministers Meeting, 21 October 2022*; <https://www.dcceew.gov.au/sites/default/files/documents/emm-communiqué-21-oct-2022.pdf>

[9] See: <https://www.cbd.int/article/cop15-final-text-kunming-montreal-gbf-221222>

