



20 April 2023

Protected and Conserved Areas Policy Section
Department of Climate Change, Energy, the Environment and Water
King Edward Terrace
Parkes ACT 2600

Via email: NRS.environment@dcceew.gov.au

Dear DCCEEW,

RE: Consultation on draft principles to guide recognition of other effective area-based conservation measures in Australia

The National Farmers' Federation (NFF) welcomes the opportunity to provide a submission to the Department regarding proposed draft principles to guide the recognition of Other Effective area-based Conservation Measures (OECMs) in Australia as listed in the online Consultation Paper.

The NFF was established in 1979 as the national peak body representing farmers and more broadly, agriculture across Australia. The NFF's membership comprises all of Australia's major agricultural commodities across the length and breadth of the supply chain. Operating under a federated structure, individual farmers join their respective state farm organisation and/or national commodity council. These organisations form the NFF.

NFF Position

The NFF does not support the draft principles to guide the recognition of OECMs in Australia in its current form. Several concerns from an agricultural perspective have been raised and highlighted, and the NFF would welcome amendments to seven of the eleven guiding principles. Further clarity on the scope and definitions incorporated under some of the guiding principles is also requested.

While the NFF acknowledges the national target to protect 30% of land and oceans by 2030 and recognises that important linkages between OECMs, the Nature Repair Market, and ongoing EPBC reform efforts do exist, the NFF is concerned that OECM recognition will focus on underrepresented areas and be driven by the desire to achieve balance across the landscape (i.e., balancing the percentage of allocated land across states). The NFF opposes any discussions relating to additionality and



supports the notion that ancillary OECMs can be recognised or identified without requiring any additional work or input by a landholder.

The NFF supports the voluntary nature of OECM recognition as this ensures land held by private landholders will not be resumed or acquired to achieve this national target, and subsequently would request that this requirement remain unchanged. However, if there are future intentions to allocate funds towards land purchases for the purpose of recognising and establishing OECMs on privately held land, the NFF would be open to such conversations.

The NFF supports text for the following four guiding principles:

- *Principle 1: Consent;*
- *Principle 4: Prioritisation of Areas of Particular Importance for Biodiversity;*
- *Principle 8: Land Tenure; and,*
- *Principle 10: Site Management.*

Concerns

Several concerns regarding the text of the remaining seven guiding principles for OECM recognition are reserved and outlined below.

Principle 2: Free, Prior and Informed Consent

The NFF endorses the principle of Free, Prior and Informed Consent (FPIC) and supports the requirement for government agencies to provide FPIC when assessing and recognising potential OECMs governed by First Nations peoples. However, it is in our view that this principle is too narrowly focused, and that FPIC must apply more broadly to landholders other than First Nations peoples. This would ensure that First Nations peoples as well as private landholders are provided equal treatment by government agencies in a way that is equitable. The concept of FPIC is used globally to include a number of stakeholders, especially small and medium landholders.

Principle 3: Biodiversity Values

The NFF seeks greater clarification on what is meant by “important biodiversity values” and how such values will be identified, assessed, and measured at the site-level. It is unclear whether a list of “important biodiversity values” will be provided in the site assessment tool that is to be developed, provided separately, or not at all. Greater clarification and guidance on this matter will provide certainty for landholders, especially agricultural producers, on what



agricultural lands are in-fact eligible for OECM recognition should a landholder wish to explore an opportunity.

The NFF would also like to seek clarification on whether OECM recognition can be revoked if important biodiversity values documented at the time of assessment are not maintained over the long-term as a result of a changing climate.

Principle 5: Restoration Sites

The NFF is concerned that the conditions for sites that are severely degraded, damaged, and/or destroyed to be considered for OECM recognition, specifically the requirement for sites to be delivering restoration and significant biodiversity outcomes, is too demanding and exclusionary in-practice. These conditions may unintentionally limit eligibility for OECM recognition to the point where the desired land-base for restoration sites may become limited or virtually non-existent. This is a major concern for the NFF.

Principle 6: Protected Area Consideration

The NFF would welcome further discussions with government on this principle to ensure that any intersections between Protected Areas and agricultural land (i.e., wetlands) can be identified, addressed, and resolved. It is our position that any intersections with agricultural land be avoided where possible.

Principle 7: Geographically Defined Area

The NFF is concerned that the requirement to clearly define the geographical boundaries of an OECM that is part of a larger property, and the subsequent effect this has on land differentiation, may prevent that part of the property recognised as an OECM from becoming a multiple-use landscape. As such, the NFF seeks clarification on whether an OECM that is part of a larger property can be zoned for multiple land-uses, or whether activities within that defined boundary are limited to those that deliver biodiversity conservation outcomes as indicated in Principle 11: Sustained Long-Term, Point 4. There may also be consequential land valuation issues that require consideration.

Principle 9: Governance

The NFF supports the current text of this principle, however, would welcome further detail and clarification on recognised governance types. The NFF welcomes further discussion on this matter when appropriate.



Principle 11: Sustained Long-Term

The NFF would like to seek clarification on whether registered covenants on land titles that protect one or several defined attributes of biodiversity significance from land-sale are recognised under Point 4 of this principle. It is our view that defined biodiversity be compatible with biodiversity conservation outcomes for OECM recognition.

Summary

The NFF does not support the draft principles to guide the recognition of OECMs in its current form and have raised several concerns and points of clarification. We would welcome amendments to the text of the seven guiding principles marked above to reflect and address our concerns. This would ensure shortcomings from an agricultural perspective can be adequately addressed prior to the commencement of the second round of public consultation.

The NFF thanks the Department for the opportunity to provide a submission regarding the eleven proposed guiding principles for OECM recognition. We look forward to further engagement on this issue. The policy contact for this matter is Warwick Ragg, General Manager (Natural Resource Management) via e-mail: WRagg@nff.org.au or phone (02) 6269 5666.

Yours sincerely,

TONY MAHAR

Chief Executive Officer