National Farmers Federation

Nature Repair Committee Outline of the Biodiversity Assessment Instrument

November 2024

The National Farmers' Federation (NFF) is the voice of Australian farmers.

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 breadth and the length 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.

The NFF represents Australian agriculture on national and foreign policy issues including workplace relations, trade, and natural resource management. Our members complement this work through the delivery of direct 'grass roots' member services as well as state-based policy and commodity-specific interests.

NFF Member Organisations

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04 November 2024

Nature Repair Committee Secretariat
Department of Climate Change, Energy, the Environment, and Water
King Edward Terrace
Parkes ACT 2600

Via email: naturerepaircommittee@dcceew-migration.gov.au

RE: Nature Repair Committee Outline of the Biodiversity Assessment Instrument

Overview

Dear Sir / Madam,

The National Farmers' Federation (NFF) welcomes the opportunity to provide a submission to the Nature Repair Committee's proposed outline of the Biodiversity Assessment Instrument to support the operation of the Nature Repair Market. The Biodiversity Assessment Instruments (BAI) will support consistency in how projects operating in the broader market are describing biodiversity improvements. It will apply to all methodologies operating under the *Nature Repair Act 2023.* This will help compare project outcomes and project data to the benefit of prospective participants and investors which are all outcomes strongly supported by NFF.

It is our understanding that several BAIs may be developed in the immediate future as further methodologies come online in 2025 and beyond. This approach is proposed as BAIs will establish the requirements for how information should be collected and utilised to describe improvements in nature for specific biodiversity project types, and as such, a tailored BAI relevant to the methodology determination can be understood as reflecting a common-sense approach.

The Nature Repair Market must develop over time and while we expect Government to remain a major player, trading between buyers should not be allowed. Only *"new"* biodiversity credits should be issued for sale. This entire document ignores farmers' knowledge and understanding of the landscape as it delegates significant influence to outside groups with regards to the assessment process. It is important to recognise and codify that the sustainable management of Australia's landscape by successive generations of farming families have resulted in an expert understanding and knowledge of nature, and the broader Australian landscape. Expert knowledge held by farmers must be accessed and incorporated.

First Nations

Indigenous Cultural and Intellectual Property

Given the timing and stage of development of several key documents, references to Indigenous Cultural Intellectual Property (ICIP) should be removed from this Discussion Paper until the matter is resolved in the appropriate forum. While Federal Government has

announced (March 2024) a commitment to commence formal staged consultation on the design of new laws to protect First Nations traditional knowledge and cultural expressions to support ICIP, Government has not introduced stand-alone legislation to address this concept. As stated by the Office for the Arts, "*consultation will be conducted in a staged manner, later stages will address the broader rights relating to ICIP*". Until this is resolved in an open and transparent manner **(including with meaningful and timely consultation with the agricultural sector),** it is premature for ICIP to be mentioned anywhere in this Biodiversity Assessment Instrument document.

The BAI will also require methods to include provisions for projects to identify and reduce the risks of particular climate change impacts where this would materially affect project outcomes being achieved. **It is important to recognise that climate change will result in opportunities and disadvantages for projects.**

First Nations Knowledge, Values, and Data

NFF opposes the notion that *"monitoring and verification of outcomes should be undertaken by First Nations peoples, not be outsourced to non-First Nations peoples or to the Clean Energy Regulator".* The monitoring and verification of biodiversity outcomes must be undertaken in a balanced approach whereby the knowledge and values of all stakeholder groups are equally recognised. Expert knowledge held by farmers must be accessed and utilised. It is also the case that there will be tracts of land that may not have identifiable traditional owner engagement and the assumption that it can be made to become available is challenging.

Should the BAI outline a condition or requirement for proponents to elicit knowledge from stakeholders during the project planning or assessment process, this must be undertaken in a balanced and equal manner. Indigenous knowledge and practices must be valued in the same manner as those held by other stakeholder groups, in particular, landholders who are significant environmental stewards of the Australian landscape. The principal issue here is to ensure a balanced consideration is achieved.

Commitment to Protection of Biodiversity

The example that *"a market project with a 100-year permanence period would deliver more of the 'protection benefit' if it is on an area with no current protection commitment, rather than on an area where there is already an existing legal protection mechanism in place"* is questioned. The protection benefit of a market project should be determined through measurement of diverse outcomes.

Conclusion

Please do not hesitate to contact Warwick Ragg, General Manager, Natural Resource Management, via e-mail: WRagg@nff.org.au at the first instance should you wish to discuss our remarks or seek specific views directly.

Yours sincerely,

TONY MAHAR
Chief Executive Officer

National Farmers Federation

Leading Australian Agriculture

NFF House
14-16 Brisbane Avenue
Barton ACT 2600

Locked Bag 9
Kingston ACT 2604

(02) 6269 5666
reception@nff.org.au
nff.org.au

National Farmers Federation
@NationalFarmers