



**TRUST FOR
NATURE**

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Public Accounts and Estimates Committee
Parliament of Victoria
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Dear Committee Secretariat

Meeting obligations to protect Ramsar Wetlands

Thank you for the opportunity to respond to this review.

Trust for Nature (the Trust) is Victoria's dedicated private land conservation agency, established under statute, and responsible for ensuring the long-term protection of biodiversity on private land in Victoria. Trust for Nature occupies a unique role within Victoria's natural resource management sector for the following reasons.

- It operates statewide and is Victoria's primary authority for biodiversity and natural resource management conservation on private land.
- It has helped protect more than 100,000 hectares of important habitat on private land, principally by entering into voluntary legal agreements on title with more than 1400 committed landowners.
- It has prepared a Statewide Conservation Plan for all private land in Victoria which underpins its conservation work and provides an integrated framework for planning and operations across Victoria.
- Whilst its statutory conservation objectives and functions mean that its focus is primarily private land, the realities of land tenure and conservation planning in Victoria requires that strategic approach to conservation in Victoria encompasses both land tenures. The Trust's expertise on conservation issues across the State thus assists with input into all statewide conservation issues.

It is in this context that we provide comments to this Parliamentary Inquiry with regard to specific aspects of the Terms of Reference as follows:

- provision of new information which has emerged since the Auditor-General's report was tabled; and
- provision of information that will improve specific areas of public administration and accountability, as this relates to those portions of Ramsar Wetlands on private land

We have no comments to make regarding the implementation of the VAGO recommendations by DELWP, Parks Victoria and CMAs.

Ramsar wetland designation

Ramsar wetland designation in Victoria largely occurs on public land, despite the fact that 83 per cent of all wetlands in Victoria in fact occur on freehold land. This is demonstrated in Attachments 1 and 2, which show that nearly all of the Ramsar wetlands are public land, whilst adjacent or nearby private-land sites are not designated. The Trust also notes that the selection criteria set by the Ramsar Convention indicates that 'wetlands should be selected for the List on account of their international significance in terms of ecology, botany, zoology, limnology or hydrology'.

The Trust supports an approach to Ramsar designation that more adequately reflects the criteria for identifying Wetlands of International Importance under the Ramsar Convention.

Ramsar governance on private land

Notwithstanding these circumstances, 11 of Victoria's 12 Ramsar Wetlands include some freehold land, totalling approximately 7,500 ha (unpubl TfN data), albeit much of this occurs on land owned by Melbourne Water. With the exception of the Melbourne Water sites, there are no explicit management guidelines or policy mechanisms applied to that private land portion of these Ramsar wetlands to ensure that their ecological values are maintained.

In the context of climate change and rising sea-levels, adjacent private land habitat will become increasingly important to maintaining or helping protect Ramsar Wetland values. Thus, when we apply DELWP's recommended buffer distance to help maintain wetland character (250m), there is more than 48,000 hectares of private land currently buffering Victoria's Ramsar Wetlands. Given the increasing importance of private land to maintaining the values of Ramsar sites, Trust for Nature suggests that the development of policies and guidelines for freehold land included within or buffering Ramsar Wetlands would be beneficial.

The Trust would welcome more robust governance and administrative arrangements for managing Ramsar sites, which include a greater focus on developing tailored management plans for private properties with, or abutting, a Ramsar Wetland.

All Ramsar sites would benefit from formal permanent protection

One way to ensure that management of Ramsar Wetlands on private land is improved and secured into the future is to offer formal permanent protection. This is achieved through a voluntary on-title legal agreement between the landholder and the Trust to manage environmental assets on the land, supported by a tailored management plan and stewardship program.

In accordance with our international commitments under the Ramsar Convention, in designating a Ramsar site, Australia has committed to set up and oversee a management framework aimed at conserving and maintaining the wetland and its ecological character. While formal protection is not a precondition for designation, the designation implies an obligation for some site protection (i.e. maintain its ecological character), which in turn suggests protection status. The Convention's Standing Committee has also recommended '...Parties to consider, wherever possible, developing processes which integrate efforts aimed at broader protected areas system development with Ramsar site network expansion, the nomination of World Heritage sites, and the identification of Biosphere Reserves'.¹ This integrated approach to recognising all Ramsar sites as part of a

¹ https://www.ramsar.org/sites/default/files/documents/pdf/sc/35/key_sc35_doc15.pdf

jurisdiction's formal protected area system is applied, by way of precedent, in the United Kingdom² and the European Union.³

Where Ramsar sites occur on private land, the Trust recommends the use of a formal protection mechanism, such as an in-perpetuity conservation covenant. This position is supported by a report commissioned by the Department of Sustainability and Environment (DELWP's predecessor) in 2012 which recommended that 'perpetual, binding agreements should be part of the policy toolkit for riparian and wetland works on private land'; and 'effective provision should be made for ongoing monitoring and stewardship support'.⁴ Trust for Nature covenants include an integrated stewardship program and management plan, addressing VAGO's finding that management plans, and their monitoring and implementation, have been inadequate.

In addition, where Ramsar sites occur on freehold land owned by statutory bodies or corporations, we note recent changes to the Flora and Fauna Guarantee Act which allow the Victorian Government to enter into critical habitat agreements, which result in areas the subject of a critical habitat determination being permanently protected through either section 69 agreements or conservation covenants. This formal designation of the land as protected land would help ensure its ongoing protection and management for nature conservation.

The Trust would support Ramsar wetlands which occur on private land being permanently protected using a Trust for Nature conservation covenant or a section 69 Agreement under the Conservation Forests and Lands Act 1970.

The need for incentives for private landowners

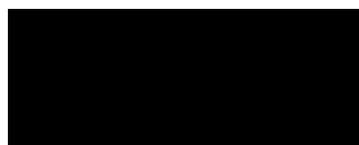
The VAGO report identified that a major challenge for achieving management commitments was where site boundaries for wetlands abut private land and depend on the willingness of those landowners to participate. A helpful solution would be to work constructively with landowners to protect their own sites with some financial or other assistance.

The Trust supports an incentive program for private landholders to enter into conservation covenants that protect wetlands and wetland buffer zones on their land. These incentives could take the form of direct payments, revegetation works or other on-ground works such as fencing.

Kind regards



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² <https://jncc.gov.uk/our-work/ramsar-convention/>

³ https://ec.europa.eu/environment/nature/natura2000/sites/index_en.htm

⁴ DSE: Investigating options for including landholder agreements on title for freehold riparian land and wetlands, Final Report, Dec 2012. Available on request.