



Factsheet updated June 2020

Voluntary Conservation on Private Land Part 1: Queensland Conservation Programs

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Queensland's terrestrial protected areas, including national parks and nature refuges, are world-renowned for their diversity, unique flora and fauna, and breathtaking scenery. They are the cornerstone of Queensland's nature conservation programs; protecting our state's rich biological diversity. This protection is increasingly important in the face of a changing climate.¹

Overview²

This fact sheet is Part 1 of a 4-part series of fact sheets on voluntary conservation on private land. It outlines general information on programs to preserve and protect private land for conservation purposes in Queensland. The voluntary programs place environmental covenants over private land which will bind landholders into the future. The covenants are negotiated between the Queensland Government and landholders as conservation agreements. Conservation agreements govern the permitted uses of the land to ensure that all land uses are consistent with conservation outcomes.

Voluntary Conservation on Private Land

There are various ways for private landholders to protect the natural values of their land. For long-term conservation objectives, there are two programs in Queensland for landholders to place permanent environmental protections on their properties. The first is the Nature Refuges Program which allows concurrent uses while protecting the environmental values of a property. The second is the Special Wildlife Reserve, which provides National Park level protection.

Nature Refuges Program

The Nature Refuges Program creates protected nature refuges on private land through voluntary conservation agreements between the Qld Government and landholders. A nature refuge is a class of protected area under the *Nature Conservation Act 1992* ('NCA').³ A nature refuge is negotiated through a legally binding nature refuge agreement between the landholder and the State which conserves the area's significant cultural and natural resources of the land while allowing compatible and sustainable land uses to continue.⁴ These agreements are binding on the land and future land owners. They may only be revoked or terminated in limited circumstances.

Establishing a nature refuge on your property will recognise the good land management practices already in place and provide access to additional support programs and funding from the Nature Refuges Program's partners, community groups and specialist advice. Special grants and financial assistance may also be available to landholders for upkeep, enhancement and on the ground projects.

Can my property be a nature refuge?

Nature Refuges must contain significant potential for biodiversity values at a property, landscape and strategic level. Potential nature refuges are those that:

- at a property level, contain significant conservation values that are of a sufficient size, condition and placement in the landscape to remain viable in the long-term;
- at a landscape level, increase representation of the state's biodiversity and establish or maintain landscape linkages and corridors;
- at a strategic level, possess exceptional values or circumstances that contribute to improved conservation in Queensland; and/or
- deliver on the objectives of NatureAssist.

How does it work?

The program has identified landholders through priority programs and will contact them to be involved. The Department of Environment and Science ('DES') have indicated they are

currently working with identified landholders; however, properties deemed to be of outstanding conservation significance will be considered outside the priority programs. There is currently no formal process for a landholder-instigated program.

If your property has been identified through a priority program, the property will be assessed by a DES officer to determine if the property is suitable to be a nature refuge. The assessment will consider the following:

- areas containing, or providing habitat for, threatened species of plants and animals (including areas that contain koala values within nominated South East Queensland local government areas)
- habitats or vegetation types that are threatened, such as endangered and of concern regional ecosystems
- habitats and ecosystems that are poorly represented in existing protected areas
- remnant vegetation
- movement corridors for native animals, especially those linking areas of remnant vegetation or existing reserves and/or
- significant wetlands.

If the property is deemed suitable, a nature refuge agreement will be negotiated. Once a nature refuge agreement has been entered into, the Minister will make a declaration of the protected status of the land.⁵

What is a nature refuge agreement?

Nature refuge agreements are binding agreements that run with the land and registered on title. This means that all owners or lessees will be bound to the terms of the agreement. The perpetual nature of the agreements ensure good land management practices and conservation works will continue when future generations or new owners take over.

The agreements are voluntary and negotiated with the landholder, taking into account the landholder's management and land use needs. Existing and potential land use opportunities may be accounted for, allowing a landholder to continue enterprise on the land in a sustainable way. The Agreement will govern what may be done on the property and the way it may be done. The Agreement may cover the whole or a portion of the property, whichever is suitable to achieve the conservation values and landholders wishes.⁶

It is a serious limitation that a nature refuge is not afforded protection from mining, grazing and forestry.

Special Wildlife Reserves

Special wildlife reserves are a newly created class of protected area under the NCA that aim to protect in perpetuity, exceptional natural and cultural values occurring on private land. Queensland is the first jurisdiction in Australia to create this level of protection on private land.⁷

Special Wildlife reserves provide a national park level of protection to private land that contains exceptional nature and/or cultural values and is managed in a way that focuses on conserving those values.⁸

The Queensland government works together with landowners to implement best practice private land management to achieve conservation outcomes on special wildlife reserves, increasing confidence for investment in private land conservation.

Unlike nature refuges, existing land uses including mining, grazing and forestry are not permitted within special wildlife reserves. However, in order to establish a special wildlife reserve, any interests such as mining permits or agistments must first be resolved.

How does it work?

The property will be assessed by a DES officer to determine if the property is suitable to be a special wildlife reserve. The assessment will consider the following:

- the natural and cultural significance of the land
- the land's connectivity and landscape values
- long term viability of the land's values
- the land's overall contribution to the protected area estate
- potential and active threats to the natural and cultural values
- capacity of the land holder to provide an ongoing professional, well-resourced high standard of conservation management.⁹

In addition to an assessment of suitability on the above considerations, possible alternative uses are also considered under consultation with the government industry, planning and heritage departments to avoid conflict with future zoning plans in the area.

Before a special wildlife reserve is declared, all interests relating to the property must be resolved.¹⁰ To ensure all interests are resolved, the Minister will give written notice to the following:

- (a) each person who has an interest in the proposed reserve area;
- (b) each holder of a mining exploration permit;
- (c) each holder of an authority to prospect for petroleum or gas; and
- (d) each holder of a mining interest, geothermal tenure, or GHG authority.¹¹

An interest in the proposed area includes all owners, mortgagees, leases, licensees (including agistments), and holders of equitable interests registered on title such as easements.

Interested persons will have the opportunity to make submissions to the Minister¹² and if their rights would be materially affected, the Minister cannot declare a special wildlife reserve without their consent.¹³ As such it is important to include all interested persons in discussions when considering whether a special wildlife reserve is suitable for your property.

Conservation Agreements and Management Programs

Conservation agreements for Special Wildlife Reserves are perpetually binding agreements negotiated between the landholder and the state.¹⁴ The Agreement forms the framework for the protection of the land's conservation values. Conservation agreements exist in perpetuity and bind any future landholders to its terms. They may only be revoked by a resolution of the Legislative Assembly in parliament.¹⁵ This is the same process required for revoking a national park. The intent is for this to only occur when it furthers the conservation of the land such as the dedication of the land to a state-owned national park.

While conservation agreements provide a framework of conservation values and aims, management plans provide the details management targets, actions and outcomes specific to the special wildlife reserve. The Agreement may contain statutory authorisations for the carrying out of appropriate activities for managing the land.

¹ Draft Queensland Protected Area Strategy, available here:

<https://cabinet.qld.gov.au/documents/2016/May/ProtArea/Attachments/DraftStrategy.PDF>

² This factsheet is a collation and simplification of information provided by the Department of Environment and Science (Qld). Further information can be found on the Department's website here:

<https://environment.des.qld.gov.au/ecosystems/nature-refuges/>

³ NCA s 14.

⁴ NCA s 22.

⁵ NCA s 46.

⁶ NCA s 45 (5).

⁷ <https://environment.des.qld.gov.au/wildlife/nature-refuges/special-reserves>

⁸ <https://environment.des.qld.gov.au/wildlife/nature-refuges/special-reserves>

⁹ <https://environment.des.qld.gov.au/wildlife/nature-refuges/special-reserves>

¹⁰ NCA s 43B (2).

¹¹ NCA s 43A (5).

¹² NCA s 43A (6).

¹³ NCA s 43B (2).

¹⁴ NCA s 43K.

¹⁵ NCA s 43J (2).