

# EDO-NQ Factsheet series

## Legal Mechanisms for conservation on privately owned land

### Comparative table of advantages & disadvantages



<i>Legal Mechanism</i>	<i>Advantages</i>	<i>Disadvantages</i>
<b>Nature Refuges</b>	<ul style="list-style-type: none"> <li>• Very strong protection</li> <li>• Long term protection</li> <li>• Environmental management advice from the EPA</li> <li>• Possible financial assistance from the EPA</li> </ul>	<ul style="list-style-type: none"> <li>• Lengthy approvals process</li> <li>• May not be available in the Wet Tropics World Heritage Area</li> <li>• Some landowners may not wish to enter such a long term agreement</li> </ul>
<b>Coordinated Conservation Areas</b>	<ul style="list-style-type: none"> <li>• Provides same protection as for a nature refuge</li> <li>• Allows multiple properties covering one area to be managed in a coordinated manner</li> </ul>	<ul style="list-style-type: none"> <li>• Only available in unique circumstances</li> </ul>
<b>Statutory Covenants</b>	<ul style="list-style-type: none"> <li>• Can provide long term protection because:                             <ul style="list-style-type: none"> <li>○ they are registered on the land title; and</li> <li>○ they can only be terminated or amended by agreement of the Government covenantee</li> </ul> </li> <li>• Some flexibility in what they can protect and how</li> <li>• Incentives to enter a covenant may be available from some government bodies</li> </ul>	<ul style="list-style-type: none"> <li>• Can be expensive to enter due to survey costs</li> <li>• Often are entirely dependent on local government to enforce, introducing an element of uncertainty</li> <li>• May not be suitable for land with multiple owners</li> <li>• No guarantee of government assistance</li> <li>• May affect (reduce) value of the land</li> </ul>
<b>Voluntary Declarations</b>	<ul style="list-style-type: none"> <li>• Can provide long term protection because:                             <ul style="list-style-type: none"> <li>○ they are registered on the land title; and</li> <li>○ they are unlikely to be removed by Government without good reason</li> </ul> </li> <li>• Easier to get than some other mechanisms</li> <li>• Comes with an environmental management plan approved by the Department of Natural Resources and Water</li> <li>• Enforcement is more certain than a statutory covenant</li> </ul>	<ul style="list-style-type: none"> <li>• Some potentially destructive activities are exempted from the given protection</li> </ul>
<b>Commonwealth Conservation Agreements</b>	<ul style="list-style-type: none"> <li>• Can provide long term protection because:                             <ul style="list-style-type: none"> <li>○ they are registered on the land title; and</li> <li>○ they may only be removed with the Commonwealth Minister's consent, or in some other way set out in the agreement.</li> </ul> </li> <li>• Incentives may be available for landowners</li> </ul>	<ul style="list-style-type: none"> <li>• Only available for conservation purposes in very unique environments</li> <li>• Most often used to offset a development with environmental management conditions rather than achieve pure conservation outcomes</li> </ul>
<b>Cooperative Management Agreements</b>	<ul style="list-style-type: none"> <li>• Include environmental management advice from the Wet Tropics Management Authority</li> <li>• Can be flexible and can be tailored to landowners' specific situation</li> <li>• Incentives may be available for landowners</li> <li>• Suitable for landowners looking for a short term agreement</li> </ul>	<ul style="list-style-type: none"> <li>• Long term protection is uncertain as they are not registered on the land title and therefore will not transfer to new purchasers of the land</li> <li>• Only available in the Wet Tropics World Heritage Area</li> <li>• Enforcement is dependent upon the Wet Tropics Management Authority.</li> </ul>
<b>Deeds of Agreement</b>	<ul style="list-style-type: none"> <li>• Can be very flexible</li> <li>• Inexpensive</li> <li>• Incentives may be available for landowners</li> <li>• Suitable for landowners looking for a short term agreement</li> </ul>	<ul style="list-style-type: none"> <li>• Long term protection is uncertain as they are not registered on the land title and therefore will not transfer to new purchasers of the land</li> </ul>
<b>Profit à Prendre Agreements</b>	<ul style="list-style-type: none"> <li>• Can provide a financial incentive for conservation</li> <li>• Can provide long term protection</li> </ul>	<ul style="list-style-type: none"> <li>• Not widely used for conservation</li> <li>• Dependent on there being a market for the profit à prendre agreement</li> </ul>