

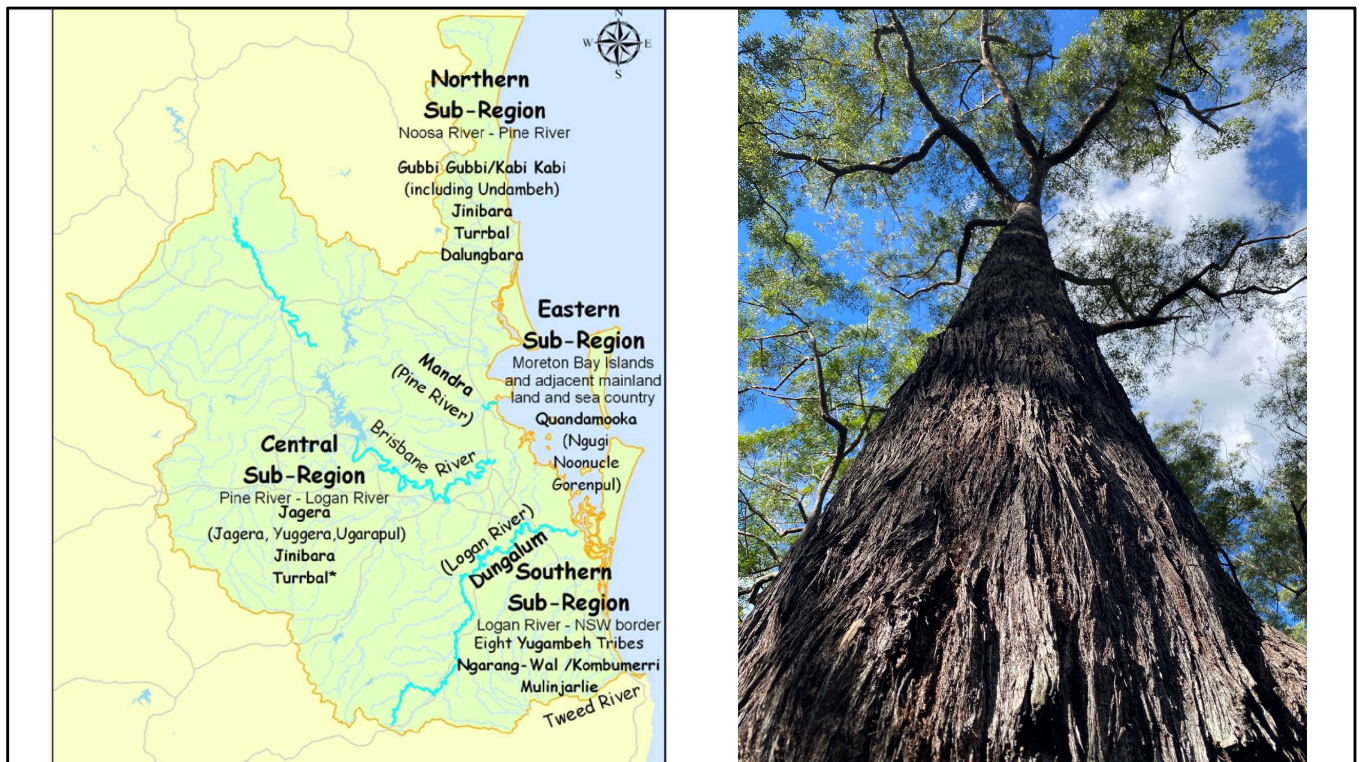


OPTIONS FOR
LEAVING A

CONSERVATION LEGACY

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Welcome and thanks.



Acknowledge that we are on Jagera/Ugarapul lands and I pay my respects to their Elders here today and the collective wisdom in this room today. I also acknowledge that the landscape we see today, unless it has been totally cleared or built over, is a living legacy of thousands of years of Indigenous management.

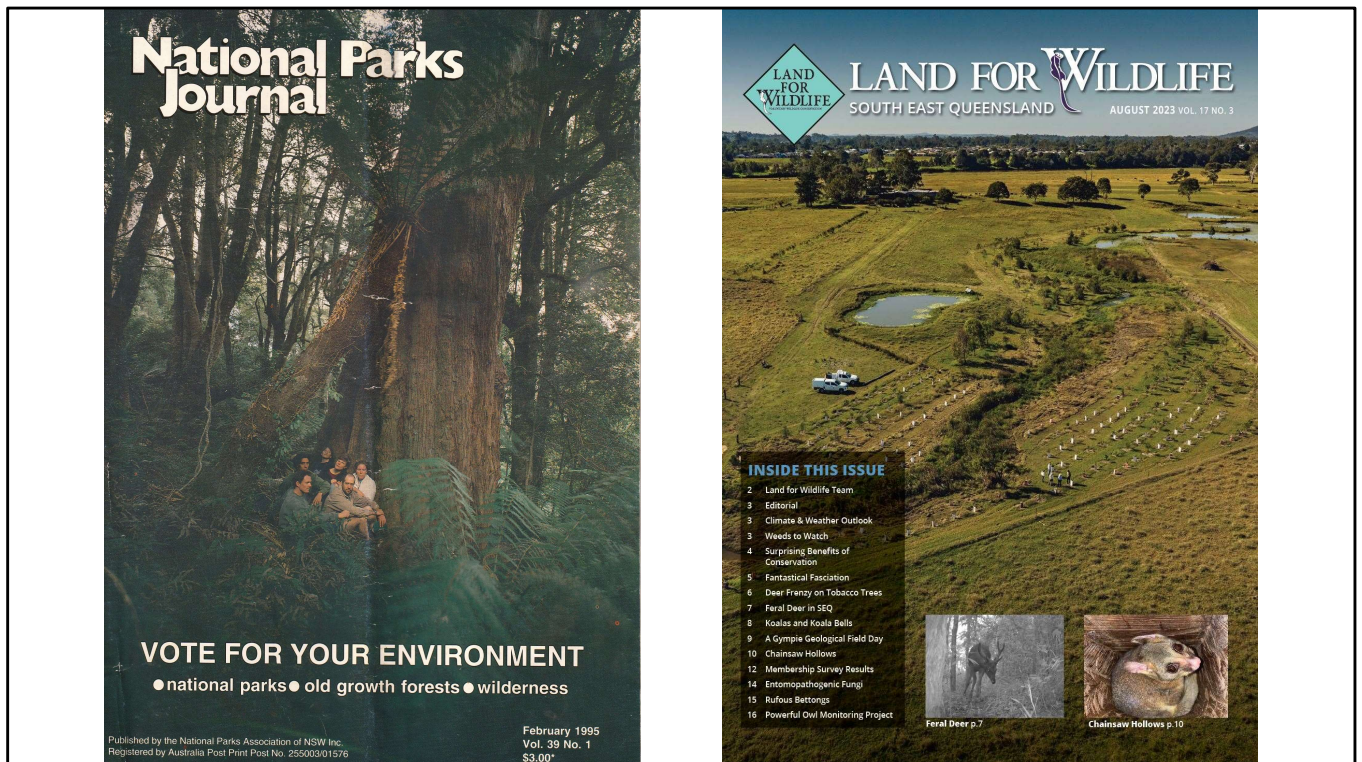
If we are going to talk about leaving a legacy and what that might look like in say 200 years, it is equally important for us to look backwards and to see the conservation legacies that people before us created.

One of those legacies are the big old trees. They are here because of Indigenous cool burning. They are being lost in each hot wildfire.



Quite a few of you know me and have known me for some time. I am a long-term LUCI member and supporter, although it is only this year that I have actually purchased a property in the Lockyer Valley in the Helidon Hills, which I am excited for the opportunities that my property might offer to LUCI members and others.

I am very lucky because I can still see the legacy of Indigenous management on my place. There are fields of Kangaroo Grass and really big old trees. Big old trees, Kangaroo Grass fields, yam beds along river flats are all living artefacts of First Nations people. We often think of artefacts as stone tools, cave paintings and petroglyphs, but I invite you to start to look for the living artefacts.



My main day job is being the regional coordinator of the LfW program in SEQ.

Working closely with the 13 LGAs across SEQ.

50+ LfWSEQ Officers, like Martin Bennett here at LVRC.

I coordinate regional activities and products like the quarterly LfWSEQ newsletter.

Share stories of landholders who are actively trying to leave a positive conservation legacy on their land.

Front cover of a magazine nearly 30 years ago when I was at university in Canberra campaigning to save big old trees.

So like a lot of you here I've been trying to save big old trees, and repair ecosystems for a while now.

Recognise the collective conservation legacy that we are leaving through our work or at home or on land we manage.

QUT Business and Law Australian Centre for Philanthropy and Nonprofit Studies

About us Research Resources Collaborate Give now

Philanthropy, fundraising and nonprofit marketing

Research > Philanthropy, fundraising and nonprofit marketing

Philanthropy, fundraising and nonprofit marketing are activities unique to nonprofits, foundations and charities as money is donated, without entering into a market exchange. Why, to what, and how people and organisations across the spectrum make donations – or don't – are core questions for this research theme. ACPNS has been integral to this research base, leading *Giving Australia* research for the Federal Government and annually analysing the ATO's Tax Deductible Donations data.

Projects

- Giving Australia
- Tax-deductible giving
- Private Ancillary Funds
- Public Ancillary Funds

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A few years ago, I went back to university at QUT to study philanthropy.

I did this because I can see that there is a gap in the market for people who are looking to leave a conservation legacy but they don't where to start. So I wanted to provide them with advice and support on how to do that and whether that is looking at invest their philanthropic dollar but also how they can try to ensure that their property is looked after into the future.

So today I am talking about this topic. It is a sensitive and difficult subject. Ive been fortunate to work with landholders and to hear their personal stories – their family situations, their financial circumstance and their life goals. It is a not a small subject because we are talking about our purpose in life and what we what to leave behind to those who we care about the things that we care about, including this land.



"I'm my late 70s and living alone, it is time to go. The inevitable grief at this departure will be profound.

But the forest remains, the wildlife remain.

I guess it is some comfort to reflect that it took a catastrophic event (floods of April 2024) to separate me from this place that has nurtured me for two-thirds of my life."

Annette Henderson

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Here is a quote from a landholder who I met a few years ago. A remarkable woman who managed a wonderful LfW property in Logan. Her hand was forced this year by the floods and she has to leave her property and it is nothing short of heartbreaking. But she has to move on.

I have seen first hand how landholders invest significant time, resources, sweat and care into managing their lands. They are strongly bonded with their land. It gives them identity, purpose, hope and joy. So the idea of leaving is difficult.

Everyone has unique circumstances.

No one-size fits all.



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Through my business, I have provided support and advice to landholders to help them navigate their options.

I have worked with landholders who have no clear next of kin, landholders who have large extended families and landholders who are estranged from their family. Some are wealthy in capital value, but struggle with day to day expenses, or they may be both wealthy in capital and in liquid assets. Some have mixed relationships to their wealth – some feel burdened by it, others feel liberated.

There is no one-size fits all for people and their circumstances.



So one of the obvious things we can do to leave a conservation legacy is to not clear the land. And if we do manage cleared or degraded land, we can restore it. And if we do manage land that is reasonably intact, we can try to protect the big old trees and the native grasslands and rainforests, and any Indigenous artefacts, living or otherwise. These are the things that are legacies from the past and they deserve our respect and care.



Options for Leaving a Conservation Legacy

1. Legal Agreements
2. Philanthropic Arrangements
3. Ownership Structures
4. Emerging Options
5. International Examples

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So today I will be discussing five categories of legacy options.



1. Legal Agreements

Covenants

- **Voluntary Conservation Agreements (*Land Titles Act*)**
- **Nature Refuge (*Nature Conservation Act*)**

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The first option is about how to legally ensure that the natural values of your property will be protected in the future.

In Qld there are two options to create legal, in perpetuity covenants.

One is through LGAs.

One is through the State Govt.

VCA

- Agreement between landholder and Local Government (*Land Titles Act*)
- Covenant on title
- Annual land management payments
- Annual visits
- Rate rebate
- Free to establish (LGAs pay)
- Offered by only 9 LGAs (6 actively)
- All started out as LFW.

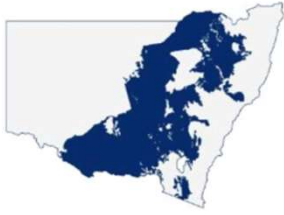
Nature Refuge

- Agreement between landholder and State Government (*Nature Conservation Act*)
- Covenant on title
- Highest form of protection in Qld
- Potential access to grants
- Can be costly or long wait times.

NRs are the highest form of conservation covenant and offers third-party compliance, unlike VCAs.

Both VCAs and NRs can be revoked.

Neither guarantee active land management.



Central or Eastern NSW

- within the central or eastern NSW fixed price offer boundaries
- a minimum 50ha of native vegetation, or,
- a minimum 20ha of a Threatened Ecological Community*, or,
- contain an important wetland*

Central Or Eastern NSW

1. Legal Agreements

Other Agreements

- **In-perpetuity (e.g. fixed price offer per hectare)**
- **Term (usually min 15 years)**
- **Co-investment partnerships**

The Biodiversity Conservation Trust (BCT) in NSW offers landholders a range of options:

- Fixed price offers per hectare for managing a threatened species or ecosystem under an in-perpetuity agreement.
- Term agreements (a couple of LGAs in SEQ used to offer term agreements, but none do anymore). BCT term agreements are for 15 years.
- Co-investment partnerships between BCT and landholders.

Paid agreements often ensure active management.



2. Philanthropic Arrangements

- Donating land
- Bequests
- Donating funds

Donating / Selling to Council

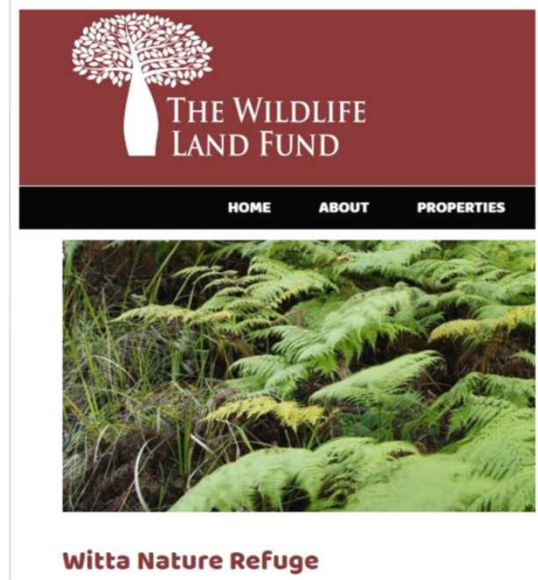


Some landholders have chosen to donate or sell their land to council to ensure its long-term protection. These properties have been added to the conservation estate and are managed by councils. Examples of land donated include the highly visited Mary Cairncross Scenic Reserve on the Sunshine Coast.

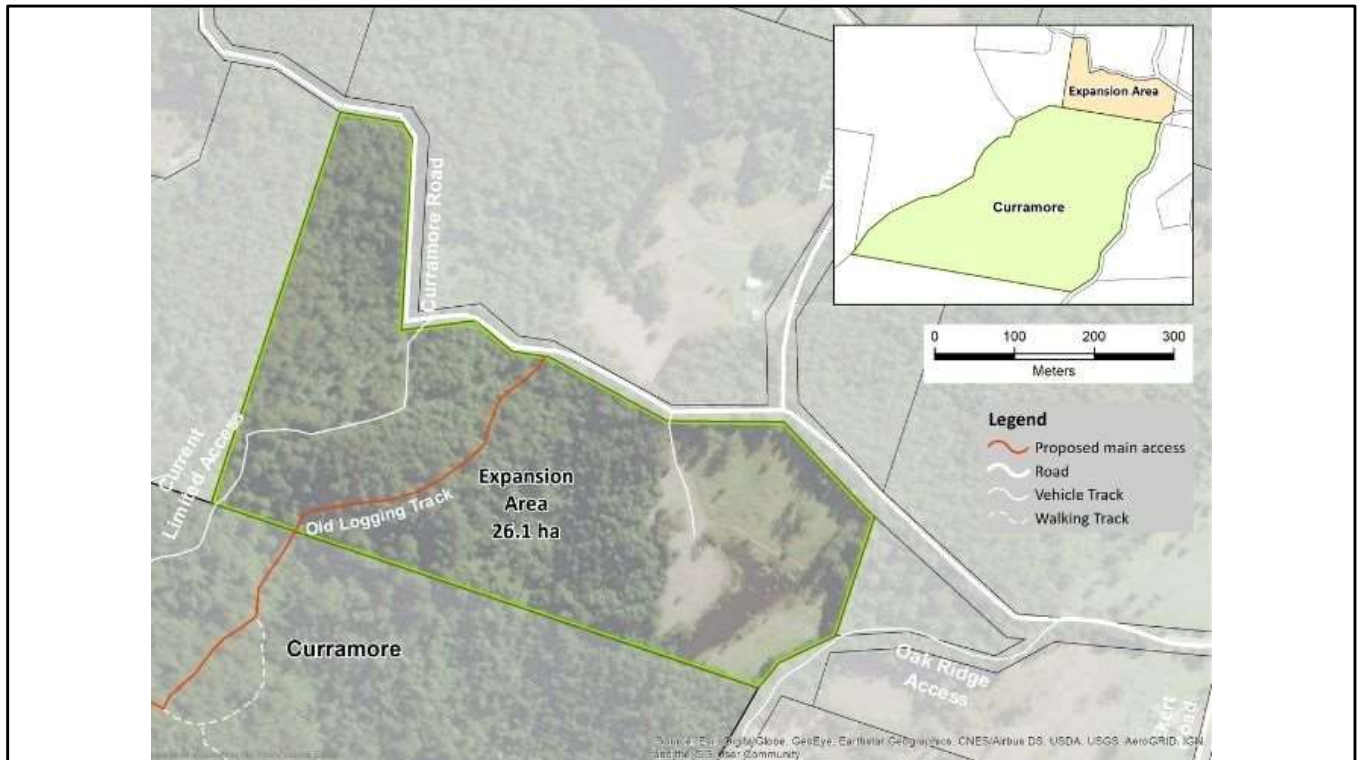
Lands that have been purchased by Local Governments include part of Grandchester conservation estate in Ipswich and Alice Creek Nature Refuge here in the Lockyer, Karawatha Forest in Brisbane and Tinchi Tamba Wetlands.

Not all councils have bushland acquisition programs.

Donating / Bequest to NGO



There are a handful of non-government organisations that have either bought or received donated or bequeathed land in SEQ. They include Bush Heritage Australia (their Currumbin reserve was bequeathed to them) and the Wildlife Land Fund (2 properties on the Sunshine Coast).



There is a wonderful story in the May 2024 LfWSEQ newsletter about Stephanie Hicks. She was a LfW member on the Sunshine Coast and actively worked to restore her block of land by planting over 3000 trees. She was actively involved in local landcare groups and was committed to conservation.

Close to her block is a property owned by the Australian Wildlife Conservancy. Stephanie decided to make a significant donation to the AWC to allow them to purchase a block of land adjoining the AWC reserve – in effect expanding the size of the reserve. Sadly, Stephanie passed away two years ago, but her legacy on the Sunshine Coast continues.

Stephanie’s conservation legacy is twofold: restoration on her own land, plus this expanded reserve at Curramore.



Stephanie's story is a positive one about how to donate funds to a NGO. This story is about what **not** to do.

This is a former LfW property. The owner had lived there for 70 years and remembered when she drank directly from the Brisbane River and called it a Garden of Eden, surrounded by honeyeaters. She understood the country and saw how early European farming along the river basically depended on the rich soils that had been in part created by Indigenous fire management and how quickly these fertile soils were depleted and now landholders are largely left with shallow, ancient poor soils.

The owner passed a couple of years ago, and her property was bequeathed to a well-regarded international NGO. That NGO does not manage land, so they sold the property on the open market shortly after receiving it. It is no longer LfW and the new owners do not have an environmental focus. Here are some steps to try to avoid such a tragedy.



Donating / Bequest to NGO

- Ask first!!
- Get to know the NGO
- Build a trusting relationship
- Consider on-going management costs
- Consider family impacts

- Make sure your effort results in a conservation legacy outcome, not a quick liquidation for an NGO



Make sure the NGO wants your land and has funds to manage it.



3. Ownership Structures

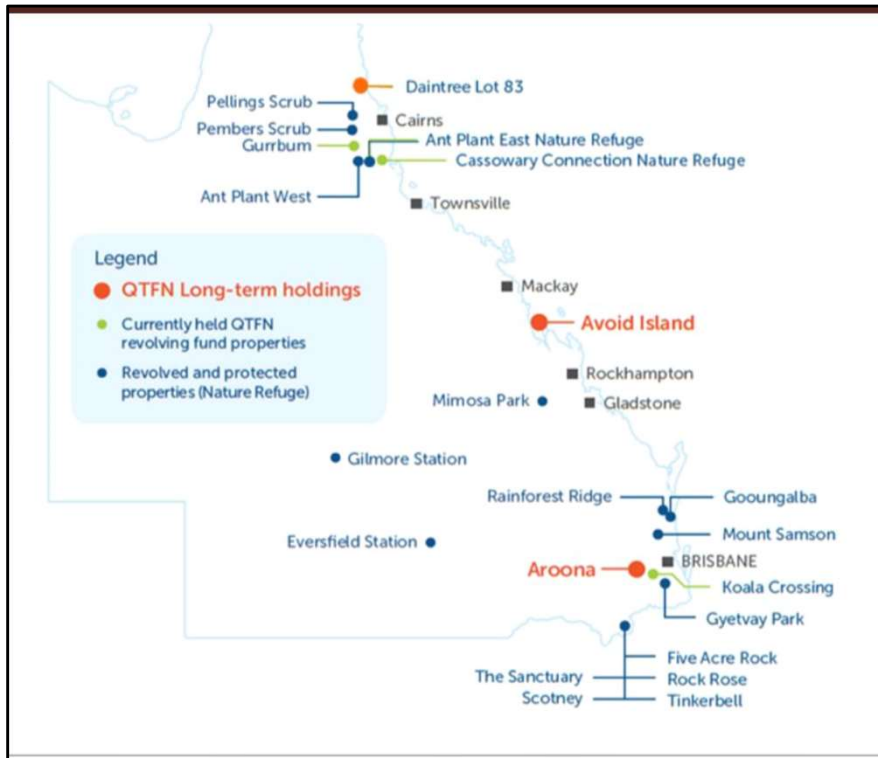
- Revolving Fund
- Community Ownership

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There are a couple of interesting options for leaving a conservation legacy through different ownership structures.

Revolving Fund



www.qtfn.org.au



The first one still refers to freehold land and is more of a process rather than a structure.

If you need to sell your property, there are NGOs that purchase land, secure a protective mechanism like a Nature Refuge, and then on sell. These are called revolving funds. The Victorian Trust for Nature is the best example of this in Australia. They receive government funding and donations and have negotiated over 1500 covenants.

In Qld, the QTFN has a revolving fund which buys properties, secures a Nature Refuge on it, and then on sell it. You can check out their properties for sale on their website. QTFN also has a handful of properties that they own and manage including Aroona in Ipswich that was donated to QTFN.



Community Ownership

- **Community Ownership**
- **Collective Stewardships**
- **Community Land Trusts**

- **Company limited by guarantee operating as a non-profit without shareholders**
- **No capital gains**
- **No mortgages**

One emerging structure for leaving a conservation legacy is what is referred to by several names including community ownership, collective stewardship or community land trusts.

It is a Company Limited by Guarantee operating as a non-profit without shareholders. Any capital gain from sale cannot be dispersed to its members or directors. People cannot buy into this. And the entity cannot take out a mortgage.

They are drawing from principles of the Commons and First Nations custodianship. There are two entities I know that are doing this. One is based on the Sunshine Coast and has one property, the other is Victorian based and has supported the transfer of title of 4 properties into this ownership model.

It is an option if you don't want anyone to sell your property or profit from your property.



4. Emerging Options

- First Nations land back foundation
- Nature Positive
- Nature Repair markets
- Biodiversity offsets
- Koala credits



Nature Positive

- **2020: Pledge to stop loss by 2030 & Full recovery by 2050**
- **2021: Taskforce on Nature-related Financial Disclosures (TNFD)**
- **2022: COP15 – 30 by 30**
- **2023: Nature Repair Act and Nature Repair Market**

One thing we are going to hear more and more about is Nature Positive.

Here is a bit of a timeline. In 2020, the international community (G7 and G20) pledged to stop biodiversity loss by 2030 and recover all the losses by 2050.

In 2021 a group was set up called the TNFD. They developed guidelines to help businesses and govts to identify, measure and mitigate the impacts to nature from their business activities. It is a great website and guidelines are available.

In 2022 many countries including Australia signed up to the 30 by 30 agreement as part of COP15 the international meeting on Biodiversity. It means that we are committed to protecting 30% of land and seas by 2030. Australia is at about 22% of lands protected, so a further 8% is required.

So to help achieve this, in Dec last year the Australian Govt passed the Nature Repair Act which allows for the creation of a Nature Repair Market. It is currently being developed.

Nature Positive

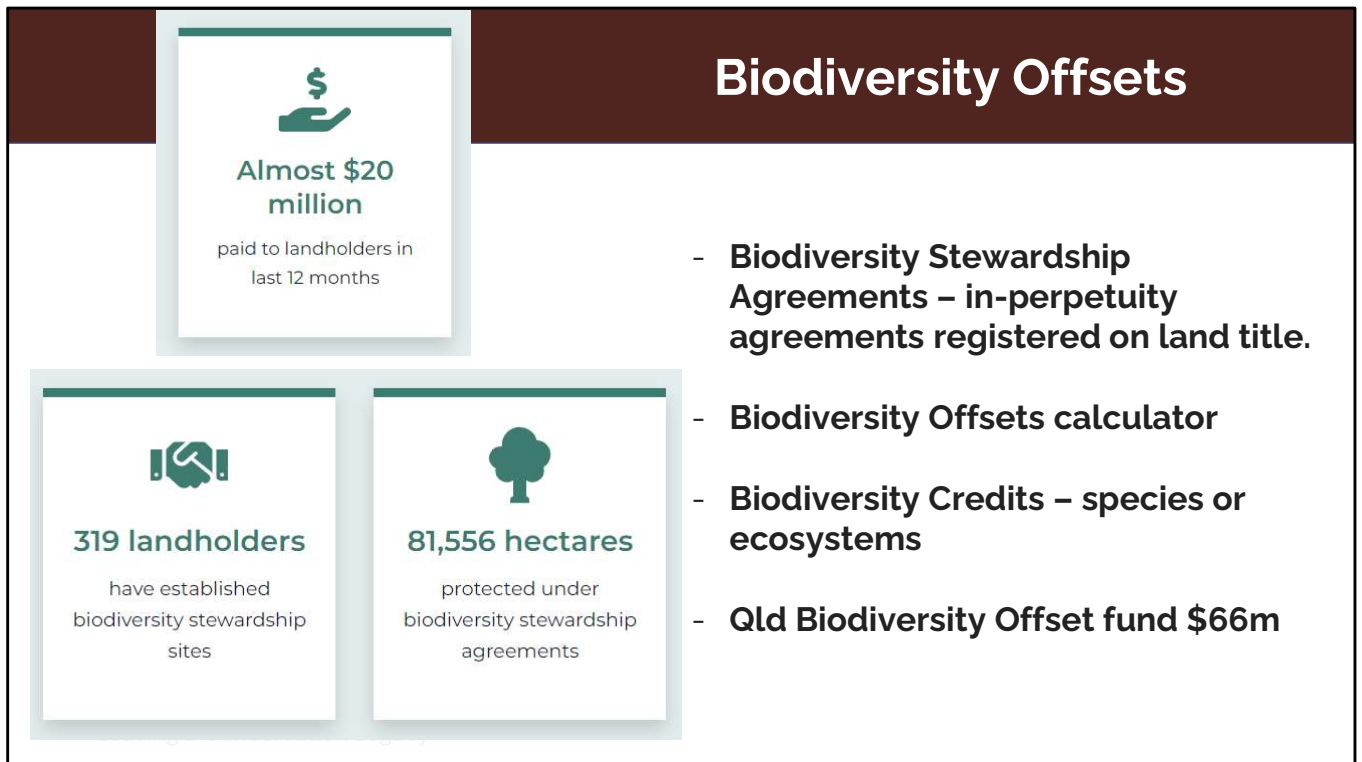


- E.g. L'Oreal Funds for Nature \$80m
 - Koala & Cassowary credits (voluntary)
- Vs...
- Biodiversity credits (offsets)

While the Australian Govt is working out what the Nature Repair market might look like, businesses are getting on the Nature Positive train. Loreal has a \$80m fund and has already secured credits in WA.

There are koala credits, cassowary credits and reef credits. Most of these are voluntary and there is not a legislative framework yet. Businesses are buying these because it is the right thing to do and they know in a decade or so it will be a legislative requirement to disclose nature risk and aim for Nature Positive.

These differ from biodiversity credits which are required by law as part of a development offset fund.



The NSW biodiversity offset scheme is functional. Last year, \$20m was given to landholders as part of these in perpetuity agreements that are registered on title.

They have a biodiversity calculator where you can see how much a koala or a particular ecosystem is worth.

Future owners will get paid for managing those ecosystems. Covenants don't ensure good land management, payments do.

In Qld, the offset system is not yet functional with the State Govt unable to distribute the funds adequately.



5. International Example

- Land Trusts in USA.
- Non-profit organisation that assists with acquiring a conservation easement (covenant) and can steward/manage the land

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In the USA, land trusts, which are a nonprofit organisation, help landholders to acquire a conservation easement (covenant) and work with the landholder to actively steward or manage the land.

I would like to create a similar scheme here in Australia. Especially for landholders who are struggling to manage their lands but want to continue living on their properties.



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Thank you any questions.