



15<sup>th</sup> April 2024

Protected and Conserved Areas Policy Section  
Department of Climate Change, Energy, the Environment and Water  
Email: [nrs.environment@dcceew.gov.au](mailto:nrs.environment@dcceew.gov.au)

**Re: Submission on the Draft Framework for Other Effective Area-based Conservation Measures (OECMs).**

The Federation of Victorian Traditional Owner Corporations (the Federation) is a state-wide body advocating for the rights and interests of Victorian Traditional Owner Corporations. We welcome the opportunity to make a submission on the *Draft Framework for other effective area-based conservation measures (OECMs)*. Following on from our submission to the Draft Principles in April 2023, our focus remains on ensuring OECMs respond to a rights-based approach for Victorian Traditional Owners.

The Federation notes that the OECM draft principles now includes some reference to Australia First Peoples including First Nations' governance (Principle 1), FPIC (Principle 2), cultural and spiritual values (Principle 5) and First Nations' knowledge (Principle 11), and as such is much improved. However, we wish to emphasise the ongoing conservation paradigm will continue to disadvantage Indigenous Peoples.

Overall, we strongly recommend that the outcomes from the ACIUCN forum '[Reimagining conservation](#)' (ACIUCN 2023) are considered in refining the Framework. First Nations leaders and Elders put considerable time and commitment into this forum to advise the Australian government and international conservation community of how conservation, including protected area management, needs to be reconsidered and redesigned to enable First Nations equity and inclusion. The design of OECM principles and framework should learn from these outcomes, and refer to the direction statements and rationale from Reimagining Conservation forums in the design of both the OECM principles and framework.

*"Redefining 'conservation' is a simple equation: Natural and Cultural Values = One Cultural Landscape" (ACIUCN 2023, p8)*

We suggest that the Framework could be improved by:

Issue	Recommendation	Rationale or examples
<p>Clarifying the means by which a First Nations 'governance body' will be identified.</p>	<p>That all forms of Commonwealth and State formal recognition be expressly included as part of defining what makes a First Nations peoples.</p> <p>Further, provide examples in the Framework, or supporting material, of where a First Nations group will be a 'governance body' for the purpose of the Framework. Include the relevant state and Territory tools to identify the relevant Traditional Owner Country and governance, for example in Victoria: <a href="http://www.achris.vic.gov.au">Welcome Map (achris.vic.gov.au)</a></p>	<p>Clarifying the meaning of 'governance body' will assist in undertaking Step 1 of the Framework.</p> <p>First Nations groups in Victoria are formally recognised as 'right people for Country' in a variety of ways including as native title holders, subject to native title settlement under the Victorian <i>Traditional Owner Settlement Act 2010</i>, as a Registered Aboriginal Party under the <i>Aboriginal Heritage Act 2006</i> and pursuant to the Victorian Aboriginal Land Rights Act and each must be clearly understood to be defined as a 'governance body' for the purpose of the Framework.</p> <p>Agree with the governance approach implied ie Traditional Owners have the authority to act/make decisions about the area.</p>
<p>Ensuring any initial consent of a First Nations governance body is ongoing.</p>	<p>A mechanism should be included in the framework that ensures that conditions of consent are satisfied on an ongoing basis.</p>	<p>It is likely that landowners will negotiate agreements with First Nations governance bodies which may be conditional on certain cultural values being incorporated into the plan and monitored on an ongoing basis. There may be risk that circumstances change which may affect any initial consent given by the First Nations governance body.</p>
<p>Recognising biocultural values - in addition to/ not to exclude or not inconsistent with biodiversity values</p>	<p>Add Indigenous cultural values, or biocultural values rather than refer to biodiversity values alone, throughout.</p> <p>Include stronger recognition of Traditional Owner rights and interests, biocultural values and management practices and inclusion of Traditional Owners more formally within the Step 1 and Step 3 of the framework</p> <p>Inclusion of biocultural or cultural values in Principle 4 (or at least not inconsistent with)</p>	<p>For example, Figure 2 - this could include Matters of Traditional Owner Significance which are recognised through Commonwealth legislation with the Victorian Regional Forests Agreements; include changes in the Checkpoints e.g. pp44-45 "<i>Does the site support at least one of the following: (Principle 3)</i>"</p> <p>Biodiversity values to be achieved should not be inconsistent with Traditional Owners' biocultural values. Colonisation is still occurring today and care must be taken that prioritisation of areas of particular importance for biodiversity do not result in biodiversity values being promoted over First Nations' cultural or biocultural values in priority areas.</p>

Including a stronger statement on valuing First Nations' cultural knowledge and practice in caring for Country (Principle 5)	Support the introduction of Principle 5, and encourage stronger statement.	Weak reference to First Nations' values or practices fails to acknowledge or include the First Peoples recommendations (Reimagining Conservation, ACIUCN 2023) to move towards a rights based approach in conservation. <i>"..a return to first principles where culture is valued and cultural authority is recognised.."</i> (ACIUCN 2023)  Current biodiversity values assessments can impose barriers to Traditional Owner management of Country: OECMs must not reinforce these barriers
Including a more binding statement than 'considered' or 'where appropriate' for Principle 11; and include in the Checklists with examples.	Support the inclusion of Principle 11 and First Nations People's knowledge in caring for Country as part of conserved area management arrangements.  Strengthen the statement to provide checks as reminders and for emphasis in the Framework.	For example, include in the Checkpoints (p48) prompts for how knowledge and involvement of First nations has occurred: <i>"Has First Nations Peoples' knowledge in caring for Country been considered in management arrangements?" If so, how?</i>
Include resilience to climate change impacts as part of Principle 12, and provide examples.	Include resilience to climate change impacts.	This can assist in the long term conservation of sites. Providing examples or references to information can provide an education opportunity and strengthen the outcomes long term.

The Federation will continue to emphasise the interconnection between biodiversity, culture and self-determination and seek close involvement of Traditional Owners in implementation.

We strongly encourage the meaningful involvement of Traditional Owner representatives in the design of the OECMs, and welcome the opportunity to assist DCCEEW engage with Victorian Traditional Owners for the design of the OECMs and other measures to achieve Australia's 30 by 30 target. For further clarification on our submission, please contact [tanya.vernes@fvto.com.au](mailto:tanya.vernes@fvto.com.au).

Yours sincerely



**Paul Paton**

CEO, Federation of Victorian Traditional Owner Corporations