

1.4.1 Defining the national park and conservation system

Although many types of tenure or legal agreement imply some form of conservation protection, only properties that are securely and permanently protected and managed primarily for conservation are genuinely protected (Box 1.2 explains these criteria). In this report, marine and terrestrial properties that meet these criteria are referred to as the ‘national park and conservation system’. They are a subset of what governments refer to as ‘protected areas’ or ‘reserves’.

Properties with the highest level of protection are referred to in this report as the ‘national park estate’. They are properties listed under the National Parks Act in schedules 2, 2A and 2B (national parks, state parks, wilderness parks) and schedules 7 and 8 (marine national parks, marine sanctuaries) or they are reference areas under the Reference Areas Act. The terrestrial national park estate covers about 3.3 million hectares and the marine estate about 54,000 hectares (Table 1.2).

A second tier of protected areas that are also part of the national park and conservation system (‘other conservation properties’) includes properties listed under schedule 3 of the National Parks Act and private properties with a perpetual covenant under the Victorian Conservation Trust Act (Trust for Nature covenants). They are securely and permanently protected but have less rigorous legal requirements for conservation management than the national park estate. They are typically also smaller properties, averaging 150 hectares. They total about 600,000 hectares (Table 1.2).

Other tenure types that are typically called ‘protected areas’ or ‘reserves’ but do not meet the criteria for the national park and conservation system

include properties such as those listed in schedule 4 of the National Parks Act (marine and coastal parks, marine reserves, marine parks) and wildlife reserves that permit hunting. Their protection may be insecure (able to be easily changed) or temporary or there is no specified primary management intent for conservation.

Table 1.3 outlines the protected area categories used in this report, including the legislation under which they are enacted.

Table 1.2 National park and conservation system³⁸

Category	Number	Area (hectares)	% of state
Marine – national park estate			
Marine national parks	13	52,241	5.2
Marine sanctuaries	11	864	0.1
Marine total	24	53,776	5.3
Terrestrial – national park estate			
National parks	45	2,901,284	12.8
State parks	26	157,825	0.7
Wilderness parks	3	200,699	0.9
Reference areas ⁽¹⁾	54	25,392	0.1
Subtotal	128	3,274,528	14.4
Terrestrial – other conservation properties			
<i>Public:</i> eg nature conservation reserves	2,775	526,041	2.3
<i>Private:</i> Trust for Nature properties & covenants	1,330	93,456	0.4
Subtotal	>4,000	595,033	2.7
Terrestrial total	>4,000	3,901,941	17.2

Sources: Federal Department of the Environment (CAPAD 2012), Victorian Department of Environment and Primary Industries (Public Land Management spatial data 2013), Trust for Nature (2014). Note: ⁽¹⁾ There are additional reference areas that overlap with other protected area categories.

Box 1.1 Criteria for the national park and conservation system

Three criteria must be met for an area to qualify as genuinely protected and part of the national park and conservation system: the conservation agreement is secure and permanent and the primary focus of management must by law be biodiversity conservation.³⁹

- Security – protected areas are secure if their status is under control of an act of parliament (one focused on conservation) and requires a parliamentary process to extinguish the protected area or excise portions from it, or if they are under a secure contract, covenant, agreement or other legal instrument that has similar security.
- Permanence – ideally, protection should be in perpetuity; 99 years is a minimum.
- Primary management intent – biodiversity conservation must be the primary management goal. It is important to distinguish between a requirement to pro-actively manage for biodiversity conservation, and a lesser (insufficient) requirement to simply restrict particular uses which may impact negatively on biodiversity.

Table 1.3 Protected area categories: Victoria's national park and conservation system, as defined by VNPA

Tenure / mechanism	Legislation	PROTECTED AREAS ⁽¹⁾		
		National park & conservation system ⁽²⁾		Not in the national park and conservation system
		National park estate ⁽³⁾	Other conservation properties	
PUBLIC LANDS (LAND STATUS DEPENDENT ON ACT)	National Parks Act ⁽⁴⁾	Schedule 2: National park Schedule 2A: Wilderness park Schedule 2B: State park Schedule 7: Marine national park Schedule 8: Marine sanctuary	Schedule 3: other parks & reserves: <ul style="list-style-type: none"> ▪ Coastal park ▪ Flora & fauna reserve ▪ Park Schedule 4: selected reserves: <ul style="list-style-type: none"> ▪ Nature conservation reserve 	Schedule 4: miscellaneous parks & reserves: <ul style="list-style-type: none"> ▪ Marine & coastal park ▪ Marine reserve ▪ Marine park
	Crown Lands (Reserves) Act		Nature conservation reserves: <ul style="list-style-type: none"> ▪ Flora & fauna reserve ▪ Wildlife reserve (no hunting) ▪ Flora reserve ▪ Nature conservation reserve Natural features reserves: <ul style="list-style-type: none"> ▪ Scenic reserve ▪ Geological reserve ▪ Bushland reserve ▪ Natural features & scenic reserve ▪ Streamside reserve ▪ Cave reserve ▪ Geological & geomorphological features area Phillip Island nature parks ⁽⁵⁾	Natural features reserves: <ul style="list-style-type: none"> ▪ Wildlife reserve (hunting) ▪ River Murray reserve
	Fisheries Act			Fisheries reserve (if used for critical habitat) (not in use)
PRIVATE LANDS	Victorian Conservation Trust Act		Perpetual covenant ⁽⁶⁾ Trust for Nature nature reserve ⁽⁷⁾	
	Conservation, Forests & Lands Act			Section 69 agreement in perpetuity ⁽⁸⁾
	Wildlife Act		Wildlife sanctuary	
	Private agreements			Land management cooperative agreement with Alcoa ⁽⁹⁾
INDIGENOUS LANDS	National Parks Act	Jointly managed schedule 2, 2A, 2B reserve (as above) ⁽¹⁰⁾	Jointly managed schedule 3 or 4 reserve (as above)	Jointly managed schedule 4 reserve (as above)
	EPBC Act (federal) ⁽¹¹⁾			Indigenous protected area agreements to manage natural and cultural values
OVERLAYS	Reference Areas Act	Reference area		
	National Parks Act		Schedule 6: <ul style="list-style-type: none"> ▪ Remote natural area⁽¹²⁾ 	
	Wildlife Act ⁽¹³⁾		State wildlife reserves: <ul style="list-style-type: none"> ▪ State game refuge ▪ State faunal reserve Nature reserve Wildlife sanctuary	State wildlife reserves: <ul style="list-style-type: none"> ▪ Game reserve (hunting)
	EPBC Act (federal)			Critical habitat (not in use)
	Flora & Fauna Guarantee Act			Critical habitat (not in use)

Explanatory notes for Table 1.4

- (1) Most of these tenures are those recognised as protected areas by the Victorian Government in its provision of information to the 2012 Collaborative Australian Protected Area Database (CAPAD),⁴⁰ and thus are recognised by the IUCN, the Convention on Biological Diversity, Australia's National Reserve System and National Representative System of Marine Protected Areas. However, Trust for Nature covenants and reserves and section 69 agreements are not recognised in the CAPAD. Areas designated under the Forests Act, such as special protection zones, special management zones and Section 50 reserves, are not considered secure enough to be regarded as protected areas since they can be easily altered.
- (2) Properties in this category are regarded as 'conservation reserves' by the Victorian Environmental Assessment Council. Other reserves placed in this category by the Victorian Environmental Assessment Council (but not in the national park and conservation system as defined in this review) include marine reserves, marine parks and national heritage parks (under the National Parks Act)
- (3) These areas are largely exempt from mining by virtue of the Mineral Resources (Sustainable Development) Act (section 6).
- (4) The historic park and national heritage park reserve categories are protected under the National Parks Act but are not regarded as part of the national park and conservation system.
- (5) The crown lands that make up Phillip Island Nature Parks were reserved for the conservation of areas of 'natural interest', 'ecological significance', 'natural beauty and historic interest', 'recreation and amusement' or other public purposes.
- (6) Covenants are not recognised in the CAPAD 2012 but they are included here as part of the national park and conservation system because their protection is permanent and they are required by law to be managed for conservation. A few covenanted areas are used for production and therefore not regarded as part of the national park and conservation system.
- (7) For example, Ned's Corner. These are not recognised in CAPAD 2012 as protected areas but are permanently and securely protected.
- (8) Not recognised in CAPAD.
- (9) Agreement on 8 November 2000 to manage Anglesea Heath.⁴¹
- (10) Title is held by Indigenous owners, the land is subject to an agreement under the Traditional Owner Settlement Act, a management board with majority Indigenous owner representation is established and the land is managed in accordance with the National Parks Act.
- (11) EPBC Act is the 1999 federal Environment Protection & Biodiversity Conservation Act.
- (12) All remote natural areas created to date lie within the national park estate, which offers additional protection.
- (13) Each reserve type overlays an equivalent wildlife reserve (either hunting or no hunting) under the Crown Lands (Reserves) Act.