



SUBMISSION

25 September 2023

Merridie Martin
Director - Native Vegetation, Pastoral Land Management and Landscape Services
Department for Environment and Water
81-95 Waymouth Street
ADELAIDE SA 5000

Dear Merridie

Re: Native Vegetation Act amendments (early consultation)

Thank you for the briefing session on Friday 1 September 2023 and the opportunity to provide early comment on the proposed amendments to the *Native Vegetation Act 1991* (Act).

Livestock SA is the peak industry organisation for South Australia's red meat and wool industries. There are over 5,200 sheep producers and more than 2,700 beef cattle producers in the state. With a membership of over 3,500 sheep, beef cattle and goat production businesses, we work to secure a strong and sustainable livestock sector in South Australia.

South Australia's \$4.3 billion livestock industry is a key economic contributor to the state which supports 21,000 South Australian jobs across the red meat and wool industries.

Livestock SA is a member of Primary Producers SA and is the South Australian industry representative body of four national peak industry councils: Sheep Producers Australia, Wool Producers Australia, Cattle Australia and Goat Industry Council of Australia.

We understand that this process is designed to enable refinement and improvement to the Act, not a full review of the Act. We have grouped the 13 proposed amendments to the Act, which were provided in-confidence at the consultation session on 1 September, into the following key themes.

Administration amendments

Native Vegetation Fund

Livestock SA notes the government is seeking to expand the use of the Fund to:

- allow money not associated with clearance of vegetation to be used to support the general administration of the Act; and
- offset clearance to be available for use for a greater range of conservation related activities, with a small proportion to be available to support the administration and monitoring of those activities funded.

We consider policy or guidelines outlining the appropriate use of the Fund, the level of expenditure across different areas, and a transparent decision-making process is required to ensure the most effective land and vegetation management outcomes are pursued. Independent and periodic reviews of the realisation of outcomes sought will add to the accountability and integrity to the use of these funds.

We support the Fund being used for additional activities such as reverse auctions and incentive programs to help establish, manage and protect native vegetation. However, we do not support the Fund being used to purchase property without first reviewing and supporting the policy/guidelines that will enable this activity.

NVC Membership

Livestock SA understands the government is seeking to change the membership of the NVC to be expertise based and reflect a broader skill base, including First Nations representation or expertise.

We support processes that deliver decision-making and governance bodies that can effectively discharge their responsibilities. If the government decides to move to a skill based NVC, it should also adopt a selection panel process to make those appointments. The selection panel should comprise representatives from the current membership bodies to ensure stakeholder buy-in. The panel's terms of reference should include provisions such as 75% agreement on appointments to ensure a single representative body cannot veto an appointment.

We have recently become aware of the government platform 'BoardingCall'¹ that enables individuals to create personalised profiles to be considered for a government board or committee. Conceptionally we can see the benefit of such a platform, but it is not something many of the best candidates from our industry will use. If government genuinely wants to secure the best qualified people on its boards/committees, a body of work with industry needs to occur to augment, refine and raise the awareness of such a platform.

Clearance application process

Livestock SA understands the government is seeking to simplify and clarify the consideration in relation to the circumstances in which consent can be given despite the clearance being deemed seriously at variance with the principles of clearance, and that the changes will largely reflect the current provisions.

We support aligning and streamlining processes where possible. While it is expected that the proposed amendments will neither reduce nor increase protections for native vegetation, we consider this presents an opportune time to review and explain how this process applies to certain agricultural activities such as installing centre pivot infrastructure and the interaction between grazing and clearing, especially grazing under Pastoral leases.

SEB and Conservation Agreements

Livestock SA understands the government is seeking to provide more clarity on the matters the NVC should consider when determining if a proposed Significant Environmental Benefit (SEB) is appropriate, including having regard for the type of vegetation being impacted, the duration of the impact and the cumulative impacts of the clearance. It will also ensure that offsets are only considered once all reasonable steps have been taken to firstly avoid and then minimise impacts.

¹ <https://www.boardingcall.sa.gov.au/#/>

We support amendments that will deliver greater certainty and administrative efficiencies but seek further clarity on the level of discretion given to the NVC regarding the term of a Conservation Agreement. It will be important to articulate the time periods aligned with various conservation activities and to clarify the actions that result in certain outcomes, otherwise this may result in a loss of credibility.

Regulations and Exemptions

Livestock SA understands the government is seeking to move exempt activities into the Act for consistent assessment requirements, which is intended to ensure applications to clear vegetation are subject to the same application process, information requirements and application fees.

We support the administrative efficiencies that may result from this amendment and request a review of the requirements for fencing exemptions, particularly regarding creating fire breaks, and other exemptions that enable effective fire management. For example, all infrastructure on a parcel of land should be considered a 'building'.

Intact stratum should also be reviewed. A stratum of native vegetation alongside essential infrastructure such as fences, pipelines, roads, powerlines that may have been built more than 20 years ago should not automatically fall under this definition as it may be present due to poor maintenance or management in the past. At no point should native vegetation management override human safety (e.g. firebreaks, road clearances).

Compliance Provisions

Livestock SA seeks further clarification on the circumstances where machinery may be seized to prevent further clearance. For example, there could be instances where the parties concerned (e.g. contractors or their related companies) may not be aware of any wrongdoing.

Thank you for the opportunity to comment on the proposed amendments to the Act. We welcome continued engagement throughout this process. Please contact the Livestock SA office on (08) 8297 2299 or via admin@livestocksa.org.au if you would like to discuss this submission further.

Yours sincerely



Travis Tobin
Chief Executive Officer