



## SUBMISSION

7 June 2024

Native Vegetation Team  
Native Vegetation Branch  
Department for Environment and Water

By Email: [DEW.NVActAmendments@sa.gov.au](mailto:DEW.NVActAmendments@sa.gov.au)

Dear Sir/Madam

**Re: Submission to Native Vegetation (Miscellaneous) Amendment Bill 2024**

Livestock SA is the peak industry organisation for South Australia's red meat and wool producers. Representing over 5,200 sheep producers and more than 2,700 beef cattle producers across the state, we work to secure a strong and sustainable livestock sector. 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.

We welcome the opportunity to provide comment on the draft Native Vegetation (Miscellaneous) Amendment Bill 2024 (Bill), which is important to our members.

### Introduction

The Australian beef cattle and sheep industries are committed to land management practices that balance livestock productivity and caring for our environment. The Australian Beef Sustainability Framework (ABSF) is an industry initiative to continue to improve the Australian beef cattle industry by addressing key focus areas. One of these areas includes 'Environmental Stewardship,' with specific priorities set on the balance of tree and grass cover, biodiversity, soil health and ground cover<sup>1</sup>.

The Australian sheep industry also places land management as an ongoing focus for continuous monitoring and improvement which is led by the Australian Sheep Sustainability Framework (SSF). Included in the framework is the theme of; 'Enhancing the environment and climate and underlying priorities to improve natural resource management, responsible environmental practices and encouraging biodiversity'<sup>2</sup>.

South Australian red meat and wool producers have also demonstrated their commitment to responsible land management through the SA Red Meat and Wool Blueprint 2030 (Blueprint), which

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<sup>1</sup> Australian Beef Sustainability Framework <https://www.sustainableaustralianbeef.com.au/>

<sup>2</sup> Sheep Sustainability Framework <https://www.sheepsustainabilityframework.com.au/>

is aligned to the ABSF and the SSF and various other relevant state and national strategies and frameworks. The Blueprint consolidates the previously separate South Australian Sheep and Beef Blueprints, which helped develop the industry over the last ten years and pursue improvement goals.

The Blueprint includes a focus on the environment and land management with targets including:

- 90% Natural Resource Management Regions achieve healthy ground cover ‘thresholds’ relevant to the region
- Increase in the area of natural habitat on livestock properties actively managed for positive biodiversity outcomes
- Contributing to the global ‘30 by 30’ target under the goal of increasing soil health, enhancing environmental stewardship and actively encouraging biodiversity<sup>3</sup>.

With Livestock production occurring on 84 per cent of South Australian agricultural land<sup>4</sup>, livestock producers have an invaluable contribution to the management of land in South Australia. Livestock producers and industry more broadly take this stewardship responsibility seriously and understand the need to balance livestock production in an efficient and profitable manner with positive environmental outcomes.

## **RESPONSE TO SURVEY QUESTIONS**

### ***Do you support the amended definition of substantially intact native vegetation?***

Livestock SA supports the amended definition of substantially intact native vegetation, with clarification. As stated in our previous submission to the early consultation process, we do not consider this definition should include vegetation alongside essential infrastructure such as fences, pipelines, roads and powerlines that were built more than twenty years ago. Intact native vegetation may be present, but this may be due to poor land management and clearance around essential infrastructure should be permitted especially when it is required for human safety purposes, including firebreaks and road clearances.

### ***Do you support the inclusion of the mitigation hierarchy in the Act?***

Livestock SA supports alignment of relevant legislation where possible, practical and appropriate. The introduction of the mitigation hierarchy from the *Native Vegetation Regulations 2017* into the Act, aligns with the proposal to introduce a mitigation hierarchy into the new Biodiversity Act. This was supported in principle by Livestock SA; however, we continue to advocate that factors must not be considered in isolation, and decisions should be made with a view of all the impacts of that decision.

### ***Do you support moving the definition of significant environmental benefit from the Regulations to the Act?***

Livestock SA supports amendments to the Act that will create greater clarity and administrative efficiencies. We understand that the definition of significant environmental benefit has been moved into the Act to create these efficiencies and there has been increased detail added to improve clarity in the Act.

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<sup>3</sup> SA Red Meat and Wool Blueprint 2030 (yet to be released)

<sup>4</sup> ABS Agricultural Commodities, Australia 2020-21, Agricultural Commodities, Australia, 2020-21 financial year | Australian Bureau of Statistics (abs.gov.au)

***Do you support the membership of the Council being changed to be expert based?***

Livestock SA supports appropriately skilled people with the relevant expertise to undertake the responsibilities of being a member of the Council; however, we do not support Section 5 of draft Bill substituting section 8 of the Act as drafted.

We understand that the proposed change would enable membership of a new Council to be determined exclusively by the Minister of the day, through direct nomination of individuals to fulfil a prescribed list of skills. We do not consider that a Council being determined by political sanction is in the best interests of our industry, regional communities, or all South Australians.

Under the current appointment process, the Minister already has the power to directly appoint most of the Council, which enables skills and expertise sought in the Council to be addressed.

Naming specific entities or businesses in legislation is flawed as they are subject to change, in which case the legislation becomes outdated. We support including clear language that ensures appropriate representation from those best suited to provide informed, constructive and representative views on the behalf of the industries or areas that will be impacted by the legislation.

We strongly consider that any advisory council needs to ensure its membership includes representatives that have significant demonstrated knowledge and experience in the relevant areas. Primary production comprises of different industries and the 'one size fits all' approach to primary production is too broad. The livestock industry is custodian of about half the state's landmass, which accounts for 84 per cent of South Australian agricultural land use. As the major steward of the land, it therefore stands to reason that this 'stakeholder' has its own representative on a future Council, in addition to a representative for primary production more broadly.

***Do you support the expanded use of the money from the Fund?***

Livestock SA supports expanding the use of money from the Fund for activities for incentive programs to help establish, manage and protect native vegetation, and where appropriate, to use funds for general administration of the Act.

We support amendments to provisions of assistance to landholders for increased activities including enhancing native vegetation growing on situated land, establishing native vegetation and undertaking research in relation to conservation, enhancement or management of native vegetation.

As stated previously, we do not support the Fund being used to purchase property without reviewing and providing support for the policy/guidelines that would enable this activity. We also consider independent and periodic reviews of impact of expenditure from the Fund is appropriate to help ensure its integrity and enhance the effective administration of the Act.

***Do you support the introduction of conservation agreements?***

Livestock SA seeks further clarification as to how this amendment would work in practice.

***Do you support the expanded purposes for which landowners can apply for financial or other assistance?***

In principle, Livestock SA supports landholders being able to access a wider range of funding options to support positive conservation outcomes. However, we seek further clarification around this proposed amendment and its interaction with the expanded use of money from the Fund.

***Do you support the increase in expiation fees and penalty provisions?***

Livestock SA notes that this amendment proposes to increase penalties from \$100,000 to \$500,000 for non-compliance with clearance obligations. Livestock SA supports alignment with the penalty provisions imposed in other jurisdictions but recommends that government incorporate a comprehensive education element as part of the change to increase landholder understanding of their clearance obligations and the associated penalties for not compliance.

***Do you support the introduction of provisions to allow minor clearance of intact stratum in limited circumstances?***

Livestock SA supports aligning and streamlining processes for the allowance of clearance of vegetation, under appropriate circumstances, such as the amendments to establish standard and consistent application processes.

We have previously highlighted the importance of ensuring human safety is paramount and the need for the act to allow for the clearance of vegetation to manage bushfire risks. We support the amendments for authorisation for the clearance of native vegetation under 27 4(b) for the purpose of *“protecting the life, health or safety of any persons from a serious risk of bushfire”*.

We also consider that circumstances such as clearing along roads for safety purposes or installation of fencing, must also be allowed for minor clearance and should be included as a *‘prescribed circumstance’* under 27 1 (b) of the amendment Act.

Livestock SA has previously raised the question of where agricultural clearance activities may fit into these provisions. For example, clearance may be required for the installation of critical agricultural infrastructure such as centre pivots or the use of land for grazing animals and this must also be clarified.

***Do you support the relocation of circumstances from Regulations to the Act to provide for a clearer and consistent application process?***

Livestock SA supports administrative efficiency of moving exempt activities into the Act for consistent assessment requirements.

In our previous submission we highlighted the need to review requirements for fencing exemptions particularly for creating fire breaks and other exemptions for effective fire management and we continue to request this inclusion in the amended legislation.

***Do you support consolidating the circumstances when the Council is able to consent to clearance which is seriously at variance with the principles of clearance?***

Livestock SA has concerns about the amendments relating to consent to clearance when seriously at variance with the principles of clearance and seeks further clarification. For example, the removal of section 29(4) of the Act allowing for clearance if that applicant *“is engaged in primary production and the retention of the plant or plants would put the applicant at unreasonable expense...”*

The introduction of Schedule 1A under the proposed amendments for allowance of clearance does not list primary production and unreasonable expenses impacting on primary production business. This provision should be included in the amendments, as producers constantly maintain a balance of managing their land for productivity and other purposes, such as biodiversity and they should not be placed under unreasonable financial burdens while doing this.

Livestock SA has also previously stated our position that all infrastructure on a parcel of land should be considered a building, and we note that under the amendments to include Schedule 1A it is not included as a building. We also note that infrastructure does not include any agricultural infrastructure such as centre pivots and this needs to be reconsidered.

***Do you support the proposed standardised SEB process in terms of the expectations and obligations? Do you support long-term protections and management of SEB areas through entering into a conservation or heritage agreement?***

Livestock SA supports amendments that give greater certainty and consistency, such as addressing the issue of variations in requirements for achieving a SEB. We note the addition of the mitigation hierarchy as part of the application assessment and support the use of the mitigation hierarchy. However, it must be applied in a practical and realistic way and all impacts of a decision assessed when it is used.

***Do you support the clarification of requirements for PDI Act referrals?***

Livestock SA supports the clarification for PDI Act Referrals to help streamline processes and improve efficiencies.

***Do you support the amendments to improve compliance and enforcement options?***

Effective enforcement is important, and we support the proposed amendments to increase compliance effectiveness, provided they align with enforcement in other jurisdictions as much as possible. The introduction of mid-range offences and appropriate penalties is a suitable introduction, and we also support the introduction of emergency orders to be used when warranted.

#### **Other comments**

Livestock SA thanks the department of the opportunity to comment on the Bill. We look forward to providing additional comment on further drafting of the Bill, and the subsequent review of the Regulations, in particular, Schedule 1—Prescribed circumstances in which native vegetation may be cleared (section 27(1)(b) of Act).

Please contact the Livestock SA on (08) 8297 299 or via email at [admin@livestocksa.org.au](mailto:admin@livestocksa.org.au) if you would like to discuss this submission further.

Yours sincerely



Travis Tobin  
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