

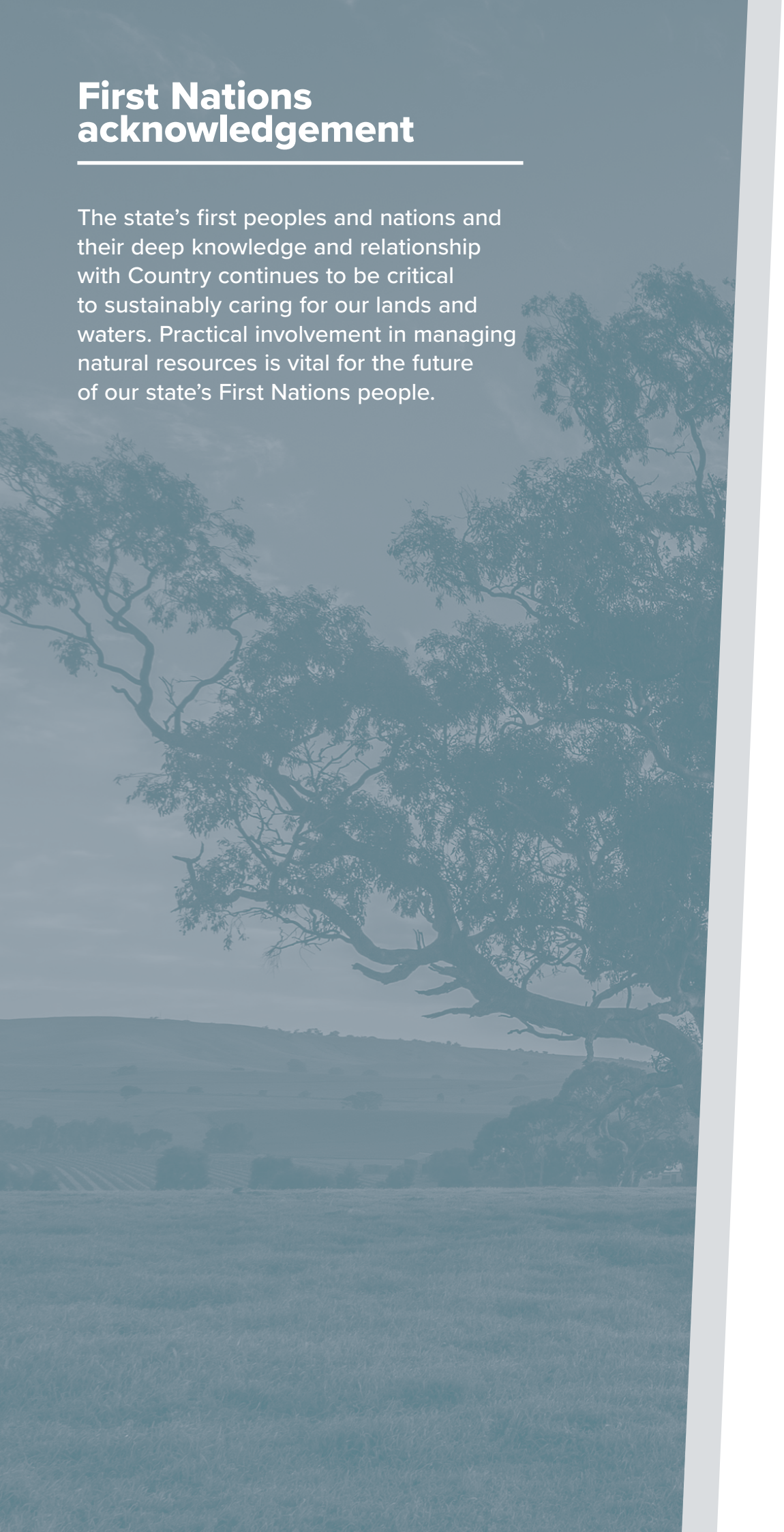
Report on the Independent Review of the *Landscape South Australia Act 2019*

February 2024

Government of South Australia

First Nations acknowledgement

The state's first peoples and nations and their deep knowledge and relationship with Country continues to be critical to sustainably caring for our lands and waters. Practical involvement in managing natural resources is vital for the future of our state's First Nations people.



Letter of transmittal

Hon Susan Close MP
Minister for Climate,
Environment and Water
GPO Box 11071
ADELAIDE SA 5001

Dear Minister Close

I am pleased to present my report on the Independent Review of the *Landscape South Australia Act 2019* (Landscape Act).

This Review sought to analyse the operation and effectiveness of the Landscape Act since its inception. Throughout the Review, I have been mindful of ensuring the powers of the Landscape Act are appropriate, contemporary and do not inhibit the effective management of our state's valued natural resources.

As part of the Review, 134 written submissions were received covering all parts of the Act as well as some subordinate legislation. The feedback acquired through the consultation process has been summarised in this report and used to develop 66 recommendations for consideration.

This report has been prepared in accordance with Section 249 of the Landscape Act and the Review's Terms of Reference. The Act stipulates that the Minister tables a copy of the report before both Houses of Parliament within 12 days of receipt.

I trust the recommendations contained in this report, if pursued, will strengthen the Landscape Act and lead to improved outcomes for our state's natural resources.

In closing, I thank all the individuals and organisations that contributed to the Review by providing written feedback or meeting with me in person. I acknowledge and appreciate the time all stakeholders invested in sharing their useful insights, experiences and expertise. I also acknowledge the support and assistance of the Department for Environment and Water's project officers and members of the Review's advisory group.

Yours sincerely



Hon John Hill
Independent Reviewer
13 February 2024

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1 Executive Summary

The *Landscape South Australia Act 2019* (Landscape Act) came into operation progressively from December 2019, following extensive reform of the former *Natural Resources Management Act 2004* (NRM Act). It provides the framework for the integrated management of land, water, pest animals and plants, and biodiversity across the state, while recognising the social, economic and cultural significance of these landscapes.

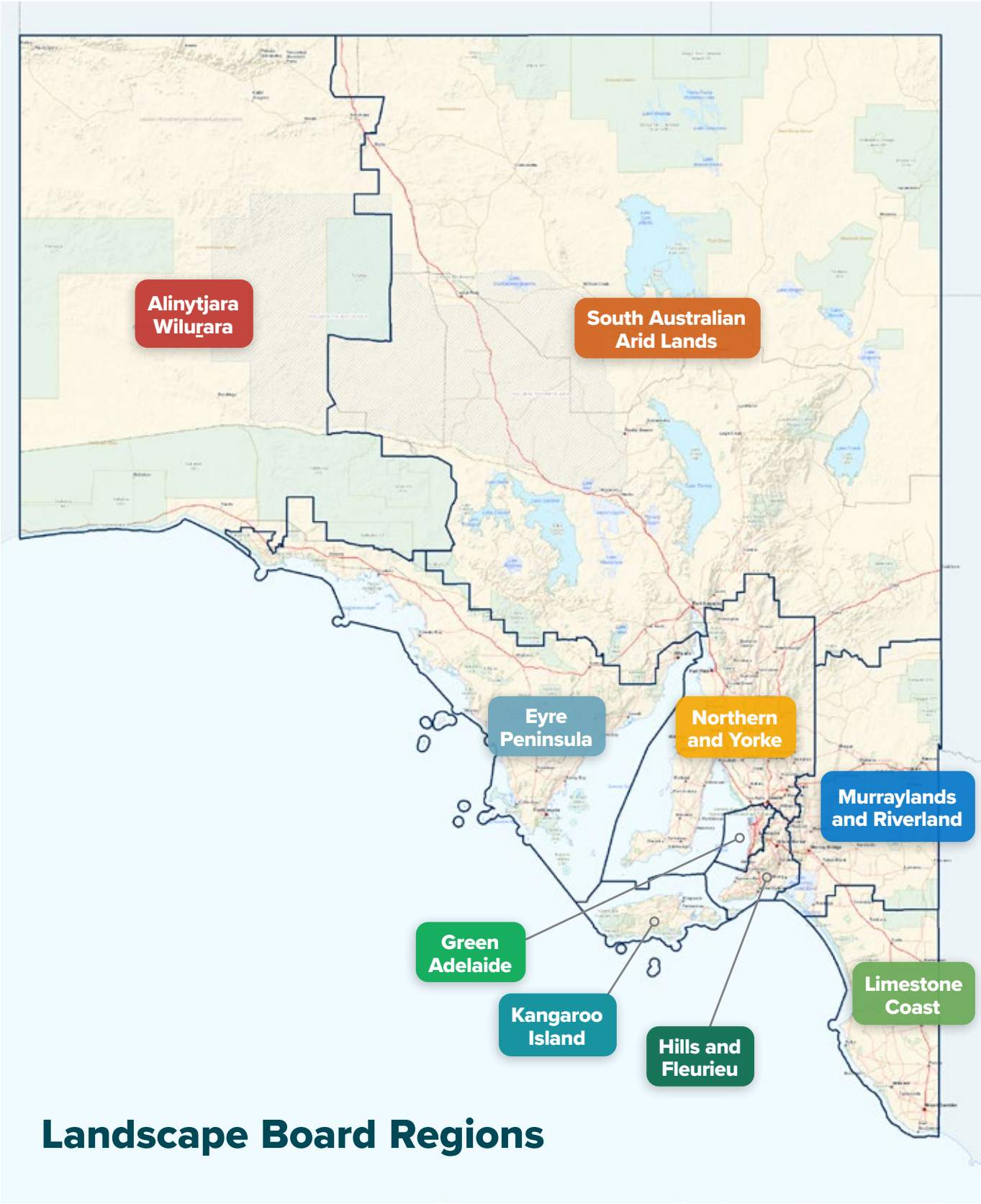
The Landscape Act is wide-ranging in its scope, implemented through partnerships with a range of government departments, authorities and non-government organisations. It also interacts with other key South Australian legislation that regulates our state's natural assets.

While the Minister for Climate, Environment and Water has overall accountability for implementation of the Landscape Act, the state's 9 landscape boards including the metropolitan board, Green Adelaide, deliver many of its key functions. The Department for Environment and Water (DEW) and the Department for Primary Industries and Regions South Australia (PIRSA) also play an important role in delivering the Act, working closely with the landscape boards and other partners in the process.

The 2023 Independent Review of the Landscape Act, led by the Honourable John Hill, was undertaken as stipulated by Section 249 of the Act, to consider the effectiveness and operation of the Act since its commencement. Through public consultation and detailed analysis of feedback received, it is clear that the Landscape Act, its regulations, and related statutory instruments in their current form, provide a sound regulatory framework for the sustainable and integrated management and protection of the state's landscapes. However, the Review found that new policy directions are required, and multiple provisions in the Act would benefit from modernisation, clarification or further review. In particular, the water regulation scheme under the Act, which has not fundamentally changed in more than 2 decades, requires an extensive review. As the Landscape Act interacts with numerous other legislation, the effect of the relevant Acts on one another has also been considered as part of this Review.

This report is based on feedback collected throughout the Review and provides a series of recommendations for consideration by the Minister that would enhance and strengthen the Landscape SA system and its objectives. The reforms that are recommended are aimed at improving an already sound regulatory framework and ensuring South Australia can meet its obligations regarding the management and conservation of the state's natural resources in a more effective way. Where conclusions could not be reached, or thorough investigations were not possible within the Review timeframe, more in-depth consideration of those matters is suggested. It should also be noted that some recommendations may not require legislative amendments, and if agreed to, could be implemented though policy and procedural changes in a phased approach.

A summary of the main findings of the Review are detailed in the following sections: **Areas of success** and **Areas of improvement**. These findings are explored in more detail in subsequent sections of the report.



Landscape Board Regions

Areas of success

The Review showed that many aspects of the Landscape Act are considered to be working well, with feedback suggesting there is overall support for the Act's operation and effectiveness. In particular:

1. Decentralisation

A key objective of the landscape reform was to empower landscape boards to work more independently from government agencies. For the most part, this is thought to have been achieved and is working well, particularly in relation to the decentralised decision-making and priority-setting model followed by landscape boards, which remains well supported.

2. Landscape boards

Partnerships between landscape boards, government agencies, the community, First Nations, local government and other stakeholders has been acknowledged as fundamental to achieving positive outcomes for South Australia's landscapes. Since the introduction of the Landscape Act, it was noted that a key achievement of the boards has been the development of their 5-year landscape plans with community that reflect local priorities and issues.

There continues to be strong backing for the existence of Green Adelaide, having been established to specifically focus on the urban environment as the state's only metropolitan landscape board. On-ground projects led by Green Adelaide and other landscape boards received praise, as did their collaborative efforts with local councils.

It was also recognised that many positive relationships and successful partnerships have been fostered between the local councils and landscape boards.

3. First Nations involvement

The recognition of First Nations in the Landscape Act – and specifically, the importance of working with, and in the interests of First Nations – was acknowledged. It was also recognised that landscape boards have made a significant effort to meaningfully engage First Nations, particularly in the water management planning process.

4. Peak bodies

The role of peak bodies, namely the Local Government Association of SA (LGA), Primary Producers South Australia (PPSA) and the Conservation Council of South Australia (CCSA), under the Landscape Act was supported and requested to continue as key consultative bodies for the Minister.

5. Objects of the Act

Given the significant threat that climate change poses to our natural resources, there was strong support for keeping it listed in the objects of the Landscape Act. There was a similar sentiment heard to retain the promotion, protection and conservation of biodiversity in the objects.

6. Strategies and plans

The need for a State Landscape Strategy and landscape board regional plans continues to be supported, with feedback particularly noting that the content and format of regional plans is effective in setting and describing regional priorities and actions. The Landscape Priorities Fund's (LPF) connection to the State Landscape Strategy is also seen as appropriate in aligning funding to statewide priorities.

7. Funding programs

The LPF continues to be well supported – it is seen as a useful tool for distributing and leveraging funding to regional landscape boards that invest in large-scale, multi-partner, priority projects.

The Grassroots Grants Program attracted solid support for its role in funding a range of community members and groups to work on local environmental projects and initiatives.

Landscape and water levies were considered important funding sources for most boards, and there was strong support for these schemes to continue as a way to enable boards to address regional priorities. The method of collecting these levies – that is, by local councils – is broadly recognised as cost-effective, and therefore supported to continue.

8. Water management

The current water regulation scheme has not changed significantly in many years. However, some relatively recent improvements have been considered effective in enhancing the operation of the Landscape Act, such as the ability for partial unbundling of water allocations and entitlements, and the development of water affecting control policies by landscape boards.

The process for developing Water Allocation Plans (WAPs) has improved according to some stakeholders, and there was support shown for landscape boards to continue to be responsible for developing WAPs.



Areas for improvement

The Review identified that some aspects of the Landscape Act are not operating as effectively as possible, and could be considered as opportunities for improvement. In particular:

1. Overall intent of the Act

To improve clarity and reduce confusion about the purpose of the Landscape Act, it was suggested that the Act be renamed the 'Natural Resources (Sustainable Management) Act'. This change is thought to better encapsulate the functions within the Act and resonate more closely with the community. To maintain continuity, regional boards could still be known as landscape boards.

The Review found that the current expression of objects and principles in the Act is unnecessarily wordy, sometimes contradictory and confusing, and in need of revision. Given that the objects and principles are critical in communicating the Act's underlying purpose and guiding its administration, it was suggested that these should be re-written to better reflect the primary intent of the Act – and in clearer, more accessible language.

Feedback also indicated that recognition of the importance of First Nations people and places should be more explicit and made more prominent through the Act. Similarly, it was identified that the emphasis on climate change, biodiversity and coastal and marine issues need to be further strengthened.

2. Administration, roles and responsibilities

Submissions to the Review suggested a number of areas of the Act's administrative provisions need updating or streamlining. In particular, the provisions relating to the functions of the Minister, establishment of regions, and functions, powers, membership and staffing arrangments for boards.

Key recommendations included: removing board member election provisions; re-establishing Green Adelaide to be consistent with other landscape boards; clarifying and strengthening board functions to better reflect their role and efforts in addressing critical issues; recognising that boards should develop region-specific arrangements to meaningfully involve First Nations in board decision-making and governance; streamlining staffing arrangements; and giving boards the ability to play a key role in appointing general managers.

3. Statewide and regional planning

Broad support was received for a framework that sets the direction for the sustainable management of the state's natural resources, on the basis that better coordination of statewide priorities would lead to enhanced positive change for our natural resources. Widespread feedback indicated that there have been challenges in implementing the State Landscape Strategy in its current form, and therefore it would benefit from a thorough review by the Minister, in collaboration with key partner organisations.

It was suggested that the purpose of the strategy must be better defined and should be bolstered in a number of areas for it to function more successfully.

This includes increasing linkages to regional planning and statewide priorities, and outlining roles and responsibilities more clearly. The strategy should also include a suite of statewide management frameworks to enable collaborative and focused effort on issues that are beyond one region or one sector.

The Review found that the Act, or its regulations, needed clearer consultation requirements guiding the development of annual business plans. Feedback also suggested that more comprehensive engagement with First Nations should take place when regional landscape plans are next reviewed.

4. Funding arrangements

Commentary about levies came through strongly in the Review. Many stakeholders advocated for a more equitable distribution of funding across metropolitan and regional landscape boards, to ensure all regions of South Australia are well supported. For this to occur, funding arrangements and opportunities need to be further explored. Concerns were also raised that the current landscape levy model does not provide sufficient capability for some landscape boards to respond to high-priority or high-risk issues across the state. It was suggested that the Landscape Act include a mechanism for 'special purpose' levy-raising.

Improvements were also suggested for how levy expenditure is reported by boards at the regional level. While a level of reporting already occurs through landscape board documents, such as annual business plans and annual reports, it was suggested that more standardised reporting requirements would help to improve transparency.

Likewise, it was suggested that the Landscape Administration Fund (LAF) and the LPF would benefit from increased transparency about how funds are administered and spent. While the LPF received considerable stakeholder support to continue as a funding redistribution tool for landscape boards, commentary suggested that its use could be expanded. It was also noted that increasing Green Adelaide's contribution towards the LPF would result in an increase of funds available for redistribution to other regional landscape boards.

5. Management and enforcement provisions

The Landscape Act is recognised as providing a sound basis for regulating pest animals and plants. However, it was noted that a number of challenges exist, with the most significant being a lack of adequate resourcing and compliance. Divergent views were expressed in relation to the regulation of particular pest animals and plants – some stakeholders suggested requirements be strengthened, while others suggested some requirements are too onerous and unachievable. Based on feedback, there appears to be an appetite for clarifying responsibilities, improving definitions and strengthening certain provisions. This could warrant the introduction of a statewide framework, forming part of the new statewide strategy, that clearly outlines priorities and roles and responsibilities, in managing pest animals and plants.

Although the introduction of the Landscape Act enabled a number of improvements to enforcement provisions, feedback gathered in this Review strongly suggested that the current system is inadequately resourced, with low levels of compliance across the state, particularly in relation to pest plant and animal management. Stakeholders acknowledged compliance as an under-resourced area resulting in insufficient on-ground support for education and enforcement measures. A number of suggestions have been made aimed at reinforcing provisions, including strengthening authorised officer powers, more transparency in the reporting of compliance breaches to enable relevant bodies to share information, and the introduction of more expiation options for non-compliance.

There was consensus amongst stakeholders that the water provisions in the Landscape Act are outdated and require a holistic review with full public consultation. While this would be a long-term reform initiative, numerous short-term amendments aimed at improving the effectiveness of the water regulatory framework have been proposed and are outlined further in this report.

6. Review of the Landscape Act

With the passage of time comes the emergence of new environmental threats, developments in technology, changes to our landscapes, and the identification of improvements to governance arrangements. To acknowledge this, it was suggested that Section 249 of the Act should be updated to reflect the need for a regular review of the Landscape Act, including the boundaries of the landscape regions, at least every 5 years.

Further details on the findings and recommendations referred to in this Executive Summary are outlined in Section 3 of this report.

Recommendations

Based on the findings of the Review, 66 recommendations have been made to improve the operation and effectiveness of the Landscape Act. These recommendations are summarised below, with further details provided in Section 3 of this report.

Title of the Act

1. Amend the title of the Landscape Act to 'Natural Resources (Sustainable Management) Act'.

Definitions

2. Include an appropriate First Nations body to the definition of 'peak body'.

Objects and principles

3. Reframe the use of 'ecologically sustainable development' to reflect more contemporary thinking on the enhancement, conservation and management of natural resources with development.

4. Rewrite the objects and principles to:

- reflect that a primary object of the Act is to support, enhance and protect the state's natural resources for sustainable use by current and future generations for culture, conservation, recreation, and economic activity
- ensure that objects (a)-(i) are adequate, contemporary and fit-for-purpose and written in clear, accessible language.

5. Integrate principles with the objects, particularly in relation to recognition of First Nations rights and interests, and the importance of climate change, and consider placing any remaining principles elsewhere in the Act.

Administration, roles and responsibilities

6. Define 'data' and establish a framework under the Act that provides for the effective management and sharing of information.

7. Re-establish Green Adelaide to be consistent with other landscape boards, with the same or similar employment structures, and remove its 7 set priorities under the Act.

8. Enable landscape boards to approve their own staffing arrangements, including the manner and frequency of the approval process.

9. Enable landscape boards to appoint their general managers and establish employment terms and conditions, with advice and guidance from an appropriate independent body.

10. Enable landscape boards to approve performance agreements for general managers and to change the role of the DEW Chief Executive to arbitrate, if required.

11. Clarify the interaction between the Landscape Act and the *Public Sector Act 2009* regarding rules relating to the employment and movement of employees within the public sector.

12. Expand the function of landscape boards to include pro-active planning and management in response to climate change.

13. Expand the functions of landscape boards to include the recognition and management of culturally significant landscapes and species, in consultation with local First Nations who have cultural authority.

14. Better define the landscape board function for the management of impact-causing native animal species.

15. Recognise the landscape board function in disaster resilience, response and recovery to better reflect the boards' role in this area.

16. Clarify the responsibilities of landscape boards in protecting marine ecosystems and coastal assets.

17. Require landscape boards to develop their own region-specific arrangements to meaningfully involve First Nations in board decision-making and governance arrangements in a respectful and culturally appropriate way, and report annually to the Minister on how this has been achieved.

18. Require landscape boards and government agencies to collaborate regularly and effectively in the management of natural resource issues, and for landscape boards to report annually to the Minister on how this has been achieved.

19. Remove the requirement for board member elections, as a matter of priority.

20. Exempt the Alinytjara Wilurara Landscape Board from the Minister's requirement to consult with peak bodies for board appointments (except for a First Nations representative peak body, if established) and alternatively seek endorsement from the relevant Prescribed Body Corporates.

21. Streamline the peak body consultation process for appointments to casual vacancies.

22. Enable boards to determine their own requirements, in addition to the Minister's requirements, regarding board membership skills and knowledge, consistent with the objects of the Landscape Act.

23. Amend the list of skills and expertise of board members to include climate change adaptation and mitigation.

24. Include a provision for landscape boards to appoint an existing board member to formally act in the presiding member role for short-term absences.

25. Provide a statutory basis to the Board Chairs' Forum, with roles and responsibilities to be determined by the Minister, in consultation with boards.

State Landscape Strategy

26. Review the current State Landscape Strategy, as a matter of priority, in collaboration with boards, peak bodies, agencies and organisations (including First Nations), to ensure it:

- provides a clear, meaningful guide for the management of the state's natural resources, informed by the best available environmental and climate science
- includes specific recognition of the significance of cultural landscapes and culturally significant species, and of First Nations as knowledge-holders of their lands
- includes a suite of specific management frameworks for statewide priorities requiring collective action, which identify specific focus areas, intended outcomes and timeframes for achieving those outcomes
- assists landscape boards to develop region-specific initiatives that are consistent with the statewide strategy
- strengthens alignment of the Landscape Priorities Fund in achieving significant state- and regional-level strategic outcomes
- clarifies the roles and responsibilities for implementing and delivering on the strategy, and fosters greater collaboration and integration across sectors and regions, including local councils and First Nations
- establishes a monitoring, evaluation and reporting framework.

27. Amend the Landscape Act and regulations to:

- rename the strategy: State Natural Resource Management Strategy
- include the governance arrangements for the strategy's development and implementation
- require an annual report by the Minister that evaluates progress under the strategy on a statewide basis, and is publicly available
- require a regular review of the strategy at least every 5 years to ensure it is fit-for-purpose, and clarify the terms 'review' and 'amend'
- mandate public consultation when a review of the strategy is undertaken.

28. Identify options for resourcing the development and implementation of the strategy.

Regional and water allocation plans

29. Fully engage First Nations in reviews of regional landscape plans.

30. Simplify the requirements about what a regional landscape plan should contain.

31. Improve consultation requirements with key stakeholders when landscape boards develop annual business plans.

Landscape and water levies

32. Request the Board Chairs' Forum investigates feasible models to address differences in landscape and water levies that landholders pay for similar land-use across different regions.

33. Include the option for councils to determine the basis of the landscape levy.

Statutory funds

34. Enable landscape levies to be directly received by boards, rather than through the Landscape Administration Fund.

35. Improve transparency of the Landscape Administration Fund.

36. Improve transparency of the provision in the Landscape Act where the Minister can make 'any other payment' from the Landscape Priorities Fund.

37. Increase transparency in reporting and how projects funded by the Landscape Priorities Fund are assessed and prioritised.

38. Improve transparency about expenditure of levy funds by the landscape boards and implement standardised reporting mechanisms at the regional level.

39. Review the amount dedicated for use in the Grassroots Grants Program and ensure the funding can be applied to a wide range of projects.

Landscape board funding arrangements and equity

40. Explore mechanisms to improve levy income distribution across boards, to better reflect and align the priorities for action, and available funding, in each region.

41. Amend the Act to enable boards to increase the landscape levy beyond the CPI rate (with referral to an appropriate Parliamentary committee).

42. Include a mechanism in the Act that allows the Minister to create an additional statewide or one-off, 'special purpose' levy to address specific high-priority issues.

43. Maintain flexibility within the Landscape Priorities Fund to enable its funds to be directed toward statewide priorities (as identified in the strategy), competitive and non-competitive grant programs, and Ministerial directives, as well as continue to be a redistribution funding tool for all boards.

44. Increase Green Adelaide's contribution to the Landscape Priorities Fund, while ensuring it can still adequately deliver its services.

45. Develop arrangements for the Landscape Priorities Fund to fund specific partnership projects with First Nations and to support activity on traditional lands.

46. Review all Ministerial directives related to board funding.

47. Consider landscape boards having access to currently unallocated water penalty revenue in the Landscape Administration Fund.

48. Formalise reporting of the Water Planning and Management charges that landscape boards pay to DEW.

49. Request the Board Chairs' Forum explores the provision of corporate services to landscape boards to ensure boards have the flexibility in choosing their suppliers.

Management and protection of land condition

50. Amend the compliance action plan process and review the requirements under Section 99 of the Act to ensure they are streamlined for greater effectiveness.

51. Amend the definition of 'degradation' to enable more appropriate requirements for compliance.

Management and protection of water resources

52. Progress statutory and non-statutory changes to improve the effectiveness of the water regulatory scheme across the following areas:

- water allocation planning (WAP)
- water licensing (including WAP interactions)
- regulation of non-prescribed areas, including water-affecting activities provisions
- regulation of farm dams and levee banks
- regulation of stock and domestic water use
- interaction with related legislation
- improving compliance options (penalties and expiations)
- management of forestry water licences
- First Nations water rights and requirements, knowledge and use
- recognition of technology for water monitoring and compliance
- other specific amendments to multiple sections.

(For a complete list of proposed amendments to water regulation provisions, refer to Appendix C)

53. Undertake a holistic review of the water regulation scheme with full public consultation. Such a review should aim to create a revised scheme to:

- regulate the future management of water resources under a changing climate using an adaptive approach
- reflect First Nations cultural, spiritual, social, environmental and economic water interests and values
- improve the efficient and judicious use of water
- establish a scalable risk-based approach to water licensing
- align with modern water markets
- enable consistency with current and emerging Commonwealth statutory water requirements and national agreements
- establish an adequate and stable funding base to resource the administration and compliance of the water scheme.

Control of pest animals and plants

54. Consider strengthening the provision in the Act that does not permit the sale of declared classes of pest animals and plants to also include 'not gaining any financial advantage or profit from a pest species (living or dead)'.

55. Improve definitions in the Act to clarify the responsibilities and management (particularly 'class' and 'control') for different declared pest animals and plants.

56. Clarify the responsibilities of landscape boards to manage declared pest animals and plants on roadside reserves, including defining the term 'proper measures'.

57. Review provisions regarding the clearance of native vegetation in controlling pest animals and plants, particularly relating to compliance powers.

58. Develop a memorandum of understanding or similar agreement to outline the arrangements between PIRSA, landscape boards and DEW for the implementation and operational measures related to biosecurity and Part 9 of the Act.

59. Develop a statewide pest animal and plant management framework as part of the proposed State Natural Resources Management Strategy to support the regulation of pest animals and plants, and to outline management priorities and responsibilities.

Compliance and enforcement provisions

60. Strengthen the power of authorised officers to execute greater compliance and enforcement actions on-ground.

61. Prescribe minimum standards of training for authorised officers.

62. Introduce transparent reporting of compliance breaches and enable information to be shared between relevant bodies.

63. Review the provisions for proceedings relating to an offence to be laid.

64. Introduce an expiation option for non-compliance with the Act's Section 193: Action Orders.

65. Enable landscape boards to commence legal proceedings in the Environment, Resources and Development Court.

Review of the Act

66. Include a provision that the Minister must undertake a review every 5 years, including a review of the boundaries of the landscape regions, with the terms of reference to be determined by the Minister.



2 About the *Landscape South Australia Act 2019*

The origin of the Landscape Act dates back more than 150 years ago, with the introduction of South Australia's first weed control legislation – the *Thistle Act 1852*.

Over the years, as the South Australian landscape continued to be modified, and with a growing demand on natural resources, the community began seeking action and controls on its management and use. Legislation introduced to address some of these issues included the *Water Conservation Act 1886*, *the Water Resources Act 1976, the Soil Conservation and Land Care Act 1989* and the *Animal and Plant Control Act 1986*.

Recognising that a more integrated regulatory approach was needed, the *Natural Resources Management Act 2004* (known as the NRM Act) was developed to replace and build on these individual Acts. The *Landscape South Australia Act 2019* ultimately replaced the NRM Act, as a more contemporary approach to landscape management, following an extensive and consultative legislative reform process.

The Landscape Act provides the framework for promoting sustainable and integrated management of land, water, pest animals and plants, and biodiversity across the state, while recognising the social, economic and cultural significance of these landscapes. An overarching objective of the Landscape Act is to support and enhance ecologically sustainable development by establishing an integrated scheme to promote the responsible use and management of the natural resources that make up, or contribute to, the state's landscape.

The Act interacts with other key South Australian legislation that regulates our state's natural assets, including the *Native Vegetation Act 1991*, the *National Parks and Wildlife Act 1972*, the *Pastoral Land Management and Conservation Act 1989*, the *Dog Fence Act 1946,* the *Planning, Development and Infrastructure Act 2016*, the *River Murray Act 2003* and the *Local Government Act 1999*.

The Minister for Climate, Environment and Water has ultimate responsibility for implementing the Landscape Act and is able to delegate powers or functions under the Act to other bodies or persons. The Minister plays a key role in:

- establishing clear policies and guidelines, and a performance reporting mechanism for each board
- setting out clear expectations with the presiding member of each regional landscape board, as well as monitoring the landscape boards' achievements against priorities
- issuing directions, as required, to achieve specific functions under the Act.

What are 'landscapes'?

The Act defines 'landscapes' as the natural systems and resources that make up our surroundings – the soil, water, plants and animals.

It also encompasses the ways people interact with their environment, including social, cultural and economic values, and First Nation's connection to country.

Across the state, 9 regional landscape boards (including the metropolitan board, Green Adelaide) deliver many key functions under the Act across their distinct regions. The boards support local communities to sustainably manage their region's natural resources, with an emphasis on land and water management, biodiversity, and pest animal and plant control.

They also partner with government and regional communities to implement joint on-ground projects and education programs. Boards receive water and land levies, which are spent on regional priorities. Boards also receive Australian Government funding and other grants towards managing and protecting our productive and natural landscapes.

Landscape boards are instruments of the Crown. They are accountable to, and subject to, the direction of the Minister for Climate, Environment and Water, and operate as individual statutory boards, at 'arm's length' from government agencies.

DEW, PIRSA and local councils are also key contributors in delivering functions required under the Landscape Act, and do so in partnership with landscape boards and other stakeholders.

There are other organisations that are designated under the Landscape Act – PPSA, CCSA and the LGA. These organisations act as consultative bodies for the Minister when certain provisions under the Act are enacted, such as the appointment of landscape board members.

2.1 Overview of 2019 reform

The landscape reform in 2019 resulted in the NRM Act being replaced with the Landscape Act. This Act aimed to deliver greater decentralised decision-making and to make boards more accessible to the community. It also aimed to better empower the community and landowners, and enable programs to be established that encourage a whole-of-landscape management approach.

The key changes enabled by the introduction of the Landscape Act were:

- **Nine regional boards** – with greater autonomy and flexibility to respond to local issues, and manage their own budgets and staff, including Green Adelaide, a new board charged with transforming Adelaide into a world-leading, sustainable, green and climate resilient city.
- **Simple regional plans** – with five priorities that are easy to understand.
- **Land and water levies capped** – to ease the financial pressures on landowners.
- **State Landscape Strategy** – to improve coordination between regional and state priorities.
- **Landscape Priorities Fund** – to support larger statewide management issues, such as bushfire recovery, drought and agricultural resilience.
- **Focus on climate resilience and biodiversity** – to support the development of resilient landscapes and sustainable primary production.
- **Grassroots Grants Program** – with greater opportunities for volunteers and local community organisations.
- **Less red tape and simplified compliance** – to enable boards to get the job done more easily.
- **Strong partnerships with landholders and Aboriginal communities** – to ensure that the knowledge of our regional communities and First Nations is respected, recognised and used in the management of our landscapes.

2.2 About the Independent Review

This Independent Review focused on the operation and effectiveness of the Landscape Act, including the regulations and the Act's statutory instruments, such as plans, policies and notices (see the Review's Terms of Reference in Appendix A). It was not intended as a means to re-examine the fundamental scheme and system of the Landscape Act, as this was extensively investigated during the reform that was undertaken prior to the Act's introduction.

As part of this Review, the emphasis has been on identifying and considering matters including (but not limited to):

- the role and operation of the landscape boards, appointment of board members including elections, functions of Green Adelaide, and employment arrangements for general managers and board staff (See Part 2 of the Act: Administration)
- the development of the State Landscape Strategy (See Part 3 of the Act: State Landscape Strategy)
- the process for developing regional and water allocation plans (See Part 4 of the Act: Regional and Water Allocation Plans)
- setting and collecting levies, and funding arrangements for landscape boards to provide long-term financial sustainability, including how the creation of Green Adelaide has impacted on the funding and associated delivery of programs of neighbouring boards (See Part 5 of the Act: Landscape and water levies)
- operation of the Landscape Administration Fund, Landscape Priorities Fund and regional landscape board funds (See Part 6: Statutory funds)
- opportunities to improve compliance in the management and protection of land, including those relating to action plans (See Part 7 of the Act: Management and protection of land)
- opportunities to improve water licencing arrangements, taking of water from non-prescribed areas, permits and improvements to dam and levee bank management (See Part 8 of the Act: Management and protection of water resources)
- review regulatory mechanisms, including suitability of definitions and interactions with other legislation (See Part 9 of the Act: Control of animals and plants)
- opportunities for improving compliance mechanisms and streamlining compliance processes (See Part 10 of the Act: Enforcement)
- administrative arrangements between landscape boards, including Green Adelaide, other government agencies and other organisations.

Consideration has been given to the interactions between the Landscape Act and other legislation, including where possible, legislative reviews completed prior to, or in parallel to, the conclusion of this Review and public information available about any proposed new Bills.

Method

In April 2023, before the Review began, consultation was undertaken with key administrators of the Act including landscape boards, peak bodies, PIRSA and DEW to identify fundamental issues that would inform the Review's Terms of Reference.

To aid in conducting the Review, the Minister established a governance structure, consisting of:

- a small project team within DEW to provide support to the independent reviewer
- an advisory group, comprised of nominated representatives from landscape boards, peak bodies, PIRSA and DEW, to provide advice directly to the independent reviewer during the Review period
- technical/subject matter experts from landscape boards, PIRSA and DEW who had expertise in water, finance/levies, soils, governance, compliance, climate change, pest animals and plants, biosecurity and First Nations interests.

The advisory group met 3 times during the review period, and out-of-session follow-up was undertaken with members. The technical experts were available to provide the independent reviewer with impartial, confidential advice supported by evidence, on an 'as needs' basis.

The Review commenced on 14 August 2023. A discussion paper was developed and public consultation was undertaken through the South Australian Government's YourSAy website from 6 September until 23 October 2023. The consultation process was designed and led by the independent reviewer.

In total, 134 submissions were received – 82 written submissions and 52 responses to the survey on YourSAy. Of the 82 written submissions, 34 were from organisations while 48 were from individuals. A list of the written submissions is provided in Appendix B. Website data shows 1300 visits to the YourSAy page during the consultation. Feedback was constructive with many ideas contributed.

A range of engagement activities were undertaken as part of the consultation phase to encourage stakeholders and interested community members to share their views. This included:

- developing an overview of the Independent Review process, which was circulated amongst key stakeholders and made available on the DEW website (July 2023)
- the independent reviewer sending letters to key partner organisations, including peak bodies, PIRSA, DEW, South Australian Native Title Services and First Nations SA, advising them that public consultation was about to commence and inviting them to participate in a face-to-face representation (August 2023)
- preparing a discussion paper that highlighted particular focus areas of the Act, to guide respondents in providing feedback via the YourSAy website (September 2023)
- the Minister writing to relevant South Australian and Australian Government Ministers to advise them of the review and invite their agencies to provide a submission during the public consultation phase (September 2023)
- emailing more than 150 stakeholders, such as local councils, relevant government agencies and statutory boards, First Nation organisations, including Prescribed Body Corporates, and a number of non-government organisations, advising that public consultation was open and inviting them to provide feedback (September 2023)
- holding face-to-face representations with key partner organisations – these were 2-way discussions intended to provide an opportunity for organisations to raise key issues and for the independent reviewer to seek any clarification. Representations were held with:
    - landscape boards (as a collective)
    - Green Adelaide
    - South Australian Native Title Services
    - Conservation Council of SA
    - Primary Producers SA
    - Local Government Association of SA
    - PIRSA
    - DEW
    - Coast Protection Board.
- attending events to receive feedback and answer questions, including at the:
    - LGA Forum
    - Prescribed Body Corporate Forum
    - First Nations of SA Aboriginal Corporation meeting.
- promoting the Review via a social media campaign, using channels such as DEW Twitter, DEW Facebook, Environment SA News and DEW LinkedIn
- using external social media channels to further promote the Review, such as those belonging to YourSAy and landscape boards across South Australia
- promoting the consultation on other channels including:
    - Landscape Boards SA (direct mail and website inclusion)
    - DEW (website inclusion)
    - The Weekly (internal DEW publication for staff).



3 Findings and recommendations

The findings of the Independent Review into the Landscape Act and recommendations for improvement are detailed on the following pages.

3.1 Title of the Act

Following the repeal of the *Natural Resources Management Act 2004* (NRM Act), the *Landscape South Australia Act 2019* (Landscape Act) was established. The term 'landscape' was considered a concept broader than natural resources, reflecting an integrated 'hills to sea' approach.

What was heard

It was suggested that the Landscape Act's title should use terminology that more clearly and directly explains what it is, particularly in relation to use of the conceptual word 'landscape'. These changes would not necessarily be required throughout the whole Act where the term 'landscape' is used, and regional boards could still be known as 'landscape boards' to maintain continuity.

Recommendation

1. Amend the title of the Landscape Act to 'Natural Resources (Sustainable Management) Act'.

3.2 Definitions
(refer to Part 1 of the Act)

The 'interpretation' section of the Landscape Act outlines the standard meaning of terms used in the application and operation of the Act. There are also definitions throughout various parts of the Landscape Act. Feedback and recommendations related to these definitions are outlined in relevant sections through this report.

Under certain provisions in the Landscape Act, the Minister must consult with statewide peak bodies including in relation to the establishment of regions, establishment of boards, composition of boards and in relation to the State Landscape Strategy. The peak bodies are specified as a definition in Section 3 of the Landscape Act.

What was heard

The Review heard that an appropriate First Nations body should be included as an additional peak body, to reflect the importance of First Nations in the operation of the Landscape Act.

Recommendation

2. Include an appropriate First Nations body to the definition of 'peak body'.

3.3 Objects and principles
(refer to Part 1 of the Act)

The objects and principles of the Act provide for the recognition and protection of the intrinsic values of landscapes. They are based on how the Landscape Act seeks to support and enhance ecologically sustainable development in the use and management of the state's natural resources. The provisions throughout the Act should be consistent with, and result in delivering on, the objects and principles of the Act. Those involved in implementing the Act must seek to further the objects of the Landscape Act.

Many of the Act's objects and principles remain largely the same as the former NRM Act. During the reform process they were expanded across some areas, such as to recognise First Nations peoples, climate change as a significant factor in our environment, and strengthening the promotion, protection, and conservation of biodiversity.

The principles are equally important as the objects of the Act and perform a similar function to the objects in providing guidance in achieving 'ecologically sustainable development'. They also serve to guide decision-making under the Act.

What was heard

In considering whether the objects and principles of the Act are still appropriate, feedback indicated that they are wide-ranging, descriptive in style, and have a confusing structure. It was suggested that the overarching intent of the Act should be refocused toward the need to manage the state's natural resources to ensure they are being supported, protected and enhanced for conservation, culture, recreation and sustainable economic development. This would also assist in focusing the planning products that are prepared under the Act, such as the State Landscape Strategy and regional landscape plans. Feedback highlighted several areas where the objects and principles would benefit from reform and modernisation.

Both the objects and principles are currently based on the ethos of ecologically sustainable development, encapsulated in the primary object of the Act as:

> *to support and enhance ecologically sustainable development by establishing an integrated scheme to promote the use and management of the natural resources that make up or contribute to our state's landscape in an integrated manner.*

Many stakeholders considered this concept outdated and out of step with the current emphasis of a nature-positive outcome for the conservation and management of natural resources. The Review determined that the 'ecologically sustainable development' basis to the Act's objects and principles should be reviewed, and consideration given to more contemporary, fit-for-purpose terms.

Further, the Review identified that the objects of the Act could be improved to better recognise the importance of First Nations peoples and their knowledge and practices. While Object 7(1)b) mentions the interests of Aboriginal people, it is conflated with other subject matter, making the intention uncertain. Similarly, climate change, biodiversity, and coastal and marine issues were identified as needing to be strengthened in the Act.

It was suggested that the objects and principles should be reviewed to ensure they are comprehensive and re-written in more accessible language. Streamlining the objects and principles may also result in the purpose of the Act being clearer and more identifiable to a broader range of stakeholders.

Importantly, some stakeholders did not believe that the wide-ranging objects and principles of the Landscape Act have been adequately reflected through the legislation or resulted in positive outcomes in the use and management of the state's natural resources. These issues are reflected in the recommendations in relevant sections of this report.

Recommendations

3. Reframe the use of 'ecologically sustainable development' to reflect more contemporary thinking on the enhancement, conservation and management of natural resources with development.
4. Rewrite the objects and principles to:
   - reflect that a primary object of the Act is to support, enhance and protect the state's natural resources for sustainable use by current and future generations for culture, conservation, recreation, and economic activity
   - ensure that objects (a)-(i) are adequate, contemporary and fit-for-purpose and written in clear, accessible language.
5. Integrate principles with the objects, particularly in relation to recognition of First Nations rights and interests, and the importance of climate change, and consider placing any remaining principles elsewhere in the Act.

3.4 Administration, roles and responsibilities

(refer to Part 2 of the Act)

The following administrative provisions of the Act were discussed as part of the Review:

Functions of the Minister

The functions of the Minister, as outlined under Section 9 and 10 of the Landscape Act, are wide-ranging and reflect the overall responsibility that the Minister has in achieving the objectives of the Act. This area of the Act

also provides the Minister with the ability to delegate many decision-making powers to others involved in administering the Act, such as DEW officers.

What was heard

Stakeholder feedback focused on the Minister's responsibility to monitor and evaluate the condition of the State's landscapes and to maintain updated data to support monitoring and management.

It was suggested that to further support the Minister the Act requires both a definition of 'data' and guidance about how it is managed. This includes how data is shared when collected in programs administered under the Act. The sentiment behind these suggestions was that improved data management would help ensure there is an effective knowledge base to inform project development and monitoring of the state's natural resources, so that better-informed decisions can be taken.

Sharing data and making it accessible to key agencies and bodies that require it would help support the integrity of decisions that are made. An increase in evidence based and data driven decision-making would also lead to improved outcomes across the state's landscapes.

Recommendation

6. Define 'data' and establish a framework under the Act that provides for the effective management and sharing of information.

Green Adelaide

Green Adelaide was established in recognition of the need to specifically manage the unique environmental challenges faced in urban areas. This focus on the urban environment was seen as a significant step in the evolution of natural resources management.

Although Green Adelaide is established as a landscape board, it operates differently from other landscape boards as staff are employed by DEW. Green Adelaide also has additional functions and priorities under the Landscape Act that reflect its urban focus.

What was heard

Stakeholder feedback about Green Adelaide and the programs it undertakes was very positive. However, it was suggested that for consistency, Green Adelaide should be re-established to align with other landscape boards. This would include having the ability to hire its own general manager who could employ staff and choose its own service providers to meet business requirements.

In addition to the functions of boards outlined under Section 25 of the Act, Green Adelaide currently has 7 priority areas it must adopt. Feedback indicated that these priorities are too restrictive to allow for the most meaningful outcomes in the management of an urban environment. Removing the list of priorities from the Act would allow Green Adelaide more flexibility in setting its priorities. The topic of consistency was also raised in that if Green Adelaide was to be re-established in the same way as other landscape boards, these 7 priorities would no longer be required to be outlined in the Landscape Act.

Recommendation

7. Re-establish Green Adelaide to be consistent with other landscape boards, with the same or similar employment structures, and remove its 7 set priorities under the Act.

Staffing arrangements

Staffing arrangements for all regional landscape boards, except Green Adelaide, are required to be approved by the Minister after consultation with the board, as per Section 35(2). The Act doesn't specify the criteria or mechanism for these approvals, or how often it should take place.

General managers are appointed by the DEW Chief Executive, on terms and conditions (including remuneration) that are determined after taking into account the recommendations of the relevant board. Further, general managers' performance agreements are established by the relevant board and subject to the approval of the DEW Chief Executive. The Chief Executive can also appoint a person to act as general manager during a vacancy, after consultation with the relevant board.

It is understood that the intention of the Minister's and DEW Chief Executive's oversight in landscape board staffing arrangements under the Landscape Act was to ensure consistency across landscape boards in management and staffing, particularly during the establishment phase in the transition to the Landscape Act.

What was heard

Feedback indicated a preference for removing the requirement that the Minister approves board staffing arrangements, reflecting the principle of decentralised decision-making by landscape boards. It was suggested that general managers could seek the approval of their board for the scope and size of the workforce required to successfully deliver their regional plans, with notification provided to the Minister, rather than seeking the Minister's approval. A more specific mechanism should also be established to clarify the method and frequency of approvals. Boards would still need to consider statutory requirements including Treasurer's Instructions, the *Public Sector Act 2009* (Public Sector Act) and requirements for annual business plans (which must contain information about board's staffing arrangements).

Feedback further suggests that the DEW Chief Executive's role in the appointment (in a permanent or acting capacity), remuneration and performance of a general manager should be amended to provide landscape boards with greater decision-making responsibilities, which would also better reflect the intent of the Landscape Act in establishing more independent boards.

In relation to the role of appointing and establishing the employment terms and conditions of general managers, it was suggested that this should sit primarily with the boards, with an independent body (such as the Remuneration Tribunal of South Australia) reviewing and advising on the determination of terms and conditions.

This approach was considered preferable in enabling a fairer and more transparent process that better protects the interests of all parties involved. In establishing performance agreements, it was suggested that boards should have the authority to approve the agreement, while the DEW Chief Executive is only called upon to act as an arbitrator if a board and its general manager cannot come to an agreement.

Feedback was also received in relation to the application of the *Public Sector Regulations 2010*, in terms of the movement of landscape board employees within the public sector. The way in which the Landscape Act interacts with the Public Sector Act (and its regulations) in this regard may require review and clarification, specifically about the transfer of employment status from fixed-term to permanent.

Recommendations

8. Enable landscape boards to approve their own staffing arrangements, including the manner and frequency of the approval process.
9. Enable landscape boards to appoint their general managers and establish employment terms and conditions, with advice and guidance from an independent body.
10. Enable landscape boards to approve performance agreements for general managers and to change the role of the DEW Chief Executive to arbitrate, if required.
11. Clarify the interaction between the Landscape Act and the *Public Sector Act 2009* regarding rules relating to the employment and movement of employees within the public sector.

Functions and powers of boards

The 'functions' of a landscape board describe how it should operate in land management, water resource management, and pest animal and plant control, in the context of building resilience, conserving biodiversity and facilitating integrated management of the landscape. The functions also incorporate ways to foster sustainable primary production practices through capacity-building activities such as education and information provision.

Under the Act, landscape boards are required to explore cost-effective opportunities to deliver their functions through partnership arrangements. This involves creating strong strategic partnerships and working collaboratively with state and local governments, communities (including First Nations peoples and landholders) and other boards.

What was heard

Feedback indicated that it is not clear enough that landscape boards' primary focus is the overall coordination of natural resource management across various land tenures in their region.

Stakeholders proposed that a number of existing statutory functions need to be clarified and strengthened to better reflect the role of boards in helping address critical issues covering biodiversity conservation, climate change, native animal management, disaster management and marine and coastal management.

Feedback strongly stated that First Nations involvement in decision-making around the management of the natural resources within each region must be strengthened. Each board should be required to report annually to the Minister on their collaborative efforts and partnerships with First Nations peoples and groups.

It was also heard that the successful management of natural resource issues is underpinned by clear communication and collaboration between landscape boards and state government. It was suggested that the Landscape Act should reflect the requirement for regular connection between landscape boards and local state government representatives, to ensure knowledge is shared and efforts are joined up, while recognising the importance of each landscape board's ability to retain their autonomy. Landscape boards should report annually to the Minister about how they have collaborated with representatives from government agencies on shared issues and responsibilities in their region.

Some stakeholders also suggested that the Act could be more specific with regard to landscape boards' role in providing support to community groups and their projects to further empower the community and landowners, including NGOs, as service providers.

Recommendations

12 Expand the function of landscape boards to include pro-active planning and management in response to climate change.

13. Expand the functions of landscape boards to include the recognition and management of culturally significant landscapes and species, in consultation with local First Nations who have cultural authority.

14. Better define the landscape board function for impact-causing native animal species.

15. Recognise the landscape board function in disaster resilience, response and recovery to better reflect the board's role in this area.

16. Clarify the responsibilities of landscape boards in protecting marine ecosystems and coastal assets.

17. Require landscape boards to develop their own region-specific arrangements to meaningfully involve First Nations in board decision-making and governance arrangements in a respectful and culturally appropriate way, and report annually to the Minister on how this has been achieved.

18. Require landscape boards and government agencies to collaborate regularly and effectively in the management of natural resource issues, and for landscape boards to report annually to the Minister on how this has been achieved.

Membership of boards

Landscape board members are experienced and respected community leaders who collectively have a broad range of skills, experience and knowledge across areas outlined under Section 16 of the Landscape Act. Under the Act, landscape boards must consist of 4 members appointed by the Minister and 3 members appointed through an election process, except in special circumstances as approved by the Minister. The exception is for Green Adelaide, which consists of no more than 10 members, all appointed by the Minister. A local government representative is required to be a member of most landscape boards.

What was heard

There was overwhelming support for the removal of the board member election provisions listed under Section 17 of the Landscape Act. To date, board member elections have not been held due to an ongoing lack of stakeholder support, as well as other prohibitive issues such as the cost of running an election and other region-specific circumstances. In the absence of holding elections, all board members have been appointed directly by the Minister. It was suggested that in place of elections, all board members should continue to be appointed by the Minister, following a rigorous and transparent process that details how nominations are invited and how candidates are selected.

The current appointment process requires the Minister to notify each peak body that an appointment is to be made and allow 21 days for the peak body to consider the submission before formally making the appointment. While this requirement is supported by peak bodies, it can impact on filling any casual vacancies that arise – such as when individual board members resign part-way through their term – in a timely manner. Accordingly, it was suggested that the requirement for peak body consultation should be eliminated or streamlined to allow these casual vacancies to be filled as soon as possible.

Each region is unique, characterised by different landscapes and with different ways of managing the natural resources that exist there. For this reason, respondents felt it was important for landscape boards to have some flexibility in determining their own requirements for board members in terms of the skills, experience and knowledge required. The suggestion was that this flexibility to determine regional-specific requirements would be in addition to those required by the Minister.

The importance of boards contributing to the reduction of greenhouse gas emissions and building resilience to the impacts of climate change could be strengthened by expanding the list of skills that should be included within a board to include climate change adaptation and mitigation.

The *South Australian First Nations Voice Act 2023* is being implemented and consideration should be given to the role that First Nations Voice bodies could play in increasing participation on landscape boards by First Nations peoples.

The unique nature of the Alinytjara Wilurara Landscape Board (AWLB) region means the board is comprised of all First Nations members. The Review supports that the AWLB should be exempt from the Minister's requirement to consult with non-First Nations peak bodies on membership appointments (except if a First Nations representative peak body is established – refer to Recommendation 2). Instead, advice should be obtained from the AWLB's relevant Prescribed Body Corporates about whether proposed board member appointments are considered suitable to provide cultural advice about board operations. The practice of consulting with Prescribed Body Corporates already takes place for board appointments in the AWLB region, therefore prescribing it in the Landscape Act would formalise the process and recognise that it is a more culturally appropriate way of making board appointments in this region.

Feedback also suggested that if landscape boards (other than AWLB) have First Nations representation, the endorsement to provide cultural advice as a member of the board should also be obtained by the relevant Prescribed Body Corporate.

Unlike the feedback for AWLB, commentary about strengthening First Nations involvement with landscape board governance for other regions was varied. Suggestions included mandating a First Nations representative on each board, requiring each landscape board to establish a First Nations advisory group, or requiring each region to hold an annual forum with First Nations groups. How this occurs should be flexible, recognising the different cultural interests and connections within each region.

In addition, it was noted that landscape boards would like the ability for an existing board member to formally act in the role of presiding member for short-term absences. This would allow for relevant powers and financial delegations to be assumed by the acting member so that the board can continue to operate as usual while the presiding member is absent.

The Landscape Act currently requires at least 1 member of a regional landscape board to be a woman and at least 1 member to be a man. The Review noted the government's target to ensure that women hold at least 50% of positions on government boards.

Recommendations:

19. Remove the requirement for board member elections, as a matter of priority.

20. Exempt the Alinytjara Wilurara Landscape Board from the Minister's requirement to consult with peak bodies for board appointments (except for a First Nations representative peak body, if established) and alternatively seek endorsement from the relevant Prescribed Body Corporates.

21. Streamline the peak body consultation process for appointments to casual vacancies.

22. Enable boards to determine their own requirements, in addition to the Minister's requirements, regarding board membership skills and knowledge, consistent with the objects of the Landscape Act.

23. Amend the list of skills and expertise of board members to include climate change adaptation and mitigation.

24. Include a provision for landscape boards to appoint an existing board member to formally act in the presiding member role for short-term absences.

Board Chairs' Forum

The presiding members of each landscape board have formed a Landscape Board Chairs' Forum and meet regularly to share knowledge, facilitate partnerships across the sector and drive collaboration on cross-regional or statewide natural resource management issues, projects and programs. The forum is an opportunity for presiding members to provide advice to the Minister on a range of issues related to implementing the Landscape Act.

What was heard

Feedback indicated that this forum is operating effectively and that a statutory basis should be established for the forum to clarify its purpose, such as advising the Minister and developing and implementing the State Landscape Strategy, as well as providing authority to its operational roles and responsibilities.

Recommendation

25. Provide a statutory basis to the Board Chairs' Forum, with roles and responsibilities to be determined by the Minister, in consultation with boards.

3.5 State Landscape Strategy

(refer to Part 3 of the Act)

The Landscape Act requires that the Minister prepares and maintains a State Landscape Strategy that sets out principles, policies and high-level strategic directions for achieving the objects of the Act throughout the state. The Act prescribes that the strategy will include a long-term vison for managing the state's landscapes, high-level principles for the Landscape Priorities Fund, provisions for monitoring and evaluating the condition of state's natural resources, and supporting an effective and adaptive planning cycle, with an emphasis on links to relevant whole-of-government strategies and state and regional planning.

In 2022 the (then) Minister approved the 10-year State Landscape Strategy, developed with contributions from landscape boards, peak bodies, local and state government agencies, and other landscape management stakeholders. This strategy outlines a broad vision for supporting the state's landscapes, provides an assessment of the current landscape conditions and trends as of 2020, and sets out high-level principles for the Landscape Priorities Fund. It includes 7 statewide priorities requiring shared effort and 3 foundational commitments about how to collectively deliver on those priorities.

What was heard

Feedback from stakeholders recognised the value of a strategy that sets the direction for the sustainable management of the state's natural resources. However, it was noted that there have been challenges in implementing the current strategy, and that the rolling 3-year plan of shared priorities proposed within the strategy is still not finalised. There is a strong sense that the current strategy's intent is largely yet to be realised.

The general view was that the strategy's purpose – what it will achieve, how it is distinct from regional plans and other plans, and who owns it – needs to be better defined to ensure effective implementation. The review determined that a 'State Landscape Strategy' as outlined in the Act, would be more appropriately titled 'State Natural Resource Management Strategy' to reflect its intent more clearly. It should clearly identify the state's priority natural resource issues that have been identified in consultation with the Minister, are linked to other national and state planning documents, and align closely with regional landscape plans.

Feedback suggested that the strategy should also include a suite of statewide management frameworks for collaborative and focused effort on the issues that are beyond one region or one sector. This would include pest animals and plants, climate change risks, coastal and marine issues, biodiversity and native vegetation, with other priority areas to be determined by the Minister. Each management framework would need to identify specific focus areas for collaborative action, outline the intended outcomes of those actions and their timeframes, and specify roles and responsibilities across sectors. In addition, it was noted that the significance of First Nations knowledge in the management of the state's natural resources needs to be reflected within each framework.

Stakeholders emphasised that a shared understanding about the purpose and role of the strategy, with collective ownership by landscape boards, government agencies, peak bodies and other organisations, is essential for effective implementation. Currently, governance roles and responsibilities are only loosely articulated. There was recognition that agreeing to a collective approach on policies and projects where there is a shared responsibility can be challenging. However, it was suggested that the Board Chairs' Forum could provide an ideal opportunity to work together with partner organisations to determine and deliver priority initiatives that require focused, collective efforts.

Some stakeholders felt that the focus of the strategy should go much further than management of the state's natural resources in their current condition, to more closely reflect the objects and principles of the Act. While principles of restoration and regeneration are reflected in some sections of the existing strategy, the sentiment was that these principles could be made stronger throughout.

The need for a more transparent monitoring and evaluation process across state and regional plans was also identified as an area for improvement. The current strategy specifies that the Board Chairs' Forum (which is currently not provided with any statutory roles under the Landscape Act) will assess progress in achieving the strategy's objectives, and report to the Minister each year. Given the strategy has not yet been fully implemented, this reporting has not yet eventuated. It was noted that effective monitoring, evaluation and reporting of the strategy – and more broadly, the Landscape Act – is essential to achieve improved outcomes. An annual report evaluating progress on a statewide basis, which is tabled in Parliament and publicly available, should be included as a requirement in the Act. The report would draw on, but not be limited to, information included in board regional plans and annual reports.

The Act requires that the strategy also sets out high-level principles for the Landscape Priorities Fund. These are currently presented as 6 high-level principles relating to the types of Landscape Priorities Fund projects (see Part 5) to be funded, and the values that should underpin their implementation. The Review found that there should be a greater level of transparency in how projects funded by the Landscape Priorities Fund are assessed, as well as how they are prioritised against, and align with, the goals and vision of the strategy.

The Act specifies that the strategy must be reviewed at least once every 10 years to assess how the outcomes that were sought have been achieved. The Minister is able to make minor amendments to the strategy at any point and consult as required. However, the underlying requirements and processes for this to occur are not clear. Feedback suggested that further details should be specified in the Act or regulations. Regular evaluation of the strategy would ensure it remains fit-for-purpose and is working effectively, with a positive impact on the management of natural resources across the state. It was also suggested that public consultation should be required when a review of the strategy is undertaken.

It is broadly acknowledged among stakeholders who participated in the Review that additional resourcing is required to effectively develop and implement the strategy.

Recommendations

26. Review the current State Landscape Strategy, as a matter of priority, in collaboration with boards, peak bodies, agencies and organisations (including First Nations), to ensure it:

- provides a clear, meaningful guide for the management of the state's natural resources, informed by the best available environmental and climate science
- includes specific recognition of the significance of cultural landscapes and culturally significant species, and of First Nations as knowledge-holders of their lands
- includes a suite of specific management frameworks for statewide priorities requiring collective action, which identify specific focus areas, intended outcomes and timeframes for achieving those outcomes
- assists landscape boards to develop region-specific initiatives that are consistent with the statewide strategy
- strengthens alignment of the Landscape Priorities Fund in achieving significant state- and regional-level strategic outcomes
- clarifies the roles and responsibilities for implementing and delivering on the strategy, and fosters greater collaboration and integration across sectors and regions, including local councils and First Nations
- establishes a monitoring, evaluation and reporting framework.

27. Amend the Landscape Act and regulations to:

- rename the strategy: State Natural Resource Management Strategy
- include the governance arrangements for the strategy's development and implementation
- require an annual report by the Minister that evaluates progress under the strategy on a statewide basis, and is publicly available
- require a regular review of the strategy at least every 5 years to ensure it is fit-for-purpose, and clarify the terms 'review' and 'amend'
- mandate public consultation when a review of the strategy is undertaken.

28. Identify options for resourcing the development and implementation of the strategy.

3.6 Regional and water allocation plans

(refer to Part 4 of the Act)

Regional landscape plans

Regional landscape plans set the 5-year direction for the board in specified priority areas, such as climate resilience, sustainable land and water management, protecting and enhancing biodiversity, and working with the community. The plans guide the allocation of the regional landscape levy and water levy funds. Regional plans must align with the State Landscape Strategy.

What was heard

Feedback from stakeholders focused on the consultation that occurs in the development of regional plans, specifically that the Act should better prescribe the consultation requirements when formulating or reviewing regional plans. Stakeholders felt that First Nations engagement needs to be fully incorporated during the next review of regional plans, and that more generally, advisory structures need to be established in board regions to enable greater First Nations

involvement and influence in all aspects of board planning and operations. Currently the Landscape Act includes provisions regarding consultation processes for developing or amending a regional plan, including that regulations may be developed or that the Minister may prepare guidelines to specify particular consultation requirements.

Other comments included that the requirements specified in the Act about what a regional plan must contain should be simplified, and that regional landscape plans need to align more transparently to the State Landscape Strategy (see Section 3.5 of this report).

Recommendations

29. Fully engage First Nations in reviews of regional landscape plans.

30. Simplify the requirements about what a regional landscape plan should contain.

Annual business plans

Annual business plans are 1-year plans that outline how landscape boards will invest the money they raise through levies and other funding sources to achieve the priorities identified in their regional landscape plans.

What was heard

Similar to the feedback about regional plans, comments centred on improving the consultation that occurs in the development of annual business plans, particularly with local councils, which play a key role in collecting landscape levies and controlling pest animals and plants. Currently, consultation requirements for annual business plan development are not specified in the Landscape Act, except under specific circumstances, such as when a change to a levy basis is proposed.

Feedback also expressed a need for enabling greater First Nations involvement and influence in all aspects of board planning and operations, which includes annual business plans.

Recommendation

31. Improve consultation requirements with key stakeholders when landscape boards develop annual business plans.

Findings in relation to water allocation plans can be found in Section 3.11 (Management and protection of water resources).

3.7 Landscape and water levies

(refer to Part 5 of the Act)

Under the Landscape Act, two types of levies are established – a landscape levy on all rateable land and a water levy on all water licences and allocations. This section focuses on assessing whether the system of setting levy amounts and levy collection, as specified under the Act, operates fairly and effectively. Findings and recommendations on the other aspects of board funding are contained in Section 3.8 (Statutory funds) and Section 3.9 (Landscape board funding arrangements and equity).

Landscape levy

The regional landscape levy is paid by most landowners or lessees in local council and out-of-council areas across South Australia, as required by the Landscape Act. Funds raised through the levies contribute to programs that enable boards to facilitate landholders, industry and the community to sustainably manage the region's landscape, as outlined in the relevant landscape board's annual business plan. Under the Act, levies collected in a particular region are generally allocated to that region. The only exceptions are a portion of levies that are shared for cross-boundary projects, and in the case of Green Adelaide, where levies collected in the Green Adelaide region are contributed to the Landscape Priorities Fund or other statewide projects.

The landscape levy is collected mostly by local councils and appears on council rate notices. Councils pay the collected levies to DEW, which then forwards the income to regional landscape boards through the Landscape Administration Fund (LAF). For out of council areas, boards invoice landowners directly and receive the funds through the LAF.

Most councils use an automated database system to calculate levies and include them in invoicing alongside council rates. Local councils may claim costs from the board for the collection of levies each year, as outlined in the Act's general regulations. The regulations present the option to use either a set formula for calculating the costs, or the council can claim for the actual costs incurred – as long as they fall within the definition outlined in the Act, that any cost associated with levy collection would not already be incurred as part of collecting council rates. Similarly, there is authority under the Act, and detailed in the regulations, for a council to claim any unpaid levy payments from boards instead.

With the transition from the NRM Act to the Landscape Act, some landscape board boundaries were realigned. This resulted in uneven levy rates being collected within the boundaries of the impacted landscape boards. The relevant boards have since undertaken a levy equalisation process, which is a requirement of the Landscape Act, to ensure there is a common, consistent levy basis across council areas in each region.

What was heard

A small number of stakeholders suggested that the model for collecting the landscape levy may be financially and administratively burdensome for local councils, and the responsibility would sit more appropriately with the state government. However, there was a lack of evidence that councils are experiencing issues with the process in claiming the fair costs of landscape levy collection, or in carrying debt from unpaid levies. If evidence is provided in the future, this should be investigated further to confirm whether councils are able to recover the appropriate costs from landscape boards and are not being financially burdened.

There was also a suggestion to require councils to clarify, through their reporting, when they have collected additional levies to that prescribed in annual business plans.

Landscape boards currently determine the basis to calculate levies for each council area by the capital value of the land, or by a fixed charge and the relevant rate against this basis. Therefore, depending on the basis and rate of the levy amounts, owners of similarly valued properties and land-use in different landscape regions may pay substantially different amounts. It is expected that this also occurs between local council boundaries.

The Review highlighted a need to explore models that could achieve greater alignment of the amount of levies paid by landholders across regions. Accepting that there are important regional differences, stakeholders suggested that consideration be given to whether levies can be made more equivalent so that owners of similarly valued properties between regions pay a similar quantum of landscape levy. It was suggested that the Board Chairs' Forum could lead this assessment.

Feedback also suggested that regional landscape boards should continue to propose the aggregate amount to be contributed from all councils in their region, the share that each council would contribute, and a suggested basis by which it could be calculated, with the council determining its own basis for levy calculation across their area. This could enable councils to align the levy directly with their mechanisms for collecting council rates, if they wished to do so.

Water levy

Water levies are collected from water licensees and other water authority holders in each region by DEW, on behalf of the Minister. The funds are transferred to the regional landscape boards relevant to that levy, through the LAF. Water levies are based on a range of different types of charges, such as a fixed charge, quantity of allocation or quantity of water used. Water levy rates are published in the South Australian Government Gazette prior to July each year.

What we heard

Stakeholders sought to understand whether levies can, to some degree, be equalised so that water licence holders pay a similar water levy per megalitre of water, across different regions. It was suggested that the Board Chairs' Forum could lead this assessment.

Some stakeholders also called for greater transparency in how landscape boards spend water levies and clarification about whether the funds are spent on water projects.

Recommendations

32. Request the Board Chairs' Forum investigates feasible models to address differences in landscape and water levies that landholders pay for similar land-use across different regions.

33. Include the option for councils to determine the basis of the landscape levy.

3.8 Statutory funds

(refer to Part 6 of the Act)

Under the Landscape Act, 3 different types of statutory funds were established – the Landscape Administration Fund (LAF), the Landscape Priorities Fund (LPF) and regional landscape board funds. This section focuses on administration of the funds and assesses whether the funds, as specified under the Act, operate fairly and effectively. Findings and recommendations on the other aspects of board funding are included in Section 3.7 (Landscape and water levies) and Section 3.9 (Landscape board funding arrangements and equity).

Landscape Administration Fund

The LAF is a Treasury account that provides a mechanism for holding and distributing funds including fees, levies and other monies authorised by the Act.

DEW administers the LAF, which is audited at least once a year by the Auditor-General and is included in the Administered Financial Statements of DEW, released annually.

What was heard

Landscape boards declare levies for their regions and raise invoices from councils, however the revenue received into the LAF is administered by DEW. Feedback suggested that for administrative purposes it would be more efficient to allow revenue (and the debt) to be recognised at the time of raising the invoice within each landscape board. It was thought that this would allow levies to be received by landscape boards directly and in a more timely and efficient manner than going through the LAF.

The Review also heard that greater transparency is needed in the operation of the LAF, including how the funds that it administers are directed and applied. It was suggested that this can be achieved through an annual report established under a new provision related to the proposed 'State Natural Resource Management Strategy'.

Recommendations

34. Enable landscape levies to be directly received by boards, rather than through the Landscape Administration Fund.

35. Improve transparency of the Landscape Administration Fund.

Landscape Priorities Fund

The LPF is a portion of levy income collected from the Green Adelaide region, as determined by the Minister and published by notice in the South Australian Government Gazette. The Minister can apply the LPF to address priorities for managing, improving or enhancing the state's landscapes. The Minister can also apply the funds in a discretionary manner in making any other payment required or authorised under the Landscape Act.

Investment from the LPF is guided by high-level principles contained in the State Landscape Strategy that detail the way in which LPF funded projects should be delivered and what they should be focused on. The principles are: partnerships, landscape-scale, regional governance, tangible outcomes, strategic and aligned, and learning. The LPF is administered by DEW on behalf of the Minister.

To date, based on the regional governance principle in the State Landscape Strategy and on the Minister's approval of guidelines for each round of the LPF, funds from the LPF are distributed only to regional landscape boards, enabling investment in large-scale, multi-partner projects to address sub-regional, cross-regional and statewide priorities.

Funding is allocated from the LPF to regional landscape boards (except for Green Adelaide) through a competitive grant process. A total of $13.868 million has been committed to 21 projects led by landscape boards between 2020-2023, plus $0.478 million for 'Friends of Parks' volunteer group projects.

At the time of writing, the 2023-24 LPF grant round was underway. A percentage of the fund available for the 2023-24 round has been quarantined for specific landscape boards with a lower revenue base, and/or responsibility for a greater portion of the state, for specific projects aligned to their regional landscape plans. Ensuring the fair distribution of the LPF to landscape boards is discussed further in Section 3.9 (Landscape board funding arrangements and equity). Successful projects are published on the Landscape SA website. Under the grant agreements, regular reporting must be provided by landscape boards to the Minister about the progress of their projects.

The LPF is also audited at least once per year by the Auditor-General and included in the annual Administered Financial Statements of DEW.

What was heard

The continued application of the LPF was supported by stakeholders, as it is seen as a useful tool for the distribution of funding to regional landscape boards to invest in large-scale and multi-partner priority projects. Further, feedback indicated that the LPF's connection with the State Landscape Strategy is considered to be appropriate.

Feedback suggested that the use of the LPF should be better defined in the Act, including the level of Ministerial discretion applied in making 'any other payment' from the fund.

The Review also found that there should be a greater level of transparency in how projects funded by the LPF are assessed and prioritised against the State Landscape Strategy. In addition, they expressed that it is not always clear how funded projects align with the goals and vision of the strategy. It was considered that this can be achieved through an annual report established under a new provision related to the proposed State Natural Resources Management Strategy.

Recommendations

36. Improve transparency of the provision in the Landscape Act where the Minister can make 'any other payment' from the Landscape Priorities Fund.

37. Increase transparency in reporting and how projects funded by the Landscape Priorities Fund are assessed and prioritised.

Regional landscape board funds

Each landscape board is required to establish a fund, which functions as its central operating account. Boards may use the fund to implement its regional landscape plan, annual business plan, or any water allocation plan, or in initiating or supporting other purposes as outlined in the Act.

What we heard

Some stakeholders called for greater transparency in how landscape boards spend landscape and water levies. Landscape boards currently publish details on levy income and expenditure on projects in their individual annual business plans, annual reports and other publications, but the level of detail provided is varied.

Recommendation

38. Improve transparency about expenditure of levy funds by the landscape boards and implement standardised reporting mechanisms at the regional level.

Grassroots Grants Program

A community Grassroot Grants Program was established under the Act and is mostly funded from land and water levies or other board income. Each region, including Green Adelaide, has a Grassroots Grants Program available to volunteers and not-for-profit organisations.

The Minister determines the size of the funding pool available for grants in each region and can establish grant application requirements and grant criteria, which must be publicly available. Landscape boards

administer the grants and may determine grant conditions. Since 2020, landscape boards have been required to contribute at least 2.9% of their income raised through land and water levies and/or state appropriation toward Grassroots Grants Programs.

What was heard

While the Grassroots Grants Program is largely supported and considered a successful initiative, Review feedback suggested that the current allocation of funding is insufficient. This inadequacy has led to large numbers of applications being unsuccessful.

The Review also heard that funding criteria appears to favour projects that contribute to multiple broad priorities (land, water, nature, climate, community), while projects that are dedicated to singular priorities (such as pest plant control) struggle to secure funding.

Reviewing the amount of funds dedicated to the Grassroots Grants Program, and the type of projects that funding can be directed to, is a potential role for the Board Chairs' Forum

Recommendation

39. Review the amount dedicated for use in the Grassroots Grants Program and ensure the funding can be applied to a wide range of projects.

3.9 Landscape board funding arrangements and equity

Landscape board operations are funded through numerous sources comprising of landscape and water levies, outside council area land levies, state-based funding and water penalties. Management of natural resources is also supported through a variety of other South Australian Government and Australian Government funding mechanisms provided to landscape boards, or grant funding for specific projects.

Landscape board funding also supports industry, community groups and other non-profit organisations (for example industry, community groups, and non-profit organisations (for example, through partnership delivery and Grassroots Grants Programs).

Since the Landscape Act was introduced, and also under the previous NRM board arrangements, equitable funding distribution across the landscape regions has been an issue.

The government has committed to review the funding between landscape boards to ensure Green Adelaide does not have an unfair financial advantage over neighbouring boards.

What was heard

Widespread feedback outlined that the current scheme under the Act does not provide for an appropriate level of funding for some boards.

This is primarily due to varying capacity to raise landscape and water levy-based income that is not in proportion to the extent of their landscape management issues and/or their functional requirements. The Review underscored that the current landscape levy model also does not provide sufficient capability for boards to respond to high-priority or high-risk issues, particularly those that are unanticipated, for example, invasive pest species.

A large number of stakeholders advocated for the need to establish a more equitable distribution of funding across metropolitan and regional landscape boards. The resounding view was that inequity in funding allocation needs to be addressed to ensure boards can operate with sufficient funds in proportion to their functions and natural resource management responsibilities and priorities, including compliance responsibilities. Comments ranged from those wanting further exploration of opportunities to increase state funding and external funding sources, to those seeking improved levy distribution and an increase to the quantum of resources redistributed across the state via the LPF.

Specific feedback was also provided on these particular funding arrangements:

Levies

Levies provide a major funding source for some landscape boards. However, levy income and the amounts raised between land and water levies varies significantly from region to region. For example, Green

Adelaide, covering the majority of metropolitan Adelaide, has the highest levy income of all landscape boards at approximately $32 million for 2023-24. Conversely, the Alinytjara Wilurara Landscape Board has no revenue from land or water levies, and must instead rely on external sources of income, such as funding from the South Australian Government or the Australian Government's National Landcare Program.

Several boards have had to narrow their focus to reflect the lower funding base they receive because of boundary changes that occurred with the transition from the NRM Act to the Landscape Act. Specific funding arrangements exist between Green Adelaide and its neighbouring boards in order to maximise efficiency in undertaking activities that naturally cross the administrative boundaries of those boards. This includes for local environment centres, water monitoring assets, and coastal officers residing in the neighbouring regions.

What was heard

Feedback indicated that levy funding raised in most regions was considered inadequate to address the natural resource management issues of the region including water, land, soil, biodiversity and pest animals and plants. Commentary included that boards are unable to offer landholders the optimal level of support they need because there are limited on-ground resources. Stakeholders raised particular concerns about the lack of resources available for on-ground pest animal and plant management and compliance. There was a call for more grant funding and support for local landcare groups and local councils to support community working on the ground and across the regions.

It was suggested that enabling landscape boards to increase levies above Consumer Price Index (CPI) with approval from an appropriate parliamentary committee, such as the Natural Resources Committee of Parliament, would help ensure they are able to effectively achieve their objectives with increased flexibility to respond to emerging changes in their operating environment.

Some stakeholders suggested the introduction of a special purpose, statewide levy, or for the Minister to be given capacity to raise an additional one-off levy, to deal with specific high-priority issues if determined appropriate in the circumstances.

State government funding

State funds are provided to some boards that receive low or no revenue from levies to ensure a base for the board to deliver operational and core staffing requirements, and enable them to meet some essential responsibilities under the Landscape Act.

What was heard

Feedback suggested that state-based allocations should consider the size of the region and the extent of landscape management priorities, as well as the complexity of community engagement and other operational requirements. It was suggested that the Act include a provision for a regular review of funding allocations for boards with no, or minor, land or water levies.

Landscape Priorities Fund (LPF)

To enable funding redistribution across all regions, the Act requires that a portion of Green Adelaide's landscape and water levy income (currently 15%, which was approximately $4.9 million in 2023-24) is directed to the LPF. This fund is then redistributed to other landscape boards, predominately through an annual grant process for a diverse range of programs aligned to the principles in the State Landscape Strategy.

The LPF is recognised as an important source of funding for landscape-scale projects. It has provided an opportunity for addressing important land management issues at a scale that is not always possible with the existing levy revenue of the boards, noting that it provides project funding for up to 3 years rather than on an ongoing capacity.

What was heard

Feedback was clear that there is a significant opportunity to improve the management of natural resources in South Australia by increasing the allocations from the LPF to particular landscape regions.

Several stakeholders suggested an increase in the percentage of Green Adelaide's levies into the LPF from 15% to up to 30%. There appears to be general support for an increase, including by Green Adelaide, however the actual percentage will need to be further considered to ensure Green Adelaide can still adequately deliver its services to metropolitan Adelaide, along with other funding commitments.

Stakeholders also supported the approach of holding a portion of the LPF for specific landscape boards, and distributing it as a non-competitive grant, in an effort to help address the funding equity issues.

First Nations funding

Currently landscape boards strive to consult with and partner with local First Nations peoples to deliver natural resource management projects. However, there are no statutory or policy mandates to prescribe funding portions or mechanisms to ensure appropriate amounts of funding are directed towards working with First Nations.

What was heard

Increased funding for First Nations-related projects was suggested as part of the Review. Options to consider include mandating a percentage of LPF funds specifically for projects with First Nations in each region by working with the relevant Prescribed Body Corporates, and/or mandating a portion of Grassroots Grants for projects with First Nations.

Ministerial directives

Landscape boards are subject to the direction and control of the Minister. In accordance with this provision, since the Landscape Act came into operation the former and current Minister have issued a series of Ministerial directives to Green Adelaide that require it to fund (or part fund) various state government projects, totalling approximately $4.2 million. This has included:

- Adelaide's beach and coastal management activities
- environmental restoration activities in the Field River Valley
- operation and maintenance of the Patawalonga Lake System
- operating, managing and maintaining the floating boom located on the Patawalonga Creek.

Ministerial directives remain in place until such time as the Minister decides to update or rescind them.

What was heard

Commentary suggested that the ongoing reliance on landscape levy funds for major state programs significantly reduces Green Adelaide's ability to deliver upon the landscape management priorities as required under the Act, and reduces the capacity to redirect funding to other regions through the LPF. A review of the Ministerial directives issued to Green Adelaide is supported, with consideration given towards these initiatives being funded from other sources.

Water penalties

Under the Act, water licence holders must not exceed their available water allocation. Penalties apply to any water taken without authorisation or taken in excess of available allocation. All penalties are paid into the LAF, and in the case of penalties related to water regulation, a portion of these funds are directed to DEW to support water regulation activities.

What was heard

Feedback suggested that a portion of revenue received from penalties derived from water regulation enforcement should be directed to landscape boards to support water planning and compliance activities conducted by the boards.

State Water Planning and Management (WPM) charges

Since 2015-16 the NRM boards/Landscape boards have made WPM payments to DEW based on the National Water Initiative Pricing 'impactor pays' principle, to fund water science and monitoring, water licensing and water planning and management activities undertaken by DEW for the benefit of water users and to help manage the impacts of water use. The requirement to make WPM contributions is enacted through a government directive.

What was heard

Some queries were raised during the Review about the governance and transparency around the State WPM costs that are required to be paid to DEW.

It was suggested that if State WPM contributions continue to be required to be paid by landscape boards, then consideration should be given to ensuring there is transparent reporting.

Corporate services

The Minister requested landscape boards continue to use DEW corporate services, such as information technology, during the transition to the Landscape Act. These arrangements are administered through service level agreements. However, landscape boards are not tied by any statutory provision or government policy in using DEW for the provision of corporate services.

What was heard

The Review heard that further consideration should be given towards ensuring that landscape boards have flexibility in choosing corporate services from a variety of government and/or external suppliers, providing the necessary statutory financial and procurement requirements are met, and taking into account administrative efficiency and cost-effectiveness. It was suggested that determining policy positions on the provision of corporate services is a potential role for the Board Chairs' Forum.

Feedback also suggested that there should be additional funds provided and directed through the LAF for some regions to cover the mandatory costs of the service level agreement and Shared Services SA with DEW.

Recommendations

40. Explore mechanisms to improve levy income distribution across boards, to better reflect and align the priorities for action, and available funding, in each region.

41. Amend the Act to enable boards to increase the landscape levy beyond the CPI rate (with referral to an appropriate Parliamentary committee).

42. Include a mechanism in the Act that allows the Minister to create an additional statewide or one-off, 'special purpose' levy to address specific high-priority issues.

43. Maintain flexibility within the Landscape Priorities Fund to enable its funds to be directed toward statewide priorities (as identified in the strategy), competitive and non-competitive grant programs, and Ministerial directives, as well as continue to be a redistribution funding tool for all boards.

44. Increase Green Adelaide's contribution to the Landscape Priorities Fund, while ensuring it can still adequately deliver its services.

45. Develop arrangements for the Landscape Priorities Fund to fund specific partnership projects with First Nations and to support activity on traditional lands.

46. Review all Ministerial directives related to board funding.

47. Consider landscape boards having access to currently unallocated water penalty revenue in the Landscape Administration Fund.

48. Formalise reporting of the Water Planning and Management charges that landscape boards pay to DEW.

49. Request the Board Chairs' Forum explores the provision of corporate services to landscape boards to ensure boards have the flexibility in choosing their suppliers.

3.10 Management and protection of land condition

(refer to Part 7 of the Act)

Measures are in place under the Landscape Act to ensure agricultural land is managed appropriately and protected against degradation, with an emphasis on considering local conditions and industry best-practice. Landscape boards work closely alongside landholders in this regard and provide support and advice where needed.

Landscape boards can recommend land management practices to protect land from unreasonable degradation, including guidelines to assist in determining degradation through 'landscape-affecting activities control policies'. Landscape boards and authorised officers under the Landscape Act can also require landowners to prepare an action plan when they consider the landowner to be in breach, or likely to be in breach, of their statutory duties regarding land management practices. The requirements in preparing and implementing an action plan are further outlined in Part 7 of the Landscape Act.

What was heard

Feedback suggested that the action plan compliance mechanism is very difficult to administer, particularly since the plan must be prepared by the landowner, and can be challenging to progress, and the process and review provisions are onerous and slow.

The Review heard that the definition of degradation in the Act needs to be more specific to enable more appropriate compliance actions.

Some feedback suggested that landscape boards should implement a broader and more flexible range of approaches to engage landholders in improving land condition, provided they could demonstrate potential positive land condition outcomes.

Recommendations

50. Amend the compliance action plan process and review the requirements under Section 99 of the Act to ensure they are streamlined for greater effectiveness.

51. Amend the definition of 'degradation' to enable more appropriate requirements for compliance.

3.11 Management and protection of water resources

(refer to Part 8 of the Act)

Water resources across the state are under increasing pressure, which will continue to escalate as the impacts of climate change become more pronounced. The water resources scheme is a large, complex component of the Landscape Act, with powers and responsibilities largely split between landscape boards and the Minister (which are administered by DEW on behalf of the Minister). The overall scheme has not changed significantly since before the introduction of the NRM Act in 2004.

What was heard

The Review revealed a common view amongst key stakeholders that holistic and comprehensive reform of the water provisions of the Act is required. Developments have occurred in the water sector since the current scheme was developed, such as water trading, improved water compliance regimes and other Commonwealth Government initiatives, along with increasing water-use demands in the context of a changing climate. The sentiment amongst stakeholders suggested that these are not suitably accounted for in the current legislation. A reform process should consider the best regulatory framework to address existing requirements and emerging developments, as well as consider more specific changes required to enable the water resources scheme to function more effectively.

Given that holistic and comprehensive reform will likely be a longer-term process, most feedback on water regulation focused on recommending more immediate and specific amendments to multiple Landscape Act provisions to enable clarification, and modernise and

improve administrative operations (as listed in Appendix C). These suggested changes do not alter the current powers and responsibilities as split between landscape boards and the Minister.

Recommendations

52. Progress statutory and non-statutory changes to improve the effectiveness of the water regulatory scheme across the following areas:

- water allocation planning (WAP)
- water licensing (including WAP interactions)
- regulation of non-prescribed areas, including water-affecting activities provisions
- regulation of farm dams and levee banks
- regulation of stock and domestic water use
- interaction with related legislation
- improving compliance options (penalties and expiations)
- management of forestry water licences
- First Nations water rights and requirements, knowledge and use
- recognition of technology for water monitoring and compliance
- other specific amendments to multiple sections.

(For a complete list of proposed amendments to water regulation provisions, refer to Appendix C)

53. Undertake a holistic review of the water regulation scheme with full public consultation. Such a review should aim to create a revised scheme to:

- regulate the future management of water resources under a changing climate using an adaptive approach
- reflect First Nations cultural, spiritual, social, environmental and economic water interests and values
- improve the efficient and judicious use of water
- establish a scalable risk-based approach to water licensing
- align with modern water markets
- enable consistency with current and emerging Commonwealth statutory water requirements and national agreements
- establish an adequate and stable funding base to resource the administration and compliance of the water scheme.

3.12 Control of pest animals and plants

(refer to Part 9 of the Act)

The Landscape Act establishes a comprehensive regulatory and compliance scheme to control pest animals and plants, which is aimed at managing the significant threat they pose to agriculture, the natural environment, and public health and safety.

Under the Act, the Minister declares pest animals and plant species to manage activities including their movement, possession, sale and release. The Act requires that public and private landholders manage pest animals and plants in accordance with these declarations. It is generally recognised that the challenge of managing all declared pest animal and plant species as specified under the Act is immense for all landholders, whether they be private, non-government or government.

What was heard

The Review found that the Landscape Act's scheme for regulating pest animals and plants largely functions well. However, the high costs associated with managing such a wide range of pest species makes it difficult to sustain management activities required over the long-term. In addition, commentary indicated that there is often a lack of resources to adequately address emerging problems, including new pest animal and plant incursions.

The Review heard a range of views regarding the regulation of pest animals and plants. Some key stakeholders consider that the requirements for managing pest species should be strengthened, while others thought that the statutory declaration to 'destroy' pest species is too onerous and not achievable, or that alternative approaches are needed to incentivise the management of certain pest animals. Multiple submissions were received that disapproved of the current statutory requirement to destroy feral deer, as opposed to controlling them through hunting activities and creating local economic advantages. However, the Review heard compelling feedback suggesting a need to strengthen requirements to not permit the sale of certain declared pests, or enable any profit-making opportunities in controlling them, at the expense of the environment, primary production and public safety, and supporting neighbours and other landholders who strive to comply with the legislative requirements. Strengthening this area of the Landscape Act would remove any commercial incentive for landholders to maintain pest animal populations.

There was an appetite for the development of a statewide pest animal and plant management framework, which would outline a mechanism for specifying management priorities and strategies across the state in a timely way. This framework could be a part of the proposed State Natural Resources Management Strategy.

Feedback was also received on a number of more specific matters including definitions, managing declared pest plants on roadsides, and overlap in compliance matters with the *Native Vegetation Act 1991*.

While pest animals and plants can be divided into classes as per Section 185 of the Landscape Act, there is no definition of what defines a 'class', including how a pest species can be determined as either domestic (for example, farmed deer or olive groves) or feral/wild (feral deer, feral olives). Further, the definition of 'control' in the Act is confounded by the use of the term 'destroy', which has implications for determining management obligations for different types of declarations of pest species. Without clear definitions, cases for compliance may be challenged in legal proceedings.

Similarly, Review feedback was received about definitions relating to cats and a need to further define between feral and domestic cat categories consistent with other legislation in the *Dog and Cat Management Act 1995* and the *Animal Welfare Act 1985*. A current suite of amendments proposed to the Dog and Cat Management Act would, in part, address some of these definition issues.

Roadsides often hold some of the last local remnant vegetation and provide habitat for native species, however they can also contain pest animals and plants. Feedback suggests that the responsibility for management of pest species on roadsides, as outlined under the Landscape Act, is unclear for agencies, landholders and the community. Feedback indicated that in some circumstances it can be difficult for adjacent landholders to obtain the required permits to conduct work on roadsides, and it can be expensive and difficult for the board to recoup the cost of control works from each landholder. Stakeholders also expressed that there are issues with the board being responsible for control of declared pests on unmade road reserves. Many of these are in parks or on walking trails that are managed by councils, while others are on walking trails that cross through private land where the road reserve is managed as part of the whole property and where stock may have access. It was suggested that the Landscape Act should make the responsibilities of landowners, adjoining owners and landscape boards in roadside pest plant control clearer, and also clarify what is meant by 'proper measures' under Section 192(8).

Feedback was also received on the perceived overlap regarding the clearance of native vegetation while undergoing pest animal and plant control activities. It is considered that compliance powers in this regard best sit with the Native Vegetation Act rather than the Landscape Act.

This Review is being undertaken at the same time as the development of the Biosecurity Bill by the Minister for Primary Industries and Regions. The Bill does not replace the operation of Part 9 of the Landscape Act. It will be important to develop an agreement to outline the arrangements between PIRSA, landscape boards and DEW, regarding implementation and operational measures related to biosecurity with respect to the pest animal and plant provisions of the Act.

Recommendations

54. Consider strengthening the provision in the Act that does not permit the sale of declared classes of pest animals and plants to also include 'not gaining any financial advantage or profit from a pest species (living or dead)'.

55. Improve definitions in the Act to clarify the responsibilities and management (particularly 'class' and 'control') for different declared pest animals and plants.

56. Clarify the responsibilities of landscape boards to manage declared pest animals and plants on roadside reserves, including defining the term 'proper measures'.

57. Review provisions regarding the clearance of native vegetation in controlling pest animals and plants, particularly relating to compliance powers.

58. Develop a memorandum of understanding or similar agreement to outline the arrangements between PIRSA, landscape boards and DEW for the implementation and operational measures related to biosecurity and Part 9 of the Act.

59. Develop a statewide pest animal and plant management framework as part of the proposed State Natural Resources Management Strategy to support the regulation of pest animals and plants, and outline management priorities and strategies.

3.13 Compliance and enforcement

(refer Part 10 of the Act)

A key role of landscape boards, local council and agency staff (PIRSA and DEW) is encouraging voluntary compliance with the provisions of the Landscape Act. The Landscape Act also includes several mechanisms and powers for enforcing compliance, with roles and responsibilities shared between the Minister, DEW Chief Executive and staff, landscape boards and authorised officers. These parties have a degree of discretion to determine when enforcement is required, and which measures are appropriate for the particular circumstances.

Several improvements were made to the compliance and enforcement provisions with the introduction of the Landscape Act. These included introducing action orders to enforce compliance specifically related to declared pest animals and plants, increasing financial penalties and decentralising powers to landscape boards.

Under the Landscape Act, the legal right exists for landowners to appeal against a range of compliance and enforcement decisions, and these appeals are heard in the Environment, Resources and Development (ERD) Court. For some compliance decisions, a landowner may request a review by the DEW Chief Executive.

What was heard

Despite enhancements to certain aspects of the Act, some stakeholders believed that the current enforcement system is inadequate, with low levels of compliance, particularly in relation to the management of pest animals and plants. They expressed the view that mechanisms that encourage voluntary compliance could be bolstered by boards and more comprehensive guidance provided to landholders about what is expected of them, beyond the provisions laid out in the general statutory duties of the Act.

Compliance was broadly considered to be an under-resourced area, resulting in insufficient on-ground support for education and enforcement measures. Feedback outlined that minimum standards of training for authorised officers was necessary, as well as strengthening their powers to provide:

- an ability to issue a formal warning
- an 'information discovery order', so businesses and individuals are compelled to provide evidence without a court warrant
- an ability to seize documents without a warrant
- an ability to seize and retain declared species (in relation to animals passing through properties)
- an 'enforceable undertaking' power.

With regard to legal proceedings for offences under the Landscape Act (Section 232), currently the Minister or a person authorised by the Minister, the Director of Public Prosecutions or the DEW Chief Executive can commence proceedings. Some stakeholders felt that the Act should include the ability for boards to also commence legal proceedings in ERD Court, given their

major role in compliance and enforcement under the Landscape Act.

Currently the Landscape Act specifies that legal proceedings must be commenced within 5 years of the alleged offence being committed. For some compliance matters, it may be difficult to determine when an offence was 'committed', particularly for long-term ongoing offences that may have been relatively recently discovered by authorised officers.

The Review heard that increased reporting of compliance breaches and action taken by boards and other authorities under the Act should be required for greater sharing of information.

Recommendations

60. Strengthen the power of authorised officers to execute greater compliance and enforcement actions on-ground.

61. Prescribe minimum standards of training for authorised officers.

62. Introduce transparent reporting of compliance breaches and enable information to be shared between relevant bodies.

63. Review the provisions for proceedings relating to an offence to be laid.

64. Introduce an expiation option for non-compliance with the Act's Section 193: Action Orders.

65. Enable landscape boards to commence legal proceedings in the Environment, Resources and Development Court.

(For water related compliance recommendations refer to Appendix C)

3.14 Review of the Landscape Act

(refer to Part 13 of the Act)

The Landscape Act currently stipulates that an Independent Review must be conducted 3 years following the commencement of the Act, with a report on its operation and effectiveness to be laid before Parliament.

What was heard

To acknowledge the state's ever-changing landscapes, and that technologies and practices to manage them are evolving, it was suggested that a regular review of the Landscape Act is required. Some stakeholders felt that a review of the boundaries of the landscape boards was also required.

The particulars of each review, including focus areas and level of consultation required, should be determined by the Minister and outlined in a terms of reference.

Recommendation

66. Include a provision that the Minister must undertake a review every 5 years, including a review of the boundaries of the landscape regions, with the terms of reference to be determined by the Minister.



4 Appendices

Appendix A: Review Terms of Reference
May 2023

Background

The *Landscape South Australia Act 2019* seeks to promote sustainable and integrated management of the state's landscapes, to make provision for the protection of the state's natural resources, and for other purposes.

The Landscape Act came into operation progressively from 19 December 2019 following extensive reform of the former *Natural Resources Management Act 2004,* and is committed to the Minister for Climate, Environment and Water.

Section 249(1) of the Act states that:

> *The Minister must, as soon as practicable after the expiry of 3 years from the commencement of this section, appoint an independent person who has, in the opinion of the Minister, extensive knowledge, skills and experience in relation to the management of natural resources, to conduct a review of the operation and effectiveness of this Act since that commencement.*

Section 249 of the LSA Act came into operation on 1 July 2020.

Scope

The independent review will focus on the operation and effectiveness of the Act, including the regulations and the Act's statutory instruments.

There will be an emphasis on identifying and considering matters including, but not limited to, the following:

- the role and operation of landscape boards, appointment of board members including elections, functions of Green Adelaide, and employment arrangements for general managers and board staff (See Part 2 Administration)
- the development of the State Landscape Strategy (See Part 3 State Landscape Strategy)
- the process for developing regional and water allocation plans (See Part 4 Regional and Water Allocation Plans)
- setting and collecting levies, funding arrangements for landscape boards to provide long-term financial sustainability, including how the creation of Green Adelaide has impacted on the funding and associated delivery of programs of neighbouring boards (See Part 5 Landscape and Water Levies)
- operation of the Landscape Administration Fund, Landscape Priorities Fund and regional landscape board funds (See Part 6 Statutory Funds)
- opportunities to improve compliance in the management and protection of land, including relating to action plans (See Part 7 Management and protection of land)
- Opportunities to improve water licencing arrangements, taking of water from non-prescribed areas, permits and improvements to dam and levee bank management (Part 8 Management and protection of water resources)
- regulatory mechanisms, including suitability of definitions and interactions with other legislation (See Part 9 Control of animals and plants)
- opportunities for improving compliance mechanisms and streamlining compliance processes (See Part 10 Enforcement)
- administrative arrangements between landscape boards, including Green Adelaide, other government agencies and other organisations.

The Review will be restricted to the operation and effectiveness of the Act, considering an extensive reform process was undertaken in 2018/2019. The Review will not re-examine the fundamental scheme and system of the Act.

The Review will take into consideration interactions between the Act and other legislation, including legislative reviews completed prior to the conclusion of the Review and available public information on proposed new Bills.

Governance and administrative Arrangements

The reviewer will operate independently of government and report directly to the Minister.

An advisory group has been formed to provide advice directly to the reviewer during the Review period. The advisory group comprises nominated representatives from landscape boards, peak bodies (as identified in the Act), DEW and PIRSA. The reviewer will determine how the advisory group will be utilised throughout the review period.

Advisory group members will not make public statements regarding the independent Review with regard to their role in the group and in relation to any discussions held with the reviewer. Meeting papers and other materials received as part of this advisory group are to be considered confidential by all members.

The reviewer will be able to access technical (subject matter) experts across government and will be administratively supported by DEW.

The role of First Nations is an integral part of the Landscape Act. Specific arrangements will be made for advice from, and consultation with, First Nations.

The reviewer will undertake clear, meaningful engagement and consultation as considered appropriate, which will include:

- public consultation through YourSAy
- direct consultation with key organisations and individuals
- inviting submissions and/or representations from key organisations and individuals
- culturally appropriate engagement with First Nations peoples.

Final report

The independent reviewer must provide a final report to the Minister within 6 months of the commencement of the review.

The report will summarise the outcomes from the consultation and make recommendations on the operation and effectiveness of the Lanscape Act since commencement, for the Minister's consideration. The Minister is not committed to act on the Review's recommendations within any statutory timeframes.

The Minister must table a copy of the final report in both Houses of Parliament within 12 sitting days of receiving the report.

Appendix B: Submissions received

The following organisations and individuals provided their feedback on the Review through written submissions:

Organisations

1. Green Adelaide
2. Alinytjara Wilurara Landscape Board
3. Resilient Hills and Coasts
4. City of Onkaparinga
5. Deer Industry Association of Australia
6. Deer Industry Association of Australia – SA Branch
7. Australian Deer Association
8. Landcare Association of SA
9. Velvet International
10. Ms Virginie Ducruc (on behalf of a cat collective of organisations)
11. Watervalley Finance
12. Nature Conservation Society of South Australia
13. Department of Primary Industries and Regions South Australia
14. Coast Protection Board
15. Department for Environment and Water
16. RSPCA
17. South Australian Native Title Services and First Nations of SA Aboriginal Corporation
18. City of Tea Tree Gully
19. Canopy Nature Based Solutions / Greening Australia
20. Australian Land Conservation Alliance
21. Conservation Council of South Australia
22. Limestone Coast Landscape Board
23. Murraylands and Riverland Landscape Board
24. City of Burnside
25. South Australian Arid Lands Landscape Board
26. Northern and Yorke Landscape Board
27. Landscape South Australia Chairs Forum
28. Eyre Peninsula Landscape Board
29. Town of Gawler
30. Hills and Fleurieu Landscape Board
31. Premier's Climate Change Council
32. Primary Producers South Australia
33. Local Government Association of South Australia
34. Department for Climate Change, Energy, the Environment and Water (Commonwealth)

Individuals

35. Dr Andrew Lothian
36. Mr Fred Diepgrond
37. Mr Chris Halford
38. Mr Jake Nicholson
39. Mr Andrew Crackett
40. Mr Byron Sharrock
41. Mr Glenn Benham
42. Mr Corby McBride
43. Mr Darryl Adams
44. Mr Chris Seidel
45. Mr Daryl Panther
46. Mr Frank Halman
47. Mr David Sawers
48. Mr Boe Sims
49. Mr Pat Mahon
50. Mr Lachlan Holmes
51. Mr Daniel Liemareff
52. Mr Ryan Arthurson
53. Mr Justin Meek
54. Mr Tim Blackwell
55. Mr Martin Schoenfisch
56. Mr Misha Shigrov
57. Mr Caleb Christie
58. Mr Paul Janicki
59. Mr Jacob Hanley
60. Mr Max Carroll
61. Mr Alec Ross
62. Rev. Dr. Jonathan Davies
63. Mr Hayden Wandel
64. Mr Ross Oke
65. Mr Dylan Gubbin
66. Mr Isaac Arthurson
67. Mr Stephen Curwood
68. Mr Lincoln Decker
69. Mr Barry Gell
70. Mr Kyle Janicki
71. Mr Mark Milevski
72. Mr Adrian Childs
73. Mr Dylan Harrison-Brady
74. Mr Michael Wilkes
75. Mr Adam Steward
76. Mr Ryan Vague
77. Mr Jason Vanderhorst
78. Mr Michael Neale
79. Mr Russell Kremser
80. Mr Ryan Kelly

Two individuals who provided submissions requested to remain confidential. Consequently, their details are not listed above. In addition to the submissions listed above, 52 anonymous responses to the survey on YourSAy were received.

Appendix C: Amendment areas for consideration: water regulation

Amendment area	Act section
First Nations interests	
1. Include specific requirements to ensure meaningful engagement of First Nations to progress 'Closing the Gap' reforms relating to water rights and planning.	Multiple
Interaction with other legislation	
2. Water-affecting activity permits and interaction with the *Planning, Development and Infrastructure Act 2016* (PDI Act) – require amendments and/or improved referral process to ensure water-affecting activities are being properly assessed in development applications processed by local councils.	106
3. Levee bank management – improve the interaction of the PDI and Landscape Act regarding the approval process for siting, design, construction and modification of levee banks.	106
4. Streamline approval processes across the EPA and DEW for injection and extraction for Managed Aquifer Recharge Schemes (*Environment Protection Act 1993)*.	112
5. Enable effective alignment to water-affecting activities and land-affecting activities from section 17(3) of *South Eastern Water Conservation and Drainage Act 1992*.	Div 2 (Part 8)
6. Review the interaction with The *Groundwater (Border) Agreement Act 1985*.	4, 62, 130, 216
Definitions	
7. Review the definition of a 'well' to consider indirect access such as 'groundwater access trenches'.	3
8. Clarify the definition of 'to take' water in a flood event when structures are opened to release water.	3
9. Review the definition of 'to take' water in relation to environmental watering.	3
10. Review the definition of 'to take' water in relation to testing infrastructure.	3
11. Improve the definition of 'management zone' in relation to water allocation plans.	3
12. Review definition of 'commercial forestry' with regard to biodiverse revegetation.	3

Amendment area	Act section
Penalties (general water)	
13. Seek provision for the Minister to waive penalties, rather than seeking Treasurer approval, to increase flexibility and timeliness in decision-making.	Non-legislative
Water Allocation Plans	
14. Improve administrative arrangements and approval of WAPs that cross landscape board region boundaries.	Div 2 (Part 4)
15. Review interaction of water resource works approval and water management zones.	134, Div 2 (Part 4)
16. Enact management responses more flexibly within a consumptive pool.	Div 2 (part 4)
17. Review unbundling provisions where the identification of wells attached to a water licence should be provided for in the Act.	121
18. Strengthen 'guidelines specified by the Minister' as a clear and transparent legislative instrument.	49, 55
19. Review the requirement to provide environmental water requirements in order to sustain the ecological values of ecosystems that depend on the water resource, including their processes and biodiversity, at a low level of risk.	53
20. Improve recognition and management of cultural water.	53
21. Incorporate climate change risk related to resource capacity into water allocation plan requirements.	53
Water licences and water access entitlements	
22. Address any ambiguity about the existence of a water licence without a water access entitlement.	121, 123, 125
23. Address any ambiguity about changing the holder of the approval with the transfer of a water licence for water resource works approvals.	136
24. Determine appropriate conditions for water licences.	Div 2 (Part 4)
25. Consider mandating licence conditions that directly link to WAP principles and policies.	Div 2 (Part 4)
26. Establish principles associated with the determination of water access entitlements for prescribed water resource likely to be impacted by climate.	Div 3 (Part 4)

Amendment area	Act section
Forest water licences	
27. Review whether forest water licences should have a transferrable water access entitlement under the Act.	166
28. Review ability to convert a forest water licence to a 'taking' licence.	166
29. Clarify why forest water licences are not required in all landscape board regions.	166
Water regulation outside of prescribed areas	
30. Investigate additional options for improved regulation of taking water from surface and groundwater resources in non-prescribed areas.	Div 2 (Part 8)
Dams (and flood management)	
31. Improve farm dam safety management, by introducing a duty of proper maintenance, streamlining approval processes between Landscape SA Act and PDI Acts and enabling statutory policies and guidelines for siting, design, construction and modification.	Div 2 (Part 8)
Water-affecting activities and control policies	
32. Investigate mechanisms for when and how a board can decide a permit is not required for low-risk activities.	Div 2 (Part 8)
33. Review whether multiple wells and other activities may be given approval via a single permit under certain situations.	Div 2 (Part 8)
34. Consider including turkey nest dams as a potential water-affecting activity requiring a permit.	Div 2 (Part 8)
35. Enable low flows to pass through farm dams and other infrastructure to protect ecological health of watercourses.	Div 2 (Part 8)

Amendment area	Act section
Notice to maintain watercourse or lake	
36. Review how requirements for notices to landholders should recognise that impacts, such as watercourse erosion and downstream sedimentation, can also occur from other non-point or upstream sources.	108
37. Broaden the specific 'duty' in relation to watercourses to also include maintenance, and improvement where possible.	110
Prescribed water resources – 'designated day'	
38. Simplify the 'designated day' process for a prescribed water resource by notice in gazette, rather than by proclamation.	102, Schedule 5
Declaration of penalty	
39. Broaden the provision to allow the Minister to declare different penalties based on consumptive pool or management zone.	88
40. Enable the ability to penalise for excess use per well in areas that are partially unbundled, rather than just for a works approval.	88
Stock and domestic water use	
41. Provide control options for the Minister (on advice of the relevant landscape board) to regulate the taking of water for stock and domestic purposes for specified prescribed resources.	104
Water levies	
42. Provide an option to levy stock and domestic water take, if Minister sought to, for prescribed water resources (to be considered on a region-by-region basis, on advice of the relevant board).	76
43. Include a provision that if a levy is not declared by the required end date, it will be taken that the last levy or levies declared by the Minister under that paragraph apply.	76
Certain uses of water authorised	
44. Clarify that a Section 105 authorisation may be either long-term or short-term.	105

Amendment area	Act section
Notice to rectify an unauthorised activity	
45. Address any ambiguity about the 'owner of the land' to ensure it applies to all situations.	107
46. Broaden the provision to include an expiation provision as an option for non-compliance.	107
Refusal of permit to drill a well	
47. Expand the grounds for refusal to include the risk of damage to underground public infrastructure (such as transport tunnels).	114
Well drillers' licences	
48. Include an expiation provision as an option for non-compliance with licence conditions.	115
Water resource works and site use approvals	
49. Address any ambiguity about changing the holder of a water resource works approval and a site-use approval when the land changes ownership.	Division 3
Interference with works	
50. Include telemetry devices to prohibit interference.	230
Evidence provisions	
51. Include telemetry devices in Section 238(4).	238

Amendment area	Act section
Water Management Regulations 2020	
52. New definition required to recognise telemetry devices (any device used for the collection, storage and transmission of metering data).	
53. Require inclusion of offence and expiation option for tampering with telemetry data.	
54. Updates required to multiple regulations to recognise telemetry devices: • Regulation 9 – *Supply and installation of meters* • Regulation 11 – *Meters owned by other persons* • Regulation 12 – *Provisions applying to meters generally* • Regulation 13 – *Requirements as to installation, repair, testing etc of meters* • Regulation 14(12) – *Testing requirements* • Regulation 15 – *Minister's specifications.*	
55. Include an expiation fee and prosecution as a sanction for breach of a prescribed condition for Regulation 25 – *Well drillers' licences—prescribed conditions.*	
56. Additions required in relation to Regulation 15 – *Minister's specifications* to compel a validator to submit the validation certificate and provide it within a required timeframe and not provide false or misleading information, and with added provision for an offence with expiation fee.	
57. Increase expiation fee consistent with other water sections of the Act for Regulation 16 – *Compliance with Part.*	
Water Register Regulations 2020	
58. Review requirements regarding the expiry of registered security interests.	
59. Review the lapsing of caveats provision (probably legislative drafting error).	
60. Clarify that a security interest is only possible over part of a water access entitlement where there are tenants in common.	

Appendix D: Acronyms and abbreviations

Acronym or abbreviation	Definition
AWLB	Alinytjara Wilurara Landscape Board
CCSA	Conservation Council of South Australia
DEW	Department for Environment and Water
ERD Court	Environment, Resources and Development Court
LAF	Landscape Administration Fund
LPF	Landscape Priorities Fund
LGA	Local Government Association of South Australia
Minister	Minister for Climate, Environment and Water
NRM	Natural Resources Management
NRM Act	*Natural Resources Management Act 2004* (now repealed)
PIRSA	Primary Industries and Regions South Australia
PPSA	Primary Producers South Australia
WAP	Water Allocation Plan
WAA	Water Affecting Activity
WPM	Water Planning and Management







Government of South Australia

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