

21 February 2025

Biodiversity Coordination Unit
Department for Environment and Water

Email: biodiversityact@sa.gov.au

Re: South Australia's Draft Biodiversity Bill

To Whom it May Concern,

Thank you for the opportunity to provide feedback on the draft *Biodiversity Bill 2025*. Grain Producers South Australia (GPSA) previously submitted feedback on the discussion paper for this proposed legislation in March 2024, and we take this opportunity to reaffirm our key concerns, while addressing the specific proposals outlined in the draft Bill.

GPSA represents more than 4,500 grain producers across South Australia. The grain sector is vitally important to the state's economy, contributing an estimated \$3.6 billion in farmgate value in 2023–24 and employing thousands of people. South Australian grain production is also highly export-focused, with nearly 80 per cent of production shipped internationally, including to European markets with strong demand for sustainably produced grains.

While GPSA recognises the importance of biodiversity and the role it plays in land management, we are deeply concerned about the potential unintended consequences of the *Biodiversity Bill 2025* on grain producers, particularly without having access to the draft regulations as part of the Bill. South Australian farmers are already responsible stewards of the land, employing best-practice sustainable farming techniques, including no-till farming, ground cover retention, and integrated pest management. The Bill, in its current form, risks creating excessive regulatory burdens, introducing legal uncertainties, and imposing additional costs on grain producers, without sufficient recognition of their ongoing contributions to environmental management.

Overregulation and Policy Alignment

GPSA notes that the *Biodiversity Bill 2025* consolidates the *Native Vegetation Act 1991* and key provisions of the *National Parks and Wildlife Act 1972*, aiming to modernise and streamline biodiversity protection. It should be important to note that farmers are already subject to a complex and overlapping regulatory environment at the state, federal, and local levels.

Recent legislative developments, including the federal *Nature Repair Market Act 2023*, aim to incentivise voluntary conservation actions. It is critical that the *Biodiversity Bill 2025* does not create conflicting or duplicative regulatory requirements. Uncoordinated policy approaches will lead to confusion, regulatory fatigue, and disengagement.

GPSA Recommendations:

- **Ensure policy alignment with existing biodiversity initiatives, including the newly introduced Federal Nature Repair Market Act, to prevent conflicting or contradictory obligations for grain producers.**
- **Recognise existing best-practice agricultural sustainability measures within the Bill's framework, rather than imposing additional compliance burdens.**

General Duty and Legal Exposure for Farmers

The introduction of a General Duty (Section 11) requiring individuals and businesses to take all reasonable and practicable measures to avoid non-trivial harm to biodiversity is extremely concerning for grain producers. The vague definition of what constitutes “reasonable measures” exposes farmers to potential legal challenges, despite their compliance with best-practice land management. The Bill also expands third-party enforcement provisions, allowing non-government entities to initiate legal proceedings for alleged breaches of biodiversity laws. This could open the door to activist litigation that could undermine the viability of agricultural enterprises.

GPSA Recommendations:

- **Define clear and practical thresholds for compliance under the General Duty, ensuring that routine farming activities (e.g., firebreaks, soil preparation, and pest control) are not inadvertently penalised.**
- **Remove or significantly limit third-party legal standing to prevent frivolous or vexatious litigation that could target grain producers unfairly.**
- **We do not support the broadly proposed third-party enforcement in this Bill but if it remains, introduce safeguards against misuse, including strict criteria for standing, financial penalties for unsuccessful claims, and a mediation process before court action.**

Conflict of Land Use and Increased Penalties

The Bill introduces stronger penalties for biodiversity breaches, increased enforcement mechanisms, and new land-use restrictions. Farmers already face challenges from urban expansion, mining, and competing land-use interests, yet the Bill appears to place disproportionate restrictions on agriculture, rather than addressing broader land-use conflicts. Additionally, the introduction of new protected habitat categories (Part

6) allows the Minister to declare land as "critical habitat" for threatened species. This could severely limit farming activities without adequate consultation or compensation.

GPSA Recommendation:

- **Ensure agricultural land is not disproportionately targeted under the Bill's enforcement and penalty regime.**
- **Require economic impact assessments before declaring critical habitat areas on private farming land.**
- **Strengthen consultation requirements with affected landholders before biodiversity-related land-use decisions are made.**

Native Vegetation and Pest Management

GPSA acknowledges the importance of conservation, but any changes through this Bill must not impact negatively on productive cropping land. Any vegetation conservation must be considered against the practical implications for primary producers.

Under Part 5, the Bill expands the definition of native plants and regulates their clearance, including those planted more than 20 years ago. Many grain producers actively manage native vegetation on their properties, but the unclear regulatory framework may discourage voluntary conservation efforts by growers. Furthermore, pest bird species, which damage crops, grain storage, and infrastructure, are already difficult to manage under the current permit system. The Bill's inclusion of all Australian-native species in protection measures may exacerbate pest management issues, further restricting farmers' ability to protect their crops and equipment.

GPSA Recommendation:

- **Exempt routine agricultural land management (firebreaks, soil preparation, re-seeding) from unnecessary clearance restrictions.**
- **Remove this clause but if it remains, ensure fairness by establishing a streamlined permit system for managing pest species, ensuring timely and practical solutions for farmers.**
- **Ensure that native species recognised as pests in South Australia are appropriately managed from a biosecurity point of view, even if they are protected elsewhere in Australia.**

Enforcement, Compliance Costs, and Bureaucratic Complexity

GPSA does not support creating additional measures for biodiversity enforcement as grain producers are already sustainable stewards of the land and have been for decades. The Bill introduces significant financial

penalties, administrative burdens, and new compliance costs that may disproportionately affect small-to-medium grain producers.

GPSA Recommendation:

- Do not place additional burden on grain producers in the form of biodiversity enforcement. If enforcement under the Bill remains, at the very least, reduce administrative red tape by ensuring compliance processes are clear, accessible, and do not duplicate existing reporting requirements.

Conclusion

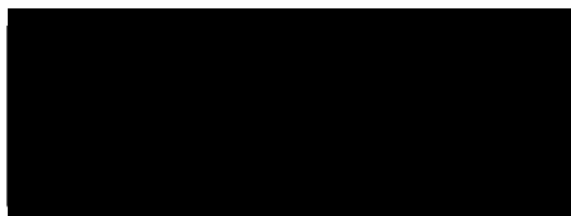
While GPSA recognises the importance of biodiversity within the farming system, conservation practices should not be forced on grain producers as food from the land they crop is in high demand across the world and will continue to be into the future. The sector is already competing with several other land use issues and having forced efforts to remove further productive land for conservation would be severely detrimental to the \$4 billion South Australian grain industry. We urge the South Australian Government to ensure the *Biodiversity Bill 2025* strikes a fair and practical balance between the environmental protection the Government is pursuing and agricultural productivity. Farmers are already active contributors to biodiversity management, and the introduction of restrictive legislation could undermine food security, economic resilience, and landholder confidence in any current efforts.

We urge the Government to adopt a pragmatic, evidence-based approach that recognises grain producers as partners in biodiversity stewardship, rather than as regulatory targets.

GPSA welcomes further consultation with the Department for Environment and Water to refine the Bill's provisions and ensure a workable, balanced approach to biodiversity management in South Australia.

Should you require further information, please contact me at the details above.

Yours sincerely,

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