Your strong and independent voice for livestock producers

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SUBMISSION

1 March 2024

Biodiversity Coordination Unit
Department for Environment and Water
GPO Box 1047
Adelaide SA 5001
By Email: biodiversityact@sa.gov.au

Dear Sir / Madam

Re: Developing a Biodiversity Act for South Australia – discussion paper

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

The red meat and wool industries are the backbone of South Australia's livestock and meat processing sectors, which contribute $5.4 billion annually to the state and support 21,000 jobs.

Livestock SA is a member of Primary Producers SA (PPSA) and is the South Australian representative member of four national peak industry councils: Sheep Producers Australia, Wool Producers Australia, Cattle Australia and the Goat Industry Council of Australia. Through PPSA and the Peak Councils, Livestock SA is also a member of the National Farmers' Federation.

Livestock SA welcomes the opportunity to provide a submission to inform the development of South Australia's first Biodiversity Act (the Act), which is important to our members and our sector's future success.

Background

Livestock production occurs on 84 per cent of South Australia's agricultural land[1]. By 2031, the world population is projected to increase by 11 per cent with an estimated global demand for meat production of 15 per cent[2]. Strong macroeconomic indicators and trends, and the increasing global demand for animal protein and natural fibres highlight that there are great opportunities for the continued growth of our state's livestock industry. This will ensure the industry continues to underpin regional economies and communities.

[1] ABS Agricultural Commodities, Australia 2020-21, Agricultural Commodities, Australia, 2020-21 financial year | Australian Bureau of Statistics (abs.gov.au)
[2] OECD/FAO (2022), *OECD-FAO Agricultural Outlook 2022-2031*, OECD Publishing, Paris, https://doi.org/10.1787/f1b0b29c-en.

Australian livestock producers have proven to be efficient, innovative and adaptable. They recognise that whilst food security is critical, they also have a responsibility to 'enhance the natural environment and biodiversity on the land (they) farm'[3].

As an example of Australian Agriculture's commitment to balancing environmental responsibilities with food production: between 1996 and 2013[1], the intensity of Green House Gas emissions from Australian primary industries decreased by 63 per cent, whilst at the same time the average annual productivity growth was 2.7 per cent over a 30-year period. These successes are achieved via the research, development and adoption of better farming practices.

Agriculture also acknowledges its commitment to the sustainable management of land and water resources through initiatives such as the Australian Agricultural Sustainability Framework, which includes a specific principle to protect and enhance biodiverse ecological communities[4]. The livestock industry also continues to invest in the protection of our environment through the National Sheep[5] and Beef[6] Sustainability Frameworks, which include biodiversity enhancement as a key priority. Progress has already been demonstrated, with 43.7 per cent of cattle producing land being actively managed for biodiversity[7] and 80 per cent of Resource Management Regions achieving healthy ground cover thresholds[7].

In South Australia there is a whole-of-value chain commitment in the SA livestock industry to actively contribute to the delivery of these national targets. The respect of the environment they farm, and continued market access are the key motivators for our livestock producers. The SA Sheep[8] and Beef[9] Industry Blueprints (the point-of-reference for livestock production development in SA) align with these national plans and identify targets to '*Support …biodiversity through improved soil health'* and '*Maintain global recognition for SA as a producer of beef with outstanding integrity and credentials for…environmental stewardship…'* respectively. These Blueprints will be superseded by the SA Red Meat and Wool Industry Blueprint in 2024, in which 'Our Environment' is one of 5 pillars, with *'…actively encourage biodiversity'* listed as a priority area for our livestock producers.

Livestock SA sees the introduction of the Act as an important step towards providing a robust framework which supports all stakeholders in the consistent delivery of their responsibility to protect the unique biodiversity of South Australia, and we provide in principle support for the development of this legislation. However, we are wary that producers may be expected to shoulder the bulk of the responsibility (effort, cost and administrative duties) of delivering the new legislation on the ground. The new Act must define an equitable approach, where all stakeholders are required to take responsibility in their daily lives for the protection and enhancement of SA's biodiversity.

We have provided feedback on the proposed Act via responses to the questions posed in the discussion paper. We look forward to being integrally involved with this process.

Topic 1 – Biodiversity and South Australia's First Nations People

Livestock SA supports the proposal to include engagement with First Nations people in the Act. First Nations people have a unique connection and understanding of the land they inhabit and will provide unique insights into the best way to manage and protect South Australian biodiversity.

[3] SA Red Meat and Wool Industry Blueprint 2030 (final draft, Feb.2024)
[4] The Australian Agricultural Sustainability Framework (2023) https://aasf.org.au/
[5] Sheep Sustainability Framework (2022) https://www.sheepsustainabilityframework.com.au/
[6] Beef Sustainability Framework (2020) https://www.sustainableaustralianbeef.com.au/
[7] Beef Sustainability Framework Annual Update (2023) https://www.sustainableaustralianbeef.com.au/
[8] SA Sheep Industry Blueprint (2030) https://livestocksa.org.au/industry-development/industry-blueprints/sa-sheep-industry-blueprint
[9] SA Beef industry Blueprint (2028) https://livestocksa.org.au/industry-development/industry-blueprints/sa-beef-industry-blueprint

We note that the full wording of the 30 by 30 target (page 9 of the FAQs document) states *"…recognising and respecting the rights of indigenous peoples and local communities…"* and propose that South Australian primary producers also share a unique connection with the land they farm and will also be able to provide a unique and valuable perspective into land use, characteristics, and regional conditions.

Many South Australian producers are part of multigeneration farming enterprises and have detailed understandings of the history of their land. This information can be invaluable, and we consider that consultation with all landholders (including freehold and lease holders) should be required under the Act to inform and enhance regional and localised understanding of biodiversity challenges and optimum management.

Topic 2 – Avoiding Impacts

Livestock SA offers in principle support for the proposed use of the 'mitigation hierarchy' tool to analyse the optimum approach to reducing the impact of potential projects on biodiversity. However, when assessing projects and activities, biodiversity should not be considered in isolation of other factors such as land productivity capacity, access requirements, broader community benefit, etc. (Livestock SA understands that this concern is addressed in Topic 3 'Transparent decision-making', Principle 2 'Integration'.)

Both the positive and negative impacts on biodiversity should be weighted to inform the decision to proceed (or not) with a project or activity, or which level of the hierarchy should be utilised to address the project. For example, many regional roads are damaged and in poor condition due to the types of vehicles (e.g. mining) and frequency of use (e.g. tourism) not anticipated at the time of development. As a result, road users will often leave the damaged roads and go off track, causing further damage to land and negatively impacting biodiversity. In this example, the effect of not completing a project (road upgrades) could have a greater potential impact on biodiversity than completing the work.

The Act should also include the requirement to assess biodiversity impacts posed by other SA legislation. For example, another tool proven to assist in responsible grazing management and the protection of biodiversity is virtual fencing. Research studies show cattle were excluded from a regenerating area for 99.8 per cent of the trial time[10]. This resulted in reduced overgrazing and erosion, improved maintenance of ground cover and weed control and by the trials end, the feed available in the protected zone was also double the quality and quantity. Livestock producers provide biodiversity stewardship of the pastoral lands, which account for over 42 per cent of South Australia. However, despite being permitted in other states including Tasmania, Queensland and Western Australia and multiple studies reporting no adverse animal welfare outcomes in livestock wearing collars[11,12,13], the use of virtual fencing collars in a commercial setting is not currently permitted under the South Australian *Animal Welfare Act 1985*. Amendments to this legislation through its current review process will enhance biodiversity regeneration in the pastoral zone.

[10] Virtual Fencing Technology Excludes Beef Cattle from An Environmentally Sensitive Area https://biggroup.org.au/project/virtual-fencing/

[11] Campbell, D.L.M, Lea J.M, Keshavari, H. and Lee, C (2019) Virtual Fencing Is Comparable to Electric Tape Fencing for Cattle Behavior and Welfare, *Frontiers in Veterinary Science,* https://doi.org/10.3389/fvets.2019.00445

[12] Sonne, C., Alstrup, A.K.O., Pertoldi, C., Frikke, J., Linder, A.C. and Styrishave, B. (2022) Cortisol in Manure from Cattle Enclosed with Nofence Virtual Fencing, Animals 2022, 12(21), 3017; https://doi.org/10.3390/ani12213017

[13] Sonne, C., Alstrup, A.K.O., Pertoldi, C.,Frikke, J., Linder, A.C. and Styrishave, B (2022) Heifers don't care: no evidence of negative impact on animal welfare of growing heifers when using virtual fences compared to physical fences for grazing, Animals 2022, 16(9), 100614, https://www.mdpi.com/2076-2615/12/21/3017

Topic 3 – Transparent Decision-Making

Livestock SA considers the proposed Ecological Sustainable Development (ESD) principles listed in the FAQ document provide a reasonable decision-making matrix. However, further discussion and clarification about how they would be applied is needed.

Principle (1) 'Sustainable use' begs the question – will livestock producers be expected to lodge an application under the Act to continue the activities they've been carrying out for generations (e.g. grazing pastoral land) or is there an assumption that this Act only applies to new developments and activities? Clarification is needed and Livestock SA would not support producers having to comply with such a requirement to continue existing activities.

Principle (2) 'Integration' is of particular importance when weighing up the impact of farming systems. For example, the use of land for livestock production will have an impact on biodiversity but if it is unnecessarily restricted, the capacity to deliver red meat and wool will be reduced, impacting on state export income and food security.

Australia is suited to grazing livestock. Of the 394 million hectares of land operated by agricultural businesses in Australia, 341 million hectares (or 87 per cent) is used for grazing[14]. This is consistent with the state context where livestock production occurs on 84 per cent of South Australia's agricultural land[15]. Producers are limited by the land that is suitable for certain enterprises and the potential land use should be considered when evaluating impacts on biodiversity.

Livestock SA also considers that agricultural activity should be assessed and rated differently for biodiversity impact than something that is not necessarily critical in that area (e.g. building, recreational infrastructure, road transport).

Principle (6) 'Internalisation of external environmental costs' poses an interesting dilemma as to how this would be measured and quantified. Further information is required.

Topic 4 – Threats to Biodiversity

Livestock SA supports the reference to SA's State of the Environment Report as a starting point for identifying threats to biodiversity in the Act. However, this should be supported by fair and proper consultation with all relevant stakeholders (including the livestock industry and producers) to identify local issues and potential strategies to best mitigate these threats. Care should also be taken to align with threats and mitigation plans in neighbouring jurisdictions (and the Australian Government) to maximise collaboration and leverage of funding where possible. All jurisdictions should be striving to realise nationally harmonised biodiversity parameters, assessment processes, and reporting frameworks.

- Invasive animals

Livestock SA supports the management of invasives species using scientifically valid methods and best practices and invasive species management should be a key focus of the Act.

For example, feral cats significantly impact biodiversity, eating about 2 billion reptiles, birds, frogs

[14] Australian Bureau of Statistics. (2016-17). Land Management and Farming in Australia. ABS. https://www.abs.gov.au/statistics/industry/agriculture/land-management-and-farming-australia/2016-17

[15] ABS Agricultural Commodities, Australia 2020-21, Agricultural Commodities, Australia, 2020-21 financial year | Australian Bureau of Statistics (abs.gov.au)

and mammals each year[16] and also have significant impacts on native fauna, livestock and human health, by being a vector of diseases such as Toxoplasmosis. Toxoplasmosis costs the Australian sheep industry an estimated $10 million annually, and accounts for an estimated average of 17 per cent of all sheep abortions[17]. Sarcocystisis, a disease also spread by cats, costs the South Australian sheep industry $1.2 million a year and is highly prevalent on Kangaroo Island where an estimated two-thirds of sheep are impacted[9]. The loss of livestock to these diseases reduces the efficiency of the industry, impacting on our quest to reduce carbon intensity.

The impact of other invasives species on biodiversity and agriculture is also significant. In South Australia, feral deer numbers have continued to increase: the Limestone Coast has experienced a 30 per cent population growth of Fallow Deer each year[18]. Populations are also destructively high in the Adelaide Hills and Fleurieu regions, with an overall estimated SA population of 40,000[19]. Feral Deer cause extensive damage to soil, vegetation and biodiversity and are an ongoing issue for landholders. Livestock SA supports the management of deer through the National Feral Deer Action Plan.

Damage or predation by foxes, rabbits, feral goats, wild pigs, camels and wombats is also reported by our members, but the degree of impact and current management strategies and activities vary from region to region.

- Adverse severe weather events

Primary producers and the biodiversity they manage can be severely impacted by severe weather events such as flood and fire. It would be appropriate for the incoming SA Biodiversity legislation to align closely with legislation empowering emergency responses and recovery activities, if the natural environment is to recover as quickly as practicable.

- Confusion and complexities

Ironically, biological diversity is also potentially threatened by the complex environmental legislative frameworks where multiple Acts, Regulations and Guidelines exist at a national, state and local levels. This is complicated further by consumer expectations (and supporting credentialling) in relation to biodiversity, carbon, animal welfare, ESG (Environmental, Social and Governance), etc. This plethora of expectations and associated application or reporting requirements needs to be aligned and rationalised to avoid overwhelming the landholders and producers who are expected to deliver and report against them.

Livestock SA supports a process where approvals for projects under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) also result in approval under state-based legislation, including a new SA Biodiversity Act.

Topic 5 – Assessing the Risk of Extinction

Livestock SA supports the proposal to establish a scientific committee responsible for threatened species, as is the case under legislation in other states. Requirements and actions for listed

[16] Pest Smart - Impact of feral cats in Australia https://pestsmart.org.au/toolkit-resource/impact-of-feral-cats-in-australia/

[17] Legge, S., Taggart, P.L., Dickman, C.R., Read, J.L., and Woinarski, J.C.Z. (2020) Cat-dependent diseases cost Australia AU$6 billion per year through impacts on human health and livestock production. Wildlife Research 47 (8), 731-746.

[18] Lethbridge MR and Andrews LM, 2016, Feral Deer Aerial Survey of Gum Lagoon Conservation Park and surrounds, 2016 EcoKnowledge report to Natural Resources South-East, Department of Environment, Water and Natural Resources, South Australia

[19] South Australian Feral Deer Eradication Program (PIRSA) https://pir.sa.gov.au/biosecurity/introduced-pest-feral-animals/find_a_pest_animal/deer/south_australia_feral_deer_eradication_program

threatened species should examine the roles and responsibilities of all stakeholders and requirements under the Act should be shared equitably, and not be the sole responsibility of the landholder. Producers with listed threatened species on their land, should also be appropriately supported (technical advice and funding) to protect, manage and monitor these species.

The role and expertise of producers in land management must also be recognised including when determining threatened species management. Producers have a thorough understanding of the land they manage, including species on the land and areas that are suitable for biodiversity preservation and this knowledge must be recognised and producers included in the decision making process.

Topic 6 – Biodiversity Planning and Reporting

Landholders (including livestock producers) will be key stakeholders in the development and implementation of the state-wide Biodiversity Plan. Livestock SA generally supports the list of possible inclusions in the state-wide biodiversity plan (page 8 of the FAQ document). The links to global, national and state based policy should also encompass other relevant legislation. Targets defined in the Plan should align with other relevant reporting requirements, to avoid duplication and onerous reporting requirements. We note also that it is proposed that the Plan 'build on the state government's previous nature conservation initiatives'; with this in mind, Livestock SA believes it would be appropriate for any previous initiatives to protect and manage diversity by landholders and producers also be recognised and built on.

Livestock producers already face the onerous task of multiple credentialing and reporting requirements for the management of their land and livestock and will likely have increased pressures on reporting on other measures such as GHG emissions reduction and carbon management. Consequently, we strongly recommend that any state reporting requirements defined in this Act be streamlined and incorporated with other reporting requirements as much as possible.

Topic 7 – The Benefits of Information

Information is a critical tool to ensure the decisions made are based on evidence, and the best outcomes are achieved for biodiversity as well as land management for other purposes. We are keen to learn what data will be collected by Biodata SA, how it will be made available and used and who will have access to the data.

We also look forward to further discussing the opportunity of 'sharing biodiversity information' with producers and across all levels of government to determine how it could be used to reduce existing reporting burdens (e.g. for credentialling programs) and avoid any unnecessary additional reporting obligations being created.

Topic 8 – Achieving 30 by 30

Livestock SA supports the proposed goal to reach 30 per cent of the SA landmass protected, provided this is achieved with ongoing consultation with landholders and producers to identify the most suitable land for biodiversity purposes and that biodiversity targets are carefully balanced with food production. It should also build on the significant effort and progress made to date by land managers and producers.

Livestock SA supports the need for best practice land management to improve biodiversity across <u>all</u> landscapes (including grazed land) and not limit it to protected areas. Care needs to be taken when balancing biosecurity protection with the management of fire risks. For example, Heritage

Agreements should allow flexibility for land managers to respond appropriately to the risk to their property (including crops, livestock and biodiversity) from fires.

Topic 9 – Biodiversity - a shared responsibility

Livestock SA supports the suggested concept of a 'general duty of care'. Besides its existence in other SA environmental legislation, it aligns with the General Biosecurity Duty proposed to be introduced through a new SA Biosecurity Act. This shared responsibility must be communicated effectively and widely, with all stakeholders actively supported (technically and financially) to deliver against their legal obligation.

If introduced, the general duty of care must be communicated clearly to all stakeholders (including producers) prior to the use of penalties. As a new concept, it needs to be clear to all stakeholders how the 'duty' applies to them and what penalties will be issued for non-compliance.

Topic 10 – Consequences of Doing the Wrong Thing

Livestock SA supports fair penalties for breaches relating to biodiversity, including those under the newly proposed Act. We also support the alignment of legislation and penalties with other states and territories, recognising that this would result in an increase in penalties in SA.

Timely follow up of alleged offences is important to allow the Act to meet its objectives of biodiversity protection. For this to take place, adequate resources (including trained investigators) will be required. Appropriate penalties to curtail repeat offenders also needs to be considered.

Summary

Livestock SA broadly supports the principles outlined in the discussion paper, noting our view may change around specific areas as more detail is provided. Biodiversity and agriculture are inexorably linked – producers must be enabled and resourced to address both in tandem. South Australian livestock producers can already demonstrate an excellent track-record with regards to their commitment to effectively balancing the protection of biodiversity, with the continued production of quality red meat and wool on their properties. This success should be recognised and built on.

Livestock SA reminds the government that environmental policies, programs and frameworks are already complex and often not aligned. Due diligence and consideration of existing legislation, industry guidelines and market requirements will be needed, and a desire to harmonise wherever possible must be a priority or the Act risks contributing to further complexity, confusion and inequitable responsibilities for landholders.

We look forward to continued consultation on the development of a new Biodiversity Act and welcome the opportunity to meet with the legislative development team to discuss and clarify our understanding and concerns. Please contact the Livestock SA office on (08) 8297 2299 or via email at admin@livestocksa.org.au if you would like to discuss this submission further.

Yours sincerely



Travis Tobin
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