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Biodiversity Coordination Unit

Department for Environment and Water

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Monday, 4th of March 2024

Dear Biodiversity Coordination Unit,

Re: Submission on the Development of a Biodiversity Act for South Australia

I welcome the opportunity to provide a submission to the Department of Environment and Water ("DEW") on the development of the *Biodiversity Act* ("the Act"), and thank DEW for graciously granting an extension on the original timeframe provided.

This submission is made in a personal capacity. However, it is made with specific endorsement of the Nature Conservation Society of South Australia's ("NCSSA") campaign on kangaroo management, which operated as part of the Kangaroo Partnerships Project coordinated by the SA Arid Landscapes Board. I have drawn from my professional experience at NCSSA, but shall not be seen to represent them in this submission.

I write to advocate for a new Act which is more ambitious in delivering action on the deep challenges of the biodiversity crisis facing South Australian nature. In particular, I write regarding the issue of macropod management in South Australia. Since European colonization, disruptions to natural Australian ecosystems have led to imbalances in macropod populations across South Australia. Due to many factors including the removal of apex predators, the loss of

Aboriginal hunting and the installation of permanent artificial water supplies, the populations of most large kangaroo species are often many times higher than their natural densities and their sustainable carrying capacity.[1] Such population overabundances have led to intensely adverse outcomes for ecosystem conservation, animal welfare, nature resource management, human health and food waste.[2]

The existing framework for kangaroo management is severely fragmented and rife with contradictions. Kangaroos are protected under the *National Parks and Wildlife Act of 1972 ("NPW Act")*, yet they are commercially culled, harvested and non-commercially destroyed under corresponding regulations. This conflicting policy landscape creates numerous barriers for landholders and managers to implement proactive kangaroo management, leading to a prevailing norm of inaction. Current policies function in the way of ensuring commercial harvest does not threaten the sustainability of macropod species, but fail to account for the way that macropods affect *other* species. This approach overlooks commercial harvesting as a legitimate solution to population issues.

This policy failure has been recognised in publications like *"Improving Kangaroo Management: A Joint Statement*" ("the Joint Statement"), a paper published by a peak body of experts which calls for urgent policy reform noting "existing policy and practices related to kangaroo management cause perverse outcomes for animal welfare, conservation, productivity, waste, drought resilience, climate, and the health, culture and wellbeing of Australians."[3] This statement has received endorsements from more than 25 organizations, including environmental, industrial, landholder, and Indigenous groups, and pertinently points out failing in our current environmental legislation.

South Australia's impending *Biodiversity Act* presents a crucial opportunity to streamline macropod management policies and achieve stronger outcomes for conservation, community and

[1] State of evidence - Kangaroos and their management in South Australia.pdf (environment.sa.gov.au)
[2] Improving Kangaroo Management: A Joint Statement - Read - 2021 - Ecological Management & Restoration - Wiley Online Library
[3] Ibid.

culture. Brief recommendations have been made below as to how some the Act might facilitate these changes, but of course, much further work is needed beyond this.

Recommendation 1: *Proper Processes for Recognising Complex Threats*

This submission supports a statutory framework for the identification of threats to biodiversity as per Topic 4.8 of the Discussion Paper. Requiring threats to be identified is a positive step forward in bringing state legislation into line with best practise and federal frameworks. If done well, it will enable the formal recognition of cumulative threats to biodiversity like overabundant native herbivores, which are often overlooked as a threat in our current system.

It is important to recognise key threatening processes for ecological communities, as well as individual species, as is done in the federal framework. The process for threat assessment and identification should be informed by a sufficiently independent scientific body such as a Threatened Species Scientific Committee which is adequately resourced to consider complex environmental factors such as cumulative and combined threats.

Recommendation 2: *Implement Adequately Resourced Responsive Policy*

Formalized processes for threat identification are effectively meaningless unless coupled with appropriate responsive policy. As per Topic 4.9, it is important that the Act also include statutory obligation for actions to address the threats to biodiversity. These actions must be linked with proper resources for their implementation; inadequate resourcing of threat mitigation measures will result in a failure to achieve biodiversity goals. This was demonstrated in a recent audit of the management of threatened species under the *EPBC Act*, which revealed that insufficient monitoring, reporting, and support for implementing conservation advice, recovery plans, and threat abatement plans meant that desired biodiversity outcomes were not achieved.[4]

In the context of addressing the threat of overabundant macropods, there's a clear need for a proactive and adaptive management approach to ensure waste is minimized and resources are

[4]Auditor-General Report No.19, "Management of Threatened Species and Ecological Communities under the Environment Protection and Biodiversity Conservation Act 1999" (2021-22)

used sustainably.[5] Regulated and accredited harvesting of macropods has widely been recognised as the most effective means of ethically controlling overabundant populations.[6] Harvesting mechanisms are most effective when implemented before a population surge, meaning management is preventive rather than just reactive. It is recommended that target thresholds for harvesting are set in accordance with the specific needs of various ecological communities, and that policies better provide for the management of macropods in line with those targets.

This is one example of a threat abatement plan which could be implemented in response to the recognition of overabundant macropods as a threat to biodiversity. Further and more in-depth recommendations for the ecologically informed management of overabundant macropods has been detailed in the Joint Statement.[7] This submission strongly advocates for the comprehensive guidance provided in the document, and recommends that it be utilised in the development of future policies.

Recommendation 3: *Integrate Macropod Management into Biodiversity Planning and Reporting*

Following the recommendations made by the EPA in the 2018 State of the Environment Report, a state-wide biodiversity plan as proposed by Topic 6 should welcomed.[5] The plan should reflect the identification of threats, including overabundant macropods, in effort to plan and prioritize appropriate responsive policies. We note that this is a valuable opportunity to consolidate fragmented macropod management policies and ensure that ecologically-informed priorities are developed to safeguard threatened ecosystems.

The plan could draw on community knowledge to develop specific plans for critical ecological communities across South Australia. Through the improved sharing of information as discussed

[5] Pedler, Reece, et al. "Proactive management of kangaroos for conservation and ecosystem restoration–Wild Deserts, Sturt National Park, NSW." *Ecological Management & Restoration* 22 (2021): 90-98.
[6] Read, John L., et al. "Introduction to special edition on overabundant macropods Ecological Management & Restoration." (2021).
[7] Improving Kangaroo Management: A Joint Statement - Read - 2021 - Ecological Management & Restoration - Wiley Online Library

in Topic 7, the department could develop a plan which better encapsulates the various needs of the state's various environments. In particular, this plan could establish environmental standards for features of biodiversity such as minimum forage resources like grass cover, set according to their specific environmental conditions. This could provide the basis for management policies such as macropod population control to ensure that these environmental standards are upheld and preserved. Such practises are currently observed in managed conservation areas but should extend to public land and be integrated into the norm in this new era of biodiversity preservation. There is potential for the plan to be informed by community expertise, as discussed more in Recommendation 5.

The plan should be legally empowered by statutory links to the *Biodiversity Act*. A failure to ensure this creates a risk that the plan will not be properly implemented. If legally empowered, the planning framework presents a valuable opportunity to secure funding for executing priority biodiversity actions.

Recommendation 4: *Integrate Macropod Management in Protected Area Stewardship*

In discussion of protected areas under Topic 8, we must question how we define "lands managed for conservation purposes." There have been many examples of poor management which has meant that protected areas are not genuinely protected. In particular, we wish to draw attention to the fact that research has shown public land conservation has been undermined by total grazing pressure, especially from native macropods.[8]

As such, stronger policies for best practise species management in protected areas should be incorporated into the *Biodiversity Act*. It could do this through its own statutory provisions, and linking to the relevant *NPW Act* where relevant. Policies should focus on empowering and supporting land managers to implement the most effective mechanisms for macropod population control. This will enable them to meet target thresholds aligned with predicted population trends based on environmental conditions, as discussed in Recommendation 2 and 3.

[8] Prowse, Thomas AA, et al. "Eating away at protected areas: Total grazing pressure is undermining public land conservation." *Global Ecology and Conservation* 20 (2019)

Recommendation 5: *Develop Regional Kangaroo Management Groups*

In line with the principles of community participation referenced by Topic 1 and Topic 3, the Act should provide for targeted engagement in decision-making processes regarding biodiversity.

Participative democracy is increasingly important, especially in highly polarised and complex spaces like macropod management.[9] There is strong evidence to suggest that improving levels of community participation in decision making, the more confident that policy makers can be that the policy will achieve its desired outcomes, and tend to lead to more creative, considered, and legitimate decisions.[10]

We propose the formation of Regional Kangaroo Management Groups. These groups could be made up of representatives of ecologists, Indigenous representatives, landholders, welfare organizations, industry members, government officials, and conservation stakeholders. By pooling their expertise, these groups could provide valuable input into the formulation of policies and decisions concerning macropod management. Additionally, they could play a crucial role in the development of biodiversity plans by offering insightful feedback on policy priorities.

Concluding Remarks

To quote president of the Nature Conservation Society of South Australia Associate Patrick O'Connor in his discussion of overabundant macropods, "a few species – even if they are native – should not be allowed to compromise the existence of other native plants and animals, especially not where we have dedicated the land to holistic protection of biodiversity."[11]

I recognise that macropod management is one small piece of the complex puzzle of biodiversity management, and that many more holistic considerations must also be taken into account during this legislative consultation. Hence, I endorse the broader submissions from members of the environmental non-government sector, particularly those made by members of the South

[9] Colebatch, Hal K., ed. *Beyond the policy cycle: The policy process in Australia*. Routledge, 2020.
[10] Carson, Lyn, et al. "Community consultation in environmental policy making." *The Drawing Board: An Australian Review of Public Affairs* 3.1 (2002): 1-13.
[11] https://set.adelaide.edu.au/news/list/2019/10/16/whos-eating-away-australias-national-parks

Australian Nature Alliance (“SANA”), which call for an Act which is robust, ambitious, and genuinely safeguards nature.

In light of this, I note that the Act proposed by this discussion paper lacks the substantive innovation or ambition necessary to address the scale of the biodiversity crisis. Instead of introducing new approaches or enhancing existing ones, the paper predominantly replicates processes from current frameworks without addressing their inherent shortcomings or bolstering their objectives. While these frameworks may offer some value in damage mitigation and regulatory oversight, they fall short in promoting additionality—the proactive pursuit of decisions that positively impact nature. The proposed framework notably neglects mechanisms for positive management, restoration, or active rehabilitation, focusing primarily on damage control. This omission is problematic as it impedes comprehensive efforts to improve biodiversity management. Moreover, the suggested headings are overly restrictive and fail to capture the complexity of holistic biodiversity management. True consideration of all species' needs necessitates substantial reform beyond these proposed themes.
