Government of South Australia
Pastoral Board

Ref: A6176529

PASTORAL BOARD OF SOUTH AUSTRALIA

Department for Environment and Water

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Biodiversity Legislation Project Team
Attn: [redacted]
Biodiversity Conservation Unit
National Parks & Wildlife Service South Australia
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Dear [redacted],

RE: DEVELOPING A BIODIVERSITY ACT FOR SOUTH AUSTRALIA – DISCUSSION PAPER

The Pastoral Board (the Board) welcomes the opportunity to provide comment on the Discussion Paper for the development of a Biodiversity Act for South Australia. The development of an act to protect Biodiversity presents a significant opportunity for protection of the state's biodiversity.

The Board is appointed under the *Pastoral Land Management and Conservation Act 1989* (Pastoral Act) to ensure our state's pastoral lands are well managed, so their natural value and economic yield is sustained in the long term. We have the expertise and legislative mandate to oversee the sustainable use of pastoral lands and support a wide variety of current and future uses of these lands.

The Pastoral Act's function is to support the management and conservation of pastoral lands. Pastoral lands make up more than 40% of the state, and hold significant cultural, natural and economic values. Effort to enhance conservation on these lands could make a considerable contribution towards addressing biodiversity loss in South Australia. Primary tools supporting effective conservation of pastoral land, and by extension its biodiversity, includes management of sustainable grazing (by livestock and/or abundant native herbivores) to avoid degradation of the land and enabling certain areas of pastoral land to be used for conservation and biodiverse carbon farming.

Our submission focuses on how a new Biodiversity Act and the Pastoral Act may interact and be of benefit to one another. The objects of the Pastoral Act and the purpose of a Biodiversity Act are similarly aligned.

The Pastoral Act is currently under amendment to allow a broader range of land uses on pastoral land. These changes will confirm the Board's ability to approve the use of pastoral land for conservation and carbon farming in conjunction with, or exclusive of, grazing livestock.

The Discussion Paper identifies existing legislation gaps and that the new Biodiversity Act aims to address these. Clarification is required as to where it may make more sense to address these gaps in a new Act versus amending and strengthening existing legislation. The Board notes that limited resourcing is a major challenge in achieving the objectives of many Acts that support biodiversity. Appropriate funding and resourcing is needed for both existing Acts and a new Biodiversity Act to enable effective implementation.

Topic 2 – Avoiding impacts

Avoiding impacts through the mitigation hierarchy requires a strong legislative mandate and process, and appropriate resourcing to follow through on its implementation. Consideration of the similarities and differences in the proposed mitigation hierarchy compared to that in the *Native Vegetation Act 1991* (Native Vegetation Act) will allow for identification of opportunities for improvement.

An important interaction of the Pastoral and Native Vegetation Acts is to provide appropriate regulation of pastoral lands that enables pastoralists to manage their leases and sustain and increase production. This includes managing the expansion of the areas that are grazed through improved infrastructure and management, while managing and mitigating any resulting impacts on native vegetation. Any provisions of the Biodiversity Act that affect this should continue to enable effective pastoral management and interact with the Pastoral Act and Pastoral Board.

Topic 3 – Transparent decision-making

Transparent decision making should be independent of the Minister, and a possible way to achieve transparency and independence is through creating an appropriate Board or Council to exercise powers under the Biodiversity Act at arm's length from the relevant Minister.

Additionally, the Government may wish to consider reviewing the range of powers and functions of the current Boards and Councils relating to biodiversity to determine if any adjustment of these is necessary in context of a new Biodiversity Act. Similarly there may be opportunity to consider delegating certain powers between Boards and Councils (and agencies) to enable more efficient implementation of a coordinated regulatory regime. This is critical if there is to be a simple and single point of contact for pastoralists to understand government policies and ensure there is consistent messaging between regulatory authorities.

The Biodiversity Act should enable landholders to interact with the Australian Government's Nature Repair market and provide consistent messaging between State and Commonwealth legislation.

Topic 4 – Threats to biodiversity

Certain activities that may occur on pastoral land pose threats to biodiversity. These activities may include inappropriate grazing, expansion of waterpoints or spread of invasive and pest plant and animal species. In addition to this, climate change and altered fire regimes throughout the pastoral zone also pose threats.

Development of provisions to recognise and address threats to biodiversity should consider how the Pastoral Board can assist in protecting biodiversity on pastoral land which may include an advisory role, exercising powers under the Pastoral Act or delegated functions under the Biodiversity Act.

Topic 6 – Biodiversity planning and reporting

Effective support for biodiversity requires strong alignment of planning, action and governance across legislation and agencies.

The Board supports the proposal for statewide strategic planning for biodiversity, with a strong focus on the future needs and conditions of the South Australian landscape and communities. In particular any planning should take into account the impacts and opportunities arising with climate change, for both industry, communities and biodiversity.

Plans should be designed to be flexible to account for the future, and potentially unanticipated, changes we may experience.

The Board welcomes the opportunity to contribute to any strategic planning process for biodiversity and include appropriate components in the Board's strategic plan.

Topic 7 – The benefits of information

The Pastoral Unit (DEW) on behalf of the Board currently collects a range of vegetation data and holds significant amounts of historical data. It is important to ensure this data is shared effectively and any data collection requirements should align with various existing programs. An accreditation process for data collection would help ensure that a consistent standard of data is collected.

New data sharing arrangements could also help the Pastoral Board and other bodies in better implementing existing legislation.

Topic 8 – Achieving 30 by 30

The Board supports the concept that incentives for landholders could broader than just financial incentives. Along with financial and technical assistance, training, and networking are often valuable to landholders seeking to conserve biodiversity on their properties. The new Act, along with the Board, could facilitate biodiversity management accreditation or awards to incentivise pastoralists and enable them to access premium markets. For incentives to be successful it is critical that funding sources are identified early and planned for.

Where pastoral leases are used for conservation (either solely or partially) the impacts on pastoral land collectively and the viability of individual pastoral leases should be considered. The Board will consider these matters in its review of guidelines for approving non-pastoral uses of pastoral land.

Topic 9 – Biodiversity – a shared responsibility

In regards to a 'duty of care' in the proposed Biodiversity Act, it needs to be clearly defined to ensure it is effective. It should outline expected behaviours in taking a duty of care. The social change that is desired and how this may affect other legislation should be considered when defining the duty of care.

Topic 10 – Consequences of doing the wrong thing

The Board supports the development of stronger and more consistent compliance measures and penalties across the range of legislation relating to biodiversity, including the Pastoral Act. Operational clarification may be required to define how the Biodiversity Act will interact and complement existing legislation, including the Pastoral Act.

Investment in adequate resourcing will be required to ensure that successful compliance is achieved under the Biodiversity Act and other relevant acts. Historically, limitations in resourcing of the Pastoral Act has resulted in limited capacity to undertake compliance when required. Without effective investment in both the promotion of the concepts to the community and adequate resources to enable effective compliance, a Biodiversity Act will lose credibility in the community.

Relevant agencies should be consulted to advise on the resourcing requirements for successful implementation of the Biodiversity Act and related legislation.

Concluding statements

Creating a principles-based piece of legislation with less specificity will allow for both the unpredictable and expected changes that occur over time (i.e. climate change) without the legislation becoming outdated.

Overall the Pastoral Board is supportive of the proposed principles defined in the Discussion Paper for the development of a Biodiversity Act. There is scope for another Act to complement existing legislation, such as the Pastoral Act, to protect biodiversity, helping ensure that the state's pastoral lands and associated plant and animal life are protected.

We note that any change in biodiversity outcomes will require change in how South Australians value and interact with biodiversity. Simply changing legislation is not enough, and a new Act should be developed with the resourcing required to drive the desired social change of community attitudes to biodiversity.

The government agencies responsible for the Biodiversity and Pastoral Acts will need to work collaboratively and proactively support pastoral lessees through any changes that might be necessitated by the Biodiversity Act. If changes in practices might result in additional costs, or lost income and opportunities, both Acts can be delivered more effectively by anticipating these and developing strategies and programs that support pastoralists to promote biodiversity.

The Pastoral Board welcomes the opportunity to be involved in the Biodiversity Act's ongoing development, particularly with a focus on how management of pastoral lands can support effective long term biodiversity outcomes in the context of climate change and the range of industries and other uses which pastoral lands can support.

If you require further clarification on this submission please contact the Manager Pastoral Unit, [redacted].

Yours sincerely

Roger B. Wickes

ROGER WICKES
Presiding Member, Pastoral Board

29 February 2024