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SUBMISSION

21 February 2025

Biodiversity Coordination Unit
Department for Environment and Water
Via email: biodiversityact@sa.gov.au

Dear Sir / Madam

Re: Submission to South Australia's Draft Biodiversity Bill

Livestock SA is the peak industry organisation for South Australia's red meat and wool producers. Representing over 5,200 sheep producers, 2,700 beef cattle producers and several hundred goat producers across the state, we work to secure a strong and sustainable livestock industry. South Australia's \$4.3 billion livestock industry is a key economic contributor to the state and supports 21,000 South Australian jobs across the red meat and wool industries.

Livestock SA welcomes the opportunity to provide a submission to South Australia's Draft Biodiversity Bill (the Bill), which is important to our members and industries.

South Australian red meat and wool producers have consistently demonstrated their commitment to responsible land management. The industry actively supports sustainable environmental practices, as outlined in the SA Red Meat and Wool Blueprint 2030¹ (Blueprint). A key pillar of the Blueprint is 'Our Environment' which features key priorities, including: *"Increase soil health, enhance environmental stewardship and actively encourage biodiversity"*.

The environment features strongly in the Blueprint, because producers and industry recognise their importance in environmental stewardship and progress, with livestock production occurring on 84 per cent of South Australia's agricultural land². Balancing environmental needs with the increasing domestic and global demand for high quality red meat and wool is a challenge that South Australian livestock producers have continually risen to.

However, as the demand for high quality livestock products increases, South Australian producers require balanced legislation and a regulatory framework that supports environmental outcomes while also enabling efficient and profitable business operations. It is estimated that by 2031, the world population will increase by 11 per cent with an estimated global demand for meat production of 15 per cent³.

¹ SA Red Meat and Wool Blueprint <https://livestocksa.com.au/industry-development/industry-blueprint>

² ABS Agricultural Commodities, Australia 2020-21, Agricultural Commodities, Australia, 2020-21 financial year | Australian Bureau of Statistics (abs.gov.au)

³ OECD/FAO (2022), OECD-FAO Agricultural Outlook 2022-2031, OECD Publishing, Paris, <https://doi.org/10.1787/f1b0b29c-en>.

Livestock SA provided a submission to the Biodiversity Act discussion paper and to the recent amendments to the *Native Vegetation Act 1991* that will be absorbed into the Biodiversity Act. We appreciate your consideration of our previous responses and provide additional feedback to the Bill below.

Part 1: Preliminary

- No comment

Part 2: Objects, Principles and General Duty

We support the objects of the Bill, particularly the objective to share responsibility equally. South Australian livestock producers have demonstrated they take their responsibility to sustainable land management seriously and it is important all relevant stakeholders share this responsibility as well. However, we note that the objects of the Bill include recognising and respecting the important role that First Nations people have in conserving and restoring biodiversity, but there is no recognition that primary producers that have been managing about 50 per cent of the state's landmass for the past 170 years.

We support the principles of the Bill, including the need for decisions to be scientifically based and supported by evidence. Basing decisions on scientific evidence that is peer reviewed, backed up by on ground reality and relevant for the current situation will be critical to ensuring the Bill is effective and reduces the likelihood of unintended consequences of uninformed decisions.

However, we also seek clarity on the community's right to participate in environmental decision making. For example, the livestock industry has recently experienced firsthand the current power imbalance that exists between those that farm and those that set the policies around farming. Government intervened in a profitable, legal, high performing livestock market due to the influence of a small but loud inner-city agenda that was ideologically driven and not supported by contemporary science or evidence. This alarming precedent cannot be allowed to continue.

The requirements for incorporating First Nations knowledge and Culturally Significant Biodiversity entities are unclear. We are unsure of how this will be applied and in what circumstances and the possible impacts to livestock producers. More information is needed on how these entities are determined and in the requirements for producers and pastoral leaseholders to respond to these determinations.

The introduction of a general duty must apply to all parties equally and not be the responsibility of livestock producers alone. We are currently unclear how the general duty will be applied and enforced and the applications of any penalties for breaching it. We also request clarification on whether there will be additional requirements of this duty on livestock producers.

Recommendations

Recognise and respect the role primary producers play in managing over 50 per cent of the state's landmass.

Provide more information on the community's right to participate in environmental decision making, the application of Culturally Significant Entities and requirements for landholders and producers to respond to these determinations, and the application of the general duty and its application to livestock producers.

Part 3: Administration

For any committee to be as effective as possible, they must be composed of members with direct connections and a proven understanding of their responsibilities and the impacts of their decisions. This is also true for the committees proposed in the Bill. In principle, we support committees being appointed based on skills and expertise and the proposal for the government to develop mechanisms for relevant peak bodies to be consulted on the appointment process; however, more information is needed about this process.

We support the inclusion of a primary producers or pastoralists on the Biodiversity Council. However instead of one or the other, we consider these must be two separate positions – a representative for primary production and a representative for the pastoral zone. The primary production representative is needed to account for the various production systems and agricultural land uses across the state. The pastoral estate is considerably different to the farmed areas of the state and accounts for over 42 per cent of the state's landmass so needs its own representative.

Recommendation

Inclusion of a primary production representative and pastoral production representative on the Biodiversity Council.

Part 4: Native Plants

We request clarification on the proposed change to introduce new protections for planted native plants when they reach 20 years of age. Activities required for human safety and routine property management such as fence lines and roads must be exempt to clearance of these plants.

Recommendation

Provide more information on the changes to protections for native plants more than 20 years old and how this applies to clearing for safety purposes and routine property management requirements.

We support the use of a mitigation hierarchy to minimise impacts on biodiversity, as outlined in our previous submission.

We question the addition of a new provision for the NPACA to ask for more information and allow clearance applications to be resubmitted. We consider it is important that if this change is included in the Bill, there is provision on the information requests that can be made and the number of times an application may be required to be submitted to ensure a fair, transparent and efficient process.

We seek clarification on the changing definitions for native plants to now include any plants native to Australia, rather than South Australia specifically. We note this change will impact on weed species in South Australia that may be native to other jurisdictions but not to South Australia.

While there is the ability to declare weeds under the *SA Landscape Act 2019*, this is not required for many species and we need the ability to recognise different weed species, not native to South Australia that don't require the level of management of declared weed species.

Recommendation

Provide more information on how weeds not native to South Australia that are not declared will be managed and controlled under this legislation.

Part 5: Native Animals

We are concerned about the changes relating to the status of wild dogs with the removal of the unprotection species list and the introduction of protection for all native animals, which under this legislation includes wild dogs/dingoes. We recognise the Bill enables the continued management of wild dogs/dingoes in accordance with the wild dog management plan. However, the mechanisms in this legislation to manage wild dogs are unclear and we do not consider that they are sufficient to effectively manage wild dogs.

Wild dogs are a significant issue for livestock production, impacting on animal welfare, farm production and producer wellbeing. Impacts of wild dogs are significant, with an estimated national production loss due to wild dogs of \$89 million per annum, and lost productivity with producers spending an average of 26 days per year on wild dog management⁴.

The South Australian Government and the sheep industry have invested significantly into the management of wild dogs, including the \$29 million Dog Fence rebuild project in the state's northern regions. Prior to these investments, in 2018-19, SA livestock producers lost 20,000 sheep annually to wild dogs⁵. This had direct costs exceeding \$4 million per year and caused significant emotional and wellbeing impacts on producers. This investment has been successful in reducing wild dog numbers and stock losses and needs the support of strong and clear legislation to continue.

We consider the proposed Bill mechanisms weaken the current legislation in place for wild dogs listed as 'unprotected'. The legislation changes in status to protected for wild dogs in Victoria has already led to increases in stock losses with ongoing impacts on animal welfare, farm productivity and the mental health of producers managing the loss of the animals to wild dog attacks. We do not want to see the same situation in our state. The South Australian livestock industry and producers have worked hard and invested significantly to effectively reduce and better manage the unacceptable impacts of wild dogs.

Recommendation

Provide more information on the management of wild dogs under the Bill with the change to protected status for animals native to Australia.

We also note that with the removal of unprotected statuses and the declaration of protected statuses for all native animals, birds currently controlled without a permit such as corellas, will now be protected. This will impact on the ability of producers to manage the impacts of birds on the management of crops, and we request more information on how producers can manage the impacts of native birds under this legislation.

We remain unsure of the mechanism relating to the declaration of protected species and critical habitat declarations by the Minister. It is unclear under what circumstances this can occur and the level of consultation with stakeholders required before these declarations are made. We are concerned that this mechanism may lead to undesired outcomes if species and habitats are declared critical by the Minister. We recognise the need to protect species and habitats; however, the process must ensure that unintended consequences are averted through appropriate consultation,

⁴ McLeod, R. (2016). Cost of Pest Animals in NSW and Australia, 2013-14. eSYS Development Pty Ltd, 2016. Report prepared for the NSW Natural Resources Commission: <https://wilddogplan.org.au/wp-content/uploads/Cost-of-Pest-Animals-in-NSW-and-Aus-2013-14.pdf>

⁵ Government of South Australia [https://www.premier.sa.gov.au/media-releases/news-archive/wild-dog-management-in-south-australia-to-get-\\$2.9-million-funding-boost](https://www.premier.sa.gov.au/media-releases/news-archive/wild-dog-management-in-south-australia-to-get-$2.9-million-funding-boost)

demonstration of scientific evidence that is peer reviewed and backed up by on ground reality before any declaration.

We urge the government to provide clear guidelines on how critical habitat and species declarations will be determined, including a transparent consultation process with affected stakeholders.

Recommendation

Provide more information on the mechanism for declaration of critical habitats and species by the Minister and the required consultation before declarations are made.

Part 6 – Threatened species, threatened ecological communities and other ecological entities

- No comment

Part 7 – Conserved Areas

We support the change from heritage agreements to conservation agreements; however, we consider this must also be seen as opportunity to review the functionality of these agreements with the view that selective, regulated grazing be incorporated where benefits can be proven. Changes such as these to the agreements will help more people consider taking up heritage/biodiversity agreements while also better managing fire fuel loads etc., which is increasingly becoming more critical.

Recommendation

New conservation agreements to incorporate selective, regulated grazing to better manage fire fuel loads and create a win-win outcome for agriculture and the environment.

Part 8 – Enforcement

We support the introduction of compliance and reparation orders, provided they are applied equally across all relevant stakeholders. Offences related to culturally significant biodiversity entity and First Nations peoples in relation to country connection are unclear. We seek more clarity on how and when this will be applied. We also consider it will be important to broadly communicate this offence and how landholders can ensure they are complying with this legislation.

Part 9 – Permits

We are concerned the Bill creates conflicting legislation relating to permits for wild dogs. Under the *Landscape Act 2019*, permits are required for wild dogs and are restrictive; however, the Bill will also allow for permits for wild dogs. This will create conflict between the two pieces of legislation, leading to confusing and uncertainty about permitting for wild dogs.

We are strongly opposed to any change in the permitting of wild dogs to the current requirements under the *Landscape Act 2019*. Wild dog numbers must be restricted as much as possible south of the Dog Fence to ensure stock are well protected and the considerable investments made are not undermined.

Recommendation

Provide more information on permits relating to wild dogs and how this legislation will interact with permit requirements under the *Landscapes Act 2019*.

Part 10 – Miscellaneous

We support the proposed inclusion of State Biodiversity data; however, more information is needed on how this data will be collected, stored and accessed and by who.

We support in principle a State Biodiversity Plan; however, consultation must include primary producers and recognise their experience with land management and the inextricable link between agriculture and biodiversity.

We support an initial review of the Biodiversity Act after 5 years. As this is a new piece of legislation this review will be important to identify key challenges and concerns with the Act and possible solutions to ensure it is fit for purpose. We also support subsequent reviews every 10 years as it will be important to ensure this legislation is current and serving its purpose.

We seek greater clarity on the review process. For example, these reviews should be undertaken by more than just an independent person (as stated). Reviews must include extensive consultation with relevant stakeholders with ample opportunity for them to raise concerns. The impact of legislation on stakeholders and their role in managing land and biodiversity must also be considered in the consultation and views should carry an equivalent degree of weight – refer to comments about power imbalances under Part 2: Objects, Principles and General Duty.

Schedule 1 – Regulated Clearance area

- No comment

Schedule 2 – Regulated Acts or Activities Exclusions

We support that the current clearance exemptions relating to ‘ongoing grazing practices’, the ‘maintenance of existing agriculture, forestry and farming’, and the ‘grazing of domestic stock’ be replaced with one exemption that clarifies that *‘farming and grazing does not require clearance consent.’*

Appendix 1

We support alignment with the penalty provisions imposed in other jurisdictions but recommend a comprehensive education element as part of the change to increase landholder understanding of their clearance obligations and the associated penalties for non-compliance.

Thank you for the opportunity to provide comment on the proposed SA Biodiversity Bill. There are several areas of the Bill that we request more information and clarity on, and we look forward to discussing these with you.

Yours sincerely

Travis Tobin
Chief Executive Officer