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SUBMISSION

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Environment Law Reform Taskforce
Department of Climate Change, Energy, the Environment and Water
GPO Box 3090
CANBERRA ACT 2601
Via email: EPRconsultation@dcceew.gov.au

To Whom It May Concern

Re: Submission to Environment Protection Reforms: Setting up for success

Livestock SA is the peak industry organisation representing South Australia's red meat and wool producers. We represent more than 5,200 sheep producers, 2,700 beef cattle producers and several hundred goat producers across the state. South Australia's livestock industry contributes approximately \$4.3 billion annually to the state's economy and supports more than 21,000 jobs throughout the red meat and wool supply chains.

Livestock SA welcomes the opportunity to provide feedback to the Department of Climate Change, Energy, the Environment and Water on the *Environment Protection Reform Consultation: Subordinate Legislation*.

Key Messages and Recommendations

Livestock SA supports environmental regulation that delivers measurable environmental outcomes while maintaining the viability, resilience and productivity of Australian agriculture.

The proposed subordinate legislation raises significant implementation concerns for livestock producers because key elements of the broader reform framework remain incomplete, including National Environmental Standards, Protection Statements, sector-specific guidance, environmental data arrangements and regulatory rulings.

Key recommendations:

1. Delay commencement of significant new powers and obligations until the broader framework is complete and can be properly assessed by affected sectors.
2. Ensure agriculture is formally represented in National EPA advisory and decision-making mechanisms.
3. Develop a dedicated Agricultural Activities Schedule that clearly identifies routine, continuing-use and low-risk agricultural activities that do not require referral or assessment under the EPBC Act.

4. Ensure Protection Statements are risk-based, scientifically robust and focused on clearly identified critical habitat rather than broad potential habitat mapping.
5. Establish transparent environmental data governance arrangements, including accessible pathways for landholders to challenge and correct government-held environmental data and mapping products.
6. Explicitly protect routine agricultural activities required for food production, drought preparedness, animal welfare, biosecurity management and landscape resilience.
7. Expand bilateral agreements and accreditation arrangements wherever equivalent environmental outcomes can be achieved through state-based processes.
8. Assess regulatory burden cumulatively across environmental, heritage, biosecurity and natural resource management frameworks rather than considering each framework in isolation.
9. Ensure any greenhouse gas reporting requirements align with existing reporting systems and avoid duplication.

Environmental reform will only succeed if it delivers improved environmental outcomes while maintaining food security, regional prosperity and confidence to invest in Australia's productive landscapes.

Introduction

Our members manage some of Australia's most environmentally diverse production landscapes, ranging from the high-rainfall regions of the South East and Fleurieu Peninsula to the extensive pastoral rangelands that cover approximately 40 million hectares of South Australia.

Livestock production occurs across around 84 per cent of the state's agricultural land and plays a vital role in regional employment, food and fibre production, export earnings, and the stewardship of natural resources.

Livestock SA supports the submission made by the National Farmers' Federation (NFF) and Primary Producers SA in that the practical operation of the new framework for agriculture will be is dependent on the regulations, rules, guidance materials, rulings, protection statements, registers, data arrangements, and compliance practices being proportionate and capable of being implementation in practice. Regulatory uncertainty arising from the *Environment Protection Reform Act 2025* is already affecting business confidence, investment decisions and routine land management activities across South Australia's livestock industry.

Livestock SA is also concerned by the sequencing of the current reform process. While the proposed subordinate legislation seeks to operationalise key elements of the *Environment Protection Reform Act 2025*, many of the foundational components of the broader framework remain incomplete or unavailable for assessment. National Environmental Standards, Protection Statements, sector-specific guidance materials, environmental data frameworks, compliance policies and regulatory rulings will collectively determine how the framework operates in practice. Without visibility of these elements, it is difficult for industry to fully assess the practical implications of the proposed regulations or have confidence that the framework will operate in a proportionate and predictable manner. We consider it is premature to activate significant new compliance powers, audit arrangements and regulatory instruments before the broader framework has been finalised, tested and understood by affected sectors.

Underpinning national food security, regional economies and sovereign supply chains, agriculture must be a central stakeholder in this reform process. The long-term success of environmental

reform must therefore be compatible with commercially viable, operationally practical and economically sustainable agricultural production systems. Livestock SA is concerned that, without substantial refinement and meaningful engagement, the proposal risks imposing unnecessary regulatory burdens on producers while delivering outcomes that are neither practical nor proportionate for the agricultural sector.

Transition to National EPA

The implementation of a National EPA must recognise the operational realities of agricultural production systems and ensure that agricultural expertise is appropriately represented within advisory and decision-making mechanisms. This is critical to ensuring regulatory settings are informed by practical land management experience and the realities of livestock production across diverse landscapes.

Livestock SA notes that the proposed reforms will provide the National EPA with significant new powers, including Environment Protection Orders, expanded audit powers, public transparency registers, increased penalties and the ability to issue regulatory rulings. While these powers may strengthen environmental compliance where genuine risks exist, their application must be proportionate, risk-based and accompanied by clear procedural safeguards. The exercise of these powers should provide confidence to landholders undertaking lawful activities and should not create unnecessary uncertainty regarding routine agricultural operations, continuing-use activities or low-risk land management practices.

The recommendations of the Craik Review underscore the importance of incorporating agricultural expertise into environmental policy development, regulatory decision-making, and departmental functions.¹ Livestock SA supports the view that agriculture must be represented across all existing and newly established advisory mechanisms operating under the EPBC Act, including through the NEPA Advisory Group function.

Agricultural enterprises already operate under a broad range of Commonwealth, state, industry and market-based requirements. The introduction of additional regulatory powers should not result in overlapping compliance obligations, increased administrative burden or greater uncertainty for producers undertaking legitimate agricultural activities. Regulatory reform must support environmental outcomes while maintaining a framework that is practical, predictable and workable for those responsible for managing productive agricultural land.

Compliance and Enforcement Powers

Livestock SA supports compliance and enforcement mechanisms that are risk-based, proportionate and supported by clear guidance. Environmental outcomes are most effectively achieved where producers clearly understand their obligations and have access to practical information and support that enables compliance. The National EPA should prioritise education, extension and cooperative compliance approaches alongside enforcement powers.

The National EPA must recognise that agricultural decision-making is heavily influenced by seasonal conditions, drought, biosecurity risks, animal welfare requirements and changing environmental circumstances. Compliance frameworks should therefore provide sufficient flexibility to account for the realities of broadacre and pastoral livestock production systems.

¹ Craik, W. 2018. Review of interactions between the EPBC Act and the agriculture sector. Final Report. Accessed here: <https://www.dcceew.gov.au/sites/default/files/documents/review-interactions-epbc-act-agriculture-final-report.pdf>

Livestock SA is particularly concerned that compliance settings should not inadvertently create a more adversarial regulatory environment. Effective environmental regulation relies on constructive engagement between regulators and landholders to identify and resolve issues. Regulatory settings that discourage cooperation or create perceptions of punitive oversight for lawful agricultural activities may undermine this objective and reduce the willingness of producers to engage openly with regulators.

Audit Arrangements

Any audit arrangements imposed by the National EPA should be designed to minimise unnecessary administrative burden and avoid duplication with existing assurance and reporting frameworks. Many livestock producers already participate in accreditation, certification and market assurance programs. Where possible, existing audit processes should be recognised and reporting requirements aligned to reduce duplication and avoid multiple assessments of substantially similar matters.

Audit obligations should remain proportionate to the scale, complexity and environmental risk profile of an activity. The framework should also recognise the operational characteristics of agricultural businesses, including seasonal variability, climatic conditions and long production cycles. Importantly, audits should not be interpreted or presented in a manner that implies wrongdoing where no breach has been established, as audits may often be undertaken to clarify matters or support ongoing compliance processes.

Transparency and Regulatory Confidence

Livestock SA supports measures that improve transparency and confidence in environmental decision-making. However, transparency mechanisms must be carefully designed to ensure they do not expose producers to unfair reputational harm, activist targeting, privacy risks or commercial impacts where no breach of environmental law has been established.

Where information relating to audits, notices, directions, investigations or other regulatory processes is made publicly available, sufficient context must be provided to clearly distinguish between allegations, procedural matters, ongoing investigations and proven breaches. Publication on a Commonwealth register carries a degree of official authority and may create a public perception of wrongdoing even where a matter remains unresolved, is subject to review, or reflects constructive engagement between the regulator and a landholder.

Livestock SA is concerned that publication settings which fail to account for these distinctions may unfairly expose producers to external scrutiny while also creating pressure for regulators to divert finite resources toward responding to advocacy campaigns and compliance demands, rather than focusing on assessment and environmental outcomes. Such settings may ultimately undermine cooperative compliance efforts and create a less constructive relationship between regulators and landholders. Transparency should therefore extend beyond publication of regulatory matters and include clear information regarding the scientific basis for decisions, the application of environmental standards, how regulatory powers are exercised and what review mechanisms are available.

Regulatory Guidance and Rulings

Livestock SA supports the provision of regulatory guidance that improves certainty and assists producers to understand and comply with their obligations. However, any rulings or interpretive

guidance issued by the National EPA should be developed in a manner that reflects practical experience and observed implementation issues.

Given that key elements of the broader environmental reform framework continue to be developed, including environmental standards, sector-specific guidance and supporting compliance arrangements, regulatory interpretations must not be established prematurely before the framework has been fully implemented and tested in practice. Guidance and rulings should be informed by consultation with industry and respond to genuine areas of uncertainty that emerge following commencement.

Ultimately, the success of the National EPA will depend on its ability to deliver improved environmental outcomes while maintaining a regulatory framework that is practical, proportionate and grounded in the realities of agricultural production. Livestock SA strongly supports the development of a fit-for-purpose agricultural pathway that is co-designed with industry, informed by agricultural expertise and recognises the unique characteristics of livestock production systems.

Certainty for Projects and Environment Protection

Agricultural and pastoral businesses manage large, complex and environmentally diverse landscapes. Clear and practical regulatory frameworks are essential to support long-term investment, business planning and environmental stewardship. Improved certainty enables landholders to understand their obligations, assess compliance risks and make informed management decisions. Livestock SA supports reforms that improve certainty, consistency and predictability within environmental decision-making frameworks. Regulatory frameworks should provide practical pathways that help producers understand how environmental laws will be applied and avoid creating unnecessary uncertainty for legitimate agricultural activities.

Protection Statements and Rulings

Livestock SA supports measures that improve clarity, consistency and transparency in the application of environmental laws. Protection Statements have the potential to provide valuable guidance for landholders, proponents and decision-makers regarding listed threatened species and ecological communities. However, to be effective and credible, they must be based on sound scientific evidence, recognise regional environmental variation and be developed through genuine consultation with affected landholders, industry and local communities.

Regulatory effort should be concentrated on protecting genuinely critical habitat rather than progressively expanding assessment boundaries through increasingly speculative habitat classifications.

Protection Statements must avoid treating every possible occurrence or habitat attribute as a regulatory trigger. Livestock SA calls for a risk-stratified approach that prioritises clearly identified and ground-truthed critical habitat, and that is applied proportionately based on the scale and nature of a proposed activity.

Livestock SA also notes that there does not appear to be any assessment stratification between Critically Endangered, Endangered, Threatened and Vulnerable species. As implementation proceeds, species at the highest level of threat should attract a higher level of protection and regulatory attention, while less-threatened species should carry a correspondingly lighter assessment burden on proponents.

We share NFF's concerns regarding environmental data governance, data sovereignty, and the use of information provided by landholders through referral and approval processes. While the proposed legislation does not compel farmers to provide additional environmental data beyond existing requirements, information submitted during assessments may be retained, shared across government systems, and incorporated into mapping products, Protection Statements, and other regulatory tools. Without appropriate context, confidence ratings, and review mechanisms, this creates a risk that isolated or historical species records could incorrectly characterise land as containing ongoing habitat values, increasing regulatory uncertainty and compliance costs.

To maintain confidence in environmental data systems, sensitive information must be appropriately protected, agriculture should be involved in system design and governance, and landholders must have accessible pathways to challenge and correct government-held data and mapping products. If the Commonwealth intends to rely on mapping and data-driven decision-making, it must ensure these tools are accurate, transparent, risk-based, and focused on areas of known and genuinely critical habitat, rather than placing the burden on landholders to disprove habitat values or navigate uncertainty created by overly broad mapping assumptions.

Unacceptable Impacts and Routine Agricultural Activities

Livestock SA supports efforts to provide greater clarity regarding environmental thresholds and decision-making criteria. However, the concept of 'unacceptable impacts' must be clearly defined, evidence-based and applied proportionately.

Broad or ambiguous interpretations risk creating uncertainty for routine agricultural activities that are essential for farm management, animal welfare, drought preparedness, biosecurity management and landscape resilience. Across South Australia's extensive grazing systems, producers routinely undertake activities such as grazing management, fencing, maintenance of stock water infrastructure, predator and pest control, pasture improvement and drought response measures. Regulatory frameworks must provide confidence that these activities can continue without triggering unnecessary referral requirements or compliance concerns.

Environmental regulation should distinguish between activities that materially alter environmental values and routine agricultural operations that have coexisted with those values for decades. It should also recognise the cumulative environmental benefits delivered through responsible land stewardship and long-term management of productive landscapes.

Livestock SA recommends that routine and low-risk agricultural activities undertaken for food security, environmental remediation, climate resilience and land stewardship be explicitly exempt from Matters of National Environmental Significance (MNES) referral and self-assessment requirements.

The most effective mechanism for providing certainty would be the development of a dedicated Agricultural Activities Schedule within the EPBC framework. Such a schedule should clearly identify routine, continuing-use and low-risk agricultural activities that are exempt from MNES referral and assessment requirements where they do not result in a significant impact on.

Activities that should be considered include routine grazing management, maintenance and replacement of stock water infrastructure, fence replacement, pest and predator control, weed management, drought response activities, emergency animal welfare works, and other continuing-use agricultural activities. Providing certainty around these activities would significantly improve

regulatory confidence while allowing regulatory resources to be focused on higher-risk activities with greater potential environmental impacts.

Project Flexibility and Operational Realities

Livestock SA supports reforms that improve flexibility for proponents while maintaining appropriate environmental protections. Agricultural businesses operate in highly variable environments where seasonal conditions, drought, flooding, labour availability, infrastructure constraints, biosecurity risks and market conditions can significantly influence project timing and operational decisions. Regulatory frameworks should recognise these realities when considering preparatory works, reconsideration processes, variation mechanisms and project lapsing arrangements. Practical and flexible pathways for low-risk activities will improve regulatory efficiency while maintaining environmental safeguards. Producers require confidence that routine maintenance activities, replacement infrastructure, drought preparedness measures and other low-risk operational works can proceed without unnecessary delays, costs or administrative burden.

Without appropriate flexibility, there is a risk that environmental outcomes may be weakened rather than strengthened. Excessive administrative and financial burdens can discourage proactive land stewardship, reduce producer goodwill and shift resources away from practical environmental management toward compliance-driven processes. Ultimately, these costs are reflected in higher food production costs and reduced resilience across agricultural systems.

Cumulative Regulatory Burden

Livestock SA is concerned that the practical impact of environmental regulation on producers is increasingly being considered on an individual legislative basis rather than as a cumulative regulatory framework. Livestock producers already operate within a complex environment of Commonwealth and state environmental legislation, native vegetation controls, water planning frameworks, Aboriginal heritage requirements, biosecurity obligations, carbon and biodiversity market schemes, animal welfare legislation and industry assurance programs.

While each framework may be defensible in isolation, the cumulative impact can materially affect investment, productivity, drought resilience and the capacity of producers to undertake proactive environmental management. Regulatory reform should therefore be assessed through a whole-of-system lens that considers the combined impact of overlapping obligations on business viability, investment decisions, environmental stewardship outcomes and regional economic activity.

Livestock SA encourages the Commonwealth to work more closely with states and industry to identify opportunities for greater integration, simplification and mutual recognition across these regulatory systems.

Reducing Duplication and Streamlining Environmental Regulation

Livestock SA supports measures that genuinely reduce duplication between Commonwealth and state environmental approval processes while maintaining effective environmental protections. South Australian livestock producers already operate within a range of environmental, natural resource management and land-use regulatory frameworks. Where state assessment and approval processes provide equivalent environmental outcomes, regulatory arrangements should avoid unnecessary duplication, overlapping requirements and additional administrative burden.

Reducing duplication has the potential to improve efficiency, lower costs, increase investment confidence and allow government and industry resources to be directed towards achieving environmental outcomes rather than navigating multiple approval processes.

Bilateral Agreements and Accreditation

Livestock SA considers it essential that duplication with existing state frameworks be removed wherever possible. While nationally consistent environmental standards are supported in principle, implementation arrangements must retain sufficient flexibility to account for regional circumstances, existing state regulatory frameworks and the practical realities of agricultural production systems. Any new accreditation requirements should be proportionate, transparent and designed to minimise additional administrative burden.

The default policy objective should be ‘assess once, approve once’, unless a clear environmental benefit can be demonstrated through additional Commonwealth intervention.

Livestock SA strongly supports the principle that proponents should, wherever possible, be subject to a single assessment process rather than multiple parallel approval pathways. Where state assessment and approval systems demonstrably achieve equivalent environmental outcomes and satisfy National Environmental Standards, bilateral agreements and accreditation arrangements should be actively pursued and expanded.

State regulators are often better placed to understand regional production systems, local environmental conditions and practical land management considerations. Effective accreditation arrangements can reduce duplication, improve timeliness, lower compliance costs and allow both industry and government resources to focus on achieving environmental outcomes rather than navigating multiple administrative processes.

The success of these arrangements will depend on maintaining genuine equivalence rather than creating additional layers of assessment, reporting or oversight. Accreditation should simplify regulation in practice, not merely shift administrative requirements between jurisdictions.

Greenhouse Gas Reporting

The South Australian livestock industry has demonstrated a strong commitment to climate action and continuous improvement. This commitment is reflected in the industry’s strategic plan – the SA Red Meat and Wool Blueprint 2030² - which has been developed collaboratively across the value chain and is aligned with relevant state and national strategies.

The Blueprint's Environmental Pillar is guided by the objective:

“To enhance the natural environment and biodiversity of the land we farm, and to maximise our sector’s contribution to climate change mitigation and resilience through a science-based, collaborative, whole-of-value-chain approach.”

To achieve this objective, the Blueprint identifies three priority areas:

- Drive down greenhouse gas (GHG) emissions.
- Increase soil health, strengthen environmental stewardship and encourage biodiversity.
- Extend the seasonal availability and nutritional value of pasture and conserved feed.

² <https://livestocksa.com.au/industry-funds/industry-blueprint>

The livestock industry has already demonstrated its capacity to deliver meaningful environmental outcomes, reducing net greenhouse gas emissions by 70 per cent since 2005.³ This progress has largely been achieved through voluntary industry investment, research, productivity gains and adoption of improved management practices rather than through additional regulatory intervention.

However, climate mitigation and adaptation in livestock systems remain inherently complex, influenced by variable seasonal conditions, biological processes and environmental factors beyond producers' control. Reporting frameworks must recognise these realities, alongside the significant emissions reductions being achieved through productivity gains, genetics, animal health, feed efficiency and on-farm innovation.

Frameworks should also recognise the broader environmental stewardship provided by livestock producers, including biodiversity conservation, soil health, landscape resilience and sustainable natural resource management. Any new reporting requirements under the EPBC should align with existing systems and avoid unnecessary duplication or administrative burden.

Nationally consistent emissions accounting is essential to support market access, trade integrity and investment confidence. Given that relatively few producers have established baseline carbon footprints, significant investment in extension and capacity building will be required. A single nationally recognised emissions accounting methodology would provide greater certainty and consistency for reporting, benchmarking and market credentialling.

Conclusion

Livestock SA urges the Commonwealth to undertake substantial further work before progressing the proposed subordinate legislation, including finalisation of the National Environmental Standards, development of practical implementation guidance, establishment of robust environmental data governance arrangements, and meaningful testing of the framework with affected sectors.

In particular, reforms should include:

- Explicit recognition of food security and agricultural productivity outcomes;
- Greater consideration of extensive grazing and pastoral production systems;
- Protection of drought resilience, climate adaptation and animal welfare activities;
- Clear recognition of continuing-use agricultural activities;
- Development of a dedicated agricultural activities schedule;
- Improved environmental data, mapping and decision-support tools; and
- Practical guidance developed in genuine partnership with industry.

Environmental reform can only succeed if it delivers improved environmental outcomes while maintaining the viability, resilience and competitiveness of Australian agriculture.

Environmental regulation should focus regulatory effort where environmental risk is highest, not where compliance activity is easiest. A practical, risk-based framework will deliver better outcomes for both the environment and Australian agriculture.

Livestock SA remains committed to working constructively with government to achieve a balanced framework that protects the environment while supporting food and fibre production, regional communities and long-term investment in Australia's productive landscapes.

³ CSIRO & MLA (2025), Red meat greenhouse gas emissions update 2023, <https://www.mla.com.au/globalassets/mla-corporate/prices--markets/documents/2023-red-meat-emissions-report-official.pdf>

Please contact the Livestock SA office on (08) 8297 2299 or via email at admin@livestocksa.com.au if you would like to discuss this submission further.

Yours sincerely

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