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Dear Ms Loan

Submission on the Exposure Draft of South Australia's Biodiversity Bill

Thank you for the opportunity to provide comments on the exposure draft of South Australia's Biodiversity Bill (the 'Exposure Draft'), released for public consultation on 21 January 2025. We appreciate the Department of Environment and Water's (DEW) engagement with stakeholders throughout the development of this draft legislation in 2024. We also acknowledge the extension granted to provide this written submission.

Primary Producers SA (PPSA) is the peak industry body representing the interests of South Australian primary producers and is the state's member of the National Farmers' Federation. Our membership comprises South Australia's peak commodity organisations, including Grain Producers SA, Livestock SA, the SA Dairyfarmers' Association, the SA Forest Products Association, the Horticulture Coalition of SA, and the Wine Grape Council of SA.

According to the most recent PIRSA Scorecard, South Australia's primary production sector has grown to \$18.5 billion in agribusiness revenue, accounting for more than half of the state's overseas merchandise exports and remaining its largest export sector in 2022–23. The industry supports over 15,300 primary production businesses and more than 78,000 full-time equivalent jobs across the food and agribusiness value chain.

PPSA actively engaged with the Discussion Paper released last year, providing a detailed written submission. Our recommendations highlighted the importance of avoiding unintended consequences arising from poorly designed legislation or regulatory instruments. At the time, we cautioned against drafting overly complex or prescriptive legislation that could impose additional risks or costs on primary producers.

PPSA asserts that biodiversity conservation must be balanced with the critical need for food and fibre production. When implementing this important legislative reform, prioritising the right incentives and extension support for landowners—rather than relying on punitive measures—is far more effective.

OUR INDUSTRY MEMBERS



Furthermore, as biodiversity markets evolve and environmental stewardship gains value, it is crucial that this new Act integrates seamlessly with private investment, ensuring landowners can fully participate.

We appreciate DEW's ongoing consultation and the collaborative engagement with the Department of Primary Industries and Regions (PIRSA) to assess the potential risks and opportunities this reform presents for the agricultural sector. This submission builds on our most recent discussions at the joint PIRSA-PPSA Quarterly Meeting on 6 March 2025.

PPSA's submission details 22 recommendations for consideration in finalising the draft Bill for presentation to Parliament.

PPSA remains committed to working with DEW to address issues raised by our members and, where relevant, to reviewing draft regulatory instruments following the passage of the proposed legislation. Throughout this transition period, ensuring certainty in land management practices for primary producers will be essential, particularly as the current Native Vegetation Act is repealed.

If you or the Department have any queries regarding this submission, please feel free to contact me at admin@ppsa.org.au.

Thank you for your consideration of these matters.

Yours sincerely

A handwritten signature in black ink, which appears to read 'Caroline Rhodes', is written over a circular scribble. The signature is fluid and cursive.

Caroline Rhodes
Chief Executive Officer

PRIMARY PRODUCERS SA

**Submission in response to public consultation:
*South Australia's Draft Biodiversity Bill***

Date of submission: Monday, 24 March 2025

PPSA at a glance

Primary Producers SA (PPSA) is the peak industry body representing the interests of South Australian primary producers.

PPSA also serves as the South Australian member of the National Farmers Federation (NFF). This ensures PPSA is directly engaged in all NFF activities including implementation of the Roadmap for Australian Agriculture to exceed \$100 billion in farm gate value by 2030.

PPSA has the capacity to provide strong representation and advocacy on behalf of the South Australian primary production sector through our membership base.

Our members are the peak commodity organisations of South Australia. Current members include Grain Producers SA, Livestock SA, SA Dairyfarmers' Association, SA Forest Products Association, Horticulture Coalition of SA, and the Wine Grape Council of SA. Each organisation is represented by a councillor on the PPSA Policy Council, to provide direction and oversee the operations of PPSA.

Our purpose

As the united voice of South Australia's primary production sector, our purpose is:

- To **advocate the interests and concerns of Primary Producers** to both State and Federal governments and community using evidence-based reasoning.
- To **present one voice** to government, both State and Federal, and the wider community on Cross-Commodity issues affecting Primary Producers in South Australia.
- To **promote Primary Production in South Australia** and ensure that the contributions and achievements of South Australian Primary Producers are recognised; and
- To **assist stakeholders and suppliers to Primary Production** where such assistance will benefit Primary Producers.

What we do

PPSA develops the South Australian primary production sector through:

- 1. Engagement.** PPSA partners with government and industry to develop policies and programs that promote the social, economic, and environmental sustainability of South Australian primary production.
- 2. Leadership.** PPSA acts as the conduit to the South Australian primary production sector and presents a united voice on behalf of its membership in advocacy and representative activities.
- 3. Communication.** PPSA influences policy makers by promoting the contribution we make to the South Australian economy and engaging positively with government and the broader community.

GENERAL OBSERVATIONS

Introduction

Primary Producers SA (PPSA) acknowledges the need for clearer legislative intent to achieve better conservation and biodiversity management outcomes in South Australia, with renewed focus on threatened species and ecological communities. We understand the scope of the new legislation will provide for the conservation enhancement and restoration of biodiversity in the State.

PPSA provided a comprehensive submission to the Discussion Paper *Developing a Biodiversity Act for South Australia*, released for public consultation last year. In our submission, we identified several key issues requiring further consultation with the primary production sector.

We appreciate the efforts of DEW in addressing the initial concerns raised by PPSA and its member bodies, including consideration of our recommendations and targeted consultation prior to the release of the Exposure Draft of the Bill. We also acknowledge the written submissions provided during the public consultation process by PPSA members, including Grain Producers SA and Livestock SA.

While PPSA remains broadly supportive of the intent behind the proposed legislative reform, we reiterate our caution against introducing complexity and cost burdens on primary producers through additional regulatory requirements. The legislation carries significant implications for land management practices across agricultural and pastoral lands. Regular reviews will help assess its impact and make necessary adjustments to address emerging challenges.

It will be critical that there is clear and effective communication to private landholders of their increased obligations and the penalties for non-compliance imposed by the new legislation.

PPSA has serious concerns about the proposed governance framework, particularly regarding the removal of peak bodies—such as PPSA—from the nomination process for key decision-making entities enshrined in legislation.

We note that the Native Vegetation Council, currently operating under the *Native Vegetation Act 1991*, will be dissolved, with its functions redistributed between the proposed Biodiversity Council and the Native Plants Clearance Assessment Committee.

This proposal has been the subject of separate and joint correspondence to the Deputy Premier by PPSA, the Conservation Council of SA, and the Local Government Association of SA (LGA), outlining our shared concern in response to the Exposure Draft. We hereby bring this to the attention of DEW.

The following submission outlines a range of matters that remain of concern to PPSA.

RESPONSES TO DRAFT BILL

Part 1: Preliminary

Definition – Native Plant

PPSA acknowledges the arguments for expanding the definition of ‘native plant’ to include any species indigenous to Australia, beyond the current scope of the *Native Vegetation Act* (NV Act), which is limited to South Australia. In practical terms, this change would extend the legal framework governing native vegetation clearance and could further expand to include fungi and algae (where listed as prescribed species) in the future.

With the proposed introduction of ‘tougher penalties’ under the new Act, private landowners face increased legal risks when undertaking vegetation management activities, including clearance. The broadened definition would unnecessarily complicate clearance processes that are currently permissible without a permit under the existing NV Act. This regulatory burden is compounded by the proposed mitigation hierarchy, which places primary responsibility on landowners to avoid clearing any native plant, regardless of whether it is indigenous to South Australia.

PPSA contends that this expanded definition is neither warranted nor practical in an agricultural context. Instead, we support retaining the current definition of ‘native plant’ as limited to South Australia. Any future need for adaptation should be addressed through a targeted regulatory declaration by DEW to enable restoration that supports climate adaptation. This approach provides greater flexibility to respond to climate change impacts while avoiding the unnecessary complexity of an open-ended definition.

In addition, PPSA cautions that there may be unintended consequences that arise from the expansion of the definition to include intentionally sown or planted native vegetation more than 20 years old. There is potential for this broader application to planted native vegetation to create a disincentive for land managers to plant native plants due to the increased regulatory requirements and resulting restrictions and additional obligations after the 20-year period.

For example, land managers should be encouraged to plant native species for wind breaks and paddock tree regeneration due to the corresponding benefits for biodiversity. However, if the regulatory requirements are deemed to be too onerous then this may result in a preference towards non-native species to avoid capture by the restrictive provisions of the Act if future management changes require removal of planted trees.

The use of intentionally sown native pasture species or forage plants for grazing may also be impacted due to their potential to be captured by the 20-year rule. Whilst many pasture and forage plants would be resown before the 20-year period, a number of perennial and permanent species could be captured, thereby restricting and creating additional administrative complexity to their management after the 20-year period.

PPSA Recommendations:

1. **Retain the existing definition of ‘native plant’ to mean a plant of species that is indigenous to South Australia.**
2. **Exclude intentionally sown or planted pasture or forage plants from inclusion in the definition of native plants**

Part 2: Objects, Principles and General Duty

PPSA acknowledges the policy intent of promoting shared responsibility for biodiversity through a defined ‘duty of care,’ which aims to help the community to understand their obligations. However, the introduction of the General Duty (Clause 11) places an additional burden on the state’s primary production sector, requiring land managers to take all reasonable and practicable measures to avoid non-trivial harm to biodiversity. As the managers of more than half of South Australia, primary producers hold a higher magnitude of responsibility in relation to this general duty and will be impacted more greatly by the provisions in the Bill than the broader community.

The vague definition of “reasonable measures” and lack of clarity around what constitutes “non-trivial harm” creates legal uncertainty, potentially exposing farmers to litigation even when they adhere to best-practice land management. Additionally, the Bill expands third-party enforcement provisions, allowing non-government entities and individuals to initiate legal proceedings for alleged biodiversity law breaches. This raises concerns about the potential for activist litigation that could threaten the viability of agricultural enterprises. It remains unclear how the general duty will be applied, enforced, and what penalties may arise for non-compliance.

South Australian primary producers could face uncertainty regarding potential prosecution under the Bill’s broad provisions. By introducing a general duty to protect biodiversity, PPSA is concerned that the Bill adds a new layer of legal and regulatory complexity to standard farming practices, such as chemical applications for pest control. The explanatory guide (page 11) suggests that DEW’s policy intent is to:

“...fill a policy ‘space’ between the existing regulatory environment that the Bill creates through offences, and voluntary approaches that are adopted by society.”

In the absence of clear legislative detail, it appears that additional biodiversity policies and regulations would be necessary to guide compliance with the general duty, potentially leading to the codification or incorporation of agricultural practices into state-based regulation. This outcome would, perversely, further undermine the sector’s competitiveness through costly and burdensome regulatory intervention.

The requirement to enshrine First Nations knowledge and community participation in decision-making adds further complexity. PPSA is concerned that the duty may extend beyond recognised best management practices or science-based regulations—such as agricultural chemical use—potentially creating unacceptable risks, costs, and uncertainty for primary producers.

PPSA notes the policy commitment outlined in the explanatory guide (page 11) and expects this commitment to be reflected in the Minister’s second reading speech:

“...such measures will be applied gradually and cooperatively with industry and business, in acknowledgement that this is a new duty and an evolving regulatory environment.”

PPSA supports the intent of subclause 8(d), which enshrines the principle that decisions should be scientifically based and supported by evidence. Ensuring that decisions are peer-reviewed, grounded in on-the-ground realities, and relevant to current conditions is critical to the effectiveness of the Bill and to reducing the risk of unintended consequences arising from uninformed decisions.

However, PPSA seeks further clarity on subclause 8(b), which grants the community the right to participate in environmental decision-making. PPSA acknowledges Livestock SA’s concerns about the potential power imbalance between those who farm and those who set farming and land management policies.

PPSA does not support the broadly proposed third-party enforcement provisions in the Bill. If third-party enforcement remains, PPSA recommends the introduction of safeguards against misuse, including:

- Strict criteria for legal standing,
- Financial penalties for unsuccessful claims, and
- A mandatory mediation process before court action.

Clause 10 introduces requirements for incorporating First Nations knowledge and Culturally Significant Biodiversity Entities, but the criteria for determining these entities remain unclear. More information is needed regarding how these determinations will be made by the Minister under subclause 161(4)(b) and how producers and pastoral leaseholders will be required to respond.

PPSA also notes concerns regarding the expanded definition of ‘native plants’, which now includes all species indigenous to Australia. This may broaden the scope of both the Act and the application of cultural knowledge beyond South Australia’s local Aboriginal communities.

PPSA supports engaging with First Nations people in biodiversity management and acknowledges the strong relationships that Landscape Boards have with local communities. These partnerships already play a key role in on-country biodiversity and landscape management.

However, PPSA notes concerns regarding the definition of a Culturally Significant Biodiversity Entity, which is currently described as encompassing:

“...some or all First Nations persons,” with the same meaning as in the First Nations Voice Act 2023.

This broad definition may frustrate or delay decision-making processes under the Act. PPSA believes this definition requires further refinement to ensure clarity and efficiency.

PPSA Recommendations:

3. Define clear and practical thresholds for compliance under the General Duty, ensuring that routine farming activities (e.g., firebreaks, soil preparation, and pest control) are not inadvertently penalised or captured by the provisions of this Bill.
4. 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 primary producers.
5. Remove or significantly limit third-party legal standing to prevent frivolous or vexatious litigation that could target primary producers unfairly in enforcement action.

Part 3: Administration

As referenced in our introduction, PPSA and other peak bodies recognised by DEW, have detailed our collective opposition to the proposed process for nominating members to the Biodiversity Council that would replace the existing Native Vegetation Council.

The current model for appointments to the Council has a long history of ensuring important perspectives are understood, with appointments supporting the outcomes of the legislative scheme. 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 impact of their decisions. In principle, we support committees being appointed based on skills and expertise and believe the current nomination process for the NVC achieves this balance.

Furthermore, PPSA advocates for the inclusion of both primary producers and pastoralists on the proposed Biodiversity Council under subclause 15(2)(vi), noting the Livestock SA submission stated that:

"...there 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."

PPSA Recommendation:

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

Part 4: Native Plants

In principle, PPSA supports the proposal to prioritise avoidance, minimize biodiversity impacts, and follow a mitigation hierarchy to ensure that any action leaves biodiversity in a measurably better state, and its application to granting clearance permits of native plant species.

However, the broad focus on biodiversity as a whole—rather than on specific species and ecological communities listed on a formal register—must be explicitly clarified. Almost all primary production activities have some impact on biodiversity, and the legislation must be precise in defining its scope. DEW must carefully consider the practical implementation of this concept and the regulatory complexity it may introduce.

PPSA is concerned that, without clear definitions of the biodiversity the Act seeks to manage and conserve, the proposed legislation could create uncertainty and hinder communities, industries, and individual primary producers. Furthermore, the proposal that *any action* impacting biodiversity would fall within the Act's scope raises significant concerns. As previously outlined in reference to Part 1, PPSA strongly supports retaining the current definition of 'native plant' as limited to South Australia. This is particularly relevant relating to the revised 20-year rule, which will further capture a greater proportion of native plantings.

Furthermore, in connection with Part 4 of the Bill, Livestock SA:

- *requests 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,*
- *supports the use of a mitigation hierarchy to minimise impacts on biodiversity,*
- *questions 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. seeks 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.*

PPSA notes that 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 do not require the level of management of declared weed species.

PPSA Recommendations:

- 7. 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.**
- 8. 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

While the Bill proposes removing the ‘unprotected’ species list to simplify management approaches, PPSA notes the strong concerns raised by Livestock SA regarding the status of dingoes and their connection to South Australia's *Wild Dog Management Strategy*. Similarly, Grain Producers SA (GPSA) has expressed concerns about the ability of grain producers to manage the impacts of destructive native birds under the same provisions.

PPSA members have sought clarity on the guidelines that will determine how critical habitat and species declarations are made by the Minister, including the level of consultation with affected stakeholders. It is essential that these decisions uphold effective management strategies for native species that cause significant impacts.

The ongoing viability of livestock production depends on effective wild dog control, which extends to managing dingoes as a recognized ‘impact-causing’ native species. As highlighted by Livestock SA, the South Australian Government, in partnership with the sheep industry, has invested heavily in wild dog management, including the \$29 million Dog Fence rebuild project in the state’s northern region to prevent stock losses.

Additionally, PPSA notes that the removal of ‘unprotected’ classifications will result in all native animals receiving protected status, meaning species currently managed without permits—such as corellas—will now require formal protection. Such policy decisions should be based on peer-reviewed scientific evidence and informed by practical management considerations. This includes seeking input from land managers, such as farmers and local councils, to ensure effective and balanced outcomes.

PPSA Recommendations:

- 9. Provide more information on the management of wild dogs under the Bill with the change to protected status for animals native to Australia.**
- 10. 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

There is uncertainty around the types of scenarios that are envisaged to be determined for declaration as a key threatening process (s78). Clarity is sought to determine if such declarations could impact on practices of the primary production industries and result in restrictions to management practices.

PPSA Recommendation:

- 11. Provide more information on the types of threatening processes that might be declared under s78 and the implications of such a declaration**

Part 7 – Conserved Areas

PPSA is a strong supporter of current arrangements providing incentives for nature conservation on private land (Heritage Agreements, National, State and Regional Grants). While PPSA supports the transition from heritage agreements to conservation agreements, this shift presents an important opportunity to review their functionality. Alongside Livestock SA, we advocate for the inclusion of selective, regulated grazing where demonstrable benefits exist. Such provisions would encourage greater participation in heritage and biodiversity agreements while also enhancing land management, particularly in reducing fire fuel loads—an increasingly critical concern. Native Grasses benefit from strategic grazing and puts pressure on exotic grasses.

PPSA notes that there are significant areas of ecological significance held privately that aren't recorded as protected (for biodiversity) to meet the 30% target, the legislation should provide a mechanism where such assets are not just recorded but acknowledged for their contribution.

PPSA notes that rural-zoned land accounts for more than 54% of South Australia's total land mass, primarily held or managed by primary producers. These producers steward significant biodiversity assets for personal, financial, societal, and environmental outcomes. Recognising and incorporating 'scrub blocks' on farms that are not covered by Heritage Agreements or other statutory arrangements could contribute to biodiversity targets while also acknowledging and rewarding the primary industry sector's role in conservation.

PPSA supports the financial assistance provisions included in the Bill as a mechanism to provide additional support and financial resources to the primary industry sector to undertake important activities to protect and increase biodiversity. Financial assistance opportunities must be clearly communicated and straightforward to access to ensure that they effectively reach those that are trying to undertake actions that will improve biodiversity outcomes.

It must also be emphasised that the significant and increased obligations imposed by the Bill will require additional resources for primary production businesses to understand, navigate and ensure compliance with the Bill. These financial and human resources costs must generally be absorbed by businesses, as in most cases producers cannot dictate market conditions.

Support from the SA Government in marketing the increased 'green credentials' arising from the new biodiversity laws may assist to increase market returns to enable the regulatory costs to be at least partly recouped by businesses operating under the new framework.

PPSA Recommendation:

12. 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

PPSA urges caution regarding the introduction of stronger penalties and expanded enforcement options, particularly given the yet-to-be-defined boundaries of what constitutes biodiversity and the actions that may impact it.

The Bill introduces significant financial penalties, administrative burdens, and new compliance costs that could disproportionately affect small- to medium-sized primary producers. PPSA is particularly concerned about the broad scope of new powers and penalties being imposed.

While we acknowledge that legislation seeks to align with evolving community expectations, the broad definition of biodiversity and the proposal allowing non-government parties and individuals to initiate legal proceedings for offences require further discussion with industry stakeholders.

It is noted that there is a general defence under s130 enabling the defendant to prove that the alleged offence was not committed intentionally and did not result from any failure to take reasonable care to avoid the commission of the offence. However, the onus of proof for this defence rests with the defendant and given the broad scope of the legislation gives rise to a strong concern about the need for land managers, and in particular primary producers who manage complex and resource constrained business operations to collect and maintain appropriate records that could be used to provide sufficient evidence to support this defence.

Additionally, offences related to culturally significant biodiversity entities and First Nations peoples' connection to Country remain unclear. PPSA seeks greater clarity on how and when these provisions will be applied. It is also essential to ensure that landholders are well-informed about these requirements to support compliance with this aspect of the proposed legislation.

Potential breaches of the provisions in the Bill and consequential enforcement actions must also be approached in a cautionary manner in the context of climate change risks and their potential impacts on South Australian Primary Industries. PPSA recently partnered with PIRSA to deliver a project "Preparing Primary Industries for the Impacts of Compounding and Complex Disasters". This project took an industry-led approach to explore the risks of compounding and complex disasters on the industry, and highlighted the vulnerability of South Australian primary industries to the impacts of climate change. Key risks include rising temperatures, declining cool-season rainfall, and an escalation in extreme weather events, particularly bushfires.

Proactive adaptation and mitigation strategies will be essential to safeguard these industries and ensure their long-term sustainability. In considering the application and enforcement of new biodiversity laws it will be important to understand that changing climatic conditions will place additional pressures on industries and may require flexibility in the application of best management approaches to adapt to changing conditions.

The onus of proof and causal link in relation to claims of ‘non-trivial harm’ will also need to strongly consider the impacts of climate change on biodiversity, so that primary producers are not blamed and prosecuted for biodiversity impacts that are caused by the impacts of climate change, rather than their agricultural practices.

Of specific concern is the definition of ‘degradation’ when referring to the clearance of native plants by grazing domestic stock and its particular application under drought conditions when grazing impacts are more acutely observed than in average rainfall conditions.

PPSA Recommendation:

- 13. Provide more information on the evidentiary requirements for landholders to substantiate a General Defence under s130**
- 14. Provide more information on how enforcement actions will take into account the impacts of climate change as a contributory factor to biodiversity harm.**

Part 9 – Permits

PPSA notes that Livestock SA is concerned the Bill may create conflicting legislation regarding permits for wild dogs. Under the Landscape Act 2019, permits for wild dogs are restrictive; however, the Bill also introduces permits for wild dogs, potentially causing legislative conflict and uncertainty around permitting requirements.

Livestock SA strongly opposes any changes to the current permitting requirements under the Landscape Act 2019. It is essential to restrict wild dog numbers as much as possible south of the Dog Fence to protect livestock and safeguard the significant investments made in control efforts.

Beyond wild dogs, several other native species with significant localised impacts are harming properties, infrastructure, and, in some cases, public safety. The mechanisms available for communities and land managers to manage these population increases and mitigate associated harm should be clear and straightforward.

As emphasized elsewhere, decision-making regarding species management should consider local knowledge and evidence to allow for flexibility in policy development and implementation, rather than a rigid, one-size-fits-all approach.

While the Bill includes provisions for issuing permits to control impact-causing native species, it is unclear whether a flexible mechanism will exist to list overabundant or harmful species for destruction without permits, as is currently the case for Little Corellas.

PPSA strongly urges the timely administration of permit applications and calls for fees to be kept to a minimum to ensure land managers are not unfairly burdened while working to mitigate the significant damage caused by overabundant native species to infrastructure, property, crops, and permanent plantings.

PPSA Recommendations:

- 15. Provide more information on permits relating to wild dogs and how this legislation will interact with permit requirements under the *Landscapes Act 2019*.**
- 16. Provide clarity around the provisions that allow for the destruction of ‘impact causing’ native species without a permit.**

Part 10 – Miscellaneous

State Biodiversity Data

PPSA supports the need for data collection and information sharing across government, particularly given the lack of a common understanding of biodiversity and its material impact on society and industry. As significant custodians of biodiversity, primary producers must both understand and be acknowledged for their positive and negative impacts.

As a principle, PPSA submits that when the benefits of information serve the public good, the additional costs of data collection and on-ground survey work should be funded through the Department for Environment and Water (DEW) rather than being borne by individual landholders.

State Biodiversity Plan

As previously submitted, PPSA conditionally supports the proposal for a state-wide biodiversity plan that is regularly reviewed and updated. A well-structured plan, developed in collaboration with stakeholders, would provide greater clarity and certainty around statutory biodiversity obligations. Additionally, the level of government funding required to support legislative outcomes will remain a matter of ongoing public interest.

PPSA also notes that, unlike the conventions of the Landscapes Strategy, the proposal does not explicitly reference consultation with recognized peak bodies such as PPSA, the Conservation Council SA, and the LGA.

PPSA Recommendation:

- 17. Include an explicit provision under subclause 160(5) requiring consultation with recognised peak bodies, including PPSA.**

Biodiversity policies

The development of biodiversity policies that codify best practice guidelines must be strongly informed by industry specific and local knowledge and effectively incorporate differences in local conditions across the State. An activity or management approach that is deemed to be ‘best practice’ in one area may not be practicable or desirable in another area due to variances in soils conditions, rainfall, pest or disease prevalence, topography and other factors. With the significant increase in penalties provided for under the Bill, ensuring that biodiversity policies that codify ‘best practice’ are reflective of the variations in management approaches across the State will be critically important to avoid unintended consequences of inappropriate land management practices and unjust enforcement of penalties.

PPSA Recommendation:

- 18. Include a requirement that biodiversity policies be underpinned by industry specific and local knowledge of ‘best practice’ that incorporates variations in practices according to conditions.**

Biodiversity Register

While the policy intent to enhance transparency within the legislative framework is reasonable, the proposal for the government to maintain a public register of decisions—along with mandatory reporting as a minimum requirement—raises concerns about the additional regulatory burden this may place on landholders, including primary producers. If poorly designed, this process could become costly and complex, particularly regarding the commissioning of third-party advice or land surveys.

Key questions remain for primary producers:

- What biodiversity assets would be recorded in the register?
- To what extent would this Act intrude into landholders' decision-making?
- Would decisions that positively impact biodiversity also be recorded?
- Who would bear the cost of gathering and assessing this information?

PPSA Recommendation:

- 19. Further consultation with industry is essential to determine which decisions and actions impacting biodiversity should be included in the public register.**

Criteria for Ministerial decisions in relation to concurrence

PPSA supports the requirement for concurrence in relation to the PDI Act.

Competition for land and water resources from both mining and extraction interests, as well as the expansion of the urban footprint, and increasingly large-scale renewable energy projects and future transmission lines, present a significant challenge to the preservation of biodiversity in South Australia, and by extension, the operation of the proposed Biodiversity Act.

Ongoing access to prime agricultural land underpins productivity of the primary industry sector. PPSA notes that rural zoning accounts for more than 54% of our state's total land mass of the state, which is held or managed by primary producers, with significant holdings of biodiversity assets curated for a range of personal, financial, societal, and environmental outcomes.

The scope of the proposed Biodiversity Act should clearly define the role in related legislative instruments and regulatory approvals required in South Australia governing change of land use, including for mining, energy and urban development purposes.

PPSA Recommendation:

- 20. PPSA seeks clarity on the scope of the proposed Biodiversity Act, in respect to change in approved land use and/or designated zoning classification, which may result in a loss of biodiversity or natural capital on existing agricultural land.**

REGULATIONS

Review of the Act

PPSA supports an initial review of the *Biodiversity Act* after five years. As a new piece of legislation, this review will be essential in identifying key challenges, addressing concerns, and exploring solutions to ensure the Act remains practical, effective, and fit for purpose.

PPSA also supports subsequent reviews every 10 years to ensure the legislation remains current, effective, and aligned with its intended purpose.

Schedule 2 – Regulated Acts or Activities Exclusions

PPSA supports the differentiated approach of regulated and unregulated activities to reduce administrative complexity required for routine property and land management activities on private land, such as clearing fence lines and existing tracks. Guidelines for unregulated activities need to be clear and well communicated and the requirements for notification to the NPCAC should be minimised to reduce administrative complexity for land managers.

PPSA Recommendation:

- 21. Ensure guidelines for unregulated activities are clear and well communicated and minimise the requirements for notification of unregulated activities to the NPCAC.**

RELATED AMENDMENTS

PPSA again emphasises the importance of simplicity in legislative and regulatory approaches to avoid confusion regarding obligations and requirements of different legislation and avoiding duplication or inconsistencies between different instruments or policies.

Additional Comments - Avoiding duplication in relation to sustainability frameworks

Across the agricultural sector, a variety of commodity-specific sustainability frameworks, certifications, and other schemes exist to substantiate sustainability efforts and progress. These all have been developed to meet the increasingly complex sustainability imperatives coming from corporate, consumer, and government entities, which have a broader human centric focus.

The Australian Agriculture Sustainability Framework (AASF)¹ has been driven by the increasing appetite of international capital markets on articulating inherent risks to their investments, through emerging Environmental Social and Governance (ESG) reporting frameworks.

The AASF is a principles-based unifying concept that amplifies the efficacy of existing domestic and international industry-specific sustainability frameworks by articulating 17 agreed universal principles and offering a cohesive structure to sectoral efforts.

It is structured around three pillars which align with ESG. Under each pillar there are Categories, Principles and Criteria which describe the intent, and which are informed by and align with international frameworks, initiatives, and schemes.

Investment in Australian agriculture to achieve integrated goals of productivity, sustainability, and environmental outcomes such as natural capital, carbon and biodiversity is accelerating.

PPSA has been carefully monitoring the development of the AASF, as a key market access tool designed to communicate the sustainability status and goals of Australian agriculture at large to markets and communities, while avoiding unnecessary cost on individual landholders.

PPSA Recommendation:

- 22. PPSA recommends that consideration be given to the role of the Biodiversity Act in supporting sector-wide sustainability reporting frameworks to avoid duplication in reporting and compliance requirements imposed on individual landholders.**

ENDS.

¹ The framework can be accessed via the link: <http://www.farminstitute.org.au/aasf>