

The Hon John Hill
Independent Reviewer
Via email: LSActIndependentReview@sa.gov.au

27 October 2023

Dear the Hon John Hill,

RE: Independent Review of the *Landscape South Australia Act 2019*

The Australian Land Conservation Alliance (ALCA) welcomes the opportunity to provide a submission to the independent review of the *Landscape South Australia Act 2019* (SA) ['Landscape Act']. ALCA is Australia's peak national body for private land conservation. We represent organisations that conserve, manage, and restore nature on land, either as direct stewards or in partnership with other landholders.

Please note that ALCA is happy for this submission to be published in full.

Context: the nature crisis

Whilst Australia's nature crisis is less well-known than the parallel, interconnected, climate crisis, it is just as serious for our society and economy. According to the World Economic Forum:

"Humanity has already wiped out 83% of wild mammals and half of all plants and severely altered three-quarters of ice-free land and two-thirds of marine environments. One million species are at risk of extinction in the coming decades – a rate tens to hundreds of times higher than the average over the past 10 million years...."

*Human societies and economies rely on biodiversity in fundamental ways. ...over half the world's total GDP – is moderately or highly dependent on nature and its services."*¹

Using the same methodology, approximately half of Australia's GDP has also been demonstrated as having a moderate to very high dependence on nature².

The scale and devastation that the unfolding nature crisis will have upon our collective wellbeing will dwarf all but the very biggest issues facing our nation and will rival them in importance. As per the British Government's Dasgupta Review:

"We are facing a global crisis. We are totally dependent upon the natural world. It supplies us with every oxygen-laden breath we take and every mouthful of food we

¹ See: World Economic Forum, *Nature Risk Rising: Why the Crisis Engulfing Nature Matters for Business and the Economy*, January 2020; <https://www.weforum.org/reports/the-global-risks-report-2020>

² See: Australian Conservation Foundation, *The nature-based economy: How Australia's prosperity depends on nature*, September 2022; <https://www.acf.org.au/how-australias-prosperity-depends-on-nature>

eat. But we are currently damaging it so profoundly that many of its natural systems are now on the verge of breakdown.”³

The Federal Government’s 2021 State of the Environment Report (released in July 2022) further confirmed the accelerating decline of our environment:

“Overall, the state and trend of the environment of Australia are poor and deteriorating as a result of increasing pressures from climate change, habitat loss, invasive species, pollution and resource extraction. Changing environmental conditions mean that many species and ecosystems are increasingly threatened. Multiple pressures create cumulative impacts that amplify threats to our environment, and abrupt changes in ecological systems have been recorded in the past 5 years...

Our inability to adequately manage pressures will continue to result in species extinctions and deteriorating ecosystem condition, which are reducing the environmental capital on which current and future economies depend. Social, environmental and economic impacts are already apparent.”⁴

Indeed, in 2021, scientists confirmed Australia’s trajectory towards the collapse of ecosystems⁵; of all the continents in the world, Australia has seen the largest documented decline of biodiversity⁶.

The recently published (August 2023) Independent Review of the NSW *Biodiversity Conservation Act 2016* recognises this role and importance for our shared biodiversity upon which all so inescapably depend. Indeed, in his foreword to the review report, former Treasury Secretary and Independent Review Chair Dr Ken Henry AC outlines the key issue relevant to the Landscape SA Act – specifically, the Objects of the Act under section 7(1) – so very eloquently (**ALCA’s highlight**):

*“Of more concern, the objects of the Biodiversity Conservation Act 2016 are already obsolete. **The crafting of the Act was, understandably, guided by principles of sustainable development** [as also found in the Landscape SA Act]. **Those principles are no longer fit for purpose.***

As has been recognised in many global forums over the past few years, the natural environment is now so damaged that we must commit to ‘nature positive’ if we are to have any confidence that future generations will have the opportunity to be as well off as we are.

The Review Panel appreciates that this implies a major reset in public policy thinking, which many will find challenging. Even though sustainability concepts have been central to policy development for more than a generation, many in the community, and even within government circles, still struggle with the notion that policies to promote human progress should recognise any constraints, social or environmental. Yet the fact of humanity’s dependence upon the quality of the biosphere, in both social and

³ See: p1, Dasgupta, P. *The Economics of Biodiversity: The Dasgupta Review*, HM Treasury, Government of the United Kingdom; <https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review>

⁴ See: <https://soe.dcceew.gov.au/overview/key-findings>

⁵ See: Bergstrom et. al, ‘Combating ecosystem collapse from the tropics to the Antarctic’, *Global Change Biology*, 2021; <https://onlinelibrary.wiley.com/doi/10.1111/gcb.15539>

⁶ See: DCCEEW; <https://www.dcceew.gov.au/environment/biodiversity/conservation>

*economic dimensions, is as immutable as the laws of physics. **The case for giving primacy to environmental repair is inescapable. Our future depends upon it.***

The nature crisis is a serious systemic and intergenerational risk to Australian wellbeing. The independent review of the *Landscape SA Act 2019* offers a key opportunity for South Australia to **elevate and incorporate our understanding and seriousness of the nature crisis into amendments to the Act, including a fundamental reframing of economic activity as a subset of our environment** ('as immutable as the laws of physics') **rather than the other way round.**

Recommendations

1. Objects

The Objects of the Act need to be amended to reframe the Act to reflect the foundational, underpinning role of biodiversity and ecological function to the management of landscapes. As noted in the independent review of the NSW Biodiversity Conservation Act, "**principles of sustainable development... are no longer fit for purpose.**"

- a. Section 7(1) should therefore be amended as follows (**amendments in bold**):

*The objects of this Act include to support and enhance ecologically ~~sustainable—development~~ **functional landscapes** by establishing an integrated scheme to promote the use and management of the natural resources that make up or contribute to our State's landscape in an integrated manner that—*

There should be appropriate consequential amendments to sections 7(2) and 7(3).

- b. Section 7(1)(c) should be amended as follows (**amendments in bold**):

(c) provides for the protection, enhancement, restoration and sustainable management of—

(i) land, soil and water resources; ~~and~~

(ii) native fauna and flora; ~~and~~

(iii) biodiversity, including species, ecosystems and ecosystem services,

especially so that they are resilient in the face of change; and

- c. Section 7(1)(e) should be amended as follows (**amendments in bold**):

*(e) recognises ~~that and manages~~ **climate change is as** a significant factor in our environment, ~~{including a recognition of the need for mitigation and adaptation}~~; and*

- d. Section 7(1)(f) should be amended as follows (**amendments in bold**):

*(f) provides for the prevention, or control of impacts caused by pest species of animals and plants that may have an adverse effect on the environment, **biodiversity, primary production or the community;** and*

e. Section 7(1)(i) should be amended as follows (**amendments in bold**):

*(i) supports initiatives or action to facilitate the increased capacity of people to engage in processes under this Act, including through the provision of information relevant to the protection, enhancement, **restoration** or management of landscapes.*

2. Landscape Priorities Fund

The Landscape Priorities Fund is the key mechanism for redistributing funding from the overwhelmingly dominant levy base of metropolitan Adelaide (i.e. Green Adelaide) out to the lower-income landscape regions where the vast majority of the State's biodiversity and agriculture currently occurs. The non-metropolitan landscape regions rely heavily upon this redistributed funding for their ongoing landscape management efforts and capacity.

However, the percentage currently distributed from year to year is determined entirely by the Minister, creating significant uncertainty for this funding base, as well as potentially subject to political priorities.

ALCA recommends that a floor percentage be added to section 93(3), for example as follows (**amendments in bold**):

*(3) For the purposes of subsection (2)(d) and (e), the Minister may from time to time, by notice in the Gazette, designate a percentage **not less than 25%** for each (or either) of those provisions.*

3. Commercial forestry

ALCA's understanding is that native revegetation efforts in service of the public environmental good do not ordinarily trigger extensive regulatory requirements under the Act.

However, when carbon income is relied upon to help fund native revegetation (such as through the Environmental or Mallee Plantings Australian carbon market method⁷), this triggers the revegetation to be classed as 'commercial forestry' under the Act – i.e. in the same category rotational monoculture timber plantations. In turn, this creates requirements regarding Water Allocation Plans, and Water Affecting Activity Control Policies, as well as significant additional cost for native revegetation that is aimed at creating public benefits for biodiversity such as through restoring degraded landscapes, supporting the recovery of threatened species and enhancing native wildlife corridors.

These additional obligations are a significant obstacle to farmers and other landholders from participating in biodiverse carbon plantings and securing income that otherwise may be complementary to their existing activities and revenue streams.

ALCA recommends that native revegetation that delivers substantive benefits for biodiversity should be exempted from inappropriate requirements of commercial forestry arrangements under the Act.

⁷ See: <https://www.dcceew.gov.au/climate-change/emissions-reduction/emissions-reduction-fund/methods/reforestation-by-environmental-or-mallee-plantings-fullcam>

4. State Landscape Strategy

- a. The formulation of the State Landscape Strategy should reflect the need to restore and repair the ecological sustainability of our landscapes, not just to manage them in their current state. Section 44(3)(a) should therefore be amended as follows (**amendments in bold**):
 - (a) *set out a long-term vision for managing, **protecting and restoring** the State's landscapes; and*
- b. For non-trivial changes to the Strategy, public consultation should be mandated rather than being at the Minister's discretion (see: section 45(1)).

Thank you again for the opportunity to provide a submission to the independent review of the Landscape Act. **ALCA would welcome the opportunity to discuss the issues we have raised in our submission further with you.**

Australian Land Conservation Alliance

About the Australian Land Conservation Alliance

The Australian Land Conservation Alliance is the peak national body representing organisations that work to conserve, manage, and restore nature on privately managed land. We represent our members and supporters to grow the impact, capacity, and influence of private land conservation to achieve a healthy and resilient Australia. Our seventeen members are:

- Arid Recovery
- Australian Wildlife Conservancy
- Biodiversity Conservation Trust NSW
- Bush Heritage Australia
- EcoGipps
- GreenCollar
- Greening Australia
- Landcare Australia
- Nature Foundation
- NRM Regions Australia
- Odonata
- Queensland Trust for Nature
- South Endeavour Trust
- Tasmanian Land Conservancy
- The Nature Conservancy Australia
- Trust for Nature (Victoria)
- World Wildlife Fund - Australia

ALCA member land conservation efforts have influenced over 3 million square kilometres with more than 4,000 landholders. We have over 70,000 supporters and our combined annual turnover exceeds \$325 million. Together ALCA and its members address some of the most pressing conservation issues across the country, including restoring endangered ecosystems, building the protected area estate, tackling invasive species, expanding private conservation finance, and funding and using nature-based solutions to tackle climate change.

Through their active land management, ALCA member organisations are deeply embedded in rural communities and economies, providing jobs, securing significant regional investment, and safeguarding remaining native habitat, with its many positive spill-over effects for community, wellbeing, and food security. We seek to demonstrate the role and value of private land conservation as a cornerstone of the Australian economy.

Some ALCA members are statutory entities; the views expressed in this submission do not necessarily represent the views of the Government administering those statutory entities.

You can learn more about ALCA online at: www.alca.org.au.