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Tuesday 29 June 2021

Re: *Pastoral Lands Management and Conservation Act 1989* – Invitation to consultation 29 June

Dear Elena,

Thank you for the invitation to a workshop to be held today to discuss policies on 'alternative land uses' that would sit under the legislation proposed to replace the *Pastoral Lands Management and Conservation Act 1989*.

As the peak advocacy organisation for biodiversity conservation in South Australia, ordinarily, the Nature Conservation Society of SA (NCSSA) would attend such a session.

However, as you may be aware, the NCSSA has provided its view on the proposed *Pastoral Lands Bill* on a number of occasions since its release in September 2020, including:

- in a submission made in October 2020 that outlined our position that the NCSSA does not support the Bill and that it should be withdrawn and rewritten because it is based on the flawed premise that pastoralism is the only legitimate use of the rangelands, and all other uses are relegated to 'alternate land use' status that must 'support' pastoralism. It also does not accurately reflect the outcomes of public consultation on this issue (a summary of which was published in May 2020),
- in a joint letter to Minister Basham dated 10 March 2021 from a range of conservation organisations outlining a suite of key issues with the draft Bill that need to be addressed and strongly opposing the Bill in its current form, and
- in a letter to Minister Basham from the NCSSA dated 14 March 2021 containing additional material to inform public debate about the effect of proposed changes to lease tenure and lease assessment.

None of the feedback that has been provided by the NCSSA to date has been met with a direct acknowledgement of our concerns and, to the best of our knowledge, no changes have been made to the proposed Bill as a result.

The NCSSA is particularly concerned that this consultation process is limited to discussing what 'alternate land uses' might be allowed under the new legislation. The fundamental tenets of the Bill are the key concern to the NCSSA, including:

- that the Bill places far less emphasis on **conserving the natural values** of the rangelands for the long-term than is currently the case, with most references to conservation removed in the proposed new legislation when compared with the current Act. This is reflected throughout the Bill, including in the Objects which

do not include the provisions of the current Act that require that the rangelands are well managed, degradation is prevented, native plants and wildlife are conserved, and the regions resources are sustained for future generations. Rather, these Objects have been replaced with a narrow focus on the growth of the pastoral industry. The requirement for lessees to prevent degradation has also been removed.

- The proposal to more than **double lease terms from the current 42-year lease to 100 years**. The current system of a 42-year lease with 14-year renewal creates a strong incentive to maintain the values of a lease; lease lengths beyond 42 years (even with assessments at 14-year periods or more frequently, by any suitable methodology) provide ever reducing incentives for the private lessee to maintain the public values. The current arrangement for lease length and renewal are not arbitrary, and extending lease terms to higher arbitrary lengths run the very high risk of degrading the conservation value of leases.
- The proposed **removal of balanced representation on the Pastoral Board**, with neither a dedicated conservation representative nor a skills-based ecological expert appointment by the Environment Minister any longer required. This is totally inappropriate for a Board with a regulatory function and is inconsistent with the outcomes of the public consultation which found "respondents felt that an independent body (representative of all interests and user groups, including scientists) was the best way to ensure decisions are objective, consistent and responsive".
- The removal of **maximum stocking rates** to prevent overgrazing. History has shown that controls on stocking are needed to prevent degradation and associated environmental problems, such as dust storms.
- The lack of any mention of **climate change** in the Bill and therefore any attempt to anticipate and plan for its likely impacts.
- The removal of the obligation for **lessees to comply with the *Landscape South Australia Act 2019*** and regulations, which is pertinent with regard to the control pest plants and animals, management of watering points and to prevent the deliberate stocking of damaging animals such as goats, and
- A lack of clarity over whether the **management of part or entire leases for conservation** or other diverse land uses will be lawful. Currently around 1.7million hectares of the pastoral estate is managed for nature conservation, and more is needed to achieve a representative reserve system in South Australia. The Bill leaves the future of current leases managed for conservation in doubt and does not provide a clear pathway for new leases to be dedicated for conservation. This is because since any 'policies' established under the Bill could be changed without notice and nature conservation as a land use would be inconsistent with other parts of the Bill that require proactive management of leases for pastoralism (including the Section 5 Objects, Section 7 General duties of pastoral leases and Section 25 Conditions of pastoral leases).

The NCSSA therefore does not see value in participating in this consultation, and declines this invitation.

Moving forward, the NCSSA will only participate in genuine consultation regarding the future of South Australia's rangelands. Any changes to current legislative settings should aim to enable a suite of appropriate and diverse activities in the rangelands, whilst at the same time, adequately regulating the impact of these activities for the benefit of the South Australian people to whom this resource belongs.

Yours sincerely,



Patrick O'Connor
President, NCSSA