**LANDSCAPE SOUTH AUSTRALIA BILL 2019**

**Legislative Assembly, 20 March 2019, pages 5096-5102**

Second Reading

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water):**I move:

That this bill be now read a second time.

I am pleased to introduce a bill to repeal the Natural Resources Management Act and replace it with a new landscape South Australia act. This fulfils the government's pre-election commitment to introduce a bill into parliament by March 2019 that puts people back at the heart of managing our natural resources and delivers a system that is more focused on working in partnerships, practical programs and on-ground works.

South Australia's landscapes—our rivers and plains, forests and hills, coasts and seas—are some of the most beautiful in the world. The sustainable management of natural resources is vital to our state's economy, primary production and other industries, including mining and tourism, as well as our regional communities and metropolitan Adelaide. Natural resources are also of critical importance to Aboriginal communities—with Aboriginal people's spiritual, social, cultural and economic priorities and practices coming from their relationship with their traditional lands and waters.

We need a landscape that is more resilient towards the impacts of climate change. South Australia is already experiencing less rainfall, warmer conditions with prolonged heatwaves, sea level rise and increased frequency of natural hazards, including drought, bushfires and extreme storms and flooding. We also need a biodiverse landscape with healthy native fauna and flora. We have learned what works and what does not, and we have heard loud and clear that people are looking for a simpler, more effective system.

The bill establishes a new framework for how we manage our state's natural resources based around this vision that provides a simpler and more accessible system by removing unnecessary bureaucracy, simplifying procedures to improve responsiveness and providing greater flexibility for improving best practice over time. Key elements of the reforms are:

* replacing regional natural resource management boards with new arms-length regional landscape boards and giving communities and landholders a greater voice in how natural resources are managed;
* a new Green Adelaide board focused on seven priorities that will help Adelaide become the most ecologically vibrant city in the world;
* a cap on increases to land and water levies to reduce cost-of-living pressures for all South Australians; and
* more action on ground, with a focus on partnerships, a simpler approach to planning and creating opportunities for natural resources management focused programs and initiatives in regional communities.

These reforms have been the subject of extensive community engagement, and I would like to thank everyone who contributed through their feedback on their future vision for South Australia's landscapes. Over 1,000 people attended 60 community, stakeholder and staff workshops held across the state between August and October 2018. Over 250 written submissions were received from the community and stakeholders on the discussion paper, 'Managing our landscapes: conversations for change'.

I personally attended many of the workshops and spoke with people from across South Australia about what the future of natural resources management should look like and what was important to them. What I heard was that people want a productive and biodiverse landscape. Our regional communities have said that they want a system of managing natural resources that focuses on the basics: delivering effective water management; pest, plant and animal control; soil and land management; and support for broader sustainable primary production programs.

People want a simpler system, a greater voice in decision-making, as it impacts on the ground, and board members who reflect their communities. What is clear is that people seek less red tape to reduce administrative burden and less repetitive planning and more on-ground delivery through partnerships with other organisations, groups and individuals.

More broadly, landscape education remains an important part of connecting urban and rural communities with nature, building awareness of the importance of sustainable primary production, and managing natural resources sustainably. When people fall in love with nature, they put more effort into conserving and revitalising it and making sure it is there to pass on to future generations. People also want the new boards to be able to have a continued role in delivery of nature education in South Australia's schools.

Embedding climate change in how we manage our natural resources is fundamental to further coordinating adaptive practices we undertake now to build a climate-resilient landscape thriving with biodiversity. I was delighted to see the level of enthusiasm embracing a bold climate-resilient vision for greening the metropolitan area through creation of Green Adelaide. There was overwhelming support for the government's commitments to establish Green Adelaide and cap levies.

During consultation, great efforts were made to connect with all who care for land, including traditional owners. I am committed to ensuring that cultural, scientific and specialist expertise and learnings are respected and embedded into the decision-making processes at regional board level to achieve the practical outcomes that our communities seek. Together, these conversations have shaped and informed the bill.

I want to emphasise that, while the simpler system in the bill moves away from prescribing detailed consultation processes, collaboration and consultation with key partners and communities remain at the heart of natural resources management. I now turn to some of the bill's key features. New regional landscape boards will replace the current natural resources management boards, with a new approach to setting regional boundaries that place more emphasis on economic, social and cultural connections and local government boundaries and areas.

For the first time, regional communities will have a say on who sits on a regional board through community elections. Community elections align with the principle of decentralised decision-making as a mechanism for empowering regional communities. Regional boards will have three elected and four ministerial-appointed members to ensure there is a good mix of skills, knowledge and experience, as well as broad community representation, including from young people. Eligibility to stand and vote in elections will be based on eligibility to vote in local government elections, providing an opportunity to leverage off local government election arrangements where it is cost effective to do so.

There may be some situations where issues specific to a particular region mean that community elections are not practical or desirable at a given point in time. To manage this, the bill provides flexibility for all board members to be appointed by the minister in special circumstances. Boards will have greater control over day-to-day decision-making, including setting their own budgets through an annual business plan. Boards will have greater autonomy over their staffing arrangements, with general managers being accountable to their boards and responsible for employing staff.

The new landscape boards will be bodies corporate and, as instrumentalities of the Crown and being subject to audit by the Auditor-General, will be public authorities for the purposes of the Public Finance and Audit Act. They will be required to consider and promote the act's objects in exercising their functions. The new boards will be required to work collaboratively and have the ability to establish committees, reflecting the importance of ongoing discussion with communities and landholders so that boards have a good understanding about what the issues are in their region.

Managing natural resources, with an emphasis on soil quality, water management and pest plant and animal control, will be a function of the new boards to build resilience in the face of change and facilitate integrated landscape management. Our coasts and seas immediately adjacent to land comprise part of the features included in the landscape, such that the impacts of on-land practices on our coasts are considered in an integrated 'hills to sea' approach to natural resource management, as appropriate. Boards will be able to support community efforts to restore and maintain the landscape, such as through revegetation and other nature stewardship initiatives. There is also continued alignment with commonwealth funding programs, including for biodiversity outcomes.

Each board, including Green Adelaide, will be required to establish a grassroots grants program based on a proportion of their budget or amount determined by the minister. Grants will be available to small grassroots community organisations, volunteer groups and individuals. Reflecting the feedback that people wanted boards to have a closer connection with their local communities and stronger relationships with community organisations, grassroots grants programs will be administered by each regional landscape board, rather than being centrally administered.

Boards will also have a mandate to look at opportunities to deliver programs and projects through partnerships with organisations, including local councils, as well as groups and individuals. This will create jobs and drive further investment, empowering and reinvigorating regional communities in the management of natural resources. Each board will have a high-level, five-year regional landscape plan that sets out five priorities for managing the region's landscapes.

Rather than prescriptive consultation requirements, each board will set their own consultation processes, informed by best practice engagement guidelines. This simpler approach to regional planning aims to refocus effort and resources on delivering outcomes on-ground for the benefit of the community. Boards will also remain responsible for water allocation planning in their region but with provision for the minister to step in if there are delays in water allocation planning processes.

During consultation on the landscape reforms, many people in the community wanted regional landscape boards to play a role in assisting in the management of native animals that adversely affect the natural or built environments. Currently, there are different approaches to this across the state. The bill will establish this as a function for all boards through activities such as connecting landholders and relevant authorities and providing information. Permits issued under the National Parks and Wildlife Act will still be required and the existing functions of the other bodies and people involved in this area will continue.

In giving boards greater autonomy and empowering local communities through a greater role in delivery, the bill also provides other mechanisms to ensure both accountability and cross-regional and statewide coordination and delivery. Consulting with people interested and affected by plans will still be a fundamental part of the process of all levels of planning, with a new state landscape strategy providing a statewide strategy for natural resources management in this state that is shaped and informed by regional issues and perspectives.

As minister, I will have the ability to set policies on common issues related to natural resources management, such as pest plant and animal control, as well as the administration of the act. This provides for a coordinated approach and minimises duplication of effort. The bill also provides for the continuation of statewide coordination of the monitoring, evaluation and reporting on the state and condition of natural resources—supporting the state's broader environmental reporting framework and the ability to connect this with regional monitoring and reporting efforts.

Green Adelaide: the bill delivers the government's commitment to establish Green Adelaide—a new board charged with delivering on the exciting vision of Adelaide as a climate resilient and ecologically vibrant city that is a world leader delivering innovative solutions. While Green Adelaide will be a landscape board—with the same functions and powers—it will focus on seven priorities:

* coastal management;
* water resources and wetlands;
* water sensitive urban design;
* green streets and flourishing Parklands;
* fauna and flora in the urban environment;
* controlling pest animals and plants, and
* nature education.

These priorities will in turn support other outcomes, including climate resilience, climate change mitigation and community wellbeing, with the recent heatwave highlighting the importance of greening our city to ensure it is a livable city that residents and visitors enjoy into the future. Green Adelaide will also have scope to share this expertise across the state, for example, by collaborating with other landscape boards or local councils wanting to pursue initiatives related to these priorities.

As a regional landscape board, Green Adelaide will have a mandate to collaborate and partner with councils and other bodies. Its activities and investment will be guided by a regional plan, developed in consultation with the community and other stakeholders. Given the need for board members to have specialist expertise, all members will be appointed by the minister.

Levies: increases to natural resources management levies have become an additional cost-of-living pressure for South Australian households. The government originally intended capping levies at a rate set by an independent body. After consulting on whether levies should be capped by an independent body or by reference to the consumer price index rate set by the Australian Bureau of Statistics, the cap on levies is enshrined in the bill by reference to the consumer price index rate, being the most cost-effective option.

In exceptional circumstances, the minister will be able to approve increases to the land levy above CPI. Increases to the water levy above CPI will also need to be approved by the minister. Any increase to land or water levies above CPI, imposition of a levy in an area of the state where it has not previously applied or a change in basis to the levy, must be tabled in parliament and may be subject to disallowance.

There will also be greater transparency about how levy money is spent, with each board being required to have an annual business plan outlining the board's budget for the forthcoming financial year and to report annually on actual expenditure of the levy. In council areas, the land levy will continue to be collected by councils, with boards setting the amount to be collected each year under the CPI cap. This is a cost-effective way to collect the levy, maximising the funding available for on-ground delivery.

There was overwhelming community support for distributing some levy money from the Adelaide metropolitan area to regional South Australia. Residents of Adelaide value our regional landscapes and enjoy the benefits that they provide, from meeting our most basic needs for clean and safe water and healthy food to being able to enjoy our unique natural landscapes, including coastlines and beaches for tourism and recreation.

To recognise this, a percentage of levy money collected in the Green Adelaide region will be invested in landscape scale projects and works across the state through a new statewide landscape priorities fund. The bill establishes the new landscape priorities fund for investment on large-scale integrated landscape projects, such as Wild Eyre, taking into account high-level principles identified in the state landscape strategy.

Land, water and pest plants and animals: the boards' functions reflect a renewed focus on land and water management and pest plant and animal control. In relation to land, sustainable primary production and improvements to land management are important ways to achieve a productive, climate resilient and biodiverse landscape. To do this, landscape boards will work alongside landholders and provide support, advice and a helping hand where needed. This is embodied in the legislative functions of the landscape boards.

Measures will continue to be available under the act to ensure land is managed appropriately and to protect against degradation, but there is a new emphasis on taking into account local conditions and industry best practice to get the right outcome. This reflects a fairer approach for landholders, and reflects the variability of land across our state and within a region, by making sure contemporary and locally relevant best practice on the ground is taken into consideration.

The focus of the landscape reforms is resetting how boards operate to deliver a simpler, more transparent system overall. As a result, water management has not been a focus in the consultations that have shaped the landscape reforms. We were very clear about this from the outset of our extensive consultation process and publicly available discussion papers.

As such, most water-related provisions in the act have been carried over unchanged to the new bill, continuing the existing role of water allocation plans and providing for the sustainable management of water resources and existing licensing and permit arrangements to manage water resources. Water allocation plans will continue to be subject to a minimum two-month public consultation, as well as boards being required to follow contemporary and effective engagement and consultation practices in engaging with water users and other stakeholders.

Water-affecting activities, such as building a dam or drilling a bore, will continue to be regulated. To enable the simplification of regional landscape plans and give greater consistency and clarity for customers as to where policies on water-affecting activities are, these rules will be set out in a water-affecting activity control policy or a water allocation plan. Minor changes will reduce red tape for applicants for works approvals and clarify how works and site use approvals operate. Water allocation plans will be able to provide that a consumptive pool need not be limited to a specific purpose and for a watercourse to be managed together with surface water as a single resource. These small changes will enable water allocation plans to better reflect how water is managed.

During community engagement, strong interest was raised in seeking reforms across a range of areas, including for water, coasts and native vegetation. All these areas are substantial, involving complex legislative issues in their own right. Any water reform needs to be carefully considered and should be the subject of extensive consultation with all those potentially impacted in the community.

Pest animals and plants threaten agricultural, pastoral, industrial and public enterprises, as well as conservation and biodiversity. All livestock and plant production industries are at risk from pest animals and plants, with introduced pest species and plants costing South Australian agriculture millions of dollars each year in damage, lost production and control efforts. The current regulatory framework will continue to apply for pest plants and animals, where penalties apply for moving, possessing and releasing declared pests.

In response to feedback that people want healthier soils and timely processes for invasive pests, current requirements for landholders to prepare and implement action plans to control pest plants and animals will be replaced by a requirement for landholders to comply with action orders that require the owner of land to take action specified by the authority issuing the order. A principle to achieving ecologically sustainable development is that before taking remedial action, and where reasonably practicable and appropriate, to encourage persons responsible to take such action before resorting to more formal processes and procedures.

Accordingly, before requiring a landowner to undertake an action plan, boards will need to make reasonable attempts to resolve the matter by working with the landholder. Regional landscape boards will provide support, education and advice to work with landholders to develop sustainable-based solutions that meet local requirements. As a result, there will also be a more structured approach to the current practice of granting exemptions. Going forward, authorised officers will have a clear authority to issue a written exemption, subject to conditions, providing certainty as to what is required to remedy breaches.

A new expiation will apply for possession of a category 2 plant or animal—noting there are only a handful of animals in this category. Where a minor offence has occurred, such as the keeping of one animal, currently the only option is a warning or a prosecution. Other enforcement arrangements are largely replicated in the new legislation, with existing powers and civil remedies being replicated in the bill.

The current distinction between state and regional authorised officers, whereby regional authorised officers can only exercise certain powers within their region, can cause practical issues on the ground, particularly in managing cross-regional issues. The bill removes this distinction by the minister being responsible for appointing all authorised officers. The powers of individual authorised officers will be limited through their instrument of appointment as required. This will increase compliance capacity and enhance responsiveness to issues on the ground, particularly in remote areas.

Penalties for a number of offences that have not been increased since the introduction of the natural resources management legislation in 2004 have been increased by up to 40 per cent, which equates to CPI over the same period. Penalties have not been increased if they have been set relatively recently—for example, in relation to forestry—or where they are similar to those for similar state offences under other legislation.

The bill also provides transitional arrangements for the winding up of existing natural resources management boards and the transfer of any assets and liabilities, with options to ensure continued delivery of services on-ground. Critically, options to ensure a smooth transition from natural resources management boards to regional landscape boards have been provided for, including so that Green Adelaide may commence its vital preliminary work as a leading expert board in the interim phase.

Together, these reforms will deliver a fundamental change in how natural resources are managed in this state for the benefit of all South Australians and will move South Australia towards a productive and sustainable natural landscape, upholding the landscape for both our environment and the economic development of our state. I commend the bill to members and seek leave to have the explanation of clauses inserted into *Hansard* without my reading it.