**NATIVE VEGETATION BILL 1991**

**Legislative Council, 12 March 1991, pages 3460-3**

Second reading

Received from the House of Assembly and read a first time.

The Hon. ANNE LEVY (Minister for Local Government Relations): I move:

That this Bill be now read a second time.

In view of the lateness of the hour, I seek leave to have the second reading explanation inserted in Hansard without my reading it.

Leave granted.

Explanation of Bill

The introduction of the Native Vegetation Retention scheme in 1983 and the subsequent Native Vegetation Management Program in 1985 heralded the introduction of conservation of wildlife habitat for its biological diversity on land outside the National Parks and Reserves system. While I acknowledge that the introduction of the program in 1983 caused a number of problems in the rural community, it brought community attention to focus on the extent of loss of biological diversity and wildlife habitat throughout the agricultural areas of our State.

The Bannon Labor Government was quick to recognise some of the difficulties created for the farming community when the program was being administered through the pro­visions of the Planning Act and Regulations.

In a review of the program in conjunction with the United Farmers and Stockowners Incorporated, the Native Vegetation Management Act was enacted. This Act recognised the need for payment of a level of financial assistance to landholders for what in effect was a partial loss of property rights and access to land which otherwise may have been available for development purposes.

During the debate on the Bill to enact the Native Vegetation Management Act, the responsible Minister and my colleague Don Hopgood said that the Act was unlike any­thing seen in this country before. It follows that what we do from here will be pioneering legislation involving a bold and innovative approach.

The program has now been in operation for seven years, with financial assistance being available to landholders for the last five years. For some time, consideration has been given to how the vegetation retained under the system would be managed in perpetuity and who should take responsibility for that management. Also, much thought has been given to the open ended nature of the program and how far broadscale clearance in South Australia should be allowed to proceed.

Since 1985 the rate of refusal of broadscale clearance applications by the Native Vegetation Authority formed under the provisions of the Act has been consistently high with around 95 per cent of the area applied to clear being refused consent.

Over the last twelve to eighteen months, negotiations have been ongoing with the United Farmers and Stockowners Incorporated and the Nature Conservation Society of South Australia Incorporated as to the way in which the next stage of the program should be developed.

I believe it is important that we make sure that the money invested by the people of this State is protected by having in place a system of management advice and assistance for landholders with native vegetation on their properties. I believe we also need to accept the fact that the limits of broadscale clearance for land development purposes have been reached.

During debate in Parliament on 20 October 1990 the Government indicated that action is being taken to draw the clearance phase of the scheme to an end thereby freeing up resources to move towards the next stage of the program which involves the management of the vegetation.

Officers of the department have been developing the discussions with the UFS and the NCS to the point where a discussion paper on future directions has been in circu­lation to interested groups for the last four months.

The paper forms the basis of this Bill before the House. Given the importance of this program for natural resources management in this State I am hopeful that at least bipartisan support will be received during the debate stage on this Bill.

I am delighted to advise the House that the UFS and the NCS produced a joint position paper for consideration by Government. This joint position paper is in effect making history—bringing together the farming organisation and the nature conservation organisation in this State has never happened before and indicates the extent of commitment of both these groups to move to the next phase in a positive and constructive manner.

I believe the Commonwealth has a greater role to play in assisting those States and Territories which have in place a legally supported means of protecting wildlife habitat additional to that in the parks and reserves system. The Commonwealth has been experiencing increasing interest in the conservation of Australia's biological diversity. In South Australia, we have received some assistance for native vegetation management through the Save the Bush program. I would like to see the amount of assistance increased to reflect the increased commitment at State level being pro­vided in this Bill for the management phase of the program.

In the discussion and negotiation phase in developing the contents of this Bill, a number of questions have been raised as to why new legislation is needed at all. It has been suggested that the existing Native Vegetation Management Act should be amended to provide for the next phase.

I am of the view that the Native Vegetation Management Act is in effect a land development Act—arguably the last such Act that we will have in this State for the foreseeable future.

This Bill, which is before the House, is about land management as distinct from land development. This being the case, it has a quite different intent from the existing Act and as such, should be formulated as a new Act and a logical follow on in the program.

In developing the contents of the Bill, great benefit has been derived from the constructive work undertaken by my colleague, the Minister of Agriculture in developing the Soil Conservation and Landcare Act 1989.

This Act, which concentrates on the use of land within its capability and establishing a planning framework to support such an approach has been a very important aspect of this Government's approach to land management. The Bannon Government has also enacted the Pastoral Land Management and Conservation Act 1989, after eleven years of debate and discussion as to what should replace the old Pastoral Act 1936. The provisions of this Bill recognise the contents of both those Acts and makes the necessary connection between them to give a well integrated approach to land resource and natural resource management throughout the whole State.

I believe as time goes on, there will be opportunities for greater involvement and integration between soil conservation boards, the Pastoral Board and the proposed Native Vegetation Council.

The Principles of Vegetation Clearance which were part of the State Development Plan under the old Act have been amended to recognise the differing basis for clearance of native vegetation provided in this Bill. Broadscale clearance for development purposes is not part of the Bill and therefore the clearance principles must recognise this change of emphasis. These revised principles are not to be part of the Development Plan and will be a schedule under the new Act. They recognise the small scale nature of any future clearance, including clearance of scattered trees and single trees and plants.

As with the Native Vegetation Management Act 1985, the new Act will have supporting regulations covering principally exemption provisions for certain types of clearance. These exemptions deal with clearance related to safety, fence building, fire prevention works, etc. The regulations have been subject to detailed discussions with various inter­ested groups, including Local Government, over the last twelve months.

More recently, the Government has decided to include a provision in the Act which will have, the effect of removing payment of financial assistance to landholders applying for clearance after 12 February 1991. All applications received up to and including this date will be dealt with on the same basis as previous applications. The Government has felt obliged to take this action following provocative publicity in the media urging landholders to lodge clearance applications before the existing legislation is repealed by this Act.

South Australia is leading the way in Australia with pioneering legislation on protection of biological diversity. This Bill represents the logical second stage of the Native Vegetation Management program.

It is very much an evolving area and it is likely that emerging issues of importance for protection of the State's biological diversity will require consideration at a later time.

The Hon. R.I. LUCAS secured the adjournment of the debate.