

Mr Lucas Weterings
Director, State Development
Department of the Premier and Cabinet
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cc: Lucas.Weterings@sa.gov.au; premier@sa.gov.au;
OfficeOfTheDeputyPremier@sa.gov.au

2 September 2024

Dear Mr Weterings,

RE: Submission to the exposure draft of the SA State Development Coordination and Facilitation Bill

The Australian Land Conservation Alliance (ALCA) welcomes the opportunity to provide a submission on the exposure draft of South Australia's *State Development Coordination and Facilitation Bill*.

The Australian Land Conservation Alliance (ALCA) 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.

The land conservation efforts of ALCA's seventeen member organisations 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.

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

Overview: the nature crisis and the opportunity of nature positive development

Australia and the world face twin interrelated nature and climate change crises. Both crises have deep, substantial, and increasing costs for the social and economic wellbeing of all Australians. These crises create an acute intergenerational burden that unfairly backloads our generation's own costs and failings upon future generations – upon our children, our grandchildren, and beyond. We face the harsh but unbending reality that nature is not an infinite asset that can be continually drawn upon without profound social, economic and environment cost. We must avoid as much further destruction as possible and invest heavily in its renewal.

Our unique nature is not only core to our social and cultural values as a nation; it is also a cornerstone of our prosperity – **with half of Australia’s GDP being moderately to highly dependent on nature**¹ – and it is in accelerating decline. As per the Federal Government’s 2021 State of the Environment Report:

*“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... 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.**”¹*

Australian Governments must adopt genuinely nature positive approaches to its social, environmental and economic development. As with other states, South Australia needs to build and develop our natural capital rather than forever drawing it down. It is a false complacency that nature will somehow take care of itself and thus does not need investment like other types of economic and social infrastructure.

There is also an increasing imperative to respond to external environmental regulation – Australia will have no option but to adapt to the environmental regulatory standards of large, standard-setting trading blocs like the European Union. Indeed, one example is the EU’s deforestation regulation², which requires companies wishing to export key agricultural commodities to the EU (most pertinently for Australia, cattle) to prove their deforestation credentials to retain market access and is set to commence on 1 January 2025. As a deforestation hotspot in the developed world, Australia’s agricultural sector must prepare quickly for this change – and this is just the beginning of a global shift to a nature positive future following closely on the heels of the transition to net zero.

A net positive approach in the *State Development Coordination and Facilitation Bill* would help future-proof South Australia by ensuring positive outcomes for people, economy, and nature, both now and for future generations.

¹ Australian Conservation Foundation, *The nature-based economy: How Australia’s prosperity depends on nature*, Sep 2022; <https://www.acf.org.au/the-nature-based-economy-how-australias-prosperity-depends-on-nature>

² See: https://environment.ec.europa.eu/topics/forests/deforestation/regulation-deforestation-free-products_en; and https://green-business.ec.europa.eu/deforestation-regulation-implementation_en

Recommendations

ALCA welcomes the general mirroring of areas to be excluded from the SDCF Bill as found in SA's *Hydrogen and Renewable Energy Act 2023* (i.e. public protected areas). However, whilst the HRE Act only applies to publicly owned land, the SDCF Bill applies to all land tenure types. It is therefore appropriate and necessary that privately protected areas (i.e. Heritage Agreements) be added to this list of areas to be excluded from State development areas in the SDCF Bill.

ALCA is also particularly concerned at the signalling impact that a lack of specific exclusion will create, including the (hopefully unintended) signal that disallowable notices may then apply to provisions within the *Native Vegetation Act 1991* relating to Heritage Agreements.

Recommendation 1: That section 23(3) be amended to explicitly exclude privately protected areas (i.e. Heritage Agreements) from inclusion within State development areas, as follows:

(f) a heritage agreement within the meaning of the *Native Vegetation Act 1991*;

Recommendation 2: That if Recommendation 1 is not adopted, disallowable notices be explicitly excluded from being able to be applied to *Division 1 – Heritage Agreements* from the *Native Vegetation Act 1991*.

Recommendation 3: That the use of disallowable notices require the concurrence of the Minister (or Ministers) responsible for the Act (or Acts) to which the notice applies. For example, a disallowance notice relating to the *Native Vegetation Act 1991* or *Pastoral Land Management and Conservation Act 1989* should require the concurrence of the Minister for the Environment.

Recommendation 4: That section 42 – the removal of rights to judicial review – be deleted from the final Bill. The SDCF Bill seeks to concentrate executive and administrative power with the Coordinator-General's Office and the Minister responsible for the SDCF Bill (i.e. the Premier). It is therefore even more important than usual that judicial review is available under this Bill, to help ensure – and reassure the public – that Government decisions will be legal, reasonable and fair under the law.

Recommendation 5: That section 19(1)(b) – the provision allowing for designated Acts to be prescribed via regulations – be deleted from the final Bill, in order that Parliament not be overly-restricted from exercising its constitutional legislative function. The intention to include new Acts as designated Acts can instead be effected by consequential amendments, such that Parliamentary oversight is not unnecessarily constrained only to disallowance motions.

Recommendation 6: Related to Recommendation 5 above (and for the same reasons), that section 44(6) – the ability of decisions of the Legislative Review Committee to substitute for Parliamentary disallowance motions – be deleted from the final Bill.

Thank you again for the opportunity to provide a submission on the exposure draft *State Development Coordination and Facilitation Bill*.

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 nineteen members are:

- Arid Recovery
- Australian Wildlife Conservancy
- Biodiversity Conservation Trust NSW
- Bush Heritage Australia
- EcoGipps
- GreenCollar
- Greening Australia
- Landcare Australia
- Nari Nari Tribal Council
- Nature Foundation
- North Australian Indigenous Land and Sea Management Alliance
- 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.