Landscape directions
Landscape SA Bill 2019
The South Australian Government acknowledges Aboriginal peoples as the state’s first peoples and nations, and that Aboriginal peoples’ deep knowledge and relationship with Country continue to be critical in sustainably caring for our lands and waters. Practical involvement in managing natural resources is vital for the future of Aboriginal nations and peoples.
Overview

This paper provides an overview of policy directions reflected in the Landscape South Australia Bill 2019 (the Bill) and how they have been shaped by community and stakeholder feedback on the Managing our Landscapes – Conversations for Change discussion paper, released in July 2018.

The Bill establishes a new framework for how we manage our state’s natural resources based on the following principles:

- decentralised decision-making
- a simple and accessible system
- a whole-of-landscape approach
- keeping community and land owners at the centre of how we manage our landscapes
- back to basics.

Aspects of the Natural Resources Management Act 2004 (NRM Act) that were not the focus of the landscape reform consultations will largely be replicated in the new legislation. From the outset of consultation, the South Australian government made it clear that the majority of water provisions in the NRM Act would be carried over to the new Bill. Major water reform requires significant stand-alone consultation. However, suggestions to reduce red tape and clarify the operation of regional landscape plans with respect to water are proposed.

The key elements of the landscape reform consultations that are reflected in the Bill are:

- creating arm’s length landscape boards to replace existing Natural Resources Management (NRM) Boards in regional areas, which will facilitate management of landscapes in partnership with land managers, communities and stakeholders
- enabling communities and landholders to have a greater voice in how our natural resources are managed, with collaboration and partnerships being core functions of the boards and a Grassroots Grants program in each region
- capping land and water levies by the Consumer Price Index (CPI). Landscape boards will be responsible for their own annual budget and for publishing their annual expenditure on projects funded by land and water levies
- landscape boards in regional areas will have seven community members – three will be directly elected, similar to local council elections, and four will be appointed by the Minister
- establishing Green Adelaide, a regional landscape board for the Adelaide metropolitan area that will focus on seven key priorities and work towards Adelaide becoming one of the most ecologically vibrant and climate resilient cities in the world
- creating simpler, high-level regional landscape plans that identify up to five priorities for boards in regional areas and seven priorities for the Green Adelaide Board to be achieved over five years
- new processes for preparing regional landscape plans and water allocation plans (WAPs) that focus on contemporary and effective consultation and engagement
- redistributing a proportion of the levy income that is collected in the Green Adelaide region and investing it in state and cross-regional priorities through a new Landscape Priorities Fund
- streamlining and simplifying a range of processes to improve efficiency and remove red tape that gets in the way of more effective on-ground management. As well as simplifying some processes and to enable more flexibility, many procedural details have not been replicated in the Bill and will be drafted as regulations or policy, to change processes that are no longer effective.

What do we mean by ‘landscape’?

Reflecting an integrated hills to sea approach, the Bill defines South Australia’s landscapes as being made up of three components:

- the natural environment, including our rivers and plains, forests and hills, coasts and seas, as well as the built environment
- our natural resources, such as land, soil, water resources, native vegetation, animals and ecosystems
- the different ways people value and interact with their environment, including environmental, social, cultural and economic values.
Decentralised decision-making

**Board membership**

*What we heard:*
Regional communities want a greater voice in decision-making, with local board membership that reflects their communities.

A new approach to board membership will be introduced, which includes opportunities for greater community participation. Specifically:

- Landscape boards in regional areas will have **three elected members and four Minister-appointed members** to ensure there is a good mix of skills, knowledge and experience, as well as broad community representation including young people.

- **Board membership will be skills-based, with the required skills, qualifications, knowledge and experience to be determined and published by the Minister.** This will enable boards to be tailored for different regions and adjusted over time.

- To ensure a mix of members, the intent is that the Minister will appoint the Presiding Member first, then hold elections to select three members, and then appoint the remaining three members.

- To minimise cost, **elections will leverage local government arrangements**, with eligibility to vote and stand based on eligibility to vote and stand in local government elections. The same criteria will be applied in establishing a voting roll outside of council areas.

- Alternative arrangements will be made where issues specific to a particular region mean that community elections are not practical or desirable at a given point in time.

- Boards will continue to be able to establish regional committees to give them a good understanding about the issues in their region, enabling discussion between landholders and regional and urban communities.

**Aboriginal communities**

*What we heard:*
Much progress has occurred to date towards greater participation and leadership by Aboriginal communities in NRM in South Australia but we need to do more.

Supporting the interests of Aboriginal people is included in the objects of the Bill for the first time and will underpin decisions made by the Minister and regional landscape boards.

The significance of landscapes to Aboriginal people is expressly recognised as a principle in the Bill, with each landscape board being required to work collaboratively with Aboriginal communities.

The Landscape Priorities Fund and the Grassroots Grants program, as well as the overall focus of the reform to deliver outcomes through partnerships, will together provide funding opportunities for Aboriginal people and groups to drive positive and practical improvements to landscape management.

**Partnering for on-ground delivery**

*What we heard:*
Partnerships and collaboration were identified as a high priority for the new landscape boards, with an emphasis on partnerships for on-ground projects. Many identified the opportunity for more partnerships with local service providers, local councils and Aboriginal organisations.

The new boards will build on existing partnerships with land-users, valuing their knowledge and understanding of the landscape, and working collaboratively, with land managers and communities to deliver outcomes.

Regional landscape boards will continue to partner directly with the Australian Government to deliver a range of environmental and sustainable agriculture services.

Boards will also have a mandate for financial partnerships with councils, industry and other bodies and organisations, such as environmental groups and Aboriginal organisations, to deliver on-ground projects to improve the state of natural resources and deliver on regional landscape planning priorities.
Delivering community-led landscape management will occur through greater capacity to:

- ensure regional concerns inform the statewide high-level strategy
- target issues most relevant to the local landscape with long-term planning, and
- ensure co-benefits – across the environment, the economy and the community – to manage landscapes sustainably.

**Staff**

*What we heard:*
Staff on the front-line of service and program delivery were noted as a major asset. Communities strongly supported local decision-making and would like to see boards employing their own staff.

Each landscape board (except Green Adelaide) will have a General Manager.

The General Manager is responsible to the board for managing board business effectively and efficiently, and will be responsible for employing and managing staff.

The General Manager will be appointed, on the recommendation of the board, by the Chief Executive of the Department for Environment and Water. Regional landscape boards will have a role in setting the performance agreement of the General Manager.

Boards will exercise control over the workforce through the General Manager over whom they exercise day to day management control.

The General Manager will supervise staff engaged in the work of the board and employ those staff. In this manner, General Managers will effect the business of the boards efficiently, whilst reporting to boards on outcomes of staff achievements.
Planning and budgets

What we heard:
People want to see more doing, less planning.

Plans will be simple, with the detailed scientific, social, economic, cultural, and local knowledge needed to inform the plan recorded separately. Repetitive, overlapping planning arrangements have been removed.

Each board will have a high-level, five-year regional landscape plan that sets out five priorities for managing the region’s landscapes (seven for Green Adelaide) and identifies how success will be evaluated. Plans will be developed with contemporary and effective engagement and consultation outlined in guidelines approved by the Minister. This will enable practices to evolve over time. Guidelines will also support a level of consistency in how boards engage, while allowing for regional variation.

To facilitate location of rules and requirements affecting land-users:

- Policies for water affecting activities will be set out in WAPs for prescribed water resources and as a separate policy for non-prescribed water resources.
- Land management and pest plant and animal control policies currently set out in some regional NRM plans will be set out in separate regional landscape affecting activities control policies.

Water and landscape affecting activity policies will be the subject of public consultation and periodic review. For the first time, regional priorities will inform state priorities.

This simpler approach to regional planning aims to refocus effort and resources on delivering outcomes on-ground.

What we heard:
There was strong support for boards to set their own budget, with local decision-making about how money is spent identified as a high priority.

Each board will set its own budget, which will be set out in an annual business plan and clearly show the expenditure proposed for each of its priorities. This will improve the ability of a board to manage its own business.
The Minister will only be required to approve a business plan if it is inconsistent with the board’s regional landscape plan or proposes a change to land or water levies (e.g. an increase above CPI).

This simpler process is expected to make the annual process for setting the land levy much simpler and reduce delays in setting council contributions.

Boards will be required to keep proper accounts and publicly report on their activities annually, including a specific report on the actual expenditure of levy funds for the relevant financial year tracked against the board’s budget for that year.

A CPI cap on land and water levies

What we heard:
Community and stakeholders supported the introduction of a cap on levy increases.

All land and water levies will be capped by the Consumer Price Index (CPI), helping to address cost of living pressures for households and businesses. The cap is embedded in the Bill.

If a board seeks to increase a levy above CPI and it is approved by the Minister, then the Minister would table a report in Parliament explaining the situation. Parliament would then decide whether to allow the increase or other levy change.

Land levies

For land levies, the cap will apply to the total amount to be collected from across a region. In exceptional circumstances, such as in the event of a natural or environmental disaster, the Minister will be able to approve an increase above this cap.

In council areas, land levies will continue to be collected via the most cost-effective method – by local government via council rates. Councils will continue to set a levy rate under the Local Government Act 1999 based on the amount they are required to contribute to the relevant landscape board. Outside council areas, the regional landscape board will gazette the levy rate and be responsible for collecting the levy.

In areas where the land levy is charged based on property values, the CPI cap will limit increases to the rate set by councils. As currently occurs, individual changes to the capital value of a person’s property will impact levy charges. The total capital value in a council/region will also influence the levy calculation.

Water levies

For water levies the cap will apply to the rate that is set by the Minister. The Minister will be able to approve increases to the water levy above CPI if they are satisfied that it is appropriate in the circumstances to do so. This would then be subject to the approval of Parliament.

The levy arrangements for each region will be set out in the board’s business plan. If a board proposes to increase land or water levies above CPI, they are required to consult, meaning local communities will have a say on whether levies should increase and how any additional levy money raised is spent.

Boards will also need to consult on any proposal to change how a levy is charged or to impose a levy in an area of the state where it has not previously applied.

Contemporary and effective engagement and consultation

New processes for preparing regional landscape plans and water allocation plans will focus on using contemporary and effective engagement and consultation, including with Aboriginal communities.

The Bill focuses on outcomes, such as community participation in setting and planning priorities, rather than rigid, outdated processes.

Board engagement and consultation processes will be informed by guidelines about how best to engage with different sectors and communities. Boards will need to take these guidelines into account in water allocation planning, setting priorities through their regional plans, and consulting on changes to levy arrangements for their regions.

Contemporary engagement and consultation processes will also be used in preparing and reviewing the State Landscape Strategy.
**State Landscape Strategy**

*Developed and approved by the Minister*

- an effective and adaptive planning cycle for landscape management
- outcomes to be achieved and a framework for measuring success

**Policies and guidelines on common issues**

**Landscape Priorities Fund**

To fund partnerships to deliver large-scale on-ground projects

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**Regional Landscape Plans**

*Developed by landscape boards and approved by the Minister*

- what the priorities will achieve
- method for measuring success

**Priorities for board investment**

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**Annual Business Plans**

*Set by landscape boards (unless it proposes an increase to the levy above CPI, or other change to land or water levies or is inconsistent with the board’s regional landscape plan, which requires approval by the Minister)*

**Outlines:**

- annual budget
- amount to be collected through land and water levies
- proposed expenditure for each of the board’s priorities
- staffing arrangements
- basis for land and water levies

**Dollars available for Grassroots Grants set by the Minister**

**Other projects in line with regional priorities**

Annual report including:
- report on regional plan implementation
- report on actual expenditure of amounts raised by the levy
Water Allocation Plans (WAPs) (for prescribed water resources)

Developed by landscape boards (Chief Executive may prepare for Green Adelaide or for other boards in special limited circumstances)

Approved by the Minister

Outlines:
The management of water resources in prescribed areas as per the NRM Act with some minor changes:

• WAPs required to provide for water affecting activity rules for prescribed water resources
• WAPs can provide for watercourses to be managed as surface water

Water Affecting Activity Control Policies (for non-prescribed water resources)

Developed by landscape boards (Chief Executive may prepare for Green Adelaide or for other boards in special limited circumstances)

Approved by the Minister

Outlines:
Water affecting activity rules and rules for take of water resources that are not prescribed. This single location will replace current policies set out in some NRM plans, business plans, or on occasions, water allocation plans.

Landscapes Affecting Activities Control Policies

Developed by landscape boards (Chief Executive may prepare for Green Adelaide or for other boards in special limited circumstances)

Outlines:
Policies related to land management and pest plant and animal control, replacing a variety of policies set out in some NRM plans.
Grassroots grants program

What we heard:
There was clear support for the idea of Grassroots Grants to support community groups to undertake local projects.

Each region, including Green Adelaide, will have a Grassroots Grants program available to volunteers and not-for-profit organisations that play a significant role in managing natural resources by contributing time and energy carrying out on-ground works. The Grassroots Grants program will be enshrined in legislation by the Bill.

The grants will be funded by levies collected within each region and from state funding for boards that have no or low levy revenue. This will be administered by regional boards for on-ground projects in that region.

Regional administration reflects the underlying reform principle of decentralisation and will provide an important mechanism for boards to build relationships with local volunteer community groups.
Green Adelaide

What we heard:
There was strong community support for the creation of Green Adelaide and its vision for establishing Adelaide as a world-renowned water-sensitive urban city that is ecologically vibrant and climate-resilient.

Recognising the different conditions for managing a large urban landscape, the arrangements for operating Green Adelaide will be different to the other regional landscape boards. Green Adelaide’s role will be one of innovation, with a particular focus on urban design and climate-resilience.

Green Adelaide’s activities and investment will be guided by a regional plan that sets out seven priorities developed in consultation with the community and other stakeholders.

Green Adelaide’s seven priorities will be mandated by the new legislation. These priorities will be:

- coastal management
- urban rivers and wetlands
- water-sensitive urban design
- green streets and flourishing parklands
- fauna and flora in the urban environment
- controlling pest animals and plants
- nature education.

The Green Adelaide Board will take a strategic leadership role in relation to these priorities and promote coordination and partnerships with other bodies. This leadership role will extend to the ability to lead innovation in other parts of the state, such as by sharing knowledge and expertise.

Given the board’s expertise-based role, all members will be appointed by the Minister and will be supported by an administrative unit within the Department for Environment and Water.

Green Adelaide will also have the same powers and functions as the other regional landscape boards, but will devolve its regulatory functions to other government agencies, local councils, boards or private organisations to enable the board to focus on delivering combined outcomes with third parties.

Cross-regional coordination and large scale investment

What we heard:
There was overwhelming support for distributing some levy funding from Green Adelaide to regional South Australia.

A new statewide Landscape Priorities Fund will enable investment in large-scale integrated landscape restoration projects to address sub-regional, cross-regional and statewide priorities. Specifically:

- It will be a separate statutory fund, with a requirement for proper accounts, which will be subject to an annual audit by the Auditor-General.
- Investment from the fund will be guided by high-level principles set out in the State Landscape Strategy.
- A percentage of Green Adelaide’s land and water levies will be dedicated to the fund, at a percentage determined by the Minister.
- The criteria and processes for allocating funds to projects will be established by the Minister.
- Projects will be delivered through partnerships between the boards and others, including locally based organisations, groups and individuals.

What we heard:
While there was strong support for greater local-level decision-making, the need for a degree of coordination was also recognised.

A State Landscape Strategy will provide a long-term vision for managing the state’s landscapes, setting high-level principles for funding on-ground projects from the Landscape Priorities Fund. The strategy will be informed by whole-of-government strategies and both state and regional priorities. The strategy will be underpinned by a set of policies about common issues, which will reduce duplication of effort and help facilitate statewide coordination.

Crucially, it will remain important to engage with boards and peak bodies at a statewide level. The Minister will continue to convene advisory bodies as needed, which will enable advisory boards and other statewide coordination methods to evolve over time.

Many existing mechanisms to facilitate a coordinated approach will be retained. These include an equivalent fund to the NRM fund, referred to as the Landscape Administration Fund, the continued role of the Minister in collecting information and monitoring the state and condition of natural resources, and the power for the Minister to direct the boards.
Clear, simple priorities

Management and protection of land

What we heard:
Healthier soils and sustainable primary production was identified by stakeholders as an important outcome to be achieved.

Land and soil management will be a priority for the new landscape boards - particularly in regional areas. Sustainable primary production and improvements to land management practices 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, and will work with and support industry to develop profitable industry-based solutions that meet local requirements.

Regional boards will still be able to require landholders to prepare and implement an action plan when unreasonable land management practices have led to unreasonable degradation of land, or when there is an unreasonable risk of degradation of land. Before requiring a landholder to implement an action plan to address land degradation issues on their property, the board will now need to consider the local situation, conditions and surrounding circumstances. The board will also need to take into account any contributing factors such as climate and land condition. The Bill also ensures that local factors are taken into account when landholders seek to demonstrate compliance with best practices for their situation.

Control of animals and plants

What we heard:
Pest plants and animals were identified as a priority issue across the state. Managing the impacts of pest species that compromise primary production and native biodiversity was identified as a core issue.

Pest plant and animal control will be a priority for the new boards, with the current regulatory framework being retained and enhanced through faster processes.

Landholders will still be required to take action to destroy or control declared pest animals and plants on their properties. Currently authorised officers can require land owners to prepare an action plan if they fail to take action to destroy or control declared pest plants or animals on their property. This process has led to delays and inaction, impacting on neighbouring properties. A simpler and faster process will now be implemented – rather than the landholder identifying what action is needed, the authorised officer will be able to issue an action order setting out what action needs to be taken. The penalty for failing to comply with an action order will be the same as the penalty that currently applies to failing to comply with an action plan.

There will also be a more structured approach to the current practice of granting exemptions from certain pest plant and animal control requirements. Authorised officers will have a clear authority to issue a written exemption subject to conditions, making it clear when a person has written authorisation to undertake certain activities, such as moving declared animals or plants.

What we heard:
More accountability needs to be taken for roadside weeds.

Regional landscape boards will continue to be responsible for taking proper measures for the destruction and control of declared pest animals and plants on road reserves, and will be able to recover the costs of doing so from adjoining landholders. This could include working with local councils, doing the control work and either paying for it themselves or charging adjoining land owners, or boards negotiating with adjoining landowners to carry out the work.

This allows each board to work in partnership with their local community, and relevant authorities to work out what the best approach is for their region and local circumstances.

What we heard:
Regional landscape boards need to play a role in assisting in the management of over-abundant native species.

Native animals can sometimes adversely impact primary production, people or the natural or built environment. Current NRM boards vary in their approach to managing the impacts of native animals.

Regional landscape boards will now have a defined role in helping manage native species that are causing adverse impacts. Managing impacts will be achieved by connecting landholders and relevant authorities, and providing information. The existing functions of the other bodies and people involved in controlling the adverse impact of native species will continue. Permits will continue to be required under the National Parks and Wildlife Act 1972 for the destruction of any protected native animal.
Other stewardship priorities

What we heard:
The conservation and nature-based sector sought greater support for ecological communities with thriving biodiversity.

Other stewardship priorities, such as revegetation, rewilding and fencing are important ways to help achieve vibrant diversity, a sustainable economy and resilient communities through landscape-scale restoration and local action. This will be enabled by:

- recognising that ecosystems, native vegetation and native animals are part of our landscapes and natural resources
- including healthy native flora and fauna, biological diversity and ecosystems as an objective of the new legislation, giving boards a mandate to promote these outcomes through their actions, including programs, investment and partnerships
- Grassroots Grants, which supports organisations and volunteers to deliver on-ground projects
- the Landscape Priorities Fund, which supports larger-scale projects that deliver multiple outcomes.

Education will remain an important part of connecting urban and rural communities with nature, and building awareness of the importance of sustainable primary production and sustainably managing natural resources. As currently occurs, boards will have a role in delivering nature education in South Australia’s schools and communities.

What we heard:
The impact of climate change should be expressly recognised.

The significance of climate change in managing natural resources is expressly recognised in the objects of the Bill, ensuring it is taken into consideration by the boards and the Minister in making decisions and exercising their legislative functions.

Greening Adelaide’s streets and parks will be a priority for Green Adelaide in helping to build the city’s resilience to changes in climate. A focus of the new boards will be to work with communities to identify opportunities to achieve climate-resilient landscapes.
Water planning management

As outlined throughout the detailed consultation process, given the complexity of major water-related reform, minor changes to water management are included.

**WAPs working across regions**

**What we heard:**
There is a need for effective water allocation plans that work seamlessly across regions with regional landscape plans.

There will be no significant changes to the criteria that a WAP needs to address. Water allocation planning is largely unchanged, given the complexity of water-related reform.

However, with regional landscape boundaries proposed to be more focused on communities of interest in the future, some prescribed water resources may be located in more than one region.

Accordingly, some changes to water allocation planning and water levies have been necessary to align water allocation planning with the landscape reforms. Specifically:

- Responsibility for preparing a plan for a prescribed resource in a board’s region will sit with that board. If a prescribed water resource is in more than one region, the board for the region where most of the resource is located is responsible for preparing the WAP.
- The Chief Executive may, with the approval of the Minister, prepare a water allocation plan for water resources in the Green Adelaide region.
- Where special circumstances apply, the Chief Executive may prepare a plan at the request of the Minister.
- The water levy will be able to be distributed to more than one board where a water resource is in more than one region.

In line with the new approach to regional boundaries and regional landscape planning, the process for preparing and amending WAPs has been simplified. Plans will be developed and amended through best-practice consultation in accordance with guidelines to be prepared by the Minister.

A minimum two-month consultation period will be required to prepare a plan or to amend a plan if the amendment will lead to a reduction of water rights or a change to the consumptive pool (which will also include mandatory consultation with affected licence holders).

**Water management**

**What we heard:**
Looking to the future, statewide water planning should be reviewed.

Given the complexity of water-related matters and the need to comprehensively engage further, only minor changes are proposed to water management at this stage to reduce ‘red tape’ and clarify the operation of certain provisions of the current Act.

The changes are:

1. **Reduce red tape**
   - enabling multiple works to be covered by the same works approval
   - removing unnecessary administrative processes to gazette a notice as to the basis of assessment of water taken each year. Instead, a gazettal notice would remain in place unless the basis is changed

2. **Clarify**
   - ensuring works and site use approvals can operate consistently with the water management framework of a WAP to regulate water extraction and use

3. **Simplify**
   - the power for boards to make by-laws has not been replicated, as WAPs rather than by-laws are always used in practice
   - specific requirements to consider legislation specific to the River Murray have been consolidated
   - removing the need for a separate requirement for copies of permits to be available for inspection or purchase, as these are available at no cost on the Water Register

4. **Flexibility**
   - minor changes to WAPs to provide flexibility for water users so that it will be optional whether a consumptive pool has a stated purpose, and enabling a prescribed watercourse to be treated as part of a surface water prescribed area where they are inter-connected

**What we heard:**
There is a need for reform of urban water management.

Green Adelaide has a clear mandate to drive a ‘hills to sea’ landscape-wide approach through best-practice water-sensitive urban design and managing water resources, urban rivers, wetlands and coasts in the Green Adelaide region.
A new approach to managing water affecting activities

Currently, rules about activities that affect water resources (e.g., dams, culverts) are set out in the regional NRM plan, WAP or, on occasion, in business plans.

To promote consistent approaches to establishing rules by boards and make it easier for people undertaking activities to identify and locate the rules and requirements that apply to them:

- For water resources that are not prescribed, the rules for water affecting activities and taking of water will be set out in a separate water affecting activity control policy approved by the Minister.

- For prescribed water resources, the rules for water affecting activities and take will in usual circumstances be specified in a WAP.

This approach will support the delivery of strategic-focused regional landscape plans, where natural resource management has a landscape-wide focus and water rules can be more easily located.

Flexibility will be provided for water affecting activity control policies to be amended as required through best-practice consultation in accordance with guidelines to be prepared by the Minister.

Transitional provisions will ensure operational viability of current plans as boards effect these streamlined processes.
Compliance

What we heard:
People want streamlined yet fair pathways to compliance.

Going forward, compliance will rely on provisions similar to those under the current NRM Act to achieve outcomes, while adopting simplification measures where appropriate to streamline processes that are currently ineffective around landholder engagement. All authorised officers will undertake training on the new processes.

If remedial action is needed, the first step will be to encourage those responsible to take action before resorting to more formal processes. This is reflected in the principles underpinning the Bill.

Penalties for a number of offences which have not been increased since the introduction of the NRM Act in 2004 have been increased by up to 40 per cent, which equates to CPI over the same period.

For example, several pest plant and animal control offences with a current maximum penalty of $10,000 will have a new maximum penalty of $12,500. Penalties have not been increased if they have been set relatively recently, for example in relation to water management arrangements for forestry, or where they are similar to penalties for similar state offences under other legislation.

The distinction between state and regional authorised officers, whereby officers can only exercise certain powers within their region, can cause practical issues on the ground – particularly in managing cross-regional issues, such as pest plants and animals. This distinction will be removed by the Minister being responsible for appointing all authorised officers, based upon demonstration of expertise. The powers of authorised officers will not be expanded.

As is the case for most authorised officers under other legislation, the extent of the power of individual authorised officers will be limited through their instrument of appointment to reflect regional needs, recognising demonstrated skills through training.

Removing the rigid distinction between state and regional authorised officers will increase compliance capacity and enhance responsiveness to issues on-ground. A person’s authorisation as an authorised officer is separate to their employment arrangements, with authorised officers continuing to work in regions, councils and statewide.

Replacing action plans with action orders for pest plant and animal control offences and the new exemptions framework for certain pest plant and animal control offences will also provide more effective compliance pathways.

A simple accessible system

What we heard:
People want a simpler, more accessible system but one that provides an effective framework for managing natural resources.

A simpler, more accessible system will be delivered through:

- replacing prescriptive consultation arrangements with, contemporary and effective consultation and engagement requirements to enable communities to be engaged in a manner that is right for them and allow for engagement practices to evolve over time
- future-proofing how information is shared (such as regional plans), ensuring transparency and making the method for publishing information ‘technology neutral’
- changing how NRM outcomes are delivered, with Grassroots Grants and the Landscape Priorities Fund increasing partnership opportunities, and boards having a clear mandate to enter financial partnerships to deliver on-ground projects
- parliamentary accountability, with key documents and decisions tabled in parliament and with levy capping now applicable, it will no longer be required to refer a levy to the Natural Resources Committee
- a focus on collaborative government in practice, rather than prescriptive legislative processes
- streamlined, more flexible processes throughout to achieve a simpler, more accessible system.
Transitional arrangements

Transitional arrangements will ensure the continued delivery of services on-ground while board member elections and other implementation activities are undertaken, such as the development of underpinning regulations and guidelines.

Schedule 5 of the Bill provides options for the transition from the current NRM boards to the new regional landscape boards. This includes enabling Green Adelaide to be established as an NRM board and then continue as a regional landscape board. As all of Green Adelaide’s board members will be appointed by the Minister, this would enable the Green Adelaide board to begin its preliminary work while elections are undertaken to appoint board members for other regions.

To provide continuity and certainty, regional NRM plans will continue to operate while new regional landscape plans are developed in consultation with local communities. The State NRM Plan will continue until a new State Landscape Strategy is developed.

In relation to water resources, existing authorisations, licences and permits will continue to operate. Water resources currently prescribed will continue to be prescribed and WAPs operating under the NRM Act will continue to operate.

Water affecting activity control policies that are currently in place through regional NRM plans will continue to have effect while each landscape board develops and consults on a water affecting activity control policy for the non-prescribed water resources in their region.

The Bill also provides for preservation of levies, penalties and other liabilities under the NRM Act and the transfer of NRM board assets and liabilities.

Funding agreements between NRM boards and the Australian Government, such as under the National Landcare Program, will continue to be delivered by the regional landscape boards.

Any impact of the reforms on land levies will be mitigated through a three year transitional scheme approved and gazetted by the Minister. The aim is to ensure that people will not pay higher land levies as a result of boundary changes. The Local Government Association will be consulted on any impacted arrangements for land levies collected during this transitional period.

Consequential changes to other legislation

The Bill mirrors current relationships between the NRM Act and other key pieces of legislation. Transitional provisions in the Bill will operate to update references to the NRM Act in other legislation, such as the Native Vegetation Act 1991 and the Environment Protection Act 1993. There will be opportunities to explore improved interactions with other legislation. Any further reforms in coming years will be the subject of further engagement.