



Government
of South Australia

Department of Water,
Land and Biodiversity
Conservation

To what extent
does the
*Natural Resources
Management Act 2004*
benefit
biodiversity?

Outline

- (1) What is biodiversity?
 - the science & broader context
- (2) Policy in South Australia
- (3) Role of the NRM Act in biodiversity conservation
 - objects & scope
- (4) Content of NRM Plans
- (5) Bottom lines - legal duties and obligations
- (6) Planning ; prioritising and resourcing
- (7) Where to?

(1) What is biodiversity?

- The International Convention on Biodiversity
(Rio de Janeiro 1992)

*“**biological diversity**” means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems”.*

- The rationale for conservation and restoration
- Mitigating pressures and limitations
 - Global population increases – pressure on land and natural resources for food, housing, transport and materials for industry
 - Limited knowledge of biodiversity

(2) The policy in SA

- (1) The NatureLinks philosophy
- (2) State of the Environment Report (DEH)
- (3) State NRM Plan
 - Dedicating more land to ecological communities through public or private acquisition and ownership.
 - Seeking to ensure that all other land, i.e. subject to human occupation and use, is managed in a way that: minimises any adverse effects on biodiversity; and encourages and enhances improvements to biodiversity.

- Supporting **resilience** of ecological ‘communities’;
- Ensuring sufficient **healthy habitat**; and
- The **connectivity** of habitats and communities at the broad **landscape scale**.
- Conservation and **protection of existing areas** of high value biodiversity;

(3) The NRM Act - objects

7(1) *The objects of this Act include to assist in the achievement of ecologically sustainable development in the State by establishing an integrated scheme to promote the use and management of natural resources in a manner that-*

- (a) recognises and protects the intrinsic value of natural resources; and*
- (b) seeks to protect biological diversity and, insofar as is reasonably practicable, to support and encourage the restoration or rehabilitation of ecological systems and processes that have been lost or degraded;*

“natural resources includes-

- (a) soil;*
- (b) water resources;*
- (c) geological features and landscapes;*
- (d) native vegetation, native animals and other native organisms;*
- (e) ecosystems;”*

“Biological diversity or biodiversity means the variety of life forms represented by plants, animals and other organisms and micro-organisms, the genes that they contain, and the ecosystems and ecosystem processes of which they form a part;”

(3)The NRM Act - scope

- State-wide application – State NRM plan.
- NRM Regions – subject to regional NRM plan.
- Multi-level system of planning, decision–making, implementation, and enforcement:- State , regional, local, individual/property.
- general duty of care;
- specific duties and obligations in relation to water, soil and animal and plant pest control.

Interaction with other Acts

- 4(1) Except where the contrary intention is expressed in this or any other Act, this Act is in addition to and does not limit or derogate from the provisions of any other Act.

(4) Content of NRM Plans

- S.75 – must contain:
 - Information prescribed by regulations as to:
 - state and condition of natural resources and related trends;
 - environmental, social, economic, and practical considerations in use, management, conservation, protection, improvement and rehab.
 - Goals, schemes for implementation, methods
 - Business plans ; annual levies

(4) Content of NRM Plans

- But no definite standards or criteria for protection of biodiversity *per se*
- s.76 Water allocation plans for prescribed water resources (part of NRM Plan)
 - WAPs must include assessment of needs of water dependent ecosystems;
 - establish principles associated with determination of water access entitlements and for taking and use that balances environmental, social and economic needs

(4) Content of NRM plans

- Assessment of resources – *requires/encourages data and better science*
- Identification of issues and problems - *ditto*
- Setting of priorities – *weakness : driven by competing demands for funding*
- Programs and projects to implement goals – *strength - demands a proactive approach*
- Funding from levies – *limited*

(5) Legal duties and obligations – general

- S. 9 - A person must act reasonably in relation to the management of natural resources within the State.
- What is reasonable? 9(2)(a)-(h) – *still not tested by court*
- Breach – not necessarily legally actionable
 - Action plan / Protection order / Protection order
 - ERD Court order

(5) Legal duties and obligations – specific

- Duties to not damage and to maintain watercourses
- Duties to protect soil condition
- Duties to control declared plants and animals
- Enforcement options: –
 - Admin. orders - actions plans; protection orders and reparation orders
 - civil and criminal action

(6) Using NRM Act for other proactive work

- More science
- Adaptive management
- Planning processes – for clear biodiversity outcomes
- Resourcing – for landowners & Boards; and for science & enforcement
- Co-operative approach
 - Management agreements

(7) Where to?

- Is the current legal framework sufficient?
 - more specificity for biodiversity outcomes
 - more explicit legal obligations/duties on individuals
 - more detail required of plans
- are the policy settings right?
 - priorities
 - resources