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26 Nov 2024



**Government
of South Australia**

NATIVE VEGETATION COUNCIL

2023-24 Annual Report

NATIVE VEGETATION COUNCIL

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2023-24 ANNUAL REPORT for the Native Vegetation Council

To:

Dr Susan Close MP

Deputy Premier

Minister for Industry, Innovation and Science

Minister for Climate, Environment and Water

Minister for Workforce and Population Strategy

This annual report will be presented to Parliament to meet the statutory reporting requirements of *(insert relevant acts and regulations)* and the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.

Submitted on behalf of the Native Vegetation Council by:

Dr Marilyn Henderson

Presiding Member



Date 30 September 2024 Signature

From the Presiding Member



It is a pleasure to report on another busy year for the Native Vegetation Council (Council). The Council finalised the review of its Strategic Plan 2024-26 and is pleased to report on its performance in this Annual Report.

The Council developed an Investment Strategy to facilitate timely expenditure of the Native Vegetation Fund, specifically, the Significant Environmental Benefit (SEB) payments made into the Fund as a result of native vegetation clearance. The first phase of the Strategy will deliver two (2) regular, ongoing grant programs for landowners to protect and enhance native vegetation across the 2024-25 and 2025-26 financial years.

The Council also commenced a review of the SEB Policy to ensure that an SEB compensates for the clearance of native vegetation over and above the loss. Council has thoroughly considered the approach to the first stage of the review and will monitor implementation which will begin during 2024-25.

The Native Vegetation Heritage Agreement (NVHA) Grant Program (State Government Election Commitment 2023-26) continues to be delivered and has supported Heritage Agreement owners through 234 site visits, four (4) face to face regional training or networking events, two (2) online training sessions, 167 grants to land owners sharing in a total of \$3,670,943 since the program commenced (up until 30 June 2024).

The Council received 102 applications for new Heritage Agreements (HA) of which 19 applications were completed during 2023-24, protecting an additional 1,515.53 hectares of native vegetation. The remaining applications will continue to be progressed.

The Council has considered a significant number of applications for native vegetation clearance during 2023-24 and approved the clearance of 252.1 hectares of native vegetation and 1011 scattered trees; as well as brush cutting of 3617 hectares under the *Native Vegetation Act 1991 (Act)* and the *Native Vegetation Regulations 2017*. This has been offset by commitments to manage and restore 146.4 hectares of native vegetation on-ground (and 14.85 hectares secured under HA, some HA's of which are still progressing); and \$2,968,175.66 of agreed SEB payments into the Native Vegetation Fund.

The Council conducts its work with the support of the Native Vegetation Branch within the Department for Environment and Water. Its valuable partnerships across the state with Landscape Boards, local Councils, State Government agencies and native vegetation specialists continue to be fostered to improve the protection and management of native vegetation in our State. The Council fulfilled its commitment to bi-annual regional visits with the first visit to the Hills and Fleurieu Landscape Board region, gaining valuable information and feedback from key stakeholders.

The Council took the opportunity to provide approximately five (5) submissions on several legislative and statewide policy issues, including the development of the new South Australian Biodiversity Act, as well as issuing correspondence to various stakeholders on a range of other matters.

The Council was delighted with the news that the 2024-25 State Budget included a record investment in South Australia's environment, including additional resourcing for the Native Vegetation Branch. This will allow the Council, through the Department, to undertake new initiatives for the protection and management of native vegetation during 2024-25.

For information about the Council please visit

<https://www.environment.sa.gov.au/about-us/boards-and-committees/native-vegetation-council>.



Dr Marilyn Henderson

Presiding Member

Native Vegetation Council

Contents

Overview: about the agency..... **6**

 Our strategic focus..... 6

 Our organisational structure..... 7

 Changes to the agency 8

 Our Minister 8

 Our Executive team 8

 Legislation administered by the agency 8

The agency’s performance..... **9**

 Performance at a glance..... 9

 Agency specific objectives and performance 9

 Corporate performance summary 16

 Employment opportunity programs 17

 Agency performance management and development systems..... 17

 Work health, safety and return to work programs 17

 Executive employment in the agency..... 18

Financial performance..... **19**

 Financial performance at a glance 19

 Consultants disclosure..... 19

 Contractors disclosure 20

 Other information 20

Risk management..... **27**

 Risk and audit at a glance..... 27

 Fraud detected in the agency..... 27

 Strategies implemented to control and prevent fraud..... 27

 Public interest disclosure 27

Reporting required under any other act or regulation..... **28**

 Reporting required under the *Carers’ Recognition Act 2005*..... 28

Public complaints..... **29**

 Number of public complaints reported 29

 Additional Metrics..... 30

 Service Improvements 31

 Compliance Statement..... 31

Appendix: Audited financial statements 2023-24..... **32**

Overview: about the agency

Our strategic focus

Our Purpose	<p>The Native Vegetation Council (the Council) is established under the <i>Native Vegetation Act 1991</i> to further the objects of the Act: to conserve, protect and enhance the native vegetation of South Australia, to assist and encourage landholders to protect and conserve existing native vegetation and encourage revegetation in parts of the State that have been extensively cleared.</p> <p>The Council’s purpose is to provide incentives and assistance to landowners in relation to the preservation and enhancement of native vegetation, and to control the clearance of native vegetation.</p>
Our Vision	<p>The Council’s vision is to improve the extent and condition of native vegetation in South Australia.</p>
Our Values	<p>Promote the value of native vegetation and build community understanding of this value.</p>
Our functions, objectives and deliverables	<p>The Council monitors the overall condition of South Australia's native vegetation and makes decisions on a wide range of matters concerning native vegetation in the State. The key role of the Council is to provide a balanced and considered approach to native vegetation management through engaging with clearance proponents and stakeholder groups. The challenge for the Council is managing native vegetation in balance with economic growth and development for South Australia.</p> <p>Council’s functions under the Act include:</p> <ul style="list-style-type: none"> • review the condition of the native vegetation of the State • advise the Minister in relation to – <ul style="list-style-type: none"> a) the preservation, enhancement and management of existing native vegetation; b) the re-establishment of native vegetation on land where native vegetation has been cleared or degraded; c) research into the preservation, enhancement and management of native vegetation and the reestablishment of native vegetation on cleared land; • keep the principles of clearance of native vegetation

	<p>under review and to advise the Minister of any changes to the principles that it considers are necessary or desirable</p> <ul style="list-style-type: none"> • determine applications for consent to clear native vegetation under Part 5 of the Act • assess and respond to applications referred to Council under the <i>Planning, Development and Infrastructure Act, 2016</i> • encourage the re-establishment of native vegetation on land from which native vegetation has been cleared • encourage research into the preservation, enhancement and management of existing native vegetation • administer the Native Vegetation Fund pursuant to Division 3 of the Act • perform such other functions as are assigned
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Our organisational structure

The Native Vegetation Council is established in accordance with section 7 of the *Native Vegetation Act 1991* and consists of seven (7) members appointed by the responsible Minister, for a term of up to two (2) years.

As at 30 June 2024, Native Vegetation Council membership included:

Name	Position	Term dates
Dr Marilyn Henderson	Presiding Member Nominated by Minister for Climate, Environment and Water	1 May 2023 to 22 April 2025
Ms Kylie Weymouth	Council Member Nominated in consultation with the Minister for Planning	23 April 2023 to 22 April 2025
Mr John Neal	Council Member Nominated by the Local Government Association of SA	23 April 2023 to 22 April 2025
Mr Michael Cornish	Council Member Nominated by the Conservation Council of SA	23 April 2023 to 22 April 2025
Prof Hugh Possingham	Council Member Nominated by the Minister for Climate, Environment and Water	23 April 2023 to 22 April 2025

Ms Anna Hooper	Council Member Nominated by Primary Producers SA	23 April 2023 to 22 April 2025
Ms Leanne Muffet	Council Member Nominated by Minister for Climate, Environment and Water for Landscape SA	23 April 2023 to 22 April 2025

More information on Native Vegetation Council Members can be found <https://www.environment.sa.gov.au/about-us/boards-and-committees/native-vegetation-council>.

Changes to the agency

During 2023-24 there were no changes to the agency's structure and objectives as a result of internal reviews or machinery of government changes.

Our Minister

Hon Dr Susan Close MP is the Minister for Climate, Environment and Water. The Minister also oversees the portfolios of:

- Deputy Premier
- Minister for Industry, Innovation and Science
- Minister for Workforce and Population Strategy

Our Executive team

The Council has no staff of its own and utilises the services of the Department for Environment and Water (DEW) staff. Reporting on this matter is contained in the DEW 2023-24 Annual Report.

Executive, administrative and project support were provided to the Council from DEW resources.

Legislation administered by the agency

The Council has responsibilities under the following:

- The *Native Vegetation Act 1991*
- The *Native Vegetation Regulations 2017*
- The *Native Vegetation (Credit for Environmental Benefit) Regulations 2015*
- The *Planning, Development and Infrastructure Act 2016*
- The *Planning, Development and Infrastructure (General) Regulations 2017*

The agency’s performance

Performance at a glance

During 2023-24 the Council had six (6) ordinary sessional meetings and four (4) special sessional meetings:

- Meeting 246, 2 August 2023
- Meeting 247, 27 September 2023
- Meeting 248, 6 December 2023
- Meeting 249, 14 February 2024
- Special Meeting, 14 February 2024
- Special Meeting, 5 April 2024
- Meeting 250, 10 April 2024
- Special Meeting, 2 May 2024
- Special Meeting, 9 May 2024
- Meeting 251, 5 June 2024

The table below outlines the number of meetings attended by each member:

Name of Member	Number of meetings attended
Dr Marilyn Henderson	10
Ms Kylie Weymouth	7
Mr John Neal	7
Mr Michael Cornish	10
Prof Hugh Possingham	7
Ms Anna Hooper	10
Ms Leanne Muffet	7

The sessional meetings do not include meetings of the Council’s sub-committee, the Native Vegetation Assessment Panel.

Agency specific objectives and performance

The Council reviewed and updated its Strategic Plan 2024-26. It consists of three (3) clear goals reflecting:

- Importance of native vegetation;
- Composition and functions of Council; and
- Partnerships and connections with stakeholders.

Agency objectives	Indicators	Performance
<p>Goal 1: Protect and conserve native vegetation</p> <p><i>Reverse the decline of native vegetation, and increase the area of native vegetation that is protected and well managed in South Australia.</i></p>	<p>A program of investing the Native Vegetation Fund is designed, and investments are leveraged through partnerships</p>	<p>Investment Strategy developed by the Investment Strategy Subcommittee of Council, consisting of the Investment Strategy Implementation Plan for implementation starting in 2024-25.</p>
		<p>The Native Vegetation Heritage Agreement (NVHA) Grant Program (Election Commitment launched on 30 March 2023) continues to support Heritage Agreement owners across the State. During 2023-24:</p> <ul style="list-style-type: none"> • 95 expressions of interest were received; • 156 site visits were conducted; • 4 regional face to face training or networking sessions were held; • 2 online training sessions; and • 136 grants awarded totalling \$2,807,123 in funding.

		<p>During 2023-24 the Council co-invested in the NVHA Grant Program by providing \$490,000 to support 17 grants to existing Heritage Agreement owners and approved an additional \$376,600 as incentive grants to seven (7) landowners to enter into new Heritage Agreements.</p>
		<p>During 2023-24 the NVHA Grant Program has engaged Landscapes SA officers to deliver regional outreach services which has enabled over 234 landowner site visits to be conducted since launch of the NVHA Grant Program on 30 March 2023, and helped to build knowledge and capacity to manage and protect native vegetation.</p>
		<p>During 2023-24, 102 new Heritage Agreement (HA) applications were received, as well as nine (9) requests for variations and five (5) requests for subdivisions to existing HA's.</p> <p>19 new HAs were registered protecting 1,515.53 hectares of native vegetation.</p> <p>A total of 1,851,527 hectares of native vegetation is held under private conservation through HAs across the state.</p>

		<p>In 2023-24 under delegation from the Council, the Native Vegetation Assessment Panel (NVAP) or DEW delegates, approved clearance under the Act and Regulation 12 for a total of 252.1 hectares (not including 3617 hectares of brush cutting) and 1011 individual trees. This has resulted in one (1) Heritage Agreement protecting 14.85 hectares.</p> <p>(Note: this figure includes approvals granted for applications that were modified to reduce the impact of the clearance).</p> <p>During 2023-24 a total of 7.8 hectares and 95 trees were refused clearance under NVAP and DEW delegation (including partially approved applications).</p> <p>(Note: this figure does not include hectares and trees where clearance was avoided or minimised during the assessment of the application.)</p>
	<p>Promotion of the Mitigation Hierarchy is actively undertaken, impacts are monitored, and improvements are implemented.</p>	<p>As part of the clearance application process, the mitigation hierarchy is actively promoted in pre-lodgement discussions with applicants.</p>
		<p>Information is being collected on applications that have been modified in order to better apply the mitigation hierarchy.</p>

		The Council’s Accredited Consultants advise, educate and actively implement the mitigation hierarchy whilst undertaking their assessments for clearance applicants.
		The Council, through its NVAP, has opportunities to discuss with local councils, other State Government agencies and clearance applicants to inform them of the requirements to address the mitigation hierarchy.
		The native vegetation website contains clear instructions and advice on how to apply the mitigation hierarchy and more educational tools will be developed to assist in education of the mitigation hierarchy in 2024-25.
<p>Goal 2: Work with stakeholders</p> <p><i>Engage with and inform stakeholders and the broader community to build knowledge and capacity to manage and protect native vegetation across the landscape.</i></p>	<p>Education and information material produced by the Council is contemporary and raises awareness of obligations to comply with legislation.</p>	<p>Educational and information produced is aligned with Departmental standards. The suite of fact sheets and other information that supports the implementation of native vegetation policy and legislation is currently under review with work being undertaken into 2024-25.</p>

	<p>Regional visits are undertaken and a program of stakeholder engagement is developed.</p>	<p>Biannual regional visits are undertaken by Council, the first of which was hosted in the Hills and Fleurieu Landscape Board Region during April 2024. Local Government and Landscape Board stakeholders were engaged through opportunities to visit sites, meet and discuss issues of mutual interest during this visit.</p>
		<p>Regular opportunity for engagement with Landscape Boards is provided at each Council meeting.</p>

		<p>Council has directly engaged with other Government agencies and Non-Government Organisations on matters including:</p> <ul style="list-style-type: none">• Early engagement on clearance activities and SEB matters including pre-lodgement advice on major projects;• Active engagement with the mining sector;• Participation in the State Bushfire Coordination Committee (SA CFS);• Receiving presentations on matters including bushfire clearances (Non-Government Organisation); alternate methods for clearance for solar panels (Accredited Consultant); Wilderness Inventory and Protected Areas Strategy review (DEW); renewable energy and biodiversity impact assessment (DEW) and a program to improve biodiversity data (DEW); and• Visiting sites proposed for native vegetation clearance, with the proponent.
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<p>Goal 3: Actively contribute to policy</p> <p><i>Contribute to the legislative and policy environment so it complements the provisions of the Native Vegetation Act 1991</i></p>	<p>The Significant Environmental Benefit (SEB) Policy achieves a significant environmental benefit from clearance of native vegetation.</p>	<p>The SEB Policy Review began in August 2023.</p> <p>Minor changes ensure the policy satisfies the requirements of the <i>Native Vegetation Act 1991</i> that a SEB will be over and above the impact of native vegetation clearance will be achieved.</p> <p>Changes to the Policy were approved and revised approach is to take effect in 2024-25.</p>
	<p>Input into intra- and inter-agency legislative and policy development across the State to ensure native vegetation is properly considered.</p>	<p>Input into the development of the State Government’s draft Biodiversity legislation through the consultation process.</p>
		<p>Input into key state-wide policy (not limited to):</p> <ul style="list-style-type: none"> • Kangaroo Island Regional Plan • Landscape Act Review • Greater Adelaide Regional Plan Discussion Paper • Bushfire Hazard Overlay Code Amendment and • <i>Native Vegetation Act 1991</i> amendments.
		<p>A Council policy audit has been progressed and policies for review in 2024-25 identified.</p>

Corporate performance summary

The Council’s corporate services are supported by the Department for Environment and Water.

Employment opportunity programs

Program name	Performance
No programs were run by the Council	N/A

Agency performance management and development systems

Performance management and development system	Performance
The Council undertakes a performance review every 2 years, including evaluation of its effectiveness and governance responsibilities.	A survey about how the Council performed in relation to governance principles was undertaken in June 2023 and will be assessed again in June 2025.
Government employees supporting Council undertake a performance review and development program with their manager.	Two (2) sessions per year are held with all staff.

Work health, safety and return to work programs

Program name	Performance
The Council abides by the relevant health and safety policies and procedures that have been adopted by DEW to meet whole of Government and legislative requirements.	Reporting on this matter is contained within the DEW Annual Report 2023-24.

Workplace injury claims	Current year 2023-24	Past year 2022-23	% Change (+ / -)
Total new workplace injury claims	N/A	N/A	N/A
Fatalities	N/A	N/A	N/A
Seriously injured workers*	N/A	N/A	N/A
Significant injuries (where lost time exceeds a working week, expressed as frequency rate per 1000 FTE)	N/A	N/A	N/A

**number of claimants assessed during the reporting period as having a whole person impairment of 30% or more under the Return to Work Act 2014 (Part 2 Division 5)*

Work health and safety regulations	Current year 2023-24	Past year 2022-23	% Change (+ / -)
Number of notifiable incidents (<i>Work Health and Safety Act 2012, Part 3</i>)	N/A	N/A	N/A
Number of provisional improvement, improvement and prohibition notices (<i>Work Health and Safety Act 2012 Sections 90, 191 and 195</i>)	N/A	N/A	N/A

Return to work costs**	Current year 2023-24	Past year 2022-23	% Change (+ / -)
Total gross workers compensation expenditure (\$)	N/A	N/A	N/A
Income support payments – gross (\$)	N/A	N/A	N/A

***before third party recovery*

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/native-vegetation-council-annual-report-data>

Executive employment in the agency

Executive classification	Number of executives
N/A	N/A

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/native-vegetation-council-annual-report-data>

The [Office of the Commissioner for Public Sector Employment](#) has a [workforce information](#) page that provides further information on the breakdown of executive gender, salary and tenure by agency.

Financial performance

Financial performance at a glance

The following is a brief summary of the overall financial position of the agency. The information is unaudited. Full audited financial statements for 2023-2024 are attached to this report.

Statement of Comprehensive Income	2023-24 Budget \$000s	2023-24 Actual \$000s	Variation \$000s	Past year 2022-23 Actual \$000s
Total Income	1 483	4 873	3 390	7 321
Total Expenses	1 057	1 015	42	1 408
Net Result	426	3 858	3 348	5 913
Total Comprehensive Result	426	3 858	3 348	5 913

Statement of Financial Position	2023-24 Budget \$000s	2023-24 Actual \$000s	Variation \$000s	Past year 2022-23 Actual \$000s
Current assets	0	0	0	0
Non-current assets	0	0	0	0
Total assets	0	29 559	0	25 701
Current liabilities	0	0	0	0
Non-current liabilities	0	0	0	0
Total liabilities	0	0	0	25 701
Net assets	0	29 559	0	0
Equity	0	29 559	0	25 701

Consultants disclosure

The following is a summary of external consultants that have been engaged by the agency, the nature of work undertaken, and the actual payments made for the work undertaken during the financial year.

Consultancies with a contract value below \$10,000 each

Consultancies	Purpose	\$ Actual payment
Nil.	Nil.	Nil.

Consultancies with a contract value above \$10,000 each

Consultancies	Purpose	\$ Actual payment
Nil.	Nil.	Nil.

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/native-vegetation-council-annual-report-data>

See also the [Consolidated Financial Report of the Department of Treasury and Finance](#) for total value of consultancy contracts across the South Australian Public Sector.

Contractors disclosure

The following is a summary of external contractors that have been engaged by the agency, the nature of work undertaken, and the actual payments made for work undertaken during the financial year.

Contractors with a contract value below \$10,000

Contractors	Purpose	\$ Actual payment
Nil.	Nil.	Nil.

Contractors with a contract value above \$10,000 each

Contractors	Purpose	\$ Actual payment
Nil.	Nil.	Nil.

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/native-vegetation-council-annual-report-data>

The details of South Australian Government-awarded contracts for goods, services, and works are displayed on the SA Tenders and Contracts website. [View the agency list of contracts.](#)

The website also provides details of [across government contracts.](#)

Other information

Summary of clearance under the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017*

Table 1 below provides summary of clearance under the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017* (Regulation 12 specifically).

Table 1. Summary of Clearance under the Act and Regulations 2023-24

	Native Vegetation Act (section 28)	Native Vegetation Regulations (Regulation 12)	Total

No. of approved clearance applications	17	239	256
Native vegetation cleared (ha)	44*	208.1	252.1
No. of trees cleared	67	944	1,011
SEB (ha)	1.4	145	146.4
SEB (\$)	\$337,395.76	\$2,630,779.90	\$2,968,175.66

**Note, area (ha) cleared excludes 7 section 28 brush cutting approvals of 3617 hectares (Eyre Peninsula).*

The statistics for clearance applications and regulations can be found in Table 2.

Table 2. Clearance statistics for comparison of financial year 2022-23 and 2023-24.

Clearance	Financial year 2022-23	Financial year 2023-24
Clearance Application under Section 28	34	17
Clearance Application under Section 28 refused	1	0
Hectares under Section 28	38.86	44
Brush-cutting under Section 28	906	3617
Total approval under Section 28	944.85	3660
Trees under Section 28	103	67
Applications under Regulation 12	242	239
Applications under Regulation 12 withdrawn/refused/invalid	3	10
Hectares approved under Regulation 12	1585.73	208.1
Hectares approved under Management Plan (ecological management)	129.92	38
Trees approved under Regulation 12	1765	944
Trees approved under Management Plan (ecological management)	-	60
\$ SEB under Section 28	543,714.69	337,395.76
\$ SEB under Regulation 12	11,221,609.98	2,630,779.90
Hectares SEB offset under Section 28	38.6	1.4
Hectares SEB offset under Regulation 12	7786.9	145

A breakdown of the clearance that has occurred under delegation can be seen in Table 3.

Table 3. Clearance decisions under Regulations by delegation or via a Standard Operating Procedure (SOP) 2023-24

Organisation with delegated officers	No. of clearance decisions	Native vegetation approved (ha)	Trees approved	Committed SEB \$	Committed on-ground SEB (ha)
DEM Energy	2	310.75	0	128,740.02	N/A
DEM Mining	9	351.132	9	2,864,005.65	N/A
SA Water	41	3.137	50	52,835.42	N/A
DIT	27	11	73	99,250.69	N/A
Forestry SA	1	5	0	N/A	N/A
ElectraNet	1	0.417	0	9,801.55	N/A
SA CFS	29	453.94	1	N/A	N/A
SA Power Networks	11	0.8201	2	11,188.51	N/A
DEW Fire (Ecological)	7	22.3	0	N/A	N/A

A breakdown of the clearance that has occurred by Landscapes Region under the Regulation 12 and section 28 of the Act can be seen below in Table 4 and 5 below.

Table 4. Clearance decisions under Regulation 12 by Landscapes Region 2023-24

Landscape Region	No. submitted	No. completed Applications	Withdrawn/refused/inv alid	Ha native Vegetation approved for removal	Trees approved for removal	Committed payment into NV Fund (\$)	Committed SEB (ha)
Hills and Fleurieu	71	69	2	4.49	339	\$714,853.70	0
Alinytjara Wilurara	5	5	0	12.67	0	\$38,112.08	0
Eyre Peninsula	17	17	0	41.21	0	\$277,124.65	46
Kangaroo Island	20	20	0	10.12	8	\$111,963.38	50
Northern and Yorke	39	39	0	22.50	161	\$449,905.89	0.03
Green Adelaide	29	29 <small>(inc.1 partial consent)</small>	0	4.13	242	\$311,006.93	8.6
Murraylands and Riverland	35	35	0	16.76	183	\$281,058.30	39
SA Australian Arid Lands	13	13	0	89.61	0	\$231,730.61	0
Limestone Coast	13	12	1	6.50	11	\$215,024.36	1
Total	242	239	3	208.10	944	\$2,630,779.90	145

Table 5. Clearance decisions under section 28 by Landscapes Region 2023-24

Landscapes Region	No. submitted	No. completed Applications	Withdrawn/refused	Ha native Vegetation approved for removal	Trees Approved for removal	Committed payment into NV Fund (\$)	Committed SEB (ha)
Hills and Fleurieu	3	3	0	.099	14	\$12,394.28	0
Alinytjara Wilurara	2	2	0	25.2	0	\$53,618.54	0
Eyre Peninsula*	3	3	0	9.93	0	\$238,344.44	0
Kangaroo Island	2	2	0	1.43	0	\$836.06	1.4
Northern and Yorke	0	0	0	0	0	0	0
Green Adelaide	0	0	0	0	0	0	0
Murraylands and Riverland	2	2	0	7.17	11	\$10,234.63	0
SA Australian Arid Lands	1	1	0	0	10	\$1,281.66	0
Limestone Coast	4	4	0	0	32	\$20,686.15	0
Total	17	17	0	44	67	\$337,395.76	1.4

**Note, excludes 7 section 28 brush cutting approvals of 3617 hectares (Eyre Peninsula).*

Compliance with the *Native Vegetation Act 1991*

The Act provides for civil and summary enforcement proceedings for any infringement. Significantly, any conviction for the illegal clearance of native vegetation requires the Council to initiate proceedings in the Environment, Resources and Development (ERD) Court seeking an order to ‘make good’ that breach. Offences against the Act lie within the criminal jurisdiction of the ERD Court. This includes failure to comply with a Heritage Agreement.

Reports Received 2023-24: Alleged Illegal Clearance

During the 2023-24 financial year the Native Vegetation Branch received or detected a total of 118 incidents of potential clearance of native vegetation contrary to the Act. The reports are presented according to each Landscapes region in Table 6 alongside data for the nine preceding financial years.

Table 6: Reports received by Landscapes Region 2013-14 to 2023-24

NRM Region	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23	23-24
Green Adelaide	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	6	10
Adelaide & Mount	21	29	30	38	51	53	51	43	37	36
Alinytjara Wilurara	0	0	0	0	0	0	0	0	0	0
Eyre Peninsula	34	11	32	26	5	21	16	8	15	9
Kangaroo Island	4	8	13	19	8	21	11	4	9	4
Northern & Yorke	8	14	21	12	15	20	37	20	26	31
SA Arid Lands	0	0	1	3	2	1	0	1	2	2
SA Murray Darling Basin/Murraylands & Riverland	22	25	21	29	38	35	46	13	10	12
South East/ Limestone Coast	13	22	20	16	15	34	22	13	14	14
Sub-total	102	109	138	143	134	185	183	102	119	118
Change Detection Program	28	31	40	54	61	0	0	0	0	0
TOTAL*	130	140	178	197	195	185	183	102	119	118

Action taken from Reports received 2023-24: Alleged Illegal Clearance

There was a total of 118 clearance reports received this financial year and Table 7 summarises the actions taken from reports of alleged illegal clearance for the 2023-24 financial year.

Table 7. Compliance Actions within the 2023-24 financial year

Actions	Number
Exempt – Non native	0
Exempt – Regulation	1
No further action (NFA)	26
Education letter (trivial or minor clearance breaches)	8
Written caution (breach of the Act)	8
Enforcement Notice (stop work and/or make good the clearance)	4
Expiation	0
Expiation & Enforcement Notice	0
Referred to Investigation (serious offences referred to gather further evidence to pursue legal proceedings)	2
Request for Information (RFI) - response pending	16
TOTAL	65

Civil Enforcement Proceedings

In civil enforcement proceedings, the ERD Court may order a respondent to ‘make good’ an illegal clearance of native vegetation. The order may require the respondent to re-establish or rehabilitate native vegetation on the areas cleared or may require a payment into the Native Vegetation Fund for exemplary damages, or an amount that represents any financial benefit the respondent may have gained or could reasonably expect to gain from the illegal clearance. The ERD Court may also require the respondent to publicise the environmental and other consequences that would follow the breach and the terms of the court order. This is an important process to discourage landholders from future clearance of native vegetation.

During the 2023-24 financial year:

- DEW continued investigating the clearance of a number of areas of native vegetation on behalf of the Council including:
 - Clearance of approximately 60 hectares of native vegetation on the Eyre Peninsula for a canola crop;
 - Clearance of 615 scattered trees for agricultural purposes in the South East;
 - Regrowth patch identified through aerial mapping of rolled and poisoned native vegetation in the South-East region; and
 - Clearance along a fenceline and across dunal scrub in the South-East region.

- Council initiated civil proceedings for clearance:
 - Of scattered trees to establish a centre pivot identified at 1 site in the Limestone Coast region; and
 - Of scattered trees to improve grazing in the Fleurieu region.

- Civil proceedings continue for:
 - Clearance of approximately 2,100 hectares of native vegetation in the South-East region, detected between February 2018 and August 2020; and
 - Clearance of approximately 8 hectares of native vegetation adjacent a centre pivot irrigator identified via aerial imagery to establish clay pits in the South-East region.

- Civil proceedings were finalised for the 2018 clearance in the Kangaroo Island region for construction of a dam, firebreak along a fenceline and a proposed dwelling site.

Risk management

Risk and audit at a glance

N/A

Fraud detected in the agency

Category/nature of fraud	Number of instances
It is declared that there were no instances of fraud detected in the activities undertaken by the Council in this reporting period.	0

NB: Fraud reported includes actual and reasonably suspected incidents of fraud.

Strategies implemented to control and prevent fraud

Strategies to detect instances of fraud are reported in the DEW Annual Report 2023-24.

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/native-vegetation-council-annual-report-data>

Public interest disclosure

Number of occasions on which public interest information has been disclosed to a responsible officer of the agency under the *Public Interest Disclosure Act 2018*: Zero (0).

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/native-vegetation-council-annual-report-data>

Note: Disclosure of public interest information was previously reported under the *Whistleblowers Protection Act 1993* and repealed by the *Public Interest Disclosure Act 2018* on 1/7/2019.

Reporting required under any other act or regulation

Act or Regulation	Requirement
N/A	N/A

Reporting required under the *Carers' Recognition Act 2005*

N/A

Public complaints

Number of public complaints reported

Reporting on the number of complaints received is mandated. If your agency does not have an approved set of complaint categories in place, please use the complaint categories in the table below.

Complaint categories	Sub-categories	Example	Number of Complaints 2023-24
Professional behaviour	Staff attitude	Failure to demonstrate values such as empathy, respect, fairness, courtesy, extra mile; cultural competency	0
Professional behaviour	Staff competency	Failure to action service request; poorly informed decisions; incorrect or incomplete service provided	0
Professional behaviour	Staff knowledge	Lack of service specific knowledge; incomplete or out-of-date knowledge	0
Communication	Communication quality	Inadequate, delayed or absent communication with customer	0
Communication	Confidentiality	Customer's confidentiality or privacy not respected; information shared incorrectly	0
Service delivery	Systems/technology	System offline; inaccessible to customer; incorrect result/information provided; poor system design	0
Service delivery	Access to services	Service difficult to find; location poor; facilities/ environment poor standard; not accessible to customers with disabilities	0
Service delivery	Process	Processing error; incorrect process used; delay in processing application; process not customer responsive	0
Policy	Policy application	Incorrect policy interpretation; incorrect policy applied; conflicting policy advice given	0

Complaint categories	Sub-categories	Example	Number of Complaints 2023-24
Policy	Policy content	Policy content difficult to understand; policy unreasonable or disadvantages customer	0
Service quality	Information	Incorrect, incomplete, out-dated or inadequate information; not fit for purpose	0
Service quality	Access to information	Information difficult to understand, hard to find or difficult to use; not plain English	0
Service quality	Timeliness	Lack of staff punctuality; excessive waiting times (outside of service standard); timelines not met	0
Service quality	Safety	Maintenance; personal or family safety; duty of care not shown; poor security service/ premises; poor cleanliness	0
Service quality	Service responsiveness	Service design doesn't meet customer needs; poor service fit with customer expectations	0
No case to answer	No case to answer	Third party; customer misunderstanding; redirected to another agency; insufficient information to investigate	0
		Total	0

Additional Metrics	Total
Number of positive feedback comments	0
Number of negative feedback comments	0
Total number of feedback comments	0
% complaints resolved within policy timeframes	N/A

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/native-vegetation-council-annual-report-data>

Service Improvements

During 2023-24, the Council received no public complaints. The Council with the support of the Department for Environment and Water is closely monitoring the complaints related to the administration of the *Native Vegetation Act 1991* which are not the responsibility of the Council. These complaints are reported by the Department for Environment and Water.

Compliance Statement

Native Vegetation Council is compliant with Premier and Cabinet Circular 039 – complaint management in the South Australian public sector	Y
Native Vegetation Council has communicated the content of PC 039 and the agency’s related complaints policies and procedures to employees.	Y

Appendix: Audited financial statements 2023-24

Native Vegetation Fund

Financial Statements

For the year ended 30 June 2024

Native Vegetation Fund
Certification of Financial Statements
for the year ended 30 June 2024

We certify that the:

- financial statements of the Native Vegetation Fund:
 - are in accordance with the accounts and records of the Fund;
 - comply with relevant Treasurer's Instructions;
 - comply with relevant accounting standards; and
 - present a true and fair view of the financial position of the Fund at the end of the financial year and the result of its operation and cash flows for the financial year.
- internal controls employed by the Native Vegetation Fund for the financial year over its financial reporting and its preparation of financial statements have been effective.



Dr Marilyn Henderson
Presiding Member
Native Vegetation Council
29 October 2024



Ben Bruce
Chief Executive
Department for Environment and Water
29 October 2024



Andrew Geytenbeek
A/Chief Financial Officer
Department for Environment and Water
29 October 2024

Native Vegetation Fund
Statement of Comprehensive Income
for the year ended 30 June 2024

	Note	2024 \$'000	2023 \$'000
Income			
Fees and charges	2.1	3 751	6 667
Interest	5.1	1 093	629
Other income	2.2	29	25
Total income		4 873	7 321
Expenses			
Supplies and services	4.1	38	270
Grants and subsidies	4.2	965	1 038
Other expenses	4.3	12	100
Total expenses		1 015	1 408
Net result		3 858	5 913
Total comprehensive result		3 858	5 913

The accompanying notes form part of these financial statements. The net result and total comprehensive result are attributable to the SA Government as owner.

Native Vegetation Fund
Statement of Financial Position
as at 30 June 2024

	Note	2024 \$'000	2023 \$'000
Current assets			
Cash and cash equivalents	5.1	29 132	24 682
Receivables	5.2	469	1 112
Total current assets		29 601	25 794
Total assets			
		29 601	25 794
Current liabilities			
Payables	6.1	42	93
Total current liabilities		42	93
Total liabilities			
		42	93
Net assets			
		29 559	25 701
Equity			
Retained earnings		29 559	25 701
Total equity		29 559	25 701

The accompanying notes form part of these financial statements. The total equity is attributable to the SA Government as owner.

Native Vegetation Fund
Statement of Changes in Equity
for the year ended 30 June 2024

	Retained earnings \$'000	Total equity \$'000
Balance at 1 July 2022	19 788	19 788
Net result for 2022-23	5 913	5 913
Total comprehensive result for 2022-23	5 913	5 913
Balance at 30 June 2023	25 701	25 701
Net result for 2023-24	3 858	3 858
Total comprehensive result for 2023-24	3 858	3 858
Balance at 30 June 2024	29 559	29 559

The accompanying notes form part of these financial statements. All changes in equity are attributable to the SA Government as owner.

Native Vegetation Fund
Statement of Cash Flows
for the year ended 30 June 2024

	Note	2024 \$'000	2023 \$'000
Cash flows from operating activities			
<i>Cash inflows</i>			
Fees and charges		4 416	6 908
Interest received		1 074	549
GST recovered from the DEW		2	28
Other receipts		29	25
Cash generated from operating activities		5 521	7 510
<i>Cash outflows</i>			
Payments for supplies and services		(43)	(296)
Payments of grants and subsidies		(1 016)	(957)
Other payments		(12)	(101)
Cash used in operations		(1 071)	(1 354)
Net cash provided by operating activities		4 450	6 156
Net increase in cash and cash equivalents		4 450	6 156
Cash and cash equivalents at the beginning of the reporting period		24 682	18 526
Cash and cash equivalents at the end of the reporting period	5.1	29 132	24 682

The accompanying notes form part of these financial statements.

Native Vegetation Fund

Notes to and forming part of the financial statements

For the year ended 30 June 2024

1. About the Native Vegetation Fund

The Native Vegetation Fund (the Fund) is established pursuant to section 21 of the *Native Vegetation Act 1991* (the Act).

The Native Vegetation Council (the Council) is responsible for the administration of the Fund in accordance with the Act.

The financial activities of the Fund are conducted through an interest bearing deposit account established pursuant to section 21 of the *Public Finance and Audit Act 1987* and held with the Department of Treasury and Finance (DTF).

1.1. Basis of preparation

These financial statements are general purpose financial statements prepared in accordance with:

- section 23 of the *Public Finance and Audit Act 1987*;
- Treasurer's Instructions and Accounting Policy Statements issued by the Treasurer under the *Public Finance and Audit Act 1987*; and
- relevant Australian Accounting Standards applying simplified disclosures.

For the purposes of preparing the financial statements, the Fund is a not-for-profit entity. The financial statements are prepared based on a 12 month period and presented in Australian currency. All amounts in the financial statements and accompanying notes have been rounded to the nearest thousand dollars (\$'000). The historical cost convention is used unless a different measurement basis is identified in the note to the financial statements.

Income, expenses and assets are recognised net of the amount of GST except:

- when the GST incurred on a purchase of goods or services is not recoverable from the Australian Taxation Office (ATO), in which case GST is recognised as part of the cost of acquisition of the asset or as part of the expense item applicable; and
- receivables and payables, which are stated with the amount of GST included.

The Fund is grouped with the Department for Environment and Water (DEW) for GST purposes, and accordingly DEW prepares the Business Activity Statement on behalf of the Fund via the grouping provisions of the GST legislation. Notwithstanding the use of these grouping provisions, intercompany cash alignment occurs to ensure the Fund either recovers the net amount of GST recoverable from or disburses the amount payable to the ATO from DEW.

Cash flows are included in the Statement of Cash Flows on a gross basis. However, the GST component of cash flows arising from investing and financing activities are recoverable from, or payable to, the ATO are classified as operating cash flows.

Assets and liabilities that are to be sold, consumed or realised as part of the normal 12 month operating cycle have been classified as current assets or current liabilities. All other assets and liabilities are classified as non-current.

1.2. Objectives and programs

Objectives

The major purpose of the Fund is to provide funds to be applied for research, preservation, enhancement and management of native vegetation in South Australia and encouraging the re-establishment of native vegetation on land from which it has been previously cleared.

In achieving its objectives, the Fund conducts its services through a single program, the Native Vegetation Fund.

Native Vegetation Fund
Notes to and forming part of the financial statements
For the year ended 30 June 2024

2. Income

2.1. Fees and charges

	2024	2023
	\$'000	\$'000
Significant Environmental Benefits *	3 654	6 552
Fees, fines and penalties	97	115
Total fees and charges	3 751	6 667

* The owner of land on which native vegetation is growing or is situated, may apply for consent to clear the vegetation under section 28 of the Act. In consenting to the clearance of native vegetation under section 29 of the Act, the Council may attach a condition requiring the applicant to make a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit. The monies paid into the Fund must as far as practicable, be used to establish or regenerate native vegetation on land that is within the same region of the state as the cleared land and that has been selected by the Council for that purpose having regard to the Regional Biodiversity Plans approved by the Minister for that region.

Revenues from fees and charges are recognised when invoices are raised.

2.2. Other income

	2024	2023
	\$'000	\$'000
Refund of unspent grant funds	-	25
Impairment gain on receivables	29	-
Total other income	29	25

3. Board, committees and employees

3.1. Key management personnel

Key management personnel of the Fund include the Minister for Climate, Environment and Water and the members of the Native Vegetation Council.

Total compensation for the Fund's key management personnel was \$38 000 (2023: \$41 000).

The compensation disclosed in this note excludes salaries and other benefits the Minister receives. The Minister's remuneration and allowances are set by the *Parliamentary Remuneration Act 1990* and the Remuneration Tribunal of SA respectively and are payable from the Consolidated Account under section 6 the *Parliamentary Remuneration Act 1990*.

Transactions with key management personnel and other related parties

No transactions with key management personnel or related parties occurred during 2023-24.

Native Vegetation Fund
Notes to and forming part of the financial statements
For the year ended 30 June 2024

3.2. Remuneration of council and committee members

Members during the 2023-24 financial year were:

Native Vegetation Council	Native Vegetation Assessment Panel
M Henderson (Presiding Member)	M Henderson (Chair)
K Weymouth	K Weymouth
J H Neal	M Cornish
M Cornish	
H Possingham	
L Muffet	
A Hooper	

* In accordance with the Premier and Cabinet's Circular No. 016, government employees did not receive any remuneration for board/committee duties during the financial year.

Board and committee remuneration

The number of members whose remuneration received or receivable falls within the following bands:

	2024	2023
\$0 - \$19 999	7	11
\$20 000 - \$39 999	-	1
Total number of members	7	12

The total remuneration received or receivable by members was \$38 000 (2023: \$41 000). Remuneration of members includes sitting fees, superannuation contributions, salary sacrifice benefits, fringe benefits and any related fringe benefits tax. The remuneration of members is paid by DEW.

For the purposes of the table above, travel allowances and other out-of-pocket expenses paid to members have not been included as remuneration as it is considered to be reimbursement of out-of-pocket expenses incurred by relevant members.

4. Expenses

4.1. Supplies and services

	2024	2023
	\$'000	\$'000
Fee for service	14	238
Council rates	8	11
Legal costs	7	11
Minor works	4	4
General administration	2	2
Travel and accommodation	1	1
Other	2	3
Total supplies and services	38	270

Native Vegetation Fund
Notes to and forming part of the financial statements
For the year ended 30 June 2024

4.2. Grants and subsidies

	2024	2023
	\$'000	\$'000
Significant Environmental Benefit (SEB) grants	965	1 038
Total grants and subsidies	965	1 038

For grants payable, the grant will be recognised as a liability and expense when the entity has a present obligation to pay the grant and the expense recognition criteria are met.

SEB grants are provided to restore, re-vegetate and protect areas of native vegetation within South Australia.

4.3. Other expenses

	2024	2023
	\$'000	\$'000
Audit fees	12	11
Impairment loss on receivables	-	89
Total other expenses	12	100

Audit fees

Audit fees paid/payable to the Audit Office of South Australia relating to work performed under the *Public Finance and Audit Act 1987* were \$11 700 (2023: \$11 400). No other services were provided by the Audit Office of South Australia.

5. Financial assets

5.1. Cash and cash equivalents

	2024	2023
	\$'000	\$'000
Deposits with the Treasurer	29 132	24 682
Total cash and cash equivalents	29 132	24 682

Deposits with the Treasurer

The Fund is established under section 21 of the Act. The Fund's deposit account was established under section 21 of the *Public Finance and Audit Act 1987* and is held with DTF.

The Fund Deposit Account earns a floating interest rate, based on daily bank deposit rates. Interest earned during the year was \$1 093 (2023: \$629).

Native Vegetation Fund
Notes to and forming part of the financial statements
For the year ended 30 June 2024

5.2. Receivables

	2024	2023
	\$'000	\$'000
-		
Current receivables		
From government entities	39	250
From non-government entities	393	876
GST input tax recoverable from DEW	3	-
Less impairment loss on receivables	(65)	(94)
	<u>370</u>	<u>1 032</u>
Accrued interest	99	80
Total current receivables	<u>469</u>	<u>1 112</u>

Contractual receivables arise in the normal course of selling goods and services to other government agencies and to the public. Contractual receivables are normally settled within 30 days after the issue of an invoice or the goods/services have been provided under a contractual arrangement.

The net amount of GST Recoverable from DEW is included as part of receivables.

Receivables are non-interest bearing. Receivables are held with the objective of collecting the contractual cash flows and they are measured at amortised cost.

Impairment losses relate to contracts with customers that are external to SA Government. No impairment loss was recognised in relation to statutory receivables.

6. Liabilities

6.1. Payables

	2024	2023
	\$'000	\$'000
Current		
Trade payables	30	81
Accrued expenses	12	12
Total current payables	<u>42</u>	<u>93</u>
Total payables	<u>42</u>	<u>93</u>

Payables and accrued expenses are recognised for all amounts owing but unpaid. Contractual payables are normally settled within 30 days from the date the invoice is received. All payables are non-interest bearing. The carrying amount of payables represents fair value due to their short-term nature.

Native Vegetation Fund
Notes to and forming part of the financial statements
For the year ended 30 June 2024

7. Outlook

7.1. Unrecognised commitments

Other contractual commitments

Commitments include operating arrangements arising from contractual sources and are disclosed at their nominal value.

	2024	2023
	\$'000	\$'000
Within one year	962	791
Later than one year but not longer than five years	1 606	2 299
Later than five years	142	319
Total expenditure commitments	2 710	3 409

The Fund's other contractual commitments are for the delivery of grant programs.

7.2. Contingent assets and liabilities

Contingent assets and contingent liabilities are not recognised in the Statement of Financial Position, but are disclosed by way of a note and, if quantifiable, are measured at nominal value.

As at the reporting date, civil proceedings had commenced against landowners who have been convicted of breaching the Act.

The potential amount of fines and/or damages to be received should the proceedings be successful are not quantifiable and as such no estimate of the potential financial effect can be made. There is also the potential for costs to be awarded against the Council for any unsuccessful prosecutions.

7.3. Restrictions on contributions received

The Council is restricted on its use of monies in the Fund according to the provisions of the Act. Section 21(6) of the Act specifies that the Council must as far as practicable, use monies paid into the Fund to achieve a significant environmental benefit to offset the approved clearance of native vegetation. Expiation fees, penalties handed down by the Magistrates Court, financial benefits (as determined by the Environment, Resources and Development Court (ERD)) gained from illegal clearance and exemplary damages (as determined by the ERD Court), must be spent within the same region of the State as the land cleared.

	2024	2023
	\$'000	\$'000
Murraylands and Riverland	5 756	5 727
SA Arid Lands	5 314	4 434
Northern and Yorke	5 083	5 114
Hills and Fleurieu	4 378	3 518
Eyre Peninsula	2 122	1 900
Limestone Coast	1 922	1 740
Kangaroo Island	1 117	869
Alinytjara Wilurara	1 037	908
Green Adelaide (metropolitan region)	566	418
Total restrictions on contributions received	27 295	24 628

7.4. Events after the reporting period

There are no known events after balance date that affect these financial statements in a material manner.