1 March 2024

Biodiversity Coordination Unit
Department for Environment and Water
GPO BOX 1047
Adelaide SA 5001
Submitted via email: biodiversityact@sa.gov.au

RE: SOUTH AUSTRALIA'S NEW BIODIVERSITY ACT DISCUSSION PAPER

Australian Energy Producers welcomes the opportunity to provide comment on this discussion paper from the Department of Environment and Water (DEW). Collaboration between industry and Government is imperative in achieving the objectives outlined in the discussion paper, and Australian Energy Producers appreciates the open and consultative approach taken by DEW.

Australian Energy Producers recognises the importance of healthy ecosystems and biodiversity. The oil and gas industry broadly supports the sustainability goals and initiatives as laid out in the Discussion Paper, that promote healthy ecosystems and biodiversity preservation, aligning with the broader vision of South Australia for a flourishing and resilient economic future.

Australian Energy Producers' members play a pivotal role in SA, delivering reliable and efficient energy, fostering economic growth, creating employment opportunities, driving innovation in related sectors, and bolstering national and state development. We believe that the sustainable development of the energy sector can and should be balanced with the protection of the environment and biodiversity of the state.

Australian Energy Producers highlights the following key points in from the discussion paper:

- Legislative duplication is a significant risk.
- The proposed legislation must be resilient to abuse (i.e. excessive/vexatious litigation).
- Carbon Capture and Storage (CCS) plays a role in protecting the environment.

Legislative Duplication | Throughout the discussion paper, the impact of the new Biodiversity Act hints at the impact of other related legislation or processes. Australian Energy Producers emphasises the importance of regulatory alignment between pieces of the regulatory framework. The risk of duplication between different agencies and jurisdictions, at the state level and federally, poses a risk of redundant regulatory oversight leading to additional complications and compliance costs. Additionally, with scope creep and duplication comes the risk that regulatory responsibility and accountability is diminished rather than enhanced as different regulators may be less focused on areas where another regulator also has responsibility. If multiple regulators are considering the same matter and imposing

requirements or conditions, the risk arises that contradictions and inconsistent requirements are imposed which puts operators in a difficult position in terms of knowing which standard to meet. Simply put, duplication causes many inefficiencies in the effective regulation of industry. Australian Energy Producers recommends that all reasonable measures be taken to identify and simplify the proposed Biodiversity Act by avoiding regulatory duplication.

Legislation resilience to abuse | A significant risk to the sustainable and responsible utilisation of SA's natural resources is the abuse of the regulatory framework to frustrate projects. While it is important that Government maintain appropriate regulatory oversight, it is important that the regulatory system designed to protect the environment be resilient to activist abuse.

Carbon Capture and Storage | According to the International Energy Agency, reaching net zero by 2050 will be "virtually impossible" without carbon capture, utilisation, and storage (CCUS).[1] CCUS plays a unique role amongst a portfolio of emissions reductions technologies as it can address emissions from existing facilities, mitigate emissions from hard-to-abate industry including processing for critical minerals, support low-carbon hydrogen production, and underpin large-scale carbon removal. Australian Energy Producers appreciates the Minister's recognition of this important emissions reduction technology and the oil and gas industry's role in protecting the environment and biodiversity of South Australia. Australian Energy Producers is keen to hear further detail on how CCS can be a part of SA's environmental and biodiversity plan.

Ongoing consultation | The Australian Energy Producers supports the intent of the discussion paper and proposed legislation and welcomes ongoing engagement with DEW regarding the implementation of this legislation. As more details are made available, Australian Energy Producers will continue to engage with the consultation process.

Yours faithfully,



David Slama
Director South Australia

[1] IEA, CCUS in Clean Energy Transitions, 2020: https://www.iea.org/reports/ccus-in-clean-energy-transitions