

17 February 2025

Susan Close MP
Deputy Premier
Minister for Climate, Environment and Water
biodiversityact@sa.gov.au

Dear Minister

RE: Community Alliance SA Submission to the Draft Biodiversity Bill (SA)

In February 2025, Community Alliance SA (CASA) prepared a submission to the draft Biodiversity Act, in consultation with its 30 plus member groups from across South Australia. CASA provided feedback to each of the core components of the draft Bill. It is pleasing to see that many of those ideas and suggestions have been incorporated into this draft Bill. CASA appreciates the opportunity to provide feedback to the draft Bill.

Along with the Conservation Council of SA and many other groups and individuals, CASA believes that protecting and recovering South Australia's biodiversity is critical to the future of humankind and future generations.

CASA supports the elements of this Bill that will deter wrongdoing, such as tougher penalties for breaches. It also supports improving transparency in environmental decision-making, with the establishment of a Biodiversity Register, and the right of community involvement through third party standing for civil enforcement of breaches of the Act. These are critical inclusions to the Bill.

There are several areas of the Bill that should be strengthened. This is essential if it is to achieve its intended objective of improving the state of South Australia's biodiversity.

Under its provisions, decisions that lead to the decline of nature will continue to be made and support for the large-scale restoration of South Australia's biodiversity, that we know is required, is not guaranteed. Therefore, before being introduced to Parliament, CASA believes it must be strengthened. Examples of this include:

- Adding appropriate safeguard mechanisms to prevent inappropriate development that would have an egregious negative impact on biodiversity, such as through an early "no" to clearly unacceptable proposals. This will necessitate primacy over other legislation, such as the Planning, Development and Infrastructure Act 2016. It must also set a limit on the use of the flawed mechanism of "offsets" to compensate for biodiversity loss from development by identifying a threshold of biodiversity loss beyond which no "offset" will be contemplated, and

- compelling the Minister to make key decisions, such as regarding the listing of species as threatened with extinction and identifying their critical habitat. Current drafting of the Bill allows for too much discretion in this regard, meaning these key decisions could be avoided or delayed.

The Bill as currently drafted, concentrates too much power into the hands of the Minister of the day. It should be amended to re-instate the role of the Conservation Council of SA and other peak bodies as nominating organisations for the Biodiversity Council, rather than members of the Biodiversity Council being direct Ministerial appointments. CASA supports the Conservation Council's view that the Biodiversity Council should be responsible for developing the policy for "offsets" for subsequent Ministerial approval, rather than the Minister having sole responsibility for the policy, particularly given the high risk of political influence on the 'formula' for calculating payments in lieu of on ground "offsets".

CASA is disappointed that the Bill does not address the "joint proclamation" of National Parks in South Australia. This allows for mining leases to persist in areas that have been set aside for biodiversity conservation. There is no logic to this, and CASA believes that this will enable future unwanted loss of biodiversity in these special areas.

Finally, this Bill must also be accompanied by a commitment to fund both its implementation, including in relation to its administration as well as funds for the large-scale ecological restoration that will be required to build the resilience of our biodiversity into the future, particularly given the impacts of climate change. This includes the specific establishment of an independent statutory conservation trust, provisions for which need to be set out in the Bill itself.

CASA thanks you for this opportunity and looks forward to a strengthened Bill being sent to Parliament in 2025.

Kind regards



**President
Community Alliance SA (CASA)**