Government of South Australia

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DEW
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I am pleased to provide feedback from the Green Adelaide Board (Board) towards a proposed Biodiversity Act as outlined in the discussion paper via YourSAy.

The Board supports the proposed approach for a separate piece of legislation that raises the profile of the importance of biodiversity, arrests its decline and importantly actively improves the enhancement of biodiversity in the State. The Act represents an opportunity to harness South Australia's leadership and capacity in ecological restoration and biodiversity conservation.

In addition the Board recommends that:

1. The Act actively facilitates nature positive outcomes. While there is emphasis on critical biodiversity conservation, safeguarding and/or protecting, it is also crucial to enable a more proactive approach within the legislation where biodiversity is enhanced to enable more nature positive outcomes.

2. The promotion of the value of biodiversity and engagement with the community is encouraged, particularly during the development of the Bill. The Board strongly supports the approach of shared responsibility and ensuring we all pay attention to, and care for, nature. We also understand that not all South Australian's subscribe to a duty of care. We strongly support greater enforcement of a duty of care within the Biodiversity Act, and also encourage the promotion of the value of biodiversity to the wider community.

3. The proposed Act operates to facilitate active enhancement of biodiversity through proactive habitat restoration as well as remnant vegetation protections.

   A focus on protected areas is useful but integrating goals for restoration and recovery of habitats and biodiversity at a wider scale are needed. The Act should consider both components of ecosystems management (i.e. protection and restoration). Improvement is ideal but maintaining existing remnants remains critical, especially given climatic drivers that will further impact on biodiversity.

4. Care be taken with the proposed mitigation hierarchy so as to not result in any perverse outcomes that would undermine the protection of biodiversity through reduction of red tape for development.

   While recognising the intent of offsets, it is important that the use of offsets creates a nature positive future.

5. The primacy or greater consideration of the Biodiversity Act over other Acts and Regulations that will interact with the proposed Act not specifically mentioned in the discussion paper, such as planning and transport regulations. This ensures a consistent approach to the effectiveness of a Biodiversity Act. Whether the Biodiversity Act has primacy over such legislation or whether other Acts need to be strengthened, the outcome of better and more visible recognition of biodiversity is crucial to the Act's successful outcomes.

   A legislated requirement to avoid and minimise impacts to biodiversity will require amendments to relevant Acts. The Board is supportive of development of a clear framework that ensures loopholes are avoided and desired outcomes are realised.

6. The implementation of proposed tools and enforcement powers in the proposed Act be impactful, transparent and resourced adequately.

   To be effective the new Act needs strong State government support, investment and leadership to drive conservation priorities. It is crucial that the tools such as data collection, reporting and enforcement mechanisms in the proposed Act are resourced adequately.

The Board welcomes the opportunity for Green Adelaide staff to continue working closely with DEW to ensure that the new Act is coherent, effective and well-integrated with all relevant Acts including the Landscape South Australia Act.

We are more than happy to discuss any or all of these issues with you at any time. For further information please contact Brenton Grear, Director Green Adelaide [redacted]

Yours sincerely

Professor Chris Daniels
**Presiding Member, Green Adelaide Board**