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Dear Sir/Madam

Please find below some initial comments on the South Australian Government's proposal to develop a standalone Biodiversity Act for South Australia and the *Developing a Biodiversity Act for South Australia Discussion Paper*.

First Nations people are effective stewards of Country and their ability to practise culture, as it has evolved over generations, has been proven to result in increased and appropriate biodiversity outcomes while also providing successful social and economic outcomes.

A future Biodiversity Act must do more than simply offering platitudes acknowledging Aboriginal interests in lands and waters, and traditional Aboriginal knowledge. Legislation must appropriately *integrate* traditional ecological knowledge into the regulatory framework.

The *active involvement and participation* of Aboriginal people must be provided in the Act and not left to regulations and policies, which are subject to the whims of governments.

The full extent of proposed changes to other legislation and administrative changes needs to be made clear to properly understand the scope of the Biodiversity Act, and how it will interact with and influence existing legislation. For example, how will it interact with existing environmental, mining, and pastoral laws?

As a starting point, the Act should provide for the following:

- The incorporation of Aboriginal traditional knowledge and values into biodiversity planning and management. Resources need to be allocated to empower Aboriginal communities to actively participate in biodiversity conservation efforts, and to plan for and adapt to the impacts of climate change. Respecting individuation groups' right to self-determination and the diversity of Country and culture requires a Nation-by-Nation approach.
- Clear guidelines for how Aboriginal communities will be involved in decision-making related to access to and use of biodiversity on their land.
- The maintenance and protection of Aboriginal people's intellectual property over their knowledge.
- Monitoring and evaluation mechanisms that allow Aboriginal communities to actively participate in assessing the impact of biodiversity conservation initiatives on their land. This includes developing indicators, and measurable outcomes defined by Aboriginal communities, that align with traditional knowledge systems.
- Mechanisms for equitable benefit-sharing between Aboriginal communities and other stakeholders involved in biodiversity-related projects.
- Funding and investment to encourage and support biodiversity projects and environmental outcomes, similar to the Nature Repair Market under the Commonwealth *Nature Repair Act 2023*.
- Collaboration with Aboriginal communities in the development of land use plans and zoning regulations that align with both conservation goals and the cultural and economic needs of the communities.

In recognition of the cultural significance of biodiversity to Aboriginal communities, legislation needs to reflect an understanding of the interconnectedness of culture, spirituality, and biodiversity. Biodiversity loss can result in the loss of significant sites in tangible and intangible ways. The *Aboriginal Heritage Act 1988* should be amended to recognise this interconnectedness and to protect both tangible and intangible cultural heritage.

There is no recognition in the Discussion Paper or the FAQ about the holistic land management outcomes that can be achieved through cultural burning. The correct application and use of fire needs to be re-introduced to enable the activation of fire dependent biodiversity. These concepts are clearly evidenced in aspects of fire ecology knowledge and must be integrated with First Nations knowledge in all biodiversity management.

In addition to the above, the following initiatives should be undertaken by government (these are based on initiatives in the Victorian Government's biodiversity strategy – *Biodiversity 2037*):

- Work with Aboriginal communities to provide employment, training and business opportunities in biodiversity management.
- Work with Aboriginal communities to identify seed funding and seek business finance opportunities for Aboriginal enterprises to invest in biodiversity.
- Support Aboriginal communities to create pathways for greater engagement with and investment from both the philanthropic community and the wider private sector.
- Support Aboriginal skills and capability development – for example, provide access to and training in the government's biodiversity information systems and data management.
- Support native title groups to develop their own information systems that link to government systems.

Kind regards

Andrew

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[redacted]

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SANTS acknowledges the traditional owners of country throughout South Australia and their continuing connection to land, culture and community. We pay our respects to elders past, present and emerging.