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To: Biodiversity Coordination Unit
Department for Environment and Water
GPO BOX 1047
Adelaide SA 5001

I welcome the SA Government's initiative to introduce long-overdue policy reform to arrest the ongoing decline of biodiversity. Since broad-scale clearance protection in SA the ongoing decline is no surprise. Ongoing biodiversity loss is the consequence of public policy failure – it is commonplace in SA that the most important step in the mitigation hierarchy (page 6), 'Avoid', is relegated to the action 'Minimise' through public policies and practices. As clearly stated in the Discussion Paper (p6), "Avoidance is …the only way to guarantee no harm is done to biodiversity". To not define and legislate a limit to biodiversity loss is to accept ongoing biodiversity attrition and decline in South Australia, and thereby perpetuate public policy failure.

Message from the Minister

I do not agree that the threats of climate change and biodiversity decline are 'independent challenges to our collective future'. The Act – and this Discussion Paper - should clearly define the Biosphere/Climate connection. The importance and relevance of a new Biodiversity Act to the State's social, economic and environmental well-being would be better understood by explaining the Biosphere/Climate connection - that all life on earth including human societies is dependent on a healthy, functioning biosphere; and that life on Earth depends on, is shaped by, and affects climate. The essence of this principle is that life affects climate and, in turn, the climate dictates where and how species can survive. It therefore follows that protection of the biosphere (nature/ biodiversity) is the over-arching purpose for climate action.

Goals for a Biodiversity Act

I support the 4 Goals of the Act - Conserve, Adapt, Protect and Recover.

Topic 1 – Biodiversity & SA's First Nation Peoples

I support the recognition of First Nations' connection to Country, and their inclusion in the management of biodiversity.

Topic 2 – Avoiding Impacts

I agree with the overall concept of the Mitigation Hierarchy, with its first preference for Avoidance of harm over Minimising, Restoring & Off-sets. However, the statement on page 6 "Avoidance is the most important step in the mitigation hierarchy", is contradicted in the "Matters for consideration" where it is implied that minimising impacts is an acceptable next alternative to avoiding impact. There are many circumstances where any negative impacts should be avoided, at all costs and without compromise. Natural biodiversity not conserved *in situ* is a loss. The belief – commonly held and put into practice - that minimising impacts is an acceptable next alternative to avoiding impact underlies South Australia's ongoing failure to maintain its natural biodiversity. A history of impact minimisation policies, strategies and practices and a failure to recognise that natural biodiversity cannot be recovered *in situ* have contributed to our shameful legacy of biodiversity loss..

This unresolved weakness in public policy is again reflected in Part 1 of Topic 2's Matters for Consideration: "...prioritise avoidance and minimise .. impacts…", and "...negative impacts to biodiversity are the last resort…". I therefore strongly argue that there needs to be a fundamental shift away from this approach and policy position if SA is to arrest biodiversity decline. This phrase contradicts the statement in Part 4: "...any action .. having impacts to biodiversity must leave biodiversity in a measurably better state than it was before"; The latter is also a confusing and contradictory statement in itself and suggests a failure to recognise that conserving biodiversity *in situ* requires (1) prevention of deliberate actions that will cause loss (avoidance), and (2) mitigation of ongoing threats (threat abatement).

Topic 3- Transparent Decision-making

Supported

Topic 4 - Threats to Biodiversity.

Supported. It is important to align with the EPBC Act regarding Key Threatening Processes. As well as general threats such as vegetation clearance, species-specific or site-specific threats should also be covered by legislation, including threats identified in a species Recovery Plan, Conservation Advice or state-adopted Site Action Plan.

Topic 5 – Assessing the Risk of Extinction

Strongly supported, in particular:

- the establishment of a Threatened Species Scientific Committee,
- mandating regular updates to threatened species lists,
- aligning SA's threatened species categories and criteria definitions with the EPBC Act (and IUCN criteria), and with other jurisdictions, as in the Common Assessment Method
- legislating recovery obligations for listed species, i.e. monitoring, reporting and implementing actions. This is essential for both private developers and public sector agencies

- As conservation of species must be planned at the population level, State and regional lists have an important role. SA should therefore maintain its own State lists of threatened species, and not be limited to national lists.
- Unfortunately, the NP&W Act simply lists SA's rare and threatened species, offering no protection for listed flora - species must be "declared" under the Act to be protected, which has never occurred for any SA plant species! The new legislation must therefore do away with this ineffectual system and provide genuine legal protection for listed species.
- The listing of Threatened Ecological Communities is not mentioned. A new Act should include listings for ecological communities that are threatened at regional or State and national levels.

Topic 6 – Biodiversity Planning & Reporting

Supported:

- recommendation to link State of Environment reporting to planning
- improved data collection and databasing processes

Topic 7 – Benefits of Information

Supported.

Topic 8 – Achieving 30 by 30

Financial and technical assistance to landholders who have entered into formal conservation agreements is highly vulnerable to changing State governments. Landholders who sign a voluntary conservation covenant in perpetuity do so in good faith for the long term but cannot rely on government for commensurate support on a realistic timescale. Conservation management is a formidable long-term financial and labour investment with no tax benefits. For example, the promised/statutory relief from property council rates for Heritage Areas is avoided by Councils who instead levy an annual fee called a "Minimum Charge".

Topic 9 – Biodiversity a Shared Responsibility

Supported.

Topic 10 – Consequences of doing the wrong thing

Supported.
SA has a poor history of enforcement of environmental legislation and regulation, as well as a declining investment in environmental protection. This must be substantially reversed if the proposed new laws are to be effective and deliver the stated Goals.

Despite being an affluent, first-world provincial economy, South Australia has a poor record of conserving its unique natural biodiversity; I hope this can be addressed through biodiversity policy reform and greater understanding of the problem at every level including executive government.

Thank you for the opportunity to comment on the Discussion Paper.

Regards,

Tim Reynolds
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