

18 February 2025

Biodiversity Coordination Unit
Department for Environment and Water
Adelaide 5001
E: biodiversityact@sa.gov.au

Dear Biodiversity Coordination Team

RE: GreenCollar's submission to the South Australia's Draft Biodiversity Bill consultation

Thank you for the opportunity to participate in this consultation for this landmark Bill for South Australia. GreenCollar is Australia's largest environmental markets investor and project developer. We believe the best way to achieve lasting environmental outcomes is to place value on the environment and support market mechanisms that incentivise improved land management practices and ecosystem services.

GreenCollar commends the South Australian Government for proposing this important piece of legislation to help address the biodiversity crisis.

GreenCollar confirms that this submission may be made public.

Some general points for consideration:

- Effective implementation of this legislation and its associated strategies will require a significant increase in funding and resources across the State. However, the role of private sector collaboration in financing the Act's objectives remains unclear. It is essential to facilitate and support large-scale public and private investment to halt and reverse biodiversity decline in South Australia.
- It is noted that the Bill proposes broad regulation making powers that would allow the Minister to support private investment into biodiversity protection and restoration in the future. For example, the Bill proposes that the Minister can create new funds or trusts into the future if the market required it. GreenCollar welcomes this inclusion.
- We also note that the development of a State Biodiversity Plan could also support both government and private investment into emerging nature markets by identifying biodiversity priorities and conservation actions to promote and guide the restoration of nature. Additionally, the State Biodiversity Plan will identify State-wide biodiversity indicators that can measure the trend and condition of biodiversity in SA. Again, GreenCollar welcomes this approach as an opportunity to scale up investment in biodiversity conservation and restoration outcomes across the State.
- We recommend that the policy framework to implement the Bill establish a clear financial strategy and robust market mechanisms to attract private investment into the **Biodiversity Restoration Fund (BRF)** alongside **Significant Environmental Benefit (SEB)** compliance payments.

- A **nature positive approach** is gaining traction nationally and internationally. To align with this trend, the Act should embed this concept at the core of decision-making. Mandating application of the **mitigation hierarchy** is crucial to achieving measurable biodiversity gains.

Responses to specific survey questions include:

Q3 - Do you support the proposed objects of the Biodiversity Act?

It would be advantageous to align the Objects and Principles for administering the Act with Australia's National Biodiversity Strategy and Action Plan.

Q4 - Do you support the guiding principles of the Act?

Operation of the Act: Section 6 (5) allows for the abrogation of the Act by the Government at any time of its choosing. This is not appropriate and should be removed.

Interaction with other legislation: Under Section 4 (1) it is recommended the Act should have primacy over other legislation, and this section should be changed to enable that.

General duty: Section 11 GreenCollar welcomes the creation of a new general duty not to harm biodiversity.

Q6 – Do you support the governance framework for the Act, including the roles and reporting structure of the committees proposed to be established?

Decision-making committees should encompass a broad skill set, including skills in project development and finance would be beneficial. We recommend that the **Biodiversity Council** include members with expertise in finance or conservation finance to maximise funding opportunities across public, private, and philanthropic sectors.

Q8 – Do you support the establishment of a Biodiversity Administration Fund as a means of providing transparency on which funds can be used for the administration of the Act?

Creation of three separate funds is welcomed, but there is a lack of detail around how eligibility requirements. Subdivision 3 - Biodiversity Administration Fund does not include information about the function of this fund, as well as where and how it will be distributed.

In terms of the Biodiversity Restoration Fund, consideration should be given to providing incentives and support to landholders and other project proponents to deliver on-ground Significant Environmental Benefit (SEB) and other biodiversity projects. We also suggest reviewing the potential problematic nature of the BRF regarding accepting SEB, as this has the potential to lead to impacts occurring without offsets being secured or without the real cost of delivering appropriate offsets being properly understood. It is critical to adequately value the cost of developing and delivering an SEB offset if proponents opt to pay into the fund. Further, set a maximum threshold for clearance or SEB credits, above which proponents must deliver on-ground offset projects and do not have the option to pay into the fund. Without further information it is difficult to see if the BRF is a positive or a risk to biodiversity outcomes.

Q16 - Do you support the concept of listing threatened ecological communities (similar to the process used for threatened species)?

GreenCollar supports the inclusion of the process for listing a Threatened Ecological Community (TEC) and aligning to the Common Assessment Method (CAM) to avoid duplication of listing at state and national level. Including Threatened Ecological Communities in the listing is critical for ensuring a diversity of habitat is conserved and restored.

It will be important to have sufficient funding and resources to ensure TECs are surveyed, assessed and listed in a timely fashion. In other states, a lack of resources has often been a barrier to listing TECs that are at risk of being cleared. Spatial data and listings need to be made available to developers and the public to ensure sufficient planning. In the Bill, there is no information about requirements for third parties to report TEC data to governments as a compliance mechanism – this has been left open and *may* become a regulation. We would recommend this is included in the legislation so there is no doubt that third party data is required to be shared with government.

Q18 - Do you support relying on the existing offences for plants and animals, instead of creating a new offence for threatened ecological communities or other listed ecological entities?

It is important to create a separate offence for Threatened Ecological Communities, as these are vulnerable to clearing for development. A separate offence signals that these areas are prioritised for conservation.

Q20 - Do you support the ability to declare critical habitat to provide increased protections for threatened species, threatened ecological communities, and other listed ecological entities?

Under Division 5 GreenCollar supports the introduction of ‘critical habitat’ declarations that allow some habitat to be substantially more protected and harder to clear.

Q22 - Do you support renaming Heritage Agreements to ‘Biodiversity Agreements’ to better reflect their role? and Q23 - Do you support the introduction of new types of protected areas for private land, including the proposed Conservation Agreements?

The Biodiversity and Conservation Agreements, as described in the draft legislation, have very similar descriptions and rules which make them difficult to distinguish.

Q33 - Do you support the proposal to establish a Biodiversity Register?

A Biodiversity Register is a welcome development and critical for the effective planning of restoration and conservation programs. Ensuring proponents are required to upload data and spatial information for their project applications will be an important part of keeping the Registry up to date and relevant.

For further information in relation to this submission please contact [REDACTED] at [REDACTED]

Again, thank you for the opportunity to provide these responses and comments.

Yours sincerely

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