

Submission on SA Biodiversity Bill 2025

In response to the various documents circulated in 2023, I made a submission on this subject in Jan 2024. I have since read the new draft Bill, and wish to make the following observations.

I understand that the Bill has four main goals:

- “1. To conserve biodiversity and maintain the diversity, quality and function of ecosystems
2. To enhance capacity to adapt in the context of a changing climate
3. To protect threatened and culturally important species and ecological communities
4. To recover threatened species and ecological communities so their conservation status improves”.

As set out in an earlier associated document, there are several anticipated benefits from the Bill, including:

- “a sense of shared responsibility in looking after our biodiversity
- improved conservation and protection of biodiversity
- stronger partnerships with First Nations peoples in biodiversity conservation
- consistency and transparency in our approach to biodiversity conservation
- clearer provisions relating to identifying and protecting at risk species
- improved alignment with national legislation and international obligations
- support for a smart, sustainable and inclusive economy”

Of these I would like to highlight two, namely:

- “improved conservation and protection of biodiversity
- improved alignment with national legislation and international obligations”.

My main concern with the Bill is that it does not appear to reflect the profound shift in our conservation goals as a result of our national commitment to the Montreal ‘30x30’ agreement. Under that agreement the long-term goal for ecosystem conservation is to have at least 30% of the landscape and 30% of coastal marine areas formally reserved for ecosystem function or dedicated to its restoration.

The comments below using the goals set out in the Bill as headings:

Goal 1. To conserve biodiversity and maintain the diversity, quality and function of ecosystems

Despite the excellent work done in building the Biological Databases of SA, and now in BioData SA, terrestrial biodiversity and abundance continues to decline, as regularly observed by the SA Environment Report. While the collection of quality data on the condition of SA ecosystems remains essential, and should be greatly expanded, it is clearly not enough in itself to arrest this decline. Other serious changes are required if data collection is not to merely track long-term degradation.

This first goal presumably concerns conserving what is left of the State’s ecosystems – and in many areas that is not much. For example, in the Copper Coast Local Government Area (LGA), less than 4% of the ecosystems have been left standing, and much of that is degraded or in scattered patches that may not be ecologically viable in the long term. Other entire districts are in a similar state. This raises several fundamental questions that could well be addressed in the Act:

(1) What is the scale at which measures under the Act will be taken? For example, the Dept’s pdf refers to 21% of SA’s land being under some sort of conservation protection, which is at the scale of the entire State. Of course, this figure is inflated by the large areas protected as reserves in the arid and semi-arid zone. If the scale adopted were to be one at which our communities operated, and to

which most people related, it could well be at the scale of LGA, for example. At this scale the picture is very different. Of the 30 rural LGAs in SA, only 12 have more than 30% of their native ecosystems still standing – 30%, of course, is the target now adopted by SA in alignment with the new 30-30 goals of the Montreal protocol. Yet 8 of those 12 rural LGAs are partly in the pastoral zone, where native vegetation is mostly left standing to support sheep and cattle rather than protected in conservation zones. Only 4 of the State's 30 rural LGAs outside the pastoral zone currently meet the new 30-by-30 goal now officially adopted by SA. These are Southern Mallee, Lower Eyre Peninsula, Elliston and KI. Consideration of scale is thus fundamental.

(2) What is the degree of specification of ecosystem type that will be adopted? For example, let's say a decision is made within a district, of say 500 000 ha, 'to conserve biodiversity and maintain the diversity, quality and function of ecosystems' (Goal 1), and that seven broad ecosystem types are known to exist there. Will or should efforts be made to conserve all seven types? The wording of the goal suggests that this sort of diversity is important, which indeed it is. This becomes increasingly important in goal 4 below dealing with ecosystem restoration.

(3) Will the Act allow governments to exempt large areas, or entire districts, from biodiversity and ecosystem protection, and allow business as usual to further degrade them ecologically?

Goal 2. 'To enhance capacity to adapt in the context of a changing climate'

While ecologists might be able to suggest what the consequences of certain climate shifts may be, to understand this fully, and to plan any actions in response, will require a major commitment to long-term research. Facilities such as the Australian Government's Analogues Explorer facility predict, for example, that the climate in Kadina will, at the end of the C21, be more like that experienced in Hawker today. Even if that dire prediction is accurate, it will only mark the start of a major research effort needed to guide new conservation efforts, especially in ecosystem restoration.

For example, in many areas where land use is redirected to ecosystem function under our commitment to Montreal 30x30, it may not be enough to simply replant the same flora that was cleared over the last 150 years. It could be that climate change will dictate that at least some other species be included in the mix used for restoration. In some cases, perhaps an entire vegetation association may fail to re-establish due to changes in rainfall, temperature or hydrology, and that other vegetation complexes might now be more suited and establish more successfully. There will be a substantial amount of ecological research and practical trials involved over many years to clarify the way forward here. As climate continues to change further the goal posts will also keep shifting, making good long-term research even more essential to guide future conservation and restoration practice. It would make very good sense to embed this commitment in the Act.

Goal 3. 'To protect threatened and culturally important species and ecological communities'

Most of this work would logically be included in goal 1 above, or in goal 4 below. Clearly, if we successfully protect all threatened species and all ecological communities, as we should, the more culturally important species and ecosystems will be amongst them. The protection of the latter will follow from the protection of the former.

Goal 4. 'To recover threatened species and ecological communities so their conservation status improves'

Much excellent work is already underway in SA aimed at improving the conservation status of species and communities. The Marna Banggara project on lower Yorke Peninsula is one example, and the cat control effort on KI is another. However, again issues of scale and ecosystem specificity are important. If we are serious about this goal, and wish to aim for ecosystem sustainability, then the long-standing and internationally accepted scientific recommendation of retaining at least 30% of habitat in any region becomes paramount.

However, there is no suggestion in the Bill that a long-term strategy be put in place to restore local ecosystems to 30% of their original extent. Yet we know this is the minimum required to arrest the on-going decline of our biodiversity. Shouldn't arresting this decline in biodiversity be a central function of a Biodiversity Bill? The Bill surely would be more effective if it were concerned with setting out a raft of mechanisms by which the most over-cleared of our landscapes could gradually be returned to 30% cover. Instead, substantial sections of the Bill are concerned with conditions and mechanisms for permitting further clearing. As drafted, the Bill not only fails to recognise the severity of our biodiversity crisis, but fails to respond to it effectively. It doesn't even acknowledge the profound insight and change embraced by our national government accepting the science behind the 30x30 agreement.

The discussion paper made a number of statements with implications for the Bill, yet they do not seem to have been addressed in the Bill as drafted. These early statement were:

1. 'It is proposed the new Act places emphasis on increasing the network of lands managed for conservation purposes. The protection and restoration of under-represented habitats and ecosystems and connectivity between these areas will assist in promoting conservation outcomes.'

This has long been a goal of reserve creation and management in SA, with a chequered history of funding. The fact that the condition of SA's ecosystems have in general continued to decline despite this long-standing goal shows that having this good intention has never been enough. Likewise, it will not be adequate for the text in the Act to simply say that it 'places emphasis on increasing the network of lands managed for conservation purposes'. Such a statement needs to be linked back to well-defined long-term goals set out in a measurable manner.

2. 'In South Australia, incentives are currently available to support landowners who have Heritage Agreements. The new Act could seek to improve, broaden and establish incentives to encourage non-government entities and private landowners to conserve and recover biodiversity.'

This is also a useful direction for the Act to go in, especially if it is serious in steering the sort of long-term land-use change that will be required in many districts for 30x30 to become a reality. However, a great deal of thought and research now needs to go into how the 'new Act could seek to improve, broaden and establish incentives'. The small amounts of funding available in the past for those landowners with Heritage Agreements have been helpful. However, orders of magnitude more support will be needed, especially in the most over-cleared districts, to encourage landholders over time to return portions of their properties to ecosystem function, or to sell them to buyers for that purpose.

In districts where 30x30 is most challenging, careful and creative long-term programs to support local communities and economies will need to be devised and managed, over timescales of decades, if the proportion of a landscape under ecosystem function is to be gradually returned to 30%. Examples exist around the world where governments have supported such profound economic and cultural change – the German government in phasing out coal mining in the Rhur, for example.

The discussion paper also set out the following 'Anticipated benefits' from the Bill:

- 1) a sense of shared responsibility in looking after our biodiversity
- 2) improved conservation and protection of biodiversity
- 3) stronger partnerships with First Nations peoples in biodiversity conservation
- 4) consistency and transparency in our approach to biodiversity conservation
- 5) clearer provisions relating to identifying and protecting at risk species
- 6) improved alignment with national legislation and international obligations
- 7) support for a smart, sustainable and inclusive economy. '

It is not clear how the Bill as drafted will deliver improvements in any of the ‘anticipated benefits’ above. As such they read more like a wish list. What is urgently needed, in reality, is a raft of visionary reforms in policy, and in supporting legislation, that actually address the ecological and biodiversity crisis we have slid into over the last 150 years. The current Bill does not do that.

Anticipated benefit (1), of a shared responsibility, implies a profound cultural shift, the difficulty of which should not be underestimated. These comments are being written from KI where some residents still refer to marsupials as ‘vermin’. The extent of the challenge implicit in the phrase ‘a sense of shared responsibility in looking after our biodiversity’ is likely to require many more years of slow change in culture and values, and demand long-term investment in school and community education.

Anticipated benefit (2) would follow naturally if the actions suggested in this submission were put into effect. Benefit (3) is an excellent approach, since we have an enormous amount to learn from the knowledge, outlook and attitudes of indigenous people with respect to conservation. Benefits (4) and (5) could also follow from the sorts of changes outlined in these comments. Benefit (6) is implicit in the decision already taken for SA to adhere to the 30x30 principles. There is every reason to believe that a well conceived and well drafted Act would also align ‘with national legislation and international obligations’. However, this Bill does not reflect the nature and significance of this new commitment by the federal government.

Benefit (7) is covered above.

Finally, an earlier information brochure stated that we need ‘a shift towards a culture that seeks to avoid, rather than offset’. This a welcome observation. Too often offsets are poorly designed and managed, and many deliver no net conservation benefit at all, as the review by Macintosh et al. (2023, ANU) revealed. Others have rejected the very concept of offsets, pointing out that they are not designed to deliver a net benefit, but rather to lessen or negate the impact of ‘development’. As such, they can even be fraudulent.

Our challenge is not to lessen the ecological impact of further development, but rather to actively and gradually restore our landscapes to a state of ecological sustainability where their biodiversity is no longer in long-term decline. The Bill should be a mechanism to help bring about that vision. However, at present there is very little in this Bill that reflects the true scale of our biodiversity decline. Nor does it contain effective mechanisms to counter it.

In my view the Bill should be redrafted to facilitate and support a 50-100 year program to protect SA’s biodiversity by embracing the scientific opinion behind the 30x30 goals adopted in Montreal in 2023. Any less a commitment will be inadequate, and fail to arrest biodiversity decline in SA.

In revising the Bill, some attention might be paid to the book ‘30x30: A Guide to Inclusive, Equitable and Effective Implementation of Target 3 of the Kunming-Montreal Global Biodiversity Framework’, prepared by WWF, the IUCN World Commission on Protected Areas, and The Nature Conservancy, supported by funding from the Global Environment Facility. I am sure there are well qualified ecologists, both in Australia and overseas, able and willing to assist the SA Government break new ground in this way.

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