

OFFICIAL

Hello DEW

Thank you for the opportunity to provide feedback on the draft Biodiversity Bill. SA Water supports the need for, and intention of, the Bill and we welcome stronger protection measures to preserve South Australia's biodiversity.

We understand that the intention of the Biodiversity Bill is to carry forward many of the provisions and mechanisms that are already prescribed through the Native Vegetation Act and National Parks and Wildlife Act. To this end, we have included a high-level summary of some of the interactions SA Water has with provisions of both statutory instruments.

Following a briefing provided by [REDACTED], SA Water also understands that the ability to submit more detailed feedback will be accepted until the 28th February. SA Water will ensure that any further advice, in addition to the below, will be provided to DEW by that deadline.

1. Mechanism to permit delegations through Standard Operating Procedures

- The current version of the Bill does not seem to carry forward the ability for internal clearance approvals to be managed by an approved SOP.
- This process is highly valued by SA Water as a mechanism to streamline lower risk clearances, and manage expectations regarding maintenance of existing assets
- SA Water would strongly advocate for this (or an equivalent) mechanism to be drafted into the next version of the Bill

2. Requirements to manage vegetation to reduce bushfire risk

- It is not clear whether the existing native vegetation bushfire prevention regulations will be carried forward into either the Biodiversity Bill or any subordinate instruments
- Currently clearance is permitted up to 10m from an existing building, up to 20m with specific CFS assessment and approval
- The interaction with CFS and the continuation of those processes remains unclear

3. Processes for listing new threatened species and ecological communities

- SA Water supports improved processes and information regarding threatened species as well as threatened ecological communities
- SA Water would welcome the opportunity to provide feedback in the development of criteria which need to be met for a new listing

- Prior to the public notification for a proposed listing, will there be an opportunity for government stakeholders to be consulted on the draft / proposal?

4. Continuation of Significant Environmental Benefit arrangements

- SA Water understands that the SEB Policy remains unchanged at this stage, although we note that there is provision within the Bill for the Minister to make a policy
- This will obviously be the mechanism that will allow future SEB Policy changes
- Our understand is that the Bill's major changes in relation to SEB's are in the structure of the Biodiversity Council and Native Plant Clearance assessment Committee, as well as the requirement for a biodiversity or conservation agreement on land that is used for an SEB offset
- SA Water would appreciate further clarity on how these new statutory bodies are likely to operate

Again, thank you for the opportunity to comment on this important piece of draft legislation, and we will continue to draft more detailed feedback in the coming days.

Any questions, or if you would like further clarity, please reach out as we would be happy to go through these elements in more detail.

Thanks

[Redacted]

[Redacted]

[Redacted]

[Redacted]



External sender

Think before you click, open with caution

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A reminder that the Department for Environment and Water's public consultation on the draft Biodiversity Bill is underway, and **closes on 18 February**. Thank you to those who have already provided feedback.

We want to understand what you think about the draft Bill, which proposes:

- a modern and nationally consistent process to assess and recognise threatened native species and ecological communities, aligned with international best-practice
- better recognition and protection for native plants that provide critical habitat for threatened species and ecological communities.
- tougher penalties for wildlife crime and harm to biodiversity

- additional enforcement tools that provide more avenues to address environmental harm, including requiring individuals to repair damage rather than simply paying a fine, and also allowing third parties to take legal action
- a general biodiversity duty that would require individuals, businesses, and government agencies to take reasonable steps to prevent or minimise harm to biodiversity.

Biodiversity touches all our lives; you don't need to be an expert to provide your feedback.

Have your say!

Consultation open until **18 February 2025**.

Visit YourSAy and complete the online survey: <https://yoursay.sa.gov.au/draft-biodiversity-bill> The survey is designed to measure your support for key elements of the Bill and will take between 10 – 30 minutes to complete.

An [explanatory guide](#) has been developed to help guide you through the [draft Bill](#), highlighting its intent and rationale, and some [Frequently Asked Questions](#) have been prepared to answer the most common questions.

You are also welcome to email or post a written submission. Details on how to do this can be found on [YourSAy](#).

We look forward to hearing from you.

Biodiversity Legislation Project Team

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**Government
of South Australia**



We acknowledge that the lands that we live and work on are the traditional lands of South Australia's First Nations peoples. We pay respect to the traditional custodians of these ancestral lands and acknowledge their deep spiritual connection to Country. The department works in partnership with the First Peoples of South Australia and supports their Nations to take a leading role in caring for their Country.

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