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18th February 2025

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

RE: South Australia's Draft Biodiversity Bill

Thank you for the opportunity to provide feedback on South Australia's Draft Biodiversity Bill. The government is to be commended for seeking to improve the laws that govern threatened species and the protection of biodiversity in South Australia.

Rather than respond to all of the survey questions provided in the explanatory guide, Nature Glenelg Trust wishes to make a few key overarching points that we feel are of the utmost importance, if the Act is to successfully meets its stated objectives.

- **The Objects of the Act are to be commended**

NGT support the stated high-level objects of the Act, in particular the commitment "to protect, restore and enhance biodiversity".

This tenure-blind approach to nature protection and repair is not currently enshrined in any other legislation in South Australia, and is a key step towards the state demonstrating its commitment to biodiversity during this, the United Nations Decade on Ecosystem Restoration.

Implicit in this objective is a new commitment for the legislation to go above and beyond simply providing a framework for mitigating and regulating the use or destruction of nature and biodiversity.

- **The Act in its current form however will not meet its Objects**

However, in its current form, the Act does not provide or create any significant or clear new mechanisms, pathways, incentives or – most importantly – direct financial means, of achieving these stated objectives to the degree or extent required to halt and reverse biodiversity loss in South Australia.

As a result, objects 7 (a) and 7 (b) of the Act in particular are effectively ‘stranded’ objectives that simply cannot be satisfactorily fulfilled by the legislation in its current form. In short, you cannot trace or follow these objects through the Act to see how the legislation has been specifically tailored to enable the government and community to take meaningful, adequately funded action at the scale required to fulfil them.

For object 7 (a), ensuring that all sectors in society equally contribute to biodiversity conservation and restoration – particularly those who continue to impact nature the most and are motivated by profit – requires more than meeting bare minimum regulated thresholds and/or voluntary participation.

For object 7 (b), to “*protect, restore and enhance biodiversity such that there is an improvement in the state of biodiversity at all scales and to build the resilience of biodiversity, including resilience to the impacts of climate change*”, requires genuinely new measures and resources to be made available to those taking action (such as government, non-government and community organisations or groups restoring, protecting and enhancing nature).

Given the constraints of our current economic and development system, minor tweaking of existing legislative mechanisms (for flora and fauna) but otherwise adopting business as usual approaches, simply will not be enough to meet the objects of the Act for biodiversity repair and enhancement.

- **How could the Act be improved to better meet its Objects?**

- (1) **Protection and restoration of biodiversity supported via the planning system.**

The Act must offer primacy in decision-making to the Minister for Environment or their delegated authorised body under the Act, to ensure protection of existing biodiversity values that should not be compromised by inappropriate development.

Ideally this power would be realised through the creation of a clear, unambiguous spatial tool that interacts with the planning system to communicate where

biodiversity cannot be compromised by development, without exception. That spatial tool should illustrate not only the presence of biodiversity values requiring protection, but also prevent areas of the landscape where future restoration is earmarked (to make reaching a 30% target feasible) from inappropriate development or land-use change.

(2) Provision of a new revenue stream to fund nature protection and restoration activities.

Crucially, the Act currently lacks any meaningful mechanism for collecting or levying a new source of funding to enable the Minister or the various bodies established under the Act to adequately invest in delivering outcomes to achieve the Objects of the Act, especially to *protect, restore and enhance biodiversity*. To ensure additionality beyond basic offsetting, it is vital that an additional funding source is generated that is disentangled from, and independent of, the fees and fines associated with nature use or destruction (as provided for elsewhere in the Act).

This funding source would support the Minister and/or bodies created under the Act to issue open grants to government, non-government and community organisations. These are the groups will be required to upscale their effort to deliver action plans or commence the large-scale ecological restoration that we know is necessary to improve the state of biodiversity in SA.

Placing a levy on growth industries that rely on, or heavily impact, natural resources (such as mining and renewable energy) is one example of a form of revenue that would be entirely appropriate for this new Bill to secure on behalf of the community. In doing so, it would meet object 7 (a) by ensuring that these sectors contribute to nature repair, in a similar way to how all residents in SA currently contribute to land and water management (the Landscapes Act) through an annual levy on their rate notice.

Given the importance of the matters raised, I would appreciate the opportunity to discuss these issues directly with the Deputy Premier, and request a meeting be arranged for this to occur. If anything in this submission requires further clarification or discussion, please don't hesitate to contact me on [REDACTED]

Thanks for your time and consideration.

Yours sincerely

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Nature Glenelg Trust