



Dear Minister Close,

Thank you for the opportunity to comment on the draft Biodiversity Bill 2025. I strongly support protecting and recovering South Australia's biodiversity. Stronger nature laws are critical for preventing further destruction of biodiversity and to provide a framework for scaling up of effective restoration.

There are a number of elements of the draft legislation that provide positive steps forward; these are outlined below along with our recommendations for improvements.

While the draft Bill provides some improvements to biodiversity protections, it does not go nearly far enough to protect, restore and enhance biodiversity such that there is an improvement in the state of biodiversity at all scales' – a key Object of the draft legislation.

Areas of support and recommendations for improvement

- The creation of a Biodiversity Council; however this should have stronger powers namely the ability to create SEB policy and recommend funding requirements for the Biodiversity Plan
- The requirement for a Biodiversity Plan underpinned by spatial prioritisation. We urge the establishment of a funding mechanism to deliver the biodiversity plan and incentivise private land conservation through a Conservation Trust and recommended funding allocation to implement the Plan.
- Introduction of provisions for listing threatened ecological communities and critical habitat; however, while welcome additions, the Minister should be compelled to declare these rather than it being discretionary.
- Protection for native plantings, however we recommend this be introduced at 10 years (not 20); a time-frame within most plantings are well established and providing habitat benefits. There is significant public and private investment in native plantings; these revegetation areas provide increasingly important resilience to climate change impacts on ecosystems and productive systems.
- improved recognition and value placed on First Nations cultures; formal engagement in a way that is respectful; and integrating First Nations knowledge into decision making on biodiversity
- The establishment a Biodiversity Register to improve public understanding and information sharing.
- the right of community involvement through third party standing for civil enforcement of breaches of the Act
- tougher penalties for breaches of the Act

- Requiring native vegetation clearance applications to reference the mitigation hierarchy; however we are very concerned there has been no reform to the SEB process to ensure a much stronger requirement for nature positive outcomes.

How the legislation needs to be strengthened

- Ensure primacy for this legislation vis-à-vis other legislation; to ensure real protection for nature; not the ability for protections to be subordinate to other Acts where there is conflict. Primacy is absolutely critical to the success of this legislation.
- Establish a clear mechanism for funding either its administration, or its implementation (for example, of Action Plans) or the large-scale ecological restoration that we know is necessary to improve the state of biodiversity, There is a critical shortfall of investment in South Australian nature repair.
- Funds must be committed to scaling up private land conservation, expanding and ensuring the climate resilience of our protected area estate and the regeneration of ecosystems and habitats.

This Act must therefore establish the ability for the responsible Minister to refuse specific individual, proposed actions that will have an unacceptable impact on biodiversity that may be received and considered through other decision-making systems, such as land-use planning.

- provide for a definition of what an “unacceptable impact” of development proposals on biodiversity would be.

We also strongly recommend:

- retain current NV Act definition of plant species that are indigenous to SA and enable a ‘positive list’ of non-SA native plants that provide net ecological value. This could create significant new work for programs like Bush For Life and Friends of Groups.
- the Minister be required (not at their discretion) to declare new listings of threatened ecological communities and critical habitat where there is a scientific recommendation
- the time-frame for protection of native plantings is 10 years.

Sincerely,

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