

18 February 2025

Biodiversity Coordination Unit
Department of Environment and Water
South Australian Department for Environment and Water
81-95 Waymouth Street
Adelaide SA 5000
Via email: biodiversityact@sa.gov.au

Dear Biodiversity Coordination Unit,

RE: Submission on the draft Biodiversity Act for South Australia

The Nature Foundation appreciates the opportunity to provide a submission on the exposure draft of South Australia's Biodiversity Act ('the Act').

Nature Foundation is an apolitical, not-for-profit organisation dedicated to conserving, restoring, and protecting Australian landscapes, flora, and fauna to ensure their survival for future generations. NF manages over 500,000 hectares across nine reserves and focuses on mitigating key threats to help flora and fauna develop resilient ecosystems amid a changing climate. Our approach involves expanding the area of land protected for nature conservation, multidisciplinary conservation management, fostering enduring partnerships—notably with First Nations people—scientific research, and nature-based solutions.

We strongly support the development of the Biodiversity Act. South Australia must address the alarming decline in its biodiversity since European settlement. We are facing an extinction debt across nearly all biomes and ecosystems. Strong government leadership has never been so urgently needed to change our course.

There are many positive aspects to the current draft bill. For example:

- The Minister's ability to declare 'critical habitat' enhances protection from development.
- Increased emphasis and value placed on First Nations knowledge and culture
- The requirement for a state biodiversity plan.
- Establishing a general duty not to harm biodiversity (with certain caveats).
- Granting third-party standing to pursue most penalties under the Act (excluding the general duty) and strengthening criminal penalties.
- Modernising South Australia's legislation on listing threatened species and ecological communities, along with related regulations such as action plans and threat abatement plans.
- Creation of a biodiversity register and improved data collection.



However, as outlined in the submissions by the Australian Land Conservation Alliance (ALCA) and the South Australian Nature Alliance (SANA), some areas need strengthening or further clarification. For example:

- Confirm that the Biodiversity Restoration Fund, which replaces the Native Vegetation Fund, will be available for property acquisition. The Nature Foundation has a long history of acquiring land with high conservation value, including delivering on-ground offsets with significant outcomes. Land acquisition would significantly expand the capacity to establish new protected areas to enhance biodiversity outcomes.
- Appropriately valuing the impact of clearance that considers the intrinsic loss, the on-ground cost to restore and a multiplier to ensure absolute net gain. This multiplier should also consider the degree of irreplaceability (e.g. highly fragmented landscapes in the agricultural zone).
- Confirm that payment into the fund for clearance that incurs an offset requirement will serve as a measure of last resort when on-ground offsetting is not possible.
- There is significant concern regarding the authority or primacy of the Act. It is noted that the Mining Act and the Petroleum and Geothermal Energy Act reference the Minister considering other Acts to the extent they may be relevant. How will the Biodiversity Act be referenced in these Acts?
- Changing the definition of Native Plants needs to ensure that appropriate biosecurity measures are in place to avoid perverse outcomes from invasive native species.
- Protection for planted natives should be 10 years. For example, the critically endangered Mount Lofty Ranges Southern Emu Wren is now utilising and breeding in an 8-year-old revegetation at Nature Foundation's Watchalunga Nature Reserve.

Thank you for the opportunity to provide feedback on the exposure draft of the Biodiversity Act. Only with adequate funding and resources will the Biodiversity Act achieve its full potential in protecting our environment for future generations.

Nature Foundation looks forward to further engaging with the South Australian Government during its development.

Yours sincerely,

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