



Aldgate Valley Landcare Group

Working together to conserve the natural beauty of Aldgate Valley.

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

Wednesday, 12 February 2025.

Re: Call for public consultation on the SA Government's Draft Biodiversity Bill.

The Aldgate Valley Landcare Group is broadly supportive of the draft Bill.

In particular we strongly support:

- The intent of the mitigation hierarchy for native vegetation clearing, making it clear that offsetting should only be considered in extreme cases (if at all).
- The focus on increased compliance, particularly for smaller scale breaches of vegetation clearance laws.
- The ability under the draft Bill for ecological communities to be nominated as threatened.

We have some specific concerns about the draft Bill, namely:

- *Clause 4 – Interaction with other Acts, Subsection (1)*. This clause should be deleted or substantially revised. There is no point to Biodiversity legislation if it is subservient to all other legislation.
- There are several other clauses which would allow the Government of the day to over-ride or ignore the Biodiversity Bill. For example, *Clause 6 – Operation of the Act, Subsection (5)* appears to allow the Government of the day unlimited scope to declare the new Biodiversity Bill does not apply in any circumstance it chooses – aside from the important exception spelled out in *Clause 6, Subsection (6)*.
- The draft Bill appears to give the Minister of the day sole power to appoint the Biodiversity Council. The Minister has only to 'consult with' various community bodies, but the bodies cannot formally nominate their preferred candidates. This is a significant change from the current arrangement, and risks making the Council a creature of Ministerial whim. If the Minister is to appoint the Council in future, the required skillsets of the members need to be much more clearly spelled out.



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We also have some general concerns about the draft Bill, namely:

- In general, the draft Bill gives the Minister and the Government of the day too much power to over-ride protections, appoint advisers and bypass both the spirit and the letter of the intended environmental protection.
- We welcome the Biodiversity Restoration Fund, but we are concerned (based on past experience) that the money appropriated to the fund will be far too small, and that it will end up relying on SEB funding – with all the perverse incentives and negative environmental outcomes that entails. We are concerned reliance on SEB funding has the potential to subvert or even invert the mitigation hierarchy. Funding for the Biodiversity Restoration Fund should be from normal appropriations (not from SEB), and this funding should be increased substantially so that it is sufficient to fund significant and sustainable long-term environmental protection work (including funding for Heritage Agreement / Biodiversity Agreement landholders, and funding for compliance of breaches of native vegetation clearance laws at all scales).
- The introduction of 20-year Conservation Agreements may divert properties which would otherwise be nominated for permanent Biodiversity Agreements. One of the strongest arguments for permanent Heritage Agreements has been the security of investment they provide for grants and other funding opportunities. If grants etc. are made available for non-permanent Conservation Agreements, Councils and other landholders may opt for shorter term conservation covenants, to the detriment of the environment.

As always, the proposed legislation will only work if the Government of the day is prepared to fund it, and if it administers it with goodwill. In our experience the former never happens, and the latter is at best variable between Governments and Ministers.

Thank you for the opportunity to comment.

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(Chair, Aldgate Valley Landcare Group Inc.)