**New Biodiversity Act**

**Submission by Yorke Peninsula Council staff.**

Council staff overall applaud the development of a dedicated Act to address the gaps in biodiversity protection.

Feedback is provided below against each topic.

**Topic 1 – Biodiversity and SA's First Nations people**

We support biodiversity protection being led by First Nations, including a focus on cultural burning, which at its heart is biodiversity improvement.

Cultural burns needs funding support; organisations like [redacted] will match funding to see the establishment of Cultural Burn Teams in each Nation. This funding support needs to be led by State Government, with the Landscape Levy ideally suited (as it is generated from Council rate-payers to support a landscape approach). There needs to be a shift from focusing on modern revegetation and weed control strategies, to more-balanced resourcing that supports an approach through cultural burns. This is particularly important in the National Parks program, whereby hot burns are leading to biodiversity decline, but receive a huge amount of expenditure.

**Topic 2 – Avoiding impacts**

Great in theory, but needs accountability, and for this to occur, there needs to be State Government Officers that actually review and assess the evidence, but most importantly, inspect the area(s) at risk.

**Topic 3 – Transparent decision-making**

Support all the matters for consideration.

**Topic 4 – Threats to biodiversity**

Staff are concerned that, a key reason that biodiversity is under threat, is because pieces of legislation (Crown Lands Act, National Parks and Wildlife Act, Native Vegetation Act) have not been effectively resourced and enforced, and hence do not fulfil their purpose.

Unalienated Crown Land contains a huge amount of flora and fauna, yet there is no resourcing to the Crown Lands unit, nor National Parks and Wildlife (who have authorized Officers under the Crown Land Act), to addresses flora and fauna loss on these parcels. For example at Cape Elizabeth, dangerous off-road vehicle driving and camping is destroying the dunes, leading to loss of vegetation and subsequent impact to ecosystem functioning. At Wauraltee Beach, 470 large caravans and campers were counted on New Year's, with these heavy vehicles compacting the beach and the invertebrates that live in the sand and shoreline, as well as impacting on beach-nesting birds, along with pedestrian activity in the dunes resulting in vegetation loss. The Crown Land Act Regulations need to be reviewed, and be consistent with not only it's purpose, but that of an introduced Biodiversity Act. Most importantly, there needs to be resourcing to education and compliance under the Crown Land Act, to achieve biodiversity protection.

The Federal Government IPA Ranger program is a great model, but SA has no such model outside of Parks. The SA Government should be managing its own lands, and where First Nations want to lead

this, support them, rather than First Nations relying entirely on Federal Government funding. For example, here on Guuranda (Yorke Peninsula) the State Government has the Buthera Agreement with Narungga people, whereby it can support caring for Country by Narungga people.

Authorised Officers under the National Parks and Wildlife Act are limited, due to resourcing restrictions, to Parks only, and cannot attend to issues/actions such as:

- Human/fauna negative interaction for example, the Southern sting-rays and smooth rays at Point Turton jetty;
- Attending to deceased beached whales, to ensure their protection from poaching, and instead divert to local government in the hope it's within their jurisdiction, because they have no resources to manage beached whales (note, Council's are not authorized under NPW Act or any other Act to manage poaching);
- undertaking pro-active patrols with the view to educate and minimise interaction between humans and wildlife at known hotspots.

There is also a gap in the current legislation – there are no clauses under the National Parks and Wildlife Act that address, for example, people feeding, and children trying to lay on, the smooth rays at the Point Turton jetty. Social media has made this into an "attraction" – visitors think there is a set time each day the rays come in and that they can interact with them. Monkey Mia has stringent interaction controls for the dolphins, because they became so reliant on human feeding, and despite the signs Council has installed saying no feeding, the same issue is occurring for the rays at Point Turton.

In regards to native vegetation, the Biodiversity Act would not be needed, if the Native Vegetation Act was adequately resourced. Current capacity only allows response to complaints, and then only to large clearance. The small clearances, such as roadsides and foreshores (which add up to large quantities across many clearances and therefore a large impact), can only be addressed by educational letters, as time and resources allow. Note; Council is not authorized under the Native Vegetation Act (and does not have the capacity to be), and therefore can only address clearance under the Local Government Act, however compliance powers are limited i.e there is no expiation associated with not seeking permission to undertake activity on Council land. Authorising Council Officers under various acts is also not the answer, as Council's have limited ability to raise revenue to then deliver education and compliance activity, particularly when there is a continuous cry for rate-capping.

The Native Vegetation unit needs to be adequately resourced so it can be proactive in biodiversity protection – by conducting regular inspections of native vegetation; undertaking regular education campaigns, having at least one dedicated Native Vegetation Officer in each Landscape Board region etc. Once again offer the grant funding for roadside vegetation surveys, which are important corridors. This may be a relationship with Landscape Boards, but it needs to be funded, not expected that it will be absorbed into current workloads, as Boards are already under- resourced.

**Topic 5 – Assessing the risk of extinction**

Support all matters for consideration.

**Topic 6 – Biodiversity planning and reporting**

Support all matters for consideration.

**Topic 7 – The benefits of information**

Support all matters for consideration

**Topic 8 – Achieving 30 by 30**

This target is great! Cape Elizabeth needs to be protected, and Narungga are keen to pursue a co-management arrangement just like Dhilba Guuranda – Innes National Park. Becoming a protected area under the SA Parks system will immediately see biodiversity protection in this area, as everyone knows the rules of a Park, and with appropriate resourcing (ie increased resourcing, not relying on current DEW capacity), there can be delivery of vehicle access management and compliance, to immediately turn-around the poor behaviour that is occurring.

Regarding the other mechanisms, we wish to flag:

- Native Vegetation Heritage Agreements are not always attractive to private property owners, as they see an immediate decrease in the property value.
- Indigenous Protected Areas (IPAs) are not always backed by legislation. The National Indigenous Australians Agency focuses on them being a designated area where Aboriginal people plan for and care for Country, but on the whole, they are not a Park or Reserve, and do not have law behind them to manage the threats caused by humans ie off-road vehicles and camping. So whilst Rangers will undertake conservation measures that are of benefit to biodiversity, such as dune restoration works, it can all be destroyed when the first off-road vehicle rips it all up. It then becomes a vicious cycle – undertake restoration works, vandalism, restoration works, vandalism. This is not good use of public funds. This is an issue on State-government lands such as unalienated Crown Lands, as land that Council's have responsibility for, allow for implementation of Council By-Laws. However, State Government lands cannot be transferred to local government; to reiterate previous points, local governments are limited in their ability to raise funds, and do not have capacity to take on more land and hence work. A model whereby State Government contributes funds to local government to then manage more land via their By-Laws, might be appetizing to Councils, and will see Councils contribute a great deal of in-kind support it wouldn't otherwise.

**Topic 9 – Biodiversity – a shared responsibility**

We support the matters for consideration, but once again effective resourcing is required. How many Environmental Protection Orders and expiations have been issued by the EPA for Section 25 general duty not to cause environmental harm? It becomes pointless if it is toothless. However if enforced, it can be very effective. Council has staff who, in previous employment, were proactively enforcing the Environment Protection Act in metropolitan housing developments and saw great change through the combined use of Environmental Protection Orders (to rectify damage/take action to prevent further harm) and expiation. This occurred after a lengthy education campaign (of over a year) failed to result in much change.

**Topic 10 – Consequences of doing the wrong thing**

Support the matters for consideration, as compliance activity only works when it is outside of the courts – governments never want to spend their constituent's dollars on expensive court proceedings, due to the risk of loss of public funds. As stated above, education, followed by orders in combination with expiations, are the most effective.