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18th of February 2025

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

Dear Biodiversity Coordination Unit staff,

Thank you for your efforts towards drafting South Australia's Biodiversity Bill.

I support protecting and recovering South Australia's biodiversity and therefore support elements of this Bill that will deter wrongdoing, such as tougher penalties for breaches. **I also support** improving transparency in environmental decision-making, for example by establishing a Biodiversity Register, and the right of community involvement through third party standing for civil enforcement of breaches of the Act. Furthermore, **I support** increased opportunities for First Nations peoples to share their unique knowledge and expertise in caring for country such as through the creation of a First Nations Expert Biodiversity Committee.

However, the Bill is **not strong enough as currently drafted** to adequately achieve its intended Object of improving the state of South Australia's biodiversity. Under its provisions, decisions that lead to the decline of nature will continue to be made and support for the large-scale restoration of South Australia's biodiversity, that we know is required, is not guaranteed.

Therefore, before being introduced to Parliament, it must be strengthened. Examples of this include:

- adding appropriate **safeguard mechanisms** to prevent inappropriate development that would have a negative impact on biodiversity, such as through an early "no" to clearly unacceptable proposals. This will necessitate **primacy** over other legislation, such as the Planning, Development and Infrastructure Act 2016. It must also **set a limit** on the use of the flawed mechanism of "offsets" to compensate for biodiversity loss from development by identifying a threshold of biodiversity loss beyond which no "offset" will be contemplated, and

- compelling the Minister to **make key decisions**, such as regarding the listing of species as threatened with extinction and identifying their critical habitat. Current drafting of the Bill allows for too much discretion in this regard, meaning these key decisions could be avoided or delayed.

- additional information about the formation and maintenance of the proposed **threatened species list**. In particular, I am concerned about the lack of protection for amphibians and invertebrates (unless prescribed and threatened) when so much is still yet to be understood about the diversity and habitat of many invertebrates in particular. A prime example is the rare cryptic sun moth as much of its last remaining habitat in the hills face zone (Skye, Auldana, Teringie areas) is in need of urgent protection from housing developments, particularly with

increasing risks to habitat from climate change. Invertebrates are critical to the functioning of ecosystems and their loss can trigger a cascade of negative impacts for other species.

The Bill as currently drafted concentrates too much power into the hands of the Minister of the day. It should be amended to re-instate the role of the Conservation Council of SA and other peak bodies as nominating organisations for the Biodiversity Council, rather than members of the Biodiversity Council being direct Ministerial appointments.

I am disappointed the Bill does not protect South Australia's national parks, conservation parks and biodiversity rich areas from mining activities. Areas that have been set aside for biodiversity conservation should be protected from mining and other developments. Protection from mining and extensive development should also be extended to the surrounding areas of such biodiversity rich areas, e.g., protection of habitat from mining and new developments within a buffer zone surrounding such areas.

This Bill must also be accompanied by **a commitment to fund** both its implementation, including in relation to its administration as well as funds for the large-scale ecological restoration that will be required to build the resilience of our biodiversity into the future, particularly given the impacts of climate change. This should include the establishment of an independent statutory conservation trust, provisions for which need to be set out in the Bill itself.

Thank you again for your efforts towards drafting this important Bill.

Yours sincerely,

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