



**Zoo and
Aquarium
Association**
Australasia

Submission on
South Australia's Draft Biodiversity Bill 2025

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Zoo and Aquarium Association Australasia (ZAA)

ZAA IUCN SSC Centre for Species Survival: Australasia

ZAA Wildlife Conservation Committee (WCC)

ZAA Animal Management Committee (AMC)

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



28/01/2025

Dear Biodiversity Coordination Unit

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RE: Consultation on the Draft South Australia Biodiversity Bill 2025

The Zoo and Aquarium Association Australasia (ZAA), the ZAA IUCN SSC Centre for Species Survival: Australasia, and the listed entities welcome South Australia's commitment to establishing a Biodiversity Act for South Australia, and for considering the amalgamation of several pieces of complementary legislation.

ZAA is the peak body representing the collective voice of zoos, aquariums, sanctuaries and wildlife parks across Australia, Aotearoa New Zealand and Papua New Guinea. Using the [Five Domains Model](#), ZAA grants accreditation to zoos and aquariums that have clearly demonstrated their commitment to positive welfare. We provide training and advice, ensuring zoos and aquariums think deeply about the welfare of the animals in their care and strive for continuous improvement. ZAA-accredited zoos and aquariums must be assessed every three years to retain their accreditation status.

The ZAA is a qualified, non-government body, registered Observer, and active participant to meetings of the CBD COP and its subsidiary bodies. The development of a Biodiversity Act for South Australia is of great interest to our zoo and aquarium sector. We welcome the opportunity to consider how we can work together to improve biodiversity outcomes, provide feedback on the Draft Biodiversity Bill that reflect Australia's international obligations to biodiversity-related multilateral treaties, and offer our unique views, knowledge, and perspectives to this consultation.

Considering the escalating challenges posed by climate change, biodiversity loss, and environmental pollution, we underscore the urgent need for ambitious and forward-thinking measures to safeguard our natural assets and ensure the well-being of both humanity and ecosystems. We urge the South Australian Government, and all stakeholders committed to conservation to embrace transformative approaches in addressing these pressing issues.

We wholly support the implementation of Australia's international obligations under all biodiversity-related treaties including the UN Convention on Biological Diversity and its supplementary protocols – the Nagoya Protocol on Access and Benefit-sharing, and the Cartagena Protocol on Biosafety, in their entirety. We support all objects and intents under Australia's relevant prevailing legislation and policies, the suite of recommendations made in Professor Graeme Samuel AC's Final Report of the Independent review of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (2020), the 2021 State of the Environment report and relevant resolutions adopted at the IUCN World Conservation Congress. The reshaping of national and sub-national legislation and policies aligned with these instruments will be critical to catalysing transformative action, and the subsequent successful delivery of the Kunming-Montreal Global Biodiversity Framework and its supporting frameworks.

We stand ready to work alongside authorities and others to plan, implement, monitor, and review management actions that enable the full recovery and conservation of biodiversity across the entire *in situ ex situ* spectrum.

Kind regards,

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Relating to the Bill *in universum*:

The entities support the majority of provisions contained in the Bill, however we believe it could be further strengthened by the following recommendations:

Recommendations:

1. *Harmonise the requirements in the Biodiversity Act with existing laws to avoid duplication and provide a single compliance pathway for accredited zoos, aquariums and NGOs working with large fenced reserves.*
2. *Remove the loophole which would allow the Government of the day to choose to suspend anything within the Act at its discretion.*
3. *Offer training sessions and workshops for zoos, aquariums and NGOs to navigate the new regulatory environment and leverage opportunities under the Biodiversity Bill that support the objects and intents of the proposed legislation, including during emergency scenarios, natural disasters and wildlife disease outbreaks.*
4. *Include a specific clause in the Biodiversity Bill allowing for temporary suspension or expedited processing of regulations during declared natural disasters or disease outbreaks. This provision should facilitate rapid action while ensuring accountability through oversight by a designated authority.*
5. *Develop a rapid response framework under the Bill that outlines clear procedures for managing emergencies, including:*
 - a. *Enable immediate containment measures, such as wildlife quarantine, vaccination programs, or culling where necessary.*
 - b. *Permit expedited relocation of wildlife, restoration of habitats, and temporary housing of species in accredited facilities.*
 - c. *This framework should include pre-approved emergency plans for high-risk scenarios.*
6. *Introduce an emergency permitting process that allows zoos, aquariums, NGOs, and other stakeholders to bypass lengthy approval timelines for urgent conservation interventions. Examples include:*
 - a. *Translocating species from disaster-affected areas.*
 - b. *Administering emergency veterinary care or disease treatment.*
 - c. *Modifying habitats to mitigate disaster impacts.*
7. *Create a dedicated fund to support emergency interventions. This fund should be accessible to accredited organizations and government agencies for disaster response initiatives, such as infrastructure repair, wildlife rescue, and disease management.*
8. *Mandate the establishment of regional biodiversity response teams that include representatives from government, NGOs, and First Nations groups. These teams should be equipped with the authority and resources to act swiftly during emergencies.*
9. *Consider providing pre-approval for emergency actions undertaken by accredited organizations, such as zoos and NGOs with proven expertise in wildlife management. This would allow these entities to act immediately within predefined parameters during a crisis.*
10. *Establish protocols for collaboration between conservation organizations, emergency services, and government agencies to ensure a coordinated response to biodiversity emergencies. This should include data sharing, resource allocation, and joint planning.*
11. *Require post-emergency reporting to evaluate the effectiveness of interventions and identify lessons learned. This data should inform updates to the emergency response framework.*
12. *Integrate First Nations knowledge and practices into the emergency response framework to ensure culturally appropriate and ecologically sound interventions.*

Relating to Part 3 – Administration, Subdivision 3 - Establishment of First Nations Expert Biodiversity Committee, 22 Functions of the FNEBC

The emphasis on First Nations collaboration is commendable, however the lack of clarity on how this will integrate into the day-to-day operations of a broader set of stakeholders engaging in conservation may be problematic.

Recommendation:

- 13. Provide clear guidelines for partnerships with sure these collaborations are structured to support, rather than delay, conservation outcomes.*

Relating to Part 3 – Administration, Subdivision 4 – Scientific Committee, and Subdivision 5 – Other committees, advisory bodies and trusts

Recommendations:

- 14. Consider inclusion of a representative of ZAA in the composition of the Scientific Committee to provide a view of the practical application of the Bill.*
- 15. Establish a dedicated advisory group, including representatives from ZAA and NGOs managing large fenced reserves to address their unique concerns and ensure their expertise is integrated into the Bill's implementation, and to address zoo and aquarium-specific concerns.*
- 16. Introduce periodic reviews of the Bill's impact on zoos, aquariums and fenced reserves to ensure it supports their ability to contribute to biodiversity conservation effectively.*

Relating to Part 4 – Native Plants

Recommendation:

- 17. Develop clear offset guidelines in consultation with relevant stakeholders to ensure that offset projects align with their conservation objectives and do not compromise existing biodiversity values.*

Relating to Part 5 – Protected Animals, General:

The Bill proposes a broad definition of protected animals and plants, including provisional listings that may change rapidly. This could create uncertainty for zoos and aquariums managing species breeding and conservation programs.

Recommendation:

- 18. Establish formal communication channels for accredited institutions to ensure timely updates on species listings and appropriate application of the objects and intents of the Bill.*

Relating to Part 5 – Protected Animals, Section 62 - Regulated acts or activities:

“Dealing with” protected animals as defined in the Bill could unintentionally restrict zoos and aquariums from conducting routine activities, such as animal transfers, habitat modifications within exhibits, or collection of biological materials for research purposes. The Bill may also inadvertently require NGOs managing fenced reserves to obtain multiple permits for routine conservation management tasks, such as fence maintenance, habitat restoration, or controlled burns.

Recommendations:

- 19. Explicit exemptions should be included or clarity provided for accredited zoos and aquariums and conservation NGOs managing fenced reserves to ensure that routine operations and conservation programs are not hindered. Collaboration with the Zoo and Aquarium Association Australasia (ZAA) should be mandated during the permit framework development.*
- 20. Develop a streamlined process for permits, compliance, and collaboration tailored to accredited zoos and aquariums.*
- 21. Establish clear exemptions for conservation activities performed by NGOs managing large fenced reserves. Collaborate with these NGOs to develop streamlined permitting processes for essential conservation tasks.*

Relating to Part 5 – Protected Animals, Section 64 – Offence to carry out or undertake regulated act or activity without permit:

The increase in penalties for offences related to flora and fauna could inadvertently penalize zoos and aquariums for minor administrative errors or unintended breaches during urgent conservation interventions.

Recommendation:

- 22. A tiered penalty system that distinguishes between malicious intent, negligence, and good-faith errors should be incorporated. Zoos and aquariums operating in good faith should have access to alternative dispute resolution mechanisms.*

1. Do you support the definition of ‘plant’ to include fungi and algae to allow for their protection under the Act?

Yes, the listed entities strongly support this definition. Including fungi and algae acknowledges their critical role in ecosystem health, nutrient cycling, and as habitats for other species. This broader definition ensures that these often-overlooked organisms are afforded the necessary legal protection to sustain biodiversity.

2. Do you support adopting the definition for ‘native plant’ from the National Parks and Wildlife Act 1972, meaning any plant indigenous to Australia can be protected?

Yes, adopting this definition aligns the Act with existing legislation, creating consistency and clarity in protecting Australia’s native flora. This approach ensures comprehensive protection for plants crucial to local ecosystems.

3. Do you support the proposed objects of the Biodiversity Act?

Yes, the objects provide a clear and ambitious vision for biodiversity conservation, including ecosystem restoration, protection of threatened species, and climate resilience. These objectives align with global biodiversity goals such as the Kunming-Montreal Global Biodiversity Framework.

4. Do you support the proposed guiding principles of the Biodiversity Act?

Yes, the guiding principles emphasize evidence-based decision-making, precautionary approaches, and inclusive consultation. These are essential to achieving long-term biodiversity conservation and aligning with international best practices such as the IUCN SSC Translocation Guidelines and Ex situ Guidelines.

5. Do you support what constitutes ‘harm’ and what is considered ‘reasonable measures’ for the purposes of the general biodiversity duty?

Yes, these definitions are clear and enforceable, striking a balance between development needs and biodiversity protection. Defining ‘harm’ comprehensively ensures accountability while allowing flexibility for mitigation measures.

6. Do you support the governance framework for the Act, including the roles and reporting structure of the committees proposed to be established?

Yes, the governance framework is robust, with clear accountability mechanisms and an emphasis on expertise-based decision-making. Establishing committees with diverse representation enhances transparency and inclusivity. Committee appointments should consider relevant experts from IUCN SSC Specialist Groups, and practitioners operating across the in situ ex situ spectrum of conservation interventions.

7. Do you support committees being appointed based on their skills and expertise?

Yes, this ensures that decision-making is informed by the best available knowledge, leading to more effective biodiversity management outcomes. Appointments should also allow for the inclusion of non-academic focused individuals who are well versed in the practical application of biodiversity conservation interventions.

8. Do you support the establishment of a Biodiversity Administration Fund as a means of providing transparency on which funds can be used for the administration of the Act?

Yes, creating a dedicated fund promotes financial transparency and ensures that administrative resources are effectively allocated to achieve the Act's objectives.

9. Do you support the 'regulated activities' and 'unregulated activities' approach to native plants?

Yes, this approach simplifies compliance and enforcement while protecting biodiversity. It provides clear guidance for landholders and developers, reducing unintentional breaches.

10. Do you support the development of a guideline which provides proponents with advice on how to apply the mitigation hierarchy?

Yes, such a guideline is critical for ensuring that the mitigation hierarchy is consistently and effectively applied. It promotes best practices for avoiding, minimizing, and offsetting biodiversity impacts.

11. Do you support the new measure aimed at protecting planted native plants more than 20 years old, excluding those in people's gardens or commercial forests?

Yes, this measure recognizes the ecological value of mature planted vegetation and ensures their protection while considering practical exemptions for private and commercial use.

12. Do you support the ability for the NPCAC to request further information and allow clearance applications to be resubmitted in favour of a more formal review process?

Yes, this provision ensures that decisions are well-informed and encourages proponents to improve their applications, reducing adverse impacts on biodiversity.

13. Do you support introducing targeted controls for managing impact-causing species in favour of an 'unprotected' list of species?

Yes, targeted controls are a more nuanced approach, addressing specific impacts while recognizing the intrinsic value of all biodiversity.

14. Do you support the concept of listing threatened ecological communities (similar to the process used for threatened species)?

Yes, this ensures that entire ecosystems are protected, promoting holistic conservation and aligning South Australia with other jurisdictions.

15. Do you support enabling a head power to list other ecological entities in the future, based on criteria to be prescribed in regulation?

Yes, this forward-thinking provision allows the Act to adapt to emerging conservation needs, ensuring comprehensive biodiversity protection.

16. Do you support the ability to declare critical habitat to provide increased protections for threatened species, threatened ecological communities, and other listed ecological entities?

Yes, critical habitat declarations are essential for safeguarding areas vital to the survival of threatened species and ecological communities.

17. Do you support the ability to develop action plans for the protection and recovery of a threatened species, threatened ecological community, or listed ecological entity?

Yes, action plans provide a structured framework for conservation efforts, promoting accountability and coordination among stakeholders. Action plans must have appropriate statutory power to prevent destruction of threatened species, threatened ecological communities and listed ecological entities and also articulate what would be considered appropriate for offsetting damage.

18. Do you support provisions for enforceable undertakings as a method to manage breaches of the Act?

Yes, enforceable undertakings are a flexible and effective tool for addressing breaches, promoting compliance while avoiding lengthy litigation.

19. Do you support the proposal to introduce wider standing for people to make an application to the court for civil enforcement of a breach of the Act?

Yes, wider standing empowers communities to play an active role in biodiversity protection and ensures that breaches are addressed promptly.

20. Do you support the penalties for criminal offences proposed under the Act?

Yes, aligning penalties with other jurisdictions creates a strong deterrent against biodiversity-related crimes and reflects the seriousness of such offences.

21. Do you support the provisions that set the scope of the State Biodiversity Plan?

Yes, a clear and comprehensive State Biodiversity Plan is crucial for guiding conservation efforts and aligning them with national and international commitments.

22. Do you support the recognition of culturally significant biodiversity entities?

Yes, recognizing these entities honours First Nations knowledge and ensures that cultural values are integrated into biodiversity conservation.

23. Do you support the proposal to establish a Biodiversity Register?

Yes, a Biodiversity Register enhances transparency and accessibility, fostering informed decision-making and public trust.

24. Do you support the framework that the Bill proposes for the regular review of the Act?

Yes, regular reviews ensure that the Act remains effective and responsive to emerging challenges and opportunities in biodiversity conservation. Reviews should include direct input from direct users of the Bill.

END.