



Resilient Hills & Coasts

28 February 2025

Biodiversity Coordination Unit
Department for Environment and Water
81-95 Waymouth Street
Adelaide, SA 5000

Dear Biodiversity Coordination Unit,

RE: Submission on the Draft of the Biodiversity Bill

Resilient Hills and Coasts (RH&C) is pleased to submit feedback on the South Australian Government's draft of the **Biodiversity Bill**. Our submission underscores the need for climate resilience, mitigation, and adaptation to be central to this legislation, particularly as climate change is a significant threat to biodiversity in our region. RH&C works between councils, RDA and Landscape boards to build regional and community-driven responses to climate change and is deeply invested in policies that protect biodiversity while addressing the urgent need for climate action.

We commend the government for moving forward with the **Biodiversity Act** and its intent to improve biodiversity protection. However, we believe the draft Act could be further strengthened by incorporating more explicit climate change considerations and mechanisms to support the state's climate resilience objectives. The following recommendations aim to ensure that the **Biodiversity Act** aligns with the climate challenges and opportunities facing South Australia.

1. Balance of Expertise on the Biodiversity Council Regarding Climate Change

The **Biodiversity Council** potentially lacks sufficient expertise related to climate change adaptation, mitigation, and resilience. This is a critical gap, given the importance of addressing climate change impacts on biodiversity.

Recommendation:

- **Amend Section 15(b)(viii)** of the draft to include expertise on **climate change adaptation, mitigation, and resilience**, ensuring that the **Biodiversity Council** has a balanced representation of knowledge and skills required to tackle climate-related challenges. We propose the following amendment to Section 15:
"The Council should include expertise in climate change adaptation, mitigation, or resilience."



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2. Inclusion of Climate Change in the Scientific Committee's Expertise

The **Scientific Committee** plays a critical role in advising the government on biodiversity issues. However, there is currently no specific reference to **climate change expertise** within the Committee, which is essential for understanding the current and future climate impacts on biodiversity.

Recommendation:

- **Amend Section 24(3)(b)** to ensure that at least some members of the **Scientific Committee** have a strong understanding of the impacts of climate change on biodiversity. We propose the following revision to Section 24(3)(b):

"The Committee should include individuals with an understanding of the issues and impacts associated with biodiversity and or climate change."

3. State Biodiversity Plan to Address Climate Change Scenarios and Opportunities

The **State Biodiversity Plan** should not only address future climate scenarios but also the opportunities for **climate mitigation, adaptation, and resilience**. This will ensure that the Plan is forward-looking and incorporates strategies for climate-proofing biodiversity across the state.

Recommendation:

- **Amend Section 160(4)(b)** to explicitly include climate considerations in biodiversity restoration and conservation efforts. We propose the following addition to Section 160(4)(b):

"Identify priorities for the restoration, recovery, enhancement, and conservation of biodiversity having regard for future climate scenarios and opportunities for climate mitigation, adaptation, and resilience."

4. Integration of Climate Change in Biodiversity Restoration

The **Conservation Council of SA** and **ALCA** submissions highlight the importance of biodiversity as a key component of climate change mitigation. However, **Section 7** of the **Biodiversity Act** currently lacks an explicit mention of the interdependence between biodiversity restoration and climate resilience. This omission is particularly concerning as the state faces increasing climate-related pressures.



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Recommendation:

- **Amend Section 7 (Objects of the Act)** to include a direct reference to the importance of **climate change mitigation and adaptation** in biodiversity restoration efforts. We propose the following revision to Section 7(b):
“To protect, restore, and enhance biodiversity such that there is an improvement in the state of biodiversity at all scales and to build the resilience of biodiversity, including resilience to the impacts of climate change and in supporting climate mitigation and adaptation strategies.”

5. Clarification on Critical Habitat and Climate Change Adaptation

Division 5 of the draft **Biodiversity Act** allows for the declaration of critical habitat, but the process is subject to ministerial discretion, which may overlook emerging climate threats to habitats. Climate change is already causing shifts in ecosystems and species distributions, making it essential for critical habitat declarations to be based on up-to-date scientific knowledge, including climate vulnerability assessments.

Recommendation:

- **Amend Section 50 (Critical Habitat Provisions)** to mandate that the designation of critical habitat be based on **climate vulnerability assessments**. We propose the following addition to Section 50:
“Critical habitat shall be designated based on scientific evidence that includes assessments of climate change vulnerability and must be revisited regularly to account for shifting climate impacts.”

6. Enhancement of Offsetting to Deliver Net Gain

While the draft Act includes provisions for **offsetting**, the current framework does not ensure that offset programs result in a **net gain** for biodiversity. This is especially critical as climate change could undermine the effectiveness of some offset measures. It is vital that offsets are designed to create long-term, verifiable improvements in biodiversity while enhancing climate resilience.

Recommendation:

- **Amend Section 50 (Significant Environmental Benefit - SEB)** to require that offsets must result in **net positive biodiversity outcomes**, with a specific focus on **climate adaptation and mitigation**. We suggest the following addition to Section 50:



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“Where significant environmental benefits are proposed as offsets, a demonstrated net biodiversity gain must be achieved, with a specific focus on enhancing climate resilience, including the restoration of habitat critical to climate adaptation and mitigation.”

7. Introduction of Climate Adaptation in Biodiversity Management

The **Biodiversity Act** currently focuses on protection and restoration, but does not fully incorporate **climate adaptation** as a guiding principle in biodiversity management. The **SA Community Climate Conversations** highlighted the need for more flexible and adaptive management strategies in response to the evolving nature of climate change impacts.

Recommendation:

- **Amend Section 4 (Principles of Biodiversity Management)** to include **climate adaptation** as a fundamental principle in biodiversity management. We propose the following addition to Section 4:
“Biodiversity management must incorporate adaptive strategies that account for the potential and observed impacts of climate change on species and ecosystems, ensuring resilience in the face of future climate uncertainties.”

8. Legal Primacy for Environmental Protection Against Climate and Development Pressures

Section 6(5) of the draft Act allows for the abrogation of much of the legislation at the discretion of the government, which could undermine environmental protections amid competing development pressures. RH&C strongly believes that environmental protections, especially those relating to climate and biodiversity, must be enshrined with **legal primacy** to prevent their dilution or removal due to short-term political or economic pressures.

Recommendation:

- **Delete Section 6(5)** to remove the Government’s ability to abrogate large parts of the Act. Additionally, insert a provision that guarantees **legal primacy** for biodiversity and climate resilience in decision-making. We suggest the following new provision:
“In any situation of competing interests, the protection of biodiversity and maintenance of climate resilience shall take precedence, ensuring that development or other human activities do not compromise the long-term health of ecosystems.”

9. Strengthening the Role of Community and Industry in Climate Action

The DEW funded **SA Community Climate Conversations** report emphasizes the importance of community and industry involvement in achieving climate resilience. The **Biodiversity Act** should



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try to ensure that these sectors are fully engaged in both climate adaptation and biodiversity conservation efforts.

Recommendation:

- **Amend Section 16 (Advisory Role of the Biodiversity Council)** to include recommendations for **collaborative climate action** across sectors. The Council should advise the Government on integrated climate and biodiversity strategies. We propose the following addition to Section 16(i):
“The Biodiversity Council will advise the Government on strategies for the integration of community-based and industry-led efforts to reduce climate emissions, resilience and or adaptation with the view to enhance biodiversity resilience in the face of climate change.”

These specific amendments will ensure that the **Biodiversity Act** more fully supports the consideration and management of climate impacts on biodiversity. By explicitly incorporating climate change considerations, the Act will help South Australia not only protect its unique ecosystems but also build resilience in the face of climate change.

We appreciate the opportunity to provide feedback on this important piece of legislation and look forward to further collaboration in achieving a climate-resilient future for South Australia.

Kind Regards,



Resilient Hills and Coasts Regional Climate Partnership

