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South Australia's proposed Biodiversity Act
Public Submission
February 2024

Biodiversity McLaren Vale (BMV) fully supports the proposed legislation as an integral responsibility of government. BMV has noted the Community Alliance South Australia (CASA) submission and broadly supports it. Before providing comment on the ten topics as outlined in the discussion paper, three introductory comments are made.

1. Regulation and Encouragement
The objective of most government legislation is to regulate people's lives. But the role of government is to more than regulate, it is to encourage, to stimulate interest and imagination, and to support proactive programs that, in this case, tackle the undoubted biodiversity challenges that we face. BMV therefore encourages that the tone and content of the legislation include an ethos of encouraging community to do more and better.

2. Funding
The discussion paper is silent on the matter of funding. Given the importance of biodiversity retention and ecological regeneration (and ecosystem health), it is appropriate that a firm commitment be made by government on the level of resources that will be applied to successfully achieve the objectives of the Act. In an ideal world the government would commit a fixed percentage of its budget to this fundamental need that supports all life.

The Treasurer's message for the 2023-24 budget states:

The 2023-24 budget delivers on the Malinauskas government's priorities of housing, health and cost of living relief, while investing in the state's economic future. This budget provides $4.3 billion over the period 2023-24 to 2026-27, in addition to $713 million in 2022-23, for new initiatives that support these priorities and enhance services to the South Australian community.
(2023-24 State Budget Overview)

Unfortunately, the budget makes no reference to the state's ecological future as also requiring investment of equal weight, or greater, to those mentioned. Collapse of ecosystems is a precursor to the collapse of economic systems. There are real risks to be managed and, therefore, funded.

Given the multi-generational wealth that has been created by biodiversity decimation in South Australia it is the clear responsibly of the current and future beneficiaries to redress the imbalance. Hundreds of millions of dollars are required in the short to medium term, not hundreds of thousands, including consistent funding over time. A clear concurrent commitment by government with the legislation is required as to the resources that will be applied to biodiversity retention and regeneration.

3. Carbon Sequestration
Biodiversity retention and regeneration is also carbon sequestration. Whilst this should not be the prime motivator for change, it is to be recognised as part of suite of benefits for all humankind, and all other species. It may be appropriate to provide some estimate or guidance on this benefit as part of holistic approach to biosphere management.

The Discussion Paper topics are now briefly addressed given the more comprehensive response by CASA.

Topic 1 – Biodiversity and South Australia's First Nations people
BMV supports the thoughtful and considered recognition of Aboriginal peoples and cultures specific to place, ecological systems and biodiversity knowledge.

Topic 2 - Avoiding Impacts
The statement 'The way we think about biodiversity needs to change in order to reduce or avoid impacts to it' may be better worded if changed to 'reduce or avoid **harmful or negative** impacts'. Impacts can be both negative and positive. Language and actions are correlated.

Matters for Consideration
1, The Act could seek to prioritise avoidance and minimisation of impacts to biodiversity.
This may be more forcefully and effectively stated as 'prioritise the retention of biodiversity' and the word retention used as a precursor to other statements rather than just 'reduce or avoid '.

Topic 3 – Transparent Decision Making
BMV supports the principle of transparency. It is not clear if other legislation and/or Government Departments are subservient to the Biodiversity Act which, as CASA points out, will need to be the case in reasonable degree.

Matters for Consideration
5. The Act could require that government maintain a public register to ensure decisions made that impact biodiversity are disclosed.

The public register could also include decisions that protect and enhance biodiversity to foster better understanding of biodiversity management.

7. The Act could incorporate a clear definition of Ecologically Sustainable Development and ensure a process is created so that application of the ESD principles is required in the context of decision making about biodiversity.

Yes, a clear definition of ESD is required because very little development is sustainable in a world of finite resources and climate change challenges. The term 'harm minimisation' is probably more apt than sustainable.

Topic 4 – Threats to biodiversity
Humans are the greatest threat to biodiversity. The Act really does need to more closely scrutinise human actions and populations and incorporate this into the ethos of the legislation. At times, this will have to include setting contemporary aspirations as to living standards and levels of consumption against the imperative of biodiversity, with the true value of biodiversity being fully recognised.

At the same time, the positive actions of humans need to be recognised. This may largely be the volunteer groups and NGOs that contribute to this endeavour. How can the Act, and Government, better support them? A tone of positive reinforcement, including financial, as well as regulatory control may be appropriate in the legislation.

Topic 5 – Assessing the risk of extinction
BMV supports all *Matters for Consideration*.

Topic 6 – Biodiversity planning and reporting
Given there will be a statewide biodiversity plan, a key issue is the role of other government departments and authorities in this area. A whole of government approach is required, along with leadership, to both inspire and regulate the broader community response and aspiration for biodiversity improvements. The Crown cannot be exempt.

Topic 7 – The benefits of information
BMV supports all *Matters for Consideration*

Topic 8 – Achieving 30 by 30
BMV supports all *Matters for Consideration.*

Biodiversity McLaren Vale conserves and regenerates biodiversity through its partners who are private landowners. Greater government and then public recognition of these initiatives is appropriate to promote the biodiversity ethos and approach to land management. Additional incentives may facilitate greater involvement and would reward those who have already acted on a private basis. In particular BMV partners with individual wineries/vignerons and these positive actions can or do have an industry wide influence. With the right encouragement, the wine industry itself can be a force for good in this area.

Topic 9 – Biodiversity – a shared responsibility
The concept of a citizen duty of care is supported but it must be led by a whole of government duty of care. The Crown must be subject to any penalties for beaching of these provisions.

Topic 10 – Consequences of doing the wrong thing
BMV supports all *Matters for Consideration*