



SOUTH AUSTRALIAN WINE INDUSTRY ASSOCIATION

Biodiversity Coordination Unit
Department for Environment and Water
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Adelaide SA 5001
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14 February 2025

Re: Feedback on the draft Biodiversity Bill

The South Australian Wine Industry Association (SAWIA) is pleased to provide some feedback on the draft Biodiversity Bill published on the yourSAy [website](#). Our feedback is based on our reading of the Explanatory Guide and the Draft Bill, and is informed by input from our members and other stakeholders.

Our feedback is summarised below and, where relevant, cross-reference to the question number in the Explanatory Guide is given in parentheses.

General

This is a significant piece of legislation and is likely to have widespread impact on all sectors of the community. Furthermore, it involves the merging of existing legislation as well as some new provisions and it is concerning that the Draft Bill does not contain any transitional provisions, which suggests that the proposal is incomplete and further work is required. This is further compounded by the lack of any accompanying draft Regulations, which makes it very difficult for any meaningful assessment of the legislation and its impacts.

Lack of Regulatory Impact Statement

Given that the proposed legislation is likely to have widespread impact, SAWIA is surprised that there has been no regulatory impact statement (RIS) presented in support of the changes that would result from the draft Bill. This lack of objective evidence could lead the community to question if the benefits are worth the costs. SAWIA requests that the consultation on this Bill be paused and extended to provide stakeholders the opportunity to fully examine the RIS if one has been prepared, otherwise, delay further progression until a RIS has been prepared and published.

Costs and benefits

SAWIA is concerned about possible increased costs that could arise from the proposed legislation – and these include all costs to both government, industry and the community in general. Such costs could include those related to increased and more complex governance, application fees, and mitigation offsets. SAWIA is most concerned about the impact of these costs on agriculture and other sectors of economic importance and is disappointed that a RIS has not been published.

Governance Framework (Q 6-8)

The new framework requires the establishment of a large number of new bodies and a consequent increase in activities required to administer, maintain, enforce and control the Act. The costs of governance will include those for establishing and maintaining the Biodiversity Council, Scientific Committee, Native Plants Clearance Assessment Committee, First Nations Expert Biodiversity Committee, as well the development and ongoing reviews of a State

Biodiversity Plan, development of biodiversity policies, creating and maintaining the Biodiversity Register and Fund, and reviewing the Act itself. It is disappointing that these costs have not been quantified. SAWIA requests further information on how much this will cost, both up front and ongoing, and what benefits are expected.

Operation

Some aspects of the operation of the new legislation in practice remain unclear.

- There is a lack of clarity in the definitions of 'regulated' vs 'unregulated' activities in the Bill, and even more concerning is the lack of detail about this in the Explanatory Guide at least (Q 9).
- The increasingly complex governance arrangements could result in some unintended consequences in operation of the legislation (Q 12). For example, the requirement of the Significant Environmental Benefits (SEB) scheme to demonstrate that an on-ground SEB is not possible before paying into the fund in lieu of an SEB could create significant additional costs to regulators and proponents.
- It is not clear if the enabling of 'provisional listing' of species' extinction risk for 2 years (Q 19) when applied in practice might have unintended consequences such as the possibility of indefinite and ongoing listing in a rolling manner.

Enforcement (Q 24-26)

Several matters relating to enforcement require further explanation or clarification.

- It is not clear if there is any right of appeal against a compliance order made by authorised officers, NPCAC or the Minister, and more detail is required.
- What is the purpose of the need to first write to the Minister when seeking permission from the court to enforce a breach? Could this lead to delays and increased costs of enforcement and compliance?
- How will 'no development' orders work in practice? Have they worked in the past? Apparently used in the Heritage Places Act 1993 – noting regular reports of 'neglect leading to demolition' of heritage buildings eventually being followed by development.

Clearing land (Q 35-36)

Carry-over of requirements from the *Native Vegetation Act 1991* to the Bill under Schedule 2 is noted (e.g., as exclusions from regulated acts or activities requiring authorisation). However, SAWIA understands that there are some concerns about aspects of the wording of the Bill, for example omission of some related Acts (e.g. *Hydrogen and Renewable Energy Act 2023*) in Schedule 2 under which incidental clearing activities may occur, which increases the possibility of confusion in interpretation.

Native Wildlife (Q 13-14)

- Again, there is a lack of clarity in the definitions of 'regulated' vs 'unregulated' activities in the Bill in relation to native wildlife that is compounded by lack of explanation in the Explanatory Guide.
- The magnitude of impacts from 'impact causing species' may be quite variable between regions or localities and some further consideration may need to be made for regionality.
- More detail is required in relation to control in the context of native animals that are 'impact causing' on agricultural activities. For example, vineyards commonly use netting to protect crops from birds, some of which are native, and there is also the possibility that other species may sometimes be impacted (e.g., rabbits, snakes). Further, kangaroo or deer ingress to vineyards can be a problem to varying degrees across regions, and there needs to be more clarity on how the legislation covers the management of such impacts.
- Schedule 4 in the Bill lacks explanation or definition of 'unregulated' activities that might be used to manage impact causing animal species, especially those activities which do not require a permit. This omission is disappointing because it could be important for any entity dealing with wildlife management or conservation. The fact that the Explanatory Guide does not provide detailed explanation about Schedule 4 is likely to erode trust and should be addressed to ensure comprehensive stakeholder understanding of the proposed legislation.

SAWIA has highlighted some significant aspects of the proposal and the Draft Bill that require further information and clarification. Therefore, it is recommended that the process be paused to allow for further development of the Bill and Regulations, as well as further engagement with stakeholders.

SAWIA is committed to ongoing engagement with the South Australian Department of Environment and Water (DEW) and would be happy to have further discussions.

Please feel free to contact us for further information or any questions regarding the feedback provided in this submission.

Kind regards

[Redacted signature]

[Redacted name]

[Redacted title]

[Redacted contact information]

About the South Australian Wine Industry Association (SAWIA)

The South Australian Wine Industry Association (SAWIA) is an industry association representing the interests of wine grape growers and wine producers throughout the state of South Australia.

SAWIA is a not-for-profit incorporated association, funded by voluntary member subscriptions, grants and fee for service activities. Our mission is to provide leadership, advice and support to South Australian grape and wine businesses, assisting them to prosper within a dynamic, diverse industry.

SAWIA's membership represents approximately 96% of the winegrapes crushed in South Australia and about 40% of the vineyard area. The board of SAWIA is comprised of six members elected by the membership and seven members nominated by each of the main wine regions in South Australia (Adelaide Hills, Barossa, Clare, Coonawarra, Langhorne Creek, McLaren Vale and Riverland).

About the South Australian wine industry

The South Australian wine industry contributes a total of approximately \$2.45 billion annually to the state's economy¹, with 18 distinct wine regions that produce about 60% of Australia's wine production² (current total around 964 million litres of wine), and 80% of Australia's premium wine.

In South Australia there are approximately 1,250 licensed³ wine producers (including about 600 processing facilities, 340 cellar doors⁴) and 3,182 registered vineyard owners⁵, who together directly employ around 8,990 persons⁶ and indirectly support another 81,900 jobs⁷.

Wine regions are a significant contributor to South Australia's tourism economy, which is currently worth around \$10.1 billion annually⁸, with at least 20%⁹ of international visitors to South Australia visiting wine regions and spending around \$2.34 billion annually¹⁰.

South Australia has approximately 74,732 hectares under wine grapes¹¹, of which 77% are red and 23% white grape varieties. The estimated total wine grape crush in 2024 in South Australia was 702,344 tonnes, accounting for 49% of Australia's crush, which was 14% below the 10-year average¹².

In the twelve months to the end of June 2024, South Australia exported¹³ 370 million litres for a value of \$1.60 billion (about 70% of Australia's total value). South Australia's major export markets by value are currently China, Hong Kong, UK, Singapore, USA, Canada, New Zealand, Thailand, and Malaysia. South Australian wine businesses export to about 100 countries.

¹ Primary Industries Scorecard 2022-23.

² Wine Australia, Production, Sales, and Inventory Report 2022-23

³ Consumer and Business Services SA

⁴ The Australian and New Zealand Wine Industry Directory, 2023

⁵ SA Winegrape Crush Survey 2024, Wine Australia

⁶ Census 2021, Australian Bureau of Statistics

⁷ Derived from Economic Contribution of the Australian Wine Sector 2019, AgEconPlus. Wine Australia [website](#)

⁸ South Australian Tourism Commission (SATC), The Value of Tourism, year ending Dec 2023

⁹ South Australian Tourism Commission [website](#)

¹⁰ South Australian Tourism Commission (SATC), Visit to Regions report for the year ending March 2024

¹¹ SA Winegrape Crush Survey 2024, Wine Australia

¹² National Vintage Report 2024, Wine Australia

¹³ South Australia State Export Report, 31 March 2024, Wine Australia