

## Introduction of the Biodiversity Act 2025 (SA)

Thursday, 28 August 2025

Board Meeting

**Author:** Sarah Gilmour, Associate Director Park Lands, Policy & Sustainability

Public

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## Purpose

The purpose of this report is to provide an overview of the *Biodiversity Act 2025 (SA)* (the Act) ([Link 1](#)) and its alignment with strategic direction for the Adelaide Park Lands.

The report outlines next steps by the City of Adelaide to understand requirements under the Act and how it relates to protection of biodiversity in the Adelaide Park Lands.

In June 2025, the South Australian Parliament passed the *Biodiversity Act 2025* (the Act). The Act brings together biodiversity protections contained in the *National Parks and Wildlife Act 1972 (SA)* and the *Native Vegetation Act 1991 (SA)* and includes new approaches to improve biodiversity outcomes. The Act causes amendment of the *National Parks and Wildlife Act 1972 (SA)* and will repeal the *Native Vegetation Act 1991 (SA)*.

The City of Adelaide participated in the consultation process for the development of the Act including providing feedback on the discussion paper in 2023/24 and meeting with the Department for Environment and Water (DEW), who led development of the Act, in 2024/25. The Act is being progressively implemented over a two-year period with existing legislations remaining in place until such time that sections of the Act are in operation.

DEW are preparing subordinate legislation (regulations, policies and guidelines) and establishing governance arrangements under the Act. Administration will continue to monitor these developments relating to the management of the Adelaide Park Lands.

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## Recommendation

That the Kadaltilla / Adelaide Park Lands Authority:

1. Notes the *Biodiversity Act 2025 (SA)* has been passed by the Parliament of South Australia and will be progressively implemented over a two-year period.
2. Notes that the *National Parks and Wildlife Act 1972 (SA)* and the *Native Vegetation Act 1991 (SA)* remain in operation until amended or repealed by the *Biodiversity Act 2025 (SA)*.
3. Receives and notes the advice regarding the introduction of the *Biodiversity Act 2025 (SA)* as contained in Item 7.1 and Attachment A on the Agenda for the Kadaltilla / Adelaide Park Lands Authority meeting held on 28 August 2025.
4. Notes the Administration will continue monitoring the State Government's progress with subordinate legislation and governance arrangements relating to the management of the Adelaide Park Lands under the *Biodiversity Act 2025 (SA)*.

# Implications

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| Adelaide Park Lands Management Strategy Towards 2036 | <a href="#">Adelaide Park Lands Management Strategy 2015-2025</a><br>Strategy 4.1 - Enhance biodiversity in the Park Lands<br>Strategy 4.2 - Enhance the ecological health of Park Lands watercourses<br>Strategy 4.4 - Design and manage the Park Lands to be resilient to the impacts of climate change                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 2023-2028 Strategic Plan                             | <a href="#">Kadaltilla / Adelaide Park Lands Authority 2023-2028 Strategic Plan</a><br><b>Strategic Plan Alignment – Cultural Value</b><br>Objective 1.1 - To seek Kaurna cultural authority in everything we do, aligns with the aim of the Act to incorporate Aboriginal knowledges and perspectives in biodiversity management.<br><b>Strategic Plan Alignment – Environmental Performance</b><br>Objective 2.2 - To monitor biodiversity, aligns with the requirement under the Act for the State Government to compile biodiversity data and develop a State Biodiversity Plan with associated targets and reporting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| City of Adelaide Strategies                          | <b>Stretch Reconciliation Action Plan 2024-2027</b><br>The action to conduct annual cultural burns on the Adelaide Park Lands, aligns with the Act's proposal to develop a cultural burning policy.<br><b>Integrated Climate Strategy 2030, Resilient, Protected, Sustainable</b><br>Goal 3 advances the role that biodiversity plays in resilience under a changing climate and embeds Caring for Country in management of the Adelaide Park Lands, which aligns with the Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Policy                                               | The Act is legislation of the South Australian Government and its scope includes public and private land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Consultation                                         | Not as a result of this report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Resource                                             | Not as a result of this report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Risk / Legal / Legislative                           | In South Australia, biodiversity is protected through a range of legislations that aim to conserve native species, habitats, and ecosystems including:<br>The <i>National Parks and Wildlife Act 1972</i> (SA) - establishes and manages parks, reserves, and sanctuaries, and provides for the protection of native animals and plants, particularly threatened species.<br>The <i>Native Vegetation Act 1991</i> (SA) - regulates the clearance of native vegetation to prevent further habitat loss and promote ecological restoration.<br>The <i>Landscape South Australia Act 2019</i> (SA) which manages the state's natural resources, including land, soil, water, and native flora and fauna.<br>The <i>Adelaide Park Lands Act 2005</i> (SA) - recognises the Adelaide Park Lands' contribution to the natural heritage of the Adelaide Plains and encourages initiatives to enhance biodiversity and sustainability.<br>Together, these laws work to conserve biodiversity, manage human impacts, and maintain ecological resilience across the state.<br>The introduction of the Biodiversity Act amends some of the aforementioned legislation. It places obligations on the State Government and the City of Adelaide, including in relation to clearing or taking of native vegetation on public land, protection of native animals, and a General Duty to avoid and minimise harm to biodiversity. |
| Design                                               | Not as a result of this report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| Opportunities                                                 | The Act may provide opportunities for greater protection and expansion of biodiversity in the Adelaide Park Lands. Opportunities will be monitored through implementation of the legislation and development of the State Biodiversity Plan. |
| City of Adelaide Budget Allocation                            | Not as a result of this report                                                                                                                                                                                                               |
| Capital Infrastructure Projects                               | Not as a result of this report                                                                                                                                                                                                               |
| Life of Project, Service, Initiative or (Expectancy of) Asset | Not as a result of this report                                                                                                                                                                                                               |
| Ongoing Costs (eg maintenance cost)                           | Statutory fees, charges and penalties may apply under the Act                                                                                                                                                                                |
| Other Funding Sources                                         | Not as a result of this report                                                                                                                                                                                                               |

# Discussion

## Purpose

1. The purpose of this report is to provide an overview of the *Biodiversity Act 2025* (SA) (the Act) ([Link 1](#)) and its alignment with strategic direction for the Adelaide Park Lands.
2. The report outlines next steps by the City of Adelaide to understand requirements under the Act and how it relates to protection of biodiversity in the Adelaide Park Lands.

## Background

3. In December 2023, the Minister for Climate, Environment and Water, Susan Close MP announced public consultation on new biodiversity legislation to be known as the 'Biodiversity Act'.
4. The new legislation repeals the existing *Native Vegetation Act 1991* (SA), and all wildlife components of the *National Parks and Wildlife Act 1972* (SA), to become the overarching legislation protecting biodiversity in South Australia.
  - 4.1. The *National Parks and Wildlife Act 1972* (SA) becomes the 'National Parks Act' focusing on the establishment and management of national parks and reserves.
  - 4.2. The *Landscape South Australia Act 2019* (SA) which manages the state's natural resources, including land, soil, water, and native flora and fauna remains with some amendments to ensure consistency and reduce overlap between the legislations.
5. State Government consultation to inform the development of the draft Biodiversity Bill (draft Bill) occurred from 6 December 2023 to 1 March 2024.
  - 5.1. The City of Adelaide provided a submission in response to the consultation discussion paper ([Link 2](#)).
6. This was followed by consultation to seek feedback on the draft Bill from 21 January 2025 to 18 February 2025.
  - 6.1. During the consultation period, the City of Adelaide met with representatives of the Department for Environment and Water (DEW), who led the development of the Bill, to seek clarification on the implications for the Adelaide Park Lands and its established governance framework under the *Adelaide Park Lands Act 2005* (SA).
  - 6.2. Following this meeting, Administration formed the view that sufficient uncertainty remained as to how the Act applies to the Adelaide Park Lands. Administration provided a submission in response to the draft Bill ([Link 3](#)).
7. Administration has reviewed the final Act to assess whether the feedback provided has been addressed in the legislation. **Attachment A** summarises this feedback and outlines how it aligns with the final Act.

## Biodiversity Act 2025

8. On 14 May 2025, the draft Biodiversity Act was introduced to the South Australian Parliament and subsequently passed on 18 June 2025.
9. In summary, the Act introduces new approaches to protect biodiversity, including:
  - 9.1. **Mitigation hierarchy:** applications to clear native plants must apply the mitigation hierarchy of avoid, minimise, restore, or offset when impacts cannot be avoided or minimised. Guidance on applying the mitigation hierarchy will be developed.
  - 9.2. **Aboriginal knowledges:** the Act seeks to embed Aboriginal Peoples' knowledges and perspectives in biodiversity management. This includes by increasing representation via the establishment of the Aboriginal Biodiversity Committee and representation on each of the other 2 Committees and Biodiversity Council established under the Act.
  - 9.3. **General Biodiversity Duty:** the introduction of the General Duty encourages all South Australians to be responsible for protecting biodiversity and take steps before acting to prevent or minimise harm to

biodiversity. Land managers, including State Government and the City of Adelaide are required to actively avoid harm and implement measures to protect and enhance native species and habitats.

- 9.4. **State Biodiversity Plan:** a State Biodiversity Plan must be developed by the State Government within 2 years and set targets and expectations for monitoring and evaluating the condition of biodiversity in South Australia.
- 9.5. **Penalties:** new penalties introduced, and existing penalties updated with many maximum penalties increased to provide a strong disincentive for illegal activities.
- 9.6. **New governance structure:** the Act establishes a new Aboriginal Biodiversity Committee and a Scientific Committee. The Act's Biodiversity Council and Clearance Assessment Committee will absorb the functions of the Native Vegetation Council which operated under the *Native Vegetation Act 1991* (SA).
- 9.7. **Broader protection:** the Act applies to native plants indigenous to Australia including algae and fungi, and protected animals including threatened invertebrates, amphibians and fish. Protection of native plants has also been extended to include plants that were intentionally planted and are more than 20 years old or growing on public land.
- 9.8. **Biodiversity policies:** the Act provides that biodiversity policies be created including in relation to Aboriginal People's knowledge; the significant environmental benefits scheme; and cultural burning.
10. The Act is being progressively implemented over a two-year period with existing legislations remaining in place until such time that sections of the Act are operational.
11. DEW are preparing subordinate legislation (regulations, policies and guidelines) and establishing governance arrangements under the Act. Administration will continue to monitor these developments relating to the management of the Adelaide Park Lands.

#### **Protection of biodiversity in the Adelaide Park Lands**

12. The Adelaide Park Lands Authority / Kadaltilla (Kadaltilla) and the City of Adelaide has a range of strategic policies to conserve, enhance, and protect biodiversity in the Adelaide Park Lands.
13. The *Adelaide Park Lands Management Strategy – Towards 2036* (APLMS) and the City of Adelaide's *Integrated Climate Strategy 2030, Resilient, Protected and Sustainable* (ICS), outline a coordinated set of strategic priorities that support the conservation, enhancement, and protection of biodiversity in the Adelaide Park Lands.
14. These priorities include restoring and expanding areas of native vegetation, enhancing habitat connectivity, managing ecological threats such as invasive species, and integrating biodiversity-sensitive design into urban landscapes. The strategies:
  - 14.1. Prioritise climate resilience through sustainable water use, increased urban canopy cover, and the selection of drought-tolerant, locally indigenous plant species.
  - 14.2. Recognise the importance of cultural land management practices, ongoing biodiversity monitoring, and community participation as essential to sustaining ecological values.
15. Whilst the Act has been finalised, until the subordinate legislation and supporting policies and guidelines are developed, it is difficult to fully determine the implications of the Act on the Adelaide Park Lands and the established governance framework as set out in the *Adelaide Park Lands Act 2005* (SA).
16. An example of how the Act could influence the management of the Adelaide Park Lands is the potential requirement to obtain consent for clearing native plants, and to secure permits for certain activities, such as removing tree limbs or collecting seeds. These requirements would apply to plants indigenous to South Australia, regulated trees indigenous to Australia, or any native plant as defined under the forthcoming regulations (noting that these regulations are yet to be developed).
17. Noting that the State Government is developing, and will consult on, regulations, policies, guidelines and new governance bodies to be established under the Act, the Administration will continue to monitor the development of the subordinate legislation to determine impacts that are intended or otherwise on the management of the Adelaide Park Lands.

## Next steps

18. The next steps to understand the implications of the Act for the Adelaide Park Lands include:
  - 18.1. Review and provide inputs to the development of the State Biodiversity Plan for alignment with the *Adelaide Park Lands Management Strategy – Towards 2036* and relevant State Government and City of Adelaide strategies.
  - 18.2. Monitor development of state-level biodiversity policies, including how the policies about Aboriginal Peoples' knowledge and cultural burning apply in the Adelaide Park Lands.
  - 18.3. Monitor the new process for listing threatened species, ecological communities and ecological entities to ensure continued protection for the Adelaide Park Lands species that are listed in the South Australia *National Parks and Wildlife Act 1972* (SA) and to identify other opportunities for listing.
  - 18.4. Monitor the preparation of subordinate legislation, policies and guidelines and the implications for management of the Adelaide Park Lands.

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## Data and Supporting Information

**Link 1** – [Biodiversity Act 2025 \(SA\)](#)

**Link 2** - [Council submission on the Biodiversity Act Discussion Paper, February 2024](#)

**Link 3** - [Council submission on the proposed Biodiversity Bill](#)

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## Attachments

**Attachment A** – Summary of City of Adelaide feedback to the discussion paper for the development of the Biodiversity Bill and outcomes in the *Biodiversity Act 2025* (SA)

- END OF REPORT

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