

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

Rating  Not included or aligned  Partial adoption or alignment  Aligned or incorporated

Theme	Summary of CoA feedback	Biodiversity Act inclusion relevant to CoA feedback
1. Biodiversity & SA's First Nations People	- Support for incorporating First Nations peoples' perspectives about biodiversity and extending this involvement to co-design and co-leading biodiversity management. - The Act must receive support of First Nations' people and recognise their enduring relationship with the land.	- The Act will establish an Aboriginal Biodiversity Committee to provide advice to the Minister about the application of Aboriginal People's knowledge in biodiversity management and co-develop relevant biodiversity policies. - These include policies on the application of Aboriginal People's knowledge; Culturally Significant Biodiversity Entities; and cultural burning. - Aboriginal People's knowledge will be considered along with scientific knowledge to help protect and restore biodiversity. - Aboriginal People will hold all positions on the Aboriginal Biodiversity Committee and at least one Aboriginal person will hold a position on each of the other Committees under the Act. 
2. Avoiding impacts	- Support for the mitigation hierarchy for biodiversity management to avoid loss and impacts. - Support for existing statutory instruments to protect biodiversity. - Support for a new legislative framework for biodiversity with strong emphasis on importance of parks systems and urban biodiversity.	- Applications to clear native plants are to apply the mitigation hierarchy. The hierarchy is: avoid; minimise; rehabilitate or restore; offset. - When impacts on native plants or ecosystems cannot be avoided or minimised, they are to be offset with a significant environmental benefit (SEB) to biodiversity greater than before the beneficial action was taken. - Payments into the Biodiversity Restoration Fund can be made instead of a requirement to achieve a significant environmental benefit. How these funds can 

Theme	Summary of CoA feedback	Biodiversity Act inclusion relevant to CoA feedback	
	Any 'make-good' or offset provisions must be seen as a last resort and the Act should have the ability to reject the proposal or action.	be used will be determined by the significant environmental benefits policy to be developed under the Act. - There will be a number of amendments to existing legislation due to the Act. This includes but is not limited to the: <i>Environment Protection Act 1993</i> (SA) for the State of the Environment Report to assess the state biodiversity indicators as included in the State Biodiversity Plan (to be developed) - State Planning Policy for Biodiversity under the <i>Planning, Development and Infrastructure Act 2016</i> (SA) will likely be updated to reflect any new requirements under the Act - Environmental Impact Statements when required for a proposed development must be referred to the Biodiversity Minister for comment - Amendments to the Planning and Design Code for an overlay or zone that is important to biodiversity.	
3. Transparent decision making	Legislation could identify and close the gap in what is defined as a Controlled Action or what are considered Protected Matters under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) for the protection of areas like the Adelaide Park Lands.	Includes reference to controlled action under the <i>EPBC Act</i> about clearance of native plants. This seeks to avoid duplication of requirements under the two Acts. It does not provide additional clarity about Controlled Actions or Protected Matters¹ about protection of vegetation in the Adelaide Park Lands.	

¹ Controlled Actions are those with a significant impact on a Protected Matter that requires approval under the EPBC Act.

The EPBC Act covers 9 protected matters including national heritage places and listed threatened species and ecological communities.

Theme	Summary of CoA feedback	Biodiversity Act inclusion relevant to CoA feedback	
	Opportunities for legislation to require mandatory reporting and disclosure on impacts or actions taken to repair biodiversity.	- A web-based Biodiversity Register will be established and must include information such as biodiversity agreements (for the conservation, restoration, or enhancement of biodiversity), applications received to clear native plants and records of compliance and reparation orders. - Regular reports on progress of the State Biodiversity Plan must also be available on the Biodiversity Register.	
4. Threats to biodiversity	Simplify obligations for requirements to mitigate threats to species or ecological communities on recognised lists.	- Threatened species and threatened ecological communities lists of state and national categories will be established. - It is unclear whether this would harmonise obligations with other legislative requirements.	
5. Assessing the risk of extinction	- Support to streamline the listing and review process for threatened species, greater representation from a wider variety of species, and partnerships with the scientific community. - Requirements for an evaluation and monitoring program could be established through the Act. - Requirements to investigate and report on biodiversity decline, with possible measures to prevent similar decline happening again.	- A new process will be established for listing threatened species, ecological communities and ecological entities. - Native plant has been extended to include algae and fungi and protected animals to include threatened invertebrates, threatened amphibians and threatened fish. - A new Scientific Committee will be established to provide advice to the Minister on the assessment and listing of threatened species and ecological communities and ecological entities.	

Theme	Summary of CoA feedback	Biodiversity Act inclusion relevant to CoA feedback	
	If extinction occurs the Act could go further and include penalties or obligations for causing/contributing to species extinction through avoidable actions.	- New requirement to develop a State Biodiversity Plan to set targets and expectations for monitoring and evaluating the condition of biodiversity in the state. - Amendment to the <i>Environment Protection Act 1993</i> (SA) will require State of Environment Reports to include a biodiversity assessment that responds to the Biodiversity Plan indicators. - New requirement for an inquiry into the extinction of a native species or collapse of an ecological community endemic to the state to understand the reasons for extinction and improve future conservation efforts. - Threats to biodiversity will be identified through declaring 'Threatening Processes' that negatively impact threatened species, ecological communities or ecological entities. - Threat abatement plans must be prepared and published on the Biodiversity Register, implemented and reported on. - An increase to many penalties and introduces some new penalties.	
6. Biodiversity planning & reporting	- Support for development of state-wide biodiversity plan - Act could specify reporting requirements for different stakeholders. - Existing reporting for the State of the Environment Report could be linked to or complementary to the reporting.	- Development of a State Biodiversity Plan is a new requirement that will set targets and expectations for monitoring and evaluating the condition of biodiversity in the state. - Amendment to the <i>Environment Protection Act 1993</i> (SA) will require State of Environment Reports to include a biodiversity assessment that responds to the indicators set out in the Biodiversity Plan.	

Theme	Summary of CoA feedback	Biodiversity Act inclusion relevant to CoA feedback	
		Regular reports on the Biodiversity Plan's implementation will include progress against targets. Reporting requirements are required for State Agencies but are not noted for local government.	
7. The benefits of information	- Support for evidence based biodiversity-related policy and publicly accessible information. - Requirements for gathering data could ensure consistency across the state, which could increase confidence in available data. - Data collection should encourage new biodiversity exploration and research including the introduction of standards.	- Members of the public must have appropriate access to state biodiversity data and regulations may specify how the data is managed, used and shared. - There may be opportunity to address setting of standards through biodiversity policies under the Act.	
8. Achieving 30 by 30	- Support for the Australian Government's commitment to the 30 by 30 global target². - The new Act could enhance protection of biodiversity, native grasslands and woodlands within the Adelaide Park Lands. - Support for the Act to provide a resourced program for the target (eg incentives for private landowners)	- The Act may provide the opportunity to investigate how biodiversity in the Adelaide Park Lands could be protected through the: - Development of the State Biodiversity Plan (the Plan must be prepared within 2 years of commencement of the Act) - Inclusion of threatened species and threatened ecological community that exist in the Adelaide Park Lands on the threatened species list and threatened ecological communities list which are to be prepared under the Act³	

² The 30 by 30 target is to protect 30% of the earth's lands, oceans, coastal areas and inland waters by 2030

³ The SA *National Parks and Wildlife Act* threatened species lists include 3 animal species (Australasian Shoveler (Rare); Common Brushtail Possum (Rare); Grey-headed Flying Fox (Rare) and 4 plant species (Rock Logania (rare); Mount Lofty Speedwell (Endangered); Upright Milfoil (Vulnerable); Wavy Marshwort (Rare)) that are recorded in the Park Lands.

Theme	Summary of CoA feedback	Biodiversity Act inclusion relevant to CoA feedback	
		Funds from the Biodiversity Conservation Fund may be allocated to animal and plant conservation programs. Application for funds can be made to restore, protect, manage or research biodiversity on land, or to purchase land for biodiversity purposes.	
9. Biodiversity – a shared responsibility	- Agree that the responsibility for looking after biodiversity rests with all South Australians. - Essential component is the involvement of the community.	- One of the functions of the Biodiversity Council established under the Act is to engage the community on the importance of biodiversity conservation. - A new General Duty is introduced to encourage all South Australians to take steps before acting to prevent or minimise significant harm to biodiversity. To fail this duty could result in the issue of civil or administrative orders.	
10. Consequences of doing the wrong thing	- Support appropriate penalties for biodiversity harm and more tailored responses to offences that encourage resolution which may be critical in achieving biodiversity restoration (i.e. criminal and civil penalties). - Relationship with existing provisions of the <i>Environment Protection Act 1993</i> (SA) and whether reforms are better placed in existing legislations and with state government departments tailored to environmental protection and compliance.	- Penalties have been updated, increased and benchmarked on other jurisdictions and equivalent legislation in South Australia. - Maximum penalties have been increased to provide a strong disincentive for illegal activities. - Introduces greater ability for parties to bring proceedings to court for civil enforcement of a breach of the Act. - Courts are now to also consider the extent of the harm caused, the sensitivity of the receiving environment,	

The EPBC Act lists the Grey Box Grassy Woodland and Derived Native Grasslands of South-eastern Australia as an endangered ecological community, 1 animal species as vulnerable (Grey-headed Flying Fox) and one plant species as critically endangered (Mount Lofty Speedwell) that are recorded in the Park Lands.

Theme	Summary of CoA feedback	Biodiversity Act inclusion relevant to CoA feedback	
	In principle support for extending the category of parties that may bring legal proceedings to biodiversity cases.	whether harm affects a culturally significant biodiversity entity and the effect on First Nations Peoples.	