

Biodiversity Act 2025

Kadaltilla

Adelaide Park Lands Authority

Acknowledgement of Country

The Department for Environment and Water and its staff acknowledge Aboriginal people as the First Peoples and Nations of the area that we now know as South Australia, and that the people of each Nation obtain and maintain their spiritual and cultural identity from their lands and waters. Through the work of the department, we will continue to develop mutually beneficial partnerships to maintain and protect living culture, heritage, knowledge and connection, and deliver positive outcomes for First Nations peoples while caring for Country.

Biodiversity Act – visual guide

The overarching goal of the Biodiversity Bill is to provide for the conservation, restoration and enhancement of South Australia's biodiversity for the benefit of current and future generations.

Preliminary

Interpretation (key terms)
Interaction with other Acts
Operation of Act

Objects, principles and General Duty

Objects
Principles
General Duty
Consistency with State Biodiversity Plan
Aboriginal peoples' knowledges

Administration

Delegation
Statutory bodies:

- Biodiversity Council
- Clearance Assessment Committee
- Scientific Committee
- Aboriginal Biodiversity Committee

Funds:

- Biodiversity Restoration Fund
- Biodiversity Conservation Fund
- Biodiversity Administration Fund

Ability to establish trusts

Source of topics included in the new Bill

Colour key:

Native Vegetation Act
National Parks and Wildlife Act
NV and NPW Acts
New provisions

Native plants

Establishing protection
Managing use
Clearance
Taking
Dealing
Significant Environmental Benefits
Offences / penalties
Regulated acts or activities exclusions
Review of clearance refusal / revocation

Protected animals

Establishing protection
Managing use:

- Taking
- Commercial (harvesting / farming)
- Export / import
- Keeping

Offences / penalties
Regulated acts or activities exclusions

Benefits to South Australia:

- ✓ biodiversity is protected and enhanced
- ✓ green credentials for international markets
- ✓ nature positive
- ✓ economic growth
- ✓ support green transition

Threatened Species, Ecological Communities and Listed Ecological Entities

Lists and categories
Assessment
Role of Scientific Committee
Action plans
Critical Habitat
Threatening processes
Extinction inquiry
Threat abatement plans

Biodiversity planning and information

Biodiversity Register
State Biodiversity Plan
State biodiversity data
Biodiversity management plans

Aboriginal people

Recognition of Aboriginal peoples' knowledges
Representation on committees
Recognition of Culturally Significant Biodiversity Entities
Ability to take / gather / hunt

Conserved areas

Biodiversity Agreements
Sanctuaries
Future conserved areas

Permits

Permits for protected animals
Permits for native plants
Royalties
Offences / penalties

Compliance and enforcement

Authorised officers
Administrative remedies including:

- Orders
- Undertakings

Court Orders:

- Civil and Criminal

Proceedings
Review and appeals

Improvements to SA's legislative framework:

- ↓ statutory fragmentation
- ↑ cohesion and consistency
- ↑ commensurate penalties and streamlined enforcement
- ↑ simplified planning and development approval processes

Miscellaneous

Biodiversity Policies
Regulations
Council guidelines
Concurrence under PDI Act
Reports of public sector agencies
Review of Act

Amendments to 33 other Acts, including:

- Coast Protection Act 1972
- Crown Land Management Act 2009
- Energy Resources Act 2000
- Environment Protection Act 1993
- Fire and Emergency Services Act 2005
- Landscape South Australia Act 2019
- Mining Act 1971
- National Parks and Wildlife Act 1972
- Pastoral Land Management and Conservation Act 1989
- Planning, Development and Infrastructure Act 2016 (PDI Act)
- Repeal of the Native Vegetation Act 1991
- Wilderness Protection Act 1992

What's new

1 Objects/principles

2 General duty

3 Threatened species
process

4 Statutory Bodies

Biodiversity Council

Scientific Committee

Aboriginal Biodiversity Committee

Clearance Assessment Committee

5 State Biodiversity Plan

6 Biodiversity Data

7 Biodiversity Register

8 Biodiversity Agreements

9 Increased enforcement options

10 Culturally Significant
Biodiversity Entities

What's changed

- 1** Approach to regulated activities
– schedules provide exemptions
- 2** No 'unprotected' list of animals
- 3** Declaration to manage species
- 4** Increased penalties
- 5** Native Vegetation Regulations
incorp into Act
- 6** Clearance rules – large non-SA plants >20 yrs

Adelaide Park Lands



Government of South Australia
Department for Environment
and Water



Native Plants

Regulated Activities

- ❖ **Clearance** of native plants of a **relevant kind** on land (whether public land or otherwise) **within the regulated clearance area** or on **public land outside the regulated clearance area**

(Clearance = death or destruction of, or substantial damage)

- ❖ **Taking** a native plant of a **relevant kind** from **public land**

(Taking = interference that does not result in death, destruction or substantial damage (e.g. removing roots, limbs, stems, flowers, seeds or any other part of the plant))

Native Plants

Native Plant of a Relevant kind

- ❖ A native plant that is indigenous to the State
- ❖ A native plant that is not indigenous to the State that comprises a regulated tree
- ❖ A native plant of a class brought within the ambit of this definition by the regulations

Public Land

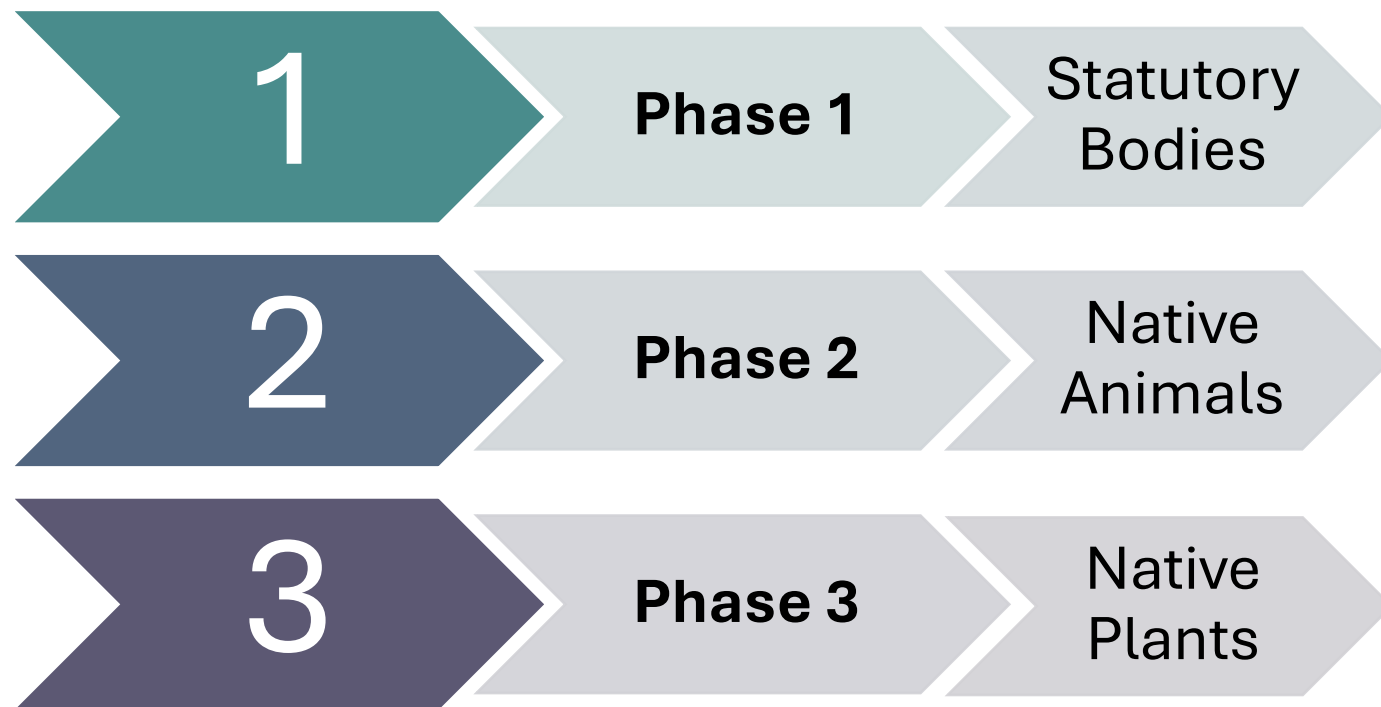
Means any of the following:

- ❖ a reserve (National Parks Act)
- ❖ a wilderness protection area/zone
- ❖ a marine park
- ❖ a forest reserve
- ❖ unalienated land of the Crown
- ❖ land held by a Minister, agent or instrumentality of the Crown on behalf of the Crown, excluding such land that is leased to a person other than a Minister, agent or instrumentality of the Crown

Schedule 2

- ❖ Circumstances where clearance or taking can occur without seeking permission
- ❖ Road reserves
- ❖ Maintenance of infrastructure
- ❖ Public safety
- ❖ Maintenance pruning
- ❖ Cultural burning
- ❖ Some circumstances require guidelines to be followed

What now



Questions



Government of South Australia
Department for Environment
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