

Biodiversity Coordination Unit
Department for Environment and Water
Adelaide SA 5001
Via email: biodiversityact@sa.gov.au
Cc: Minister.Bourke@sa.gov.au

15 September 2026

Dear Biodiversity Coordination Unit,

RE: Submission on exposure draft SA *Biodiversity Regulations 2026*

The Australian Land Conservation Alliance (ALCA) welcomes the opportunity to provide a submission to the South Australian Department for Environment and Water (DEW) on the exposure draft *Biodiversity Regulations 2026* under the *Biodiversity Act 2025* (SA).

ALCA represents organisations that work to conserve, manage, and restore nature on privately managed land. The conservation efforts of our 23 member organisations have influenced over 9.3% of Australia with more than 4,000 landholders; we have over 70,000 supporters and our combined annual turnover exceeds \$400 million.

Together, ALCA and our members address some of the most pressing conservation issues across the country, by restoring endangered ecosystems, building the protected area estate, tackling invasive species, expanding private conservation finance, and deploying nature-based solutions to mitigate climate change.

ALCA is happy for our submission to be published.

Key recommendations

Clearance Assessment Committee

- 1. That the Clearance Assessment Committee should ideally consist of 3 members, and certainly not as many as 7 members.**

The Clearance Assessment Committee ('CAC') is the analogue of the current Native Vegetation Assessment Panel ('NVAP'), which consists of three members, and is a subcommittee of the Native Vegetation Council ('NVC'). The predominant work of the NVAP is to exercise NVC delegations for 'Level 4' clearances; lower-level clearances are delegated to the Native Vegetation Unit in DEW. In short, to be clear, the CAC is not analogous to the current Native Vegetation Council.

Similar bodies to the CAC in other jurisdictions have panels of small membership for administrative efficiency; for example, the Native Vegetation Panel in NSW which also has three members.

Despite the routine use delegations, the workload of the current NVAP is still significant, and administrative efficiency is thus a key consideration when setting the size of the CAC membership. It is a matter of mathematics that each additional member on a decision-making body exponentially increases the time spent on communication before a decision is made.

If an administratively efficient number of CAC members is not adopted, it is likely that more delegations will be required to an already overworked Native Vegetation Unit, and/or the political pressure to institute alternative processes will be sought by applicants and stakeholders.

2. The required skills and expertise of the Clearance Assessment Committee should be focused on skills and expertise that are not already available from the Departmental secretariat that will service that Committee.

The Native Vegetation Unit within DEW currently provides advice and support to the NVAP during their decision-making processes, and a parallel arrangement can be expected for the future CAC.

Adding more decision-makers with *similar* skills and expertise to those found within the Unit – who already will provide the CAC with advice – is not as valuable as decision-makers with different, but complementary skills and expertise.

On this basis, the skills and expertise that are most important for the CAC are as follows:

- urban or regional planning;
- land use or land management; and
- law and legal processes, including environmental law (rather than just specifically environmental law).

3. South Australian public servants should not be members of the Clearance Assessment Committee.

The governance of the regulatory system for offsetting in South Australia – both current (under the *Native Vegetation Act 1991*) and future (*Biodiversity Act 2015*) – is predicated on independence from Ministerial direction to provide an apolitical, high-integrity basis for decision-making on offsets. Indeed, the NVAP has not had public servants as part of its membership for some time.

Placing South Australian public servants on the CAC – who can be directed and pressured by the Minister – puts those individuals in an invidious position, creating the potential for conflict of interest between the requirements of their public service employment and their independent statutory role. Not only is this unfair on those individuals, but it also fails to recognise that part of the role of the CAC (and the NVAP before it, and other Committees under the Biodiversity Act) is to safeguard both the public service and the Minister responsible for the Biodiversity Act from allegations of political interference with significant regulatory decisions. Public servants will still be available and delegated as decision-makers to for less politically controversial, more routine decisions. Further, the CAC – and other Committees for that matter – will also still have the power to delegate decisions to the Department where, in their judgement, it is appropriate.

In short, if the Department and Government take the ongoing need for high integrity in South Australia's offsetting system seriously, public servants will be removed from all the Clearance Assessment Committee.

Consultation with bodies on appointments

- 4. The Regulations should require consultation on proposed members to the Clearance Assessment Committee with bodies as listed in s15(4) of the *Biodiversity Act 2025*, and at least with the Conservation Council of South Australia (as the representative of the environment sector) on membership of the Scientific Committee.**

Noting that of the bodies listed in s15(4) of the Act, only the Conservation Council of South Australia has dedicated expertise on environmental science and ecology within its network that is directly relevant to the appointment of appropriate members to the Scientific Committee.

Proposed transfer to Biodiversity Administration Fund

- 5. The proposed transfer of Funds from the Native Vegetation Fund ('the Fund') to the Biodiversity Administration Fund ('the Administration Fund') should only include the State-appropriated money within the Fund. However, if the Government decides to include interest, it must only be real interest (i.e. not include the interest that has been paid due to indexation for inflation / CPI).**

It is the environment sectors' understanding that the Fund has not accrued substantial **real** interest (where "real interest" has its ordinary economic definition, i.e. interest above and beyond the rate of inflation).

To be clear, indexation for inflation (e.g. CPI-indexation) is not **real** interest, and to transfer amounts paid into the Fund for inflation / CPI into the Administration Fund would be taking from money that has been earmarked and then indexed for the delivery of on-ground offsets, significantly undermining the integrity of South Australia's offsetting system.

ALCA understands from public Annual Reports for the Fund that it earns a floating interest rate, based on daily bank deposit rates¹. This means it would be generally expected to outperform inflation by perhaps 1% to 2%, i.e. that the **real** interest rate on the Fund is only a matter of a percent or two.

- 6. The breakdown of the proposed \$3 million for transfer into the Administration Fund should be provided to the public, clearly identifying the:**
 - a. Total amount of real interest (i.e. interest beyond that which merely accounts for inflation);
 - b. Total amount of increase / indexation due to inflation (e.g. CPI)
 - c. Total amounts of State Government appropriations; and
 - d. Total amounts and sources of other money not otherwise accounted for in a), b) or c).

ALCA looks forward to engaging further with the SA Government on this submission.

Australian Land Conservation Alliance

¹ <https://cdn.environment.sa.gov.au/environment/docs/Native-Vegetation-Council-2024-25-Annual-Report.pdf>

About the Australian Land Conservation Alliance

The Australian Land Conservation Alliance is the peak national body representing organisations that work to conserve, manage, and restore nature on privately managed land. We represent our members and supporters to grow the impact, capacity, and influence of private land conservation to achieve a healthy and resilient Australia.

Our twenty-three member organisations are:

- Arid Recovery
- Australian Wildlife Conservancy
- Biodiversity Conservation Trust NSW
- Biodiversity Legacy
- Bush Heritage Australia
- EcoGipps
- GreenCollar
- Greening Australia
- Landcare Australia
- Nari Nari Tribal Council
- National Landcare Network
- Nature Foundation
- North Australian Indigenous Land and Sea Management Alliance
- NRM Regions Australia
- Odonata
- Queensland Trust for Nature
- Rainforest Rescue
- South Endeavour Trust
- Tasmanian Land Conservancy
- The Nature Conservancy Australia
- Trust for Nature (Victoria)
- Wildlife Bank Trust
- World Wildlife Fund - Australia

ALCA member land conservation efforts have influenced over 9.3% of Australia with more than 4,000 landholders. We have over 70,000 supporters and our combined annual turnover exceeds \$400 million. Together ALCA and its members address some of the most pressing conservation issues across the country, including restoring endangered ecosystems, building the protected area estate, tackling invasive species, expanding private conservation finance, and deploying nature-based solutions to tackle climate change.

Through their active land management, ALCA member organisations are deeply embedded in rural communities and economies, providing jobs, securing significant regional investment, and safeguarding remaining native habitat, with its many positive spillover effects for community, wellbeing, and food security. We seek to demonstrate the role and value of private land conservation as a cornerstone of the Australian economy.

Some ALCA members are statutory entities; the views expressed in this submission do not necessarily represent the views of the Government administering those statutory entities.