

RESPONSES TO DISCUSSION PAPER COMMENTS

1. Biodiversity and South Australia's First Nations People

PPSA supports the intent to engage with First Nations people in the proposed Biodiversity Act, noting that Landscape Boards have existing strong relationships with people in their regions, where much of the 'on country' focus relates directly to management of biodiversity, with the added cultural perspectives in landscape management.

Recommendation:

- 6. PPSA recommends that development of legislation acknowledges existing arrangements and relationships with First Nations people under a raft of exiting legislation.**

PPSA notes the inference in the Discussion Paper to enshrine decision-making powers of First Nations interest groups in respect to the proposed Biodiversity Act. We note separate and targeted engagement with First Nations peoples has been undertaken by DEW to inform its approach to drafting new biodiversity laws, while also proposing to align with other Australian jurisdictions and/or international conventions.

In contemplating any such proposal in draft legislation, PPSA will have regard to the practical lessons of the repealed Aboriginal cultural heritage law reforms in Western Australia, "...that went too far, were too complicated and placed unnecessary burdens on property owners"².

Should a similar approach be implemented in South Australia for protection of (cultural) biodiversity, the likelihood of community opposition should be carefully considered by government to ensure a balanced approach in achieving greater First Nations engagement in biodiversity matters³.

Recommendation:

- 7. PPSA recommends that DEW has regard to the recent experience in Western Australia concerning Aboriginal cultural heritage laws, in drafting a Biodiversity Act to increase involvement of Aboriginal First Nations In South Australia in biodiversity matters.**

2. Avoiding Impacts: Promoting avoidance and minimisation of impacts to biodiversity.

That the proposal is to prioritise avoidance and minimise impacts to biodiversity and follow a mitigation hierarchy to make it clear that any action must leave biodiversity in a measurably better state is supported.

However, the broad focus on biodiversity per se rather than on specific species and ecological communities which are 'listed' on a register, needs to be explicitly made. Almost everything primary

² <https://www.abc.net.au/news/2023-08-08/roger-cook-repeals-aboriginal-cultural-heritage-laws/102699678>

³ <https://www.wa.gov.au/government/media-statements/Cook-Labor-Government/Laws-overturned:-Aboriginal-cultural-heritage-legislation-replaced--20230808>

