

What we heard:

# First Nations engagement about the draft Biodiversity Bill

February 2025



Government  
of South Australia  
Department for  
Environment and Water





## Acknowledgement of Country

The South Australian Government respects the First Peoples of South Australia and recognises the cultural authority of all Traditional Owners.

We acknowledge that caring for Country is a cultural obligation and that First Nations peoples have been stewards of the environment for many generations.

We acknowledge the enduring impact of colonisation on First Nations peoples, families, communities, cultures, knowledges and languages, and the impact on the environment.

We recognise the need for more respectful engagement with First Nations peoples, the need to empower First Nations peoples to continue to work with the government in caring for Country, and the need to work together for better outcomes for Country and people.







# Background

*The South Australian Government is developing new legislation to better protect and restore biodiversity. Stronger, more modern laws are needed to conserve ecosystems, safeguard threatened species and ecological communities, and prioritises biodiversity recovery.*

Recognising that First Nations peoples have been managing Country and living sustainably on Australia's lands and waters for generations, the government identified that engagement with First Nations groups from across South Australia would be critical to the success of the new legislation.

Throughout 2024 and early 2025, the Department for Environment and Water (DEW) delivered a range of engagement activities to seek input from South Australia's First Nations peoples and groups on the development of the draft Biodiversity Bill.

The draft Biodiversity Bill underwent a public consultation period in January and February 2025, with a [\*YourSAY\*](#) survey to measure extent of support for provisions within the Bill. A separate consultation report is being prepared to summarise that public consultation.

In addition to the public consultation, DEW sought to provide First Nations peoples and organisations with targeted information about what was contained in the proposed law and hear feedback about the draft Bill.

# Methodology

*DEW hosted two online sessions and invited First Nations organisations to participate.*

## The objectives of the sessions were to:

- Provide more information, and answer questions about the proposed provisions within the draft Bill
- Seek feedback on the proposed provisions within the draft Bill.

Two 60-minute online sessions were held on 20 February 2025 and 25 February 2025, one during business hours and one after hours. Sessions were held online and were facilitated by Nicole Gollan from Nik&Co. Consultancy, a local Aboriginal consultant engaged by DEW.

Invitations were extended to all Native Title bodies in South Australia, and all First Nations peoples and groups who had previously engaged with the project.

## At the sessions, DEW staff gave an overview of the First Nations engagement to date, and the proposed provisions that were thought to be of interest to the First Nations organisations, in particular:

1. Representation in governance
2. Inclusion of First Nations' knowledges
3. Recognition of Culturally Significant Biodiversity Entities (CSBE)

## Participants represented the following organisations:

- Aboriginal Legal Rights Movement SA
- Far West Coast Aboriginal Corporation
- Firesticks Alliance
- Gawler Ranges Aboriginal Corporation
- Gawler Ranges Parks Co-management Board
- Indigenous Desert Alliance
- Kurna Parks Advisory Committee
- Nauo Aboriginal Corporation
- Northern and Yorke Landscape Board
- Nukunu Wapma Thura Aboriginal Corporation
- Nullarbor Parks Advisory Committee
- River Murray and Mallee Aboriginal Corporation
- South Australian Native Title Services
- Vulkathunha-Gammon Ranges National Park Co-management Board
- Warpulai Kumangka (Kurna advisory committee to the Green Adelaide Landscape Board)
- Wirangu 2
- Wirangu and Nauo Aboriginal Corporation
- Yumbarra Conservation Park Co-management Board



# What we heard

## Common themes

### Participants shared their perspectives regarding:

- Concerns about impact on Country, relating to:
  - Tourism and uncontrolled visitor numbers
  - Pastoralism
  - Pest plants and animals
  - Renewable energy industry
  - Space and aerospace industry
  - Light pollution
  - Water resources and allocations.
- The importance of water to health of Country
- Dissatisfaction with the separation of water from biodiversity in legislation
- Concern about multiple government consultations not including water
- The importance of lands, waters, seas, skies and light, and the connectedness of all things
- Concern about government trying to align Elders' knowledge of Country with modern science and government systems.

## Specific questions

During the sessions, specific questions were asked about the proposed provisions within the Biodiversity Bill, and DEW were able to provide answers to those questions, including:

### Participants' questions



#### Culturally Significant Biodiversity Entities (CSBE)

- How will they work?
- Will there be a register?
- Make sure only Aboriginal people can register them.
- How are the CSBE going to be classified and recognised?
- Why does the Minister have powers to recognise CSBE rather than First Nations peoples?



#### First Nations Expert Biodiversity Committee (FNEBC)

- How will the committee be formed?
- Who does the government deem to be an expert?
- What power will the committee have to reject proposals and make recommendations?

### Responses provided in the sessions

The Bill formalises the concept of Culturally Significant Biodiversity Entities, but most of the detail will be determined when policies are co-developed with the First Nations Expert Biodiversity Committee.

The feedback and concerns about CSBE are noted and taken on board for consideration in further amendments to the draft Bill and subsequent development of policy.

The FNEBC is established by the Bill. The specifics of the committee, including number of members, gender representation will be prescribed later in regulation.

The FNEBC members will be appointed by the Minister, following a public nomination process. The Minister may consult with certain organisations regarding the nomination process.

The FNEBC is not intended to be representative of all of the state's First Nations groups. Instead, individuals would be appointed for their environmental and cultural expertise, and give general advice about statewide matters, rather than specific advice about local matters.

## Participants' questions



**Can Indigenous Rangers be involved in compliance?**

## Responses provided in the sessions

Yes, the Bill includes that the Minister can appoint any person to be an authorised officer under the Act. Training for authorised officers would be set in policy.



**Are Regional Reserves in scope?**

Regional reserves are a type of protected area declared under the *National Parks and Wildlife Act 1972*. These will continue to be administered under that Act.



**Why are fisheries excluded?**

Management of fisheries, including cultural fishing by Aboriginal people and any interaction with Native Title rights, is covered by the *Fisheries Management Act 2007*.



**Why can't Aboriginal people hunt protected animals? Ensure hunting is not limited to hunting via traditional methods.**

The Bill specifies that First Nations peoples can take plants and animals for food or cultural purposes without needing a permit.



**In the Objects and the Principles of the Act, recognition of First Nations peoples should be higher up in the list to demonstrate higher priority.**

Noted.



**How will guidelines be developed for Cultural Burning? Who will be involved in the development?**

Development of all policies that are of interest to First Nations peoples, including for cultural burning, will include the First Nations Expert Biodiversity Committee.



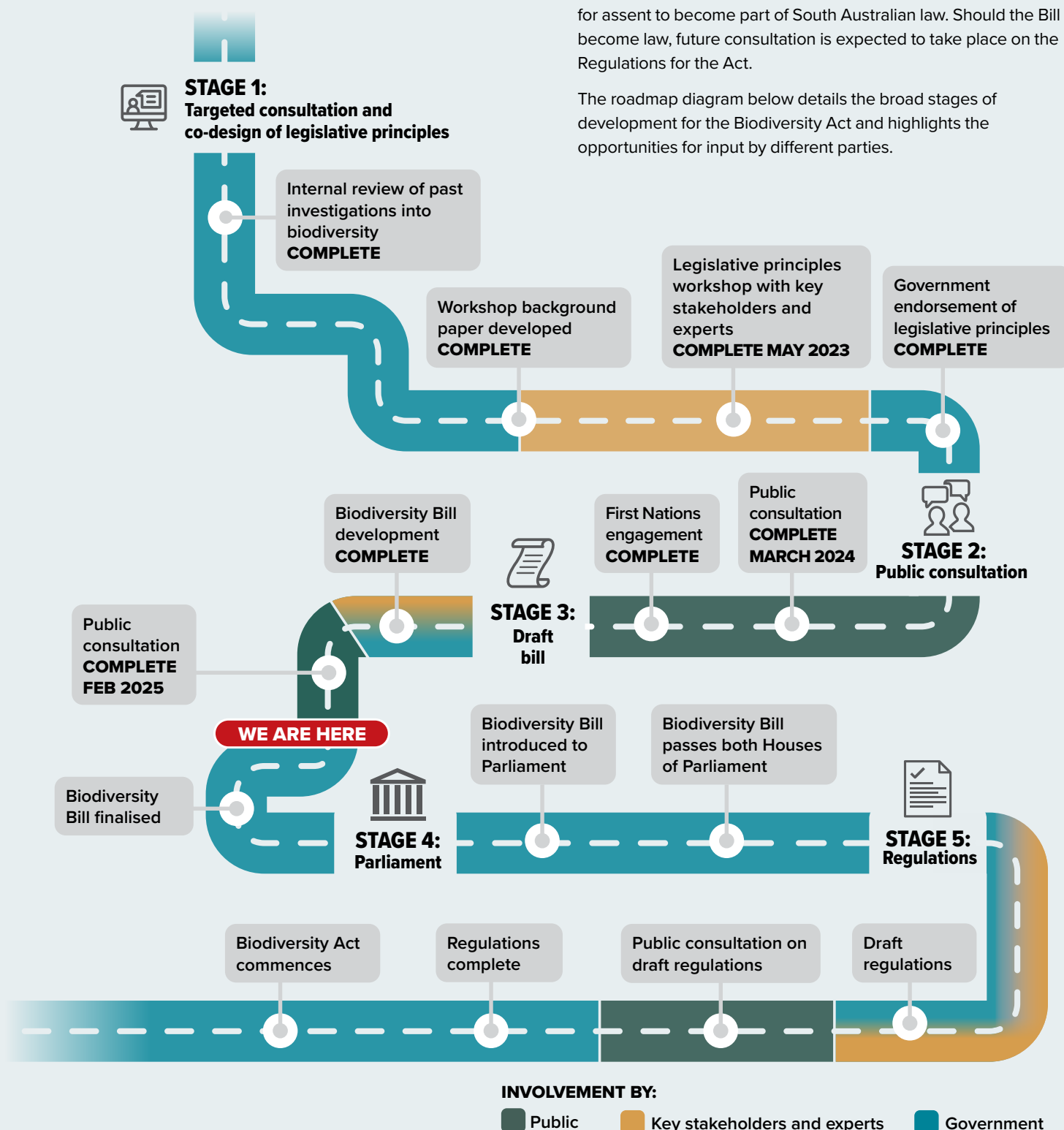
# Next steps

DEW is grateful for the feedback provided by First Nations peoples and groups, both within the two engagement sessions documented here, and through other consultation processes during development of the Bill.

The feedback provided through these two First Nations engagement sessions, along with the suggestions from the public and other stakeholder groups, will be analysed to determine how the Bill could be improved.

DEW will coordinate amendments to the Bill, before it is introduced into the South Australian Parliament. Parliamentary debate may result in further amendments. If passed by both Houses of Parliament, the Bill will be presented to the Governor for assent to become part of South Australian law. Should the Bill become law, future consultation is expected to take place on the Regulations for the Act.

The roadmap diagram below details the broad stages of development for the Biodiversity Act and highlights the opportunities for input by different parties.



**For further information please contact:**

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