

South Australia

Biodiversity Regulations 2026

under the *Biodiversity Act 2025*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Biodiversity Regulations 2026*.

2—Commencement

- (1) Subject to subregulation (2), these regulations come into operation on the day on which section 30 of the *Biodiversity Act 2025* comes into operation.
- (2) Regulation 4 comes into operation on the day on which section 14 of the *Biodiversity Act 2025* comes into operation.

3—Interpretation

In these regulations—

Act means the *Biodiversity Act 2025*.

Part 2—Statutory bodies

Division 1—Biodiversity Council

4—Procedures of Council

Pursuant to section 30 of the Act, the following procedures are prescribed as procedures of the Council:

- (a) a quorum of the Council consists of one half of the total number of its members (ignoring any fraction resulting from the division) plus 1;
- (b) a decision carried by a majority of the votes cast by members of the Council at a meeting is a decision of the Council;
- (c) each member present at a meeting of the Council has 1 vote on any question arising for decision and, if the votes are equal, the chair of the Council may exercise a casting vote;
- (d) if the chair of the Council is absent from a meeting, the members present must choose 1 of their number, who may not be a member of the Public Service, to act as chair for the meeting;
- (e) a conference by telephone or other electronic means between members of the Council will, for the purposes of this regulation, be taken to be a meeting of the Council at which the participating members are present if—
 - (i) notice of the conference is given to all members in the manner determined by the Council for the purpose; and
 - (ii) each participating member is capable of communicating with every other participating member during the conference;
- (f) a proposed resolution of the Council will be taken to be a valid decision of the Council despite the fact that it is not voted on at a meeting if—
 - (i) notice of the proposed resolution is given to all Council members in accordance with procedures determined by the Council; and
 - (ii) a majority of the members express their concurrence in the proposed resolution by letter, email or other written communication setting out the terms of the resolution.

Division 2—Clearance Assessment Committee

5—Composition of CAC etc

- (1) For the purposes of section 18(1) of the Act, the CAC will consist of at least 5 members and not more than 7 members.

- (2) Pursuant to section 18(7)(a) of the Act, in appointing persons to the CAC, the Minister must seek to ensure that, as far as is practicable, the members of the CAC collectively have—
- (a) skills and expertise in the following areas:
 - (i) urban or regional planning;
 - (ii) land use or land management;
 - (iii) environmental law;
 - (iv) biodiversity conservation and restoration;
 - (v) ecology;
 - (vi) environmental impact assessment;
 - (b) such other skills and expertise as the Minister considers appropriate to enable the CAC to carry out its functions effectively.
- (3) Pursuant to section 18(7)(b) of the Act, the following requirements are prescribed:
- (a) before appointing a member to the CAC, the Minister must call for expressions of interest under a scheme determined by the Minister for the purposes of this paragraph;
 - (b) in appointing persons to the CAC, the Minister must—
 - (i) ensure that members of the Public Service comprise no more than 50% of the total number of committee members; and
 - (ii) as far as is practicable, appoint equal numbers of men and women.
- (4) Despite subregulation (3)(b)(i), no act or proceeding of the CAC is invalid merely because, on the office of a member of the CAC becoming vacant, members of the Public Service comprise more than 50% of the total number of committee members.
- (5) However, if on the office of a member of the CAC becoming vacant members of the Public Service comprise more than 50% of the total number of committee members, the Minister must appoint a person who is not a member of the Public Service to fill the vacancy.

6—Procedures of CAC

Pursuant to section 30 of the Act, the following procedures are prescribed as procedures of the CAC:

- (a) a quorum of the CAC consists of one half of the total number of its members (ignoring any fraction resulting from the division) plus 1;
- (b) a decision carried by a majority of the votes cast by members of the CAC at a meeting is a decision of the CAC;
- (c) each member present at a meeting of the CAC has 1 vote on any question arising for decision and, if the votes are equal, the chair of the CAC may exercise a casting vote;
- (d) if the chair of the CAC is absent from a meeting, the members present must choose 1 of their number, who may not be a member of the Public Service, to act as chair for the meeting;

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Part 2—Statutory bodies

Division 2—Clearance Assessment Committee

- (e) a conference by telephone or other electronic means between members of the CAC will, for the purposes of this regulation, be taken to be a meeting of the CAC at which the participating members are present if—
 - (i) notice of the conference is given to all members in the manner determined by the CAC for the purpose; and
 - (ii) each participating member is capable of communicating with every other participating member during the conference;
- (f) a proposed resolution of the CAC will be taken to be a valid decision of the CAC despite the fact that it is not voted on at a meeting if—
 - (i) notice of the proposed resolution is given to all members of the CAC in accordance with procedures determined by the CAC; and
 - (ii) a majority of the members express their concurrence in the proposed resolution by letter, email or other written communication setting out the terms of the resolution.

Division 3—Aboriginal Biodiversity Committee**7—Composition of ABC etc**

- (1) For the purposes of section 21(1) of the Act, the ABC will consist of at least 6 members and not more than 10 members.
- (2) Pursuant to section 21(7)(a) of the Act, in appointing persons to the ABC, the Minister must seek to ensure that, as far as is practicable—
 - (a) the members of the ABC collectively have—
 - (i) skills and expertise in the following areas:
 - (A) planning, delivery or evaluation in relation to caring for Country;
 - (B) integrating Aboriginal knowledges into government processes and policies; and
 - (ii) such other skills and expertise as the Minister considers appropriate to enable the ABC to carry out its functions effectively; and
 - (b) the ABC has an appropriate balance of skills and expertise among its members.
- (3) Pursuant to section 21(7)(b) of the Act, the following requirements are prescribed:
 - (a) before appointing a member to the ABC, the Minister must call for expressions of interest under a scheme determined by the Minister for the purposes of this paragraph;
 - (b) in appointing members to the ABC, the Minister must, as far as is practicable—
 - (i) appoint persons from different parts of the State; and
 - (ii) appoint equal numbers of men and women.

8—Procedures of ABC

Pursuant to section 30 of the Act, the following procedures are prescribed as procedures of the ABC:

- (a) a quorum of the ABC—
 - (i) if 1 or more members of the ABC has indicated that they cannot consider a matter on cultural grounds—is to be determined in accordance with the procedures determined by the ABC or, to the extent that the procedure is not determined by the ABC, by the Minister; or
 - (ii) in any other case—consists of one half of the total number of its members (ignoring any fraction resulting from the division) plus 1;
- (b) if the chair of the ABC is absent from a meeting, the members present must choose 1 of their number, who may not be a member of the Public Service, to act as chair for the meeting;
- (c) a conference by telephone or other electronic means between members of the ABC will, for the purposes of this regulation, be taken to be a meeting of the ABC at which the participating members are present if—
 - (i) notice of the conference is given to all members in the manner determined by the ABC for the purpose; and
 - (ii) each participating member is capable of communicating with every other participating member during the conference;
- (d) a proposed resolution of the ABC will be taken to be a valid decision of the ABC despite the fact that it is not voted on at a meeting if—
 - (i) notice of the proposed resolution is given to all members of the ABC in accordance with procedures determined by the ABC; and
 - (ii) the proposed resolution is supported by members of the ABC in accordance with procedures determined by the ABC.

Division 4—Scientific Committee**9—Composition of Scientific Committee etc**

- (1) For the purposes of section 24(1) of the Act, the Scientific Committee will consist of at least 6 members and not more than 10 members.
- (2) Pursuant to section 24(7)(a) of the Act, in appointing persons to the Scientific Committee, the Minister must seek to ensure that, as far as is practicable—
 - (a) the members of the Committee collectively have—
 - (i) skills and expertise in the following fields of natural science:
 - (A) vascular flora;
 - (B) non-vascular flora;
 - (C) vertebrate fauna;
 - (D) invertebrate fauna;

- (E) ecological communities;
 - (F) terrestrial ecology;
 - (G) marine ecology;
 - (H) freshwater ecology; and
 - (ii) such other skills and expertise as the Minister considers appropriate to enable the Committee to carry out its functions effectively; and
 - (b) the Scientific Committee has an appropriate balance of skills and expertise among its members.
- (3) Pursuant to section 24(7)(a) of the Act, the Minister may require members of the Scientific Committee to undertake specified training relevant to the performance of the Committee's functions.
- (4) Pursuant to section 24(7)(b) of the Act, the following requirements are prescribed:
- (a) before appointing a member to the Scientific Committee, the Minister must call for expressions of interest under a scheme determined by the Minister for the purposes of this paragraph;
 - (b) in appointing persons to the Scientific Committee, the Minister must—
 - (i) ensure that members of the Public Service comprise no more than 50% of the total number of Committee members; and
 - (ii) as far as is practicable, appoint equal numbers of men and women.
- (5) Despite subregulation (4)(b)(i), no act or proceeding of the Scientific Committee is invalid merely because, on the office of a member of the Scientific Committee becoming vacant, members of the Public Service comprise more than 50% of the total number of Committee members.
- (6) However, if on the office of a member of the Scientific Committee becoming vacant members of the Public Service comprise more than 50% of the total number of Committee members, the Minister must appoint a person who is not a member of the Public Service to fill the vacancy.

10—Procedures of Scientific Committee

Pursuant to section 30 of the Act, the following procedures are prescribed as procedures of the Scientific Committee:

- (a) a quorum of the Scientific Committee consists of one half of the total number of its members (ignoring any fraction resulting from the division) plus 1;
- (b) a decision carried by a majority of the votes cast by members of the Scientific Committee at a meeting is a decision of the Scientific Committee;
- (c) each member present at a meeting of the Scientific Committee has 1 vote on any question arising for decision and, if the votes are equal, the chair of the Scientific Committee may exercise a casting vote;
- (d) if the chair of the Scientific Committee is absent from a meeting, the members present must choose 1 of their number, who may not be a member of the Public Service, to act as chair for the meeting;

- (e) a conference by telephone or other electronic means between members of the Scientific Committee will, for the purposes of this regulation, be taken to be a meeting of the Scientific Committee at which the participating members are present if—
 - (i) notice of the conference is given to all members in the manner determined by the Scientific Committee for the purpose; and
 - (ii) each participating member is capable of communicating with every other participating member during the conference;
- (f) a proposed resolution of the Scientific Committee will be taken to be a valid decision of the Scientific Committee despite the fact that it is not voted on at a meeting if—
 - (i) notice of the proposed resolution is given to all members of the Scientific Committee in accordance with procedures determined by the Scientific Committee; and
 - (ii) a majority of the members express their concurrence in the proposed resolution by letter, email or other written communication setting out the terms of the resolution.

Part 3—Funds

11—Prescribed amount to be paid into Biodiversity Administration Fund

For the purposes of section 39(3)(a) of the Act, the prescribed amount is \$3 000 000.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on

No of 2026