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Importance:

High

Categories:

Blue category

OFFICIAL

Hello, please see feedback from [REDACTED] (who's on the ASL National Recovery Team). I think many of the points he's raised will be addressed.

Thanks,

[REDACTED]

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[REDACTED]

Thanks for providing the opportunity to consider the draft Biodiversity Act during the public consultation process, which closes tomorrow on 18 February.

While I haven't had the capacity to review the draft Bill in full, I have made the following comments on some provisions that I consider are relevant to our work supporting the recovery of Australian sea lions, as a member of the National Recovery Team.

Could you please pass on these comments to the relevant unit of DEW?

Thanks,

[REDACTED]

- Australian sea lions were listed as endangered in the IUCN Red List of Threatened Species in 2008 and under the EPBC Act in 2020. They are also listed as endangered under conservation legislation in WA and Victoria and remain listed as vulnerable under the SA National Parks and Wildlife Act 1972.
 - Support the Biodiversity Bill giving effect to the Common Assessment Method to harmonise the listing of nationally threatened species (which presumably will address the anomaly in SA listing, above).
 - Note that clause 62 provides that b) interfering with a protected animal, i) destroying, damaging or disturbing a protected habitat, and j) other prescribed activities are regulated acts or activities, and that clause 64 provides it is an offence to carry out or undertake a regulated act or activity unless authorised to do so without a permit granted by the Minister under Part 9.
 - It is important to ensure the proposed legislation has the capacity to effectively regulate activities that commercially benefit from and/or may negatively impact protected animals, for example tourism operations that exploit Australian sea lion haul out and breeding areas or behavioural and breeding disturbance caused by land and boat-based wildlife tourism, boating and aircraft through such permits, if needed.
 - Note that clause 146 requires the payment of a prescribed fee for a permit application and enables further amounts to be payable during the term of the permit. Clause 166 allows for fees to be prescribed by fee notice.
 - It is important the proposed legislation has the appropriate power to ensure permit holders who commercially benefit from and/or may negatively impact protected species such as Australian sea lions can be required to contribute to the costs of monitoring to ensure that their activities are not impacting the species, scientific research, sustainable management, and other actions to support population recovery, if needed. Such requirements should be able to be applied, irrespective of whether the activity occurs within or outside of a reserve.
- (In short - the proposed legislation should have the appropriate power to recover costs from any regulated activities that may impact a protected species and have the capacity to direct those funds to research and monitoring in support of managing those activities appropriately, i.e. , evaluating the sustainability of activities and ensuring they are not negatively impacting natural population processes of a protected species, such as the Australian sea lion).
- Question why the Biodiversity Conservation Fund is proposed to be applied to the “promotion of research into problems relating to the conservation” of plants and animals rather than “re-establishing, enhancing, preserving, managing and researching” native plants like the Biodiversity Restoration Fund. ‘Promotion’ of research seems an ambiguous term and clarification is sought to ensure that the Biodiversity Conservation Fund can directly fund important research and other actions to support species recovery.
 - Request the Australian Sea Lion National Recovery Team has the opportunity to provide input into the implementation of the Biodiversity Act for matters relevant to the protection and recovery of Australian sea lion populations, including the assessment and listing process, and development of regulations, policy and permitting arrangements regarding management of potential impacts to Australian sea lions.

[REDACTED]

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Dear ASL Recovery Team members,

Please note that South Australia's draft Biodiversity Bill is currently open for consultation. Details for providing feedback are provided in the email below.

Thanks,

[REDACTED]



Helping South Australians conserve, sustain and prosper

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The Department for Environment and Water (DEW) is pleased to advise that the draft Biodiversity Bill is currently open for public consultation.

To have your say, please visit YourSAy and complete the online survey: <https://yoursay.sa.gov.au/draft-biodiversity-bill>

An [explanatory guide](#) has been developed to help guide you through the [draft Bill](#), highlighting its intent and rationale, and some [Frequently Asked Questions](#) have been prepared to answer the most common questions.

Public consultation **closes on 18 February**. We look forward to hearing from you.

Kind regards

Biodiversity Legislation Project Team

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**Government
of South Australia**



We acknowledge that the lands that we live and work on are the traditional lands of South Australia's First Nations peoples. We pay respect to the traditional custodians of these ancestral lands and acknowledge their deep spiritual connection to Country. The department works in partnership with the First Peoples of South Australia and supports their Nations to take a leading role in caring for their Country.

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