

Submission - Draft Biodiversity Bill

Threatened Plant Action Group Inc.

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The Threatened Plant Action Group (TPAG) is a Not-For Profit organisation dedicated to the conservation and enhancement of threatened plant species in South Australia. As such, it is pleasing to see that considerable effort is being made to improve State legislation related to our core business, and replace outdated and often impractical concepts with a more current and biodiversity-friendly approach. In particular, we applaud the move to adopt in principle the Common Assessment Method, as used by the Commonwealth and other jurisdictions, and to have the formation of a committee to oversee assessments of species, enshrined in legislation.

Following are some comments relating to improvements we'd like to see included in the final piece of legislation.

1. **'Native plant' definition** - *Bill, p15*

The definition should be restricted to species native to SA. This does not limit the ability to respond to climate change as SA has a range of semi-arid and arid ecosystems with diverse floras without the need to introduce non-SA species from other states. The number of plant species from other states becoming feral is increasing more quickly than they are declared under the Landscape Act. Generally the only control applied is prohibition of sale. This provision is unnecessary and may have adverse consequences.

2. **An 'offset threshold'**

The bill should identify a level of biodiversity loss for which offsetting will not be contemplated. The proposed 'mitigation hierarchy' allows for offsetting in situations where avoidance, mitigation or rehabilitation/restoration are not possible, however it is TPAG's belief that many impacts cannot be reasonably offset. For example,

there is generally no feasible offset activity for clearance of a threatened species' critical habitat. This is because revegetating habitat to the quality and timeframe required to offset any impacts is not possible.

3. 'Action plans' and declarations of 'critical habitat' - Bill, Pt 6 Div 4 & 5

The bill should mandate the development/adoption of an action plan and the declaration of critical habitat for species and ecological communities with a conservation status of Critically Endangered. Furthermore, the action plan and declaration of critical habitat should be completed within 6 months of a new Critically Endangered listing. Species and ecological communities with a conservation status of Critically Endangered are at "an extremely high risk of extinction in the wild in the immediate future". Therefore, in every case they should have both an action plan and a declaration of critical habitat.

4. NPCAC board composition - Bill, p26

The bill should state that NPCAC board members should have skills, knowledge and experience in "Scientific research in biological science" rather than simply "Scientific research".

5. Circumstances in which consent may be given to a clearance application – Bill p41

Track establishment and track widening should be removed as 'specified circumstances'. The bill should mandate environmental impact assessments for track establishment and widening. Recreational tracks can have a significant initial and ongoing impact and need to be monitored and managed continuously in native vegetation, especially in regard to weeds, fragmentation and erosion. They should be treated as any other land-use that causes vegetation loss and degradation.

6. Listing process – Bill, 74, p56

Species included in the current schedules of the NPW Act should be automatically transferred to the new schedules and not have to be re-nominated and assessed unless their status has changed.

7. State Biodiversity Plan - Bill, 160, p112

A review and report on the Plan by the minister should be at least every 3 years. A SBP is long overdue and urgently needed. Key components of the plan should be drawn wherever possible from existing documents such as the 2016 Northern and Yorke Region Conservation Action Planning documents.

8. Principles of preservation of native plants - Bill, Schedule 3, p134

A new principle should be added to address the risk of approving clearance of native plants where the assessment under-estimates the diversity of the vegetation due to inappropriate seasonal timing and the potential for recovery by annual and ephemeral species not evident during the survey:

They comprise part of an ecological community that has been modified in an area which may have been extensively cleared, and is likely to reveal a higher diversity of species, particularly annuals, ephemerals and cryptic species, when assessed at different or other times

9. Permits for protected plants NOT for commercial purposes – Bill, Part 9

This part of the bill should include a provision for applying for a scientific research permit for taking protected plants NOT for commercial purposes.

10. Definition of degradation in the Pastoral Act – Bill, p134

The definition of degradation in the Pastoral Act is not sufficient for grazing practices to be assessed before degradation commences and this definition should not be relied on in the Biodiversity Act. The definition is: “degradation of land means a decline in the quality of the natural resources of the land resulting from human activities on the land, and degraded has a corresponding meaning”. This needs to be defined in terms of ‘biodiversity’ for it to be useful in this act.

11. Amendment of NPW Act, Amendment of Long Title - Bill, p144

There should be reference to natural ecosystems/environments because national parks are not theme parks or zoos. Preferred wording: “conservation of natural ecosystems and native habitats”.

12. Extinction inquiries - Explanatory Guide, Part 6, p22

An inquiry once a species has become extinct is too late for that species. It would be of greater value to conduct extinction inquiries at the population level – i.e. if a key population of a species becomes extinct whilst other populations are still extant, an inquiry into this loss would help to improve efforts to conserve the remaining extant populations before the species as a whole becomes extinct. Conservation planning for threatened species must begin at the population level.

13. Related Amendments – PDI Act - *Explanatory Guide, p34*

Biodiversity State Planning Policy under PDI Act is to “comply with BD Act”, but an EIS for an Impact Assessed Development is only “referred to the Biodiversity Minister for comment” by the Planning Minister who only needs to “consider the views” of the Biodiversity Minister. This gives little comfort for good biodiversity outcomes.

TPAG agrees with the proposal to amend the PDI Act to require the Biodiversity Minister to consent to any amendment to the Planning and Design Code that affects an overlay or zone of importance to biodiversity.

Impact of State Planning Policy:

The PDI Act and State Planning Policy are driving rapid land-use change in peri-urban and rural areas leading to the rapid urbanisation of the rural landscape in some parts of the State such as the Mt Lofty Ranges. This has serious implications for biodiversity conservation and presents significant resourcing challenges for biosecurity managers. As this is not being addressed effectively at a high policy level, it is important that the Biodiversity Minister should have the power to initiate an amendment, and provide consent, to the Planning and Design Code that affects an overlay or zone of importance to biodiversity.

The Committee of the Threatened Plant Action Group