

Response to survey questions in South Australia's first Biodiversity Bill explanatory guide

Part 1 – Preliminary

1. Yes
2. No, for the following reason.
 - Surely local or endemic plant species require a higher level of protection (particularly in functioning ecosystems or intact native vegetation) than introduced Australian species, which at times become invasive? With important symbiotic relationships in functioning ecosystems, removal of one species can significantly impact others. Let's protect our SA vegetation in its natural (and extended) range as the first priority and other Australian vegetation as the next.

Part 2: Objects, principles and general duty

3. Yes, with addition of 'business and Government' to 'individual accountability' in object one, making it consistent with the general duty section that follows.
4. Yes
5. Partly, with the following comments.
 - I would like to see the inclusion of 'impacts on historic, current or potential critical habitat, including breeding and foraging refuges' and 'cumulative impacts'.
 - With regard to 'reasonable measures', I am concerned that ignorance will be used as a loophole, if you don't know about the presence of a threatened species, or seek advice on its habitat requirements, significant impacts could result with minimal consequence. This is particularly relevant to changing land use and development of areas that provide important nesting or foraging areas, and the data deficiency on populations and distribution of many species in some South Australian locations.

Part 3: Administration

6. Yes
7. Yes, provided the appointments are advertised externally to State Government with selection panel that include non-Government members, to ensure equity of appointments.
8. Yes

Part 4: Native plants

9. Yes, however it needs to be clear that regulated activities include collection of native food plants (eg samphire) or other biological resources (eg beach wrack/seaweed) by non-Aboriginal persons or collection for commercial purposes.
10. Yes, providing that the 'Mitigation Hierarchy' is used in conjunction with the biodiversity value of site in question. Areas of high biodiversity value must be given the highest level of protection in this Act. Offsets must not be used as a trade off for environmental degradation to critical habitat or functioning ecosystems.
11. No, with the following comments.
 - Commercial Forests are important habitat for many species, particularly when situated in areas surrounded by agricultural land or limited native vegetation. The current removal of Tasmanian Blue-gum and Radiata Pine on Kangaroo Island is a good example, whereby there has been no Environmental Impact Assessment of the significant land use change of 'remediation' of these Forestry lands to agriculture, despite the knowledge of threatened

species (State and Federal) utilizing these areas within the Black Summer fire-scar. These Commercial enterprises are a significant threat as they are often not held accountable for their actions as others are.

12. Yes

Part 5: Native animals:

13. Yes.

14. Yes, in principle. However Dingoes must be recognized as a native high predator, with an important role in ecosystem health. They have been in Australia for thousands of years, so this threatened species schedules under this Act need to ensure the assessment of their current conservation status in South Australia, to enable the potential for increased protection of these native animals in the future. It would help to change the vernacular from Wild Dog to Dingo in all Acts of Parliament, and clearly define the difference between the introduced species and the native species.

15. Yes, with the following comments.

- There must be recognition of the cumulative impact of a potential increase in wildlife trafficking, but being moved in smaller quantities. For example, perpetrators may avoid the larger penalties by trafficking the same quantity of animals in smaller batches, which helps to distribute their risk and reduce penalties if detected. The same quantity of wildlife may be being taken, so the impact is the same, and penalties must reflect this.
- I am concerned that the interpretation within the Draft Biodiversity Bill 2025 does not include terrestrial or marine invertebrates, or freshwater and saltwater fishes. If species within these taxa are to be protected under the Biodiversity Act, they need to be included as a native animal within it, not just in the Fisheries Management Act, 2007. The draft Biodiversity Bill 2025 reads;

native animal means—

- (a) an animal of a species that is indigenous to Australia or was present in Australia before 1400 AD; or
- (b) a migratory mammal, bird or reptile that periodically or occasionally migrates to, and lives in, Australia; or
- (c) an animal of a class brought within the ambit of this definition by the regulations,

fish has the same meaning as in the Fisheries Management Act 2007;

Part 6: Threatened Species, threatened ecological communities and other ecological entities

16. Yes, with the following comment.

- The flowchart provided does not demonstrate a sound, transparent process at the point of rejecting the nomination. Who makes this decision? Given that reasons for rejection (based on the eligibility criteria) would need to be provided to the proponent, I suggest the rejection take place after the process of undertaking a listing assessment against the eligibility criteria.

17. Yes

18. Yes, but I suggest a higher penalty that recognizes the intrinsic value of functioning ecological communities as well as the proposed individual plant and animal species offences.

19. Yes

20. Yes

21. Yes, provided that the delivery of actions (including transparent evaluation of the positive or negative outcomes from them) is adequately resourced and completed within set timeframe.

Part 7: Conserved Areas

22. Yes

23. Yes

Part 8: Enforcement

24. Yes

25. Yes

26. Yes

27. Yes however I could not find further details referring to civil penalties in Appendix 1.

28. Yes

Part 9: Permits

29. Yes

Part 10: Miscellaneous

30. Yes, with the following comments.

- The sharing of biodiversity data with external Environmental non-government agencies and stakeholders under agreement, needs to be transferred in a regular and timely manner.
- The development of the Biodiversity Plan must include resourcing of actions, including evaluation of positive or negative outcomes from these actions for reporting purposes

31. Yes

32. Yes

33. Yes

34. Yes

Schedule 2: Regulated acts or activities exclusions

35. Yes

36. No, with the following comments.

- Forestry, agriculture and other industry can have significant impacts on Biodiversity which extends beyond their property or management area. This may include logging of forests without environmental management plans to mitigate impacts on threatened species or threatening processes, broad-scale application of herbicides, pesticides or rodenticides. These can cause damage to biodiversity, high order predators and threatened species across the landscape.
- Commercial Forests become important habitat for many species, particularly in areas of agriculture. The current removal of Tasmanian Blue-gum and Radiata Pine on Kangaroo Island is a good example, whereby there has been no Environmental Impact Assessment of the significant land use change of 'remediation' of these Forestry lands to agriculture, despite their knowledge of threatened species (State and Federal) utilizing these areas within the Black Summer fire-scar.
- Commercial enterprises can pose a significant threat as they are often not held accountable for their actions as others are, and hold the power of economic influence.

Schedule 3: Principals of preservation of native plants

37. Yes.

Related amendments:

38. Yes.

39. Yes, with the following provisions.

- That consideration be made to the cumulative impacts of land use change and development. This includes increased disturbance to breeding and foraging refuges, loss of habitat, and competition for resources. There is often increased predation (or browsing pressure) on native plants and animals around urban developments, from both introduced and native species that may increase around them. The Minister for Environment, Water and Climate Change must seek advice from the scientific committee and provide evidence-based decisions through a transparent process.
- The requirement for threat mitigation in new developments could include the provision of dog-walking parks and public swimming pools to reduce pressure from dogs (and vehicles) on coastal beaches around our coastlines, and native provincial plantings to provide habitat through native species to enhance biodiversity.
- I would like to see existing Federal Conservation Advice on Threatened Species and State Recovery Plans acted upon through this process. This would include the protection of historic, current or potential critical habitat, for example the breeding and foraging refuges for Eastern Osprey and White-bellied Sea-Eagle (both Endangered in South Australia), as per the species recovery plan (DEW, 2022).
- Advice and decisions must be evidence based and transparent, and be supported by the scientific committee, therefor removing the Minister's discretion or views from the decision-making process.

Thank you for the opportunity to comment on this bold and necessary piece of legislation for South Australia. It will be a great move forward for Biodiversity Conservation in our state.

Kind Regards,

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