

Friday, 28 February 2025

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Re: South Australia's Draft Biodiversity Bill

We, the undersigned, represent not-for-profit organisations that are recognised as world leaders in the conservation of fungi.

We welcome the opportunity to comment on South Australia's draft Biodiversity Bill 2025.

We applaud the South Australian Government's clear and conscious efforts to better cover fungi in its new biodiversity legislation. Fungi, a unique and vast kingdom of life, are distinct from plants and animals, yet play a crucial role in sustaining life on Earth. Despite their significance, fungi have long been overlooked in biodiversity conservation. The draft Bill takes significant steps to addressing this oversight.

However, the coverage of fungi in the draft Bill is incomplete.

The draft Bill proposes to cover fungi primarily by defining them as 'plants' (section 3(1), definition of 'plant', paragraph (a)). This is despite fungi having been recognised as constituting their own kingdom of life — ie, as not being plants — [for more than 50 years](#) by the scientific community.

In our view, **the drafting convenience of covering fungi by defining them as plants is outweighed by the legal and scientific reasons for recognising fungi in their own right.** These include:

1. Legal certainty. The surest way to cover fungi in the draft Bill is to include them in the substantive provisions, rather than relying on a statutory definition. Under section 6 of South Australia's *Legislation Interpretation Act 2021*, statutory definitions can be disapplied in certain circumstances. This could potentially mean that fungi are excluded in particular statutory contexts despite being covered by the definition. It is better to avoid this risk.
2. Consistency with the science. It is in the public interest for legislation to be consistent with contemporary, long-held scientific understanding.
3. Public accessibility to legislation. For readers without legal training, it is more difficult to understand how fungi are covered by the draft Bill if they are referred to in a definition of 'plant' rather than in the substantive provisions.



4. The interests of fungi. Just as most humans would probably prefer not to be legally classified as bacteria, it is inappropriate for fungi to be legally classified as plants — or indeed any taxon other than their own — under the draft Bill.

We appreciate that other Australian jurisdictions cover fungi in their legislation by defining them as plants. But the fact that other jurisdictions cover fungi in this way does not mean it is the best way to do it.

Indeed, if the South Australian Government were willing to take the relatively simple step of referring to fungi in their own right in the Bill, it would become the first Australian jurisdiction, and one of the only jurisdictions globally, that we are aware of that would properly recognise fungi under law (once the Bill passes).

Referring to fungi in their own right would also be consistent with international best practice, which suggests that fungi should be on equal footing with plants and animals in policy and legislation (see in particular the [Fauna Flora Funga](#) initiative, which has been [endorsed](#) by the IUCN Species Survival Committee; and [the world-leading example of Chile](#)).

Therefore, **we strongly encourage the South Australian Government to become a national and international leader in biodiversity conservation with respect to fungi** by ensuring that fungi are properly covered in the draft Bill. We recommend the South Australian Government do so **by making the following amendments**:

1. **Taking fungi out of the definition of 'plants' and defining them in their own right.**
2. **Making consequential amendments throughout the Bill to ensure that fungi are expressly referred to, where appropriate, wherever plants are also referred to.**

We appreciate these recommended amendments would involve some amount of redrafting. But it is our strong view that this is the right thing to do.

Should you require any further information or assistance, or if you would like to meet to discuss these submission recommendations further, please contact Fungimap Inc's [REDACTED], [REDACTED], in the first instance at [REDACTED] or [REDACTED].

fungimap

Yours sincerely,

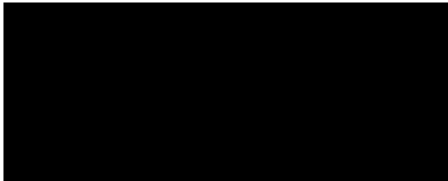


[Redacted] Fungimap Inc
[Redacted] University of Adelaide



[Redacted] Fungimap Inc

Together with (alphabetically by surname):



SPUN | Society for the Protection of Underground Networks

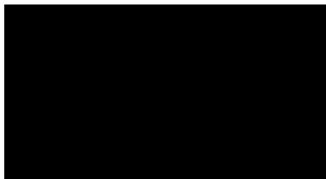
International Union for Conservation of Nature,
Species Survival Commission (IUCN SSC), Fungal
Conservation Committee



Re:wild

[Redacted], IUCN SSC Australian Species Specialist
Group

[Redacted] IUCN Red List Scientific Committee



[Redacted] IUCN SSC Aquatic Fungi Specialist Group

[Redacted], IUCN SSC Fungal Conservation
Committee

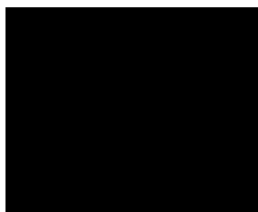
[Redacted] IUCN SSC Australian Species Specialist
Group

Flinders University



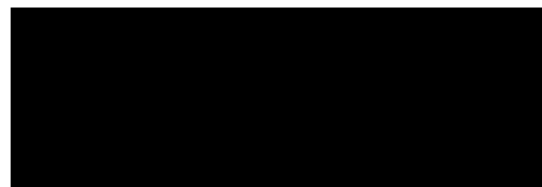
Edith Cowan University

[Redacted] Australasian Mycological Society



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[Redacted] Vrije Universiteit
Amsterdam

**SPUN | Society for the Protection of
Underground Network**

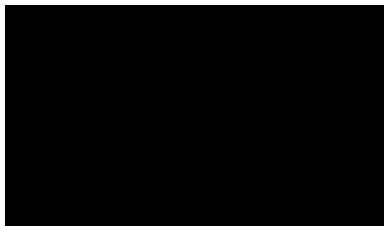


[Redacted], University of Adelaide

[Redacted] Australian Species Specialist Group

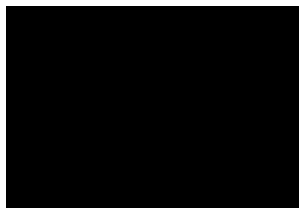
[Redacted], Biodiversity Council

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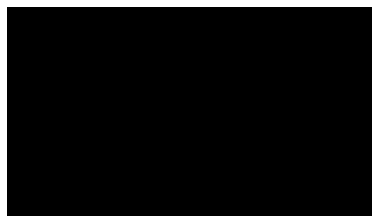
Royal Botanic Gardens Victoria

Australasian Mycological Society

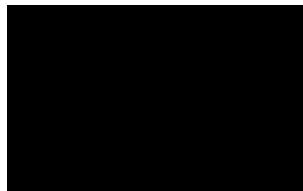
Fungal Conservation,

IUCN SSC, Fungal Conservation Committee

IUCN SSC, Australian Species Specialist Group

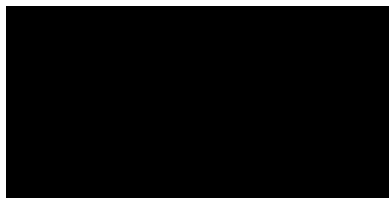


IUCN SSC Fungal Conservation Committee



Western Sydney University

, Australian Mycological Society



Royal Botanic Gardens Victoria

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, Australasian Mycological Society

, University of Melbourne