



Butterfly Conservation South Australia Inc.



18/2/25

Biodiversity Coordination Unit
Department for Environment and Water
GPO BOX 1047
Adelaide SA 5001

To whom it may concern,

Butterfly Conservation SA Inc. (BCSA) was formed in 1998 to promote conservation of butterflies and their habitat. Members receive regular newsletters, join excursions, attend the talks program, and take part in various projects relating to the conservation of invertebrates.

BCSA has been proactive in assessing and listing threatened butterflies and moths and maintains an essential resource on their biology and ecology (SA Butterflies, <https://www.sabutterflies.org.au/home/index.html>). We aim to maintain and update this resource as new information becomes available.

All SA butterflies were assessed by a panel of experts in 2022, and a short list was created of those considered to be rare and threatened, with common assessment method nominations prepared. Reading that the Biodiversity Bill will include threatened invertebrates moving forward is comforting, although the timeframe for acceptance of existing nominations is unclear. We have been waiting patiently for a review of the NPW Act schedules to have these nominations assessed and added, but a review has not eventuated. We request that the listing process be modified to include a provisional list, including those species nominated and not rejected. Ensuring that species nominated are given due consideration within SA planning and development laws until they have been formally assessed and accepted.

Further to this comment, BCSA wishes to provide the following responses to the questions provided on the Biodiversity Bill.

Yours sincerely,

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Responses to survey questions from the Explanatory Guide :

- 1. Do you support the definition of 'plant' to include fungi and algae to allow for their protection under the Act? Yes**
- 2. Do you support adopting the definition for 'native plant' from the National Parks and Wildlife Act 1972, meaning any plant indigenous to Australia can be protected? Yes**
- 3. Do you support the proposed objects of the Biodiversity Act? Yes**
- 4. Do you support the proposed guiding principles of the Biodiversity Act? Yes**
- 5. Do you support what constitutes 'harm' and what is considered 'reasonable measures' for the purposes of the general biodiversity duty? Yes – although advice and guidelines should be developed.**
- 6. Do you support the governance framework for the Act, including the roles and reporting structure of the committees proposed to be established? Yes – it appears to be a complex arrangement, but each committee seems to have a clear purpose.**
- 7. Do you support committees being appointed based on their skills and expertise? Yes, would prefer this arrangement than representation from groups.**
- 8. Do you support the establishment of a Biodiversity Administration Fund as a means of providing transparency on which funds can be used for the administration of the Act? Yes**
- 9. Do you support the 'regulated activities' and 'unregulated activities' approach to native plants? Yes**
- 10. Do you support the development of a guideline which provides proponents with advice on how to apply the mitigation hierarchy? Yes**
- 11. Do you support the new measure aimed at protecting planted native plants more than 20 years old, excluding those in people's gardens or commercial forests? Yes - although the finer details of how this is assessed or determined and the implications for a landowner need to be explored more specifically.**
- 12. Do you support the ability for the NPCAC to request further information and allow clearance applications to be resubmitted in favour of a more formal review process? Yes**
- 13. Do you support the 'regulated activities' and 'unregulated activities' approach to protecting and managing native wildlife? Yes, but will need further clarification.**

14. Do you support introducing targeted controls for managing impact causing species in favour of an 'unprotected' list of species? Yes.

15. Do you support the approach of determining trafficable quantities of species with higher penalties? Yes

16. Do you support the concept of listing threatened ecological communities (similar to the process used for threatened species)? Yes

17. Do you support enabling a head power to list other ecological entities in the future, based on criteria to be prescribed in regulation? Yes, not sure what they might be but seems like a useful future proofing provision. Further explanation of the criteria of an entity needs would be useful.

18. Do you support relying on the existing offences for plants and animals, instead of creating a new offence for threatened ecological communities or other listed ecological entities? Yes

19. Do you support the ability to apply a 'provisional listing' of species and ecological communities where appropriate? Yes, the intention of a provisional list as described is supported but should not be limited to this criteria for acceptance on that list.

- Provisional listing needs expansion to include those species under consideration i.e..formally nominated using the Common Assessment Form and considered 'not rejected'. Organisations or individuals that undertake a nomination have already put substantial effort into preparing information, so if the species/veg community/entity is not rejected at the start, it should be placed on a provisional/interim list for two years until it has been formally assessed. This is most relevant to nominations currently sitting with the TS Unit of DEW waiting for the next review of the NPW Act schedules.

A list of invertebrates are currently with the TS Unit of DEW for consideration they include;

Common Name Scientific Name Regions (found) Proposed conservation rating ()

State NP&W Act nominations:

Bronze Ant-blue *Acrodipsas brisbanensis* RI & LC (EN)

Narrow-winged Pearl-white *Elodina padusa* AL (EN)

Ringed Xenica *Geitoneura acantha* MLR (EN)

Flame Sedge-skipper *Hesperilla idothea clara* MLR & KI (VU)

Golden-haired Sedge-skipper *Hesperilla chrysotricha cyclopsila* EP, MLR, KI & LC (VU)

Bright-eyed Brown *Heteronympha cordace wilsoni* LC (CR)

Large Bronze Azure *Ogyris halmaturia waterhouseri* EP & LC (EN)

Small Bronze Azure *Ogyris otares* EP, YP, MLR, KI & LC (VU)

Arid Bronze Azure *Ogyris subterrestris* RI (EN)



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Silver Xenica Oriexenica lathoniella herceus LC (CR)

Striped Xenica Oriexenica kershawi kanunda LC (EN)

Sword-grass Brown Tisiphone abeona albifascia LC (EN)

Orange Ochre Trapezites eliena LC (CR)

Phigalia Skipper Trapezites phigalia MLR & LC (EN)

Splendid Ochre Trapezites symmumus LC (VU)

EPBC Act nominations:

Waterhouse's Hairstreak Jalmenus lithochroa YP & AL (EN)

Regions found: EP = Eyre Peninsula, YP = Northern and Yorke, AL = SA Arid Lands, MLR = Hills and Fleurieu, KI = Kangaroo Island, RI = Murraylands and Riverland, LC = Limestone Coast

Conservation rating codes: CR = Critically Endangered, EN = Endangered, VU = Vulnerable.

NOTE: Data relating to the above species nominations should be visible in the 'early zoning stage' of developments and/or on the Biodiversity Register.

20. Do you support the ability to declare critical habitat to provide increased protection for threatened species, threatened ecological communities, and other listed ecological entities? Yes we support the ability to declare critical habitat, but what happens then, more information required. Very relevant to some plants and a few animal species, where they only occur in very few locations (<3) in the country or our state. One endemic butterfly *Jalmenus lithochroa* for example in the mid-North, and another in the Limestone Coast (one known colony in one small nature reserve).

21. Do you support the ability to develop action plans for the protection and recovery of a threatened species, threatened ecological community, or listed ecological entity? YES - with an annual to biennial audit on levels of implementation to track progress.

22. Do you support renaming Heritage Agreements to 'Biodiversity Agreements' to better reflect their role? Yes, only if it doesn't create unnecessary administration for landholders currently with HA's.

23. Do you support the introduction of new types of protected areas for private land, including the proposed Conservation Agreements? Yes

24. Do you support provisions for enforceable undertakings as a method to manage breaches of the Act? Yes

- 25. Do you support the proposal to introduce wider standing for people to make an application to the court for civil enforcement of a breach of the Act?** Yes
- 26. Do you support the concept of ‘no development’ orders?** Yes
- 27. Do you support the option of civil penalties for breaches of the Act?** Yes
- 28. Do you support the penalties for criminal offences proposed under the Act?** Yes, but guidelines need to be developed to assist the ERD Court.
- 29. Do you support the permit provisions proposed in the Biodiversity Act?** Yes
- 30. Do you support the provisions that set the scope of the State Biodiversity Plan?** Yes.
- 31. Do you support the recognition of culturally significant biodiversity entities?** Yes
- 32. Do you support the requirement for decision makers under the Act to take the State Biodiversity Plan into account?** Yes
- 33. Do you support the proposal to establish a Biodiversity Register?** Yes, as long as it is updated at a frequency suitable to ensure developers and other regular end users have the most up-to-date information.
- 34. Do you support the framework that the Bill proposes for the regular review of the Act?** Yes
- 35. Do you support moving the clearance exclusions into a schedule to the Act so they are in one place?** Yes
- 36. Do you agree with the changes to the unregulated activities in Schedule 2?** Yes
- 37. Do you support updating the existing ‘principles of native vegetation clearance’ to ‘principles of preservation of native plants’ to align with provisions in the Biodiversity Act related to threatened species, threatened ecological communities and listed ecological entities?** Yes, the change in wording is really important to be positive rather than negative.
- 38. Do you support the amendments proposed to the National Parks and Wildlife Act 1972?** Yes
- 39. Do you support the amendments proposed to other legislation?** Yes