

Consultation: Draft Biodiversity Bill for South Australia

Date: 17 February 2025

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Dear officer (biodiversityact@sa.gov.au),

Thank you for the opportunity to comment on the Draft Biodiversity Bill for South Australia.

SP is an environmental scientist specialising in ecology, and with many peer-reviewed publications on different topics and well over 30 years of experience in research on biodiversity management and conservation. MB is a natural historian who has worked on many ecological research projects. PH is an economist, as well as researcher and manager in ecology and conservation with long-term experience in many Australian contexts.

Although we are disappointed that our submission of 24-2-2024 was not taken into account (as of 17-2-2025), **we strongly support the creation of a Biodiversity Act, including the Principles under Part 2 Section 8 of the Draft Biodiversity Bill.** The recognition of biodiversity as an essential element of wellbeing, the rights of the community to participate in environmental decision-making, and that decisions should be based on the best evidence are fundamental to the future of South Australia. We are also pleased with the recognition of algae and fungi (note that they are not plants) – it is thanks to mycorrhizal fungi that many of our native trees are alive in this drought. We would hope that invertebrates and fish could benefit from stronger recognition of their ecological roles. We agree with the need for a scientific committee, resourced adequately.

Please see below our feedback, limited to a few points that 1) defeat the purpose of the bill but could be easily remedied, and 2) still pose undue risks to biodiversity. We have many other important comments about phrasing, intent, and effectiveness, but acknowledge that some industry lobbies will not understand the importance of this Act to their own long-term sustainability.

Sincerely,

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We pose a condition to our support. **We disagree very strongly with the definition of “plant” in the Draft Biodiversity Bill.** This definition must be changed to state “locally native to the area” in Part 1, Section 3. The current definition, “a plant of a species that is indigenous to Australia”, defeats entirely the purpose of the Act and reflects a poor understanding of what biodiversity is and why we need to protect it. The biodiversity we must protect is the locally native diversity because it represents millions of years of local evolution. The introduction of

plants native to other regions has already caused many cases of very costly invasions that threaten local biodiversity. Examples include the Tasmanian blue gum and several species of acacias. The introduction of non-native plants that are relatives of locally native plants can lead to genetic swamping, where the genetic material of locally native species is exterminated via hybridisation. Plants from other regions also come with a suite of associated organisms including pathogens and pests. In short, plants from elsewhere can outcompete our locally native plants and by definition decrease biodiversity. Threatening local biodiversity goes against the intent of the Biodiversity Act. Climate adaptation is not a reason to introduce non-native species. Locally native species have the potential to adapt provided large genetic diversity is maintained through connectedness and large population sizes, and long-unburnt areas are retained as such. We also note that fungi and algae (which are not plants) need to be included as such.

The Draft Biodiversity Bill only refers to threatened species in the preparation of the State Biodiversity Plan (Part 10 Section 160). Data deficient and common species represent the majority of biodiversity, and they need protection as well. For example, some “common” species have disappeared from the Greater Adelaide Region. We cannot wait for species to be threatened to pay attention to them. An aim of the Act should be to prevent the decline of populations so that more species do not need to be listed. We strongly recommend the inclusion of all species, **including data deficient and unlisted ones**, in the Biodiversity Act and in the Biodiversity Register, which needs to include the status of all species, most of which will be data deficient. This information can be updated as research progresses. Effectiveness of threat abatement needs to be evaluated and remedied if needed.

Another issue is the tremendous difficulty in listing threatened species, the excessive amount of time, and the necessity for species to be listed under the EPBC Act to alert authorities to inappropriate developments. **The decrease in population sizes of local species needs to trigger action, and listing needs to be facilitated by the Act, which needs to be limber and fast.** It is not clear whether State listing will have the same value as an EPBC Act one when it comes to considerations for development, and it should. Also, the listing process and approval/rejection could use more detail.

What happened to the 30-30 goals of the Kunming-Montreal Global Biodiversity Framework? Is there no limit to clearing and habitat destruction?

Other points:

It needs to be clarified that fire hazard reduction needs to be informed by science, something that is not being done currently. Schedule 2 Section 19 prescribes 20 m of clearance around buildings, which in some suburbs of South Australia is equivalent to clearing entire blocks of last remnant vegetation. The section also ignores fire-retardant plants.

Membership of the Biodiversity Council should privilege people who know about biodiversity. Advice can be sought from representatives of energy and resources, urban and regional planning, etc.

The retention of clearance application fees by local councils will encourage vegetation clearance at local level.

Section 52 (12) allows the clearance of vegetation for trails and tracks, but these activities are highly destructive, fragment the habitat, and facilitate the dissemination of pests.

A conservation agreement of 20 years can be used as a fake offset, since plants younger than 20 years may be cleared. If the conservation agreement is acquired in 2025, the revegetation starts in 2026, the land can be cleared in 2045, when the vegetation is 19, at the expiry of the conservation agreement. Conservation agreements will be used by unethical developers to manipulate the system. Conservation agreements need to be at least 25 years.

Livestock operations including apiaries are not to be permitted in reserves, and this point should be stipulated.

Permits should be required to keep native animals, but selling protected animals should not be facilitated: a chihuahua was a wolf. Domestication must not be encouraged.

The principles of preservation of native plants must include a reference to areas that contain a large proportion of a species.

Any change to improve the conservation of critical habitat and zones under the Code is important. We strongly recommend the inclusion of historical habitat and cumulative impacts (the latter under harm) – see our points above about data deficient species, which need to be considered.

Commercial forests need attention since SA's experience with koalas and native threatened bird species has shown use of these forested areas. Commercial forests cannot be cleared without attention to species occupying the areas.