



17th January 2025

Submission: South Australia's Draft Biodiversity Bill

Friends of the Port River (FPR) are an offshoot of the Estuary Care Foundation (ECF) and promote ECF's [Vision](#) for the Port River & Barker Inlet Estuary, including the development and implementation of a conservation and restoration plan for the Estuary.

FPR believes that the new State Biodiversity Plan should identify the Port River & Barker Inlet Estuary as a conservation priority, for reasons including the seagrass, saltmarsh, mangroves shellfish, fish and shrimp within the Estuary, the local dolphin population, several significant areas of native vegetation in proximity to the Estuary, the potential for carbon emission abatement through blue carbon and the major pressures of development including from the Submarine Construction Yard, growth anticipated by Flinders Ports and the Venice Energy development.

FPR is aware of significant areas of native vegetation in proximity to the Estuary e.g. Torrens Island saltmarsh, Biodiversity Park, Magazine wetlands which we understand are not currently covered by the Native Vegetation legislation. We would support consideration of "Biodiversity Protected Area" being applied, under the new Act, to such significant areas of metro and peri-urban native vegetation.

The draft Biodiversity Bill does not explicitly mention coastal flora and fauna protection, which seems a major oversight and it is recommended that the State Biodiversity Plan include specific priorities and actions for coastal flora and fauna.

The Biodiversity Act 2025 needs to strengthen protections for the Port River dolphin population, and the ADS by introducing new conservation measures. The ADS Act 2005 has not protected our resident population of bottlenose dolphins, and the recently approved ADS Management Plan 2025 is a weak document that will perpetuate current failures to adequately regulate development.

In relation to proposed funding models, it has been a source of great frustration, to many stakeholders locally, that payments are made by Flinders Ports for the anticipated amount of seagrass to be removed through dredging, and yet as far as we're aware none of those funds have been applied to the restoration and conservation efforts in the Estuary.

Australian Naval Infrastructure currently anticipate in their EIS, out for consultation, that they will be removing further seagrass and, while this should be avoided to the maximum extent possible, if further removal occurs then funds provided to the State Government should be applied to local projects such as seagrass/saltmarsh restoration. Such projects have the potential to attract blue carbon credits and biodiversity credits in the national market, and together with funds paid to the State Government, could provide some redress for the loss(es) of seagrass.

There is a great danger that compensation or 'offsets' allow degradation of ecosystems and this should be prevented. If all other mitigation measures have been considered, and an offset is the

only option, a requirement should be for any offset to achieve a biodiversity benefit in perpetuity, be non-reversible (unless to benefit biodiversity), and must include monitoring and reporting requirements to track whether gains and improvements are being delivered.

Based on our experience supporting the Port River & Barker Inlet Estuary, FPR agrees with the following arguments made by the Conservation Council:

- We support protecting and recovering South Australia's biodiversity, and therefore we support the elements of this Bill that will deter wrongdoing, such as tougher penalties for breaches. We also support improving transparency in environmental decision-making, for example by establishing a Biodiversity Register, and the right of community involvement through third party standing for civil enforcement of breaches of the Act.
- However, the Bill is not strong enough as currently drafted to adequately achieve its intended Object of improving the state of South Australia's biodiversity. Under its provisions, decisions that lead to the decline of nature will continue to be made and support for the large-scale restoration of South Australia's biodiversity, that we know is required, is not guaranteed.
- Therefore, before being introduced to Parliament, it must be strengthened. Examples of this include:
 - adding appropriate safeguard mechanisms to prevent inappropriate development that would have an egregious negative impact on biodiversity, such as through an early "no" to clearly unacceptable proposals. This will necessitate primacy over other legislation, such as the Planning, Development and Infrastructure Act 2016. It must also set a limit on the use of the flawed mechanism of "offsets" to compensate for biodiversity loss from development by identifying a threshold of biodiversity loss beyond which no "offset" will be contemplated, and
 - compelling the Minister to make key decisions, such as regarding the listing of species as threatened with extinction and identifying their critical habitat. Current drafting of the Bill allows for too much discretion in this regard, meaning these key decisions could be avoided or delayed.
- The Bill as currently drafted concentrates too much power into the hands of the Minister of the day. It should be amended to re-instate the role of the Conservation Council of SA and other peak bodies as nominating organisations for the Biodiversity Council, rather than members of the Biodiversity Council being direct Ministerial appointments. The Biodiversity Council should be responsible for developing the policy for "offsets" for subsequent Ministerial approval, rather than the Minister having sole responsibility for the policy, particularly given the high risk of political influence on the 'formula' for calculating payments in lieu of on ground "offsets".
- This Bill must also be accompanied by a commitment to fund both its implementation, including in relation to its administration as well as funds for the large-scale ecological restoration that will be required to build the resilience of our biodiversity into the future, particularly given the impacts of climate change. This includes the specific establishment of an independent statutory conservation trust, provisions for which need to be set out in the Bill itself.

It would be helpful for the proposed Biodiversity Council to have a member with expertise and experience in aquatic biodiversity conservation and restoration, and for nomination of such a person to occur via the Conservation Council.

Based on our experience supporting the Port River & Barker Inlet Estuary, FPR agrees with the following arguments made by OzFish:

Theme 1. Strengthening protections

- We support the expanded definition of native plants to include algal species
- We support the expanded definition of protected animals to include threatened fish species
- We welcome the establishment of a threatened ecological communities list and public nomination process to gain conservation status to diminished South Australian species and ecosystems
- Legislation to establish 'Critical Habitats' and threatened ecological communities would be invaluable to the recovery of such ecosystems to sustainable levels, and to support flow-on socioecological benefits

Theme 2. Facilitating increased restoration

- We recommend that the streamlining of restoration permits and processes are integrated into the Biodiversity Bill 2025
- Given historic and ongoing pressures to aquatic vegetation communities (e.g. seagrass meadows, saltmarsh), we recommend that proposed funding models, including the Biodiversity Restoration Fund and Biodiversity Conservation Fund, should not be limited to private land.
- We support the proposed strengthening of native plant laws to protect planted native vegetation more than 20 years old (i.e. planted mangroves, seagrass, saltmarsh)
- We welcome the development of threat abatement plans for serious threatening processes.

Given the lack of protection provided by the ADS Act 2005, FPR is very concerned that the Biodiversity Bill, if enacted, will suffer the same fate with token commitment to implementation and enforcement. We are well aware that the NP&WS, the Coast Protection Board, the EPA and the current Native Vegetation Council are all inadequately resourced and this is to the detriment of our local environment and the safeguarding of biodiversity. The local, State and national crisis in biodiversity will only worsen if governments at all levels fail to respond with adequate resources and urgency.

Yours sincerely

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[Redacted contact information]
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