

## Legislative Council

### Threatened Species Conservation Amendment Bill

Schedule of the amendments agreed to in Committee of the Whole  
on Wednesday 18 September 2002.

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**R Jones**

No. 1. Page 16, Schedule 1 [37], lines 23-27. Omit all words on those lines. Insert instead:

- (6) If the Director-General decides to prepare a recovery plan for a vulnerable ecological community, the recovery plan is to be prepared within 5 years after that decision is made. The time limit referred to in subsection (5) also applies if the plan is also to contain provisions relevant to an endangered species, population or ecological community, or a vulnerable species.

**R Jones**

No. 2. Page 18, Schedule 1. Insert after line 6:

**[41] Section 59 Contents of recovery plans**

Insert after section 59 (f):

- (f1) state performance indicators that are to be applied to measure whether the actions identified in the plan are being implemented and are successfully promoting the recovery of the species, population or ecological community, and

**R Jones**

No. 3. Page 18, Schedule 1. Insert after line 16:

**[43] Section 65 Approval of recovery plan by Minister**

Insert after section 65 (2):

- (3) Without limiting subsection (2), the Minister may refuse to approve a plan or refer it back to the Director-General for further consideration on the basis that the plan does not comply with the requirements of this Act.

**R Jones**

No. 4. Page 18, Schedule 1. Insert after line 16:

**[43] Section 66A**

Insert after section 66:

**66A Advice of Scientific Committee to be included in plan**

The recovery plan approved by the Minister must include a summary of any

advice given by the Scientific Committee with respect to the plan, details of any amendments made to the plan to take account of that advice and a statement of the reasons for any departure from that advice.

**R Jones**

No. 5. Page 24, Schedule 1. Insert after line 15:

**[52] Section 96 Publication of licence application**

Omit the section. Insert instead:

**96 Publication of licence application**

- (1) The Director-General is to keep a register of licence applications made under this Act.
- (2) The Director-General must, within 7 days after receiving a licence application, cause a copy of the application to be placed on the register.
- (3) The register is not to include any information the disclosure of which would contravene the *Privacy and Personal Information Protection Act 1998*.
- (4) Copies of the register are to be made available for public inspection (free of charge) at the principal office of the National Parks and Wildlife Service and on the internet site maintained by the National Parks and Wildlife Service.
- (5) If the licence application is accompanied by a species impact statement or a species impact statement is provided in response to a notification from the Director-General that a statement is required, the Director-General must cause to be placed in a newspaper circulating throughout the State a notice:
  - (a) outlining the nature of the application, and
  - (b) specifying the address of the place at which copies of the species impact statement may be inspected or purchased, and
  - (c) inviting written submissions within a period of not less than 28 days after the date of the notice.

**R Jones**

No. 6. Page 25, Schedule 1. Insert after line 2:

**[53] Section 101 Conditions and restrictions to licence**

Insert after section 101 (2) (after the note):

- (3) The Audit and Compliance Committee established under section 9 of the *National Parks and Wildlife Act 1974* is to monitor the conditions attached to licences by the Director-General, for the purpose of overseeing the compliance of the Director-General with his or her obligations under this Act.

**R Jones**

No. 7. Page 25, Schedule 1. Insert after line 2:

**[53] Section 103 Notification of licence determination**

Insert at the end of the section:

- (2) The Director-General must give a copy of the reasons for his or her determination of a licence application:
  - (a) to the applicant, and
  - (b) to any person who asks for it (either free or for a reasonable charge determined by the Director-General).

**R Jones**

No. 8. Page 25, Schedule 1 [55], lines 17-19. Omit all words on those lines. Insert instead:

**[55] Section 113 Director-General may accredit persons to prepare species impact statements**

Omit “assessment reports on” from section 113 (1).

**[56] Section 113 (3A)**

Insert after section 113 (3):

- (3A) Without limiting subsection (3), an accreditation is to include conditions that require a species impact statement to be prepared in accordance with survey standards approved from time to time by the Director-General by order published in the Gazette.

**R Jones**

No. 9. Page 26, Schedule 1 [56]. Insert after line 14:

- (2) In determining whether to approve a property management plan, the Director-General must take into account such matters as may be prescribed by the regulations.
- (3) The Minister is to endeavour to ensure that regulations are made for the purposes of subsection (2) within 6 months after the commencement of that subsection.

**AD**

No. 10. Page 27, Schedule 1. Insert after line 17:

**[58] Part 7, Division 3**

Insert after Division 2 of Part 7:

**Division 3 Conservation agreements****126A Conservation agreements**

- (1) A conservation agreement relating to land that is entered into under the *National Parks and Wildlife Act 1974* for the purpose of the conservation of critical habitat or the conservation of threatened species, populations or ecological communities, or their habitats, may make provision for assistance in connection with the following:
- (a) maintaining and promoting sustainable farming practices and achieving the objects of this Act,
  - (b) implementing the requirements of a recovery plan that relates to the land (if appropriate),
  - (c) ensuring the continued and appropriate agricultural use of the land by the owner of the land.
- (2) This section does not limit section 69C of the *National Parks and Wildlife Act 1974*.

**Oppn** No. 11 Pages 30 and 31, Schedule 1 [70], proposed section 146A, line 14 on page 30 to line 10 on page 31. Omit all words on those lines. Insert instead:

**146A Decision not to disclose other information**

- (1) The Scientific Committee may make a written recommendation to the Minister that the following matter should not be disclosed to the public:
  - (a) information provided to the Scientific Committee relating to the location of threatened species, populations or ecological communities,
  - (b) information provided to the Scientific Committee that may identify any individual who made a nomination under Part 2 or made a submission in respect of a nomination.
- (2) The Minister may, by notice in writing:
  - (a) accept the recommendation of the Committee that the matter should not be disclosed to the public, or
  - (b) reject the recommendation of the Scientific Committee.
- (3) The Minister may accept a recommendation referred to in subsection (1) (a) only if the Minister is of the opinion that the public interest requires that the matter not be disclosed.
- (4) The Minister may accept a recommendation referred to in subsection (1) (b) only if the Minister is of the opinion that the matter should not be disclosed:
  - (a) in the interests of the safety or welfare of the individual who might otherwise be identified, or
  - (b) to protect that individual against intimidation, harassment or other unwarranted reprisals in connection with the nomination or submission.

**R Jones** No. 12 Page 32, Schedule 1 [75]. Insert after line 10:

**9 Accreditation arrangements**

The Director-General is to ensure that the arrangements referred to in section 113 (1), as amended by the *Threatened Species Conservation Amendment Act 2002*, and the survey standards referred to in section 113 (3A), as inserted by that Act, are instituted or approved within 18 months after the date of assent to that Act.

**R Jones**

No. 13 Page 39, Schedule 2.1. Insert after line 15:

**[14] Section 112D Matters to be considered by Director-General of National Parks and Wildlife as concurrence authority**

Insert at the end of the section:

- (2) Before the Director-General of National Parks and Wildlife or the Minister administering the *Threatened Species Conservation Act 1995* decides to modify a concurrence in respect of an activity under section 112C he or she must:
- (a) give notice of the proposed decision to any person who made representations under section 113 concerning the species impact statement in respect of the activity, and
  - (b) provide the person with an opportunity to make submissions with respect to the proposed decision within a period specified in the notice (being a period of not less than 28 days after the date of the notice), and
  - (c) have regard to any submissions made to him or her in accordance with the notice within the period so specified.

**Oppn**

No. 14. Page 46, Schedule 2.3, lines 11-12. Omit “has determined should not be disclosed to the public under section 146A of that Act”. Insert instead “has recommended to the Minister should not be disclosed to the public under section 146A of that Act and the Minister has accepted that recommendation”.

**Govt**

No. 15. Page 46, Schedule 2.4, lines 15 and 16. Omit all words on those lines. Insert instead:

Omit section 10 (1) (p1). Insert instead:

(p1) land that is the subject of a conservation agreement

**R Jones**

No. 16. Page 46, Schedule 2.5. Insert after line 26:

**[2] Section 9 Audit and compliance**

Insert after section 9 (2):

(2A) The Audit and Compliance Committee has such other functions as may be conferred or imposed on it by this or any other Act.