

Legislative Council

Threatened Species Conservation Amendment (Biodiversity Banking) Bill 2006

Schedule of amendments agreed to in Committee of the Whole
on Wednesday 22 November 2006.

- Govt** No. 1 Page 7, Schedule 1 [6], proposed section 127A, lines 21 and 22. Omit “the function of drafting guidelines for the operation of the scheme during a trial period”. Insert instead “preparing a report that sets out suggested guidelines for the operation of the scheme during a trial period and examines options for applying the scheme to the clearing of native vegetation (within the meaning of the *Native Vegetation Act 2003*)”.
- CDP** No. 2 Page 7, Schedule 1 [6], proposed section 127A (3), lines 23-31. Omit all words on those lines. Insert instead:
- (b) the report has been provided to both Houses of Parliament, and
 - (c) the Minister has caused to be tabled in each House of Parliament a report by the Minister setting out what the Government has done or proposes to do in response to the report of the joint committee.
- Govt** No. 3 Page 7, Schedule 1 [6], proposed section 127A, lines 33 and 34. Omit “guidelines referred to in subsection (3) (a) have not”. Insert instead “report of the joint committee referred to in subsection (3) (a) has not”.
- Govt** No. 4 Page 7, Schedule 1 [6], proposed section 127A (4), lines 34 and 35. Omit “provided to the Minister”. Insert instead “provided to both Houses of Parliament”.
- Govt** No. 5 Page 7, Schedule 1 [6], proposed section 127A. Insert after line 36:
- (5) If a House of Parliament is not sitting when the joint committee seeks to provide its report to that House, the joint committee may instead present it to the Clerk of the House of Parliament concerned.
 - (6) Section 63C of the *Public Finance and Audit Act 1983* applies in respect of the presentation of the report of the joint committee to a Clerk of a House of Parliament under this section in the same way as it applies to the presentation of documents in accordance with that Act.
- Govt** No. 6 Page 13, Schedule 1 [6], proposed section 127F. Insert after line 13:
- Note.** Subsection (1) (e) applies in respect of any mining lease under the *Mining Act 1992* that is

granted over the land. This may include a mining lease granted over the subsoil of the land or over parts of the subsoil of the land.

- Govt** No. 7 Page 15, Schedule 1 [6], proposed section 127H. Insert after line 35:
Note. Subsection (2) (c) applies in respect of any mining lease under the *Mining Act 1992* that is granted over the land. This may include a mining lease granted over the subsoil of the land or over parts of the subsoil of the land.
- Grns** No. 8 Page 22, Schedule 1 [6], proposed section 127Q, line 29. Insert “or that is critical habitat” after “*Act 1987*”.
- Govt** No. 9 Page 24, Schedule 1 [6], proposed section 127S. Insert after line 5:
(4) The maximum number of biodiversity credits that the holder of the mining authority or petroleum title may be required to retire under the direction is the number of biodiversity credits that have been created in respect of the biobank site.
- Grns** No. 10 Page 54, Schedule 1 [6], proposed section 127ZZB, line 22. Omit “Subject to the regulations, information”. Insert instead “Information”.
- Grns** No. 11 Page 55, Schedule 1 [6], proposed section 127ZZD, line 27. Omit “Subject to the regulations, information”. Insert instead “Information”.
- Grns** No. 12 Page 57, Schedule 1 [6]. Insert after line 10:
127ZZH Special arrangements for creation of national parks and other reservations
(1) The fact that land is a biobank site does not prevent the land from being reserved under Part 4 or Part 4A of the *National Parks and Wildlife Act 1974*.
(2) On the reservation of a biobank site as a national park, historic site, state conservation area, regional park, karst conservation reserve, nature reserve or Aboriginal area under the *National Parks and Wildlife Act 1974*, the land concerned ceases to be a biobank site and the biobanking agreement applicable to the land is terminated.
- Govt** No. 13 Page 62, Schedule 2.1 [1], lines 4 and 5. Omit all words on those lines. Insert instead:
[1] Section 75JA
Insert after section 75J:
75JA Biobanking—special provisions

Govt No. 14 Page 62, Schedule 2.1 [1], line 6. Omit “subsection (4)”. Insert instead “section 75J”.

** Amendment No. 2 includes two Government amendments to the amendment.*