

LEGISLATIVE COUNCIL

National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2012

First Print

Proposed amendment

No. 1 Page 5, Schedule 1 [3], proposed clause 19, lines 35–39. Omit all words on those lines. Insert instead:

19 Compensation

- (1) The Minister must not transfer under Part 11 of this Act the whole or any part of the land to which clause 14, 15, 16, 17 or 18 (1) (b) applies unless the Minister is satisfied that:
 - (a) all practicable alternatives have been considered, and
 - (b) compensation has been provided for the transfer of the land, and arrangements made, that will achieve the outcomes set out in subsection (2), and
 - (c) the following information in relation to each area of land acquired as compensation for the transfer or with compensation provided for the transfer (a **compensation area**) has been made publicly available:
 - (i) information or a map identifying the area and its location,
 - (ii) the current zoning for planning purposes and reservation status of the land.
- (2) The outcomes to be achieved in relation to the compensation provided, and arrangements made, for the transfer of the land concerned are as follows:
 - (a) each compensation area should be greater in area than the area of land transferred and have biodiversity that (as determined by the best available science) is:
 - (i) greater than the loss in biodiversity resulting from the transfer, and
 - (ii) of the same type as the biodiversity lost as a result of the transfer,
 - (b) enhanced protection for the particular biodiversity lost as a result of the transfer should be targeted in each compensation area,

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- (c) the compensation must be permanent and secured by the reservation of each compensation area with surety of ongoing resources for management,
 - (d) each compensation area should be located in an area that has the same or similar ecological characteristics as the area affected by the transfer,
 - (e) each compensation area must be audited and monitored to determine whether it is leading to enhanced biodiversity outcomes.
- (3) The reservation of a compensation area as referred to in subsection (2) (c):
- (a) must be of a kind that results in the prohibition of mining exploration in the area, and
 - (b) must not be revoked or changed except to enable greater conservation of the biodiversity of the area, and
 - (c) must not be revoked in whole or in part even if the reservation of other areas is proposed to offset the effect of the revocation.