

FIRST PRINT

**ENDANGERED FAUNA (INTERIM PROTECTION)
AMENDMENT BILL 1993**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Endangered Fauna (Interim Protection) Act 1991 and the Endangered Fauna (Interim Protection) Amendment Act 1992 to further extend from 1 October 1993 to 1 October 1995 the previous extension of:

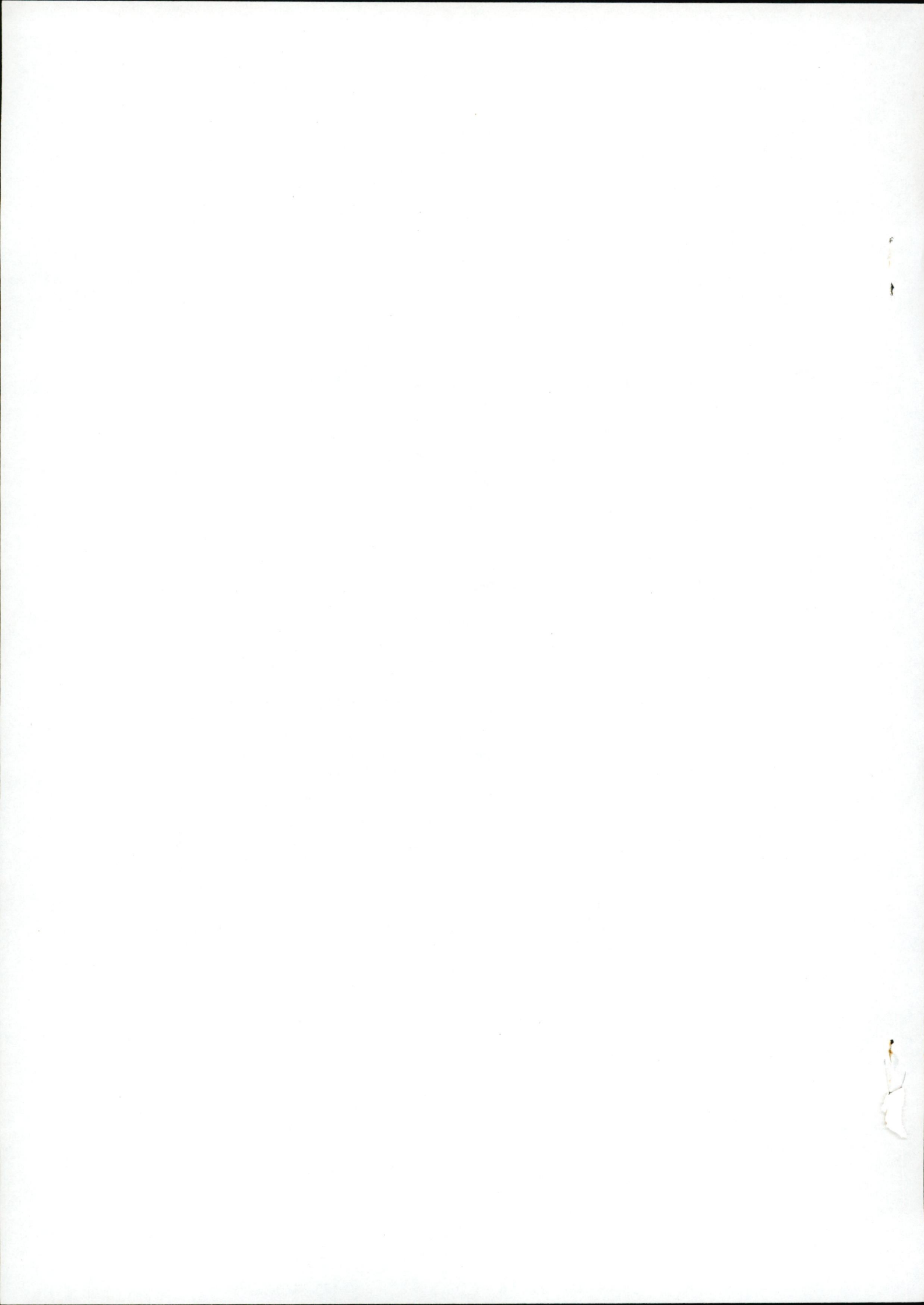
- (a) the operation of those provisions of the Endangered Fauna (Interim Protection) Act 1991 that were originally due to expire on 1 December 1992; and
- (b) the duration of certain licences to take or kill endangered fauna issued under section 120 of the National Parks and Wildlife Act 1974 after the commencement of the Endangered Fauna (Interim Protection) Act 1991.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences, or is taken to have commenced, on 30 September 1993.

Clause 3 amends section 7 of the Endangered Fauna (Interim Protection) Act 1991 as outlined above.

Clause 4 amends section 4 of the Endangered Fauna (Interim Protection) Amendment Act 1992 as outlined above.



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**ENDANGERED FAUNA (INTERIM PROTECTION)
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NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Endangered Fauna (Interim Protection) Act 1991 No. 66, s. 7
 4. Amendment of Endangered Fauna (Interim Protection) Amendment Act 1992 No. 97, s. 4
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**ENDANGERED FAUNA (INTERIM PROTECTION)
AMENDMENT BILL 1993**

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to further extend the operation of certain provisions of the Endangered Fauna (Interim Protection) Act 1991 and to further extend the duration of certain licences under the National Parks and Wildlife Act 1974.

Endangered Fauna (Interim Protection) Amendment 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Endangered Fauna (Interim Protection) Amendment Act 1993.

5 Commencement

2. This Act commences, or is taken to have commenced, on 30 September 1993.

Amendment of Endangered Fauna (Interim Protection) Act 1991 No. 66, s. 7

10 3. The Endangered Fauna (Interim Protection) Act 1991 is amended by omitting from section 7 the matter "1 October 1993" wherever occurring and by inserting instead the matter "1 October 1995".

Amendment of Endangered Fauna (Interim Protection) Amendment Act 1992 No. 97, s. 4

15 4. The Endangered Fauna (Interim Protection) Amendment Act 1992 is amended by omitting from section 4 the matter "1 October 1993" wherever occurring and by inserting instead the matter "1 October 1995".

MR PRESIDENT

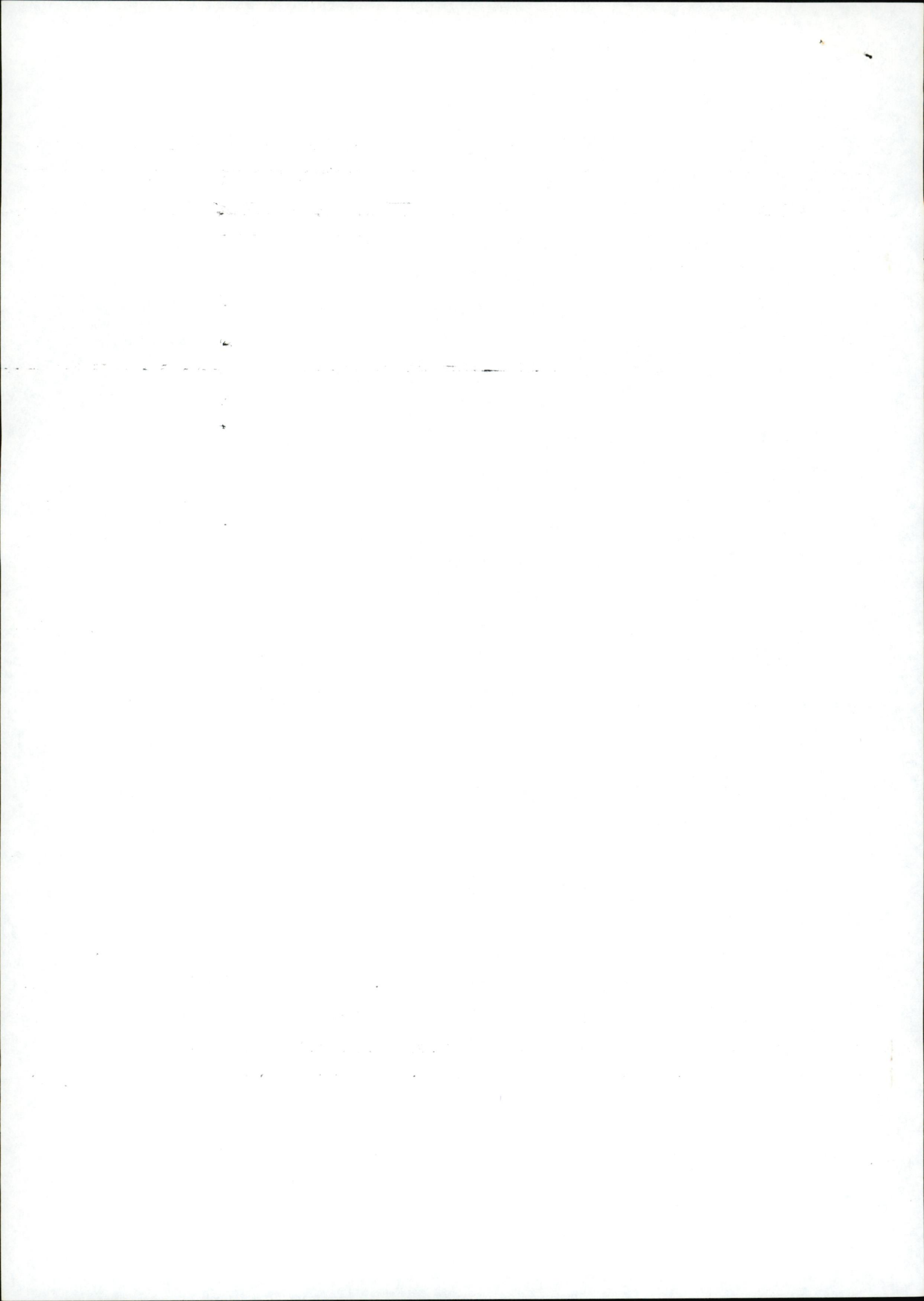
THE ENDANGERED FAUNA (INTERIM PROTECTION) ACT 1991 MADE A NUMBER OF CHANGES, SOME OF WHICH WERE EXPRESSED TO EXPIRE ON 1 DECEMBER 1992 OR ON ANY EARLIER DATE ON WHICH REPLACEMENT ENDANGERED SPECIES LEGISLATION WAS ENACTED. IN LATE 1992 THE GOVERNMENT AMENDED THIS LEGISLATION TO ENSURE THE FURTHER EXTENSION OF THESE PROVISIONS UNTIL 1 OCTOBER 1993 WHILE A COMPREHENSIVE PACKAGE OF LEGISLATION FOR THE PROTECTION OF ENDANGERED FAUNA WAS FORMULATED.

AS HONOURABLE MEMBERS WILL BE AWARE, THE GOVERNMENT INTRODUCED ITS ENDANGERED AND OTHER THREATENED SPECIES CONSERVATION BILL 1993 INTO THE PARLIAMENT IN MAY 1993.

HOWEVER TO ENSURE VIABLE AND EFFECTIVE LEGISLATION WHICH ALL MEMBERS OF THE COMMUNITY CAN SUPPORT AND WHICH CAN ACHIEVE THE COMMONLY ACCEPTED OBJECTIVES OF ECOLOGICALLY SUSTAINABLE DEVELOPMENT, THE GOVERNMENT HAS AGREED TO THE ESTABLISHMENT OF A LEGISLATION COMMITTEE TO EXAMINE THE RANGE OF LEGISLATIVE PROPOSALS WHICH HAVE BEEN PUT FORWARD SINCE MAY 1993.

IN THE MEANTIME, ACTION MUST BE TAKEN TO ENSURE THE PROVISIONS OF THE ENDANGERED FAUNA (INTERIM PROTECTION) ACT DO NOT EXPIRE ON 1 OCTOBER 1993. THE PURPOSE OF THIS BILL IS TO EXTEND THE OPERATION OF THOSE RELEVANT PROVISIONS UNTIL OCTOBER 1995.

THE SPECIFIC PROVISIONS ON WHICH AN EXTENSION IS REQUIRED ARE AS FOLLOWS:



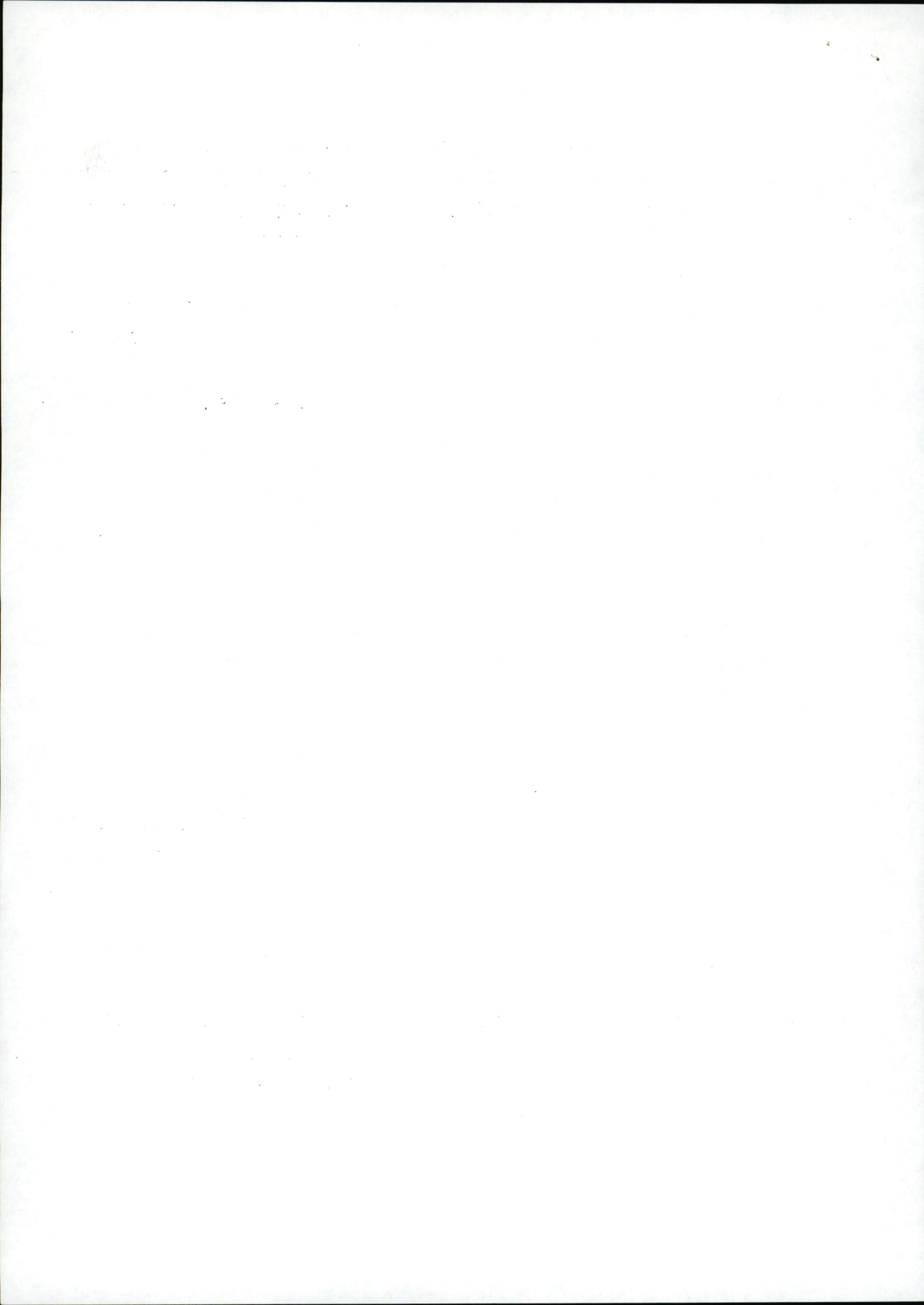
TO "TAKE OR KILL" ENDANGERED FAUNA, THE POWER TO ISSUE STOP WORK ORDERS TO PREVENT DEVELOPMENT THAT IS LIKELY TO SIGNIFICANTLY AFFECT THE ENVIRONMENT OF ENDANGERED OR OTHER PROTECTED FAUNA.

THE ENDANGERED FAUNA (INTERIM PROTECTION) ACT 1991 IMPOSED RESTRICTIONS ON THE ISSUING OF GENERAL LICENCES BY THE DIRECTOR-GENERAL OF NATIONAL PARKS AND WILDLIFE AFTER THE PUBLICATION OF THE NEW SCHEDULE OF ENDANGERED FAUNA. THE ACT COMMENCED ON 17 DECEMBER 1991 BUT THE NEW SCHEDULE WAS NOT PUBLISHED UNTIL 28 FEBRUARY 1992. A NUMBER OF GENERAL LICENCES WERE ISSUED AFTER THE COMMENCEMENT OF THE ACT TO THE FORESTRY COMMISSION AND OTHERS TO TAKE OR KILL ENDANGERED FAUNA IN CONNECTION WITH EXISTING FORESTRY AND OTHER OPERATIONS.

THE ENDANGERED FAUNA (INTERIM PROTECTION) AMENDMENT ACT 1992 EXTENDED THE DURATION OF THOSE LICENCES AND CERTAIN OTHER LICENCES TO WHICH THAT ACT APPLIES UNTIL 1 OCTOBER 1993. THIS BILL FURTHER EXTENDS THEIR DURATION UNTIL 1 OCTOBER 1995.

THE BILL MAKES IT CLEAR THAT THE LICENCES REMAIN SUBJECT TO THE PROVISIONS OF THE NATIONAL PARKS AND WILDLIFE ACT 1974 RELATING TO THE CANCELLATION OR VARIATION OF A LICENCE. I PLACE THAT ON RECORD TO ASSURE ANY PERSON WHO HAS CONCERNS ABOUT THIS.

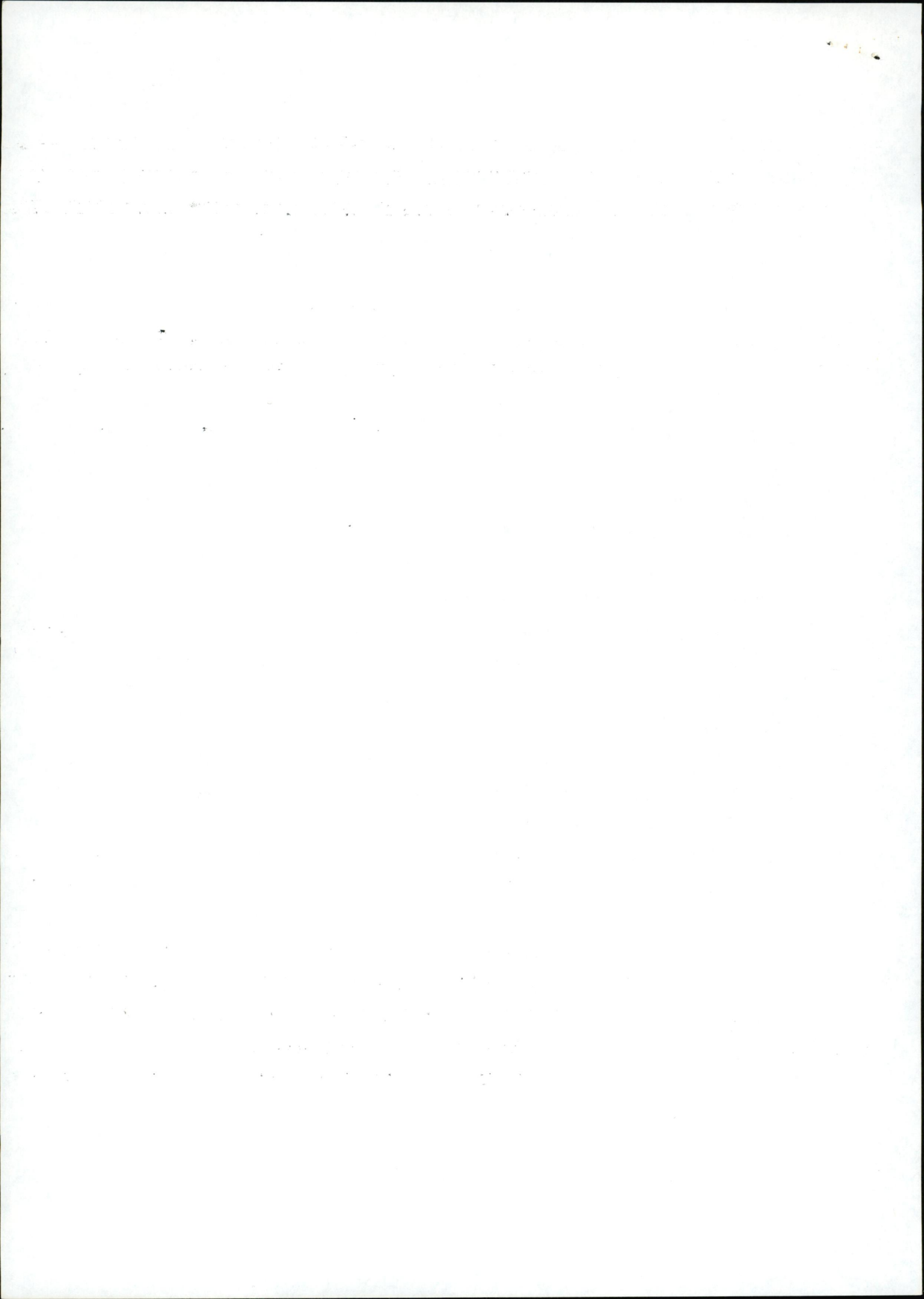
THE GOVERNMENT IS COMMITTED TO ENSURING THAT DEVELOPMENT ACTIVITIES CAN CONTINUE THROUGHOUT THE STATE AND THAT APPROPRIATE PROTECTION IS GIVEN TO ENDANGERED FAUNA WHILE THE PARLIAMENT HAS THE OPPORTUNITY TO FULLY CONSIDER THE LEGISLATIVE OPTIONS. I COMMEND THE BILL TO THE HOUSE.



* THE INCLUSION OF A DEFENCE TO THE OFFENCE IN SECTION 98 OF THE NATIONAL PARKS AND WILDLIFE ACT 1974 OF TAKING OR KILLING PROTECTED FAUNA (OTHER THAN ENDANGERED FAUNA). THIS DEFENCE ENABLES A PERSON TO CARRY OUT DEVELOPMENT IN ACCORDANCE WITH A DEVELOPMENT CONSENT UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 OR AN ACTIVITY FOR WHICH PART 5 OF THAT ACT HAS BEEN COMPLIED WITH. THE DEFENCE IS NECESSARY BECAUSE THE ENDANGERED FAUNA (INTERIM PROTECTION) ACT EXTENDED THE MEANING OF "TAKE OR KILL" FAUNA TO "INCLUDE ANY SIGNIFICANT MODIFICATION OF THE HABITAT OF THAT FAUNA WHICH IS LIKELY TO AFFECT ITS ESSENTIAL BEHAVIOUR PATTERNS". THE ENDANGERED FAUNA (INTERIM PROTECTION) AMENDMENT ACT 1992 EXTENDED THE DATE ON WHICH THE DEFENCE EXPIRED UNTIL 1 OCTOBER 1993. THIS BILL FURTHER EXTENDS THAT DATE UNTIL 1 OCTOBER 1995.

* AN AMENDMENT TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 INCLUDED THE ADDITIONAL REQUIREMENT FOR A FAUNA IMPACT STATEMENT FOR DEVELOPMENT CONSENT AND FOR ANY ENVIRONMENTAL IMPACT STATEMENT UNDER PART 5 OF THAT ACT. THE ENDANGERED FAUNA (INTERIM PROTECTION) ACT 1991 MADE THAT REQUIREMENT FOR ALL PROTECTED FAUNA BUT THE TIMBER INDUSTRY (INTERIM PROTECTION) ACT 1992 LIMITED ITS APPLICATION TO ENDANGERED FAUNA. THE ENDANGERED FAUNA (INTERIM PROTECTION) AMENDMENT ACT 1992 EXTENDED THE DATE WHEN THE REQUIREMENT EXPIRED UNTIL 1 OCTOBER 1993. THIS BILL FURTHER EXTENDS THAT DATE UNTIL 1 OCTOBER 1995.

THE OTHER CHANGES MADE BY THE ENDANGERED FAUNA (INTERIM PROTECTION) ACT 1991 ARE NOT AFFECTED BY THE 1992 AMENDING ACT OR THIS BILL. THOSE CHANGES INCLUDE THE EXTENSION OF THE DEFINITION OF "TAKE OR KILL", THE ESTABLISHMENT OF A SCIENTIFIC COMMITTEE THAT RECOMMENDS THE LISTING OF ENDANGERED FAUNA, THE REQUIREMENT FOR A FAUNA IMPACT STATEMENT FOR A GENERAL LICENCE



**ENDANGERED FAUNA (INTERIM PROTECTION)
AMENDMENT ACT 1993 No. 53**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Endangered Fauna (Interim Protection) Act 1991 No. 66, s. 7
 4. Amendment of Endangered Fauna (Interim Protection) Amendment Act 1992 No. 97, s. 4
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**ENDANGERED FAUNA (INTERIM PROTECTION)
AMENDMENT ACT 1993 No. 53**

NEW SOUTH WALES



Act No. 53, 1993

An Act to further extend the operation of certain provisions of the Endangered Fauna (Interim Protection) Act 1991 and to further extend the duration of certain licences under the National Parks and Wildlife Act 1974. [Assented to 24 September 1993]

Endangered Fauna (Interim Protection) Amendment Act 1993 No. 53

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Endangered Fauna (Interim Protection) Amendment Act 1993.

Commencement

2. This Act commences, or is taken to have commenced, on 30 September 1993.

Amendment of Endangered Fauna (Interim Protection) Act 1991 No. 66, s. 7

3. The Endangered Fauna (Interim Protection) Act 1991 is amended by omitting from section 7 the matter "1 October 1993" wherever occurring and by inserting instead the matter "1 October 1995".

Amendment of Endangered Fauna (Interim Protection) Amendment Act 1992 No. 97, s. 4

4. The Endangered Fauna (Interim Protection) Amendment Act 1992 is amended by omitting from section 4 the matter "1 October 1993" wherever occurring and by inserting instead the matter "1 October 1995".

[*Minister's second reading speech made in—
Legislative Assembly on 15 September 1993
Legislative Council on 16 September 1993*]

