

***Nature Conservation (Protected Plants) and
Other Legislation Amendment Bill***

ERRATUM TO

EXPLANATORY NOTES

Title of the Bill

*Nature Conservation (Protected Plants) and Other Legislation Amendment
Bill.*

Reason for Erratum

Updates to the Explanatory Notes are required in order to clarify the explanation of provisions that were not clear, or have been raised as inconsistent with fundamental legislative principles.

Notes on Provisions

Achievement of Policy Objectives, Page 1

A minor amendment was made to clarify that the Bill will amend the *Sustainable Planning Act 2009*, in addition to the *Nature Conservation Act 1992* and the *Vegetation Management Act 1999*.

Achievement of Policy Objectives, Page 2

A minor amendment was made to clarify that the *Sustainable Planning Act 2009* will be amended to ensure the definition of a native forest practice is consistent with the *Vegetation Management Act 1999*. Clarity was also provided that this amendment will reduce duplication by ensuring sandalwood harvesting on freehold land is only regulated under the *Nature Conservation Act 1992*.

***Consistency with Fundamental Legislative Principles, Page 3,
Amendments to section 89 (Restrictions on taking etc. particular
protected plants)***

An amendment is required to provide further explanation in regards to the consistency of the amendment to section 89 with fundamental legislative principles. Justification is required to clarify that section 89 (1)(h) already clearly provides the legislative power for an exemption to be prescribed in a regulation, and that the amendments to section 89 do not change this ability, as most exemptions relating to the take of a protected plant are currently prescribed in the subordinate legislation. An amendment is also

*Nature Conservation (Protected Plants) and Other Legislation Amendment
Bill*

required to specify that this approach is considered consistent with how other exemptions are established for plants and other wildlife in the Act.

***Consistency with fundamental legislative principles, Page 4,
Amendments to section 95 (payment of a conservation value)***

An amendment is required to provide further explanation in regards to the consistency of the amendment to section 95 with fundamental legislative principles.

The explanation clarifies that as the Bill repeals the *Nature Conservation (Protected Plants) Conservation Plan 2000*, an amendment to the *Nature Conservation Act 1992* is required to retain the ability for the chief executive to decide that a monetary payment is appropriate for protected plants in certain circumstances. It also clarifies that the conservation values of particular classes of wildlife are prescribed in the *Nature Conservation (Wildlife Management) Regulation 2006* s351 (1), which provides different amounts based on the conservation status of the wildlife, and that this has been in place since the regulation was first passed.

Clause 9, Page 8, section 89 (Restriction on taking etc. particular protected plants).

An amendment is required to clarify that clause 9 amendments to *Nature Conservation Act 1992* s89 (restriction on taking etc. particular protected plants), does not remove reference to the Conservation Plan, but in fact removes sections 89 (1)(a) to (g) of the *Nature Conservation Act 1992*.