

Nature Conservation and Other Legislation Amendment Bill (No. 2) 2013

Erratum to Explanatory Notes

Title of the Bill

Nature Conservation and Other Legislation Amendment Bill (No. 2) 2013

Reason for Erratum

Subsequent to introduction of the Nature Conservation and Other Legislation Amendment Bill (No. 2) 2013, the requirement for two amendments to the Explanatory Notes has been identified.

In the first instance, in relation to Clause 61, it is necessary that the Explanatory Notes be amended to clarify that the circumstances of exclusion, to which the Explanatory Notes refer, are separate from each other (eg. the new offence does not apply to traditional trade irrespective of whether it occurs in a restaurant or not).

In the second instance, in relation to Clause 75, it is necessary that the Explanatory Notes accurately describe the circumstances under which a Conservation Officer would have recourse to the new power for a Conservation Officer to produce an identity card for inspection at the first available opportunity.

Notes on Provisions

Clause 61 Insertion of new s 88BA

Replace current text with the following:

Clause 61 inserts a new section 88BA into the NCA to create a new offence for the selling of meat or other products obtained from dugong or marine turtles from commercial premises. This would include giving such meat or other products away at a commercial premise if the giving away constitutes part of the business operations at the commercial premises. Meat or other products could include a whole dugong or marine turtle.

The new offence provision will apply regardless of whether the sold or gifted dugong or marine turtle from which the meat or other products were sourced had been lawfully taken or had been unlawfully taken.

This provision is not meant to apply to trade undertaken on the basis of traditional custom, not involving an exchange of money or not occurring from commercial premises.

Clause 75 Amendment of s 131 (Proof of authority)

Replace current text with the following:

Clause 75 amends section 131 of the NCA to provide a conservation officer or honorary protector the opportunity to produce an identity card for inspection by the person against whom the power is being exercised, at the first reasonable opportunity.

Such a provision would apply, for example, where a conservation officer is not in uniform and observes a camp fire in a protected area that they reasonably believe is a hazard and gives an immediate oral direction to a person to put out the fire and then produces his/her identity card for the person's inspection.

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