



MESSAGE No. 146

Mr Speaker

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Biodiversity Conservation Bill 2015* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

A handwritten signature in blue ink, consisting of several large, sweeping loops and a trailing end.

Hon Barry House
President of the Legislative Council

Legislative Council Chamber
Perth, 8 September 2016

Schedule indicating the amendments made by the Legislative Council in the Biodiversity Conservation Bill 2015

No. 1

Clause 7, page 18, after line 10 — To insert —

biodiversity conservation conditions means conditions or requirements relating to the conservation or protection of biodiversity or biodiversity components;

No. 2

Clause 7, page 18, line 23 to page 19, line 2 — To delete the lines and insert —

act if —

(a) it is —

(i) an act that is authorised by a relevant authorisation or is otherwise authorised or required under a State agreement; or

(ii) an act that is a likely consequence of an act referred to in subparagraph (i);

and

(b) all biodiversity conservation conditions that apply to or in relation to it are complied with, whether those conditions are imposed under the relevant authorisation, or State agreement referred to in paragraph (a)(i) or imposed in some other way.

No. 3

Clause 37, page 32, lines 17 to ²²32 — To delete the clause

No. 4

New Clause 37, page 32, line 17 — To insert —

37. Minister to obtain scientific advice on listing decision

Before making a listing decision the Minister must obtain and have regard to advice from one or more persons considered by the Minister to have scientific expertise relevant to the matter to which the decision relates.

No. 5

Clause 42, page 36, lines 8 to 24 — To delete the clause.

No. 6

New Clause 42, page 36, line 8 — To insert —

42. Parliament's approval required for certain proposals

(1) In this section —

proposal means —

- (a) a proposal to give an authorisation under section 40; or
 - (b) a proposal to amend an authorisation given under that section.
- (2) This section applies to a proposal if, in the opinion of the Minister, the authorisation or amendment the subject of the proposal could be expected to result in the threatened species to which the proposal relates becoming eligible for listing as an extinct species in the near future.
- (3) Despite subsection (2), this section does not apply to a proposal if the purpose of the taking or disturbance to which the proposal relates is to establish a breeding colony or a population in cultivation so that the threatened species can be reintroduced into the wild at a later time.
- (4) The Minister must not give the authorisation or make the amendment the subject of a proposal to which this section applies unless the proposal —
- (a) has been laid before each House of Parliament; and
 - (b) has been approved by a resolution passed by both Houses of Parliament.

No. 7

Clause 47, page 40, lines 3 to 15 — To delete the clause.

No. 8

New Clause 47, page 40, line 3 — To insert —

47. Parliament's approval required for certain proposals

(1) In this section —

proposal means —

- (a) a proposal to give an authorisation under section 45; or
 - (b) a proposal to amend an authorisation given under that section.
- (2) This section applies to a proposal if, in the opinion of the Minister, the authorisation or amendment the subject of the proposal could be expected to result in the threatened ecological community to which the proposal relates becoming eligible for listing as a collapsed ecological community in the near future.
- (3) The Minister must not give the authorisation or make the amendment the subject of a proposal to which this section applies unless the proposal —
- (a) has been laid before each House of Parliament; and
 - (b) has been approved by a resolution passed by both Houses of Parliament.

No. 9

Clause 151, page 95, line 26 — To delete “fauna;” and insert —

fauna (other than fish or pearl oyster);

No. 10

Clause 151, page 96, line 3 — To delete “fauna;” and insert —

fauna (other than fish or pearl oyster);

No. 11

Clause 153, page 98, line 15 — To delete “fauna;” and insert —

fauna (other than fish or pearl oyster);

No. 12

Clause 153, page 98, line 24 — To delete “fauna;” and insert —

fauna (other than fish or pearl oyster);

A handwritten signature in blue ink, appearing to be 'M. Hall', with a long horizontal line extending to the right.

Clerk of the Legislative Council