



New South Wales

# **Biodiversity Conservation Amendment (COVID-19) Regulation 2020**

under the

**Biodiversity Conservation Act 2016**

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Biodiversity Conservation Act 2016*.

MATT KEAN, MP  
Minister for Energy and Environment

## **Explanatory note**

The object of this Regulation is to—

- (a) remake, in accordance with section 86 of the *Interpretation Act 1987*, special statutory provisions allowing meetings in which authorised officers take evidence and answers to questions to be conducted by audio link or audio visual link, and
- (b) have those provisions operate until 26 March 2021.

This Regulation is made under the *Biodiversity Conservation Act 2016*.

## **Biodiversity Conservation Amendment (COVID-19) Regulation 2020**

under the

Biodiversity Conservation Act 2016

### **1 Name of Regulation**

This Regulation is the *Biodiversity Conservation Amendment (COVID-19) Regulation 2020*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

### **3 Amendment of Biodiversity Conservation Regulation 2017**

#### **Clause 12.2**

Insert after clause 12.1—

#### **12.2 Power of authorised officers to require answers (section 12.19)**

- (1) This clause applies if under section 12.19(4) of the Act an authorised officer issues a written notice to a person to require the person to attend at a specified place and time to answer questions.
- (2) The authorised officer may in the notice, or in a subsequent notice, authorise the person to answer the questions using an audio link or audio visual link of a kind approved by the authorised officer.
- (3) If the questions are to be answered by the person using an audio link or audio visual link—
  - (a) the place at which the person is required to attend is taken to be a place having adequate facilities for the answering of questions in that manner at the time nominated under section 12.19(5) of the Act, and
  - (b) the person must ensure that the audio link or audio visual link is operated appropriately so that the answers given to the questions are clear to the authorised officer.
- (4) In this clause—

**audio link** means technology that enables continuous and contemporaneous audio communication between persons at different places, including telephones.

**audio visual link** means technology that enables continuous and contemporaneous audio and visual communication between persons at different places, including video conferencing.
- (5) This clause is repealed on 26 March 2021.