



New South Wales

# Biodiversity Conservation Amendment (Cetacea) Regulation 2021

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 objects of this Regulation are—

- (a) to prohibit the breeding or importation of certain marine mammals, and
- (b) to constitute the breeding or importation of the marine animals as harm for the purposes of the Act.

Under section 2.7(5) of the Act, a biodiversity conservation licence is not to be issued to authorise a person to harm or obtain a marine mammal for exhibition or other purposes unless the person issuing the licence is satisfied that it is necessary for genuine scientific or educational purposes or any other purpose connected with the conservation or protection of marine mammals.

This Regulation is made under the *Biodiversity Conservation Act 2016*, including sections 2.7(3) and (4) and 14.10 (the general regulation-making power).

## **Biodiversity Conservation Amendment (Cetacea) Regulation 2021**

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### **1 Name of Regulation**

This Regulation is the *Biodiversity Conservation Amendment (Cetacea) Regulation 2021*.

### **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 2.8A**

Insert after clause 2.8—

#### **2.8A Breeding or importing animal of the order Cetacea**

- (1) A person must not, in relation to an animal of the order Cetacea—
  - (a) import the animal into New South Wales, or
  - (b) cause or permit the animal under the control of the person to breed.

Maximum penalty—Tier 2 monetary penalty

- (2) For section 2.7(4) of the Act, the actions listed in subclause (1) in relation to an animal of the order Cetacea constitute harming a marine mammal for the purposes of the Act.