



New South Wales

Biodiversity Conservation Amendment (Bee Keeping and Grazing) Regulation 2022

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*.

JAMES GRIFFIN, MP
Minister for Environment and Heritage

Explanatory note

The object of this Regulation is to provide that it is a defence to the prosecution of an offence under the *Biodiversity Conservation Act 2016*, Part 2, Division 1 if the defendant establishes that the activity constituting the offence was—

- (a) bee keeping or grazing, and
- (b) authorised by a forest permit under the *Forestry Act 2012*.

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1 Name of Regulation

This Regulation is the *Biodiversity Conservation Amendment (Bee Keeping and Grazing) Regulation 2022*.

2 Commencement

This Regulation commences on 9 November 2022.*

3 Amendment of Biodiversity Conservation Regulation 2017

Insert after clause 2.25—

2.25A Activities resulting from bee keeping and grazing authorised by forest permit (section 2.9)

(1) It is a defence to a prosecution for an offence under the Act, Part 2, Division 1, if the person charged establishes that the activity resulting in the offence was—

- (a) bee keeping or grazing, and
- (b) authorised by, and done in accordance with, a forest permit, and
- (c) occurred on land to which the forest permit applies.

(2) In this clause—

bee keeping has the same meaning as in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

forest permit has the same meaning as in the *Forestry Act 2012*.

grazing means grazing of cattle or other livestock.

* The Regulation (statutory rule) specified 9 November 2022 as the date of commencement. Under the *Interpretation Act 1987*, section 39(2A), the Regulation is not invalid merely because the Regulation was published on the NSW legislation website after the day on which one or more of its provisions is or are expressed to commence but provides, in that case, for that or those provisions to commence on the day on which it is published on the NSW legislation website, instead of on the earlier day.