



New South Wales

Biodiversity Conservation Amendment (Kangaroo Protection) Bill 2022

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Biodiversity Conservation Act 2016* (the *principal Act*) to—

- (a) prohibit the issue of licences under the principal Act that authorise lethally harming or commercially harvesting kangaroos, and
- (b) enable regulations to be made under the proposed Act for or with respect to the protection and care of kangaroos, including regulating the safe capture and release of a kangaroo for the purpose of relocating the kangaroo, and
- (c) enable the regulations to impose penalties for an offence against a provision which provides for the protection and care of kangaroos if the offence is conducted in the course of commercial operations, and
- (d) insert savings and transitional provisions.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 gives effect to the object set out in the overview.



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Biodiversity Conservation Amendment (Kangaroo Protection) Bill 2022

No. _____, 2022

A Bill for

An Act to amend the *Biodiversity Conservation Act 2016* to protect kangaroos and prohibit the issue of licences under that Act which authorise lethally harming or commercially harvesting kangaroos.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Biodiversity Conservation Amendment (Kangaroo Protection) Act 2022*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Biodiversity Conservation Act 2016 No 63	1
		2
[1] Section 2.7A		3
	Insert after section 2.7—	4
2.7A Protection of kangaroos		5
(1)	In this section—	6
	<i>kangaroo</i> means an animal in the Macropodidae family.	7
	<i>lethally harm</i> a kangaroo includes kill, injure or commercially harvest the kangaroo, but does not include harm by capturing or relocating the kangaroo or changing the habitat of the kangaroo.	8 9 10
(2)	A biodiversity conservation licence must not be issued under Division 3 to authorise a person to lethally harm a kangaroo.	11 12
(3)	The regulations may make provision for or with respect to the protection and care of kangaroos, including regulating the safe capture and release of a kangaroo for the purpose of relocating the kangaroo.	13 14 15
(4)	A regulation under subsection (3) may impose a Tier 2 monetary penalty for an offence against the regulation, and may impose a Tier 1 monetary penalty or imprisonment for 2 years, or both, for an offence against the regulation if the offence is committed in the course of commercial operations.	16 17 18 19
(5)	A regulation under subsection (3) may provide that an action prohibited by the regulation in relation to a kangaroo constitutes harming a kangaroo for the purposes of this Act.	20 21 22
[2] Schedule 9 Savings, transitional and other provisions		23
	Insert at the end of the Schedule, with appropriate Part and clause numbering—	24
Part	Provision consequent on enactment of the Biodiversity Conservation Amendment (Kangaroo Protection) Act 2022	25 26 27
	Continuation of existing licences	28
(1)	In this clause—	29
	<i>amending Act</i> means the <i>Biodiversity Conservation Amendment (Kangaroo Protection) Act 2022</i> .	30 31
	<i>existing licence</i> means a biodiversity conservation licence, in force immediately before the commencement of the amending Act, which—	32 33
(a)	requires the holder of the licence to comply with the <i>Wildlife Trade Management Plan for the Commercial Harvest of Kangaroos in New South Wales 2022–26</i> , published by the Department of Planning, Industry and Environment in January 2022, or	34 35 36 37
(b)	otherwise authorises the holder of the licence to lethally harm a kangaroo.	38 39
	<i>kangaroo</i> —see section 2.7A.	40
	<i>lethally harm</i> —see section 2.7A.	41

- (2) An existing licence continues, despite section 2.7A, in force for the unexpired portion of its term, unless it is sooner surrendered by the holder or suspended or revoked under this Act. 1
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