
National Parks and Wildlife Amendment Bill 2010

Amendments proposed by Legislative Council on 1 June 2010.

No. 1 Page 4, Schedule 1. Insert after line 30:

[9] Section 5 (7)

Insert after section 5 (6):

- (7) Before a regulation is made under paragraph (c) or (g) of the definition of *harm* in subsection (1), the Minister is required to ensure, as far as is reasonably practicable, that:
- (a) a notice is to be published in a daily newspaper circulating throughout New South Wales:
 - (i) stating the objects of the proposed regulation, and
 - (ii) advising where a copy of the regulation may be obtained or inspected, and
 - (iii) inviting comments and submissions within a specified time, but not less than 28 days from publication of the notice, and
 - (b) consultation is to take place with the Aboriginal Cultural Heritage Advisory Committee, and
 - (c) all the comments and submissions received are to be appropriately considered.

No. 2 Page 9, Schedule 1 [32], proposed section 86 (3) (a), lines 28 and 29. Omit all words on those lines. Insert instead:

- (a) that the offence was committed in the course of carrying out a commercial activity, or

No. 3 Page 10, Schedule 1 [32], proposed section 87 (4), lines 37 and 38. Omit all words on those lines. Insert instead:

- (4) It is a defence to a prosecution for an offence under section 86 (2) if the defendant shows that the act or omission constituting the alleged offence is prescribed by the regulations as a low impact act or omission.

No. 4 Page 11, Schedule 1 [32], proposed section 87 (5) and (6), lines 1–10. Omit all words on those lines. Insert instead:

- (5) The Minister is not to recommend the making of a regulation under subsection (3), unless:
 - (a) the Director-General has, under subsection (6), set minimum standards for requirements specified in the regulations, or in a code of practice adopted or prescribed by the regulations, and
 - (b) the Minister:

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- (i) is satisfied that the requirements specified in the recommended regulation, or in the code of practice adopted or prescribed by the recommended regulation, meet those minimum standards, and
 - (ii) has consulted with the Aboriginal Cultural Heritage Advisory Committee.
- (6) The Director-General may, for the purposes of subsection (5) set minimum standards for requirements specified in the regulations, or in a code of practice adopted or prescribed by the regulations, under subsection (3). The Director-General is to publish any such minimum standards in the Gazette.

No. 5 Page 56, Schedule 1 [120]. Insert after line 12:

Existing codes of practice may be adopted for purposes of due diligence defence

Section 87 (5) does not apply to the making of a regulation that adopts or prescribes, for the purposes of section 87 (3), the following codes of practice:

- (a) the PNF code of practice within the meaning of Part 5A of the *Native Vegetation Regulation 2005* (as in force at the date of assent to the amending Act),
- (b) the *Plantations and Reafforestation Code* set out in the Appendix to the *Plantations and Reafforestation (Code) Regulation 2001* (as in force at the date of assent to the amending Act).

No. 6 Page 78, Schedule 3.7, lines 3 and 4. Omit all words on those lines. Insert instead “Omit section 38 (2A) (i) and (j).”