

Western Australia

**Wildlife Conservation (Fauna Protection)  
Amendment Bill 2002**

---

CONTENTS

---

1.	Short title	1
2.	Commencement	2
3.	Application to Crown	2
4.	Principal Act	2
5.	Interpretation	2
6.	New section 15B inserted	3



Western Australia

LEGISLATIVE COUNCIL

*(Hon. Christine Sharp)*

**Wildlife Conservation (Fauna Protection)  
Amendment Bill 2002**

**A Bill for**

**An Act to provide for the conservation and protection of fauna in cases where habitats are likely to suffer damage, or fauna will be subjected to interference or damage by intrusive activity, by amending the *Wildlife Conservation Act 1950* and including production contracts formed under the *Forest Products Act 2000*.**

The Parliament of Western Australia enacts as follows:

**1. Short title**

This Act may be cited as the *Wildlife Conservation (Fauna Protection) Amendment Act 2002*.

**2. Commencement**

This Act comes into operation on 1 January 2003.

**3. Application to Crown**

This Act applies to —

- 5
- (a) any agent or instrumentality of the Crown if work or activity subject to section 15B of the principal Act (as inserted by section 6) is to be undertaken by it or on its behalf;
  - 10 (b) the Forest Products Commission, despite section 10(6) of the *Forest Products Act 2000*, if what is to be done under a production contract includes work or activity made subject to section 15B of the principal Act (inserted by section 6).

**4. Principal Act**

15 In this Act the *Wildlife Conservation Act 1950* is referred to as the principal Act.

**5. Interpretation**

- (1) In this Act, unless inconsistent with the context —
- 20 (a) words and expressions used in this Act have the same meanings that they have in the principal Act;
  - (b) “**declared fauna**” is fauna to which a notice issued under section 14(2)(ba) of the principal Act applies and is in operation;
  - 25 (c) “**management plan**” includes a relevant management plan referred to in section 10(6) of the *Forest Products Act 2000*.
- (2) A relevant management plan as defined in section 55 of the *Forest Products Act 2000* is to make provision for the matters prescribed for a management plan under section 15B(2) of the principal Act.
- 30

6. **New section 15B inserted**

The principal Act is amended by adding after section 15A the following section —

“

5

**15B. Conditions for certain section 15 licences**

- (1) This section applies to work or activity that, by reason of its nature or extent, will require a licence to take issued under section 15.
- (2) An application for a licence subject to this section must be accompanied by a management plan in the prescribed form if, as a result of a survey of the land where the work or activity will be performed, declared fauna is found on that land.
- (3) For the purposes of section 15(5), the Minister must be satisfied that the management plan provides adequate monitoring and reporting of any adverse effects the work or activity may have on declared fauna and the sufficiency of the remedial action that is proposed in response.
- (4) The Minister, in considering whether or not to grant a licence, or the conditions attaching to a grant, may require a licence application and the management plan to be advertised inviting submissions on the proposal, and the Minister is to have regard to those submissions in making a decision.
- (5) The survey required by subsection (2) is to be performed by a person or body approved by the Minister or selected from a published list of such persons or bodies.

30

”.

