

Biodiversity Conservation Amendment Regulations 2022

SL 2022/43

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Biodiversity Conservation Amendment Regulations 2022*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Biodiversity Conservation Regulations 2018*.

4. Regulation 67 amended

In regulation 67(2) delete “living”.

5. Regulation 134 amended

Delete regulation 134(2) and insert:

- (2) Subregulation (1) does not apply in relation to —
 - (a) the movement of sandalwood from the place where it was taken to another place on the same land before any processing (including preliminary processing) is undertaken; or
 - (b) the delivery of sandalwood to the holder of a flora processing (sandalwood) licence if —
 - (i) it is delivered for the purposes of analysis; and
 - (ii) the quantity of sandalwood does not exceed 10 kg.

6. Regulation 135 amended

After regulation 135(i) insert:

- (ia) the date on which the sandalwood is to be transported;

7. Regulation 136 amended

Delete regulation 136(2)(a), (b) and (c) and insert:

- (a) the alteration is made in a manner that leaves the entry that is altered legible or recoverable; and
- (b) the identity of the person making the alteration is recorded on the form; and
- (c) in the case of information required under regulation 135(a) to (g), (k) or (l) — the alteration is made for the purpose of correcting a mistake as soon as practicable after the mistake is discovered.

8. Regulation 137 amended

(1) Delete regulation 137(1) and insert:

- (1) A person must not transport sandalwood in a case where a sandalwood tracking form is required under these regulations without being in possession of a sandalwood tracking form that complies with the requirements of this Part.

Penalty for this subregulation: a fine of \$5 000.

(2) Delete regulation 137(3) and insert:

- (3) If a person engages another person (a *driver*) to transport sandalwood in a case where a sandalwood tracking form is required under this Part, the person must, before the transportation occurs, ensure that the driver is given a sandalwood tracking form that complies with the requirements of this Part.

Penalty for this subregulation: a fine of \$25 000.

(3) Delete regulation 137(5) and insert:

- (5) A person who transports sandalwood in a case where a sandalwood tracking form is required under this Part

must give to the person to whom the sandalwood is delivered, at the time of delivery, a sandalwood tracking form that complies with the requirements of this Part.

Penalty for this subregulation: a fine of \$5 000.

9. Regulation 138 amended

In regulation 138(3):

- (a) in paragraph (a) delete “at least 2 copies of the sandalwood tracking form accompanying the sandalwood are” and insert:

the sandalwood tracking form accompanying the sandalwood is

- (b) in paragraph (b) delete “those copies.” and insert:

that form.

10. Schedule 3 amended

In Schedule 3 delete “-40.742741” (each occurrence) and insert:

-30.742741

N. HAGLEY, Clerk of the Executive Council.