



Why do we need new biodiversity legislation?

- The Government is committed to new biodiversity conservation legislation.
- The new Biodiversity Conservation Act will replace the outdated Wildlife Conservation Act 1950.
- The Act will allow for the protection and restoration of biodiversity, and provide for the sustainable use of native plants, animals and other organisms.

The need for biodiversity conservation

- Biodiversity has scientific, economic, recreational, aesthetic and intrinsic values.
- Western Australia's south-west is one of 25 global biodiversity 'hotspots.'
- There are significant threats to the State's rich biodiversity.
- It is our responsibility to ensure biodiversity is conserved for current and future generations to value, appreciate and respect.
- WA has national policy and international agreement commitments.

Developments in other Australian jurisdictions

Most Australian jurisdictions have introduced new biodiversity conservation legislation in the last 15 years.

- Flora and Fauna Guarantee Act 1988 (Vic)
- Nature Conservation Act 1992 (Qld)
- Threatened Species Conservation Act 1995 (NSW)
- Threatened Species Protection Act 1995 (Tas)
- Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)
- Territory Parks and Wildlife Conservation Act 1977 (NT) (relevant part introduced in 2000)

The Wildlife Conservation Act 1950

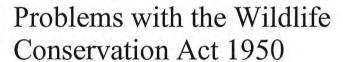
The Wildlife Conservation Act:

- prevents the unauthorised 'taking' of native fauna, or native flora on Crown land and waters,
- establishes a process for listing and protecting threatened species of flora and fauna, and
- interacts with a range of other legislation (eg. fisheries, agriculture, planning, environmental protection, Perth Zoo and Kings Park).

Problems with the Wildlife Conservation Act 1950

- The language of the Act is dated and reflects its origins as an Act regulating hunting of native wildlife and picking of native flora.
- There is no statutory protection for threatened ecological communities.
- There is no provision for recovery plans for threatened species or ecological communities.
- Enforcement is limited to prosecution after the event, with inadequate penalties.

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- There are no positive measures to protect biodiversity, such as voluntary conservation covenants.
- There are inefficiencies in management through licensing and permit provisions.

Features of a new Biodiversity Conservation Act

The new legislation will:

- · be open to community input and processes,
- improve decision-making and enforcement mechanisms.
- · facilitate community conservation efforts,
- · address root causes of biodiversity decline,
- · apply to Government agencies, and
- complement the Conservation and Land Management Act 1984.

Protection of biodiversity

It is intended the new Act will enhance biodiversity protection by:

- requiring preparation of a State Biodiversity Strategy,
- allowing for the special protection of migratory species, and species protected under international agreements to which Australia is a party,
- strengthening protection for identified threatened species and introducing protection for ecological communities,
- · identifying and protecting critical habitat,

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Protection of biodiversity

- placing restrictions on activities that may harm ecological communities,
- enhancing enforcement and increasing penalties for illegal fauna and flora export,
- allowing the Minister to enter into conservation agreements with private landholders or public authorities,
- discretion to list a threatening process, and to pass regulations to control that threatening process, and
- new controls on environmental pests and weeds, which complement existing controls on agricultural pests and weeds.

Restoration of biodiversity

It is proposed that the new Act will allow for:

- active planning and management for the long-term future of native species,
- Ministerial power to issue a conservation order where a person's actions are contrary to a recovery plan,
- recovery plans to be made for threatened species, ecological communities and critical habitats,

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Restoration of biodiversity

- public authorities to be required to take all reasonable steps to act in accordance with recovery plans,
- the Minister to have the power to issue conservation orders where actions obstruct recovery plans, and
- the provision to landholders and others of financial assistance, incentives and technical services through the Department of Conservation and Land Management to encourage biodiversity restoration.

Sustainable use of biological resources

It is proposed that the new Act will:

- · build on existing controls in the Wildlife Conservation Act,
- ensure that the use of biological resources is ecologically sustainable,
- require the preparation of wildlife management plans for ecologically sustainable use of native flora and fauna, and
- continue to apply controls on people taking native animals or plants from Crown land.

Sustainable use of biological resources

- There will be a new licensing regime for bioprospecting. Comment is being invited for the most appropriate regime for regulating bioprospecting.
- Comment is invited on the regulation of nature-based tourism and recreation.
- The Act will ensure the existing rights of Aboriginal people to take animals and plants for food will include the use of biological resources for any customary purpose.

Summary - Improvements to protect biodiversity

It is intended that the new Act will:

- · protect threatened ecological communities,
- ensure decisions to specially protect threatened species and ecological communities are made using clear statutory criteria,
- categorise threatened species and ecological communities to international standards, and
- control current and potential environmental pests and weeds more effectively.

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Summary - Improvements to protect biodiversity

It is intended that the Act will also:

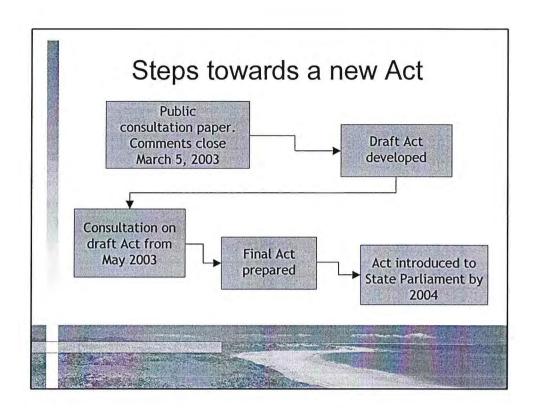
- put in place constraints on authorising actions that may reasonably be expected to cause the extinction of a species or ecological community,
- give the Minister the discretion to list a threatening process and provide for regulations to control it, and
- improve voluntary conservation agreements and covenants.

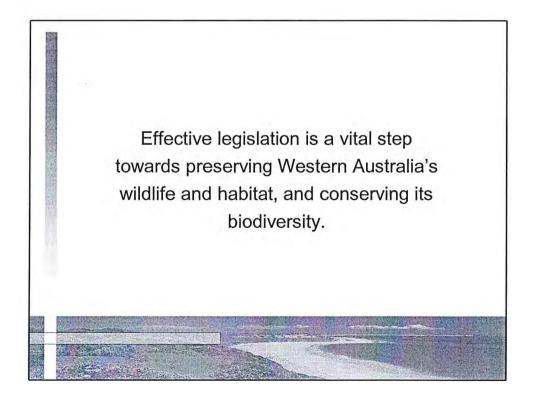
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Summary - Improvements to protect biodiversity

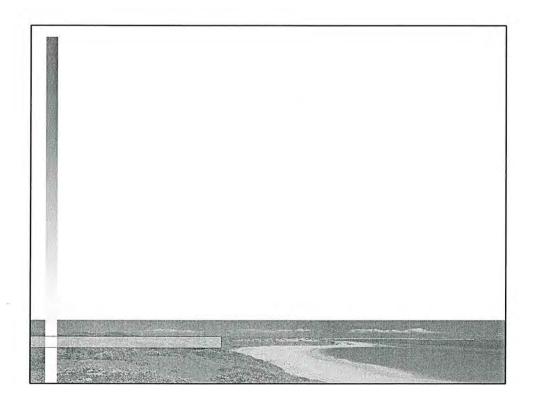
The new Act will also:

- · increase penalties,
- · identify and protect critical habitat,
- enable the creation of bioregional plans to guide management, and
- enable the State to enter into bilateral agreements to protect biodiversity.





Thank You For more information contact: Kylie Dyson Phone: (08) 9442 0300, Fax: (08) 9386 1286 Email: biodivconsult@calm.wa.gov.au View Consultation Paper at www.naturebase.net



REGISTRATION includes lunch and afternoon tea S15 for NGO/Community \$50 for others	GETTING OUR ACT, TOGETHER
Name Organisation (if applicable) Address	A public seminar on the proposed Biodiversity Conservation Ac
Postcode Phone Fax Email	**************************************
I enclose a cheque/money order for the amount of [made payable to the Conservation Council of WA (Inc)] OR Please charge my Bankcard/Visa/Mastercard	
Number Expiry Date Name on card Signature	Saturday, 22 February 2003 9:30am - 4:00pm
Please forward registration form and payment to: Conservation Council of WA 2 Delhi Street, WEST PERTH WA 6005 Enquiries? Cameron Poustie on 9420 7272 cameron.poustie@conservationwa.asn.au	Lecture Theatre 4 Building 18 (carpark 7 & 8) ECU Churchlands Campus

10:00 - 10:10 OPENING

Dr Judy Edwards
Minister for Environment and
Heritage

10:10 - 10:15 SEMINAR OVERVIEW

Cameron Poustie
Biodiversity Officer
Conservation Council of WA

BIODIVERSITY: DROWNING OR WAVING?

Dr Steve Hopper

Director

Kings Park and Botanic Gardens

BIODIVERSITY BLOOPERS: THE CURRENT GAPS IN BIODIVERSITY LAW

11:00 - 11:30 Lee McIntosh Solicitor

Environmental Defenders Office

11:30 - 12:00 Dr Nic Dunlop

Sustainable Fisheries Officer Conservation Council of WA

12:00 - 1:00 [(||V(|| GETTING ON WITH PRIVATE (ONSERVATION MEASURES

Keith Bradby

Co-ordinator

Gondwana Link

THE BIODIVERSITY ACT CONSULTATION PAPER: INTENT, CONTENT AND POTENTIAL

Keiran McNamara
Acting Executive Director
Department of Conservation and
Land Management

A CONSERVATIONIST'S CRITIQUE OF THE CONSULTATION PAPER

Cameron Poustie

Biodiversity Officer

Conservation Council of WA

2:40 - 3:00 AFTERNOON TEA

PANEL BEATING: AN OPEN FORUM

Rachel Siewert

Co-ordinator

Conservation Council of WA

ACT NOW: THE NEXT STEPS

Rachel Siewert

