

Biodiversity Conservation (Exemptions) Order 2018

Made by the Minister under section 271(2) of the Act.

1. Citation

This order is the *Biodiversity Conservation (Exemptions) Order 2018*.

2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette*;
- (b) the rest of the order — on the day after that day.

3. Existing authorities to modify occurrence of threatened ecological community

- (1) In this clause —

existing authority means a licence, permit, approval, consent, registration or other authority —

- (a) issued, granted, conferred or given under a written law or a State agreement; and
- (b) in force immediately before the day on which section 48 of the Act comes into operation; and
- (c) in force on the day on which the activity mentioned in subclause (2) is carried out.

- (2) An activity that modifies an occurrence of a threatened ecological community is exempt from section 48(1) of the Act in circumstances where —

- (a) the activity is authorised by an existing authority; and
- (b) the activity is carried out in accordance with any conditions to which the existing authority is subject; and
- (c) any clearing permit required under the *Environmental Protection Act 1986* in respect of the activity has been obtained.

4. Activities involving dingoes

- (1) In this clause —

dingo means an animal that belongs to the native species *Canis familiaris dingo*.

- (2) The activity of taking a dingo is exempt from section 149(1) of the Act.
- (3) The activity of possessing a dingo is exempt from section 152(1) of the Act.
- (4) The activity of disturbing a dingo is exempt from section 153(1) of the Act.
- (5) The activity of using a prohibited device or prohibited method in the taking or disturbance of a dingo is exempt from section 156(1) of the Act.
- (6) An occupier of land is exempt from section 156(2) and (3) of the Act in circumstances where the relevant taking or disturbance is the taking or disturbance of a dingo.
- (7) The activity of dealing in a dingo is exempt from section 157(1) of the Act.
- (8) The activity of processing a dingo is exempt from section 158(2) of the Act.
- (9) The activity of importing a dingo is exempt from section 159 of the Act.
- (10) The activity of exporting a dingo is exempt from section 160 of the Act.

5. Activities involving flora cultivars

- (1) In this clause —
flora cultivar means flora that —
 - (a) has been produced by selective breeding either through hybridisation or form selection; and
 - (b) is in a form that is morphologically distinguishable from its parent species growing in the wild.
- (2) The activity of supplying a flora cultivar is exempt from section 176(1) of the Act.
- (3) The activity of dealing in a flora cultivar is exempt from section 177(1) of the Act.
- (4) The activity of processing a flora cultivar is exempt from section 178(2) of the Act.

6. Dealing in flora

- (1) In this clause —
flora does not include specifically controlled sandalwood as defined in the *Biodiversity Conservation Regulations 2018* regulation 3.
- (2) The activity of dealing in flora is exempt from section 177(1) of the Act in circumstances where the flora is purchased from —
 - (a) the holder of a licence authorising the supply of flora; or

- (b) a person who otherwise has lawful authority to supply flora.
- (3) The exemption provided for in subclause (2) is subject to the condition that a person who deals in flora in reliance on the exemption must —
 - (a) make a record of the flora purchased that contains the following information —
 - (i) a description of the flora;
 - (ii) the quantity of the flora;
 - (iii) the day on which the flora is purchased;
 - (iv) the name and address of the person from whom the flora is purchased;
 - and
 - (b) keep the record —
 - (i) for at least 2 years after the day on which the flora is purchased; and
 - (ii) at the place where the person deals in flora;
 - and
 - (c) make the record available to a wildlife officer if asked by the wildlife officer to do so.
- (4) The activity of dealing in flora is also exempt from section 177(1) of the Act in circumstances where the flora is supplied as a living potted plant or by retail directly to the public.

S. DAWSON, Minister for Environment.

Biodiversity Conservation (Chromista Kingdom) Order 2018

Made by the Minister under section 10(1) of the Act.

1. Citation

This order is the *Biodiversity Conservation (Chromista Kingdom) Order 2018*.

2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette*;
- (b) the rest of the order — on the day after that day.

3. Native species of brown algae determined to be flora

A native species of the class Phaeophyceae (brown algae) belonging to the chromista kingdom is flora for the purposes of the Act.

S. DAWSON, Minister for Environment.

Biodiversity Conservation (Property in Live Fauna) Order 2018

Made by the Minister under section 147(3) of the Act.

1. Citation

This order is the *Biodiversity Conservation (Property in Live Fauna) Order 2018*.

2. Commencement

This order comes into operation on the day on which section 147 of the Act comes into operation.

3. Property in certain live fauna ceases to be vested in State

(1) In this clause —

fauna taking (commercial purposes) licence means a fauna taking (commercial purposes) licence granted under the *Biodiversity Conservation Regulations 2018* Part 4.

(2) The property in live fauna taken in accordance with a fauna taking (commercial purposes) licence ceases to be vested in the State when the fauna is removed from the place where it is captured.

S. DAWSON, Minister for Environment.

Biodiversity Conservation (Microbialite Ecological Communities) Order 2018

Made by the Minister under sections 9(5) and 10(1) of the Act.

1. Citation

This order is the *Biodiversity Conservation (Microbialite Ecological Communities) Order 2018*.

2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette*;
- (b) the rest of the order — on the day after that day.

3. Population of organisms in microbialite ecological community determined to be species

- (1) A population of organisms comprising organisms belonging to the bacteria kingdom that occur in a microbialite ecological community is a species for the purposes of the Act.
- (2) Subclause (1) applies to the whole of the State.

4. Native species of organisms in microbialite ecological community determined to be flora

A species described in clause 3(1) that is a native species is flora for the purposes of the Act.

S. DAWSON, Minister for Environment.