

Recent Developments in NSW threatened species law



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**Future Guaranteed? Conference
2 November 2006**

Legislation

Type 1: Biodiversity conservation legislation

For example: *Threatened Species Conservation Act 1995; National Parks and Wildlife Act 1974*

Type 2: Land use legislation

For example: *Environmental Planning and Assessment Act 1979; Native Vegetation Act 2003*

Type 3: Related legislation

For example: *Rural Fires Act 1997; Rural Lands Protection Act 1995; Noxious Weeds Act 1993; Mining Act 1992; Water Management Act 2000; special legislation.*

Range of mechanisms

- Protected areas
- Licensing & permits
- Penalties
- Planning controls (SEPPs and LEP zoning)
- EIA
- Resource use controls
- Recovery Planning
- PAS
- Levies
- Voluntary initiatives (VCAs)
- Incentives (native vegetation)
- Economic instruments
- Community Education

Current legislation

- separate regime for terrestrial/marine species
- uses IUCN categories
- creates a range of offences relating to protected species
- imposes obligations concerning threatened species on developers and consent authorities during the assessment process
- empowers DEC and the Minister to issue certain orders to protect threatened species in the short-term; and
- requires DEC and other public authorities to take certain long-term actions to protect threatened species

Priorities Action Statement

A green frog is the central focus of the image, sitting on a large, round lily pad. The frog's skin is a vibrant green with darker spots and patterns. Its eyes are large and prominent. The background is a soft-focus view of a pond with more lily pads and green foliage.

What is it?

Key issues:

- **responsibilities and capacity**
- **triage principles**
- **lack of focus on threats**
- **lack of co-ordination and integration**
- **lack of detail**
- **need for expert panel**

Biobanking

A close-up photograph of a green frog with brown and black spots, sitting on a large green leaf. The frog is the central focus of the image, and the background is a soft-focus green.

What is it?

Key issues:

- **Quantifying biodiversity**
- **Integrity of methodology (traffic lights)**
- **“Like for like”**
- **Security**
- **Optional**
- **Case by case**
- **Limited application**

Biocertification

A close-up photograph of a green frog with brown mottled patterns on its back, resting on a large green leaf. The frog's eyes are prominent and dark.

What is it?

Key issues:

- **resourcing**
- **trade-off between strategic approach and on-site assessment**
- **Yo-Yo effect (protections do not apply to vulnerable species)**

Accreditation

A close-up photograph of a green frog with brown mottled patterns on its back and sides. The frog is perched on a large, vibrant green leaf with serrated edges. The background is a soft-focus green, suggesting a natural outdoor setting.

What is it?

Key issues:

- **voluntary v compulsory**
- **transparency**
- **circumstances where points are lost**

The End

