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Agriculture, Resources and Environment Committee
Parliament House
Brisbane, Qld 4000

**Re: Submission on Nature Conservation (Protected Plants) and Other Legislation
Amendment Bill 2013**

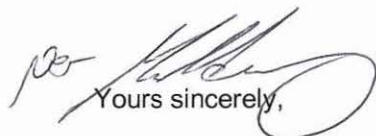
Thank you for the opportunity to provide a written submission on the *Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013*, and for the opportunity to attend the public hearing on Wednesday 7 August 2013 at Parliament House.

Aurizon has no specific comments on the proposed amendments and is generally in favour of the proposed changes. Aurizon does, however, wish to seek clarification on the introduction and proposed application of the term "special least concern plants". In the Explanatory Notes, it is stated that, with respect to the amendments to section 89 of the *Nature Conservation Act 1992* (NCA):

Special least concern plants have been recognised by the State as plants that are commercially valuable or are known to have sensitive reproductive biology and are therefore at risk of becoming threatened should they not be protected. For this reason, special least concern plants are considered comparable to what was previously referred to as rare plants and offences are to incur equivalent penalties.

Aurizon understands that the term "rare" plants had been, as part of past amendments to the NCA, replaced with the term "near-threatened". It is not clear what differentiates "special least concern" from "near-threatened" plants. Aurizon seeks clarification regarding the differences between the two classes of plant in terms of the legislative application of the NCA.

Aurizon currently holds a Class Exemption that relates to the taking of "least concern" plants in the course of an activity under a rail manager or rail operator accreditation under section 126 of the *Transport Infrastructure Act 1994* and section 99 of the *Transport (Rail Safety) Act 2010*. Aurizon seeks no worsening of the regulation beyond that provided for in the existing exemption it holds under the current *Nature Conservation (Protected Plants) Conservation Plan 2000* and, in this regard, seeks confirmation as to whether its current Class Exemption will also apply to "special least concern" plants or whether the taking of such plants would require separate approval. It is Aurizon's position that its Class Exemption should extend to cover the taking of "special least concern" plants.



Yours sincerely,

Julien Davey
Vice President - Environment
Safety, Health and Environment
Operations