

1996—No. 53

**NATIONAL PARKS AND WILDLIFE ACT 1974—
REGULATION**

(Making miscellaneous amendments to the National Parks and Wildlife (Fauna Protection) Regulation 1994)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the National Parks and Wildlife Act 1974, has been pleased to make the Regulation set forth hereunder.

Pam Allan
Minister for the Environment.

The National Parks and Wildlife (Fauna Protection) Regulation 1994 is amended:

- (a) by omitting from clause 7 the following matter:
Head, Wildlife Conservation and Regulatory Services Branch
and by inserting instead the following matter:
Manager, Field Services
Manager, Wildlife Licensing Unit
- (b) by inserting at the end of clause 10 (d) the following matter:
; or
- (iii) an offence under the Prevention of Cruelty to Animals Act 1979 or the Exhibited Animals Protection Act 1986.
- (c) by inserting after clause 13 (2) the following subclause:
(2A) In Schedule 2, “cage” includes an aviary.
- (d) by omitting clause 14 (d) and (e) and by inserting instead the following paragraph:
(d) a sulphur crested cockatoo or galah that is less than 4 months old at the time of consignment or offering for sale.

EXPLANATORY NOTE

This Regulation makes the following miscellaneous amendments to the National Parks and Wildlife (Fauna Protection) Regulation 1994:

- (a) it updates clause 7 of that Regulation (Authorisation for issue of licences: sec. 119) so as to reflect the current designations of the persons who are prescribed as authorised officers for the purposes of Part 9 (Licensing, etc. in respect of fauna and native plants) of the National Parks and Wildlife Act 1974;
- (b) it amends clause 10 (Grounds for refusing import or export licence: sec. 126) to add conviction of an offence under the Prevention of Cruelty to Animals Act 1979 or the Exhibited Animals Protection Act 1986 within the 2 years immediately preceding an application for a licence to import protected fauna into, or export it from, New South Wales as a ground on which the application may be refused;
- (c) it inserts a new subclause in clause 13 (Caging and confinement of protected fauna) to make it clear that a reference to a “cage” in the Schedule setting out the conditions under which protected fauna must be kept when consigned or offered for sale includes a reference to an aviary;
- (d) it repeals and re-enacts part of clause 14 (Consignment or sale of young birds) to make it clear that sulphur crested cockatoos and galahs must not be consigned or offered for sale if they are younger than 4 months.

This Regulation is made under the National Parks and Wildlife Act 1974, in particular, sections 119 (Definitions), 126 (Import and export licences) and 154 (a general regulation-making power).
