



New South Wales

# **National Parks and Wildlife Amendment (Game Birds Protection) Act 1995 No 60**

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# **National Parks and Wildlife Amendment (Game Birds Protection) Act 1995 No 60**

Act No 60, 1995

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An Act to amend the *National Parks and Wildlife Act 1974* so as to prevent certain game birds from being taken or killed for sporting or recreational purposes; and for related purposes. [Assented to 30 November 1995]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *National Parks and Wildlife Amendment (Game Birds Protection) Act 1995*.

**2 Commencement**

This Act commences on the date of assent.

**3 Amendment of National Parks and Wildlife Act 1974 No 80**

The *National Parks and Wildlife Act 1974* is amended as set out in Schedule 1.

**4 Transitional provision**

(1) In so far as:

- (a) a licence in force under Division 2 of Part 9 of the *National Parks and Wildlife Act 1974* immediately before the commencement of this Act, or
- (b) an authority in force under section 171 (1) of that Act immediately before that commencement,

has the effect of authorising its holder to take or kill game birds for sporting or recreational purposes, the licence or authority ceases to have that effect on that commencement. However, the licence or authority does not cease to authorise a sporting or recreational shooter from taking or killing game birds for any other specified lawful purpose.

(2) In so far as a game licence in force under section 122 of the *National Parks and Wildlife Act 1974* immediately before the commencement of this Act has the effect of authorising the holder to take or kill protected fauna as referred to in section 122 (1) (a) of that Act as so in force, the licence ceases to have that effect on that commencement. This subsection does not affect the generality of subsection (1) of this section.

- (3) The Director-General must, within 28 days after the commencement of this Act, notify the holders of licences and authorities referred to in subsection (1) that those licences and authorities no longer authorise the taking or killing of game birds for sporting or recreational purposes.
- (4) The Director-General must, within 28 days after the commencement of this Act, notify the holders of game licences referred to in subsection (2) that those licences no longer authorise the taking or killing of protected fauna as referred to in that subsection.
- (5) A notification under this section may be made in such manner as the Director-General thinks fit.
- (6) Expressions used in this section that are defined in the *National Parks and Wildlife Act 1974* have the meanings so defined.

## Schedule 1 Amendments

(Section 3)

### [1] Section 5 Definitions

Insert in alphabetical order in section 5 (1):

*game bird* means a wild duck, wild goose or wild quail, or a bird of any other species that the Governor, by order, declares to be a species of game bird for the purposes of this Act.

*wild*, in relation to any species of fauna, means not domesticated.

### [2] Section 70 Fauna in wildlife districts, wildlife refuges, wildlife management areas, conservation areas and certain wilderness areas

Insert after section 70 (6):

(6AA) Subsections (5) and (6) do not apply to the taking or killing for sporting or recreational purposes of game birds that are locally unprotected fauna.

### [3] Section 95 Open seasons

Omit the section.

### [4] Section 98 Taking or killing protected fauna, other than endangered fauna

Insert after section 98 (2) (a):

(a1) take or kill for sporting or recreational purposes game birds that are locally unprotected fauna, or

**[5] Section 120 General licence**

Insert after section 120 (2):

- (2A) A general licence does not authorise the taking or killing of game birds for sporting or recreational purposes. However, a licence can authorise a sporting or recreational shooter to take or kill game birds for any other specified lawful purpose.

**[6] Section 126 Occupier's licence**

Insert "or to authorise game birds to be taken or killed for sporting or recreational purposes. However, a licence can authorise a sporting or recreational shooter to take or kill game birds for any other specified lawful purpose." after "endangered fauna" in section 121 (3).

**[7] Section 122 Game licence**

Omit section 122(1) (a).

**[8] Section 122**

Insert at the end of section 122 (2):

, or

- (d) to take or kill game birds for sporting or recreational purposes.

**[9] Section 171 Authority to take or kill etc**

Insert after section 171 (1A):

- (1B) An authority under subsection (1) authorising game birds to be taken or killed does not extend to the taking or killing of game birds for sporting or recreational purposes. However, an authority can authorise a sporting or recreational shooter to take or kill game birds for any other specified lawful purpose.

[Member's second reading speech made in—  
Legislative Council on 12 October 1995

Minister's second reading speech made in—  
Legislative Assembly on 22 November 1995]