



New South Wales

National Parks and Wildlife (Land Management) Amendment (Exemption) Regulation 1997

under the

National Parks and Wildlife Act 1974

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *National Parks and Wildlife Act 1974*.

PAM ALLAN, M.P.,

Minister for the Environment

Explanatory note

The object of this Regulation is to exempt Aborigines from provisions of the *National Parks and Wildlife Act 1974* relating to the harming of protected fauna (other than threatened interstate fauna, threatened species, populations or ecological communities, locally unprotected fauna, raptors or parrots). The exemption applies only in relation to the hunting of protected fauna for domestic purposes and extends for the benefit of the dependants of Aborigines. Essentially, the inclusion of this exemption in the *National Parks and Wildlife (Land Management) Regulation 1995* restores the position that applied under the *National Parks and Wildlife (Hunting and Gathering) Regulation 1985* before its repeal on 1 September 1994.

This Regulation is made under the *National Parks and Wildlife Act 1974*, including section 100 and section 154 (a general regulation making power).

1997 No 659

Clause 1 National Parks and Wildlife (Land Management) Amendment (Exemption) Regulation 1997

**National Parks and Wildlife (Land Management)
Amendment (Exemption) Regulation 1997**

1 Name of Regulation

This Regulation is the *National Parks and Wildlife (Land Management) Amendment (Exemption) Regulation 1997*.

2 Commencement

This Regulation commences on 12 December 1997.

**3 Amendment of National Parks and Wildlife (Land Management)
Regulation 1995**

The *National Parks and Wildlife (Land Management) Regulation 1995* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 3)

Clause 38A:

Insert after clause 38:

38A Exemption: sec. 98

- (1) In this clause, *relevant provisions* means:
 - (a) section 98 (2) (a), which prohibits a person from harming any protected fauna, and
 - (b) so much of section 98 (2) (b) that prohibits the use of any animal, firearm, net, trap or hunting device for the purpose of harming any protected fauna.
- (2) Aborigines are exempted from the relevant provisions to the extent to which the relevant provisions would, but for this subclause, prohibit Aborigines from harming fauna for their own domestic purposes.
- (3) This clause does not apply to raptors or parrots.
- (4) This clause applies to and in respect of any dependants (whether Aboriginal or not) of Aborigines in the same way as it applies to and in respect of Aborigines.