

[Act 1995 No 60]



New South Wales

National Parks and Wildlife Amendment (Game Birds Protection) Bill 1995

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*

Overview of Bill

The object of this Bill is to amend the *National Parks and Wildlife Act 1974* so as to protect certain species of game birds from being taken or killed for sporting or recreational purposes and to abolish open seasons.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the proposed Act to commence on the date on which the Governor assents to it.

* Amended in committee — see table at end of volume.

Clause 3 gives effect to the Schedule of amendments to the *National Parks and Wildlife Act 1974*.

Clause 4 makes it clear that the amendments made by the proposed Act will apply to licences and authorities already in force under the *National Parks and Wildlife Act 1974*.

Schedule 1 contains amendments to the *National Parks and Wildlife Act 1974* that are intended to prevent certain species of game birds from being taken or killed for sporting or recreational purposes.

Schedule 1 [1] introduces definitions of game bird and wild for the purposes of the *National Parks and Wildlife Act 1974*. The definition of game bird will cover a wild duck, a wild goose, or a wild quail or a bird of any other species declared by order of the Governor to be a species of game bird for the purposes of that Act.

Schedule 1 [2] amends section 70 (Fauna in wildlife districts, wildlife refuges, wildlife management areas, conservation areas and certain wilderness areas). Subsection (1) of the section makes it an offence to take or kill fauna within a wildlife district, wildlife refuge, wildlife management area, conservation area, wilderness area or an area subject to a wilderness protection agreement. However, subsection (5) of the section provides that a person is not to be convicted of such an offence alleged to have been committed in a wildlife district if the fauna is not protected or is locally unprotected fauna. Subsection (6) of the section provides that an owner, lessee or occupier of land in a wildlife refuge, wildlife management area, conservation area, wilderness area or an area subject to a wilderness protection agreement is not to be convicted of such an offence alleged to have been committed in such a refuge or area if the fauna is not protected or is locally unprotected fauna. The amendment provides that those subsections are not to apply to locally unprotected fauna that are game birds taken or killed for sporting or recreational purposes.

Schedule 1 [3] omits section 95 (Open seasons). The repeal of the section will prevent open seasons from being declared on protected fauna.

Schedule 1 [4] amends section 98 (Taking or killing protected fauna, other than endangered fauna). The amendment will make it an offence to take or kill for sporting or recreational purposes game birds that are unprotected fauna.

Schedule 1 [5]–[8] make it clear that a licence under section 120, 121 or 122 does not authorise the taking or killing of game birds for sporting or recreational purposes. Item [7] makes an amendment consequential on the repeal of section 95.

Schedule 1 [9] makes it clear that an authority under section 171 (Authority to take or kill etc) authorising the taking or killing of game birds does not extend to the taking or killing of game birds for sporting or recreational purposes.