



New South Wales

National Parks and Wildlife Amendment (Licences) Bill 2002

Explanatory note

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

Overview of Bill

The *National Parks and Wildlife Act 1974* provides for the issue of:

- (a) a general licence authorising persons to harm, obtain, hold, keep in possession, exhibit or dispose of protected fauna for certain purposes or in certain circumstances, or to sell fauna in certain circumstances, and
- (b) an occupier's licence authorising owners or occupiers of specified land to harm, or to permit persons holding certain other licences under the Act to harm, a specified number of fauna of a specified class found on that land.

The term *harm* is defined in the Act to include various activities done in relation to an animal, including injuring or killing an animal.

The object of this Bill is to provide for the issue of another type of general licence under which a person is authorised to remove or chase away fauna of a specified class or specified classes, but not so as to injure or kill the fauna, and another type of occupier's licence under which owners or occupiers of specified lands are authorised to remove or chase away fauna of a specified class or specified classes found on those lands, but not so as to injure or kill the fauna.

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision giving effect to the amendments to the *National Parks and Wildlife Act 1974* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] amends section 120 of the Act (which provides for the issue of a general licence) to provide for the issuing of a general licence under which persons are authorised to remove or chase away fauna of a specified class or specified classes, but not so as to injure or kill the fauna.

Schedule 1 [2] makes an amendment to section 120 consequential on that made by Schedule 1 [1].

Schedule 1 [3] amends section 120 of the Act to provide that a register be kept of each licence in force under the section. The register is to be kept open for public inspection, free of charge.

Schedule 1 [4] amends section 121 of the Act (which provides for the issue of an occupier's licence) to provide for the issuing of an occupier's licence under which owners or occupiers of specified lands are authorised to remove or chase away fauna of a specified class or specified classes found on those lands, but not so as to injure or kill the fauna.

Schedule 1 [5] makes an amendment to section 121 consequential on that made by Schedule 1 [4].

Schedule 1 [6] amends section 121 of the Act to provide that a register be kept of each licence in force under the section. The register is to be kept open for public inspection, free of charge.

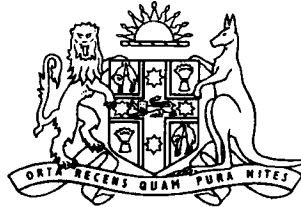


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New South Wales

National Parks and Wildlife Amendment (Licences) Bill 2002

No. , 2002

A Bill for

An Act to amend sections 120 and 121 of the *National Parks and Wildlife Act 1974* with respect to the harm that may be done to fauna under the authority of licences under those sections; and for other purposes.

| | |
|--|--------|
| The Legislature of New South Wales enacts: | 1 |
| 1 Name of Act | 2 |
| This Act is the <i>National Parks and Wildlife Amendment (Licences) Act 2002</i> . | 3 4 |
| 2 Commencement | 5 |
| This Act commences on the date of assent. | 6 |
| 3 Amendment of National Parks and Wildlife Act 1974 No 80 | 7 |
| The <i>National Parks and Wildlife Act 1974</i> is amended as set out in Schedule 1. | 8 9 |

| | | |
|-------------------|---|----------------------------|
| Schedule 1 | Amendments | 1 |
| | (Section 3) | 2 |
| [1] | Section 120 General licence | 3 |
| | Renumber section 120 (1) as section 120 (1A), and insert before section 120 (1A) (as renumbered): | 4 5 |
| | (1) An authorised officer may issue a licence (in this Act referred to as a <i>general licence</i>) authorising a person to remove or chase away a specified class or specified classes of fauna without injuring or killing any of the fauna. | 6 7 8 9 |
| [2] | Section 120 (1A) (as renumbered) | 10 |
| | Insert “also” after “in this Act”. | 11 |
| [3] | Section 120 (7) and (8) | 12 |
| | Insert after section 120 (6): | 13 |
| | (7) The Minister must cause a register to be kept of each licence in force under this section. | 14 15 |
| | (8) The register must be kept available for inspection by the public free of charge, during ordinary office hours, at the Head Office of the Service. | 16 17 18 |
| [4] | Section 121 Occupier’s licence | 19 |
| | Renumber section 121 (1) as section 121 (1A), and insert before section 121 (1A) (as renumbered): | 20 21 |
| | (1) An authorised officer may issue a licence (in this Act referred to as an <i>occupier’s licence</i>) authorising an owner or occupier of specified lands to remove or chase away a specified class or specified classes of fauna found on those lands without injuring or killing any of the fauna. | 22 23 24 25 26 |
| [5] | Section 121 (1A) (as renumbered) | 27 |
| | Insert “also” after “in this Act”. | 28 |

| | |
|---|-------------|
| [6] Section 121 (4) and (5) | 1 |
| Insert after section 121 (3): | 2 |
| (4) The Minister must cause a register to be kept of each licence in force under this section. | 3 4 |
| (5) The register must be kept available for inspection by the public free of charge, during ordinary office hours, at the Head Office of the Service. | 5 6 7 |