

**NATIONAL PARKS AND WILDLIFE (EMU LICENCE)
AMENDMENT ACT 1993 No. 78**

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENT OF NATIONAL PARKS AND WILDLIFE ACT
1974

**NATIONAL PARKS AND WILDLIFE (EMU LICENCE)
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NEW SOUTH WALES



Act No. 78, 1993

An Act to amend the National Parks and Wildlife Act 1974 to provide for the licensing of emu breeding and other related activities; and for other purposes. [Assented to 22 November 1993]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the National Parks and Wildlife (Emu Licence) Amendment Act 1993.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of National Parks and Wildlife Act 1974 No. 80

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

Amendment of Poultry Processing Act 1969 No. 45

4. Section 3 (1) of the Poultry Processing Act 1969 is amended by inserting in the definition of “poultry” after the word “bird”, the words “, including an emu (that is, a bird of the species *Dromaius novaehollandiae*)”.

**SCHEDULE 1—AMENDMENT OF NATIONAL PARKS AND
WILDLIFE ACT 1974**

(Sec. 3)

(1) Section 5 (**Definitions**):

In section 5 (1), insert in alphabetical order:

“**emu**” means any bird of the species *Dromaius novaehollandiae*;

“**emu breeder**” means a person who exercises or carries on the business of breeding emus (including the rearing of emu chicks lawfully taken in the wild) or dealing in live emus, whole emu eggs or other emu products;

SCHEDULE 1—AMENDMENT OF NATIONAL PARKS AND
WILDLIFE ACT 1974—*continued*

“emu products” means products (such as eggs, meat, skin, feathers, claws and oil) derived from emus or from the processing of emu carcasses;

(2) Section 98 (**Taking or killing protected fauna, other than endangered fauna**):

From section 98 (3) (a), omit “or a trapper’s licence under section 123”, insert instead “, a trapper’s licence under section 123 or an emu licence under section 125A”.

(3) Section 103 (**Taking or killing fauna for sale**):

From section 103 (2), omit “or a trapper’s licence under section 123”, insert instead “, a trapper’s licence under section 123 or an emu licence under section 125A”.

(4) Section 104 (**Fauna dealers**):

(a) Omit section 104 (1), insert instead:

(1) A person must not:

(a) exercise or carry on; or

(b) advertise, notify or state that he or she exercises or carries on or is willing to exercise or carry on; or

(c) in any way hold himself or herself out to the public as ready to exercise or carry on,

the business of a fauna dealer, unless the person does *so* under and in accordance with the authority conferred by a licence under Division 2 of Part 9.

(b) From section 104 (1A), omit “acquired from the holder of a fauna dealer’s licence under section 124”, insert instead “lawfully acquired from the holder of a licence under Division 2 of Part 9”.

SCHEDULE 1—AMENDMENT OF NATIONAL PARKS AND
WILDLIFE ACT 1974—*continued*

(5) Section 105:

Omit the section, insert instead:

Skin dealers

105. A person must not:

- (a) exercise or carry on; or
- (b) advertise, notify or state that he or she exercises or carries on or is willing to exercise or carry on; or
- (c) in any way hold himself or herself out to the public as ready to exercise or carry on,

the business of a skin dealer, unless the person does so under and in accordance with the authority conferred by a licence under Division 2 of Part 9.

(6) Section 105A:

After section 105, insert:

Emu breeders

105A. (1) A person must not:

- (a) exercise or carry on; or
- (b) advertise, notify or state that he or she exercises or carries on or is willing to exercise or carry on; or
- (c) in any way hold himself or herself out to the public as ready to exercise or carry on,

the business of an emu breeder, unless the person does so under and in accordance with the authority conferred by a licence under Division 2 of Part 9.

(2) A person is not to be convicted of an offence arising under subsection (1) in respect of the sale by retail of an emu product, but only if the product was lawfully acquired from:

- (a) the holder of a licence under Division 2 of Part 9; or

SCHEDULE 1—AMENDMENT OF NATIONAL PARKS AND WILDLIFE ACT 1974—*continued*

(b) a person who is authorised to sell emu products under the fauna protection legislation of another State or Territory.

(7) Section 106 (**Importing or exporting protected fauna**):

In section 106 (2), after “this subsection”, insert “or to any emu product”.

(8) Section 108 (**Possessing 20 or more birds**):

At the end of the section, insert:

; or

(c) that person is the holder of an emu licence under section 125A.

(9) Section 125A:

After section 125, insert:

Emu licence

125A. An authorised officer may issue a licence (in this Act referred to as an “**emu licence**”), authorising a person to do any one or more of the following:

- (a) to buy or sell live emus, whole emu eggs or other emu products;
- (b) to kill emus reared or bred under and in accordance with the authority conferred by such a licence;
- (c) otherwise to exercise or carry on the business of an emu breeder.

(10) Section 154 (**Regulations**):

(a) After section 154 (d), insert:

(d1) the records to be kept and returns to be furnished by persons engaged in the sale by retail of meat from a game animal (within the meaning of the Meat Industry Act 1978), as referred to in section 104 (1A), and the inspection of those records by officers of the Service;

SCHEDULE 1—AMENDMENT OF NATIONAL PARKS AND
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(d2) the records to be kept and returns to be furnished by persons engaged in the sale by retail of emu products, as referred to in section 105A (2), and the inspection of those records by officers of the Service;

(b) In section 154 (i), after “120”, insert “or 125A”.

(11) Section 164 (**Powers of entry and seizure**):

From section 164 (1) (b) (ii), omit “general licence under section 120”, insert instead “licence under section 120 or 125A”.

*[Member's second reading speech made in—
Legislative Assembly on 13 May 1993*

*Minister's second reading speech made in—
Legislative Council on 11 November 1993]*