

WILDLIFE CONSERVATION AND CONTROL ORDINANCE 1969

221

No. 50 of 1969

An Ordinance to amend the *Wildlife Conservation and Control Ordinance 1962-1968* and for other purposes

[Reserved 30 September, 1969]

[Assented to 19 November, 1969]*

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1.—(1.) This Ordinance may be cited as the *Wildlife Conservation and Control Ordinance 1969*. Short title
and citation

(2.) *The Wildlife Conservation and Control Ordinance 1962-1968* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance as amended by this Ordinance may be cited as the *Wildlife Conservation and Control Ordinance 1962-1969*.

2. Section 4 of the Principal Ordinance is amended by Parts omitting the words and figures "Division 4.—Fish (Sections 39-40).".

3. Section 5 of the Principal Ordinance is amended— Definitions

(a) by omitting from the definition of "animal" the words "and includes a bird, a fish" and inserting in their stead the words "other than a fish and includes a bird";

(b) by omitting the definition of "fish";

(c) by omitting the definition of "freshwater";

(d) by omitting from the definition of "game" the words "of a species named in the Sixth Schedule" and inserting in their stead the words "or animals of a type declared by section thirty-one of this Ordinance to be game";

(e) by omitting the definition of "pest" and inserting in its stead the following definition:—

"'pest' means—

(a) an animal declared by sub-section (1.) of section forty-one of this Ordinance to be a pest; or

* Notified in the *Northern Territory Government Gazette* No. 49 of 3 December, 1969, page 397.

Wildlife Conservation and Control

- (b) an animal declared by sub-section (2.) of section forty-one of this Ordinance to be a pest in a particular area, when it is in that area;";
- (f) by omitting the definition of "protected animal" and inserting in its stead the following definition:—
 "‘protected animal’ means—
 (a) an animal declared by sub-section (1.) of section thirty of this Ordinance to be a protected animal;
 (b) an animal that is game, in circumstances in respect of which it is declared by sub-section (2.) of section thirty of this Ordinance to be a protected animal; or
 (c) an animal referred to in sub-section (3.) of section thirty of this Ordinance, when it is in an area in respect of which it is declared by that sub-section to be a protected animal;"; and
- (g) by adding at the end of the definition of "trap" the words "or fish".

Persons not to
kill &c. in
sanctuary

4. Section 21 of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:—

"(2.) A person shall not fish in freshwater in a sanctuary, or have in his possession a fish that was caught in freshwater in a sanctuary.

Penalty: Four hundred dollars or imprisonment for twelve months.

"(3.) In this section, 'freshwater' means the water in a lake, lagoon or billabong whether or not it is at any time connected with the sea and water in any stream above the tidal limit."

5. Sections 30 and 31 of the Principal Ordinance are repealed and the following sections inserted in their stead:—

Protected
animals

"30.—(1.) An animal is a protected animal unless it is game, a partly protected animal, a pest or a prohibited import.

"(2.) An animal that is game is a protected animal during the part of the year indicated in respect of that animal in the second column of the Sixth Schedule in the area indicated in the third column of that schedule.

"(3.) An animal of a species named in the first column of the Fifth Schedule is a protected animal except while it is in the part of the Northern Territory described in the second column of that schedule opposite to the name of that species.

"31. An animal of a type named in the first column of the Sixth Schedule is game." Game

6. Section 32 of the Principal Ordinance is amended by omitting from paragraph (b) the words "of a species of animals which are game in excess of the number prescribed by regulations to be the maximum number of that species" and inserting in their stead the words "of a type of game in excess of the number prescribed by regulations to be the maximum number of that type". Restrictions on the taking and sale of game

7. Section 35 of the Principal Ordinance is amended— Permits to kill or take partly protected animals
 (a) by omitting sub-section (2.) and inserting in its stead the following sub-section:—

"(2.) A permit may be limited, in relation to the partly protected animals that may be taken or killed under it, in all or any of the following respects:—

- (a) as to their number;
- (b) as to their age;
- (c) as to their sex;
- (d) as to their size;
- (e) as to the area in which they may be taken or killed; and
- (f) as to the period during which they may be taken or killed."; and

(b) by omitting from sub-section (5.) the words "included in a class of partly protected animals" and inserting in their stead the words "of a type".

8. Section 37 of the Principal Ordinance is amended by omitting the word "species" and inserting in its stead the word "type". Eggs of bird, reptile or monotreme

9. Section 38 of the Principal Ordinance is repealed and the following section inserted in its stead:—

"38. Nothing in this Ordinance makes it unlawful for a person to keep in a domesticated state a partly protected animal or an animal of a type named in the Sixth Schedule if the animal has been lawfully taken." Domestication of certain animals

10. Division 4 of Part III of the Principal Ordinance is repealed. Repeal of Division 4 of Part III

11. Sections 41 and 42 of the Principal Ordinance are repealed and the following section inserted in their stead:—

Pests

"41.—(1.) An animal of a species named in the Eighth Schedule is a pest.

"(2.) An animal of a species named in the first column of the Fifth Schedule is a pest while it is in the part of the Northern Territory described in the second column of that schedule opposite to the name of that species."

Third Schedule

12. The Third Schedule to the Principal Ordinance is amended by omitting from paragraph 1. the words and figures "Northern Territory portion 804." and inserting in their stead the following words and figures "Northern Territory Portions 900 and 1058; and in addition those islands known as Sandy Island Number 1 located at the intersection of parallel of latitude 11 degrees 7 minutes 10 seconds south with meridian of longitude 132 degrees 11 minutes 20 seconds east and Sandy Island Number 2 located at the intersection of parallel of latitude 11 degrees 6 minutes 15 seconds south with meridian of longitude 132 degrees 17 minutes 30 seconds east."

Fourth Schedule

13. The Fourth Schedule to the Principal Ordinance is amended by omitting from paragraph 1. all the words and figures after the word "*Woolwonga.*" and inserting in their stead the following words and figures:—

"All that piece or parcel of land in the Northern Territory of Australia containing an area of 192 square miles more or less being Northern Territory Portion 982 and being part of Woolwonga Aboriginal Reserve proclaimed on 7 June, 1968, and published in the *Commonwealth of Australia Gazette* No. 60 of 4 July 1968: Commencing at a point bearing 179 degrees 57 minutes 50 seconds 2010.3 links; 180 degrees 5582.2 links from the intersection of 12 degrees 38 minutes 25.21 seconds parallel of south latitude with 132 degrees 41 minutes 10.12 seconds meridian of east longitude and being about 80 chains south from Yourmill Waterhole; thence east to a point on a line on the western side of Oenpelli Road parallel to and 150 links from the centreline of the said Road; thence generally southwesterly by the said line to a point west of the intersection of the centrelines of Oenpelli Road and Nourlangie Creek; thence west to the right bank of the South Alligator River; thence generally northerly by the right bank of the said River to a point west of the point of commencement; thence east to the point of commencement but not including the land contained in Northern Territory Portion 566 as delineated in Special Purpose Lease No. 43."

Fifth Schedule

14. The Fifth Schedule to the Principal Ordinance is repealed and the following schedule inserted in its stead:—

THE FIFTH SCHEDULE

Sections 30 and 42

ANIMALS PROTECTED EXCEPT IN CERTAIN AREAS

SPECIES	AREA IN WHICH ANIMAL IS A PEST
Wedge-tailed eagle <i>Aquila audax</i>	Alice Springs Pastoral District except for all that piece or parcel of land at Trephina Gorge near Alice Springs in the Northern Territory of Australia being Northern Territory Portion 776 containing an area of 4378 acres more or less: Commencing at a point 3928.4 links east and 22045.5 links north of a point which is 289 degrees 31 minutes 512 links; 54 degrees 50 minutes 251.6 links; 192 degrees 10 seconds 24.2 links from Acacia Well; thence 179 degrees 58 minutes 19 seconds 3347.3 links; 269 degrees 59 minutes 50 seconds 16675.5 links; 315 degrees 4859 links; 0 degrees 5407.5 links; 45 degrees 11712 links; 89 degrees 58 minutes 20 seconds 24114 links; 179 degrees 58 minutes 10 seconds 10878 links; 269 degrees 58 minutes 10 seconds 12287.4 links; 179 degrees 58 minutes 19 seconds 2904.5 links to the point of commencement.
Agile wallaby <i>Wallabia agilis</i>	All that part of the Northern Territory north of the 15th parallel of south latitude excluding the Arnhem Land Aboriginal Reserve."

15. The Seventh Schedule to the Principal Ordinance is amended by omitting the words "Pink cockatoo *Kakatoe lead-beateri*". Seventh Schedule

16. The Eighth Schedule to the Principal Ordinance is repealed and the following schedule inserted in its stead:— Eighth Schedule

"THE EIGHTH SCHEDULE

PESTS

Feral rabbits *Oryctolagus cuniculus*
 Feral donkeys *Equus asinus*
 Feral pigs *Sus scrofa*
 Feral camels *Camelus dromedarius*
 Feral cats *Felis catus*
 Foxes *Vulpes vulpes crucigera*
 Feral goats *Capra prisca*
 Dingoes or wild dogs *Canis familiaris*
 Black rat *Rattus rattus*
 Norway rat *Rattus norvegicus*
 House mouse *Mus musculus*
 Snakes of all species
 Little reddish fruit bat *Pteropus scapulatus*
 Goulds fruit bat *Pteropus gouldii*".

17.—(1.) The *Wildlife Conservation and Control Ordinance* 1966 is amended— Amendment of Ordinance No. 17 of 1966

- (a) by inserting in section 6 after the word "permit" (first occurring) the word "issued"; and
- (b) by omitting from paragraph (a) of section 15 the word "kangaroo" and inserting in its stead the word "kangaroos".

Wildlife Conservation and Control

(2.) The amendments effected by the last preceding subsection shall be deemed to have come into operation on the date on which the *Wildlife Conservation and Control Ordinance* 1966 came into operation.

Amendment of
Ordinance
No. 31 of 1968

18.—(1.) The Schedule to the *Wildlife Conservation and Control Ordinance* (No. 2) 1968 is amended—

(a) by omitting the word and figures “Section 37 (1.)” and inserting in their stead the word and figure “Section 37”; and

(b) by omitting the following words and figures—
“Section 39 One hundred pounds Two Hundred dollars
Section 40 Two hundred pounds Four Hundred dollars” and inserting in their stead the following words and figures—
“Section 39 Two hundred pounds Four hundred dollars
Section 40 One hundred pounds Two hundred dollars”.

(2.) The amendments effected by the last preceding subsection shall be deemed to have come into operation on the date on which the *Wildlife Conservation and Control Ordinance* (No. 2) 1968 came into operation.
