New South Wales

National Parks and Wildlife (Fauna Protection) Amendment (Marine Mammals) 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

Section 112G of the *National Parks and Wildlife Act 1974* prohibits a person from approaching **marine mammals** (defined in the Act so as to include whales, dolphins, seals, sea-lions and dugongs) any closer than such distance as may be prescribed by the regulations. Clause 16 of the *National Parks and Wildlife (Fauna Protection) Regulation 1994* prescribes varying distances (depending on, for example, whether the approaching person is swimming or is in or on a vessel) for the purposes of that section, but only in respect of certain specified marine mammals.

The object of this Regulation is to apply clause 16 to all marine mammals other than the common dolphin and the bottlenose dolphin.

This Regulation is made under the *National Parks and Wildlife Act 1974,* and, in particular, under section 112G (Approaching marine mammal) and Part 13 (sections 154–156, the general regulation-making powers).

National Parks and Wildlife (Fauna Protection) Amendment (Marine Mammals) Regulation 1997

1   Name of Regulation

This Regulation is the *National Parks and Wildlife (Fauna Protection) Amendment (Marine Mammals) Regulation 1997.*

2   Amendment of National Parks and Wildlife (Fauna Protection) Regulation 1994

The *National Parks and Wildlife (Fauna Protection) Regulation 1994* is amended as set out in Schedule 1.

3   Notes

The explanatory note does not form part of this Regulation.

Schedule 1   Amendment

(Clause 2)

Clause 16 Minimum approach distances to certain marine mammals

Omit clause 16 (1). Insert instead:

(1)   This clause applies to all marine mammals except the following:

(a)   *Delphinus delphis* (Common Dolphin),

(b)   *Tursiops truncatus* (Bottlenose Dolphin).