



NORFOLK ISLAND

MIGRATORY BIRDS AMENDMENT ACT 1988

Act No 13 of 1988

An Act to amend the Migratory Birds Act 1980

[Assented to 17 June 1988]

BE IT ENACTED by the Legislative Assembly of Norfolk Island as follows -

Short title

1. This Act may be cited as the Migratory Birds Amendment Act 1988.

Commencement

2. This Act shall come into operation on a date fixed by the Administrator by notice published in the Gazette.

Principal Act

3. The Migratory Birds Act 1980 is in this Act referred to as the Principal Act.

Interpretation

4. Section 3 of the Principal Act is amended -

- (a) by omitting from subsection (1) the definition of "the Agreement"; and
- (b) by omitting subsection (2).

Reviews

5. Section 21 of the Principal Act is amended by omitting paragraph (1)(c) and substituting -

"(c) to cancel a permit under paragraph 15(2)(a),".

Regulations

6. Section 24 of the Principal Act is amended by omitting subsection (2) and substituting -

" (2) The regulations shall not prescribe a purpose in respect of any provision of this Act unless the Minister considers that the purpose is consistent with international agreements as in force from time to time to which Australia is a party relating to the protection of migratory birds, birds in danger of extinction or their environment."

Schedule 1

7. The Principal Act is amended by omitting Schedule 1.

Schedule 2

8. The Principal Act is amended by omitting Schedule 2 and substituting -

"SCHEDULE 2**Section 3****BIRDS OF SPECIES IN DANGER OF EXTINCTION**

Column 1 Item	Column 2 Common name	Column 3 Scientific name (species or sub-species)
1	Gould's Petrel	<u>Pterodroma leucoptera</u>
2	Providence Petrel	<u>Pterodroma solandri</u>
3	Short-tailed Albatross (Japan)	<u>Diomedea albatrus</u>
4	Abbott's Booby	<u>Sula abbotti</u>
5	Christmas Island Frigatebird	<u>Fregata andrewsi</u>
6	Oriental White Stork (Japan)	<u>Ciconia ciconia boyciana</u>

Schedule 2 - continued

Column 1 Item	Column 2 Common name	Column 3 Scientific name (species or sub-species)
7	Japanese Crested Ibis (Japan)	<u>Nipponia nippon</u>
8	Aleutian Canada Goose (Japan)	<u>Branta</u> <u>canadensis</u> <u>leucopareia</u>
9	Red Goshawk	<u>Accipiter radiatus</u>
10	Bonin Buzzard (Japan)	<u>Buteo buteo toyoshimae</u>
11	Ryukyu Serpent Eagle (Japan)	<u>Haematornis cheela perplexus</u>
12	Japanese Golden Eagle (Japan)	<u>Aquila chrysaetos japonica</u>
13	Volcano Islands Peregrine Falcon (Japan)	<u>Falco peregrinus fruitii</u>
14	Japanese Ptarmigan (Japan)	<u>Lagopus mutus japonicus</u>
15	Plains Wanderer	<u>Pedionomus torquatus</u>
16	Okinawa Rail (Japan)	<u>Rallus okinawae</u>
17	Cocos Buff-banded Rail	<u>Rallus philippensis andrewsi</u>
18	Lord Howe Island Woodhen	<u>Tricholimnas sylvestris</u>
19	Japanese Crane (Japan)	<u>Grus japonicus</u>
20	Nordmann's Greenshank (Japan)	<u>Tringa guttifer</u>
21	Lesser Noddy	<u>Anous tenuirostris</u>
22	Stejneger's Wood Pigeon (Japan)	<u>Columba janthina stejnegeri</u>

Schedule 2 - continued

Column 1 Item	Column 2 Common name	Column 3 Scientific name (species or sub-species)
23	Red-headed Wood Pigeon (Japan)	<u>Columba janthina nitens</u>
24	Norfolk Island Parrot	<u>Cyanoramphus novaezelandiae</u> <u>cookii</u>
25	Coxen's Fig Parrot	<u>Cyclopsitta diophthalma</u> <u>coxeni</u>
26	Night Parrot	<u>Geopsittacus occidentalis</u>
27	Orange-bellied Parrot	<u>Neophema chrysogaster</u>
28	Ground Parrot	<u>Pezoporus wallicus</u>
29	Alexandra's Parrot	<u>Polytelis alexandrae</u>
30	Golden-shouldered Parrot	<u>Psephotus chrysopterygius</u>
31	Hooded Parrot	<u>Psephotus dissimilis</u>
32	Paradise Parrot	<u>Psephotus pulcherrimus</u>
33	Norfolk Island Boobook Owl	<u>Ninox undulata</u>
34	Christmas Island Hawk Owl	<u>Ninox squamipila natalis</u>
35	Blakiston's Eagle-owl (Japan)	<u>Bubo blakistoni blakistoni</u>
36	Marbled Frogmouth	<u>Podargus ocellatus</u> <u>plumiferus</u>
37	Noisy Scrub Bird	<u>Atrichornis clamosus</u>
38	Pryer's Woodpecker (Japan)	<u>Sapheopipe noguchii</u>
39	Owston's White-backed Woodpecker (Japan)	<u>Dendrocopos leucotos owstoni</u>

Schedule 2 - continued

Column 1 Item	Column 2 Common name	Column 3 Scientific name (species or sub-species)
40	Ezo Three-toed Woodpecker (Japan)	<u>Picoides tridactylus inouei</u>
41	Purple-crowned Fairy-wren	<u>Malurus coronatus</u>
42	Carpentarian Grasswren	<u>Amytornis dorotheae</u>
43	Thick-billed Grasswren	<u>Amytornis textilis textilis</u>
44	Western Bristlebird	<u>Dasyornis longirostris</u>
45	Eastern Bristlebird	<u>Dasyornis brachypterus</u>
46	Rufous Bristlebird	<u>Dasyornis</u> <u>broadbenti</u> <u>littoralis</u>
47	Lord Howe Island Currawong	<u>Strepera graculina crissalis</u>
48	Western Whipbird	<u>Psophodes nigroregularis</u>
49	Forty-spotted Pardalote	<u>Pardalotus quadragintus</u>
50	Norfolk Island Silvereye	<u>Zosterops albogularis</u>
51	Helmeted Honeyeater	<u>Lichenostomus</u> <u>melanops</u> <u>cassidix</u>
52	Black-eared Miner	<u>Manorina flavigula melanotis</u>
53	Hahajima Honey-eater (Japan)	<u>Apalopteron familiare</u> <u>hahasima</u>
54	Bonin Greenfinch (Japan)	<u>Chloris sinica kittlitzi</u>
55	Lidth's Jay (Japan)	<u>Garrulus lidthi</u>
56	Torishima Bush-warbler (Japan)	<u>Cettia diphone panafidinica</u>
57	Japanese Swamp-warbler (Japan)	<u>Bradypterus pryeri pryeri</u>

Schedule 2 - continued

Column 1 Item	Column 2 Common name	Column 3 Scientific name (species or sub-species)
58	Lesser Chinese Bulbul (Japan)	<u>Pycnonotus sinensis orii</u>
59	Borodino Wren (Japan)	<u>Troglodytes troglodytes orii</u>
60	Ryukyu or Temminck's Robin (Japan)	<u>Erithacus komadori komadori</u>
61	Stejneger's Robin (Japan)	<u>Erithacus komadori namiyei</u>
62	Yaeyama Robin (Japan)	<u>Erithacus komadori subrufa</u>
63	Amami Tiger Thrush (Japan)	<u>Turdus dauma amami</u>
64	Grey-headed Blackbird	<u>Turdus poliocephalus</u> <u>poliocephalus</u>
65	Northern Scrub-robin	<u>Drymodes superciliaris</u> <u>colcloughi</u> ".

Schedule 3

9. The Principal Act is amended by omitting Schedule 3 and substituting -

"SCHEDULE 3

Section 3

MIGRATORY BIRDS

Column 1 Item	Column 2 Common name	Column 3 Scientific name (species or sub-species)
1	Wandering Albatross	<u>Diomedea exulans</u>
2	Providence Petrel	<u>Pterodroma solandri</u>
3	Streaked Shearwater	<u>Calonectris leucomelas</u> <u>(Puffinus leucomelas)</u>
4	Wedge-tailed Shearwater	<u>Puffinus pacificus</u>

Schedule 3 - continued

Column 1 Item	Column 2 Common name	Column 3 Scientific name (species or sub-species)
5	Flesh-footed Shearwater	<u>Puffinus carneipes</u>
6	Sooty Shearwater	<u>Puffinus griseus</u>
7	Short-tailed Shearwater	<u>Puffinus tenuirostris</u>
8	Wilson's Storm-petrel	<u>Oceanites oceanicus</u>
9	Leach's Storm-petrel	<u>Oceanodroma leucorhoa</u>
10	White-tailed Tropicbird	<u>Phaethon lepturus</u>
11	Brown Booby	<u>Sula leucogaster</u>
12	Masked Booby	<u>Sula dactylatra</u>
13	Red-footed Booby	<u>Sula sula</u>
14	Great Frigatebird	<u>Fregata minor</u>
15	Least Frigatebird	<u>Fregata ariel</u>
16	Cattle Egret	<u>Ardeola ibis (Bubulcus ibis)</u>
17	Great Egret	<u>Egretta alba</u>
18	Northern Shoveler	<u>Anas clypeata</u>
19	Garganey	<u>Anas querquedula</u>
20	Ringed Plover	<u>Charadrius hiaticula</u>
21	Mongolian Plover	<u>Charadrius mongolus</u>
22	Large Sand Plover	<u>Charadrius leschenaultii</u>
23	Oriental Plover	<u>Charadrius veredus</u>
24	Lesser Golden Plover	<u>Pluvialis dominica</u>
25	Grey Plover	<u>Pluvialis squatarola</u>

Schedule 3 - continued

Column 1 Item	Column 2 Common name	Column 3 Scientific name (species or sub-species)
26	Ruddy Turnstone	<u>Arenaria interpres</u>
27	Western Sandpiper	<u>Calidris mauri</u>
28	Red-necked Stint	<u>Calidris ruticollis</u>
29	Long-toed Stint	<u>Calidris subminuta</u>
30	Baird's Sandpiper	<u>Calidris bairdii</u>
31	Pectoral Sandpiper	<u>Calidris melanotos</u>
32	Sharp-tailed Sandpiper	<u>Calidris acuminata</u>
33	Curlew Sandpiper	<u>Calidris ferruginea</u>
34	Red Knot	<u>Calidris canutus</u>
35	Great Knot	<u>Calidris tenuirostris</u>
36	Sanderling	<u>Calidris alba (Crocethia alba)</u>
37	Ruff	<u>Philomachus pugnax</u>
38	Buff-breasted Sandpiper	<u>Tryngites subruficollis</u>
39	Broad-billed Sandpiper	<u>Limicola falcinellus</u>
40	Asian Dowitcher	<u>Limnodromus semipalmatus</u>
41	Marsh Sandpiper	<u>Tringa stagnatilis</u>
42	Greenshank	<u>Tringa nebularia</u>
43	Wood Sandpiper	<u>Tringa glareola</u>
44	Grey-tailed Tattler	<u>Tringa brevipes</u>
45	Wandering Tattler	<u>Tringa incana</u>

Schedule 3 - continued

Column 1 Item	Column 2 Common name	Column 3 Scientific name (species or sub-species)
46	Common Sandpiper	<u>Tringa hypoleucos</u>
47	Terek Sandpiper	<u>Tringa terek</u> (Xenus <u>cinereus</u>)
48	Black-tailed Godwit	<u>Limosa limosa</u>
49	Bar-tailed Godwit	<u>Limosa lapponica</u>
50	Eastern Curlew	<u>Numenius madagascariensis</u>
51	Whimbrel	<u>Numenius phaeopus</u>
52	Little Curlew	<u>Numenius minutus</u> (<u>Numenius</u> <u>borealis</u>)
53	Pin-tailed Snipe	<u>Gallinago stenura</u> (<u>Capella</u> <u>stenura</u>)
54	Swinhoe's Snipe	<u>Gallinago megala</u> (<u>Capella</u> <u>megala</u>)
55	Latham's Snipe	<u>Gallinago hardwickii</u> (<u>Capella hardwickii</u>)
56	Grey Phalarope	<u>Phalaropus fulicarius</u>
57	Red-necked Phalarope	<u>Phalaropus lobatus</u>
58	Oriental Pratincole	<u>Glareola maldivarum</u>
59	South Polar Skua	<u>Stercorarius maccormicki</u>
60	Pomarine Jaeger	<u>Stercorarius pomarinus</u>
61	Arctic Jaeger	<u>Stercorarius parasiticus</u>
62	Long-tailed Jaeger	<u>Stercorarius longicauda</u>
63	White-winged Tern	<u>Chlidonias leucoptera</u>

Schedule 3 - continued

Column 1 Item	Column 2 Common name	Column 3 Scientific name (species or sub-species)
64	Black Tern	<u>Chlidonias niger</u>
65	Caspian Tern	<u>Hydroprogne caspia</u> <u>(Hydroprogne tschegrava)</u>
66	Common Tern	<u>Sterna hirundo</u>
67	Black-naped Tern	<u>Sterna sumatrana</u>
68	Bridled Tern	<u>Sterna anaethetus</u>
69	Little Tern	<u>Sterna albifrons</u>
70	Common Noddy	<u>Anous stolidus</u>
71	Oriental Cuckoo	<u>Cuculus saturatus</u>
72	White-throated Needletail	<u>Hirundapus caudacutus</u>
73	Rainbow Bee-eater	<u>Merops ornatus</u>
74	Fork-tailed Swift	<u>Apus pacificus</u>
75	Barn Swallow	<u>Hirundo rustica</u>
76	Yellow Wagtail	<u>Motacilla flava</u>
77	Eastern Reef Egret	<u>Egretta sacra</u>
78	Yellow Bittern	<u>Ixobrychus sinensis</u>
79	Glossy Ibis	<u>Plegadis falcinellus</u>
80	White-bellied Sea-eagle	<u>Haliaeetus leucogaster</u>
81	Sarus Crane	<u>Grus antigone</u>
82	Red-legged Crake	<u>Rallina fasciata</u>
83	Corncrake	<u>Crex crex</u>

Schedule 3 - continued

Column 1 Item	Column 2 Common name	Column 3 Scientific name (species or sub-species)
84	Pheasant-tailed Jacana	<u>Hydrophasianus chirurgus</u>
85	Painted Snipe	<u>Rostratula benghalensis</u>
86	Little Ringed Plover	<u>Charadrius dubius</u>
87	Eurasian Curlew	<u>Numenius arquata</u>
88	Redshank	<u>Tringa totanus</u>
89	Dunlin	<u>Calidris alpina</u>
90	Lesser Crested Tern	<u>Thalasseus bengalensis</u> <u>(Sterna bengalensis)</u>
91	Greater Striated Swallow	<u>Hirundo striolata</u>
92	Yellow-headed Wagtail	<u>Motacilla citreola</u>
93	Grey Wagtail	<u>Motacilla cinerea</u>
94	White Wagtail	<u>Motacilla alba</u>
95	Great Reed-warbler	<u>Acrocephalus arundinaceus</u>
96	Arctic Willow Warbler	<u>Phylloscopus borealis</u>
97	Andrew's Frigatebird	<u>Fregata andrewsi</u>
98	Caspian Plover	<u>Charadrius asiaticus</u> ".

Minor amendments

10. The Principal Act is amended in accordance with the Schedule.

SCHEDULE

Section 10

Column 1 Item	Column 2 Provision amended	Column 3 Amendment
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1	Paragraph 16(c)	Omit "number of"
2	Paragraph 21(1)(b)	Omit "cancel or"
3	Section 22	Omit "or a migratory", substitute "or a migratory bird"

Notified Gazette No 26, 2 June 1988

Commenced 14 July 1988 (Gazette No 33, 14 July 1988)

This enactment amends Act No 23 of 1980 as previously amended by Act No 9 of 1985

Printed on the authority of the Administrator