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GAME AND FERAL ANIMAL CONTROL AMENDMENT BILL 2013

Second Reading

Debate resumed from 15 October 2013.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [11.23 a.m.]: I move:

That this bill be now read a second time.

I seek leave to have my second reading speech incorporated in *Hansard*.

Leave granted.

The purpose of this bill is to amend the Game and Feral Animal Control Act 2002 to:

- abolish the Game Council,
- have the regulatory functions of the Game Council undertaken by the Director General of the Department of Trade and Investment, to be known as the Regulatory Authority; and
- establish a Game and Pest Management Advisory Board.

The Game and Feral Animal Control Amendment Bill will give effect to the primary recommendations of the review into the governance arrangements of the Game Council, which was conducted by Steve Dunn.

Mr Dunn was commissioned to undertake this review following allegations of unlawful behaviour in relation to an employee of the Game Council Division, and less than favourable audit reports, and community interest about hunting on public lands.

Mr Dunn's Governance Review of the Game Council of NSW found that over the past 10 years the Game Council has taken a number of governance risks and has prioritised resources into operational activities, at the expense of internal governance systems.

Mr Dunn found that the Game Council lacked a proper framework for governance, strategic planning, internal regulatory compliance, enterprise-wide risk management and policy.

Mr Dunn also found that there was an inherent conflict of interest associated with the Game Council's function to represent the interests of hunters and its role as a hunting regulator.

The lack of clarity about individual and organisational accountability at both member and executive level within the Game Council, and the recent compliance breaches, did lead to questions about the Game Council's capacity to undertake its roles. The amendments proposed in the bill will restore public confidence in the regulation of hunting and allow for more effective use of hunting in pest management strategies.

The Dunn Review includes 55 recommendations to improve the way in which hunting is regulated in New South Wales. The most important of these recommendations is that the Game Council should be abolished and that the advisory and advocacy functions under the *Game and Feral Animal Control Act 2002* should be carried out by a new advisory board, while licensing, hunter education and compliance and enforcement functions should be transferred to a government department.

Although the Dunn review recognised the achievements of the Game Council and the efforts of the staff within the Game Council Division under trying conditions, it concluded that the inadequate governance framework for the regulation of hunting in New South Wales posed unacceptable risks.

The review concluded that the Game Council has expanded its governance role beyond its statutory functions, and attempted to reinvent its statutory objects with a focus on "conservation hunting".

That is why the amendments prescribed in this bill are necessary.

I now turn to the amendments outlined in the bill.

The bill will abolish the Game Council and the Committee of Management presently established under the Game and

Feral Animal Control Act 2002, and instead provide for the licensing, enforcement and other regulatory functions to be delivered by the Director General of the Department of Trade and Investment, who will be referred to as the Regulatory Authority. These amendments will directly address the governance issues identified by Mr Dunn.

Functionally, these services will be delivered by the Department of Primary Industries, an office of the Department of Trade and Investment, creating effective alignment of hunting with other pest animal management strategies delivered under the NSW Biosecurity Strategy.

The absorption of functional responsibilities for hunter regulation into the Department of Primary Industries will ensure effective governance oversight of regulatory functions by leveraging off Department of Primary Industries' existing compliance framework which provides for well-established systems for accountability and transparency.

The bill also establishes a Game and Pest Management Advisory Board. The board is to consist of eight members appointed by the Minister, including representatives from regional New South Wales.

The advisory board will represent the interests of hunters, and it will also provide advice to the Minister on game and feral animal control, and other important matters such as hunter education and expenditure priorities for research. The new advisory board will play an important role by advising on the integration of hunters in the development of effective pest animal programs across both public and private land as part of the NSW Biosecurity Strategy.

However, the bill has ensured that governance oversight of the advisory board is retained by the Government, by providing that the board remains subject to the control and direction of the Minister, except in relation to the content of any advice it provides. The bill also provides that the advisory board must report to the Minister annually in relation to its activities.

Advisory board members will be appointed on merit. In order to ensure that the advice provided by the board properly reflects the concerns of stakeholders directly affected by the impacts of pest animals, the advisory board must include representatives of regional New South Wales.

Together, members will also be required to have expertise, skills and knowledge in the area of pest management, wildlife, veterinary science, hunting, education and community engagement.

In this way, the amendments proposed in the bill will ensure that the board will deliver balanced, evidence-based advice on pest animal control which properly represents the interests of all stakeholders in pest animal management.

Another of the governance initiatives introduced in the bill is the establishment of a Game and Pest Management Trust Fund.

The trust fund will be under the control of the Minister and may only be used for the purposes authorised by the Act.

These purposes include the funding of research into game and feral animal control, and the funding of the costs of the Game and Pest Management Advisory Board. The fund will also be used to fund the costs of enforcing compliance with the provisions of the Act. Effective compliance and enforcement programs are essential to ensure that hunting activities are carried out safely and responsibly.

The fund will primarily consist of a mix of Government funding and also a proportion of game hunting licence fees collected under the Act. All monies currently held in the Game Council Account will also be transferred into the Game and Pest Management Trust Fund upon the dissolution of the Game Council.

The final amendments in the bill relate to a number of consequential matters. These amendments will ensure the smooth transition of functional responsibilities from the Game Council to the new Game and Pest Management Advisory Board and the Regulatory Authority.

Firstly, the bill will transfer all staff employed in the Game Council Division of the Government Service before the dissolution of the Game Council to the New South Wales Department of Trade and Investment where they will be located within the Department of Primary Industries. The bill will also transfer all assets, rights and liabilities of the Game Council to the Crown. These amendments are proposed to ensure that the Department of Primary Industries will be able to deliver best practice licensing services and to ensure the safety of hunting for both hunters and the public.

The bill also makes clear that any licence granted by the Game Council will be taken to be a game hunting licence issued by the Regulatory Authority. Similarly, a decision to suspend a licence or disqualify a person from holding a hunting licence will be taken to be a decision imposed by the Regulatory Authority.

The Government is committed to reducing red tape, and these amendments will ensure that hunters do not need to needlessly apply for new licences from the new Regulatory Authority.

The bill also makes clear that the inspectors appointed by the Game Council are taken to be appointed by the Regulatory Authority, avoiding the need to appoint a new round of inspectors to monitor compliance with the provisions of the Act once the bill is passed. As such, game managers employed at the Game Council will be transferred to the Department of Primary Industries' compliance unit, where they will cross-skill with existing Department of Primary Industries compliance officers.

The final set of amendments I wish to discuss relate to the formation of the Native Game Bird Management Committee.

The Native Game Bird Management Committee was established in 2012 by the Game and Feral Animal Control (Further Amendment) Act 2012. The intention of this 2012 amendment Act was to transfer responsibility for hunting of native birds for sustainable agricultural purposes to the Game Council from the Office of the Environment and Heritage. However, the 2012 further amendment Act has not yet commenced.

The Native Game Bird Management Committee was established by the 2012 further amendment Act to determine matters relating to hunting native game birds, including hunting quotas, the species to be hunted and the periods and areas during which hunting may occur.

The committee was to consist of three representatives: a representative from the Department of Primary Industries, a representative from the Office of the Environment and Heritage, and a representative from the Game Council.

However, as a consequence of dissolving the Game Council, the committee would consist of just two members, a representative from the Department of Primary Industries and the Office of Environment and Heritage.

Establishing a separate committee in those circumstances is unnecessary and administratively burdensome, and the amendments will remove this requirement.

Instead, the bill provides for the Regulatory Authority, that is, the Director General of the Department of Trade and Investment, to consult with the head of the Office of the Environment and Heritage when determining native game bird hunting quotas and other matters specified in the 2012 further amendment Act.

This is a sensible amendment, and one that will help ensure that the economic impact of these species on our regional and rural landholders, industries and communities is balanced against considerations about the management of our native fauna.

The bill before the House today introduces important governance reforms in relation to the administration of the Game and Feral Animal Control Act 2002. These amendments will help to ensure that hunting activities are carried out responsibly, safely and in accordance with the objects of the Act and the expectations of the people of New South Wales.

The abolition of the Game Council and the effective transfer of the licensing, enforcement and education functions under the Game and Feral Animal Control Act 2002 to the Department of Primary Industries will make an important contribution to the effective management of pest animals in New South Wales, through the option of integrating hunting into existing and new pest management programs developed by the Department of Primary Industries and the Office of Environment and Heritage.

The Game and Feral Animal Control Amendment Bill will give effect to the key recommendations of the review into the governance arrangements of the Game Council.

I commend the bill to the House.