



New South Wales

Game Bill 2001

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to provide for the effective management of native and introduced species of game animals, and
- (b) to promote responsible and orderly hunting of those game animals on public and private land and of pest animals on public land.

The principal features of the Bill are as follows:

- (a) Game animals for the purposes of the Bill are deer, hare, duck, quail, pheasant, partridge, peafowl and turkey and certain pest animals (namely, feral pigs, feral dogs, feral cats, feral goats, rabbits and foxes).
- (b) The Bill constitutes a separate statutory authority, to be called the Game Council of New South Wales, to represent licensed game hunters, to administer the game hunting licensing system and to exercise other functions relating to the objects of the Bill. The Game Council is to comprise persons nominated by hunting organisations, wildlife management scientists and

representatives of the rural lands protection boards, of Landcare organisations, of the NSW Aboriginal Land Council and of the Ministers administering the *Forestry Act 1916* and the *Crown Lands Act 1989*.

- (c) The Bill provides for the following game hunting licences and licensing system:
- (i) A general game hunting licence (which authorises the hunting of game animals on private land). A game hunting licence will not be required for the purpose of hunting pest animals on private land, for hunting on a person's own land and in other specified circumstances.
 - (ii) A restricted game hunting licence (which authorises the holder of the licence to hunt game animals on public or private land). Hunting will not be authorised on national park estate land and will only be authorised in State forests, vacant Crown land and other public land if the Minister responsible for the land has declared the land to be available for hunting.
 - (iii) An occupiers game hunting licence (which authorises the holder of the licence to hunt, or permits the holders of other game hunting licences to hunt, protected game animals on private land owned or occupied by the holder). Annual quotas for the hunting of protected game animals will be set by the Director-General of National Parks and Wildlife and, in accordance with current requirements, will not be set to enable hunting for sporting or recreational purposes.
- (d) The Bill makes provision for the appointment of inspectors by the Game Council and for relevant entry, inspection and other powers for the enforcement of the proposed Act.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 sets out the objects of the proposed Act as referred to in the above Overview.

Clause 4 defines certain words and expressions used in the proposed Act. In particular:

- (a) *hunt* is defined to include the use of a firearm, bow, animal or other hunting device to capture, kill or harm an animal, but not to include the laying or using of poison for that purpose.
- (b) *private land* is defined to mean land other than public land or national park estate land.
- (c) *public land* is defined to mean Crown lands, State forest or certain other land under the control of a public or local authority, but not to include certain privately leased land, national park estate land or other prescribed land (and, accordingly, ensures that the proposed Act will not have any application to national park estate land).

Clause 5 lists the species of animals and the kinds of pest animals that are *game animals* for the purposes of the proposed Act, being deer, hare, duck, quail, pheasant, partridge, peafowl and turkey and certain pest animals (namely, feral pigs, feral dogs, feral cats, feral goats, rabbits and foxes). Animals are pest animals for the purposes of the proposed Act only if they are living in the wild.

Clause 6 provides that nothing in the proposed Act affects the operation of firearms and weapons prohibition legislation.

Part 2 Game Council

Clause 7 constitutes the Game Council of New South Wales as a statutory body representing the Crown and subject to Ministerial control.

Clause 8 provides that the Game Council is to consist of 14 members, being:

- (a) 7 persons appointed on the nomination of prescribed hunting organisations, and
- (b) a person appointed on the nomination of the State Council of Rural Lands Protection Boards, and
- (c) a person who is appointed on the nomination of prescribed Landcare organisations, and
- (d) 2 persons who are wildlife management scientists, and
- (e) a person appointed on the nomination of the New South Wales Aboriginal Land Council, and
- (f) a person appointed on the nomination of the Minister administering the *Forestry Act 1916*, and

- (g) a person appointed on the nomination of the Minister administering the *Crown Lands Act 1989*.

Clause 9 sets out the functions of the Game Council, which include representing licensed game hunters, administering the game hunting licensing system, providing advice and recommendations on game management and the declaration of public lands for game hunting and funding works and activities for the conservation of game animals. The Game Council is required to have regard to public safety in exercising its functions.

Clause 10 provides for a committee of management of the Game Council, comprising 5 of the members of the Game Council and its chief executive officer.

Clause 11 provides for the establishment of other committees of the Game Council.

Clause 12 enables the employment of public service or other staff of the Game Council.

Clause 13 authorises the Game Council to delegate its functions.

Clause 14 deals with the financial arrangements of the Game Council.

Part 3 Licensing and control of hunting for game animals

Division 1 (clauses 15 and 16) provides that general, restricted and occupiers game hunting licences may be granted under the proposed Act, and sets out the authority conferred by each class of licence. Subject to the restrictions imposed by the proposed Act:

- (a) a general game hunting licence authorises the hunting of game animals on private land, and
- (b) a restricted game hunting licence authorises the hunting of game animals on specially declared public land as well as private land, and
- (c) an occupiers game hunting licence authorises the hunting of protected game animals on private land of the holder of the licence.

Division 2 (clauses 17 and 18) relates to the licensing of hunters of game animals. Clause 17 makes it an offence, punishable with a maximum penalty of 50 penalty units (currently \$5,500) to hunt a game animal on private or public land without being the holder of a game hunting licence. Clause 18 exempts certain persons from the requirement to hold a licence, including:

- (a) persons hunting pest animals on private land, and
- (b) persons hunting on their own land, and

- (c) Aboriginal persons when exercising native title rights or undertaking traditional cultural hunting as members of a Local Aboriginal Land Council, and
- (d) certain professional game hunters.

Division 3 (clauses 19–21) deals with game hunting on specially declared public land by the holders of restricted game hunting licences. The Division:

- (a) creates an offence, punishable with a maximum penalty of 50 penalty units, of hunting a game animal on public land without being the holder of a restricted game hunting licence (unless the person is exempt from holding a licence under clause 18), and
- (b) provides that membership of an approved hunting club and the completion of adequate training are prerequisites for the holding of a restricted game hunting licence, and
- (c) provides that the Minister responsible for particular public lands may declare those lands available for hunting by persons licensed under the proposed Act (hunting is not authorised on public lands unless they have been so declared and the hunting complies with the requirements imposed under the declaration).

Division 4 (clauses 22–26) deals with the hunting of protected game animals by or with the permission of the holders of occupiers game hunting licences. A ***protected game animal*** is defined as a game animal that is protected fauna within the meaning of the *National Parks and Wildlife Act 1974*. The Division:

- (a) provides that the holder of an occupiers game hunting licence, or a licensed hunter acting with the permission of that holder, may hunt a protected game animal on land owned or occupied by that holder without committing an applicable offence under the *National Parks and Wildlife Act 1974*, and
- (b) makes provision in relation to the setting of annual quotas of protected game animals by the Director-General of National Parks and Wildlife, and
- (c) provides for the Director-General in consultation with the Game Council to determine the times during which particular species of protected game animals may be hunted, requirements with respect to the tagging or other identification of protected game animals killed or captured, and guidelines for compliance auditing, and
- (d) provides that the holder of a game hunting licence must pass an official identification test before being authorised to hunt protected game animals that are waterfowl or quail.

Division 5 (clauses 27–38) makes provision in relation to game hunting licences generally. The Division provides for the granting by the Game Council of game hunting licences, the duration of licences, fees payable for applications and licences, various offences relating to licences and suspension and cancellation of licences by the Game Council and by courts. A review of certain decisions relating to licences by the Administrative Decisions Tribunal will be available on the application of a person dissatisfied with such a decision.

Part 4 Investigations

Division 1 (clauses 39–43) provides for the appointment of inspectors by the Game Council. Police officers are also to have the functions of inspectors. Inspectors are to be issued with identification cards.

Division 2 (clauses 44–58) sets out powers of inspectors similar to those of other Government inspectors such as fisheries inspectors. The powers include the following:

- (a) the power to enter premises, using reasonable force if so authorised by the Game Council, and under a search warrant in the case of residential premises,
- (b) powers available on entry to premises, including power to search the premises, to require certain persons to answer questions, furnish information or provide assistance and facilities and to require the production of and inspect documents,
- (c) the power to detain and search vehicles or vessels,
- (d) the power to seize things found in the course of a search,
- (e) the power to require persons to provide information, documents or evidence, and to demand a person's name, address and game hunting licence.

These powers are subject to claims of privilege against self-incrimination by natural persons.

Part 5 Miscellaneous

Part 5 (clauses 59–69) contains miscellaneous provisions, including the following:

- (a) a provision making it clear that native title rights and interests are not affected by the operation of the proposed Act,
- (b) provision for proceedings for offences under the proposed Act or the regulations to be dealt with summarily,
- (c) provision for penalty notices (“on-the-spot” fines) to be served for certain offences under the proposed Act or the regulations,
- (d) a general regulation-making power,
- (e) a requirement for a review of the proposed Act after 5 years.

Schedules

Schedule 1 contains standard provisions in relation to the members and procedure of the Game Council.

Schedule 2 contains standard provisions in relation to the members and procedure of the Committee of Management.

Schedule 3 contains amendments of the following Acts in connection with the enactment of the proposed Act:

Fines Act 1996 (to make a consequential change)

Forestry Act 1916 (to exclude the need for a hunting permit under that Act with respect to hunting in a State forest)

Public Finance and Audit Act 1983 (to apply to the Game Council the standard audit and annual reporting requirements of statutory bodies)

Rural Lands Protection Act 1998 (to require the Minister administering that Act to consult with the Game Council before making a pest control order declaring as a pest a game animal that is not a pest animal)

Search Warrants Act 1985 (to make a consequential change)

Schedule 4 enacts the following savings, transitional and other provisions:

- (a) authority for the making of savings or transitional regulations consequent on the enactment of the proposed Act,
- (b) saving of hunting permits issued under the *Forestry Act 1916* and licences and other authorities granted under the *National Parks and Wildlife Act 1974*.



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New South Wales

Game Bill 2001

No , 2001

A Bill for

An Act to manage and regulate the hunting of game; to establish a Game Council;
and for other purposes.

Clause 1 Game Bill 2001

Part 1 Preliminary

The Legislature of New South Wales enacts: 1

Part 1 Preliminary 2

1 Name of Act 3

This Act is the *Game Act 2001*. 4

2 Commencement 5

This Act commences on a day or days to be appointed by proclamation. 6
7

3 Objects 8

The objects of this Act are: 9

(a) to provide for the effective management of native and introduced species of game animals, and 10
11

(b) to promote responsible and orderly hunting of those game animals on public and private land and of pest animals on public land. 12
13
14

Note. Section 5 identifies the animals (including pest animals) that are game animals for the purposes of this Act. 15
16

4 Definitions 17

In this Act: 18

Committee of Management means the Committee of Management of the Game Council established under Part 2. 19
20

exercise a function includes perform a duty. 21

function includes a power, authority or duty. 22

game animal—see section 5. 23

Game Council means the Game Council of New South Wales constituted under Part 2. 24
25

game hunting licence means a licence granted under Part 3 and in force (being a general game hunting licence, a restricted game hunting licence or an occupiers game hunting licence). 26
27
28

hunt an animal means to use any firearm, bow, animal or other hunting device to capture, kill or harm the animal, but does not include laying or using poison for that purpose. 29
30
31

<i>inspector</i> means an inspector appointed under Division 1 of Part 4.	1
<i>national park estate land</i> means:	2
(a) any land reserved, dedicated or declared under the <i>National Parks and Wildlife Act 1974</i> or any land vested in the Minister administering that Act for the purposes of Part 11 of that Act, or	3 4 5 6
(b) any reserve under Part 5 of the the <i>Crown Lands Act 1989</i> of which the National Parks and Wildlife Reserve Trust has been appointed as trustee, or	7 8 9
(c) any land that is declared to be a wilderness area under the <i>Wilderness Act 1987</i> , and any land the subject of a wilderness protection agreement under section 10 of that Act that has not been declared to be a wilderness area.	10 11 12 13
<i>occupier</i> and <i>owner</i> have the same meanings as they have in the <i>Local Government Act 1993</i> .	14 15
<i>pest animal</i> means an animal of a kind specified in section 5 (2) that is living in the wild.	16 17
<i>premises</i> includes any place, and in particular includes:	18
(a) any land, building or part of any building, or	19
(b) any vehicle, vessel or aircraft, or	20
(c) any installation on land, on the bed of any waters or floating on any waters, or	21 22
(d) any tent or movable structure.	23
<i>private land</i> means land other than:	24
(a) any public land, or	25
(b) any national park estate land, or	26
(c) any other land of a kind prescribed by the regulations.	27
<i>protected game animal</i> —see section 22.	28
<i>public land</i> means:	29
(a) Crown land within the meaning of the <i>Crown Lands Act 1989</i> , or	30 31
(b) State forest, or	32

(c) land under the control and management of a public or local authority that is declared by the regulations, on the recommendation of the authority, to be public land for the purposes of this Act, 1
2
3
4

but does not include: 5

(d) any land (other than State forest) that is occupied under any lease or other arrangement for private purposes that confers a right to exclusive possession of the land, or 6
7
8

(e) any national park estate land, or 9

(f) any other land of a kind prescribed by the regulations. 10

State forest has the same meaning it has in the *Forestry Act 1916*. 11

Note. Words and expressions used in this Act that are defined in the *Interpretation Act 1987* have the meanings set out in that Act. 12
13

5 Game animals for the purposes of this Act 14

(1) For the purposes of this Act, a *game animal* is any of the following that is living in the wild: 15
16

(a) deer (*cervidae*), 17

(b) hare (*lepus copensis*), 18

(c) black duck (*anas superciliosa*), 19

(d) grey teal duck (*anas gracilis*), 20

(e) wood duck (*chenonetta jubata*), 21

(f) mountain duck (*tadorna tadornoides*), 22

(g) California quail (*lophortyx callipepla californicus*), 23

(h) brown quail (*synoicus australis, coturnix ypsilophora*), 24

(i) stubble quail (*coturnix pectoralis*), 25

(j) pheasant (*phasiniacus phasianus colchicus*), 26

(k) partridge (*alectors alectoris chukar*), 27

(l) peafowl (*pavo cristatus*), 28

(m) turkey (*meleagris gallopavo gallopavo*). 29

(2) Any of the following pest animals that is living in the wild is also a *game animal* for the purposes of this Act: 30
31

(a) feral pig, 32

(b) feral dog, 33

(c) feral cat,	1
(d) feral goat,	2
(e) rabbit,	3
(f) fox.	4
Note. Section 18 provides that a game hunting licence is not required for hunting any such pest animal on private land.	5 6
(3) However, a game animal does not include any animal that is or part of a threatened species, population or ecological community within the meaning of the <i>Threatened Species Conservation Act 1995</i> .	7 8 9
6 Application of firearms and weapons prohibition legislation	10
Nothing in this Act affects the operation of the <i>Firearms Act 1996</i> or the <i>Weapons Prohibition Act 1998</i> .	11 12

Part 2 Game Council

1

7 Constitution of Council

2

- (1) There is constituted by this Act a body corporate with the corporate name of the Game Council of New South Wales. 3
4
- (2) The Game Council has the functions conferred or imposed on it by or under this or any other Act. 5
6
- (3) The Game Council is, for the purposes of any Act, a statutory body representing the Crown. 7
8
- (4) The Game Council is subject to the control and direction of the Minister in the exercise of its functions, except in relation to the contents of any report or recommendation made by it. 9
10
11

8 Membership and procedure of Game Council

12

- (1) The Game Council is to consist of 14 members appointed by the Minister. 13
14
- (2) The members of the Game Council are: 15
 - (a) 7 persons appointed on the nomination of hunting organisations prescribed by the regulations for the purposes of this paragraph, and 16
17
18
 - (b) a person appointed on the nomination of the State Council of Rural Lands Protection Boards, and 19
20
 - (c) a person who is appointed on the nomination of Landcare organisations prescribed by the regulations for the purposes of this paragraph, and 21
22
23
 - (d) 2 persons who are wildlife management scientists, and 24
 - (e) a person appointed on the nomination of the New South Wales Aboriginal Land Council, and 25
26
 - (f) a person appointed on the nomination of the Minister administering the *Forestry Act 1916*, and 27
28
 - (g) a person appointed on the nomination of the Minister administering the *Crown Lands Act 1989*. 29
30

-
- (3) The regulations may make provision for or with respect to the appointment of persons, or the nomination of persons for appointment, as members of the Game Council, including provision for or with respect to:
- (a) the qualifications required for appointment or nomination for appointment, and
 - (b) the nomination of a panel of persons from which the person to be appointed is selected by the Minister.
- (4) Schedule 1 has effect with respect to the members and procedure of the Game Council.

9 Functions of Game Council

- (1) The Game Council has the following functions:
- (a) to represent the interests of licensed game hunters,
 - (b) to administer the licensing system under this Act for game hunters (including the issue of licences and the enforcement of the Act) and to engage agents for that purpose,
 - (c) to make recommendations to relevant Ministers for the purposes of section 21 (Declaration of public lands available for hunting game),
 - (d) to provide advice to the Minister on game management (whether at the request of the Minister or on its own initiative),
 - (e) to liaise with the Pest Animal Council, rural lands protection boards and other relevant bodies in connection with their respective functions,
 - (f) to promote or fund research into game management issues,
 - (g) to fund works or activities for the conservation of game animals (other than pest animals), particularly in connection with habitat restoration,
 - (h) to engage in such other activities relating to the objects of this Act as are prescribed by the regulations.
- (2) In exercising its functions, the Game Council is to have regard to public safety.

10	Committee of Management of Game Council	1
(1)	There is to be a committee of the Game Council, to be called the Committee of Management of the Game Council.	2 3
(2)	The Committee of Management may, in accordance with any directions of the Game Council, exercise the functions of the Game Council. Anything done or omitted by the Committee of Management is taken to have been done or omitted by the Game Council.	4 5 6 7
(3)	The Committee of Management is to consist of 6 members, namely:	8
(a)	the Chairperson of the Game Council, who is to be the Chairperson of the Committee of Management, and	9 10
(b)	2 other members of the Game Council (being members appointed on the nomination of hunting organisations) designated from time to time by the Minister, and	11 12 13
(c)	the member of the Game Council appointed on the nomination of the State Council of Rural Lands Protection Boards, and	14 15
(d)	the member of the Game Council appointed on the nomination of the Minister administering the <i>Crown Lands Act 1989</i> , and	16 17
(e)	the member of staff of the Game Council who is the chief executive officer.	18 19
(4)	Schedule 2 has effect with respect to the members and procedure of the Committee of Management.	20 21
11	Other committees of Game Council	22
(1)	The Game Council may establish other committees to assist it in connection with the exercise of any of its functions.	23 24
(2)	The members of a committee need not be members of the Game Council.	25 26
(3)	The procedure for the calling of meetings of a committee and for the conduct of business at those meetings is to be as determined by the Game Council or (subject to any determination of the Game Council) by the committee.	27 28 29 30
12	Staff of Game Council	31
(1)	The staff of the Game Council may be employed:	32
(a)	under Part 2 of the <i>Public Sector Management Act 1988</i> , or	33
(b)	by the Game Council.	34

(2) The Game Council may arrange for the use of the services of any staff or facilities of a government department or a public or local authority.	1 2
(3) For the purposes of this Act, a person whose services are made use of under this section is a member of the staff of the Game Council.	3 4
(4) The Game Council may engage consultants to obtain expert advice.	5
13 Delegation by Game Council	6
(1) The Game Council may delegate to an authorised person the exercise of any of its functions, other than this power of delegation.	7 8
(2) In this section:	9
<i>authorised person</i> means:	10
(a) a member of the Game Council, or	11
(b) a member of the staff of the Game Council, or	12
(c) an authorised agent referred to in section 34 (Arrangements for granting licences), or	13 14
(d) a public or local authority, or a member of staff of such an authority, or	15 16
(e) a person of a class prescribed by the regulations.	17
14 Financial provisions	18
(1) The Game Council is to maintain an account called the “Game Council Account”.	19 20
(2) There is to be paid into the account:	21
(a) any fees payable under this Act in connection with the game hunting licences, and	22 23
(b) any money appropriated by Parliament for the purposes of this Act, and	24 25
(c) any other money received by the Game Council in connection with the administration of this Act.	26 27
(3) The money in the account may be applied for any or all of the following purposes:	28 29
(a) carrying out any of the functions of the Game Council,	30
(b) without limiting paragraph (a), making grants for the carrying out of works or activities of game conservation (particularly in connection with habitat restoration),	31 32 33

Part 3	Licensing and control of hunting for game animals	1
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15	Classes of game hunting licences	4
	The following classes of game hunting licences may be granted under this Act:	5
		6
	(a) general game hunting licences,	7
	(b) restricted game hunting licences,	8
	(c) occupiers game hunting licences.	9
16	Authority conferred by different classes of game hunting licences	10
(1)	General licence	11
	A general game hunting licence authorises, subject to this Act, the holder of the licence to hunt game animals on any private land.	12
		13
	Note. In the case of hunting on private land, section 18 provides that a licence is not required to hunt pest animals.	14
		15
(2)	Restricted licence	16
	A restricted game hunting licence authorises, subject to this Act, the holder of the licence to hunt game animals on public land as well as any private land.	17
		18
		19
	Note. In the case of hunting on public land, section 19 provides that a licence does not authorise hunting unless the land is duly declared to be available for hunting. A licence does not authorise hunting on national park estate land (see definition of public land).	20
		21
		22
		23
(3)	Occupiers licence	24
	An occupiers game hunting licence authorises, subject to this Act, the holder of the licence to hunt, or permit another person to hunt, protected game animals of the species specified in the licence on private land owned or occupied by the holder of the licence.	25
		26
		27
		28
(4)	Entry into land	29
	A game hunting licence does not authorise the holder of the licence to enter any land that the holder is not otherwise authorised to enter.	30
		31

Clause 16 Game Bill 2001

Part 3 Licensing and control of hunting for game animals

Division 1 Preliminary

- (5) **Other statutory prohibitions** 1
A game hunting licence does not authorise the holder of the licence to 2
contravene any prohibition or restriction imposed by or under any Act 3
or statutory instrument. 4

Division 2 Licensing of hunters of game animals 5

17 Licence required to hunt game animals 6

- (1) A person who hunts a game animal on any private land or public land 7
is guilty of an offence unless the person is the holder of a game 8
hunting licence. 9
Maximum penalty: 50 penalty units. 10
- (2) This section is subject to the other provisions of this Part. 11

18 Exemptions from licensing 12

- (1) A game hunting licence is not required under this Division in respect 13
of the following: 14
- (a) a person who is hunting a pest animal on private land, 15
- (b) a person who is hunting on any land owned or occupied by the 16
person or by a member of the person's household or by a 17
corporation of which the person is an officer or employee, 18
- (c) an Aboriginal person: 19
- (i) who is hunting a game animal pursuant to a native title 20
right or interest that is the subject of an approved 21
determination of native title or of a registered native title 22
claim, or 23
- (ii) who is member, or in the company of a member, of a 24
Local Aboriginal Land Council and who is undertaking 25
traditional cultural hunting within the area of the 26
Council, 27
- (d) a person who is hunting pest animals in accordance with a duty 28
imposed on the person (or on any corporation of which the 29
person is an officer or employee) under the *Rural Lands* 30
Protection Act 1998 to suppress and destroy the animals (other 31
than a person assisting any such person in the performance of 32
that duty), 33

(e)	a person who is hunting as a professional game hunter in the course of any paid employment or engagement (other than a person of a class prescribed by the regulations),	1 2 3
(f)	a person employed by any public or local authority (including an employee of a rural lands protection board) who is acting in the execution of his or her duties as such an employee,	4 5 6
(g)	a veterinary surgeon or other person who is acting for the purposes of killing or treating an animal in distress due to injury or illness,	7 8 9
(h)	a person of a class, or hunting in the circumstances, prescribed by the regulations.	10 11
(2)	A person who is not required to hold a game hunting licence because of this section is not prevented from applying for and being granted a licence in accordance with this Act.	12 13 14
	Note. A person exempt from licensing may wish to obtain a game hunting licence for the purposes of qualifying for exemption from offences of harming protected fauna under the <i>National Parks and Wildlife Act 1974</i> —see Division 4.	15 16 17
Division 3	Control of hunting for game animals on public lands (restricted game hunting licences)	18 19
19	Hunting of game animals on public land	20
	A person who hunts a game animal on any public land and who is required by Division 2 to hold a game hunting licence to do so is guilty of an offence unless:	21 22 23
(a)	a declaration is in force under this Division that permits the person to hunt that game animal on that land at that time, and	24 25
(b)	the person is the holder of a restricted game hunting licence.	26
	Maximum penalty: 50 penalty units.	27
20	Special qualifications for restricted game hunting licence	28
(1)	A person is not entitled to be granted a restricted game hunting licence unless:	29 30
(a)	the person is a member of a hunting club, or organisation, approved by the Game Council, and	31 32

Clause 20 Game Bill 2001

Part 3 Licensing and control of hunting for game animals

Division 3 Control of hunting for game animals on public lands (restricted game hunting licences)

- (b) the person satisfies the Game Council that he or she has undertaken adequate training for the activities authorised by the licence. 1
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- (2) In this section, *adequate training* includes training of a kind prescribed by the regulations. 4
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- 21 Declaration of public lands available for hunting game** 6
- (1) For the purposes of this section, the *responsible Minister* for public lands is the Minister who has the care or control of the land or who is responsible for the authority that has the care or control of the land. 7
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- (2) The responsible Minister for public land may make a declaration in accordance with this section that game animals on that land may be hunted by persons duly licensed under this Act. 10
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- (3) The responsible Minister is, before making a declaration, to have regard to: 13
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- (a) the impact of the declaration on public safety, and 15
- (b) the rights of others using the land, and 16
- (c) any plan of management or other policy document relating to the use or management of the land, and 17
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- (d) any recommendation of the authority that has care or control of the land, and 19
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- (e) any recommendation of the Game Council. 21
- (4) A declaration may be limited to particular parts of the land, to particular game animals, to particular times or to other particular circumstances. 22
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- (5) A declaration may require a person who hunts game animals in the land concerned: 25
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- (a) to register with a specified person or body before hunting on the land, and 27
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- (b) to comply with any exclusion or other notice issued or erected by the authority that has the care or control of the land, and 29
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- (c) to comply with such other requirements as are specified in the declaration. 31
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- A person is not permitted by the declaration to hunt game animals unless any such requirements are complied with. 33
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(6)	The responsible Minister is to give a copy of any declaration to the Game Council and is to cause the declaration to be made public in such manner as the Minister thinks fit.	1 2 3
(7)	A declaration remains in force for the period specified in the declaration unless it is sooner revoked by the responsible Minister.	4 5
(8)	The responsible Minister may delegate to any authority or other person any function of the Minister under this section.	6 7
(9)	A declaration does not confer authority for anything that is inconsistent with the requirements of any other Act or law.	8 9
(10)	The Minister may vary or revoke a declaration under this section.	10
Division 4	Control of hunting for protected game animals (occupiers game hunting licences)	11 12
22	Protected game animals	13
	For the purposes of this Act, a <i>protected game animal</i> is a game animal that is protected fauna within the meaning of the <i>National Parks and Wildlife Act 1974</i> .	14 15 16
	Note. Protected fauna is defined in that Act to mean any mammal, bird, reptile or amphibian, except fauna of a species listed in Schedule 11 to that Act. The species listed in that Schedule include carnivores, cloven hoofed animals, horses, primates, hare, rabbit and squirrel. Accordingly, on the enactment of this Act, protected game animals include some game birds.	17 18 19 20 21
23	Quotas on hunting protected game animals	22
(1)	The Director-General of National Parks and Wildlife is to set annual quotas of protected game animals that may be killed or captured by the holders of game hunting licences.	23 24 25
(2)	The following provisions apply to the setting of quotas by the Director-General:	26 27
(a)	the Director-General is subject to the same duties and obligations as apply to the Director-General when exercising functions with respect to protected game animals under the <i>National Parks and Wildlife Act 1974</i> ,	28 29 30 31
(b)	quotas are not to be set for the purposes of enabling the hunting of protected game animals for sporting or recreational purposes,	32 33

Clause 23	Game Bill 2001	
Part 3	Licensing and control of hunting for game animals	
Division 4	Control of hunting for protected game animals (occupiers game hunting licences)	
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	(c) quotas are to be set, in accordance with a methodology prescribed by the regulations, on the basis of the best scientific information available of estimated regional population numbers of protected game animals,	1 2 3 4
	(d) quotas are to be set to enable the total number of protected game animals permitted to be killed or captured to be hunted by the holders of game hunting licences and not by the holders of licences under the <i>National Parks and Wildlife Act 1974</i> ,	5 6 7 8
	(e) separate quotas may be set for different species of game animals and different parts of the State,	9 10
	(f) quotas may be revised from time to time.	11
(3)	The Game Council is to ensure that the number of protected game animals authorised to be killed or captured under the authority conferred by occupiers game hunting licences complies with the relevant quota set by the Director-General.	12 13 14 15
(4)	The Director-General is not required to set annual quotas for all species of protected game animals in all parts of the State. Accordingly, if during a particular period no quota is set in respect of a particular species or in respect of a particular part of the State, occupiers game hunting licences may not be granted during that period with respect to that species of animal or that part of the State.	16 17 18 19 20 21
(5)	A regulation under subsection (2) (c) may only be made on the recommendation or with the approval of the Minister administering the <i>National Parks and Wildlife Act 1974</i> .	22 23 24
24	Hunting restrictions, auditing of compliance and other matters with respect to protected game animals	25 26
(1)	The Director-General of National Parks and Wildlife may determine the following matters in consultation with the Game Council:	27 28
(a)	the times during which particular species of protected game animals may be killed or captured,	29 30
(b)	requirements with respect to the tagging or other identification of protected game animals killed or captured,	31 32
(c)	guidelines with respect to systems established by the Game Council for the auditing of compliance with this Act of the hunting of protected game animals.	33 34 35

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- (2) The Game Council is to ensure that determinations under this section are complied with in connection with the grant of occupiers game hunting licences and in the exercise of its other relevant functions under this Act. 1
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- (3) The Game Council is to include in its annual report to Parliament a report on the number of protected game animals killed or captured by the holders of game hunting licences during the reporting year in those parts of the State in which the hunting of those animals is authorised by the licences. 5
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- 25 Identification test for hunters of waterfowl or quail** 10
- (1) This section applies to protected game animals that are waterfowl or quail. 11
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- (2) A game hunting licence does not authorise the holder of the licence to hunt any such protected game animals unless the holder has passed an official identification test. 13
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- (3) In this section, *official identification test* means a test conducted by or on behalf of the Game Council in connection with the identification of any such protected game animals (including any such test conducted before the commencement of this section by or on behalf of the National Parks and Wildlife Service). 16
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- 26 Exemption from licensing under National Parks and Wildlife Act 1974** 21
- (1) A person who hunts a protected game animal in accordance with this Act does not commit any applicable offence under the *National Parks and Wildlife Act 1974* in connection with any such hunting if: 22
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- (a) the person is the holder of an occupiers game hunting licence and hunts the protected game animal on land owned or occupied by the person, or 25
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- (b) the person is the holder of any other game hunting licence and hunts the protected game animal on land owned or occupied by the holder of an occupiers game hunting licence and with the permission of that holder. 28
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- (2) The following offences under the *National Parks and Wildlife Act 1974* are applicable offences for the purposes of this section: 32
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- (a) any offence under section 98 or any other provision of that Act of harming or using a thing to harm the game animal, 34
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Clause 26	Game Bill 2001	
Part 3	Licensing and control of hunting for game animals	
Division 4	Control of hunting for protected game animals (occupiers game hunting licences)	
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	(b) any offence under that Act of possessing the game animal or the skin or any other part of the game animal (but not an offence relating to the buying or selling of the game animal or relating to the keeping of the game animal in captivity).	1 2 3 4
	(3) This section applies whether or not the person holds a licence or other authority under the <i>National Parks and Wildlife Act 1974</i> which authorises the hunting of the protected game animal concerned.	5 6 7
	(4) The Director-General of National Parks and Wildlife may decline to issue a licence or other authority under the <i>National Parks and Wildlife Act 1974</i> to harm a protected game animal if the harm can be authorised by the grant of a game hunting licence under this Act.	8 9 10 11
Division 5	Provisions relating to game hunting licences	12
27	Grant of licences	13
	(1) Game hunting licences are to be granted by the Game Council.	14
	(2) The Game Council may approve or refuse applications for game hunting licences in accordance with this Act and the regulations.	15 16
	(3) The Game Council may refuse to grant a game hunting licence to a person:	17 18
	(a) if the person has been found guilty of an offence in New South Wales or elsewhere (in the previous 10 years) involving cruelty or harm to animals, personal violence, damage to property or unlawful entry into land, or	19 20 21 22
	(b) if the person is not eligible to hold the licence, or	23
	(c) if the person is not a fit and proper person to hold the licence, or	24 25
	(d) in such other circumstances as are prescribed by the regulations.	26
28	Conditions of licences	27
	(1) Game hunting licences may be granted unconditionally or subject to conditions.	28 29

(2) After granting a game hunting licence, the Game Council may, by notice in writing to the holder of the licence:	1
(a) impose conditions or further conditions on the licence, or	2
(b) vary or revoke any of the conditions to which the licence is subject.	3
(3) A game hunting licence is also subject to such conditions as are prescribed by the regulations. Any such condition cannot be varied or revoked by the Game Council under this section.	4
(4) A condition under this section may restrict or limit an activity authorised by the licence.	5
29 Offence to contravene conditions of licence	6
The holder of a game hunting licence must not contravene any condition to which the licence is subject.	7
Maximum penalty: 50 penalty units.	8
30 Code of practice for licensed game hunters	9
(1) The Game Council is to issue a code of practice to be observed by persons hunting game animals pursuant to a game hunting licence.	10
(2) Compliance with provisions of the code may be made a condition of game hunting licences.	11
31 Duration of licence	12
(1) A game hunting licence remains in force (unless sooner cancelled) for the period (not exceeding the relevant maximum period) specified in the licence.	13
(2) The relevant maximum period is:	14
(a) 12 months, except as provided by paragraph (b), or	15
(b) the period prescribed by or determined in accordance with the regulations.	16
(3) A game hunting licence is not in force during any period it is suspended.	17

Clause 32	Game Bill 2001
Part 3	Licensing and control of hunting for game animals
Division 5	Provisions relating to game hunting licences

32	Fees for applications and licences	1
	The fees payable in respect of applications for licences and in respect of the grant of licences are to be fixed by or determined in accordance with the regulations.	2 3 4
33	Offences relating to licences	5
	(1) A person must not pretend to be the holder of a game hunting licence.	6
	(2) A person must not, for the purpose of obtaining a game hunting licence, provide any information or produce any document that the person knows is false or misleading in a material particular.	7 8 9
	Maximum penalty: 50 penalty units.	10
34	Arrangements for granting licences	11
	(1) The Game Council may enter into arrangements with any person for the granting of game hunting licences to eligible applicants. A person who enters into such an arrangement is an authorised agent for the purposes of this Act.	12 13 14 15
	(2) However, an arrangement cannot authorise an authorised agent to grant a restricted game hunting licence or occupiers game hunting licence.	16 17
	(3) An arrangement may include appropriate delegation of the functions of the Game Council to authorised agents.	18 19
	(4) An arrangement may make provision for the payment of commission to an authorised agent, whether by way of retention of a percentage of application or licence fees paid or by way of a separate payment.	20 21 22
	(5) An arrangement may make provision for authorised agents to make specified records with respect to the grant of game hunting licences and the collection and remittance of licence fees.	23 24 25
35	Suspension or cancellation of licences by Game Council	26
	(1) The Game Council may suspend or cancel a game hunting licence:	27
	(a) if the person concerned is not qualified, or is no longer qualified, to hold the licence, or	28 29
	(b) if the person is found guilty of an offence in New South Wales or elsewhere involving cruelty or harm to animals, personal violence, damage to property or unlawful entry into land, or	30 31 32
	(c) in such other circumstances as are prescribed by the regulations.	33

(2)	The Game Council may at any time remove the suspension of a game hunting licence (except a suspension imposed by a court).	1 2
36	Suspension or cancellation of licences by court in connection with offence	3 4
(1)	A court that convicts the holder of a game hunting licence of a game hunting offence may, by order:	5 6
(a)	cancel or suspend the licence, and	7
(b)	disqualify the convicted person from holding or obtaining such a licence for a period specified by the court.	8 9
(2)	Any disqualification under this section is in addition to any penalty imposed for the offence.	10 11
(3)	In this section, a <i>game hunting offence</i> means:	12
(a)	any offence against this Act or the regulations, or	13
(b)	any offence relating to hunting for game that causes the death or injury of a person or damage to property, or that causes a risk of any such death, injury or damage.	14 15 16
37	Rights of review	17
(1)	A person who is dissatisfied with any of the following decisions under this Act may apply to the Administrative Decisions Tribunal for a review of the decision:	18 19 20
(a)	the refusal to grant a game hunting licence to the person,	21
(b)	the imposition of conditions on the person's game hunting licence (otherwise than by regulation),	22 23
(c)	the suspension or cancellation of the person's game hunting licence (otherwise than by a court).	24 25
(2)	For the purposes of this section, an application for the grant of a game hunting licence is taken to have been refused if the licence is not granted within 60 days (or such other period as is prescribed by the regulations) after the application was duly made.	26 27 28 29
38	Regulations relating to licences	30
(1)	The regulations may make provision for or with respect to game hunting licences.	31 32

Clause 38	Game Bill 2001
Part 3	Licensing and control of hunting for game animals
Division 5	Provisions relating to game hunting licences

(2)	In particular, the regulations may make provision for or with respect to the following:	1
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(a)	restrictions on the authority conferred by a particular type of licence or class of licence,	3
		4
(b)	applications for licences,	5
(c)	the eligibility of applicants (including age, qualifications, knowledge, experience and training),	6
		7
(d)	the testing or examination of applicants or the holders of licences to determine whether they are or continue to be eligible to hold a licence,	8
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(e)	the grant of further licences after the expiry of licences,	11
(f)	the replacement of licences that are lost, destroyed or defaced,	12
(g)	registers of licences and information with respect to licences,	13
(h)	the return of licences that require alteration or that are suspended or cancelled,	14
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(i)	fees payable in connection with licences and applications for licences.	16
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Part 4 Investigations	1
Division 1 Appointment of inspectors	2
39 Appointment of inspectors	3
(1) The Game Council may appoint as an inspector for the purposes of this Act and the regulations any of the following persons:	4
(a) a member of staff of the Game Council,	5
(b) a statutory officer, public servant or person employed by a public or local authority,	6
(c) a person belonging to a class of persons prescribed by the regulations.	7
(2) The number of inspectors appointed by the Game Council is not to exceed the number determined by the Minister.	8
(3) The Game Council may, in and by the instrument of the inspector's appointment, limit the functions that an inspector may exercise under this Act (including limiting the purposes for or area in which the functions may be exercised).	9
40 Police officers to be inspectors	10
(1) A police officer may exercise the functions of an inspector under this Act, and for that purpose is taken to be an inspector.	11
(2) A police officer is not subject to the control or direction of the Game Council in the exercise of any such function.	12
41 Identification	13
(1) Every inspector (other than a police officer) is to be issued with an identification card as an inspector by the Game Council.	14
(2) The identification card must:	15
(a) state that it is issued under this Act, and	16
(b) give the name of the person to whom it is issued, and	17
(c) state any limitation on the inspector's functions, and	18

Clause 41 Game Bill 2001

Part 4 Investigations

Division 1 Appointment of inspectors

- (d) state the date (if any) on which it expires, and 1
- (e) bear the signature of the chief executive officer of the Game Council. 2
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42 Production of identification 4

- (1) A power conferred on an inspector by this Part to enter premises, or to search or take other action on premises, may not be exercised unless the inspector proposing to exercise the power is in possession of the identification card issued to the inspector and produces the identification card if required to do so by the occupier of the premises. 5
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- (2) This section does not apply to a police officer or to a power conferred by a search warrant. 10
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43 Offence of impersonating an inspector 12

A person must not impersonate, or falsely represent that the person is, an inspector. 13
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Maximum penalty: 10 penalty units. 15

Division 2 Powers of inspectors 16

44 Definitions 17

- (1) In this Division: 18
 - game hunting offence* means an offence against this Act or the regulations, and includes any such offence that there are reasonable grounds for believing has been, or is to be, committed. 19
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 - search* includes examine or inspect. 22
- (2) For the purposes of this Division, a thing is *connected with a game hunting offence* if it is: 23
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 - (a) a thing with respect to which the offence has been committed, or 25
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 - (b) a thing that will afford evidence of the commission of the offence, or 27
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 - (c) a thing that was used, or is intended to be used, for the purpose of committing the offence. 29
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45 Powers of entry	1
(1) For the purposes of this Act or the regulations, an inspector may enter any premises in which the inspector has reason to believe:	2
(a) persons are hunting for game to which this Act applies, or	3
(b) there is anything connected with a game hunting offence.	4
(2) The inspector must give the occupier of the premises notice of intention to enter the premises unless:	5
(a) the entry is made with the permission of the occupier, or	6
(b) the entry is made to a part of the premises open to the public, or	7
(c) the giving of notice would defeat the purpose for which the premises were entered or would unreasonably delay the inspector in a case of urgency.	8
(3) Entry under the power conferred by this section may only be made at a reasonable time in the daytime or at any hour when the inspector has reason to believe that game is being hunted on the premises. This subsection does not apply to a power conferred by a search warrant.	9
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46 Use of force on entry	18
(1) Reasonable force may be used for the purpose of gaining entry to premises under a power conferred by this Division, but only if authorised by the Game Council in accordance with this section or in cases of emergency.	19
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(2) The authority of the Game Council:	23
(a) must be in writing, and	24
(b) must be given in respect of the particular entry concerned, and	25
(c) must specify the circumstances that are required to exist before force may be used.	26
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(3) This section does not apply to a power conferred by a search warrant and does not affect section 17 of the <i>Search Warrants Act 1985</i> .	28
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47	Entry to premises used for residential purposes	1
	The powers of entry conferred by this Division are not exercisable in relation to any part of premises used only for residential purposes except:	2
	(a) with the permission of the occupier of the premises, or	3
	(b) under the authority conferred by a search warrant.	4
48	Search warrant	7
(1)	An inspector may apply to an authorised justice for a search warrant if the inspector has reasonable grounds for believing that a provision of this Act or the regulations has been or is being or is about to be contravened in or about any premises.	8
(2)	An authorised justice to whom an application is made under this section may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising the inspector named in the warrant to enter the premises and to search the premises for evidence of a contravention of this Act or the regulations.	9
(3)	Part 3 of the <i>Search Warrants Act 1985</i> applies to a search warrant issued under this section.	10
(4)	In this section, <i>authorised justice</i> has the same meaning as it has in the <i>Search Warrants Act 1985</i> .	11
49	General powers available on entry	12
	For the purposes of this Act or the regulations, an inspector who enters premises under this Division may do any of the following:	13
(a)	search the premises for persons hunting for game or for anything connected with a game hunting offence,	14
(b)	require any person in or about those premises to answer questions or otherwise furnish information,	15
(c)	require the occupier of the premises to provide the inspector with such assistance and facilities as is or are reasonably necessary to enable the inspector to exercise the inspector's functions,	16
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(d)	require the production of and inspect any documents in or about those premises and take copies of or extracts from any such documents,	1 2 3
(e)	exercise all other functions that are conferred on an inspector by this Act or the regulations.	4 5
50	Power to detain and search vehicles or vessels	6
(1)	An inspector who has reason to believe that there is in or on a vehicle or vessel anything connected with a game hunting offence may:	7 8
(a)	stop and detain the vehicle or vessel, and	9
(b)	enter and search the vehicle or vessel, and	10
(c)	break open and search any container in or on the vehicle or vessel that the inspector has reason to believe contains any such thing.	11 12 13
(2)	An inspector may require the person in charge of the vehicle or vessel to take the vehicle or vessel to a specified place for the purposes of searching the vehicle or vessel if it is not reasonably practicable to carry out the search where the vehicle or vessel is stopped.	14 15 16 17
(3)	An inspector may only exercise the power under this section of requiring a vehicle to stop if accompanied by a police officer.	18 19
51	Power of seizure	20
(1)	An inspector may seize anything that is found by the inspector in any search under this Division and that the inspector has reason to believe is connected with a game hunting offence.	21 22 23
(2)	A power conferred by this section to seize a thing includes a power to remove the thing from the place where it is found and a power to guard the thing in or on the premises or to secure the thing from interference.	24 25 26 27
(3)	The State, the Game Council, an inspector and any other person are not liable for any seizure under this section for which there was reasonable cause.	28 29 30
(4)	A court may order the forfeiture of a thing seized under this section in connection with an offence if the court finds a person guilty of the offence. A Local Court must not order the forfeiture of a thing unless satisfied that the value of the thing does not exceed \$10,000.	31 32 33 34

(5) The owner of anything seized under this section may dispute the seizure by giving notice to that effect in writing to the Game Council within 28 days after becoming aware of the seizure.	1 2 3
(6) If the seizure of a thing is so disputed by the owner, the thing is to be returned to the owner (or the person from whom it was seized) unless:	4 5
(a) proceedings have been instituted for an offence in connection with which the court may order the thing to be forfeited, or	6 7
(b) proceedings have been instituted under this section for the forfeiture of the thing.	8 9
(7) An inspector may institute proceedings in the Local Court for the forfeiture of a thing seized under this section and that court may order the forfeiture of the thing if satisfied it was duly seized under this section.	10 11 12 13
(8) Anything that is forfeited under this section (or the proceeds of its sale) becomes the property of the State.	14 15
52 Power of inspectors to obtain information, documents and evidence	16
(1) An inspector may, by notice in writing served on a person, require the person to do any one or more of the following things if the inspector has reasonable grounds to believe that the person is capable of giving information, producing documents or giving evidence in relation to a possible game hunting offence:	17 18 19 20 21
(a) to give an inspector, in writing signed by the person (or, in the case of a body corporate, by a competent officer of the body corporate) and within the time and in the manner specified in the notice, any such information of which the person has knowledge,	22 23 24 25 26
(b) to produce to an inspector, in accordance with the notice, any such documents.	27 28
(2) A notice under this section must contain a warning that a failure to comply with the notice is an offence.	29 30
(3) An inspector may inspect a document produced in response to a notice under this section and may make copies of, or take extracts from, the document.	31 32 33

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- (4) An inspector may take possession, and retain possession for as long as is necessary for the purposes of this Act, of a document produced in response to a notice under this section if the person otherwise entitled to possession of the document is supplied, as soon as practicable, with a copy certified by an inspector to be a true copy. 1
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- (5) A certified copy provided under subsection (4) is receivable in all courts as if it were the original. 6
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- (6) Until a certified copy of a document is provided under subsection (4), the inspector who has possession of the document must, at such times and places as the inspector thinks appropriate, permit the person otherwise entitled to possession of the document, or a person authorised by that person, to inspect the document and make copies of, or take extracts from, the document. 8
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- 53 Power of inspector to demand name and address and to demand game hunting licence** 14
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- (1) An inspector may require a person whom the inspector reasonably suspects has committed a game hunting offence to state the person's full name and residential address. 16
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- (2) An inspector may require a person whom the inspector reasonably suspects is engaged in hunting for game for which a game licence is required to produce the licence to the inspector for inspection. 19
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- (3) A person does not commit an offence under section 56 in respect of a requirement made under this section if: 22
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- (a) the inspector does not, at the time when the inspector makes the requirement, show the person the inspector's identification card, or 24
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- (b) the inspector does not, at the time when the inspector makes the requirement, warn the person that it would be an offence not to comply with the requirement. 27
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- 54 Protection from incrimination** 30
- (1) **Self-incrimination not an excuse** 31
- A person is not excused from a requirement under this Division to make a statement, to give or furnish information, to answer a question or to produce a document on the ground that the statement, information, answer or document might incriminate the person or make the person liable to a penalty. 32
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(2) Statement, information or answer not admissible if objection made	1
However, any statement made or any information or answer given or furnished by a natural person in compliance with a requirement under this Division is not admissible in evidence against the person in criminal proceedings (except proceedings for an offence under this Division) if:	2
(a) the person objected at the time to doing so on the ground that it might incriminate the person, or	3
(b) the person was not warned on that occasion that the person may object to making the statement or giving or furnishing the information or answer on the ground that it might incriminate the person.	4
(3) Documents admissible	5
Any document produced by a person in compliance with a requirement under this Division is not inadmissible in evidence against the person in criminal proceedings on the ground that the document might incriminate the person.	6
(4) Further information	7
Further information obtained as a result of a document produced, a statement made or information or answer given or furnished in compliance with a requirement under this Division is not inadmissible on the ground:	8
(a) that the document, statement, information or answer had to be produced, made, given or furnished, or	9
(b) that the document, statement, information or answer might incriminate the person.	10
55 Inspector may request assistance	11
(1) A police officer may accompany and take all reasonable steps to assist an inspector in the exercise of the inspector's functions under this Division:	12
(a) in executing a search warrant issued under section 48, or	13
(b) if the inspector reasonably believes that he or she may be obstructed in the exercise of those functions.	14
(2) Any person whom an inspector believes to be capable of providing assistance in the exercise of the inspector's functions under this Division may accompany the inspector and take all reasonable steps to assist the inspector in the exercise of the inspector's functions.	15

(3) Nothing in subsection (1) is to be taken to limit the generality of section 18 of the <i>Search Warrants Act 1985</i> .	1 2
56 Offences	3
A person must not:	4
(a) without reasonable excuse, refuse or fail to comply with a requirement made or to answer a question of an inspector asked in accordance with this Division, or	5 6 7
(b) in purported compliance with a requirement under this Division, or in answer to a question of an inspector asked in accordance with this Division, give or furnish information or evidence or produce a document knowing it to be false or misleading in a material particular, or	8 9 10 11 12
(c) obstruct, hinder or impede an inspector in the exercise of the inspector's functions under this Act.	13 14
Maximum penalty: 50 penalty units.	15
57 Care to be taken	16
In the exercise of a function under this Division, an inspector must do as little damage as possible.	17 18
58 Compensation	19
The Game Council must pay compensation for any loss or damage caused by any inspector in the exercise of any power to enter premises under this Division, but not if that loss or damage is caused because the occupier obstructed, hindered or restricted the inspector in the exercise of the power of entry.	20 21 22 23 24

Part 5	Miscellaneous	1
59	Crown not bound	2
	This Act does not bind the Crown in any capacity.	3
	Note. See also section 18 for exemption from licensing etc of government and other employees.	4 5
60	Native title rights and interests	6
	This Act does not affect the operation of the <i>Native Title Act 1993</i> of the Commonwealth or the <i>Native Title (New South Wales) Act 1994</i> in respect of the recognition of native title rights and interests within the meaning of the Commonwealth Act or in any other respect.	7 8 9 10
61	Summary proceedings for offences	11
	Proceedings for an offence under this Act or the regulations may be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.	12 13 14
62	Penalty notices for certain offences	15
	(1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence under this Act or the regulations, being an offence prescribed by the regulations.	16 17 18 19
	(2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter dealt with by a court, the person may pay, within the time and to the person specified in the notice, the amount of penalty prescribed by the regulations for the offence if dealt with under this section.	20 21 22 23 24
	(3) A penalty notice may be served personally or by post.	25
	(4) If the amount of penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.	26 27 28
	(5) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor in any way as affecting or prejudicing, any civil claim, action or proceedings arising out of the same occurrence.	29 30 31 32

(6) The regulations may:	1
(a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and	2 3 4
(b) prescribe the amount of penalty payable for the offence if dealt with under this section, and	5 6
(c) prescribe different amounts of penalties for different offences or classes of offences.	7 8
(7) The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty which could be imposed for the offence by a court.	9 10 11
(8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings which may be taken in respect of offences.	12 13 14
(9) In this section:	15
<i>authorised officer</i> means:	16
(a) an inspector, or	17
(b) a person declared by the regulations to be an authorised officer for the purposes of this section.	18 19
63 Evidentiary statements	20
In a prosecution for an offence against this Act or the regulations, a statement, purporting to be signed by the chief executive officer of the Game Council or other prescribed person, relating to:	21 22 23
(a) a licence issued under this Act, or	24
(b) any other prescribed matter contained in a prescribed official document relating to the administration of this Act,	25 26
and certifying that the contents of the statement are in accordance with the particulars contained in the document, is admissible in any proceedings and is evidence of the matters contained in the statement without proof of the signature of the person by whom the statement purports to have been signed.	27 28 29 30 31

64	Onus of proof concerning reasonable excuse	1
	In any proceedings for an offence against a provision of this Act or the regulations, the onus of proving that a person had a reasonable excuse (as referred to in the provision) lies with the defendant.	2 3 4
65	Regulations	5
	(1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	6 7 8 9
	(2) The regulations may apply, adopt or incorporate any publication as in force at a particular time or from time to time.	10 11
	(3) The regulations may create offences punishable by a penalty not exceeding 10 penalty units.	12 13
66	Notes	14
	Notes in the text of this Act do not form part of this Act.	15
67	Amendment of other Acts	16
	The Acts specified in Schedule 3 are amended as set out in that Schedule.	17 18
68	Savings, transitional and other provisions	19
	Schedule 4 has effect.	20
69	Review of Act	21
	(1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.	22 23 24
	(2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.	25 26
	(3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.	27 28

Schedule 1	Provisions relating to members and procedure of Game Council	1
		2
	(Section 8)	3
Part 1	Preliminary	4
1	Definitions	5
	In this Schedule:	6
	<i>Chairperson</i> means the Chairperson of the Game Council.	7
	<i>member</i> means any member of the Game Council.	8
Part 2	Members	9
2	Nomination of members	10
(1)	If the nomination of a person for appointment as a member (or the nomination of a panel of persons from which a member is to be appointed) is not made within the time and in the manner directed by the Minister, the Minister may appoint a person to be a member instead of the person required to be appointed on that nomination (or from a panel so nominated).	11 12 13 14 15 16
(2)	A person so appointed is taken to have been duly nominated for appointment.	17 18
3	Terms of office of members	19
	Subject to this Schedule, a member holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	20 21 22
4	Chairperson	23
(1)	One of the members appointed on the nomination of hunting organisations under section 8 (2) (a) is to be appointed by the Minister as Chairperson of the Game Council.	24 25 26

(2) The appointment may be made in and by the member's instrument of appointment as a member or by a subsequent instrument executed by the Minister.	1 2 3
(3) The Minister may remove a member from office as Chairperson at any time.	4 5
(4) A member who is a member and Chairperson vacates office as Chairperson if the person:	6 7
(a) is removed from that office by the Minister, or	8
(b) resigns that office by instrument in writing addressed to the Minister, or	9 10
(c) ceases to be a member.	11
5 Deputies	12
(1) The Minister may, from time to time, appoint a person to be the deputy of a member, and the Minister may revoke any such appointment. The Minister may authorise the Game Council to appoint a deputy under this subclause for the purposes of a particular meeting of the Game Council.	13 14 15 16 17
(2) In the absence of a member, the member's deputy may, if available, act in the place of the member.	18 19
(3) While acting in the place of a member, a person:	20
(a) has all the functions of the member and is taken to be a member, and	21 22
(b) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.	23 24 25
(4) For the purposes of this clause, a vacancy in the office of a member is taken to be an absence of the member.	26 27
(5) For the purposes of this clause, the functions of a member do not include the member's functions as a member of the Committee of Management, unless the Minister otherwise directs.	28 29 30
6 Remuneration	31
A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.	32 33 34

7	Vacancy in office of member	1
(1)	The office of a member becomes vacant if the member:	2
(a)	dies, or	3
(b)	completes a term of office and is not re-appointed, or	4
(c)	resigns the office by instrument in writing addressed to the Minister, or	5 6
(d)	is removed from office by the Minister under this clause, or	7
(e)	is absent from 3 consecutive meetings of the Games Council of which reasonable notice has been given to the member personally or by post, except on leave granted by the Minister or unless the member is excused by the Minister for having been absent from those meetings, or	8 9 10 11 12
(f)	becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	13 14 15 16
(g)	becomes a mentally incapacitated person, or	17
(h)	is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.	18 19 20 21 22
(2)	The Minister may at any time remove a member from office.	23
8	Filling of vacancy in office of member	24
	If the office of any member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	25 26
9	Disclosure of pecuniary interests	27
(1)	If:	28
(a)	a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Game Council, and	29 30 31
(b)	the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,	32 33 34

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Game Council.	1 2 3
(2) A disclosure by a member at a meeting of the Game Council that the member:	4 5
(a) is a member, or is in the employment, of a specified company or other body, or	6 7
(b) is a partner, or is in the employment, of a specified person, or	8
(c) has some other specified interest relating to a specified company or other body or to a specified person,	9 10
is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).	11 12 13 14
(3) Particulars of any disclosure made under this clause must be recorded by the Game Council in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the Game Council.	15 16 17 18
(4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Game Council otherwise determines:	19 20 21
(a) be present during any deliberation of the Game Council with respect to the matter, or	22 23
(b) take part in any decision of the Game Council with respect to the matter.	24 25
(5) For the purposes of the making of a determination by the Game Council under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:	26 27 28
(a) be present during any deliberation of the Game Council for the purpose of making the determination, or	29 30
(b) take part in the making by the Game Council of the determination.	31 32
(6) A contravention of this clause does not invalidate any decision of the Game Council.	33 34

(7) For the purposes of this clause, a member does not have a pecuniary interest in a matter merely because the member is a member of a hunting club or organisation.	1 2 3
10 Effect of certain other Acts	4
(1) Part 2 of the <i>Public Sector Management Act 1988</i> does not apply to or in respect of the appointment of a member.	5 6
(2) If by or under any Act provision is made:	7
(a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or	8 9 10
(b) prohibiting the person from engaging in employment outside the duties of that office,	11 12
the provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.	13 14 15 16
11 Personal liability	17
A matter or thing done or omitted to be done by the Game Council, a member of the Game Council or a person acting under the direction of the Game Council does not, if the matter or thing was done or omitted to be done in good faith for the purposes of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.	18 19 20 21 22 23
Part 3 Procedure	24
12 General procedure	25
The procedure for the calling of meetings of the Game Council and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Game Council.	26 27 28
13 Quorum	29
The quorum for a meeting of the Game Council is 8 members.	30

14 Presiding member	1
(1) The Chairperson or, in the absence of the Chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of the Game Council.	2 3 4
(2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.	5 6
15 Voting	7
A decision supported by a majority of the votes cast at a meeting of the Game Council at which a quorum is present is the decision of the Game Council.	8 9 10
16 Transaction of business outside meetings or by telephone	11
(1) The Game Council may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Game Council for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Game Council.	12 13 14 15 16
(2) The Game Council may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.	17 18 19 20 21
(3) For the purposes of:	22
(a) the approval of a resolution under subclause (1), or	23
(b) a meeting held in accordance with subclause (2),	24
the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Game Council.	25 26
(4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Game Council.	27 28 29
(5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.	30 31 32

17	Frequency of meetings	1
	The Game Council is to meet at least twice each year.	2
18	First meeting	3
	The Minister may call the first meeting of the Game Council in such manner as the Minister thinks fit.	4
		5

Schedule 2	Provisions relating to members and procedure of Committee of Management	1
		2
	(Section 10)	3
1	Definitions	4
	In this Schedule:	5
	<i>appointed member</i> means any member other than the chief executive officer of the Game Council.	6
		7
	<i>Chairperson</i> means the Chairperson of the Game Council and the Committee of Management.	8
		9
	<i>member</i> means any member of the Committee of Management.	10
2	Disclosure of pecuniary interests	11
(1)	If:	12
(a)	a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Committee of Management, and	13
		14
		15
(b)	the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,	16
		17
		18
	the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Committee of Management.	19
		20
		21
(2)	A disclosure by a member at a meeting of the Committee of Management that the member:	22
		23
(a)	is a member, or is in the employment, of a specified company or other body, or	24
		25
(b)	is a partner, or is in the employment, of a specified person, or	26
(c)	has some other specified interest relating to a specified company or other body or to a specified person,	27
		28
	is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).	29
		30
		31
		32

(3) Particulars of any disclosure made under this clause must be recorded by the Committee of Management in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the Committee of Management.	1 2 3 4 5
(4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister, the Game Council or the Committee of Management otherwise determines:	6 7 8
(a) be present during any deliberation of the Committee of Management with respect to the matter, or	9 10
(b) take part in any decision of the Committee of Management with respect to the matter.	11 12
(5) For the purposes of the making of a determination by the Committee of Management under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:	13 14 15 16
(a) be present during any deliberation of the Committee of Management for the purpose of making the determination, or	17 18
(b) take part in the making by the Committee of Management of the determination.	19 20
(6) A contravention of this clause does not invalidate any decision of the Committee of Management.	21 22
3 Personal liability	23
A matter or thing done or omitted to be done by the Committee of Management, a member of the Committee of Management or a person acting under the direction of the Committee of Management does not, if the matter or thing was done or omitted to be done in good faith for the purposes of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.	24 25 26 27 28 29
4 General procedure	30
The procedure for the calling of meetings of the Committee of Management and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Committee of Management.	31 32 33 34

5 Quorum	1
The quorum for a meeting of the Committee of Management is 4 members.	2 3
6 Presiding member	4
(1) The Chairperson or, in the absence of the Chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of the Committee of Management.	5 6 7
(2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.	8 9
7 Voting	10
A decision supported by a majority of the votes cast at a meeting of the Committee of Management at which a quorum is present is the decision of the Committee of Management.	11 12 13
8 Transaction of business outside meetings or by telephone	14
(1) The Committee of Management may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Committee of Management for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Committee of Management.	15 16 17 18 19
(2) The Committee of Management may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.	20 21 22 23 24
(3) For the purposes of:	25
(a) the approval of a resolution under subclause (1), or	26
(b) a meeting held in accordance with subclause (2),	27
the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Committee of Management.	28 29
(4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Committee of Management.	30 31 32

(5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.	1 2 3
9 First meeting	4
The Game Council may call the first meeting of the Committee of Management in such manner as the Game Council thinks fit.	5 6

Schedule 3	Amendment of other Acts	1
	(Section 67)	2
3.1	Fines Act 1996 No 99	3
	Schedule 1 Statutory provisions under which penalty notices issued	4
		5
	Insert in alphabetical order:	6
	<i>Game Act 2001</i> , section 62	7
3.2	Forestry Act 1916 No 55	8
[1]	Section 32B Hunting permits	9
	Omit the section.	10
[2]	Section 32C Offences relating to hunting and using firearms etc	11
	Omit “, occupation or hunting permit under this Act” from section 32C (3) (a).	12
		13
	Insert instead “or occupation permit under this Act, a restricted game hunting licence under the <i>Game Act 2001</i> ”.	14
		15
3.3	Public Finance and Audit Act 1983 No 152	16
	Schedule 2 Statutory bodies	17
	Insert in alphabetical order:	18
	Game Council of New South Wales	19

3.4 Rural Lands Protection Act 1998 No 143	1
Section 144 When can a pest control order be made?	2
Insert after section 144 (2):	3
(3) The Minister must consult with the Game Council of New South Wales before making a pest control order declaring a game animal that is not a pest animal (within the meaning of the <i>Game Act 2001</i>) to be a pest.	4 5 6 7
3.5 Search Warrants Act 1985 No 37	8
Section 10 Definitions	9
Insert in alphabetical order of Acts in the definition of <i>search warrant</i> : section 48 of the <i>Game Act 2001</i> ,	10 11

Schedule 4 Savings, transitional and other provisions	1
(Section 68)	2
Part 1 Regulations	3
1 Regulations	4
(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:	5
this Act	6
(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	7
(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:	8
(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	9
(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	10
	11
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	18
Part 2 Provisions consequent on enactment of this Act	19
2 Saving of hunting permits under Forestry Act 1916	20
(1) In this clause, <i>existing hunting permit</i> means a hunting permit issued under section 32B of the <i>Forestry Act 1916</i> that is in force on the repeal of that section by this Act.	21
	22
	23
(2) An existing hunting permit continues, until it ceases to be in force, to confer the same authority for the purposes of the <i>Forestry Act 1916</i> as the authority conferred by the permit under section 32B of that Act immediately before the repeal of that section by this Act.	24
	25
	26
	27

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- (3) An existing hunting permit is, except as provided by the regulations under this Schedule, taken to be a restricted game hunting licence granted under this Act, but only in respect of the hunting of game animals on land for which it was granted. 1
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3
4
- 3 Saving of licences etc granted under NPW Act** 5
- The enactment of this Act does not affect any licence or other authority granted under the *National Parks and Wildlife Act 1974*. 6
7