



New South Wales

Game and Feral Animal Control Amendment Bill 2009

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Game and Feral Animal Control Act 2002* (*the Act*) as follows:

- (a) to enable the Minister responsible for national park estate land to make that land available for the hunting of game animals by licensed game hunters,
- (b) to expand the list of game animals that may be hunted in accordance with the Act and, in the case of any native game animals that are listed, to impose special requirements in relation to the hunting of those animals by licensed game hunters,
- (c) to provide for the operation of private game reserves under the authority of a licence granted by the Game Council,
- (d) to make it an offence to approach persons who are lawfully hunting on declared public hunting land or to interfere with persons lawfully hunting game animals,
- (e) to make a number of other amendments of an administrative, minor or consequential nature.

The Bill also makes consequential and other minor or miscellaneous amendments to the *Game and Feral Animal Control Regulation 2004* and to a number of other Acts.

Outline of provisions

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 3 months after the date of assent (though a proclamation may provide for a provision of the proposed Act to be commenced sooner).

Schedule 1 Amendment of Game and Feral Animal Control Act 2002

Declaration of national park estate land as public hunting land

Schedule 1 [5] and [6] amend the definition of *public land* so that it includes, rather than excludes as is the case at present, national park estate land (which includes national parks and other land reserved under the *National Parks and Wildlife Act 1974*). The effect of this amendment is that the Minister responsible for national park estate land (namely the Minister for Climate Change and the Environment) will be able to declare any such land as public hunting land under section 20 of the Act. Under the Act, the hunting of game animals on public land is only permitted if the land is declared to be available for hunting. **Schedule 1 [4] and [10]** are consequential amendments and **Schedule 1 [3]** inserts a definition of *declared public hunting land* for clarification purposes.

Game animals that may be hunted

Schedule 1 [7] recasts the provision of the Act that specifies the game animals that may be hunted in accordance with the Act so that the provision refers instead to a list set out in proposed Schedule 3 to the Act (as inserted by **Schedule 1 [32]**). The list of game animals contains 3 separate parts (eg the game animals currently referred to in section 5 (2) of the Act will now be listed in Part 3 of the new Schedule). The list will be able to be amended by Ministerial order. The Minister will be required to consult with the Minister administering the *National Parks and Wildlife Act 1974* before adding any native animals to the list (which are included in Part 2 of the new Schedule). An order cannot add the name or description of an animal that is or is part of a threatened species, population or ecological community. **Schedule 1 [1], [2], [14] and [15]** are consequential amendments.

Schedule 1 [17] imposes special requirements in relation to the hunting of native game animals by licensed hunters for non-commercial purposes. In particular, provision is made for the Game Council to impose, by way of licence conditions, quotas on the number of native game animals that may be hunted, restrictions on when and where native game animals may be hunted and requirements relating to the tagging of hunted animals. In the case of native waterfowl, licensed game hunters will be required to pass an official identification test.

Private game reserves

Schedule 1 [20] provides a scheme for the licensing of private game reserves (that is, private land in which game animals are confined, or game birds are released, for the purposes of being hunted by licensed game hunters who have paid a fee to hunt on the reserve). The licensing scheme for private game reserves is similar to the existing scheme for the licensing of game hunters by the Game Council. Inspectors will be empowered to give directions to private game reserve operators to ensure that the conditions of the licence and the provisions of the Act and regulations are being complied with. Exemptions are provided from certain offences under the *Non-Indigenous Animals Act 1987* and the *National Parks and Wildlife Act 1974* so as not to prevent the lawful operations of a licensed private game reserve. **Schedule 1 [3]** inserts definitions in relation to private game reserves.

Schedule 1 [27] provides that the existing offence of releasing a game animal into the wild for the purpose of hunting the animal does not apply in relation to a game animal that is released on a licensed private game reserve.

Offences

Schedule 1 [24] extends the existing offence of obstructing, hindering or impeding an inspector to include assaulting, threatening or intimidating an inspector.

Schedule 1 [25] creates a new offence of not complying with a direction by an inspector to leave, or not to enter, declared public hunting land. Such a direction may be given to a person if the inspector has reason to believe the person is committing an offence under the Act.

Schedule 1 [26] prohibits commercial taxidermists from preserving or preparing the skins of certain game animals unless satisfied the animals have been hunted by a licensed game hunter (or by a person with some other lawful authorisation). Commercial taxidermists will also be required to record certain information and to make those records available for inspection.

Schedule 1 [28] creates a new offence of approaching within 10 metres of a person who is lawfully hunting on declared public hunting land. It will also be an offence to interfere with a person who is lawfully hunting game animals in accordance with the Act.

Miscellaneous amendments relating to administration of the Act and other matters

Schedule 1 [8] provides for a member of the Game Council to be nominated by the Minister administering the *Aboriginal Land Rights Act 1983* rather than by the New South Wales Aboriginal Land Council.

Schedule 1 [9] enables the Game Council to delegate its functions to authorised persons such as the chief executive officer of the Game Council.

Schedule 1 [11] provides that a game hunting licence authorises the licence holder to possess the carcass (or other part) of a game animal that the licence holder has killed under the authority conferred by the licence.

Schedule 1 [13] provides for exemptions from certain offences under the *National Parks and Wildlife Act 1974* (and the regulations under that Act) in so far as those offences would otherwise relate to lawful hunting by the holders of game hunting licences. **Schedule 1 [12]** is a consequential amendment. Schedule 1 [13] also provides that certain orders and notices under other legislation cannot prevent or interfere with hunting in accordance with a game hunting licence.

Schedule 1 [16] removes a provision that exempts professional game hunters from the licensing requirements under the Act.

Schedule 1 [18] and [19] provide that the Game Council may refuse an application for a game hunting licence, or may suspend or cancel such a licence, if the applicant or licence holder is found guilty of an indictable offence under the *Firearms Act 1996*.

Schedule 1 [21] provides that the power of an inspector to require a vehicle to stop so that it can be searched may be exercised without the inspector being accompanied by a police officer.

Schedule 1 [22] removes the limit on the amount of a thing that a Local Court may require to be forfeited in connection with an offence under the Act.

Schedule 1 [23] requires a person, in order to be found guilty of an offence of failing to comply with a requirement by an inspector or a police officer under Division 2 of Part 4 of the Act, to first be warned that the failure to comply is an offence.

Schedule 1 [29]–[31] make provision for the office of Deputy Chairperson of the Game Council.

Schedule 1 [33] enables regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

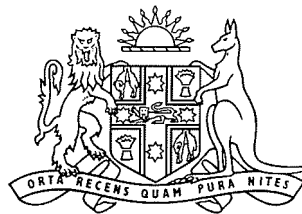
Schedule 2 Amendment of other legislation

Schedule 2.1 amends the *Game and Feral Animal Control Regulation 2004* mainly as a consequence of the amendments made by Schedule 1 to the proposed Act, but also so as to prescribe new licence fees in relation to game hunting licences and private game reserve licences.

Schedule 2.2 amends the *Prevention of Cruelty to Animals Act 1979* to remove the offence relating to game parks (as these will now be allowed to operate under a private game reserve licence) and to also make it clear that certain offences under that Act relating to the hunting of animals do not apply in relation to hunting on licensed private game reserves.

Schedule 2.3 amends the *Rural Lands Protection Act 1998* to prevent pest control orders being made in relation to game animals that are kept on licensed private game reserves.

Schedule 2.4 amends the *Western Lands Act 1901* to enable land that is leased under that Act to be used for the purpose of a private game reserve.



New South Wales

Game and Feral Animal Control Amendment Bill 2009

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New South Wales

Game and Feral Animal Control Amendment Bill 2009

No. , 2009

A Bill for

An Act to amend the *Game and Feral Animal Control Act 2002* to make further provision with respect to the management and regulation of the hunting of game; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Game and Feral Animal Control Amendment Act 2009</i> .	3
2 Commencement	4
(1) This Act commences 3 months after the date of assent to this Act, except as provided by subsection (2).	5 6
(2) A proclamation may provide for the commencement of a provision of this Act on a day (as appointed by the proclamation) occurring during the period of 3 months after the date of assent.	7 8 9

Schedule 1	Amendment of Game and Feral Animal Control Act 2002 No 64	1
		2
[1] Section 3 Objects		3
	Insert “and certain other” after “introduced” in section 3 (a).	4
[2] Section 3, note		5
	Omit “Section 5 identifies”. Insert instead “Schedule 3 specifies”.	6
[3] Section 4 Definitions		7
	Insert in alphabetical order:	8
	<i>declared public hunting land</i> means public land that is the subject of a declaration in force under section 20.	9
	<i>licensed private game reserve</i> means a private game reserve (within the meaning of Part 3A) to which a private game reserve licence relates.	10
	<i>private game reserve licence</i> means a licence granted under Part 3A and in force.	11
		12
		13
		14
		15
[4] Section 4, definition of “private land”		16
	Omit paragraph (b).	17
[5] Section 4, definition of “public land”		18
	Insert after paragraph (b):	19
	(b1) national park estate land, or	20
[6] Section 4, definition of “public land”		21
	Omit paragraph (e).	22
[7] Section 5		23
	Omit the section. Insert instead:	24
	5 Game animals for the purposes of this Act	25
	(1) For the purposes of this Act, a <i>game animal</i> is any animal specified in Schedule 3 that is living in the wild.	26
		27
	(2) The Minister may, by order published on the NSW legislation website, amend Schedule 3:	28
		29
	(a) by adding the name or description of any animal, or	30
	(b) by omitting or amending any such name or description.	31

(3)	The name or description of an animal cannot be added to Part 2 of Schedule 3 unless the Minister has consulted the Minister administering the <i>National Parks and Wildlife Act 1974</i> about the proposed addition.	1 2 3 4
(4)	Despite any other provision of this section, the name or description of an animal cannot be added to Schedule 3 if the animal is or is part of a threatened species, population or ecological community within the meaning of the <i>Threatened Species Conservation Act 1995</i> .	5 6 7 8 9
[8]	Section 8 Membership and procedure of Game Council	10
	Omit “New South Wales Aboriginal Land Council” from section 8 (2) (e).	11
	Insert instead “Minister administering the <i>Aboriginal Land Rights Act 1983</i> ”.	12
[9]	Section 13A	13
	Omit the section. Insert instead:	14
13A	Delegation	15
(1)	The Game Council may delegate to an authorised person the exercise of any of its functions other than this power of delegation.	16 17 18
(2)	In this section: <i>authorised person</i> means:	19 20
(a)	the chief executive officer of the Game Council, or	21
(b)	any other member of staff of the Game Council, or	22
(c)	a person of a class prescribed by the regulations.	23
[10]	Section 15 Authority conferred by different classes of game hunting licences	24 25
	Omit the note to section 15 (2). Insert instead:	26
	Note. In the case of hunting on public land, section 18 provides that a licence does not authorise hunting unless the land is duly declared to be available for hunting. Such a declaration may require hunters to register and obtain written permission to hunt on that land—see section 20 (6).	27 28 29 30
[11]	Section 15 (2A)	31
	Insert after section 15 (2):	32
(2A)	Possession of carcass or skin or other part of game animal	33
	A game hunting licence authorises the holder of the licence to possess the carcass, or the skin or any other part, of any game	34 35

	animal that the licence holder has killed under the authority conferred by the licence.	1 2
[12] Section 15 (4)		3
	Omit “A game”. Insert instead “Except as provided by this Act, a game”.	4
[13] Sections 15A and 15B		5
	Insert after section 15:	6
15A Exemption from certain offences under National Parks and Wildlife legislation		7 8
	The holder of a game hunting licence who hunts a game animal on any public or private land in accordance with this Act does not, in connection with that hunting, commit:	9 10 11
	(a) any offence under section 45, 56, 58Q, 70 or 98 of the <i>National Parks and Wildlife Act 1974</i> (or any other provision of that Act or the regulations under that Act) that:	12 13 14 15
	(i) involves harming the game animal, or	16
	(ii) involves an activity associated with any such lawful hunting (including being accompanied by a dog), or	17 18
	(b) any offence under that Act that involves possessing or exporting, otherwise than for the purposes of sale, the carcass, or the skin or any other part, of a game animal killed by the licence holder.	19 20 21 22
15B Orders and notices under other legislation		23
	The following cannot be made or given so as to prevent or interfere with hunting in accordance with the authority conferred by a game hunting licence:	24 25 26
	(a) an interim protection order within the meaning of the <i>National Parks and Wildlife Act 1974</i> ,	27 28
	(b) an order under Division 1 (Stop work orders) of Part 6A of the <i>National Parks and Wildlife Act 1974</i> ,	29 30
	(c) an environment protection notice under Chapter 4 of the <i>Protection of the Environment Operations Act 1997</i> .	31 32

[14] Section 17 Exemptions from licensing	1
Omit section 17 (1) (a) (including the note). Insert instead:	2
(a) a person who is hunting an animal listed in Part 3 of Schedule 3 on private land (including a licensed private game reserve),	3 4 5
[15] Section 17 (1) (d)	6
Omit “section 5 (2)”. Insert instead “Part 3 of Schedule 3”.	7
[16] Section 17 (1) (e)	8
Omit the paragraph.	9
[17] Part 3, Division 3A	10
Insert after Division 3:	11
Division 3A Special provisions relating to hunting native game animals	12 13
20A Definition	14
In this Division:	15
<i>native game animal</i> means a game animal listed in Part 2 of Schedule 3.	16 17
20B Quotas on hunting native game animals for non-commercial purposes	18 19
(1) The Game Council may set annual quotas of native game animals that may be killed or captured by the holders of game hunting licences otherwise than for the purposes of sale.	20 21 22
(2) The following provisions apply to the setting of quotas by the Game Council:	23 24
(a) quotas are to be set on the basis of the best scientific information available of estimated regional population numbers of native game animals,	25 26 27
(b) quotas are to be set independently of the number of native game animals permitted to be killed or captured under the authority conferred by licences under the <i>National Parks and Wildlife Act 1974</i> ,	28 29 30 31
(c) separate quotas may be set for different species of native game animals and for different parts of the State,	32 33
(d) quotas may be revised from time to time.	34

(3)	The Game Council is to ensure, by the imposition of licence conditions, that the number of native game animals authorised to be killed or captured by licensed game hunters complies with the relevant quota set by the Game Council.	1 2 3 4
(4)	The Game Council is not required to set annual quotas for all species of native 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, the holder of a game hunting licence is not authorised to hunt, during that period, that particular species of native game animal or any native game animal in that particular part of the State.	5 6 7 8 9 10 11 12
20C	Hunting restrictions in relation to native game animals	13
(1)	The Game Council may determine the following matters:	14
(a)	the periods during which, and the areas within which, particular species of native game animals may be hunted by licensed game hunters otherwise than for the purposes of sale,	15 16 17 18
(b)	requirements with respect to the tagging or other identification, and notification to the Game Council, of native game animals killed or captured by licensed game hunters otherwise than for the purposes of sale,	19 20 21 22
(c)	guidelines for the auditing of compliance with this Act of the hunting of native game animals.	23 24
(2)	The Game Council is to ensure, by the imposition of licence conditions, that determinations under this section are complied with by licensed game hunters.	25 26 27
(3)	The Game Council is to include in its annual report details on the number, as notified to the Game Council, of native game animals killed or captured by licensed game hunters during the reporting year in those parts of the State in which the hunting of native game animals is authorised under this Act.	28 29 30 31 32
20D	Identification test for hunters of native waterfowl	33
(1)	A game hunting licence does not authorise the holder of the licence to hunt native game animals that are waterfowl unless the holder has passed an official identification test.	34 35 36
(2)	In this section:	37
	<i>official identification test</i> means a test involving the identification of native waterfowl that:	38 39

(a)	is conducted by or on behalf of the Game Council, or	1
(b)	is recognised by the Game Council,	2
	and includes a test conducted before the commencement of this	3
	section by or on behalf of the Department of Environment and	4
	Climate Change in connection with the identification of native	5
	waterfowl.	6
[18]	Section 21 Grant of licences	7
	Insert after section 21 (3):	8
(4)	The Game Council may refuse to grant a game hunting licence to	9
	a person if, in the previous 10 years, the person has been found	10
	guilty of an offence under the <i>Firearms Act 1996</i> that is, in	11
	accordance with section 84 of that Act, an offence that may be (or	12
	is required to be) prosecuted on indictment.	13
[19]	Section 29 Suspension or cancellation of licences by Game Council	14
	Insert after section 29 (4) (b):	15
(b1)	if the holder is found guilty of an offence under the	16
	<i>Firearms Act 1996</i> that is, in accordance with section 84 of	17
	that Act, an offence that may be (or is required to be)	18
	prosecuted on indictment, or	19
[20]	Part 3A	20
	Insert after Part 3:	21
	Part 3A Private game reserves	22
32A	Definitions	23
	In this Part:	24
	<i>operate</i> a private game reserve includes allowing persons to use	25
	the private game reserve to hunt game animals.	26
	<i>private game reserve</i> means any private land within the	27
	boundaries of which:	28
(a)	game animals are confined or, in the case of birds,	29
	released, and	30
(b)	the hunting of those animals is conducted on payment of an	31
	admission fee or the giving of other consideration.	32

32B	Licence required to operate private game reserve	1
	A person must not operate a private game reserve unless the person is the holder of a private game reserve licence that relates to the private game reserve.	2 3 4
	Maximum penalty: 100 penalty units in the case of a corporation or 50 penalty units in the case of an individual.	5 6
32C	Authority conferred by private game reserve licence	7
(1)	A private game reserve licence authorises, subject to this Act, the holder of the licence to operate the private game reserve to which the licence relates for the purposes of hunting game animals specified in the licence.	8 9 10 11
(2)	The authority conferred by a private game reserve licence does not affect any requirement under this Act for a person to hold a game hunting licence in order to hunt game animals in the private game reserve.	12 13 14 15
(3)	A private game reserve licence may relate to more than one private game reserve.	16 17
32D	Grant of private game reserve licences	18
(1)	Private game reserve licences are to be granted by the Game Council.	19 20
(2)	The Game Council must approve or refuse applications for private game reserve licences in accordance with this Act and the regulations.	21 22 23
(3)	The Game Council must refuse to grant a private game reserve licence to a person:	24 25
(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	26 27 28 29
(b)	if the person has been found guilty of an offence under section 55, or	30 31
(c)	if the person is not, in the opinion of the Game Council, a fit and proper person to hold the licence, or	32 33
(d)	in such other circumstances as are prescribed by the regulations.	34 35

32E	Conditions of private game reserve licences	1
(1)	Private game reserve licences may be granted unconditionally or subject to conditions.	2 3
(2)	After granting a private game reserve licence, the Game Council may, by notice in writing to the holder of the licence:	4 5
	(a) impose conditions or further conditions on the licence, or	6
	(b) vary or revoke any of the conditions to which the licence is subject.	7 8
(3)	The Minister may also determine that the conditions imposed by the Game Council on a private game reserve licence may require the holder of the licence to provide a financial assurance, in the form of a bond to be held by the Game Council, of such amount as may be determined by the Minister. The conditions of the licence may provide for the circumstances under which the financial assurance may be called on or used.	9 10 11 12 13 14 15
(4)	A private game reserve licence is also subject to such conditions as are imposed by this Act or prescribed by the regulations. Any such condition cannot be varied or revoked by the Game Council under this section.	16 17 18 19
(5)	A condition under this section may restrict or limit an activity authorised by the licence (including the hunting of game animals that are specified in the licence).	20 21 22
(6)	The holder of a private game reserve licence must not contravene any condition to which the licence is subject.	23 24
	Maximum penalty (subsection (6)): 100 penalty units in the case of a corporation or 50 penalty units in the case of an individual.	25 26
32F	Code of practice for licensed private game reserves	27
(1)	The Game Council is to approve a code of practice in respect of licensed private game reserves. The code is to be published on the website of the Game Council.	28 29 30
(2)	The code is to identify the provisions that must be observed by the holders of private game reserve licences (including the manner in which hunting is conducted on private game reserves).	31 32 33
(3)	Compliance with the provisions of the code is a condition of a private game reserve licence.	34 35

32G	Offence of failing to contain game animals in game reserve	1
(1)	The holder of a private game reserve licence must not cause or allow a game animal (other than a bird) to escape from the private game reserve to which the licence relates.	2 3 4
	Maximum penalty: 100 penalty units in the case of a corporation or 50 penalty units in the case of an individual.	5 6
(2)	It is a defence to prosecution for an offence under subsection (1) if it is demonstrated that the defendant took all reasonable steps to prevent the escape of the game animal and, after the escape, took all reasonable steps to capture or kill the game animal.	7 8 9 10
32H	Compliance directions by inspectors	11
(1)	An inspector may give a direction to the holder of a private game reserve licence (a <i>compliance direction</i>) requiring the holder to take or cease the action specified in the direction for the purpose of ensuring that the holder complies with this Act, the regulations and the conditions of the private reserve game licence.	12 13 14 15 16
(2)	A compliance direction is to be given in writing either personally or by post. A direction given by post to a person for the purposes of this Act is to be treated as being properly addressed if it is addressed to the last known address of the person known to the inspector giving the direction.	17 18 19 20 21
(3)	A compliance direction may specify a reasonable time in which a particular action must be taken or ceased.	22 23
(4)	A person who is given a compliance direction under this section must not, without reasonable excuse, fail to comply with the direction.	24 25 26
	Maximum penalty: 100 penalty units in the case of a corporation or 50 penalty units in the case of an individual.	27 28
(5)	An inspector may amend or revoke a direction under this section in the same manner that the inspector may give the direction.	29 30
(6)	A person who is dissatisfied with the decision of an inspector to give, amend or revoke a compliance direction may apply to the Administrative Decisions Tribunal for a review of that decision.	31 32 33
32I	Costs of complying with compliance direction	34
(1)	A person who is given a compliance direction is liable for any costs incurred in complying with the direction.	35 36
(2)	An inspector, or a person engaged by the inspector, may carry out some or all of the requirements of a compliance direction if:	37 38

(a)	the person to whom the direction is given fails, without reasonable excuse, to comply with the direction within a reasonable time, or	1 2 3
(b)	the inspector considers that the requirements of the direction need to be carried out urgently.	4 5
(3)	If an inspector, or a person engaged by the inspector, carries out some or all of the requirements of a compliance direction in accordance with this section, the reasonable costs of carrying out those requirements may be recovered as a debt by the Game Council in a court of competent jurisdiction from the person to whom the direction was given.	6 7 8 9 10 11
(4)	In any proceedings for the recovery of any debt referred to in this section, a certificate signed by the chief executive officer stating the amount of the costs and the manner in which they were incurred is evidence of the matters certified.	12 13 14 15
32J	Suspension or cancellation of private game reserve licences by Game Council	16 17
(1)	The Game Council may suspend or cancel a private game reserve licence as provided by this section.	18 19
(2)	The Game Council is to cancel a private game reserve licence if the holder is not qualified, or is no longer qualified, to hold the licence.	20 21 22
(3)	The Game Council is to suspend or cancel a private game reserve licence:	23 24
(a)	if the holder contravenes any mandatory provision of the code of practice referred to in section 32F, or	25 26
(b)	if the holder is found guilty of an offence in New South Wales or elsewhere involving cruelty to animals, or	27 28
(c)	if the holder has been found guilty of an offence under section 55.	29 30
(4)	The Game Council may suspend or cancel a private game reserve licence:	31 32
(a)	if the holder contravenes a condition of the licence, or	33
(b)	if the holder is found guilty of an offence in New South Wales or elsewhere involving harm to animals, personal violence, damage to property or unlawful entry into land, or	34 35 36 37
(c)	in such other circumstances as are prescribed by the regulations.	38 39

(5)	The Game Council may, if it cancels a private game reserve licence, disqualify the person who held the licence from holding or obtaining such a licence for a period specified by the Game Council.	1 2 3 4
(6)	The Game Council may at any time remove the suspension of a private game reserve licence (except a suspension imposed by a court).	5 6 7
32K	Suspension or cancellation of private game reserve licences by court in connection with offence	8 9
(1)	A court that convicts the holder of a private game reserve licence of a game hunting offence may, by order:	10 11
(a)	cancel or suspend the licence, and	12
(b)	disqualify the convicted person from holding or obtaining such a licence for a period specified by the court.	13 14
(2)	Any disqualification under this section is in addition to any penalty imposed for the offence.	15 16
(3)	In this section, a <i>game hunting offence</i> means:	17
(a)	any offence against this Act or the regulations, or	18
(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.	19 20 21
32L	Other provisions relating to private game reserve licences	22
	Sections 25–27, 31 and 32 apply to and in respect of private game reserve licences in the same way as those sections apply to and in respect of game hunting licences.	23 24 25
32M	Exemption from certain offences under other legislation	26
(1)	Non-Indigenous Animals Act 1987	27
	The holder of a private game reserve licence who keeps game animals on the licensed private game reserve does not, in connection with the keeping of those game animals, commit an offence under section 11 (Keeping of animals) of the <i>Non-Indigenous Animals Act 1987</i> .	28 29 30 31 32
(2)	National Parks and Wildlife Act 1974	33
	The holder of a private game reserve licence who keeps game animals on the licensed private game reserve does not, in connection with the keeping of those game animals, commit an offence under section 101 (Buying, selling or possessing	34 35 36 37

	protected fauna) of the <i>National Parks and Wildlife Act 1974</i> to the extent that the offence relates to the possession of those game animals.	1 2 3
	(3) The holder of a private game reserve licence, or any person authorised by the licence holder, who releases, on the licensed private game reserve, a bird that is a game animal does not, in connection with the release of that bird, commit an offence under section 109 (Unlawful liberation of animals) of the <i>National Parks and Wildlife Act 1974</i> .	4 5 6 7 8 9
[21]	Section 44 Power to detain and search vehicles or vessels	10
	Omit section 44 (3).	11
[22]	Section 45 Power of seizure	12
	Omit “A Local Court must not order the forfeiture of a thing unless satisfied that the value of the thing does not exceed \$10,000.” from section 45 (4).	13 14
[23]	Section 48 Provisions relating to requirements under this Division	15
	Insert before section 48 (1):	16
	(1A) Warning to be given on each occasion	17
	A person is not guilty of an offence of failing to comply with a requirement under this Division to make a statement, to give or furnish information, to answer a question or to produce a document unless the person was warned on that occasion that a failure to comply is an offence.	18 19 20 21 22
[24]	Section 50 Offences relating to inspectors	23
	Omit “or impede” from section 50 (c).	24
	Insert instead “, impede, assault, threaten or intimidate”.	25
[25]	Section 50A	26
	Insert after section 50:	27
	50A Direction to leave or not to enter declared public hunting land	28
	(1) An inspector who has reason to believe that a person is committing a game hunting offence may direct the person to leave or not to enter any declared public hunting land.	29 30 31
	(2) A person to whom such a direction is given must comply with the direction.	32 33
	Maximum penalty: 50 penalty units.	34

[26] Section 54A	1
Insert after section 54:	2
54A Requirements for commercial taxidermists	3
(1) A person who carries on business as a taxidermist must not preserve or prepare the skin of a game animal listed in Part 1 or 2 of Schedule 3 unless the taxidermist:	4
(a) is satisfied that the animal has been hunted by the holder of a game hunting licence (or by a person with some other lawful authorisation to hunt the animal), and	5
(b) records the following information:	6
(i) the name of the person who hunted the game animal and the details of their game hunting licence or other lawful authorisation,	7
(ii) the date on which the taxidermist received the carcase or other relevant part of the game animal.	8
(2) The taxidermist must make any such record available for inspection by an inspector at any reasonable time if requested to do so by the inspector.	9
Maximum penalty: 50 penalty units.	10
[27] Section 55 Offence of releasing animals for the purpose of hunting	11
Insert at the end of the section:	12
(2) A person does not commit an offence under subsection (1) if the game animal is released on a licensed private game reserve in accordance with a private game reserve licence.	13
[28] Sections 55A and 55B	14
Insert after section 55:	15
55A Offence to approach persons lawfully hunting on declared public hunting land	16
A person must not approach within 10 metres of another person (<i>the hunter</i>) who is lawfully hunting on declared public hunting land in accordance with this Act unless the person:	17
(a) is the holder of a game hunting licence authorising the person to hunt game animals on the declared public hunting land, or	18
(b) is an inspector or police officer acting in the course of his or her duty, or	19

	(c) has been given permission by the hunter to approach the hunter.	1 2
	Maximum penalty: 50 penalty units.	3
55B	Offence of interfering with persons lawfully hunting	4
	A person must not interfere with, harass, hinder or obstruct a person who is lawfully hunting game animals in accordance with this Act.	5 6 7
	Maximum penalty: 50 penalty units.	8
[29]	Schedule 1 Provisions relating to members and procedure of Game Council	9 10
	Insert in alphabetical order in clause 1:	11
	<i>Deputy Chairperson</i> means the Deputy Chairperson of the Game Council.	12 13
[30]	Schedule 1, clause 4A	14
	Insert after clause 4:	15
4A	Deputy Chairperson	16
	(1) The appointed members of the Game Council are to elect, by a simple majority, a Deputy Chairperson from among the appointed members.	17 18 19
	(2) The person may be elected for the duration of the person's term of office as a member or for a shorter term.	20 21
	(3) The Deputy Chairperson vacates office as Deputy Chairperson if he or she:	22 23
	(a) is removed from that office by the Minister under this clause, or	24 25
	(b) resigns that office by instrument in writing addressed to the Minister, or	26 27
	(c) ceases to be a member of the Game Council.	28
	(4) The Minister may at any time remove the Deputy Chairperson from office as Deputy Chairperson.	29 30
[31]	Schedule 1, clause 14	31
	Omit clause 14 (1). Insert instead:	32
	(1) The Chairperson or, in the absence of the Chairperson, the Deputy Chairperson, is to preside at a meeting of the Game Council.	33 34 35

(1A)	In the absence of both the Chairperson and the Deputy Chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of the Game Council.	1 2 3
[32]	Schedule 3	4
	Insert after Schedule 2:	5
	Schedule 3 Game animals	6
	(Section 5)	7
	Part 1 Non-indigenous game animals (licence required to hunt on public or private land)	8 9
	Birds	10
	Bobwhite Quail (<i>Colinus virginianus</i>)	11
	California Quail (<i>Lophortyx callipepla californicus</i>)	12
	Guinea Fowl (<i>Numida meleagris</i>)	13
	Mallard Duck (<i>Anas platyrhynchos</i>)	14
	Partridge (<i>Alectoris alectoris chukar</i>)	15
	Peafowl (<i>Pavo cristatus</i>)	16
	Pheasant (<i>Phasianus phasianus colchicus</i>)	17
	Spotted Dove (<i>Streptopelia chinensis</i>)	18
	Turkey (<i>Meleagris gallopavo gallopavo</i>)	19
	Other animals	20
	Deer (Family <i>cervidae</i>)	21
	Part 2 Native game animals (licence required to hunt on public or private land)	22 23
	Ducks	24
	Australian Shelduck (or Mountain Duck) (<i>Tadorna tadornoides</i>)	25
	Australian Wood Duck (or Maned Duck) (<i>Chenonetta jubata</i>)	26
	Black Duck (or Pacific Black Duck) (<i>Anas superciliosa</i>)	27
	Blue-winged Shoveler (or Australasian Shoveler) (<i>Anas rhynchotis</i>)	28
	Chestnut Teal (<i>Anas castanea</i>)	29
	Grass Duck (or Plumed Whistling Duck) (<i>Dendrocygna eytoni</i>)	30
	Grey Teal (<i>Anas gibberifrons</i>)	31
	Hardhead Duck (or White-eyed Duck) (<i>Aythya australis</i>)	32
	Pink-eared Duck (<i>Malacorhynchus membranaceus</i>)	33
	Water Whistling Duck (or Wandering Whistling Duck, Whistling or Wandering Tree Duck) (<i>Dendrocygna arcuata</i>)	34 35

Quails	1
Brown Quail (<i>Coturnix ypsilophora</i>)	2
Stubble Quail (<i>Coturnix pectoralis</i>)	3
Other birds	4
Australian White Ibis (<i>Threskiornis molucca</i>)	5
Black Swan (<i>Cygnus atratus</i>)	6
Common Bronzewing Pigeon (<i>Phaps chalcoptera</i>)	7
Galah (<i>Eolophus roseicapilla</i>)	8
Little Corella (<i>Cacatua sanguinea</i>)	9
Long-billed Corella (<i>Cacatua tenuirostris</i>)	10
Purple Swamphen (<i>Porphyrio porphyrio</i>)	11
Straw Necked Ibis (<i>Threskiornis spinicollis</i>)	12
Sulphur Crested Cockatoo (<i>Cacatua galerita</i>)	13
Topknot Pigeon (<i>Lopholaimus antarcticus</i>)	14
Kangaroos	15
Eastern Grey Kangaroo (<i>Macropus giganteus</i>)	16
Euro (<i>Macropus robustus</i>)	17
Red Kangaroo (<i>Macropus rufus</i>)	18
Western Grey Kangaroo (<i>Macropus fuliginosus</i>)	19
Part 3 Non-indigenous animals (licence required to hunt on public land only)	20
Note. A game hunting licence is <u>not</u> required for hunting the animals listed in this Part on private land, and accordingly is only required if the animals are living in the wild on public land—see section 17.	22
	23
	24
Amphibians	25
Cane Toad (<i>Bufo marinus</i>)	26
Birds	27
Canada Goose (<i>Branta canadensis</i>)	28
Common Pigeon (<i>Columba livia</i>)	29
Domestic Goose (<i>Anser anser domesticus</i> and <i>Anser cygnoides domesticus</i>)	30
European Blackbird (<i>Turdus merula</i>)	31
European Goldfinch (<i>Carduelis carduelis</i>)	32
European Greenfinch (<i>Carduelis chloris</i>)	33
House Crow (vagrant) (<i>Corvus splendens</i>)	34
House Sparrow (<i>Passer domesticus</i>)	35
Hungarian Partridge (<i>Perdix perdix</i>)	36
Indian Myna (<i>Acridotheres tristis</i>)	37
Indian Ringneck (vagrant) (<i>Psittacula krameri</i>)	38
Muscovy Duck (<i>Cairina moschate</i>)	39

Red-whiskered Bulbul (<i>Pycnonotus jocosus</i>)	1
Rock Dove (or Feral Pigeon) (<i>Columba livia</i>)	2
Skylark (<i>Alauda arvensis</i>)	3
Song Thrush (<i>Turdus philomelus</i>)	4
Starling (<i>Sturnus vulgaris</i>)	5
Tree Sparrow (<i>Passer montanus</i>)	6
Other animals living in the wild	7
Cat	8
Dog (other than dingo)	9
Goat	10
Fox	11
Hare	12
Rabbit	13
Pig	14
[33] Schedule 4 Savings, transitional and other provisions	15
Insert at the end of clause 1 (1):	16
<i>Game and Feral Animal Control Amendment Act 2009</i>	17

Schedule 2	Amendment of other legislation	1
2.1	Game and Feral Animal Control Regulation 2004	2
[1]	Clause 3 Definitions	3
	Omit “section 5 (1) of” from the definition of <i>commercial hunting</i> in clause 3 (1).	4
		5
	Insert instead “Part 1 of Schedule 3 to”.	6
[2]	Clause 7 Commercial hunters and hunting guides to be licensed	7
	Omit the clause.	8
[3]	Clause 11 Commercial hunters licence	9
	Omit “section 5 (1) of”. Insert instead “Part 1 of Schedule 3 to”.	10
[4]	Clause 14 Licence applications for game hunting licences and private game reserve licences	11
		12
	Insert “or private game reserve licence” after “game hunting licence” wherever occurring.	13
		14
[5]	Clause 15 Maximum duration of licences	15
	Omit “to remain in force for 1, 3 or 5 years”.	16
	Insert instead “for a period of 1, 2, 3, 4 or 5 years”.	17
[6]	Clause 15 (2)	18
	Insert at the end of the clause:	19
	(2) A private game reserve licence may be granted for a period of 1, 2, 3, 4 or 5 years.	20
		21
[7]	Clause 16	22
	Omit the clause. Insert instead:	23
	16 Licence fees	24
	(1) Application fee for general game hunting licence	25
	The fee payable in respect of an application for a general game hunting licence (<i>G-licence</i>) is as follows:	26
		27
	(a) for a standard G-licence:	28
	(i) \$65 for a 1 year licence,	29

(ii)	\$125 for a 2 year licence,	1
(iii)	\$185 for a 3 year licence,	2
(iv)	\$245 for a 4 year licence,	3
(v)	\$305 for a 5 year licence,	4
(b)	for a standard G-licence at the concessional rate:	5
(i)	\$45 for a 1 year licence,	6
(ii)	\$86 for a 2 year licence,	7
(iii)	\$126 for a 3 year licence,	8
(iv)	\$167 for a 4 year licence,	9
(v)	\$207 for a 5 year licence,	10
(c)	for a visitors G-licence—\$110,	11
(d)	for a hunting guide G-licence:	12
(i)	\$150 for a 1 year licence,	13
(ii)	\$294 for a 2 year licence,	14
(iii)	\$438 for a 3 year licence,	15
(iv)	\$582 for a 4 year licence,	16
(v)	\$726 for a 5 year licence,	17
(e)	for a commercial hunters G-licence:	18
(i)	\$250 for a 1 year licence,	19
(ii)	\$494 for a 2 year licence,	20
(iii)	\$738 for a 3 year licence,	21
(iv)	\$982 for a 4 year licence,	22
(v)	\$1,226 for a 5 year licence.	23
(2)	Application fee for restricted game hunting licence	24
	The fee payable in respect of an application for a restricted game	25
	hunting licence (<i>R-licence</i>) is as follows:	26
(a)	for a standard R-licence:	27
(i)	\$74 for a 1 year licence,	28
(ii)	\$143 for a 2 year licence,	29
(iii)	\$212 for a 3 year licence,	30
(iv)	\$281 for a 4 year licence,	31
(v)	\$350 for a 5 year licence,	32

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- (b) for a standard R-licence at the concessional rate:
 - (i) \$52 for a 1 year licence,
 - (ii) \$99 for a 2 year licence,
 - (iii) \$145 for a 3 year licence,
 - (iv) \$192 for a 4 year licence,
 - (v) \$239 for a 5 year licence,
 - (c) for a visitors R-licence—\$110,
 - (d) for a hunting guide R-licence:
 - (i) \$175 for a 1 year licence,
 - (ii) \$344 for a 2 year licence,
 - (iii) \$513 for a 3 year licence,
 - (iv) \$682 for a 4 year licence,
 - (v) \$851 for a 5 year licence,
 - (e) for a commercial hunters R-licence:
 - (i) \$290 for a 1 year licence,
 - (ii) \$574 for a 2 year licence,
 - (iii) \$858 for a 3 year licence,
 - (iv) \$1,142 for a 4 year licence,
 - (v) \$1,426 for a 5 year licence.
- (3) **Application fee for upgrade of G-licence to R-licence**
- The fee payable in respect of an application for a R-licence that is to be issued as an upgrade of a G-licence held by a person (being a R-licence of the same type as the G-licence and issued to be in force for the remainder of the period of the G-licence) is as follows:
- (a) for a standard R-licence—\$34 plus \$9 for each year (or part of each year) remaining on the current licence,
 - (b) for a standard R-licence at the concessional rate—\$34 plus \$7 for each year (or part of each year) remaining on the current licence,
 - (c) for a hunting guide R-licence—\$34 plus \$25 for each year (or part of each year) remaining on the current licence,
 - (d) for a commercial hunters R-licence—\$34 plus \$40 for each year (or part of each year) remaining on the current licence.

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|-----|--|----------------------|
| (4) | Application fee for private game reserve licence | 1 |
| | The fee payable in respect of an application for a private game reserve licence is as follows: | 2
3 |
| | (a) for a 1 year licence—\$2,000, | 4 |
| | (b) for a 2 year licence—\$3,994, | 5 |
| | (c) for a 3 year licence—\$5,988, | 6 |
| | (d) for a 4 year licence—\$7,982, | 7 |
| | (e) for a 5 year licence—\$9,976. | 8 |
| (5) | Fee for grant of game hunting licence | 9 |
| | A fee is payable to the Game Council in respect of the grant of a game hunting licence. | 10
11 |
| (6) | The amount of the fee for the grant of a game hunting licence is to be determined by the Minister and is to cover the costs incurred by the Game Council in taking out public liability insurance on behalf of the licence holder. | 12
13
14
15 |
| (7) | Fee for grant of replacement licence | 16 |
| | The fee payable for the grant of a licence to replace a licence that has been lost, destroyed or defaced is \$34. The replacement licence is to be issued for the period that is the remainder of the period of the licence it replaces. | 17
18
19
20 |
| (8) | Eligibility for concessional rate | 21 |
| | For the purposes of subclauses (1) (b), (2) (b) and (3) (b), a person may apply for a game hunting licence at the concessional rate only if the person: | 22
23
24 |
| | (a) is under 18 years of age, or | 25 |
| | (b) is a pensioner (within the meaning of paragraph (a) or (b) of the definition of <i>pensioner</i> in section 3 (1) of the <i>Motor Vehicles Taxation Act 1988</i>). | 26
27
28 |
| (9) | Exemptions | 29 |
| | The Game Council may, in such cases as it thinks fit, waive or wholly or partly refund any fee referred to in this clause that would otherwise be payable or has been paid. | 30
31
32 |

Game and Feral Animal Control Amendment Bill 2009

Schedule 2 Amendment of other legislation

[8] Clause 20 Notice of proposed declaration of hunting land	1
Omit “the rural lands protection board for the rural lands protection district” from clause 20 (2).	2 3
Insert instead “the livestock health and pest authority for the livestock health and pest district”.	4 5
[9] Schedule 1 Conditions of game hunting licences	6
Omit the definition of <i>declared public hunting land</i> from clause 1 (3).	7
[10] Schedule 1, Part 2, heading	8
Omit “section 5 (1)”. Insert instead “certain”.	9
[11] Schedule 1, Part 2	10
Omit the note at the beginning of the Part.	11
[12] Schedule 1, clause 7A	12
Insert before clause 7:	13
7A Game animals to which this Part applies	14
This Part applies to game animals listed in Part 1 or 2 of Schedule 3 to the Act.	15 16
[13] Schedule 1, clauses 7 (1), 8 (1) and 9 (1)	17
Omit “listed in section 5 (1) of the Act” wherever occurring.	18
Insert instead “to which this Part applies”.	19
[14] Schedule 1, clause 10 (2)	20
Omit the subclause. Insert instead:	21
(2) In this clause, <i>game bird</i> means any bird listed in Part 1 or 2 of Schedule 3 to the Act.	22 23
[15] Schedule 3 Penalty notice offences	24
Insert in appropriate order in Columns 1 and 2, respectively:	25
Section 54A of the Act	\$500
Section 55A of the Act	\$500
Section 55B of the Act	\$500

2.2 Prevention of Cruelty to Animals Act 1979 No 200	1
[1] Section 19 Trap-shooting prohibited	2
Insert at the end of the section:	3
(2) Subsection (1) does not apply to or in respect of the hunting of animals on a licensed private game reserve (within the meaning of the <i>Game and Feral Animal Control Act 2002</i>) in accordance with the private game reserve licence concerned.	4 5 6 7
[2] Section 19A Game parks prohibited	8
Omit the section.	9
[3] Section 20 Certain animal-catching activities prohibited	10
Insert at the end of the section:	11
(2) Subsection (1) does not apply to or in respect of the hunting of animals on a licensed private game reserve (within the meaning of the <i>Game and Feral Animal Control Act 2002</i>) in accordance with the private game reserve licence concerned.	12 13 14 15
[4] Section 24 Certain defences	16
Omit section 24 (2).	17
2.3 Rural Lands Protection Act 1998 No 143	18
[1] Section 143 Minister may make pest control orders	19
Insert after section 143 (5):	20
(5A) The Minister may not make a pest control order in relation to game animals that are kept on a licensed private game reserve within the meaning of the <i>Game and Feral Animal Control Act 2002</i> .	21 22 23 24
[2] Section 144 When can a pest control order be made?	25
Omit “section 5 (1) of” from section 144 (2) (b).	26
Insert instead “Part 1 of Schedule 3 to”.	27

2.4 Western Lands Act 1901 No 70	1
Section 44A	2
Insert after section 44:	3
44A Private game reserves	4
The granting of a private game reserve licence under Part 3A of the <i>Game and Feral Animal Control Act 2002</i> in respect of any land leased under this Act is, despite any other provision of this Act, taken to authorise the use of that land for the purpose of a private game reserve within the meaning of that Part.	5 6 7 8 9