

Second Reading

The Hon. ROBERT BROWN [11.34 a.m.]: I move:

That this bill be now read a second time.

The Shooters Party is pleased to introduce the Game and Feral Animal Control Amendment Bill 2009. Whilst the impetus for this bill is the recently completed statutory five-year review of the Game and Feral Animal Control Act 2002, the bill also takes into account the findings of the Scientific Panel Review of Open Seasons for Waterfowl in NSW 2000 and the Review of the Prevention of Cruelty to Animals Act 1979, dated February 2003. The Game and Feral Animal Control Act Review Group comprised staff from the New South Wales Department of Primary Industries and members of the Game Council of New South Wales. The review group was supported by a New South Wales Department of Primary Industries Consultative Committee, which included staff with legal, economic, forestry, pest animal management, emergency response and policy expertise.

This bill addresses the recommendations for reform found in the review. The principal changes are as follows. The bill will allow the Minister responsible for national park estate land to declare that land—under the Game and Feral Animal Control Act—for the purposes of hunting game and pest species, in a similar manner as with other Crown lands currently able to be declared. The bill also extends the list of game animals that may be hunted in accordance with the Act. In the case of any native game animals that are listed in schedule 3, the bill imposes special requirements on the hunting of those animals by licensed game hunters. The bill also provides for the operation of private game reserves under the authority of a licence granted by the Game Council.

Furthermore, the bill introduces an amendment 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. This brings the Act into line with similar provisions incorporated in the Victorian Wildlife (Amendment) Act 1997. The bill also makes a number of other amendments of an administrative, minor or consequential nature to the Game and Feral Animal Control Act 2002, to the regulations and to a number of other Acts. The bill ensures that the intent of the legislation is consistent with the Game Council objectives, which are to provide for the effective management of introduced species of game animals and to promote the responsible and orderly hunting of those game animals on public land and private land, and of certain species of pest animals on public land.

The bill also enhances the efficacy of the current Act by reintroducing certain aspects of the original Game Bill 2001, which bill was amended in this House in 2002 to become the current Act. The Game Council is increasingly recognised as the central agency for licensing and regulating conservation hunting in New South Wales with a range of genuine benefits for the people of the State, the economy, and the environment. The review attests to this fact. It found the performance of the Act indicated a general level of approval by the community, particularly from farmers, landowners, pest animal managers and hunters.

The Game Council of New South Wales was established as a statutory authority by the New South Wales Parliament under the Game and Feral Animal Control Act 2002 and its associated Regulation 2004. One of its major objectives is to harness the efforts of licensed and accredited hunters, to help in the reduction of some of the nation's worst pests such as pigs, goats, foxes and rabbits.

Under the Game Council we have seen the introduction of the game hunting licence system, the production at Government level of the State's first hunter education handbook and the declaration of over 450 State forests and Crown land areas for volunteer conservation hunting by holders of a New South Wales game hunting licence. There are an estimated 7.2 million foxes throughout Australia. They kill an estimated 190 million native birds annually and threaten the survival of many small Australian mammals. According to the report "Counting the cost: impact of invasive animals in Australia 2004" the cost impact nationally of 11 feral animal species alone totals \$720 million per annum. More than 95 per cent of New South Wales is inhabited by some species of wild or feral animal, which, left unmanaged, may adversely affect the environment and damage agricultural production.

Since the start of licensed hunting on declared public land in March 2006 more than 20,000 feral animals have been removed from our State forests, by any calculation a huge contribution to conservation in New South Wales. As the Game Council is a statutory authority, all funds raised by it go directly back into future council activities such as research and conservation projects. The ultimate aim is to secure a long-term, self-funding model for the Game Council. I congratulate the review group on its thorough and detailed assessment of all aspects of the Game and Feral Animal Control Act 2002, which is reflected in its recommendations.

Without going into great detail, I now make these points. The review group agreed that game and feral animals cause impacts to public health and safety, private property, agriculture and the environment, and that establishing a council to facilitate, promote and manage hunting has reduced these impacts. Accordingly, it concluded that the policy objective remains a valid one. It also noted that it was consistent with the New South Wales State Plan. The group also found that market failures constraining earlier hunting arrangements and the

delivery of this policy objective had been overcome by the legislation and, consequently, "continued Government intervention is justified."

The Shooters Party strongly supports the recommendation that the Act be amended to expand the range of species listed as game animals; that the Act be amended to include National Park Estate as public land that may be declared for conservation hunting by the Minister responsible for national parks; and that the legislative impediment prohibiting private game reserves be removed. Schedule 1 [5] and schedule 1 [6] amend the definition of "public land" so that it includes, rather than excludes, as is the case at present, National Park Estate land that 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 may declare any such land as public hunting land under section 20 of the Act, as Ministers responsible for other public lands may declare the lands under their control.

Under the Act hunting of game animals on public land is permitted only if the land is declared to be available for hunting. The amendments to schedule 1 [4] and [10] are consequential, and schedule 1 [3] inserts a definition of "declared public hunting land" for clarification purposes. One of the most fundamental reforms in the bill is the inclusion of other game animals that may be hunted. Schedule 1 [7] recasts the provision of the Act and specifies the game animals that may be hunted in accordance with the Act so that provision refers instead to a list set out in proposed schedule 3. The list of game animals contains three separate parts. For example, the game animals currently referred to in section 5 (2) of the Act will now be listed in part 3 of new schedule 3.

The list will be amended by ministerial order and the Minister will be required to consult with the Minister administering the National Parks and Wildlife Act 1974 before adding further native animals to the list. An order cannot add the name or description of an animal that is or is part of a threatened species—an important point—a population, or an ecological community. The amendments to schedule 1 [1], [2], [14] and [15] are consequential. 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 related to the tagging of hunted game animals.

In the case of native waterfowl, licensed game hunters will be required to pass an official identification test of native waterfowl. This will be conducted by or on behalf of the Game Council or other bodies recognised by the Game Council. The Game Council will also recognise any test conducted before the commencement of this section by or on behalf of the Department of Environment and Climate Change in connection with the identification of native waterfowl, and the same test as administered in other States. Another fundamental change to the Act is the facilitation of 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 purpose of being hunted by licensed game hunters who have paid a fee to hunt on that reserve.

Rural landholders in New South Wales are at a competitive disadvantage compared with landholders in other States where private game reserves operate. In other words, a farmer in the southern Riverina region of New South Wales is prohibited from operating a game reserve, whilst a farmer across the border in Victoria can do so and has that rural diversification option open to him or her. 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 [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 game reserve in accordance with the licence held by that reserve. Since the passing of the original game bill hunters have achieved a thoroughly professional approach and have demonstrated over the past few years the value of volunteer conservation hunting. Irrespective of any legislation, however, there will always be people who will not want to accept any form of hunting. For this reason and for their safety and the safety of hunters, 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 directions may be given to a person if the inspector has reason to believe that the person is committing an offence under the Act. 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. Schedule 1 [26] prohibits commercial taxidermists from preserving or preparing the skin 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, for example, under the existing National Parks and Wildlife Act. Commercial taxidermists will be required to record certain information and to make those records available for inspection.

The bill also makes a number of miscellaneous amendments. Schedule 1 [11] provides that a game hunting licence authorises the licence holder to possess the carcass or the skin or any other part of a game animal that the licence holder has killed under the authority conferred by the licence. Schedule 1 [12] contains a consequential amendment. Schedule 1 [13] provides for exemptions from certain offences under the National Parks and Wildlife Act 1974 and the regulations under that Act, insofar as those offences would otherwise relate to the lawful hunting by the holders of a game licence. 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 [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. Licensed hunters who assist the Game Council in providing effective management of pest animals and native species of game animals under a regime where they are accredited and can properly identify the appropriate game have a great deal to lose if they do the wrong thing. Any breaches will lead to court action and heavy penalties, including forfeiture of their hunting equipment that, if it includes cars and expensive rifles, can amount to many thousands of dollars. Hunters have an incentive to continue to do the right thing.

Schedule 1 [22] removes the limit on the amount of a thing—that is how it is described in the Act—that a Local Court may require to be forfeited in connection with an offence under the Act. In addition to these amendments, schedule 2 to the bill proposes a number of amendments of a consequential nature to 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 also to make it clear that certain offences under the Act relating to the hunting of animals do not apply in relation to hunting 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. All the proposed amendments have been carefully drafted so as to ensure that they do not compromise the principles and objects of the Game and Feral Animal Control Act 2002. The amendments proposed in the bill will add to the huge contribution that the Game Council provides in respect of conservation in New South Wales. It will provide genuine, measurable benefits to the people of New South Wales, to the New South Wales economy and to the environment, and at minimal cost to taxpayers. I commend the bill to the House.