



New South Wales

Game and Feral Animal Control Repeal Bill 2010

Explanatory note

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

Overview of Bill

The objects of this Bill are as follows:

- (a) to repeal the *Game and Feral Animal Control Act 2002* and the regulations made under that Act,
- (b) to expressly abolish the Game Council and provide for the transfer of its assets, rights and liabilities to the Crown,
- (c) to prohibit hunting for sporting or recreational purposes on national park estate land, Crown land and State forests.

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 on the date of assent to the proposed Act.

Clause 3 repeals the *Game and Feral Animal Control Act 2002* and the *Game and Feral Animal Control Regulation 2004*.

Clause 4 abolishes the Game Council (which is constituted by the *Game and Feral Animal Control Act 2002*).

Clause 5 makes it clear that no remuneration or compensation is payable to any person because of the abolition of the Game Council or the repeal of the Game and Feral Animal Control legislation.

Clause 6 provides for the transfer of the assets, rights and liabilities of the Game Council to the Crown.

Clause 7 enables regulations of a savings or transitional nature to be made as a consequence of the proposed Act.

Schedule 1 Amendment of legislation

Schedule 1.1, 1.5 and 1.7 provide for the prohibition of hunting for sporting or recreational purposes on national park estate land, Crown land and State forests.

The other amendments made by Schedule 1 are consequential on the abolition of the Game Council or the repeal of the Game and Feral Animal Control legislation.



New South Wales

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New South Wales

Game and Feral Animal Control Repeal Bill 2010

No. , 2010

A Bill for

An Act to repeal the *Game and Feral Animal Control Act 2002* and abolish the Game Council of NSW: to prohibit recreational hunting on Crown land, State forests or national park estate land; 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 Repeal Act 2010</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5
3 Repeal of Game and Feral Animal Control legislation	6
The <i>Game and Feral Animal Control Act 2002</i> No 64 and the <i>Game and Feral Animal Control Regulation 2004</i> are repealed.	7 8
4 Abolition of Game Council	9
The Game Council of New South Wales is abolished.	10
5 No remuneration or compensation payable	11
No remuneration or compensation is payable to any person because of:	12
(a) the abolition of the Game Council, or	13
(b) the repeal of the <i>Game and Feral Animal Control Act 2002</i> and the <i>Game and Feral Animal Control Regulation 2004</i> .	14 15
6 Transfer of assets, rights and liabilities of Game Council	16
(1) In this section:	17
<i>assets</i> means any legal or equitable estate or interest (whether present or future and whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money) and includes securities, choses in action and documents.	18 19 20 21
<i>instrument</i> means an instrument (other than this Act) that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order or process of a court.	22 23 24 25
<i>liabilities</i> means any liabilities, debts or obligations (whether present or future and whether vested or contingent and whether personal or assignable).	26 27 28
<i>rights</i> means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent and whether personal or assignable).	29 30 31
(2) On the abolition of the Game Council, the assets, rights and liabilities of the Game Council are transferred to the Crown.	32 33

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| (3) | On and from the date on which the assets, rights and liabilities are transferred by subsection (2), the following provisions have effect with respect to the transfer: | 1
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| (a) | the transferred assets vest in the Crown by virtue of this section and without the need for any conveyance, transfer, assignment or assurance, | 4
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| (b) | the transferred rights and liabilities become, by virtue of this section, the rights and liabilities of the Crown, | 7
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| (c) | all proceedings relating to the assets, rights or liabilities commenced before that date by or on behalf of, or against, the Game Council and pending immediately before that date are taken to be proceedings pending by or against the Crown, | 9
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| (d) | any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before that date by, to or in respect of the Game Council is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Crown, | 13
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| (e) | the Crown has all the entitlements and obligations of the Game Council in relation to those assets, rights and liabilities that the Game Council would have had but for their transfer, whether or not those entitlements and obligations were actual or potential at the time of the transfer, | 18
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| (f) | a reference in any Act, in any instrument made under any Act or in any document of any kind to the Game Council is (to the extent that it relates to those assets, rights or liabilities) to be read as, or as including, a reference to the Crown. | 23
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| (4) | The operation of this section is not to be regarded: | 27 |
| (a) | as a breach of contract or confidence or otherwise as a civil wrong, or | 28
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| (b) | as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or | 30
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| (c) | as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability, or | 33
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| (d) | as an event of default under any contract or other instrument. | 37 |
| 7 Savings and transitional regulations | | 38 |
| (1) | The Governor may make regulations of a savings or transitional nature consequent on the enactment of this Act. | 39
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| (2) | A provision of a regulation made under this section may, if the regulation so provides, take effect from the date of assent to this Act or from a later date. | 1
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| (3) | To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as: | 4
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| (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 | 7
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| (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
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Schedule 1	Amendment of legislation	1
1.1	Crown Lands Act 1989 No 6	2
	Section 155A	3
	Insert after section 155:	4
155A	Prohibition on hunting for sporting or recreational purposes on public land	5
	(1) A person must not hunt any animal on public land for sporting or recreational purposes.	7
	Maximum penalty: 100 penalty units or imprisonment for 6 months, or both.	8
	(2) In this section:	9
	<i>hunt</i> means to search for, pursue, trail, stalk or drive out an animal in order to capture or kill the animal, including using a firearm, bow, animal or other hunting device to capture or kill the animal.	10
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1.2	Deer Act 2006 No 113	16
[1]	Section 8 Orders requiring deer to be controlled	17
	Omit section 8 (4).	18
[2]	Section 9 Consultation and approval before making deer control order	19
	Omit section 9 (1) (d).	20
1.3	Fines Act 1996 No 99	21
	Schedule 1 Statutory provisions under which penalty notices issued	22
	Omit “Game and Feral Animal Control Act 2002, section 57”.	23
1.4	Firearms Regulation 2006	24
	Clause 31A Recreational hunting/vermin control—prescribed authority	25
	Omit the clause.	26

1.5 Forestry Act 1916 No 55	1
[1] Section 32C Offences relating to hunting and using firearms etc	2
Omit “, a restricted game hunting licence under the <i>Game and Feral Animal Control Act 2002</i> ” from section 32C (3) (a).	3 4
[2] Section 32C (4) and (5)	5
Insert after section 32C (3):	6
(4) Without limiting subsection (2), a person must not hunt any animal in a State forest for sporting or recreational purposes.	7 8
Maximum penalty: 50 penalty units or imprisonment for 6 months, or both.	9 10
(5) For the purposes of subsection (4), <i>hunt</i> means to search for, pursue, trail, stalk or drive out an animal in order to capture or kill the animal, including using a firearm, bow, animal or other hunting device to capture or kill the animal.	11 12 13 14
1.6 Law Enforcement (Powers and Responsibilities) Act 2002 No 103	15 16
Schedule 2 Search warrants under other Acts	17
Omit “ <i>Game and Feral Animal Control Act 2002</i> , section 42”.	18
1.7 National Parks and Wildlife Act 1974 No 80	19
[1] Section 92A	20
Insert after section 92:	21
92A Prohibition on hunting for sporting or recreational purposes on national park estate land	22 23
(1) A person must not hunt any animal on national park estate land for sporting or recreational purposes.	24 25
Maximum penalty: 100 penalty units or imprisonment for 6 months, or both.	26 27
(2) In this section:	28
<i>hunt</i> means to search for, pursue, trail, stalk or drive out an animal in order to capture or kill the animal, including using a firearm, bow, animal or other hunting device to capture or kill the animal.	29 30 31 32

<i>national park estate land</i> means:	1
(a) any land reserved, dedicated or declared under this Act or any land vested in the Minister for the purposes of Part 11, or	2 3 4
(b) any reserve under Part 5 of the <i>Crown Lands Act 1989</i> of which the National Parks and Wildlife Reserve Trust has been appointed as trustee, or	5 6 7
(c) any wilderness area or land that is the subject of a wilderness protection agreement.	8 9
[2] Section 120 General licence	10
Insert “or the hunting of any animal for sporting or recreational purposes on national park estate land within the meaning of section 92A” after “recreational purposes” in section 120 (2A).	11 12 13
[3] Section 121 Occupier’s licence	14
Insert “or to authorise any animal to be hunted for sporting or recreational purposes on national park estate land within the meaning of section 92A” after “recreational purposes” in section 121 (3).	15 16 17
[4] Section 171 Authority to harm or pick	18
Insert “or to the hunting of any animal for sporting or recreational purposes on national park estate land within the meaning of section 92A” after “recreational purposes” in section 171 (1B).	19 20 21
1.8 Public Finance and Audit Act 1983 No 152	22
Schedule 2 Statutory bodies	23
Omit “Game Council of New South Wales”.	24
1.9 Public Sector Employment and Management Act 2002 No 43	25
Schedule 1 Divisions of the Government Service	26
Omit the matter relating to the Game Council Division from Part 3.	27

1.10 Rural Lands Protection Act 1998 No 143	1
Section 144 When can a pest control order be made?	2
Omit section 144 (2) (b).	3