



New South Wales

Game and Feral Animal Control Further Amendment Bill 2012

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* as follows:

- (a) to provide for the granting of a licence (referred to as a **game management licence**) authorising the owner or occupier of specified land to kill, or to permit a licensed hunter to kill, game animals on that land for non-commercial purposes,
- (b) to include ducks and certain other game birds in the list of game animals that may be hunted or killed under the authority conferred by a game hunting licence or game management licence,
- (c) to enable the Game Council to impose special restrictions and quotas in relation to the hunting or killing of native game birds that are listed as game animals,
- (d) to provide that a game hunting licence does not authorise the hunting of native game birds on public land.

The Bill also amends the *National Parks and Wildlife Act 1974* to provide that certain licences under that Act are no longer to be issued in relation to the harming of game animals.

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 27 December 2012.

Schedule 1 Amendment of Game and Feral Animal Control Act 2002 No 64

Game management licences

Schedule 1 [6] provides for a new type of licence (a *game management licence*) authorising the owner or occupier of specified land to kill, or to permit a licensed hunter to kill, game animals on that land. The same procedures that currently apply in relation to game hunting licences (including provisions disqualifying certain persons from being granted a licence) will also apply to game management licences. **Schedule 1 [1] and [3]** are consequential amendments and **Schedule 1 [2]** provides for exemptions from offences under National Parks and Wildlife legislation in so far as those offences would relate to activities authorised under a game management licence.

Schedule 1 [5] makes it clear that a person is not required to have a game hunting licence when carrying on activities authorised by a game management licence.

Game birds

Schedule 1 [9] and [10] insert ducks and certain other game birds to the list of game animals that may be hunted or killed under the authority conferred by a game hunting licence or game management licence. **Schedule 1 [8]** is a consequential amendment.

Schedule 1 [4] provides that a game hunting licence does not authorise the hunting of native game birds on public land.

Schedule 1 [7] imposes special requirements in relation to the hunting or killing of native game birds under the authority of a game hunting or game management licence. In particular, provision is made for the Game Council to impose, by way of licence conditions, quotas on the number of native game birds that may be hunted or killed, restrictions on when and where native game birds may be hunted and requirements relating to the tagging of birds that have been captured or killed. In the case of native waterfowl, a person will not be authorised to hunt or kill any such bird unless they have passed an official identification test.

Miscellaneous

Schedule 1 [11] enables regulations of a savings and transitional nature to be made as a consequence of the enactment of the proposed Act.

**Schedule 2 Amendment of National Parks and
Wildlife Act 1974 No 80**

Schedule 2 amends the *National Parks and Wildlife Act 1974* to provide that a general licence or an occupier's licence under that Act can no longer be issued to authorise the harming of a game animal within the meaning of the *Game and Feral Animal Control Act 2002* as such animals may be hunted or killed under the authority of a game hunting licence or game management licence granted by the Game Council under that Act.



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New South Wales

Game and Feral Animal Control Further Amendment Bill 2012

No. , 2012

A Bill for

An Act to amend the *Game and Feral Animal Control Act 2002* and the *National Parks and Wildlife Act 1974* to make further provision with respect to the hunting or killing of game birds and other game animals; 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 Further Amendment Act 2012</i> .	3 4
2 Commencement	5
This Act commences on 27 December 2012.	6

Schedule 1	Amendment of Game and Feral Animal Control Act 2002 No 64	1
		2
[1] Section 4 Definitions		3
	Insert in alphabetical order:	4
	<i>game management licence</i> means a licence granted under Part 3A and in force.	5 6
[2] Section 6A Exemptions from certain offences under National Parks and Wildlife legislation		7 8
	Insert after section 6A (2) (as inserted by the <i>Game and Feral Animal Control Amendment Act 2012</i>):	9 10
	(2A) A person who is authorised by or under a game management licence to kill a game animal under the authority conferred by the licence does not, in connection with that authorised activity, commit:	11 12 13 14
	(a) any offence under the <i>National Parks and Wildlife Act 1974</i> or the regulations under that Act that involves harming the game animal, or	15 16 17
	(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 the game animal.	18 19 20
[3] Section 14 Classes of game hunting licences		21
	Omit “this Act”. Insert instead “this Part”.	22
[4] Section 15 Authority conferred by different classes of game hunting licences		23 24
	Insert “(other than game animals listed in Part 1A of Schedule 3)” after “game animals” in section 15 (2).	25 26
[5] Section 17 Exemptions from requirement for game hunting licence		27
	Insert after section 17 (1) (a):	28
	(a1) a person who is carrying on activities authorised by or under a game management licence,	29 30

[6] Part 3A	1
Insert after Part 3:	2
Part 3A Game management licences	3
32A Game management licences	4
(1) The Game Council may grant a licence (a <i>game management licence</i>) authorising the owner or occupier of specified land:	5
(a) to kill, or	6
(b) to permit the holder of a game hunting licence to kill,	7
a specified number of game animals of a specified class found on	8
that land otherwise than for the purposes of sale.	9
(2) A game management licence also authorises the person who has	10
killed a game animal under the authority of the licence to possess	11
the carcass, or the skin or any other part, of the game animal.	12
(3) The authority conferred by a game management licence is subject	13
to this Act.	14
(4) Except as provided by section 6A (2A), a game management	15
licence does not authorise a person to contravene any prohibition	16
or restriction imposed by or under any other Act.	17
32B Application of provisions relating to game hunting licences to	18
game management licences	19
(1) Division 4 of Part 3 applies to or in respect of game management	20
licences in the same way as it applies to or in respect of game	21
hunting licences.	22
(2) Accordingly, a reference in that Division to a game hunting	23
licence is taken to include a reference to a game management	24
licence.	25
(3) This section is subject to the regulations.	26
	27

[7] Part 4A	1
Insert after Part 4:	2
Part 4A Special provisions relating to native game birds	3
	4
52A Definitions	5
In this Part:	6
<i>licence</i> means a game hunting licence or game management licence and <i>licence holder</i> means the holder of any such licence.	7
<i>native game bird</i> means a game animal listed in Part 1A of Schedule 3.	8
	9
	10
52B Quotas on hunting or killing native game birds	11
(1) The Game Council may set annual quotas of native game birds that may be hunted or killed under the authority conferred by a licence.	12
	13
	14
(2) The following provisions apply to the setting of quotas by the Game Council:	15
	16
(a) quotas are to be set on the basis of the best scientific information available of the estimated regional population of native game birds,	17
	18
	19
(b) quotas are to be set independently of the number of native game birds permitted to be killed or captured under the authority conferred by commercial fauna harvesters' licences under the <i>National Parks and Wildlife Act 1974</i> ,	20
	21
	22
	23
(c) separate quotas may be set for different species of native game birds and for different parts of the State,	24
	25
(d) quotas may be revised from time to time.	26
(3) The Game Council is to ensure, by the imposition of licence conditions, that the number of native game birds authorised to be hunted or killed by or on behalf of licence holders complies with the relevant quota set by the Game Council.	27
	28
	29
	30
(4) The Game Council is not required to set annual quotas for all species of native game birds in all parts of the State.	31
	32
(5) If a quota is not set during a particular period in respect of a particular species or a particular part of the State, a licence does not, except as may be provided by the regulations, authorise a person to hunt or kill, during that period, that particular species	33
	34
	35
	36

	of native game bird or any native game bird in that particular part of the State.	1 2
52C	Restrictions in relation to native game birds	3
(1)	The Game Council may, in addition to setting quotas under section 52B, determine the following matters:	4 5
(a)	the periods during which, and the areas within which, particular species of native game birds may be hunted or killed under the authority conferred by a licence,	6 7 8
(b)	requirements with respect to the tagging or other identification, and notification to the Game Council, of native game birds killed or captured by or on behalf of licence holders,	9 10 11 12
(c)	guidelines for the auditing of compliance with this Act in respect of the hunting or killing of native game birds.	13 14
(2)	The Game Council is to ensure, by the imposition of licence conditions, that determinations under this section are complied with by licence holders.	15 16 17
(3)	The Game Council is to include in its annual report details on the number, as notified to the Game Council, of native game birds killed or captured by or on behalf of licence holders during the reporting year in those parts of the State in which the hunting or killing of native game birds is authorised under this Act.	18 19 20 21 22
52D	Identification test for hunters of native waterfowl	23
(1)	A game hunting licence or game management licence does not authorise any person to hunt or kill native game birds that are waterfowl unless the person has passed an official identification test.	24 25 26 27
(2)	In this section:	28
	<i>official identification test</i> means a test involving the identification of native waterfowl that:	29 30
(a)	is conducted by or on behalf of the Game Council, or	31
(b)	is recognised by the Game Council,	32
	and includes any test conducted before the commencement of this section by or on behalf of the Office of Environment and Heritage in the Department of Premier and Cabinet (or the equivalent agency of another State or Territory) in connection with the identification of native waterfowl.	33 34 35 36 37

[8]	Section 55B Requirements for commercial taxidermists	1
	Insert “or 1A” after “Part 1” in section 55B (1) (as inserted by the <i>Game and Feral Animal Control Amendment Act 2012</i>).	2 3
[9]	Schedule 3 Game animals	4
	Insert in Part 1 of Schedule 3 (as inserted by the <i>Game and Feral Animal Control Amendment Act 2012</i>) after the matter relating to Guinea Fowl:	5 6
	Mallard Duck (<i>Anas platyrhynchos</i>)	7
[10]	Schedule 3, Part 1A	8
	Insert after Part 1:	9
	Part 1A Native game birds (licence required to hunt on private land)	10 11
	Ducks	12
	Australian Shelduck or Mountain Duck (<i>Tadorna tadornoides</i>)	13
	Australian Wood Duck or Maned Duck (<i>Chenonetta jubata</i>)	14
	Black Duck or Pacific Black Duck (<i>Anas superciliosa</i>)	15
	Blue-winged Shoveler or Australasian Shoveler (<i>Anas rhynchotis</i>)	16
	Chestnut Teal (<i>Anas castanea</i>)	17
	Grass Whistling Duck or Plumed Whistling Duck (<i>Dendrocygna eytoni</i>)	18
	Grey Teal (<i>Anas gibberifrons</i>)	19
	Hardhead Duck or White-eyed Duck (<i>Aythya australis</i>)	20
	Pink-eared Duck (<i>Malacorhynchus membranaceus</i>)	21
	Water Whistling Duck, Wandering Whistling Duck or Whistling or Wandering Tree Duck (<i>Dendrocygna arcuata</i>)	22 23
	Quails	24
	Brown Quail (<i>Coturnix ypsilophora</i>)	25
	Stubble Quail (<i>Coturnix pectoralis</i>)	26
	Pigeons	27
	Common Bronzewing Pigeon (<i>Phaps chalcoptera</i>)	28
	Crested Pigeon (<i>Ocyphaps lophotes</i>)	29
[11]	Schedule 4 Savings, transitional and other provisions	30
	Insert at the end of clause 1 (1):	31
	<i>Game and Feral Animal Control Further Amendment Act 2012</i>	32

Schedule 2	Amendment of National Parks and Wildlife Act 1974 No 80	1
		2
[1] Section 120 General licence		3
Insert after section 120 (2B):		4
(2C) Despite any other provision of this section, a general licence is not to be issued to authorise the harming, on private land, of any game animal within the meaning of the <i>Game and Feral Animal Control Act 2002</i> .		5
		6
		7
		8
	Note. Game animals may be hunted or killed under the authority of a game hunting licence or game management licence under the <i>Game and Feral Animal Control Act 2002</i> .	9
		10
		11
[2] Section 121 Occupier's licence		12
Insert after section 121 (3):		13
(4) Despite any other provision of this section, an occupier's licence is not to be issued to authorise the harming of any game animal within the meaning of the <i>Game and Feral Animal Control Act 2002</i> .		14
		15
		16
		17
	Note. Game animals may be hunted or killed under the authority of a game hunting licence or game management licence under the <i>Game and Feral Animal Control Act 2002</i> .	18
		19
		20
[3] Schedule 3 Savings, transitional and other provisions		21
Insert at the end of clause 1 (1):		22
	<i>Game and Feral Animal Control Further Amendment Act 2012</i>	23