



New South Wales

## Game and Feral Animal Control 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* (*the Act*) as follows:

- (a) to enable the Minister responsible for national park estate land (which includes national parks and certain other land reserved under the *National Parks and Wildlife Act 1974*) to make that land available for the hunting of game animals by persons who hold a game hunting licence,
- (b) to specify certain national park estate land that cannot be made available for the hunting of game animals,
- (c) to add several species of non-indigenous birds to the list of game animals that may be hunted under the authority of a game hunting licence,
- (d) to enable the list of game animals to be amended by Ministerial order but to specifically exclude native animals from being added by such an order,
- (e) to make it an offence to interfere with persons lawfully hunting game animals on public hunting land,
- (f) to make a number of other amendments of an administrative, minor or consequential nature.

The Bill also amends certain other legislation:

- (a) to enable a public or local authority to give permission to shoot on land owned or managed by the authority whether or not it is rural land, and
- (b) to require the Game Council to be consulted before any pest control order is made declaring a game animal to be a pest, and
- (c) to make a number of consequential and other minor or miscellaneous amendments.

## 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 6 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 No 64**

### **Declaration of national park estate land as public hunting land**

**Schedule 1 [4] and [5]** amend the definition of *public land* so that it includes, rather than excludes as is currently the case, national park estate land (eg 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 the Environment) will, subject to certain restrictions, 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 [3] and [12]** are consequential amendments and **Schedule 1 [2]** inserts a definition of *declared public hunting land* for clarification purposes.

**Schedule 1 [18]** provides that certain national park estate land cannot be declared as public hunting land by the relevant Minister. The land that cannot be declared includes wilderness areas, world heritage properties and a number of national parks and other reserves and areas that are generally in or adjacent to metropolitan areas. The national park estate land that is effectively "off-limits" is listed in proposed Schedule 3A to the Act (as inserted by **Schedule 1 [30]**).

### **Game animals that may be hunted**

**Schedule 1 [6]** recasts the provision of the Act that specifies the non-indigenous game animals that may be hunted under the authority conferred by a game hunting licence so that the provision refers instead to a list set out in proposed Schedule 3 to the Act (as inserted by **Schedule 1 [30]**). The list of game animals contains 2 separate parts (eg the game animals currently referred to in section 5 (2) of the Act will now be listed in Part 2 of the new Schedule). The list will be able to be amended by

Ministerial order, but native animals will not be able to be added. As is the case currently under the Act, any animal that is or is part of a threatened species, population or ecological community is not a game animal for the purposes of the Act and cannot be hunted. **Schedule 1 [1], [15] and [16]** make consequential amendments.

### **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, specified 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 or is about to commit such an offence.

**Schedule 1 [26]** creates the following new offences:

- (a) proposed section 55A makes it an offence to interfere with a person who is lawfully hunting game animals on public hunting land in accordance with the authority conferred by a game hunting licence,
- (b) proposed section 55B prohibits commercial taxidermists from preserving or preparing the skins of certain game animals unless satisfied the animal concerned has been killed by a person who is the holder of a game hunting licence (or by a person with some other lawful authorisation) and also requires commercial taxidermists to record certain information and to make those records available for inspection.

### **Miscellaneous amendments relating to administration of the Act and other matters**

**Schedule 1 [7]** provides for exemptions from 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 [7]** also provides that certain orders and notices under other legislation cannot prevent or interfere with any activity carried out in accordance with the authority conferred by a game hunting licence. **Schedule 1 [14]** makes a consequential amendment.

**Schedule 1 [9]** 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 [10]** provides for an additional member of the Game Council, namely a person nominated by the Minister administering the *National Parks and Wildlife Act 1974*. **Schedule 1 [8]** makes a consequential amendment.

**Schedule 1 [11]** enables the Game Council to delegate any of its functions to the chief executive officer of the Game Council.

**Schedule 1 [13]** 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 [17]** removes a provision that exempts professional game hunters from the licensing requirements under the Act.

**Schedule 1 [19] and [20]** 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 value of a thing that the Local Court may require to be forfeited in connection with an offence under the Act.

**Schedule 1 [23]** provides that, in order for a person to be found guilty of an offence of failing to comply with a requirement by an inspector or a police officer under the Act, the person must first be warned that the failure to comply is an offence.

**Schedule 1 [27]–[29]** make provision for the office of Deputy Chairperson of the Game Council.

**Schedule 1 [31]** 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 *Firearms Act 1996* to enable a public or local authority to give permission to shoot, in connection with the genuine reason of recreational hunting/vermin control or vertebrate pest animal control, on land that is owned by, or under the control or management of, the authority and that is within a non-metropolitan area.

**Schedule 2.2** amends the *Game and Feral Animal Control Regulation 2004* mainly as a consequence of the amendments to the Act made by Schedule 1.

**Schedule 2.3** amends the *Rural Lands Protection Act 1998* to make a consequential amendment and to require the Game Council to be consulted before pest control orders are made declaring game animals to be pests.