

**INQUIRY INTO GAME AND FERAL ANIMAL
LEGISLATION AMENDMENT (CONSERVATION
HUNTING) BILL 2025**

Organisation: Animal Defenders Office
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Animal Defenders Office

Using the law to protect animals

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Standing Committee on State Development
NSW Legislative Council
NSW Parliament

By email: state.development@parliament.nsw.gov.au

Dear Sir/Madam

Submission to the Inquiry into Game and Feral Animal Legislation Amendment (Conservation Hunting) Bill 2025

Thank you for the opportunity to provide a submission to the Standing Committee on State Development's Inquiry into the Game and Feral Animal Legislation Amendment (Conservation Hunting) Bill 2025 (NSW) (**the Bill**).¹

Our comments on the Bill are set out below.

About the Animal Defenders Office

The Animal Defenders Office (**ADO**) is a nationally accredited not-for-profit community legal centre that specialises in animal law. The ADO provides pro bono animal law services to the community. The ADO is a member of Community Legal Centres NSW Inc., the peak body representing community legal centres in NSW.

Further information about the ADO can be found at www.ado.org.au.

General comments

The ADO does not support the Bill for several fundamental reasons.

The Bill is based on the premise that recreational hunting is a good thing and there should be more of it. Yet it is undeniable that hunting is not good from an animal welfare perspective. Animal welfare authorities generally oppose recreational hunting 'due to the inherent and inevitable pain and suffering caused'.²

There is already a dire lack of monitoring and enforcement of animal welfare laws in recreational hunting, especially at the point of kill which is in remote areas and often at

¹ <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3111#tab-termsofreference>.

² RSPCA Australia, 'What is the RSPCA's view on recreational hunting?', updated 19 August 2019, <https://kb.rspca.org.au/knowledge-base/what-is-the-rspcas-view-on-recreational-hunting/>.

night. Codes of practice and standard operating procedures are worthless if no one monitors whether they are complied with where it matters most, being the point of kill.

The Bill offers no solutions to this fundamental problem with hunting wildlife. It provides no reassurances that there will be any safeguards for animal welfare with the increased hunting activity that would result if the Bill were to pass.

The Bill's explanatory material, including the Second Reading Speech³, is replete with assertions about how recreational hunting helps conserve the environment, yet no actual evidence is provided to support these assertions. The best the Bill's proponents can do is to quote from the Simpsons, which is not only ludicrous in a formal speech for a Bill, but also entirely misses the deeply satirical, and therefore critical, nature of the show. It does not take a great deal of awareness to see that everything Homer Simpson says is dumb, ignorant and wrong-headed, and therein lies the humour.

The Second Reading Speech also tries to justify the Bill by claiming that because our primitive ancestors hunted, the activity is inherently worthwhile. However, just because something has been done for a long time does not make it right or acceptable. The obvious example from human history is slavery. Human slavery was a fundamental part of almost every human society since time immemorial, yet today it is utterly and completely rejected. Patriarchy is another example, although arguably still entrenched in most human societies.

In another bid to claim some kind of moral high ground for recreational hunting, the Bill's proponents try to put recreational hunting on a parallel with traditional indigenous subsistence hunting. Yet this completely ignores that traditional indigenous communities hunted because they had to, to survive. They were hunter gatherers rather than agricultural-based societies. It is completely misguided, indeed insulting, to draw a parallel between recreational hunting, which is based on killing things for fun, and the necessary cultural practices of indigenous societies.

NSW is renowned for its lack of leadership in animal welfare.⁴ Yet even so, it is nothing short of astounding that NSW is contemplating enshrining in law recreational activities that draw their inspiration from cave-dwelling prehistoric humans but still has not recognised animal sentience in law. That animals are sentient, meaning they can suffer and feel pain, has been acknowledged by scientists and philosophers for centuries. And yet NSW still refuses to recognise animal sentience in its animal protection laws. This is

³ The Bill, 'Second Reading Speech', *Legislative Council Hansard*, 28 May 2025, <https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/'HANSARD-1820781676-99657'> (**Second Reading Speech**).

⁴ For example, it still has the oldest animal welfare law in the country (*Prevention of Cruelty to Animals Act 1979*) despite long-standing promises to introduce a new animal welfare framework (<https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/animal-welfare-reform>), and was one of the last jurisdictions to bring in laws against puppy farming (*Prevention of Cruelty to Animals Amendment (Puppy Farming) Act 2024*).

what the NSW Parliament should be prioritising, so we stop treating animals as mere accessories in human pastimes or experiments. It is this outdated approach to animals that led to humans introducing non-native species into our environment in the first place.

While this Bill has its sights on our distant prehistoric past, other jurisdictions have recognised contemporary community values by acknowledging the inherent violence in some forms of hunting and have banned them for that reason. In the ACT for example, the use of animals to injure or kill another animal, such as in the recreational hunting practice of pig dogging, is prohibited as a ‘violent animal activity’.⁵

Finally, the proposition that recreational hunting is good for the environment because it controls the populations of introduced species is itself inherently flawed. Hunting depends on there being animals to shoot. Conservation depends on the eradication of those animals. It is illogical to suggest that the two can co-exist.

Specific comments on the Bill

The ADO’s comments on specific provisions in the Bill are set out in the following table.

Amendment (provision)	Comments
Schedule 1 Amendment of Game and Feral Animal Control Act 2002	
[1] Section 3 Objects	<p>Given the controversial and contentious claims inherent in the proposed objects, the ADO does not support the insertion of proposed subparagraph 3(a1)(i) in the objects clause of the <i>Game and Feral Animal Control Act 2002 (GFAC Act)</i>. Legislation should be based on evidence, facts and contemporary community standards, not the assertions and ideological demands of minority recreational groups. There is no convincing evidence that hunting encourages the conservation of the natural environment, and it is absurd to suggest that hunting can encourage the conservation of any group of animals, when the point of the activity is to kill animals.</p> <p>The ADO does not support proposed subparagraph 3(a1)(ii) as the goal of preserving ‘the cultures of different groups’ is too vague to be meaningful and therefore serves no purpose in an objects clause. It is also too broad – should the cultures of all groups that hunt be preserved? What cultures and which groups? How do we know the cultures and/or groups are acceptable to the broader community?</p>

⁵ *Animal Welfare Act 1992 (ACT)* s 17.

	<p>What if they were terrorist groups or other groups that advocated for harm to other humans and/or non-target animals?</p> <p>The ADO does not support proposed subparagraph 3(a1)(iii) as it is again absurd to suggest that using violence to harm and kill sentient animals is a way of engaging and connecting with the natural environment. Undertaking violent activities within the natural environment is not a way to engage with it.</p>
Recommendation 1	The ADO recommends that the proposed amendments to the objects clause of the GFAC Act not be agreed to.
[8] Sections 4A-4C	<p><u>Proposed s 4A ‘Right to hunt’</u></p> <p>The ADO does not support the proposed section 4A on the following grounds.</p> <ol style="list-style-type: none"> 1. It serves no valid purpose as the ability to hunt, limitations on the ability to hunt, and the requirement to comply with ‘all relevant laws of the State and Commonwealth’ (proposed s 4A(4)) already exist. 2. NSW is not a human rights jurisdiction as it has no bill or charter of rights, so creating ad hoc purported human rights in separate pieces of non-rights legislation is inappropriate and misguided. 3. The GFAC Act is not a rights instrument so including a ‘right’ in this legislation is inappropriate. 4. Hunting is a violent recreational activity that should not be protected by rights, which are the strongest protection afforded by the law and should be reserved to protect fundamental interests of rights holders. <p><u>Proposed s 4B ‘Obligations of land managers’</u></p> <p>The ADO does not support proposed section 4B because:</p> <ol style="list-style-type: none"> 1. Hunting is a recreational activity and should be taken into account by public sector agencies in the usual way for other recreational activities, while noting that this activity is violent, risky, and potentially damaging to the environment. 2. Forcing public sector agencies to consider the recreational activity of hunting would impose an unreasonable and unjustifiable burden on land managers given the plethora of other concerns and measures that would need to be

	<p>considered and taken, including most importantly public safety, biosecurity, monitoring and compliance.</p> <ol style="list-style-type: none"> 3. There are no, and should not be any, ‘existing rights...to hunt on the land’. 4. The proposed s 4C ‘Decisions not invalidated by right to hunt’ underscores the unnecessary nature of proposed s 4B ie a failure to comply with s 4B would have no legal consequences. <p>For the above reasons proposed s 4C should be removed as it would be redundant without ss 4A-4B.</p>
Recommendation 2	The ADO recommends that proposed sections 4A-4C not be agreed to.
[10] Part 2	<p>Item 10 proposes to omit existing Part 2 and to insert proposed ‘Part 2 Conservation Hunting Authority’</p> <p>The ADO does not support Item 10 for the following reasons.</p> <ol style="list-style-type: none"> 1. It would replace a general advisory body tasked with providing general advice on managing certain types of animals with an ‘authority’ privileging a single and somewhat spurious type of killing referred to as ‘conservation hunting’. 2. ‘Conservation hunting’ is not a defined term in the GFAC Act or the Bill. There is a consequent risk of confusion about the purpose and functions of the proposed body if its name does not reflect, and is not clarified by, the rest of the Act. 3. Membership of the proposed body would not be representative of the wider community. For example, there are no proposed animal welfare members, which is extraordinary considering that the violent killing and harming of animals is at the core of this so-called recreational activity. 4. The proposed body would duplicate what the current advisory body already does.⁶ 5. The Bill’s proponents have not articulated what the ‘mischief’ is that abolishing the current body and replacing it with the proposed body would be addressing, making the proposed replacement unnecessary and unjustifiable considering it would be implemented and run at significant cost to NSW taxpayers.

⁶ For example, both bodies would ‘represent the interests of licensed game hunters in matters arising under this Act’ (GFAC Act s 9(1)(a); Bill proposed s 9(1)(a)).

	<p>6. The proposed amendments do not include any measures to deal with the considerable problems that plagued the previous Game Council that was ultimately abolished in 2013, including:</p> <p>...no overarching governance framework; lacks a strategic planning framework; lacks some of the skills, tools and resources to ensure effective compliance with its regulatory framework; has no internal regulatory compliance program (and has compliance breaches for example with records, privacy, and information access legislation); has no approved enterprise-wide risk management framework; and has an inadequate policy framework.</p> <p>Without any real mandate or direction the Game Council has expanded its governance role beyond its statutory functions, and attempted to reinvent its statutory objects with a focus on the use of the term conservation hunting.</p> <p>The Game Council has not been able to resolve the inherent conflict of interest associated with its functions to both represent the interests of hunters, and to regulate their activities.</p> <p>The risks to government associated with these governance deficiencies should be regarded as unacceptable.⁷</p> <p>7. There are no accountability measures for the proposed body. For example, there is no equivalent to the current requirement for the Advisory Board to provide the Minister with an annual report of its activities during the year (GFAC Act s 9(3)).</p> <p>While the ADO has concerns about a body incorporating value-laden and prejudicial terms such as ‘pest’ and ‘game’ in its title and functions, the ADO does not consider this to be a sufficient reason to abolish and replace the current Advisory Board, given the substantial amount of public money that would be required to do so.</p>
Recommendation 3	The ADO recommends that proposed item [10] not be agreed to.
[11] – [24]	As the proposed amendments in items [11]-[24] are more or less consequential to the substantive changes discussed elsewhere in these submissions, the ADO does not support them and submits that they should not be agreed to.

⁷ Steve Dunn, *Governance Review of the Game Council of NSW*, 14 June 2012, p3.

[25] Schedule 3 Game animals	<p>Item [25] proposes to include ‘Camel’ in the list of non-indigenous animals for the hunting of whom a licence is required only on public land.</p> <p>The ADO does not support increasing the types of animals for whom a licence to kill or harm is not required on certain land. Any decrease in regulatory requirements or monitoring and compliance for killing or harming sentient animals poses a significant animal welfare risk for target and non-target animals alike and should therefore not be supported.</p>
Recommendation 4	The ADO recommends that proposed items [11] - [25] not be agreed to.
Schedule 3 Amendment of Crown Land Management Act 2016 No 58	
[1] Part 9A [2] Schedule 5A	<p>The ADO understands that the effect of proposed Schedule 3 to the Bill would be to ‘[o]pen up at least 23 crown land areas of greater than 400 hectares to recreational hunting’.⁸ The ADO does not support making available additional land on which sentient animals may be subjected to violent recreational activities that harm and kill them. The ADO also acknowledges the concerns of other stakeholders such as affected councils and the impact on their biodiversity strategies and goals and the lack of consideration of the increased risk to the safety of residents of councils that have large areas of State Forest and other crown land reserves in their Local Government Areas.⁹</p> <p>For these reasons the ADO does not support proposed Schedule 3.</p>
Recommendation 5	The ADO recommends that Schedule 3 to the Bill not be agreed to.
Schedule 4 Amendment of other Acts	
Schedule 4.1	As the proposed amendments to the <i>Forestry Act 2012</i> (NSW) would be a consequence of proposed changes discussed elsewhere in

⁸ The effect of Schedule 3 to the Bill is difficult to gauge from the Bill and Explanatory Note, so secondary material has been relied on: Invasive Species Council, ‘NSW government urged to reject Shooters Party deal over ‘dangerous and misleading’ hunting bill’, 2 June 2025, <https://invasives.org.au/media-releases/nsw-government-urged-to-reject-shooters-party-deal-over-dangerous-and-misleading-hunting-bill/>.

⁹ Bellingen Shire Council, *Minutes. 16/07/2025 Ordinary Meeting of Council*, 7.2 ‘Notice of Motion - Oppose Hunting Access Expansion and the “Right to Hunt” in the Conservation Hunting Bill 2025’; available via <https://www.bellingen.nsw.gov.au/Your-Council/Council-Meetings-Elected-Members-Councillor-Workshops/Agenda-Minutes-Councillor-Workshops>.

	these submissions, the ADO does not support proposed Schedule 4.1.
Schedule 4.2	<p>The Explanatory note states that proposed Schedule 4.2 would amend ‘the <i>Weapons Prohibition Act 1998</i> to provide that conservation hunting may be considered a genuine reason for the Commissioner of Police to issue a permit for the possession and use of a prohibited weapon.’</p> <p>Part 2 of the <i>Weapons Prohibition Act 1998</i> (WP Act) deals with prohibited weapons. Under the WP Act it is an offence to possess or use a prohibited weapon unless the person is authorised to do so by a permit (s 7(1)). If prosecuted for this offence, it is subject to a maximum penalty of imprisonment for 14 years. The severity of the maximum penalty indicates the seriousness with which the offence is regarded.</p> <p>Part 2 requires a person wishing to possess or use a prohibited weapon to apply to the Commissioner of Police (Commissioner) (Division 2 ‘Permit scheme’).</p> <p>Section 11 of the WP Act states that a permit authorising the possession or use of a prohibited weapon must not be issued unless the applicant has, in the opinion of the Commissioner, a genuine reason for possessing or using the weapon (s 11(1)). Genuine reasons include the reasons set out in the Table to s 11(2). The first reason specified is ‘recreational/sporting purposes’.¹⁰</p> <p>Proposed Schedule 4.2 would insert an additional reason at the end of the Table: ‘conservation hunting’.</p> <p>The ADO does not support proposed Schedule 4.2 for the following reasons.</p> <ol style="list-style-type: none"> 1. There is already a specified reason (‘recreational/sporting purposes’) that would cover recreational hunting, so the proposed amendment is otiose. 2. The proposed reason would effectively outsource the role of the Commissioner in deciding an application for a permit under Part 2 of the WP Act. Section 11(1) requires the Commissioner to form an opinion as to whether the

¹⁰ The Table specifies for this reason: ‘The applicant must demonstrate that the recreational or sporting activity concerned requires the possession or use of the prohibited weapon for which the permit is sought.’

	<p>applicant holds ‘a genuine reason for possessing or using the weapon’. This is no doubt why every reason specified in the Table to s 11 requires the applicant <i>to demonstrate</i> why it is necessary to possess or use the prohibited weapon, in addition to holding a certain qualification or other documentation if that is part of the reason (eg being a veterinary practitioner). The proposed amendment states that the genuine reason would be merely holding a ‘conservation hunting licence’, giving the Commissioner nothing to do in forming an opinion and making a decision as to whether to issue the permit.</p> <p>3. There is no proposed definition of ‘conservation hunting’ which could create confusion about this proposed reason, including how it is different from the first specified reason (‘recreational/sporting purposes’) and whether that reason applies to the proposed reason.</p>
Recommendation 6	The ADO recommends that Schedule 4 to the Bill not be agreed to.

In light of the above submissions, the ADO recommends that the Bill not be passed.

Thank you for taking these submissions into consideration.

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Animal Defenders Office

5 August 2025