



New South Wales

Game and Feral Animal Control Amendment Regulation 2014

under the

Game and Feral Animal Control Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Game and Feral Animal Control Act 2002*.

KATRINA HODGKINSON, MP
Minister for Primary Industries

Explanatory note

The object of this Regulation is to amend the *Game and Feral Animal Control Regulation 2012* as a consequence of the *Game and Feral Animal Control Further Amendment Act 2012* which makes provision with respect to the killing, for sustainable agricultural management purposes only, of native game birds on private land under the authority of native game bird management licences issued by the Secretary of the Department of Trade and Investment, Regional Infrastructure and Services. In particular, this Regulation imposes conditions on licensed game hunters who kill native game birds under the authority conferred by a native game bird management licence (which can only be issued to the owner or occupier of land used for agricultural purposes).

This Regulation also makes provision for a new type of game hunting licence, namely a professional hunter's licence for persons who hunt game animals in the course of any paid employment or engagement.

This Regulation is made under the *Game and Feral Animal Control Act 2002*, including sections 32, 32B and 60 (the general regulation-making power).

Game and Feral Animal Control Amendment Regulation 2014

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Game and Feral Animal Control Act 2002

1 Name of Regulation

This Regulation is the *Game and Feral Animal Control Amendment Regulation 2014*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Game and Feral Animal Control Regulation 2012

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

professional hunter means a person (other than a commercial hunter or hunting guide) who hunts game animals in the course of any paid employment or engagement.

[2] Part 3, heading

Omit “**Licensing**”. Insert instead “**Game hunting licences**”.

[3] Clause 6 Classes and types of game hunting licence

Insert after clause 6 (d):

(e) professional hunter’s licence.

[4] Clause 8 Standard hunting licence

Omit “or commercial hunter”. Insert instead “, commercial hunter or professional hunter”.

[5] Clause 11A

Insert after clause 11:

11A Professional hunter’s licence

A professional hunter’s licence authorises the licensee to engage in the hunting of game animals as a professional hunter and also confers the authority of a standard hunting licence.

[6] Clause 13 Restrictions on granting licences

Omit “or commercial hunter’s licence” from clause 13 (2).

Insert instead “, commercial hunter’s licence or professional hunter’s licence”.

[7] Clause 16 Licence fees

Insert “or professional hunter’s licence” after “standard hunting licence” in clause 16 (1) (a).

[8] Part 3A

Insert after Part 3:

Part 3A Native game bird management licences

19A Application of Division 4 of Part 3 of the Act

Sections 24, 28 and 29 (3) (a) of the Act do not apply to or in respect of a native game bird management licence.

Note. Section 32B of the Act provides that Division 4 of Part 3 of the Act (which includes the provisions referred to above) applies to or in respect of native game bird management licences in the same way as it applies to or in respect of game hunting licences. However, the application of Division 4 of Part 3 of the Act to native game bird management licences is subject to the regulations.

19B Applications for native game bird management licence

- (1) Only the owner or occupier of land used for agricultural purposes is eligible to be granted a native game bird management licence.
- (2) An application for a native game bird management licence must be made in a form approved by the Regulatory Authority that is published on its website.
- (3) An applicant for a native game bird management licence must provide to the Regulatory Authority such evidence as the Regulatory Authority may request (at the time the application is made or subsequently) for the purposes of a determination of the eligibility of the applicant to be granted a licence.

19C Maximum duration of native game bird management licences

A native game bird management licence may be granted to remain in force for up to 5 years (being the relevant maximum period for the licence for the purpose of section 25 of the Act).

[9] Clause 22A

Insert after clause 22:

22A Savings and transitional provisions consequent on enactment of Game and Feral Animal Control Further Amendment Act 2012

- (1) Section 15 (1) and (2) of the Act, as substituted by the *Game and Feral Animal Control Further Amendment Act 2012* (the **amending Act**), extend to a game hunting licence in force immediately before the commencement of the amending Act.
- (2) The amendments made by the amending Act to the *National Parks and Wildlife Act 1974* do not affect the operation of, or the authority conferred by, any licence issued under section 120 or 121 of that Act and in force immediately before the commencement of the amending Act.

[10] Clause 23 Amendment of Regulation

Omit the clause.

[11] Schedule 1 Conditions of game hunting licences

Insert after clause 4 (2):

- (3) This clause does not apply to a professional hunter.

[12] Schedule 1, clauses 5 (3), 6 (2), 8 (3) and 10 (2)

Insert “or professional hunter” after “commercial hunter” wherever occurring.

[13] Schedule 1, clause 7 (3)

Insert after clause 7 (2):

- (3) This clause does not apply to a professional hunter.

[14] Schedule 1, clauses 7A and 11 (2)

Insert “or 1A” after “Part 1” wherever occurring.

[15] Schedule 1, clause 9 (4)

Insert after clause 9 (3):

- (4) This clause does not apply to a professional hunter.

[16] Schedule 1, Part 2A

Insert after Part 2:

Part 2A Special provisions relating to native game birds

10A Conditions relating to native game birds

- (1) If the holder of a game hunting licence (the *hunter*) has obtained the written permission of the holder of a native game bird management licence (the *licence holder*) to kill native game birds on the licence holder's land, the hunter must:
 - (a) comply with any requirement imposed by the licence holder as a condition of the permission to kill native game birds on that land, including the number or species of native game birds that may be killed by the hunter, and

Note. Quotas are set under section 32D of the Act for the number or species of native game birds that may be killed under the authority conferred by a native game bird management licence held by the owner or occupier of land and these quotas are enforced by way of licence conditions imposed on that licence holder by the Regulatory Authority.
 - (b) comply with any other reasonable direction given to the hunter by the licence holder in relation to the killing of native game birds on that land, and
 - (c) produce for inspection, on request by an inspector or police officer, the written permission of the licence holder.
- (2) This clause does not limit any of the other conditions to which a game hunting licence is subject.
- (3) For the purposes of this clause, *kill* includes capture.

[17] Schedule 4 Amendments

Omit the Schedule.