



New South Wales

Game and Feral Animal Control Regulation 2022

under the

Game and Feral Animal Control Act 2002

His Honour the Administrator, with the advice of the Executive Council, has made the following Regulation under the *Game and Feral Animal Control Act 2002*.

DUGALD SAUNDERS, MP
Minister for Agriculture

Explanatory note

The object of this Regulation is to repeal and remake, with amendments, the *Game and Feral Animal Control Regulation 2012*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

This Regulation provides for the following matters—

- (a) the types of game hunting licence (standard hunting licence, visitor's hunting licence, hunting guide licence, commercial hunter's licence and professional hunter's licence),
- (b) the approval of training for eligibility for a game hunting licence and the accreditation of persons, clubs and associations to conduct training,
- (c) restrictions on the granting of game hunting licences,
- (d) machinery matters for licences, including applications, duration of licences and grounds for refusal of a licence,
- (e) the giving of notice of the proposed declaration of public hunting land,
- (f) the conditions of game hunting licences, including conditions relating to native game birds,
- (g) the prescription of fees for licences,
- (h) penalty notice offences and their penalties.

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Game and Feral Animal Control Regulation 2022

under the

Game and Feral Animal Control Act 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Game and Feral Animal Control Regulation 2022*.

2 Commencement

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

Note— This Regulation repeals and replaces the *Game and Feral Animal Control Regulation 2012*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

In this Regulation—

commercial hunter means a person who hunts for game animals for the purpose of the sale of those animals.

commercial hunter's licence means a licence of a type specified in section 8.

firearm has the same meaning as in the *Firearms Act 1996*.

hunter, for Schedule 2, Part 3—see Schedule 2, section 9.

hunting guide means a person who, for fee or reward, accompanies persons on a hunt for game animals for the purpose of guiding and otherwise assisting the persons in relation to the hunting of game animals.

hunting guide licence means a licence of a type specified in section 7.

motor vehicle, for Schedule 2—see Schedule 2, section 1.

possession, of a firearm, has the same meaning as in the *Firearms Act 1996*.

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

professional hunter's licence means a licence of a type specified in section 9.

standard hunting licence means a licence of a type specified in section 5.

the Act means the *Game and Feral Animal Control Act 2002*.

visitor's hunting licence means a licence of a type specified in section 6.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

Part 2 Game hunting licences

Division 1 Types of licences—the Act, s 32

4 Classes and types of game hunting licence

For both a general class and restricted class of game hunting licence, there are the following types of licence—

- (a) standard hunting licence,
- (b) visitor's hunting licence,
- (c) hunting guide licence,
- (d) commercial hunter's licence,
- (e) professional hunter's licence.

5 Standard hunting licence

A standard hunting licence authorises the licensee to engage in the hunting of game animals other than as a hunting guide, commercial hunter or professional hunter.

6 Visitor's hunting licence

A visitor's hunting licence authorises the licensee to engage in the hunting of game animals in the company of the holder of a standard hunting licence or hunting guide licence that is of the same class, general or restricted, as the visitor's hunting licence.

7 Hunting guide licence

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

8 Commercial hunter's licence

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

9 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.

Division 2 Training

10 Approval of courses of training for licences

- (1) For the Act, section 32(2)(c), the Regulatory Authority may—
 - (a) approve courses of training for the purposes of the grant of game hunting licences, and
 - (b) accredit persons, clubs or associations to conduct the courses.
- (2) Different courses of training may be approved for different classes and types of licence.
- (3) If a course of training is approved for a particular class and type of licence, a person is not eligible to be granted a licence of that class and type unless the Regulatory Authority is satisfied the person has successfully completed the course of training.

- (4) A course of training approved for this section may include provision for training in relation to the following—
 - (a) relevant provisions of the Act, this Regulation and a code of practice approved under the Act, section 24,
 - (b) principles for the safe use of firearms, bows or other hunting equipment,
 - (c) ethics of hunting, including laws relating to trespass,
 - (d) animal welfare issues relating to hunting,
 - (e) other matters the Regulatory Authority considers appropriate.
- (5) The Regulatory Authority may withdraw an approval or accreditation under this section.

Division 3 Administration of licences

11 Restrictions on granting licences—the Act, s 21

- (1) Only an individual is eligible to be granted a game hunting licence.
- (2) A hunting guide licence, commercial hunter's licence or professional hunter's licence must not be granted to a person who is less than 18 years of age.
- (3) A standard hunting licence or visitor's hunting licence must not be granted to a person who is less than 12 years of age.
Note— The minimum age for the grant of a minor's firearms permit under the *Firearms Act 1996* is 12 years of age.
- (4) A visitor's hunting licence must only be granted to a person if the Regulatory Authority is satisfied the person's principal place of residence is outside Australia.

12 Licence applications—the Act, ss 26 and 32(2)(b)

- (1) An application for a game hunting licence must be—
 - (a) made in a form approved by the Regulatory Authority that is published on the Regulatory Authority's website, and
 - (b) accompanied by the fee for the application set out in Schedule 1.
- (2) An applicant for a game hunting licence must give the Regulatory Authority evidence requested by the Regulatory Authority, at the time the application is made or after the application is made, for the Regulatory Authority to decide the eligibility of the applicant to be granted a licence.
Note— The *Electronic Transactions Act 2000*, section 8 provides that a person required, or permitted, to give information in writing may give the information by electronic communication.
- (3) A person who holds a general licence may make an application to upgrade the licence to a restricted licence of the same type—
 - (a) for the remainder of the period for which the general licence is issued, and
 - (b) on payment of the fee for the application set out in Schedule 1.

13 Maximum period for licences

For the Act, section 25(2)(b), the relevant maximum period for a game hunting licence, other than a visitor's hunting licence, is prescribed as 5 years.

Notes—

- 1 See section 22 for the relevant maximum period for a native game bird management licence.
- 2 See the Act, section 25(2)(a), which provides the relevant maximum period for a licence is 12 months, unless otherwise prescribed by the regulations.

14 Reduction in licence fees

The fee payable for a licence application is reduced by one-third, to the nearest whole dollar amount, if the person applying for the licence—

- (a) is less than 18 years of age, or
- (b) is an eligible pensioner within the meaning of the *Motor Vehicles Taxation Act 1988*, section 3(1), paragraphs (a) and (b).

15 Licence lost, destroyed or defaced

A licence to replace a licence that has been lost, destroyed or defaced may be issued—

- (a) for the period that is the remainder of the period of the licence it replaces, and
- (b) on payment of the fee set out in Schedule 1.

16 Grounds for refusal of licence—offences

- (1) For the Act, section 21(3)(d), the Regulatory Authority must refuse to grant a game hunting licence to a person if, in the 10 years prior to the application for the licence, the person has been found guilty of an offence against any of the following provisions—
 - (a) the Act, section 16, 18, 27 or 50,
 - (b) the *Biodiversity Conservation Act 2016*, section 2.1 or 2.5,
 - (c) the *Companion Animals Act 1998*, section 8(3) or (4), 9(1) or 12(2),
 - (d) the *Crimes Act 1900*, section 93G, 93H, 93I or 310J,
 - (e) the Criminal Code of the Commonwealth, Part 5.3 or 5.4,
 - (f) the *Crown Land Management Act 2016*, section 9.5(3),
 - (g) the *Firearms Act 1996*, section 7, 7A, 39(1), 40(1), 65, 66, or 68(1),
 - (h) the *Firearms Regulation 2017*, clause 30(4) or 32(2) or (3),
 - (i) the *Fisheries Management (General) Regulation 2019*, clause 52 or 53,
 - (j) the *Forestry Act 2012*, section 68,
 - (k) the *National Parks and Wildlife Act 1974*, section 45, 56, 58Q or 70,
 - (l) the *National Parks and Wildlife Regulation 2019*, clause 11, 14, 23 or 28,
 - (m) the *Prevention of Cruelty to Animals Act 1979*, section 7, 8, 9, 16, 19, 19A, 21 or 23,
 - (n) the *Summary Offences Act 1988*, section 11C or 28J,
 - (o) the *Weapons Prohibition Act 1998*, section 7.
- (2) The Regulatory Authority must refuse to grant a game hunting licence to a person if, in the 10 years prior to the application for the licence—
 - (a) the person has been found guilty of an offence relating to—
 - (i) firearms or weapons, or
 - (ii) hunting on land without permission, or
 - (iii) dishonesty, and
 - (b) the offence was an offence under—
 - (i) the law of another Australian jurisdiction outside the State, or
 - (ii) the law of an overseas jurisdiction, being an offence that, had it been committed in Australia, would be an offence under the law of an Australian jurisdiction.

17 Conditions of game hunting licences

For the Act, section 22(3), the provisions of Schedule 2 are prescribed as conditions of a game hunting licence.

Note— Compliance with the mandatory provisions of a code of practice for holders of game hunting licences approved under the Act, section 24 is also a condition of a game hunting licence.

18 Suspending or cancelling game hunting licences

For the Act, section 29(4)(c), the Regulatory Authority may suspend or cancel a game hunting licence if—

- (a) the holder of the licence is found guilty of an offence specified in section 16, or
- (b) the Regulatory Authority is no longer satisfied the holder of the licence is a fit and proper person to hold the licence.

Division 4 Miscellaneous

19 Exemptions from licensing

- (1) For the Act, section 17(1)(h), a game hunting licence is not required for hunting that is—
 - (a) of an animal pursuant to an obligation imposed under an Act to manage, control or eradicate the animal, but only on land, and for the period, in relation to which the obligation applies, and
 - (b) on public land or national park estate land that is occupied under a lease or other arrangement for private purposes that confers a right to exclusive possession of the land, and
 - (c) carried out by a person who holds a firearms licence under the *Firearms Act 1996*, section 12, for the purposes of the genuine reason of vertebrate pest animal control.
- (2) In this section—
genuine reason has the same meaning as in the *Firearms Act 1996*.

Part 3 Native game bird management licences

20 Application of the Act, Part 3, Division 4

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

Note— The Act, section 32B provides that the Act, Part 3, Division 4, 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 the Act, Part 3, Division 4 to native game bird management licences is subject to the regulations.

21 Applications for native game bird management licence

- (1) For the Act, section 32(2)(b) and 32B, 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 a website of the Department of Regional NSW.
- (3) An applicant for a native game bird management licence must provide to the Regulatory Authority the evidence the Regulatory Authority requests at the time the application is made, or after the application is made, for the Regulatory Authority to decide the eligibility of the applicant to be granted a licence.

22 Maximum period for native game bird management licences

For the purposes of the Act, sections 25(2)(b) and 32B, despite section 13, the relevant maximum period for a native game bird management licence is prescribed as 1 year.

Part 4 Miscellaneous

23 Notice of proposed declaration of hunting land

For the Act, section 20(3), public notice must be given by publishing the proposed declaration at least 30 days before the declaration is made—

- (a) in a newspaper circulating throughout the State, and
- (b) in a newspaper circulating in the local government area in which the land that is the subject of the proposed declaration is situated, and
- (c) in the Gazette.

Part 5 Repeal and savings provision

24 Repeal and savings

- (1) The *Game and Feral Animal Control Regulation 2012* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Game and Feral Animal Control Regulation 2012*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Licence fees

sections 12(1)(b) and (3)(b) and 15(b)

Item	Type of fee	Amount payable
1	For a standard hunting licence or professional hunter's licence, a licence with a duration of—	
	(a) 1 year or less	\$75
	(b) More than 1 year but not more than 2 years	\$145
	(c) More than 2 years but not more than 3 years	\$210
	(d) More than 3 years but not more than 4 years	\$270
	(e) More than 4 years but not more than 5 years	\$325
2	For a visitor's hunting licence with a duration of 1 year	\$125
3	For a hunting guide licence, a licence with a duration of—	
	(a) 1 year or less	\$175
	(b) More than 1 year but not more than 2 years	\$340
	(c) More than 2 years but not more than 3 years	\$500
	(d) More than 3 years but not more than 4 years	\$645
	(e) More than 4 years but not more than 5 years	\$780
4	For a commercial hunter's licence, a licence with a duration of—	
	(a) 1 year or less	\$300
	(b) More than 1 year but not more than 2 years	\$550
	(c) More than 2 years but not more than 3 years	\$775
	(d) More than 3 years but not more than 4 years	\$1,000
	(e) More than 4 years but not more than 5 years	\$1,200
5	Upgrade of a general licence held by a person to a restricted licence of the same type, section 12(3)(b)	\$10
6	For the grant of a licence to replace a licence that has been lost, destroyed or defaced, section 15(b)	\$30

Schedule 2 Conditions of game hunting licences

section 17

Part 1 General

1 Definitions

In this Schedule—

hunter, for Part 3—see section 9.

motor vehicle—

- (a) means a vehicle that is propelled by a motor that forms part of the vehicle, and
- (b) does not include a motor vehicle that is a wheelchair used by a person who suffers from a disability that prevents the person from hunting on foot.

2 Licence to be carried and produced on request

The holder of a game hunting licence must—

- (a) carry the licence when engaged in hunting for game animals, and
- (b) produce the licence for inspection on request by an inspector, a police officer or the owner or occupier of land on which the licensee is hunting.

3 Hunting by persons under certain age

- (1) A person who is less than 18 years of age must not hunt game except under the close personal supervision of a person who is—
 - (a) at least 18 years of age, and
 - (b) the holder of a standard hunting licence or hunting guide licence of the same class, being general or restricted, as the hunting licence of the person being supervised.
- (2) A person who is less than 18 years of age must not use a firearm to hunt game except—
 - (a) as the holder of a minor's firearms permit under the *Firearms Act 1996*, and
 - (b) in accordance with the authority conferred by the permit.

Note— The minimum age for the grant of a minor's firearms permit is 12 years of age.

4 Hunting of game fleeing from fire or smoke prohibited

- (1) A person must not hunt a game animal that is fleeing from fire or smoke.
- (2) A person must not light a fire for the purpose of hunting a game animal fleeing from fire or smoke, including for the purpose of flushing out a game animal.
- (3) This section does not apply to a professional hunter.

Part 2 Hunting on declared public hunting land

5 Hunting on declared public hunting land requires permission to enter

- (1) A person must not hunt on declared public hunting land unless the person has, before entering the land, obtained written permission to hunt on the land from the manager of the land.

Note— A game hunting licence does not authorise the holder of the licence to enter land that the holder is not otherwise authorised to enter. The declaration of public land as land available for hunting under the Act, section 20 does not entitle a person to enter the land just because

the person has a game hunting licence. The holder of the licence must obtain written permission to hunt as required by this section.

- (2) A person hunting on declared public hunting land must do the following—
 - (a) comply with a requirement imposed as a condition of the permission to hunt on the land,
 - (b) comply with a reasonable direction given to the person by the manager of the land in relation to the person's hunting on that land,
 - (c) produce for inspection, on request by an inspector, police officer or the manager of the land, the written permission to hunt on the land.
- (3) If a person hunting on declared public hunting land is less than 18 years of age (a *minor*)—
 - (a) both the minor and the person supervising the minor in accordance with section 3(1) must have written permission to hunt on the land, and
 - (b) the person supervising the minor is taken to be hunting on declared public hunting land.
- (4) The holder of a game hunting licence hunting with written permission on declared public hunting land must, within 30 days after the expiry of the permission, give the Regulatory Authority a public land harvest return, electronically or in hard copy, in the form approved by the Regulatory Authority.
- (5) In this section—

manager, of declared public hunting land, means a person appointed as manager of the land by or under the authority of—

 - (a) the Minister who has the care or control of the land, or
 - (b) the authority that has the care or control of the land.

6 General requirements for hunting on declared public hunting land

A person must not lay any of the following to assist in the hunting of an animal on declared public hunting lands—

- (a) bait,
- (b) grain, fruit, meat or other food product,
- (c) mineral block,
- (d) animal carcass,
- (e) another attractant.

7 Prohibition on hunting from motor vehicles on declared public hunting land

- (1) A person must not, on declared public hunting land—
 - (a) use a motor vehicle to hunt a game animal, or
 - (b) cause, permit or assist in the hunting of a game animal from a motor vehicle.
- (2) In this section—

hunting does not include using a dog to search for game while the dog is tied up, caged or otherwise restrained.

8 Use of dogs

A person hunting must not use a dog, or permit a dog to be used, to hunt on declared public hunting land unless each of the following requirements are met—

- (a) if the dog is used to—

- (i) hunt game birds—the dog is only used to locate, flush, point or retrieve the birds, or
 - (ii) hunt pigs—the dog is only used to locate, hold or bail the pigs, or
 - (iii) hunt deer—the dog is only used to locate, point or flush the deer,
- (b) the dog is wearing a collar to which a metal tag or label is securely attached, on which the name, address and telephone number of the owner of the dog is legibly printed,
- (c) the dog is on a lead or wearing a radio tracking collar that is switched on and shows the position of the dog,
- (d) the dog is identified in the way required under the *Companion Animals Act 1998*, section 8,
- Note**— Under the *Companion Animals Act 1998*, dogs are required to be microchipped.
- (e) the person using the dog does not leave or abandon the dog on the land,
- (f) if the person is hunting pigs—
- (i) for a person hunting alone—not more than 3 dogs are used, or
 - (ii) for a person hunting as part of a group—not more than 5 dogs are used,
- (g) if the person is hunting deer—
- (i) for a person hunting alone—not more than 1 dog is used, or
 - (ii) for a person hunting as part of a group—not more than 2 dogs are used.

Part 3 Special provisions relating to game birds

9 Definition

In this Part—

game birds means—

- (a) native game birds, and
- (b) birds that are non-indigenous game animals listed in the Act, Schedule 3, Part 1.

hunter means the holder of a game hunting licence.

native game birds means birds listed in the Act, Schedule 3, Part 1A.

10 Use of aircraft, watercraft and motor vehicles prohibited for hunting game birds

- (1) A person must not hunt, or cause, permit or assist in the hunting of, game birds from an aircraft, watercraft or motor vehicle.
- (2) This section does not apply to a commercial hunter or professional hunter.

11 Use of baits, lures and decoys for hunting game birds

- (1) A person must not hunt a game bird, or cause, permit or assist in the hunting of a game bird, using a bait, lure or decoy to attract the game bird.
- (2) Subsection (1) does not apply to a decoy made or constructed to resemble or represent a game bird or a call resembling the call of a game bird.
- (3) For this section, a planted crop does not constitute a bait or lure.
- (4) This section does not apply to a professional hunter.

12 Special conditions relating to native game birds

- (1) A hunter must not hunt native game birds on a licence holder's land without the permission of the licence holder.
- (2) If a hunter has obtained the permission of a licence holder to kill native game birds on the licence holder's land, the hunter must—
 - (a) comply with a requirement imposed by the licence holder as a condition of the permission to kill native game birds on the land, including the number or species of native game birds that may be killed by the hunter, and
Note— Quotas are set under the Act, section 32D 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 the licence holder by the Regulatory Authority.
 - (b) comply with a reasonable direction given to the hunter by the licence holder in relation to the killing of native game birds on the land.
- (3) This section does not limit other conditions to which a game hunting licence is subject.
- (4) In this section—
kill includes capture.
licence holder means the holder of a native game bird management licence.

13 Hunting certain native game birds at night prohibited

- (1) A hunter must not hunt a native game bird at night unless—
 - (a) the hunter uses lighting of sufficient brightness to enable the hunter to clearly see and identify the species of native game birds being hunted, and
 - (b) the native game birds are in the immediate vicinity of, or are reasonably likely to adversely impact, a planted crop.
- (2) This section does not apply to a commercial hunter or professional hunter.
- (3) In this section—
night means the time from 30 minutes after sunset to 30 minutes before sunrise the next day.

14 Use of dogs

A hunter must not use a dog, or permit a dog to be used, to hunt game birds unless the dog is only used to locate, flush, point or retrieve the birds.

Schedule 3 Penalty notice offences

1 Application of Schedule

- (1) For the purposes of the Act, section 57—
- (a) each offence created by a provision specified in this Schedule is an offence for which a penalty notice may be issued, and
 - (b) the amount payable for the penalty notice is the amount specified opposite the provision.
- (2) If the provision is qualified by words that restrict its operation to limited kinds of offences or to offences committed in limited circumstances, the penalty notice may be issued only for—
- (a) that limited kind of offence, or
 - (b) an offence committed in those limited circumstances.

Column 1	Column 2
Provision	Penalty
Offences under the Act	
Sections 16(1) and 27(1)	\$500
Section 23 (except as otherwise provided in this Schedule)	\$550
Section 23 (in relation to this Regulation, Schedule 2, sections 2, 6, 8(a)(i), 11 and 14)	\$220
Section 55	\$400
Section 55B	\$110