

Summary of changes and context – proposed Game and Feral Animal Control Regulation 2022

Change	Why	Ref (green for old reg, black for new reg)	Notes
Definitions for: <ul style="list-style-type: none"> Commercial hunter’s licence CPI number Fee unit Financial year Firearm Hunting guide licence Possession Professional hunter’s licence Standard hunting licence 	To provide clarity and consistency to the Regulation.	3. Definitions 3. Definitions	
Rename Visitor’s Licence to International visitor’s hunting licence Remove requirement for Visitors to be supervised	To clarify this licence is for overseas visitors International hunters must meet the training requirements for a NSW R-Licence and firearms requirements administered by the NSW Police Force.	3. Definitions 4(b). Classes and types of game hunting licence Amend 9. Visitor’s hunting licence – accompanied hunting 6. International visitor’s hunting licence	
Allow a game hunting licence to be issued to individuals under 12 years of age (excluding firearms use)	Many families educate their children about safe hunting practices from a young age and international visitors may bring their young children. Will allow young people to accompany and assist an adult while hunting, after completing R-Licence training requirements.	Delete 13(3). Restrictions on granting licences	A previous clause prevented a licence being issued to a minor under the age of 12 A Minor’s firearms permit cannot be issued until an individual has reached 12 years

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Increase maximum licence duration from 5 years to 10 years	Opportunity to reduce red tape and administration for hunters through less frequent licence applications	Amend 15 13. Maximum period for licences	Increases regulatory burden on DPI Hunting
Allow for an automatic increase in hunting licence fees each March in line with inflation and set amount payable via 'fee units'	Game hunting licence fees have not increased since 2012, while the costs of regulating hunting have increased substantially following annual inflation Determining inflationary increases via fee units simplifies the formula for calculating licence fees and is consistent with other NSW legislation	Amend 16 Introduce Schedule 1. Licence fees	Automatic increases will ensure that the fees increase regularly following the annual inflation rate and therefore ensures that fees align with increased administration and compliance costs
Offer a licence concession to individuals serving with the Australian Defence Force (including reserves)		Amend 16(2) 14. Reduction in licence fees	
Remove the ability for the Regulatory Authority to waive or refund fees	The powers set out in the GFAC Act do not allow licence fees to be waived or refunded	Delete 16(6) Power to refund or waive fees	
Increase and clarify the grounds for refusal of licence based on previous offences	Including specific hunting related offences as grounds for refusal ensures the good character of game hunting licence holders	Amend clause 17 16. Grounds for refusal of licence - offences	
Formalise the grounds for suspending or cancelling a game hunting licence, including fit and proper person provision	Allows a game hunting licence to be suspended or cancelled if a licence holder commits an offence under section 16 (Grounds for refusal of licence – offences) or is no longer considered a fit and proper person by the Regulatory Authority Ensures the provisions that apply on application of a licence continue	18. Suspending or cancelling game hunting licences	Standardises with firearms legislation to cover hunters who do not use firearms or may be in the process of applying for a firearms licence

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	to apply during the term of the licence, in addition to the existing requirements		
Remove redundant clauses	In 2019, the licence requirement for deer on private land was removed, making clauses relating to the suspension of hunting conditions for deer redundant	Delete 18(2-4). Also, Schedule 1, Part 1(5) and (6)	
Clarify a licence exemption for licensed vertebrate pest controllers who have been hired to control game animals on public land due to the requirement of another Act	Ensures the exemption clause only applies to licensed vertebrate pest controllers and only on public land, and only to those who hold a Firearms Licence under the <i>Firearms Act 1996</i> with the genuine reason of 'vertebrate pest animal control'	Amend 19(b) Clause 21(1)(a)	Landholders of both declared and undeclared public land used the former clause to use hunters who do not hold a game hunting licence. This change continues to provide exemption for licensed vertebrate pest controllers, but removes it for other groups
Allow landholders to apply for a Native Game Bird Management Licence, which does not allow the landholder to kill native birds, without meeting the standards for a game hunting licence	Allows landholders to protect their crops by participating in the NGBP, even if they do not meet the requirements for holding a licence in their own right. The existing offences do not relate to the landowner's ability to engage a licensed hunter to manage game birds	Amend 19A 20. Application of the Act, Part 3, Division 4	The change allows for a native game management licence to be issued to a property owner or occupier regardless of whether they have been found guilty of an offence involving cruelty to cruelty or harm to animals, personal violence, damage to property or unlawful entry into land Allows the landowner to hire someone that does hold the required licence and has met the standards to enable the management of native game birds

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			A landowner convicted of these offences remains ineligible for a game hunting licence. Game hunting licence holder's eligibility and obligations are unchanged
Reduce the maximum term of Native Game Bird Management (Owner/Occupier) Licences to one year	Management licence holders are required to apply for a new allocation of species each year, however until now have been able to provide for a 5-year term	Amend 19C 22. Maximum period for native game bird management licences	The proposed amendment to the maximum period of a licence will minimise risks around an annual allocation of species attached to each licence
Remove the requirement for advertising notice of proposed declaration of hunting land in certain print publications	To allow the responsible Minister to determine the best platforms to bring the notice to the attention of members of the general public	Amend 20 23. Notice of proposed declaration of hunting land	The notice must still be published in the NSW Gazette and brought to the attention of the general public
Schedule 2. Conditions of game hunting licences			
Allow young hunters between the ages of 16 and 18 years, who use bows or dogs only, to hunt without the supervision of an adult hunter with the same licence type	Standardises unsupervised hunting with private land hunting practices Minor hunters using bows or dogs will have received adult instruction until the age of 16 years	Amend Schedule 1, Part 1(3) 2. Hunting by persons under certain age	Does not apply to the use of firearms under the Minor's firearm permit, who require supervision between the ages of 12 and 18
Remove professional hunter exemption from the prohibition on hunting game fleeing from fire or smoke	Standardises across all licence types and improves animal welfare outcomes	Delete Schedule 1, Part 1(7)(3) 3. Hunting of game fleeing from fire or smoke prohibited	Standardises clause across all licence types
Clarify that if a licence holder requires supervision, both individuals are taken to be hunting and must hold written permission to hunt and comply with other administrative matters for issuing permission	Clarifies permission must be held by both licence holder and supervising licence holders (if any). Reduces timeframe for harvest returns (14 days instead of 30)	Amend Schedule 1, Part 2 4. Hunting on declared public hunting land requires permission to enter	

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Formalise certain existing requirements for public land hunting conditions	<p>These are already conditions applied to written permissions</p> <ul style="list-style-type: none"> • Wear blaze orange • Target practice prohibited • Do not disturb livestock • Tree stands prohibited • Motor vehicles must be registered • Carry a GPS-enabled device, download hunting maps no earlier than 48 hours before hunt begins • Baits, grains etc prohibited 	5. General requirements for hunting on declared public hunting land	Clarifies and formalises existing arrangements
<p>Clarify the prohibition on hunting from motor vehicles on declared public hunting land to exempt professional hunters using an aircraft pursuant to an obligation imposed under another Act</p> <p>Allow persons suffering from a disability that prevents them from hunting on foot to use a wheelchair for hunting</p>	<p>Professional hunters are currently exempt from all requirements of the clause. This amendment clarifies this only applies to hunting from an aircraft and only when subject to a legislative obligation</p> <p>Clarify that motor vehicle does not include wheelchairs used by a person who suffers a disability that prevents the person hunting on foot</p>	<p>Expand Schedule 1, Part 1(4)</p> <p>6. Prohibition on hunting from motor vehicles in declared public hunting land</p>	
Standardise requirements for the use of dogs on public land	<p>Clarifies use of pig or gun dogs for hunting on public land and removes specific requirements for use of dogs when hunting deer (redundant)</p> <p>Includes provisions for the use of dogs while hunting pigs at night</p>	<p>Amend Schedule 1, Part 3. Use of dogs</p> <p>7. Use of dogs</p>	Deer specific regulations for the use of dogs are now redundant

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Formalise the prohibition on using firearms or bows when hunting at night, and their storage requirements	These are already conditions applied to written permissions	8. Hunting game on declared public land at night using bow or firearm prohibited	
Clarify and group clauses related to hunting native game birds	Clarifies and groups existing arrangements	Part 3 (9-14) Special provisions relating to native game birds	
Remove legislated Hunter's Code of Practice	It is no longer best practice to include a code of practice in legislation. Licence holders must continue to comply with any code of practice approved by the Regulatory Authority		
Schedule 3. Penalty notice offences			
Increase the penalty for hunting without a licence on private land	Penalty was lower than other offences.	\$500 \$550	
Increase the penalty for hunting on public land without a licence	Penalty did not correlate with public expectations	\$500 penalty infringement \$1,000 penalty infringement notice	
Create a penalty notice offence for releasing animal into the wild in order to hunt it or its descendants	Previously not possible to issue a penalty notice; had to prosecute in court.	Previously had to prosecute in court \$400 penalty infringement notice	
Create a penalty infringement for taxidermists who fail to ensure animal is legally taken or record details of owner	Previously not possible to issue a penalty notice.	Previously had to prosecute in court \$110 penalty infringement notice	
Use tree stand on public land	Reduce penalty for licensed hunter	\$550 \$200 penalty infringement notice	

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Reduce the penalty for failure to carry an operational Global Positioning System (GPS) enabled device at all time while hunting on declared public hunting lands.	Reduce penalty for licensed hunter not carrying GPS on public land	\$550 \$200 penalty infringement notice	
Reduce the penalty for dog not wearing collar with owners' details	Reduce penalty for licensed hunter with dog not labelled with owner's details on public land	\$550 \$200 penalty infringement notice	
Reduce the penalty for not wear blaze orange on public land	Reduce penalty for licensed hunter not wearing blaze orange on public land	\$550 \$100 penalty infringement notice	
Reduce the penalty for conduct target practice	Reduce penalty for licensed hunter conducting target practice on public land	\$550 \$100 penalty infringement notice	
Increase the penalty for harm or harass livestock	Increase penalty for harass livestock on public land	\$550 \$1,000 penalty infringement notice	
Increase the penalty for hunt from a vehicle	Increased penalty for licensed hunter hunting from a vehicle on public land	\$550 \$1,000 penalty infringement notice	
Increase the penalty for hunt with a bow or firearm at night	Increased penalty for licensed hunter using a bow or firearm at night on public land	\$550 \$1,000 penalty infringement notice	
Increase the penalty for incorrect firearm storage for night-time hunting	Increased penalty for licensed hunter failing to store firearm correctly whilst on public land	\$550 \$1,000 penalty infringement notice	

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Increase the penalty for incorrect bow and arrow storage for night-time hunting	Increased penalty for licensed hunter failing to store bow correctly whilst on public land	\$550 \$1,000 penalty infringement notice	
Increase the penalty for hunt native game birds without permission	Increased penalty for licensed hunter who hunts native game birds without permission of the landholder	\$550 \$1,000 penalty infringement notice	
Increase the penalty for hunt native game birds without completing identification test and having licence endorsed	Increased penalty for hunter who hunts native game birds without a licence	\$550 \$1,000 penalty infringement notice	
Increase the penalty for selling native game birds killed pursuant to a native game bird management licence	Increased penalty for selling game birds taken as part of the native game bird management program	\$550 \$1,000 penalty infringement notice	