



Department of
Primary Industries

Regulatory Impact Statement: Proposed Game and Feral Animal Control Regulation 2022

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Proposed Game and Feral Animal Control Regulation 2022

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Executive Summary

The Game and Feral Animal Control Regulation 2012 (the GFAC Regulation) is due for a staged repeal on 1 September 2022. Remaking this rule requires the preparation of a Regulatory Impact Statement (RIS) and a period of public consultation.

The GFAC Regulation is the main legislation that supports the implementation of the NSW *Game and Feral Animal Control Act 2002 No. 64* (the GFAC Act), ensuring that human safety, animal welfare standards and protection for native animals are maintained during hunting activities. This legislation is also guided by other legislation, such as the *Firearms Act 1996*, *Prevention of Cruelty to Animals Act 1979* and *Biosecurity Act 2015*.

In 2021, the economic impact of hunting in NSW was estimated at \$1.4 billion of gross state product (estimated from NSW DPI, 2017a). Across NSW the hunting of game and feral animals is carried out on both private land and designated state forests that are regulated by NSW DPI Hunting and the NSW Police Force. In 2020-21, hunting delivered benefits to NSW from 18,826 pests removed from public lands (NSW DPI, 2021).

Without government intervention to regulate conditions of game hunting activities on public and private land, it is likely that, there will be negative risks and impacts on:

- Human safety – from inappropriate and unsafe use of firearms and other weapons
- Animal welfare – as hunted animals may be killed inhumanely and
- Native fauna – from increased illegal hunting activities.

This RIS assesses the impacts, benefits and costs of three options against the 'base case' (i.e. to remake the existing regulation) referred to as Option 1. The three options are:

- Option 2: Make the proposed GFAC Regulation
- Option 3: Self-regulation (allowing the GFAC Regulation to lapse)
- Option 4: Co-regulation (allowing the GFAC Regulation to lapse).

The preferred option is to make the proposed Regulation (Option 2) under the GFAC Act. It provides increased protection to the community, animal welfare and the environment relative to the base case (Option 1) by:

- strengthening of rules to improve the **safety** conditions for hunters during hunting activities and the handling of firearms
- strengthening the legislation to improve DPI Hunting's capacity to maintain **compliance**
- removing redundant hunting restrictions for deer and streamlining administration of native game bird management licences to better **manage pest** animal populations and minimise the damage they cause to the environment and agriculture
- enable licence fees to adjust in line with **inflation** to ensure that the costs of government services are recovered
- removing all **redundant** provisions.

Option 2 is estimated, subject to caveats, to deliver net benefits of almost \$160m over a 20-year period with a benefit-cost ratio of 11:1.

Options 3 and 4 are not preferred to Option 2, because they would increase the likely risks to businesses (i.e. livestock producers and veterinary practitioners), consumers, community, and the environment as well as increase costs to the NSW Government.

Potential impacts include:



Consumers and businesses

- Weaken the incentives of businesses and individuals to act safely and ethically when holding a game hunting or native game bird management licence.
- Reduce expenditure by the public on hunting related goods and services leading to a negative impact on the NSW economy.



Community

- Potential increase in health care costs from risk of harm to the community and animal welfare.
- Loss of social licence in regional communities



Environment

- Increase environmental costs from increased likelihood of risk of harm to native fauna and the ecosystem.
- Worsen animal welfare outcomes



Government

- Government would have no power to manage individuals' and businesses' actions when these groups do not comply with the conditions of the game hunting licences.
- Increase operational costs to government from reduced/non-existent licence fees.
- Increases the costs to government as it would have to take offences to court.
- No consolidated revenue from PINs.

1. About this Regulatory Impact Statement

1.1 Why is the *Game and Feral Animal Control Regulation 2012* being remade?

The *Game and Feral Animal Control Regulation 2012* (the GFAC Regulation) is due for staged repeal on 1 September 2022 and the remake of this regulation requires the preparation of a Regulatory Impact Statement (RIS) and public consultation. A regulation that is due for staged repeal may be:

- allowed to lapse
- maintained and the staged repeal process postponed and
- remade with or without amendments.

The staged repeal of the GFAC Regulation has been postponed on five occasions to allow for the completion of reviews into the policy objectives of the *Game and Feral Animal Control Act 2002* (GFAC Act).

1.2 Why has this RIS been prepared?

Section 5 of the *Subordinate Legislation Act 1989* (the SL Act) provides that before a regulation is made, a RIS must be prepared in connection with the substantive matters to be dealt with by the regulation.

1.3 What will this RIS consider?

Schedule 2 of the SL Act prescribes that a RIS must contain:

- a statement of the **objectives sought** to be achieved and the reasons for them
- an identification of the **alternative options** by which those objectives can be achieved (whether wholly or substantially)
- an assessment of the **costs and benefits of the proposed statutory rule**, including the costs and benefits relating to resource allocation, administration and compliance
- an assessment of the **costs and benefits of each alternative option** to the making of the statutory rule (including the option of not proceeding with any action), including the costs and benefits relating to resource allocation, administration and compliance
- an assessment as to which of the alternative options involves **the greatest net benefit or the least net cost** to the community
- a statement of the **consultation program** to be undertaken.

It is also a matter of practice that the NSW Treasury's seven principles of Better Regulation are applied when designing and developing a regulatory proposal. A description of these principles and their application may be found in the [Guide to Better Regulation](#) (see TPP19-01).

1.4 Will the public have a say on the proposed *Game and Feral Animal Control Regulation 2012* and RIS?

Yes. The proposed Regulation and RIS will be publicly exhibited for a period of 28 days until 11.59pm Tuesday 12 July 2022.

The proposed Regulation and RIS are accessible at: nsw.gov.au/have-your-say

If you would like to have your say on the proposed changes to the regulation and/or the RIS, please submit your feedback via the survey link on:

Have your say – nsw.gov.au/have-your-say

Alternatively, submissions can be posted to:

GFAC Regulation Submission

DPI Hunting

Locked Bag 21

Orange NSW 2800

The closing date for submissions is 12 July 2022 11:59pm.

1.5 What will the government do with your submission?

The Department of Primary Industries (DPI) will review all submissions that are received by the closing date and consider the issues raised.

The Minister for Agriculture is required to consider submissions and actions arising from the submissions. A copy of all submissions will be provided to the Legislation Review Committee of the NSW Parliament with the final version of the Regulation. The Committee will also be provided with a report on the outcomes of consultation detailing the issues raised in submissions and how these have been addressed.

The proposed Regulation may be amended following consideration of any issues or comments made in the submissions.

1.6 Will it be possible to make a confidential submission?

NSW DPI generally places submissions, or summaries of submissions received, on its website. Please advise us if you do not want your submission published or if you want part of it to be kept confidential (e.g. your name). DPI will respect your request, unless required by law to disclose this information, for example under the provisions of the *NSW Government Information (Public Access) Act 2009*.

1.7 Who else will be consulted on the proposed regulation and RIS?

NSW DPI is seeking input from the community, stakeholder groups and government agencies, including but not limited to:

Direct stakeholders (website, email and/or social media)	Current NSW Game Hunting Licence holders Game and Pest Management Advisory Board NSW Hunting Stakeholder Consultation Group Potential and future NSW Game Hunting Licence holders NSW Firearms Licence holders Landholders Native Game Bird Management Licence holders Pest management Exempt hunters not required to hold a NSW Game Hunting Licence Online email subscribers
Hunting industry (website, email and/or social media)	Current Approved Hunting Organisations (AHOs) Other non-approved hunting associations and retailers Hunting retailers Outdoor and other related retailers International Hunter Education Association
Other industry (website and/or social media)	NSW Farmers SunRice Ricegrowers' Association of Australia Other non-government public land managers
Government (website, email and/or social media)	Minister for Agriculture and staff Forestry Corporation of NSW NSW Police Force Rural Crime Prevention Team Firearms Registry Local Councils
Indirect stakeholders (website and/or social media)	Other indirect stakeholders including general public (non-hunting)

1.8 How has GFAC Regulation and RIS been advertised?

A notice of the proposed Regulation and RIS has been published in the NSW Government Gazette and in the following NSW newspapers:

- *The Sydney Morning Herald*
- *The Land*
- *The Daily Telegraph*

A notice has also been placed on the following websites:

- [NSW DPI Website](#)
- [Have your say](#)
- [NSW DPI Facebook](#)
- [NSW DPI Hunting Facebook](#)

2. Key terms and definitions

Term	Definition
Approved Hunting Organisations (AHO)	A hunting club or organisation that has applied for and received the 'approved' status, for the purpose of qualifying their members for an R-Licence.
Commercial hunter	A person who hunts animals specified in Schedule 3 of the GFAC Act for the purpose of the sale of those animals.
Game animals	Animals specified in Schedule 3 of the GFAC Act that are living in the wild, including non-indigenous game animals and native game birds.
DPI Hunting	The unit within NSW DPI that regulates hunting throughout NSW under the GFAC Act, including hunter licensing, education and compliance.
General licence (G-Licence)	A G-Licence allows a person to hunt non-indigenous and native game birds on private property in NSW with permission of a private landholder. This licence does not authorise a person to hunt on public land in NSW.
Hunting guide	A person who accompanies and assists other persons on a hunt for game or feral animals in return for a fee or reward.
Native Game Bird Management (NGBM) Licence	A Native Game Bird Management (Owner/Occupier) Licence (NGBM Licence) is required to hunt native game birds for the purpose of sustainable agricultural management on private land.
Penalty Infringement Notices (PINs)	Fixed penalties for an offence prescribed by the GFAC Regulation and other relevant legislation.
Prevention of Cruelty to Animals Act 1979 (POCTA Act)	The POCTA Act's objectives are to prevent cruelty to animals, to promote the welfare of animals by requiring a person in charge of an animal to provide care for the animal, to treat the animal in a humane manner and to ensure the welfare of the animal. All hunters are required to comply with the POCTA Act.
Professional hunter	A person, other than a commercial hunter or hunting guide, who hunts game animals in the course of any paid employment or engagement
Restricted licence (R-Licence)	An R-Licence allows a person to hunt game and feral animals on public land that has been declared and opened for hunting. The R-Licence also conveys the same authority for hunting on private lands as the G-Licence.
Regulatory Authority	The Secretary of the Department of Regional NSW.

3. The need for government intervention

3.1 Hunting game and feral animals in NSW

Regulated hunting activities generate a range of social and economic benefits for NSW. In 2021, the economic impact of hunting in NSW was estimated at \$1.4 billion of gross state product (estimated from NSW DPI, 2017a). A reported 18,826 pests were removed in 2020-21 from public lands and the most harvested pest animals in state forests were rabbits, pigs, and deer (NSW DPI, 2021).

Expenditure from licensed hunters supported regional and rural businesses as they recovered from bush fires, COVID-19 lockdowns, drought and floods. There was a resurgence in hunting licence applications and renewals in 2020-21, as spending time outdoors and the pursuit of free-range, organic table-fare came in focus during lockdowns (NSW DPI, 2021).

In 2017, there were approximately 188 direct businesses operating in hunting and trapping in NSW. These are concentrated in regional NSW and include outdoor and camping products, specialist hunting stores and tourism-related businesses (fuel, food and accommodation).

Across NSW the hunting of game and feral animals is carried out on both private land and designated state forests. Game and feral animals are categorised into three different groups:

- non-indigenous game animals (i.e. introduced game birds)
- non-indigenous animals (i.e. pest animals like deer, pigs, rabbits and foxes)
- native game birds, which are managed to maintain sustainable agriculture production on private land.

In 2017, research was undertaken by DPI Hunting which estimated that about 226,000 people hunted in NSW (NSW DPI, 2017a, pp. i). Additionally, there was found to be a significant diversity in the hunting activities undertaken and the regulatory requirements associated with the varying hunting activities. For example:

- 19,000 hunters hold a recreational game hunting licence for hunting on public land in NSW. Of these, 80 per cent (~15,000) use firearms as their main hunting method, while the remaining 20 per cent (~4,000) use bows or pig hunt with dogs (NSW DPI, 2017a, pp. ii). There are currently over 21,000 public land hunters licensed in NSW (DPI Hunting licensing database 2022).
- 167,000 people hold a firearms licence but do not hold a game hunting licence. Many of these are recreational hunters or persons undertaking pest control on private land.¹
- 40,000 hunters, hunt on private land without a firearm. These comprise of pig doggers and bow hunters who do not need to hold a licence (NSW DPI, 2017a, pp. ii).

¹ In 2019 there were about 376,665 recreational hunting or vermin control firearm licence holders (Audit Office of NSW 2019). These numbers infer that a large number of people who hunt in NSW do not hold a NSW Game Hunting Licence.

DPI Hunting regulates hunting in NSW in conjunction with the NSW Police Force. This unit implements a range of programs to ensure that hunting in NSW is conducted safely, ethically and sustainably to manage potential risks to the community, businesses and hunters (see Figure 1).

Figure 1 Summary of programs implemented by NSW DPI Hunting (Source: NSW DPI 2021)

DPI Hunting regulatory statistics 2020-21



Move beyond compliance

17,130 Facebook likes
(10% increase on 2019-20)

204,961 total page reach
with average of 85.6 reactions,
comments or shares per post



Education

3,489 courses delivered

7,062 video short courses
undertaken

Over **16,000** education and
awareness items
disseminated



Set standards

3,631 additional licence
holders

4,329 annual call centre
inquiries

50,276 public land hunts
booked
(42.7% increase on 2019-20)



Monitor compliance

155 on ground operations
totaling +3,500 personnel hours

330 licence holder field
contacts
83% compliant

+25,000 days of electronic
surveillance operations



Enforce the law

+100 enforcement actions



Support to comply

Attendance at **2** trade show
events post-COVID
with over 540 contacts

Avg. of **12,564** emails sent
per month
150,773 eNewsletter deliveries
annually

Source: DPI (2021)

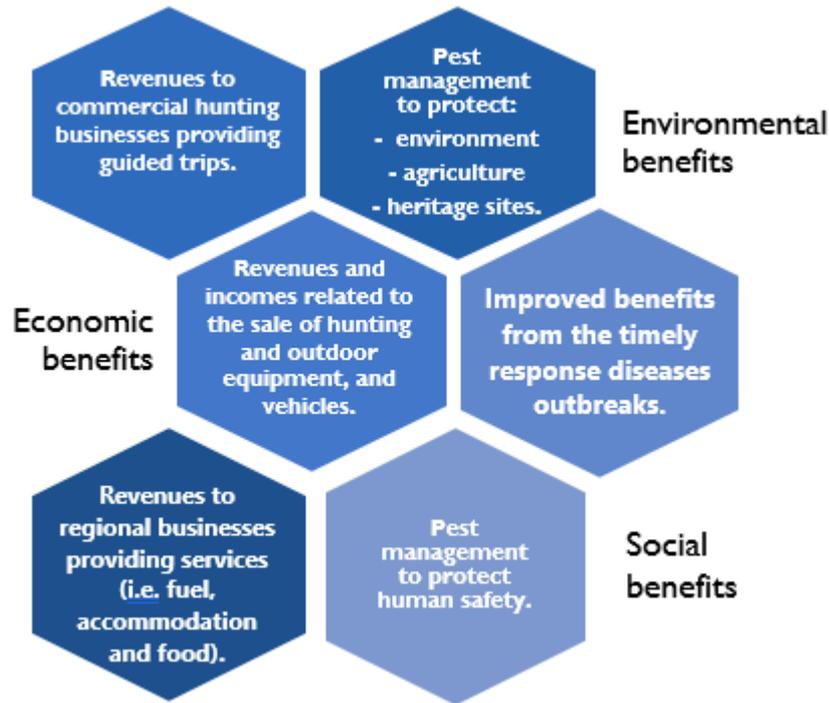
The long-term viability of hunting depends on a range of factors including the:

- management of game animal populations
- protection of the environment
- need for hunters to conduct themselves ethically and with respect for animal welfare.

This requires hunting to be carried out by appropriately licensed hunters who are aware of their legal responsibilities.

Benefits of game hunting

Hunting and game management activities generate a range of benefits as identified below:



3.2 Identification of the problem

Without government intervention to regulate conditions of game hunting activities on public and private land, it is likely that there will be negative impacts on:

- human safety
- animal welfare and
- native fauna.

The decisions of an individual hunter may impose a cost on one of the above third parties without any compensation for the impact (a negative externality). Because the game hunting industry is not a cohesive group and is made up of individual hunters and smaller hunting clubs throughout the state, it is unlikely that the industry would be able to manage these risks on its own.

- Human safety:** The use of firearms and other weapons during hunting presents a threat to fellow hunters, landholders and the general public (who may share access to land where hunting is occurring). If left unregulated, this could result in unintended serious injuries or loss of life with each life lost valued at \$5.4m per person (calculated from DPMC, 2021).
- Animal welfare:** Due to the nature of hunting, there is a risk that hunted animals may be killed inhumanely (negative externality). This outcome could result in a range of animal welfare concerns that require regulation.
- Native fauna:** Without government intervention, there would be no strong incentives to maintain sustainable levels of hunting of native fauna; potentially increasing illegal hunting activities. This is because native fauna is considered an *open access resource* – a resource that may be accessed by anyone at any time, as many times as desired.

This could result in certain species becoming extinct and an ecological imbalance.

3.3 State and Commonwealth Government objectives

The overarching objectives of the proposed Regulation remain the same as the GFAC Act, which are:

- to provide for the effective management of introduced species of game animals
- to promote responsible and orderly hunting of those game animals on public and private land and of certain pest animals on public land.

The outcomes DPI Hunting is working towards, in support of *Stronger Primary Industries*, are:

- Increased contribution from hunting to the NSW community and economy and
- Safe and responsible hunting.

4. Legislative framework

This chapter outlines the role of the GFAC Regulation within the existing legislative framework. A summary of the proposed Regulation is provided in Chapter 5.

The GFAC Act is the primary legislation that sets the foundation for strategic and coordinated management of game and feral animal hunting in NSW. The GFAC Act is supported by the GFAC Regulation.

Other key pieces of legislation that also apply to the management of game and feral animals include:

- *Biodiversity Conservation Act 2016*
- *Biosecurity Act 2015*
- *Fines Act 1996*
- *Firearms Act 1996*
- *Forestry Act 2012*
- *Inclosed lands Protection Act 1901*
- *Local Land Services Act 2013*
- *National Parks and Wildlife Act 1974*
- *Prevention of Cruelty to Animals Act 1979*
- *Summary Offences Act 1998*
- *Weapons Prohibition Act 1998*

and Commonwealth legislation:

- *Environment Protection and Biodiversity Conservation Act 1999.*

4.1 Game and Feral Animal Control Act 2002

The GFAC Act provides the legal foundation for NSW Government's management of game and feral animals in NSW.

As noted above, the objectives of the GFAC Act are to provide for the effective management of introduced species of game and feral animals and to promote responsible and orderly

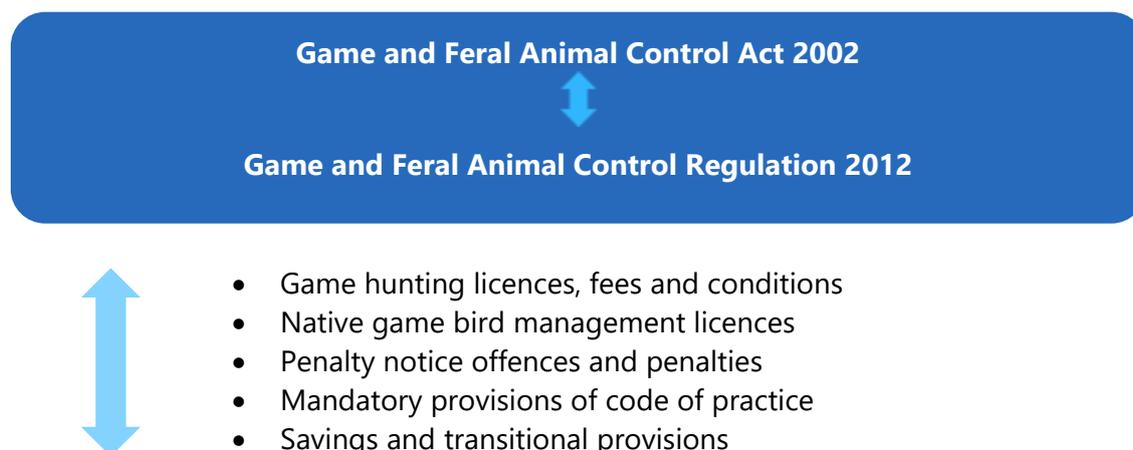
hunting of those game and feral animals on public and private land and certain pest animals on public land.

4.2 Game and Feral Animal Control Regulation 2012

The GFAC Regulation commenced on 1 September 2012 and assists with the implementation of the GFAC Act by supporting the management of game and feral animals in NSW.

A summary of the functions of provisions in the GFAC Regulation is provided in **Figure 2**.

Figure 2 Summary of provisions under GFAC Regulation



5. The proposed Game and Feral Animal Control Regulation 2022

The proposed Regulation has been drafted by Parliamentary Counsel’s Office and informed by internal review of the GFAC Regulation. The review found that the majority of existing regulatory provisions would be required for continued management of game and feral animals. The review also identified improvements that could be made by amending or repealing existing provisions and introducing new provisions.

A summary of clauses and schedules in the existing GFAC Regulation and the proposed amendments are provided in Table 1 **Overview of regulatory provisions for the proposed GFAC Regulation 2022**

2012 Regulation Part	2022 Draft Regulation Part	2012 Regulation Clause	2022 Draft Regulation Clause	Heading	Change	Purpose
Part 1 - Preliminary	Part 1 - Preliminary	1	1	<i>Name of Regulation</i>	Consistent	n.a.
		2	2	<i>Commencement</i>	Consistent	n.a.

2012 Regulation Part	2022 Draft Regulation Part	2012 Regulation Clause	2022 Draft Regulation Clause	Heading	Change	Purpose
		3	3	<i>Definitions</i>	New definitions for 'commercial hunter's licence', 'CPI number', 'fee unit', 'financial year', 'firearm', 'hunting guide licence', 'possession', 'professional hunter's licence', and 'standard hunting licence'	To provide clarity and consistency to the Regulation
Part 3 – Game hunting licences	Part 2 – Game hunting licences	4 (repealed)	Deleted			
		5 (repealed)	Deleted			
		6	4	<i>Classes and types of game hunting licence</i>	Change 'visitor's hunting licence' to 'international visitor's hunting licence'	Provide clarity that the licence only applies to international visitors to NSW
		7 (repealed)	Deleted			
		8	5	<i>Standard hunting licence</i>	Consistent	
		9	6	<i>International visitor's hunting licence</i>	Change <ul style="list-style-type: none"> • Clarification & • Removes the requirement to be accompanied 	<ul style="list-style-type: none"> • Licence is only available to a person whose primary residence is outside of Australia • To authorise the licensee to hunt in the same manner as the holder of a

2012 Regulation Part	2022 Draft Regulation Part	2012 Regulation Clause	2022 Draft Regulation Clause	Heading	Change	Purpose
						standard hunting licence
		10	7	<i>Hunting guide licence</i>	Consistent	n.a.
		11	8	<i>Commercial hunter's licence</i>	Consistent	n.a.
		11A	9	<i>Professional hunter's licence</i>	Consistent	n.a.
		12	10	<i>Approval of courses of training for licences</i>	Minor drafting change	To provide clarity
		13(1)	11(1)	<i>Restrictions on granting licences</i>	Change 'natural person' to 'individual'	To use plain English
		13(2)	11(2)	n.a.	Consistent	n.a.
		13(3)	Deleted			Remove restrictions on granting a standard hunting licence or visitor's hunting licence to a person who is under the age of 12 years
		New	11(3)		Adding restrictions on international visitor's hunting licences	To clarify that an international visitor's hunting licence must only be granted to a person whose principal place of residence is outside of Australia
		14	12	<i>Licence applications</i>	Minor drafting change	Changed to provide ease of reading

2012 Regulation Part	2022 Draft Regulation Part	2012 Regulation Clause	2022 Draft Regulation Clause	Heading	Change	Purpose
		15	13	Maximum duration of licences	Change of maximum period for a game hunting licence from 5 years to 10 years (except for a native game bird management licence and international visitor's licence)	Maximum licence period changed to reduce the administrative burden on the regulatory authority and the hunter, and to bring the regulation into line with other licences, such as driver's licences
		15A (repealed)	Deleted			
		16(1), (1A), (3) and (5)	Schedule 1	<i>Licence fees</i>	Moved to Schedule 1	To provide a better flow and ease of reading for the regulation
		16(2)	14	Reduction in licence fee	Add reduction in fees for a serving member of the Australian Defence Force	Add reduction in fees of one-third, to the nearest whole dollar amount, for a serving member of the Australian Defence Force, including a reserve available for, or undertaking, training or duty for the Australian Defence Force
		16(4)	15 and Schedule 1	<i>Licence lost, destroyed or defaced</i>	Moved to a new clause	To provide clarity
		16(6)	Deleted	Power to refund or waive fees	Deleted	Required to be deleted because the GFAC Act does not allow for fees

2012 Regulation Part	2022 Draft Regulation Part	2012 Regulation Clause	2022 Draft Regulation Clause	Heading	Change	Purpose
						to be waived or refunded
		17	16	Grounds for refusal of restricted licence	Add new offences	New offences added to include offences under legislation
		18(1)	17	<i>Conditions of game hunting licences</i>	Move of conditions from Schedule 1 to Schedule 2	To allow for the moving of the table of fees to Schedule 1 for better flow and ease of reading.
		-	18	Suspending or cancelling game hunting licences	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 to apply during the term of the licence, in addition to the existing requirements
		18(2)-(4)		Suspending provision of clauses 5-13 of Schedule 1	Deleted	Suspension of provisions no longer required due to the

2012 Regulation Part	2022 Draft Regulation Part	2012 Regulation Clause	2022 Draft Regulation Clause	Heading	Change	Purpose
						removal of hunting seasons and other species specific provisions
		19	19	<i>Exemptions from licensing</i>	Change to reflect that the exemption only applies to public land, and only to persons who hold a firearms licence with genuine reason vertebrate pest animal control	To provide clarity to the types of land that the exemption applies to
Part 3A - Native bird management licences	Part 3 - Native bird management licences	19A	20	<i>Native game bird management licences</i>	Add sections 21(3)(a) and (b) of the Act to sections that do not apply to, or in respect of, a native bird management licence	The change allows 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 or harm to animals, personal violence, damage to property or unlawful entry into land, or if the person has been found guilty of an offence This is to enable the land owner to hire someone who does

2012 Regulation Part	2022 Draft Regulation Part	2012 Regulation Clause	2022 Draft Regulation Clause	Heading	Change	Purpose
						hold the required licence and has met the standards to enable the management of native game birds
		19B	21	<i>Application for native game bird management licences</i>	Consistent	
		19C	22	Maximum duration of native game bird management licences	Change 5 years to 1 year	To bring the licence period into line with annual quota requirements
Part 4 - Miscellaneous	Part 4 - Miscellaneous	20	23	Notice of proposed declaration of hunting land	Removal of requirement to publish in newspapers	To update the means of communication to reflect current practices
		21	Schedule 3	<i>Penalty notice offences and penalties</i>	Remove unnecessary regulation	Necessary clarification provided in Schedule 3
	Part 5 – Repeal and savings provision	22	24	<i>Savings</i>	Repeal of current Regulation	
		22A	24	<i>Savings and transitional provisions consequent on enactment of Game and Feral Animal Control Further Amendment Act 2012</i>	Transitional	To allow for consistency across legislation in process of amendment
		22B	Deleted	<i>COVID-19 pandemic—extension of duration of licences</i>	No longer applicable	

2012 Regulation Part	2022 Draft Regulation Part	2012 Regulation Clause	2022 Draft Regulation Clause	Heading	Change	Purpose
		23 (repealed)	Deleted			

Table 2 Overview of regulatory provisions for the proposed Schedules of GFAC Regulation 2022

2012 Schedule 1 Clause/ Other Schedule	2022 Schedule 2 Clause/ Other Schedule	Title	Change	Reason if applicable
1	1	<i>Licence to be carried and produced on request</i>	Minor drafting changes	Reading ease
2	4	<i>Hunting on declared public land requires permission to enter</i>	Changes to whom requires permission to hunt on public land	To require: <ul style="list-style-type: none"> the person hunting and the supervisor to obtain written permission to hunt on the land (the person supervising is taken to be hunting) the hunter and supervisor to submit a harvest return the person who has been granted permission to hunt, who cannot hunt on that day, to inform the Regulatory Authority before that day
3	2	<i>Hunting by persons under 18 years of age</i>	Changes to ages for when a person must be supervised	Change to require persons under 16 (formally 18) to require supervision by a person 18 years or older who holds the same class of hunting licence
4	6	<i>Prohibition on hunting from motor vehicles on roads on declared public hunting land</i>	Clarifies that a person must not hunt from a motor vehicle on declared public hunting land	Removes reference to 'on or across a road' Clarifies that <ul style="list-style-type: none"> motor vehicle does not include wheelchairs used by a person who suffers a disability that prevents the person hunting on foot the section does not apply to hunting from an aircraft pursuant to an obligation under an Act
5	Deleted	<i>Open seasons for certain deer</i>	Specific restrictions on deer no longer apply	

2012 Schedule 1 Clause/ Other Schedule	2022 Schedule 2 Clause/ Other Schedule	Title	Change	Reason if applicable
6	Deleted	<i>Using spotlights or electronic devices for hunting deer prohibited</i>	Specific restrictions on deer no longer apply Note, hunting with spotlight on public land remains prohibited	
7	3	<i>Hunting of game fleeing from fire or smoke prohibited</i>	Removal of exemption for professional hunters	Improved animal welfare
7A	Deleted	<i>Game animals to which this Part applies</i>	Regulation applies to all game animals as deer are no longer treated differently	
8	Deleted	<i>Use of aircraft, watercraft and motor vehicles prohibited for hunting certain game</i>	Deleted as covered by clause 6 of new draft	
9	5(8)	<i>Use of baits, lures and decoys for hunting certain game</i>	Clarify not to be used on declared public hunting lands	
10	8	<i>Hunting certain game at night prohibited</i>	Clarify that hunting at night is prohibited when using a bow or firearm	
10A	9 to 14	Conditions relating to native game birds	Changes made to group provisions relating native birds together	Reading ease
11	7	<i>Use of dogs</i>	Removes provisions from other sections relating to dogs & groups them together	Better flow
12	Deleted	<i>Use of dogs for hunting deer</i>	Provisions now apply to all hunting with dogs and captured by new clause 7	Deer no longer treated differently
13	7	<i>Use of dogs for hunting pigs on public land</i>	Captured within the clause 7 'Use of Dogs'	Removes duplication
New	5	<i>General requirements for hunting on declared public hunting land</i>	Formalising existing licence conditions applied through written permissions	

2012 Schedule 1 Clause/ Other Schedule	2022 Schedule 2 Clause/ Other Schedule	Title	Change	Reason if applicable
Schedule 2	Deleted			[Allows for new Schedule 2 and better flow]
New but from c.16	Schedule 1	<i>Fees</i>	Consolidation	
New but from c. 21	Schedule 3	<i>Penalty notice offences</i>	Consolidation	

and Table 2. The tables also state the purpose of the change, whether a clause change is:

- consistent, and thus is inconsequential, or
- new and provides greater clarity or consistency, or
- new or deleted and provides a substantive change with a flow of benefits or costs to stakeholders. This final category of changes or deletions are **bolded** in the table rows.

Table 1 Overview of regulatory provisions for the proposed GFAC Regulation 2022

2012 Regulation Part	2022 Draft Regulation Part	2012 Regulation Clause	2022 Draft Regulation Clause	Heading	Change	Purpose
Part 1 - Preliminary	Part 1 - Preliminary	1	1	<i>Name of Regulation</i>	Consistent	n.a.
		2	2	<i>Commencement</i>	Consistent	n.a.
		3	3	<i>Definitions</i>	New definitions for 'commercial hunter's licence', 'CPI number', fee unit', 'financial year', 'firearm', 'hunting guide licence', 'possession', 'professional hunter's licence', and 'standard hunting licence'	To provide clarity and consistency to the Regulation
Part 3 – Game hunting licences	Part 2 – Game hunting licences	4 (repealed)	Deleted			
		5 (repealed)	Deleted			
		6	4	<i>Classes and types of game hunting licence</i>	Change 'visitor's hunting licence' to 'international visitor's hunting licence'	Provide clarity that the licence only applies to international visitors to NSW
		7 (repealed)	Deleted			
		8	5	<i>Standard hunting licence</i>	Consistent	
		9	6	<i>International visitor's hunting licence</i>	Change <ul style="list-style-type: none"> • Clarification & • Removes the requirement to be accompanied 	<ul style="list-style-type: none"> • Licence is only available to a person whose primary residence is outside of Australia • To authorise the licensee to hunt in the same manner as the holder of a standard hunting licence
		10	7	<i>Hunting guide licence</i>	Consistent	n.a.
		11	8	<i>Commercial hunter's licence</i>	Consistent	n.a.
		11A	9	<i>Professional hunter's licence</i>	Consistent	n.a.

2012 Regulation Part	2022 Draft Regulation Part	2012 Regulation Clause	2022 Draft Regulation Clause	Heading	Change	Purpose
		12	10	<i>Approval of courses of training for licences</i>	Minor drafting change	To provide clarity
		13(1)	11(1)	<i>Restrictions on granting licences</i>	Change 'natural person' to 'individual'	To use plain English
		13(2)	11(2)	n.a.	Consistent	n.a.
		13(3)	Deleted			Remove restrictions on granting a standard hunting licence or visitor's hunting licence to a person who is under the age of 12 years
		New	11(3)		Adding restrictions on international visitor's hunting licences	To clarify that an international visitor's hunting licence must only be granted to a person whose principal place of residence is outside of Australia
		14	12	<i>Licence applications</i>	Minor drafting change	Changed to provide ease of reading
		15	13	<i>Maximum duration of licences</i>	Change of maximum period for a game hunting licence from 5 years to 10 years (except for a native game bird management licence and international visitor's licence)	Maximum licence period changed to reduce the administrative burden on the regulatory authority and the hunter, and to bring the regulation into line with other licences, such as driver's licences
		15A (repealed)	Deleted			
		16(1), (1A), (3) and (5)	Schedule 1	<i>Licence fees</i>	Moved to Schedule 1	To provide a better flow and ease of reading for the regulation
		16(2)	14	<i>Reduction in licence fee</i>	Add reduction in fees for a serving member of the Australian Defence Force	Add reduction in fees of one-third, to the nearest whole dollar amount, for a serving member of the Australian Defence Force, including a reserve available for, or undertaking, training or duty for the Australian Defence Force
		16(4)	15 and Schedule 1	<i>Licence lost, destroyed or defaced</i>	Moved to a new clause	To provide clarity

2012 Regulation Part	2022 Draft Regulation Part	2012 Regulation Clause	2022 Draft Regulation Clause	Heading	Change	Purpose
		16(6)	Deleted	<i>Power to refund or waive fees</i>	Deleted	Required to be deleted because the GFAC Act does not allow for fees to be waived or refunded
		17	16	<i>Grounds for refusal of restricted licence</i>	Add new offences	New offences added to include offences under legislation
		18(1)	17	<i>Conditions of game hunting licences</i>	Move of conditions from Schedule 1 to Schedule 2	To allow for the moving of the table of fees to Schedule 1 for better flow and ease of reading.
		-	18	<i>Suspending or cancelling game hunting licences</i>	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 to apply during the term of the licence, in addition to the existing requirements
		18(2)-(4)		<i>Suspending provision of clauses 5-13 of Schedule 1</i>	Deleted	Suspension of provisions no longer required due to the removal of hunting seasons and other species specific provisions
		19	19	<i>Exemptions from licensing</i>	Change to reflect that the exemption only applies to public land, and only to persons who hold a firearms licence with genuine reason vertebrate pest animal control	To provide clarity to the types of land that the exemption applies to
Part 3A - Native bird management licences	Part 3 - Native bird management licences	19A	20	<i>Native game bird management licences</i>	Add sections 21(3)(a) and (b) of the Act to sections that do not apply to, or in	The change allows a native game management licence to be issued to a property owner or occupier regardless of whether they have been found guilty of

2012 Regulation Part	2022 Draft Regulation Part	2012 Regulation Clause	2022 Draft Regulation Clause	Heading	Change	Purpose
					respect of, a native bird management licence	an offence involving cruelty or harm to animals, personal violence, damage to property or unlawful entry into land, or if the person has been found guilty of an offence This is to enable the land owner to hire someone who does hold the required licence and has met the standards to enable the management of native game birds
		19B	21	<i>Application for native game bird management licences</i>	Consistent	
		19C	22	Maximum duration of native game bird management licences	Change 5 years to 1 year	To bring the licence period into line with annual quota requirements
Part 4 - Miscellaneous	Part 4 - Miscellaneous	20	23	Notice of proposed declaration of hunting land	Removal of requirement to publish in newspapers	To update the means of communication to reflect current practices
		21	Schedule 3	<i>Penalty notice offences and penalties</i>	Remove unnecessary regulation	Necessary clarification provided in Schedule 3
	Part 5 – Repeal and savings provision	22	24	<i>Savings</i>	Repeal of current Regulation	
		22A	24	<i>Savings and transitional provisions consequent on enactment of Game and Feral Animal Control Further Amendment Act 2012</i>	Transitional	To allow for consistency across legislation in process of amendment
		22B	Deleted	<i>COVID-19 pandemic— extension of duration of licences</i>	No longer applicable	
		23 (repealed)	Deleted			

Table 2 Overview of regulatory provisions for the proposed Schedules of GFAC Regulation 2022

2012 Schedule 1 Clause/ Other Schedule	2022 Schedule 2 Clause/ Other Schedule	Title	Change	Reason if applicable
1	1	<i>Licence to be carried and produced on request</i>	Minor drafting changes	Reading ease
2	4	Hunting on declared public land requires permission to enter	Changes to whom requires permission to hunt on public land	To require: <ul style="list-style-type: none"> • the person hunting and the supervisor to obtain written permission to hunt on the land (the person supervising is taken to be hunting) • the hunter and supervisor to submit a harvest return • the person who has been granted permission to hunt, who cannot hunt on that day, to inform the Regulatory Authority before that day
3	2	Hunting by persons under 18 years of age	Changes to ages for when a person must be supervised	Change to require persons under 16 (formally 18) to require supervision by a person 18 years or older who holds the same class of hunting licence
4	6	<i>Prohibition on hunting from motor vehicles on roads on declared public hunting land</i>	Clarifies that a person must not hunt from a motor vehicle on declared public hunting land	Removes reference to 'on or across a road' Clarifies that <ul style="list-style-type: none"> • motor vehicle does not include wheelchairs used by a person who suffers a disability that prevents the person hunting on foot • the section does not apply to hunting from an aircraft pursuant to an obligation under an Act
5	Deleted	Open seasons for certain deer	Specific restrictions on deer no longer apply	
6	Deleted	Using spotlights or electronic devices for hunting deer prohibited	Specific restrictions on deer no longer apply Note, hunting with spotlight on public land remains prohibited	
7	3	Hunting of game fleeing from fire or smoke prohibited	Removal of exemption for professional hunters	Improved animal welfare
7A	Deleted	Game animals to which this Part applies	Regulation applies to all game animals as deer are no longer treated differently	

2012 Schedule 1 Clause/ Other Schedule	2022 Schedule 2 Clause/ Other Schedule	Title	Change	Reason if applicable
8	Deleted	<i>Use of aircraft, watercraft and motor vehicles prohibited for hunting certain game</i>	Deleted as covered by clause 6 of new draft	
9	5(8)	<i>Use of baits, lures and decoys for hunting certain game</i>	Clarify not to be used on declared public hunting lands	
10	8	<i>Hunting certain game at night prohibited</i>	Clarify that hunting at night is prohibited when using a bow or firearm	
10A	9 to 14	Conditions relating to native game birds	Changes made to group provisions relating native birds together	Reading ease
11	7	<i>Use of dogs</i>	Removes provisions from other sections relating to dogs & groups them together	Better flow
12	Deleted	<i>Use of dogs for hunting deer</i>	Provisions now apply to all hunting with dogs and captured by new clause 7	Deer no longer treated differently
13	7	<i>Use of dogs for hunting pigs on public land</i>	Captured within the clause 7 'Use of Dogs'	Removes duplication
New	5	<i>General requirements for hunting on declared public hunting land</i>	Formalising existing licence conditions applied through written permissions	
Schedule 2	Deleted			[Allows for new Schedule 2 and better flow]
New but from c.16	Schedule 1	<i>Fees</i>	Consolidation	
New but from c. 21	Schedule 3	<i>Penalty notice offences</i>	Consolidation	

6. Identification of options

In accordance with the SL Act and the NSW Government Guide to Better Regulation, this assessment:

- considers a range of viable options
- identifies and assesses the impacts of government action for each option relative to a base case
- considers the costs and benefits of each option relative to the base case
- identifies a preferred option that provides the greatest benefit to stakeholders, the community and the environment.

6.1 Options to be assessed

The GFAC Regulation contains the current regulatory provisions and under the base case (Option 1) these provisions would be remade with no change.

Three options will be assessed against the base case:

- Option 2: Make the proposed Regulation
- Option 3: Self-regulation (allowing the GFAC Regulation to lapse)
- Option 4: Co-regulation (allow the GFAC Regulation to lapse).

These are the only options considered feasible in this RIS.

The details of the proposed Regulation (Option 2) which would be made under the GFAC Act are provided in [Table 1](#). This regulation would replace existing measures on 1 September 2022.

If no further actions are taken by the NSW Government, the GFAC Regulation would lapse on 1 September 2022 and no new regulation would be made in its place. Two options may be assessed in this case: self-regulation (Option 3) and co-regulation (Option 4).

- **Option 3: Self-regulation** — under this option the GFAC Regulation would lapse and the NSW approved hunting organisations would collaborate to develop a voluntary code of conduct for the safe and ethical hunting of game and feral animals and use of hunting equipment.

These groups would implement the rules and manage the monitoring and compliance of codes. The NSW Government would have no role under this option.

- **Option 4: Co-regulation** — under this option the GFAC Regulation would lapse and the NSW approved hunting organisations would collaborate with the NSW Government to develop a code of practice.

These groups would formulate rules and codes of conduct for hunting activities and the NSW Government would provide legislative backing to enable the enforcement of these arrangements.

6.2 Machinery clauses

The proposed Regulation would make a number of regulatory provisions of a machinery nature. Generally speaking, machinery clauses are those which could broadly be described as relating to 'process' rather than a substantive policy matter.

Machinery clauses in the proposed Regulation include for example:

- Clause 1 – Name of the Regulation
- Clause 2 – Commencement date of the Regulation
- Clause 3 – Definitions.

Matters of a machinery nature do not require a RIS. This RIS does not consider these provisions in detail however comment on these provisions may be included in submissions and will be considered.

7. Assessment of impacts

In this assessment the impacts, benefits and costs of proposed regulatory changes under Options 2 through 4, are compared with those from the base case (Option 1). The direct and indirect impacts of each option have also been considered. Direct impacts are the immediate impacts on stakeholders, whereas indirect impacts are those affecting a third party beyond the initial direct impact on a stakeholder.

7.1 Base Case (Option 1): Remake the GFAC Regulation without amendments

7.1.1. Overview of the base case

Under the base case the existing regulatory provisions under the GFAC Regulation would be remade, as is, with no amendments, on 1 September 2022. A description of the provisions under the base case and the proposed Regulation are provided in [Table 1](#) and [Table 2](#) of Chapter 5.

7.1.2. Identification of impacts under the base case (Option 1)

Under Option 1, the existing powers of the GFAC Regulation would continue to support the management of game and feral animal hunting activities in NSW. A list of the provisions and the impacted parties — i.e. businesses, consumers, the community, government and the environment — are provided in [Table 3](#).

Table 3 Impact of the GFAC Regulation under the base case (Option 1)

Provision group	Impact: Under the base case (Option 1)	Who is impacted?				
		Businesses	Consumers	Community	Government	Environment
Part 3 Game hunting licences	Business and individual applicants are aware of the different types of game hunting licences (general and restricted) and their use.	✓	✓			
	Business and individual applicants are aware of the conditions that they must adhere to when applying for a game hunting licence, including licence fees and exemptions.	✓	✓		✓	
	The Regulatory Authority has the power to: <ul style="list-style-type: none"> • approve courses for training • restrict the granting of licences • decide on and extend the duration of licences • refuse restricted licence. <p>These provisions mean that compliance may be consistently applied across all licence holders.</p>	✓	✓		✓	
Part 3A Native game bird management licences	Business and individual applicants are aware of the conditions that they must adhere to when applying for a native game bird management licence and duration of licences.	✓	✓			✓
Part 4 Miscellaneous	Notice of proposed declaration of hunting land – Public notice of a proposed declaration under section 20 of the Act is to be given by being published, at least 30 days before the declaration is made.	✓	✓	✓	✓	
	Penalty notice offences and penalties – Offenders (individuals or businesses) are fully aware of the list of possible offences and the associated penalty amounts listed in Schedule 3.	✓	✓		✓	

Provision group	Impact: Under the base case (Option 1)	Who is impacted?				
		Businesses	Consumers	Community	Government	Environment
Schedule 1 Conditions of game hunting licences	<p>Business and individual licence holders are aware of all conditions they must adhere to when conducting hunting activities.</p> <p>These provisions outline acceptable actions in relation to: hunting generally, the use of equipment and tools in hunting, and the use of dogs in hunting.</p> <p>Subsequently, these provisions minimise the risk of negative impacts on human safety and animal welfare, and damage to native fauna. These measures also protect the safety of compliance officers working for government.</p>	✓	✓	✓	✓	✓
Schedule 2 Mandatory provisions of code of practice	<p>Business and individual licence holders are aware of the mandatory codes of practice in relation to:</p> <ul style="list-style-type: none"> • awareness of relevant legislation • safe handling of firearms • permission required to enter land • target identification and safety • obligation to avoid suffering • lactating females with dependent young • wounded animals • use of dogs. <p>These reduce the risk of negative impacts for human safety and animal welfare.</p>	✓	✓	✓		✓
Schedule 3 Penalty notice offences	<ul style="list-style-type: none"> • Allocates penalty notices and amounts to offences under the GFAC Act and breaches of licence conditions listed in Schedule 1. • This will allow authorised officers to issue penalties for prescribed offences and encourage individuals and businesses to minimise the risks associated with game and feral animal hunting activities. 	✓	✓		✓	

7.2 Option 2: Make the proposed GFAC Regulation 2022

7.2.1 Overview of Option 2 – Make the proposed Regulation

Under Option 2, the proposed Regulation would be made under the GFAC Act. The proposed Regulation seeks to support implementation of the GFAC Act, which prescribes management rules for game and feral animal hunting activities in NSW.

NSW DPI has reviewed the GFAC Regulation, in consultation with other NSW government agencies and identified a range of provisions that need to be amended to strengthen the protections for game and feral animal hunting activities. A summary of the proposed amendments is provided in **Table 1** and **Table 2** of **Chapter 5**.

Under the proposed Regulation, all regulatory clauses of the GFAC Regulation (base case) would continue with the exception of some deleted and amended clauses, and new provisions (see **Table 4**).

Table 4 Summary of consequential amendments and new clauses of the proposed Regulation – ‘consequential’ means significant change with impact relative to base case

Title of the amended or new provisions 2022	Type of change
Part 2 Game hunting licences <ul style="list-style-type: none"> International visitor’s hunting licence (c4) 	Amended (visitor’s hunting licence references to international visitor’s hunting licence to clarify)
Part 2, c11(3) – Restrictions on granting licences – the Act, s 21	Deleted (remove restrictions on granting licence to a person under 12; added provision around international visitor licence for those outside Australia)
Part 2, c13 – Maximum period for licences	Amended to add 10-year licence option
Part 2, c14 – Reduction in licence fees	New to reduce fee by 1/3 for Defence Force personnel
N/A – Power to refund or waive fees	Deleted because Act does not allow
Part 2, c16 – Grounds for refusal of an R-Licence	Amended to include new offences
Part 2, c17 – Conditions of game hunting licences	Amended given removal of deer seasons and species-specific regulations
Part 3 – Native bird management licences Part 3, c21 –Native bird management licences	Amended to allow for better management of native game birds

Title of the amended or new provisions 2022	Type of change
Part 3, c22 – Maximum duration of native game bird management licences	Amended from 5 to 1 year
Part 3, c23 – Notice of proposed declaration of hunting land	Amended to remove requirement to publish notice in newspapers
Schedule 2, c2 – Hunting by person under 18 years of age	Amended age from under 18 to under 16 for required supervision by an adult of same licence class
Schedule 2, c3 – Hunting of game fleeing from fire or smoke prohibited	Amended - professional hunters no longer exempt
Schedule 2, c4 – Hunting on declared public land requires permission to enter	<p>Amended to require hunter and supervisor (also deemed hunting) to obtain written permission</p> <p>Hunter and supervisor to submit harvest return</p> <p>Person granted permission must advise if not planning to hunt on indicated days</p>
Schedule 2, c.5 – General requirements for hunting on declared public hunting land	Amended to also include several of the extant written permission conditions
Schedule 2, c 8 – Hunting certain game at night prohibited	New to clarify that hunting at night is prohibited when using a bow or firearm on declared public land

7.2.2 Impacts, benefits and costs under Option 2

A summary of the impacts, costs and benefits from the amended and new provisions is provided below in [Table 5](#).

[Table 5](#) shows that Option 2 provides increased protections and safe game and feral animal hunting in NSW relative to the base case (Option 1). There may be increases in costs to businesses, community and the government from implementing and complying with these measures, but these are considered to be minor. Further details of the impacts, benefits and costs of these changes are provided in [Table 5](#).

For these reasons, Option 2 — the proposed Regulation — is preferred to remaking the GFAC Regulation (base case).

Table 5 Impact, benefits and costs of the provisions under Option 2 (the proposed Regulation) relative to the base case

Provisions under the proposed Regulation	Proposed amendment	Impact	Benefits	Costs ^a
<p>Part 2 – Game hunting licences, International visitor’s hunting licence:</p> <ul style="list-style-type: none"> International visitor’s hunting licence (c4 & c6) 	Changed visitor’s hunting licence references to international visitor’s hunting licence to clarify that a person residing overseas needs this licence to hunt in NSW	Clarifies that a visitor’s licence is for international visitors to NSW	<ul style="list-style-type: none"> Increases understanding and compliance of international visitor licensing arrangements Raise international awareness and collaboration – international visitors, individuals, government, business, and environment benefit 	Nil or minimal
Part 2, c11 – Restrictions on granting licences	Deleted sub-clause to remove restrictions on granting licence to a person under 12	<p>Allows young people to complete training and enter the regulatory system earlier</p> <p>Allows transfer of intergenerational knowledge, skill and experience</p>	<ul style="list-style-type: none"> Lowers cost of access to hunting for families - individuals Improved outcomes for families, stronger family bonds- individuals Improved animal welfare- environment, compliance-government, and hunting sale of products – businesses & jobs 	Nil or minimal
Part 2, c13 – Maximum period for licences	Amended to add 10-year licence option	Provides game hunting licence holders the option to have a 10-year licence consistent with general licensing arrangements in NSW	<ul style="list-style-type: none"> Savings to individuals Reduced administrative burden to Government and NSW population 	Nil or minimal
Part 2, c14 – Reduction in licence fees	New to provide discount in licence fees to members of the Australian Defence Force (ADF)	Licence costs are reduced by one-third for members of the ADF	Savings to obtain licences for these individuals	Nil or minimal (individuals provide their life and limb in protection/service of the nation)
N/A – Power to refund or waive fees	Deleted current Part 2, c16(6) because Act does not allow	Avoid any misconception over refund or waving of fees and provide consistent approach across hunting fraternity	Equitable application of fees to individuals but likely to be minimal	Nil or minimal

Provisions under the proposed Regulation	Proposed amendment	Impact	Benefits	Costs ^a
Part 2, c16 – Grounds for refusal of an R-Licence	This clause would include new and existing provisions that give the Regulating Authority specific powers to refuse to grant a game hunting licence	Amendments and new provisions would expand powers and clearly articulate the reason for refusing the granting of a game hunting licence; or the suspension of an existing licence	Savings from avoided costs in: <ul style="list-style-type: none"> improved likelihood that individuals and businesses undertake hunting activities in a responsible manner; reducing the potential costs to life and limb and NSW public healthcare reduced potential risk of harm to the community, damage to ecosystems (i.e. native fauna and endangered species) and poor animal welfare outcomes potential reduction in costs of and need for compliance activities conducted by the Regulatory Authority 	Nil
Part 2, c17 – Conditions of game hunting licences	Amended ability for the regulatory authority to suspend clauses given drafted amendments to species specific regulations	Nil	<ul style="list-style-type: none"> Nil 	Nil
Part 3 – Native bird management licences Part 3, c21 –Native bird management licences	Amended to allow for better management of native game birds - landowners can hire someone if needed that holds the required licence and has met the standards to enable the management of native game birds	Change enables a landowner to protect their crops from native game birds	<ul style="list-style-type: none"> More efficient operation of regulatory authority – government Reduced agricultural output losses of property owners – agricultural businesses and jobs Reduced cost of pest control to agricultural businesses 	Nil or minimal where sustainable harvest is of native game birds

Provisions under the proposed Regulation	Proposed amendment	Impact	Benefits	Costs ^a
Part 3, c22 – Maximum duration of native game bird management licences	Amend – The maximum duration of a native game bird management licence would be changed to 12 months (currently it is 5 years)	This change would streamline the licence and quota allocation systems for native game birds with those for ducks; landholders must apply for both	<ul style="list-style-type: none"> Reduce confusion for landholders (individuals and businesses) applying for both licences and quotas Improve processing efficiency and administration for government, because most game bird and duck hunting approvals would be completed together 	Potential for increased administrative costs to government because the licence would have to be processed annually
Part 3, c23 – Notice of proposed declaration of hunting land	Amended to remove requirement to publish notice in newspapers to update the means of communication to reflect current practices	Speed and efficiency of communication of declaration	<ul style="list-style-type: none"> Savings to government from efficiency of declaration Quicker communication to the general public of declaration – community Quicker communication to and access by hunting individuals 	Nil
Schedule 2, c2 – Hunting by person under 18 years of age	Amended age from under 18 to under 16 for required supervision by an adult of same licence class	Ensures minor individuals have access to education and safe hunting on declared and open public land	<ul style="list-style-type: none"> Maintained safety to minor hunting individuals using firearms and community while reducing red tape and increasing opportunities for other individuals 	Nil or minimal
Schedule 2, c3 – Hunting of game fleeing from fire or smoke prohibited	Amended - professional hunters no longer exempt	Improved outcomes for animal welfare	<ul style="list-style-type: none"> Improved animal welfare – environment and community 	Nil or minimal
Schedule 2, c4 – Hunting on declared public land requires permission to enter	Amended to require hunter and supervisor (also deemed hunting) to obtain written permission; hunter to submit harvest return; person who is granted permission to advise when will not hunt	Increased regulation of hunting on declared land to allow for better management of lands	<ul style="list-style-type: none"> More efficient and active management of public lands – government, community and individuals Improved opportunity to police/manage compliance on public lands 	<p>Increased cost to hunting individuals from requiring permission, providing returns, giving notice will not hunt</p> <p>Increased costs of compliance on public</p>

Provisions under the proposed Regulation	Proposed amendment	Impact	Benefits	Costs ^a
			<ul style="list-style-type: none"> Sustainable harvests on public lands – environment & ecosystems 	lands if undertaking monitoring and enforcing activities - government
Schedule 2, c.5 – General requirements for hunting on declared public hunting land	Amended to include several of the extant written permission conditions	Improves regulatory outcomes by combining relevant regulations and conditions in the one location	<ul style="list-style-type: none"> Benefit to community from knowing declared public lands are managed to ensure animal welfare is maintained Improved regulatory outcomes for individuals by enabling differentiation between offences and associate PINs based on severity of offence Maintains community outcomes and expectations of enforcement actions 	Nil or minimal
Schedule 2, c 8 – Hunting certain game at night prohibited	New to clarify that hunting at night is prohibited when using a bow or firearm	<ul style="list-style-type: none"> Improves safety by reducing likelihood of a hunting accident Better management of hunting on declared public hunting lands 	<ul style="list-style-type: none"> Improved benefits from reduced loss of human life and limb of individuals and associated wellbeing of family and community Reduced cost to healthcare - government 	Nil or minimal

Notes: one cost across all amendments is the cost of preparing and implementing the amendments – while not explicitly stated here because all amendments involve this cost – the cost benefit analysis in the later section includes a proxy for this cost.

7.3 Option 3: Self-Regulation (allowing the GFAC Regulation to lapse)

Under Option 3, self-regulation would be implemented on 1 September 2022 when the GFAC Regulation would lapse. This means the regulatory provisions detailed in the base case ([section 7.1](#)) would cease to exist and no new regulation would be made in its place.

Two potential scenarios would occur under this option, either:

1. the government would prohibit hunting activities on public hunting land and game hunting licences would cease, or
2. hunting activities would continue, unrestricted and unregulated by the government.

Note:

1. Scenario 1 is a high-risk option which would also reduce the economic contribution of hunting to the NSW economy.
2. Scenario 2 is a high-risk option for the NSW businesses, the community, government and the environment.

Without the GFAC Regulation, for hunting activities to continue – ‘unrestricted and unregulated’ by the government (point 2) - industry would have to consolidate and coordinate a strong hunter code of conduct to ensure that they met the GFAC Act. Clause 16 of the GFAC Act requires any person that hunts a game animal on public or private land must have a licence, and without a licence they would be guilty of an offence.

Under this option the industry body would need to create a licensing system within their code of conduct. Additionally, it is likely that in the long run, the collaboration between approved hunting organisations would need to strengthen to maintain the condition of public hunting land resources.

In the short to medium term, there is potential for increased risks to hunters, the community, the environment and the government which have been outlined below. Government intervention in this activity has ensured that hunting on public land is conducted in a safe, sustainable and ethical manner.

7.3.1 Impacts, benefits and costs under Option 3

Lapse of the GFAC Regulation and implementing Self-Regulation would have a range of impacts, benefits and costs for NSW businesses, government, consumers and the community, and the environment.

Table 6 shows that relative to the base case; Option 3 would impose significant risks and costs on consumers, the community, businesses and the government.

A summary of the potential risks include:

	Consumers and businesses <ul style="list-style-type: none">• Weaken the incentives of businesses and individuals to act safely and ethically when holding a game hunting or native game bird management licence.• Reduce expenditure by the public on hunting related goods and services leading to a negative impact on the NSW economy.
	Community <ul style="list-style-type: none">• Potential increase in health care costs from risk of harm to the community and animal welfare.• Loss of social licence in regional communities
	Environment <ul style="list-style-type: none">• Increase environmental costs from increased likelihood of risk of harm to native fauna and the ecosystem.• Worsen animal welfare outcomes
	Government <ul style="list-style-type: none">• Government would have no power to manage individuals' and businesses' actions when these groups do not comply with the conditions of the game hunting licences.• Increase operational costs to government from reduced/non-existent licence fees.• Increases the costs to government as it would have to take offences to court.• No consolidated revenue from PINs.

For these reasons, Option 3 — Self-Regulation — is not preferred to remaking the GFAC Regulation (base case) or Option 2 to make the proposed Regulation.

Table 6 Impact, benefits and costs of the provisions under Option 3 (Self-Regulation) relative to the base case

Provision group	Impact	Benefits	Costs
<p>Part 2 – Game hunting licences</p> <p>and</p> <p>Part 3 – Native game bird management licences</p>	<ul style="list-style-type: none"> Hunters (individuals and businesses) would have no means to apply for, obtain and pay for a game hunting licence to hunt on private and public hunting land; an offence under the GFAC Act Under this option, hunting groups would have to establish a licence with conditions and a system to meet legislation under the GFAC Act Government would have no power to: <ul style="list-style-type: none"> approve courses for training decide on and apply the duration of licences Government would have reduced power to: <ul style="list-style-type: none"> restrict the granting of licences refuse restricted licence 	<ul style="list-style-type: none"> Individuals and businesses would not have to adhere to the regulation, which may have a potential to reduce their costs of hunting and increase profits (e.g. not paying licence fees) 	<p>Where the government does not manage, implement and monitor a licensing system for game hunting, there are some high-risk impacts that could result. These include:</p> <ul style="list-style-type: none"> there is a risk that police would not have a well-maintained system for identifying and contacting individuals licensed to undertake game hunting the government would have minimal control over: <ul style="list-style-type: none"> hunting standards for public hunting lands conditions of an application to obtain a game hunting licence education of individuals that undertake game hunting activities refusal of licences (noting that police would still control individuals that have a firearms licence, but are unlikely to be monitoring hunting behaviour on public hunting land) reduce control, management and awareness of game hunting activities, and whether these are occurring in a manner that is safe for individuals and the community Overall outcomes for the government include a reduced: <ul style="list-style-type: none"> capacity to manage and minimise risks to the community, from game hunting activities; allowing these activities to occur in the safest manner; however, through the GFAC Act it would maintain responsibility for some of these functions ability to manage and monitor conflict; in the event that there is increased harm to individuals

Provision group	Impact	Benefits	Costs
			<ul style="list-style-type: none"> ○ this would result in increased costs to public health care ○ awareness of the diverse users of public game hunting forests and potential for conflict amongst the community, hunters and industry users ● Potential of non-compliance with industry standards and setting of incorrect incentives in the hunting industry ● Potential cost to government from having to refund active licences as hunters need to transition to new licence system
<p>Part 4 – Miscellaneous</p>	<ul style="list-style-type: none"> ● Rules for establishing a public hunting area would no longer exist, unless a hunting group established these conditions ● Penalty notice offences and amounts would cease to exist; however, offences would continue to exist under the GFAC Act and would require prosecution in court 	<ul style="list-style-type: none"> ● Removes potential for immediate penalties that individuals and businesses would have to pay if they commit an offence 	<ul style="list-style-type: none"> ● Hunting groups would have to invest time and financial resources in developing voluntary codes to scope the establishment of new public hunting areas and manage community expectations, given the multiple-use of this resource ● The removal of penalty notice offences removes clear incentives to hunters, as to what is acceptable behaviour during hunting activities ● It is likely that this will increase the number of offences to individuals and the administration cost to government from processing offences through the courts ● This could also increase the potential for damages to the environment ● Potential to increase the costs to offenders, due to court fees and non-specified fine amounts
<p>Schedule 2 – Conditions of game hunting licences</p>	<ul style="list-style-type: none"> ● Requirements to produce licences would be uncertain ● Hunters would only be required to obtain written permission to enter public hunting land if a condition was 	<ul style="list-style-type: none"> ● Hunters could have increased access to public hunting land. However, this could result in over access and use of this resource. 	<ul style="list-style-type: none"> ● Without requirement to carry a licence this may increase compliance costs by police or the Regulatory Authority ● Currently public land is managed through the written permission system to ensure there is only one hunter per 400 hectares <p>Without this control in place an increased safety risk may result in a higher density of hunters hunting the same areas</p>

Provision group	Impact	Benefits	Costs
	<p>included in the voluntary code of conduct</p> <ul style="list-style-type: none"> Hunting from motor vehicles, aircraft and watercraft would be allowed on all land tenures Non-indigenous animals and birds could be hunted with no restriction how hunting activities are conducted Use of dogs for hunting (birds, deer and pigs) on public land would be unregulated 	<ul style="list-style-type: none"> Removal of rules on the manner and timing of game hunting for all animals would improve access for hunters 	<p>and a potential for increased damage to the flora and fauna in these areas; these changes are likely to have short-run increasing costs on the health system – government and long-run costs to rehabilitate ecosystems</p> <ul style="list-style-type: none"> Unregulated hunting from vehicles, aircraft and watercraft have potential to increase the occurrence of unsafe incidents and increase the incidence of unsafe conditions for the community and hunters Increased potential for the use of dogs in an unsafe manner which may increase risk to human safety (community) and reduce animal welfare standard for hunting dogs

7.4 Option 4: Co-regulation (allowing the GFAC Regulation to lapse)

Under Option 4, co-regulation would be implemented on 1 September 2022 when the GFAC Regulation would lapse. This means that regulatory provisions in the base case ([section 7.1](#)) would cease to exist and no new Regulation would be made in its place.

Furthermore, several organisations which are [Approved Hunting Organisations \(AHO\)](#) could collaborate with the NSW Government to develop industry codes of conduct.

The NSW Government could provide the following legislative endorsement and support to enforce codes.

- Delegate enforcement powers to the AHO's
- Require compliance with voluntary codes of conduct to NSW Government standards
- Detail conditions where standards can be overridden by **industry bodies** and conditions under which this may occur
- Prescribe codes and standards as either voluntary or mandatory (Australian Government 2007).

7.4.1 Impacts, benefits and costs under Option 4

When the GFAC Regulation lapses, it is likely that the impacts, benefits and costs to NSW businesses, consumers, government, the community and the environment under this option will be similar to those outlined in Option 3 (see [Table 6](#)).

However, with the formulation and implementation of a hunting code of conduct, the magnitude and likely risks resulting from game and feral animal hunting activities would depend on the:

- strength of industry incentives to comply with the arrangements
- strength of legislative support that the government may extend to minimise risks and
- delay in the establishment and implementation of the codes of conduct.

In the interim, where game and feral animal hunting is self-regulated, there is likely to be a significant number of risks and costs to consumers, businesses and the government (as detailed in [section 7.3.1](#)).

The risks resulting from hunting activities may be minimised, if government and interested parties are able to agree and implement codes of conduct and risk creators are sufficiently incentivised to meet these requirements. However, this will require that the incentives of hunting groups are aligned and there is cohesiveness between groups.

Furthermore, industry groups and the NSW government would also have to incur additional costs to establish codes and implement legislation.

For these reasons, Co-Regulation (Option 4) is not preferred to either the base case (revoke the GFAC Regulation) or making the proposed GFAC Regulation (Option 2).

7.5 Cost-benefit analysis results

7.4.1 Introduction and caveats

The quantitative results presented in this section provide further evidence to support the qualitative cost-benefit analysis (CBA) undertaken in the previous sections. However, these results are indicative and should not be used for purposes other than they were intended or used out of context. With the passage of time and as more information comes to hand, or as the population and people's preferences change, these results can be refined – they are not definitive – they are simply designed to help support the decision making over the GFAC RIS.

7.4.2 CBA results of options

Table 7 provides the results of a CBA undertaken for each option consistent with Treasury requirements (2017; 2019). Option 2 provides the highest net benefits and benefit-cost ratio to NSW relative to the base case (Option 1) with a net present value (NPV) of almost \$160m over a 20-year period, along with a benefit-cost ratio (BCR) of 11:1. These results are conservative because a number of additional benefits, if included, would further improve these results. Options 3 and 4, deliver negative NPVs and BCRs of less than one.

Table 7 CBA Results relative to base case

Option	Costs (NPV \$m)	Benefits (NPV \$m)	Net Benefits = benefits – costs (NPV \$m)	Benefit- cost ratio
Option 1 - Base case (keep existing Regulation)	-	-	-	-
Option 2 – Make proposed Regulation	15	173	157	11
Option 3 – Allow Regulation to lapse – Self-regulation	Very large	Very small	Negative	<1
Option 4 – Allow Regulation to lapse – Co-regulation	Large	Small	Negative	<1

7.4.2 Method, assumptions and sources

The key assumptions and sources of information for these calculations are provided in **Table 8**. Annual benefits and costs are presented along with the approach and explanation for calculating each. The annual benefits or costs are accumulated into present-day dollar values ('present values', PVs) in **Table 6** using a discounted benefit and cost flows approach at seven percent over 20 years (NSW Treasury 2017). The net present value ('NPV'), PV of benefits less PV costs and the benefit cost ratio, the quotient of PV of benefits and PV of costs, are also presented.

Table 8 CBA method, assumptions and sources

Benefit/Cost	Estimate (\$m/yr)	Rationale	Calculation	Percentage improvement (%)/Factor change^a	Notes	Sources
Benefit: Efficiency savings	2.9	Reduced administrative burden (or deadweight loss) from efficiency in service provision	% Improvement in deadweight loss as a proportion (25%) ^a of producer (PS) & consumer (CS) surpluses	3%	PS or profit = 25% of value of NSW Hunting industry gross state product – GSP (\$1.4b/yr) ^e CS = 25% of value of NSW Hunting industry – GSP (\$1.4b/yr)	2022 estimation from NSW DPI (2017a)
Benefit: Human safety improvements	3.4	Reduced risk of loss of value of life and injury	Marginal lives saved/yr (0.8) ^e x value of statistical life (VOSL) ^e x factor for addition of injuries (1.6) ^a	50%	Loss of life; VOSL = \$5.4m/life	Game Council of NSW (2010); DPMC (2021)
Benefit: pest management - agriculture	7.7	Reduced cost of pest damage & control	% Reduction in cost to NSW agriculture	2%	Cost to agriculture (excluding recreational fisheries & includes state expenditures) (\$182m/yr) ^e	McLeod (2016)
Cost: Preparing & implementing regulation	1.1	Increased cost from making & implementing regulation	Proxied by cost of Department of Parliamentary Services (DPS)/sitting day	1.5 (to add costs from DPI et al.) ^a	Factored total cost (\$51m/yr) ^e /mean sittings days (180) ^e x days per amendment batch (12) ^a	NSW DPS (2021; 2022)
Cost: Inflation recovery on licence fees	0.2	Incremental cost to hunters from inflation indexation of licence fees	Mean differential of 5-year licence fees: standard, hunting & commercial	N.A.	Licensees (23,000) ^e Annual fees ^e	NSW DPI (2021) Provided in this document

Notes: a = simplifying assumption, e = estimate from the literature used in the calculation.

In estimating each annual benefit or cost, some simplifying assumptions (indicated as 'a' in **Table 8**) are required and these are explicitly noted in the table along with key source estimates (noted as 'e') from the literature.

Some assumptions require more explanation. The percentage of gross state product assumed to be surplus is 50%, with half of this going to consumers and the other half going to producers: 25% each.

Percentage improvements from the regulation are conservative and based generally on small changes, for example, efficiencies from online services are assumed to deliver a three percent improvement in the surplus to consumers and producers. The exception is for improvements in human safety through the regulation; here, a 50% increase is assumed given this is a key objective of the regulation.

The cost of preparing and implementing the regulation is the only proxied estimates and is based on the cost of legislating as reported by the Parliament for NSW. A factor of 1.5 is used to account for the additional cost to other agencies beyond the DPI.

The estimation of benefits is conservative because benefits to animal welfare, pest control for native fauna and improved recreational (non-market) benefits are not included. A qualitative distributional analysis is provided, in part, in the previous sections by describing the likely costs and benefits to key stakeholders.

7.6 Summary case for the preferred Option

In conclusion, making of the proposed Regulation (Option 2) under the GFAC Act is the preferred option, because it provides significant net benefits to NSW with a benefit cost ratio of 7:1 relative to the base case (Option 1). Option 2 delivers efficiency savings for the industry, human safety improvements, pest management benefits, as well as improvements in animal welfare and benefits to the environment.

Options 3 and 4 are not preferred to the base case, or the proposed Regulation, because the costs of doing so would exceed the benefits by reducing powers to game and feral animal hunting activities and increasing the risk of negative impacts in NSW.

Appendix

A – Licence fee revision methodology

Summary

The licence fees for all licences have not increased since 2012. CPI will be applied on 2022 fees, which means, from 2023 fees will increase slightly. No CPI is charged for the decade 2012 to 2022 – a significant saving has been passed onto licensees.

Table 9 sets out the *indicative* fees from 2023 (based on the methodology in the regulation, but because future CPI is not known, using an expected inflation rate of 4.5% from the NSW Treasury, 2021 *Mid Year Budget Review*). The 2012 fees are brought forward without CPI adjustment to 2022 and then the methodology of annual Sydney CPI adjustment between the March quarter is applied each year in June of that year.

Table 9 Existing licence fees and indicative licence fees under the proposed Regulation

Type of licence	Number of years	Existing licence fees (\$) – in 2022	Indicative licence fees (\$) – in 2023
Standard hunting licence	1 year licence	75	80
	2 year licence	145	150
	3 year licence	210	220
	4 year licence	270	280
	5 year licence	325	340
	10 year licence	550	570
Hunting guide licence	1 year licence	175	180
	2 year licence	340	360
	3 year licence	500	520
	4 year licence	645	670
	5 year licence	850	890
	10 year licence	1,285	1,340
Commercial hunter licence	1 year licence	300	310
	2 year licence	550	570

Type of licence	Number of years	Existing licence fees (\$) – in 2022	Indicative licence fees (\$) – in 2023
	3 year licence	775	810
	4 year licence	1,000	1,050
	5 year licence	1,200	1,250
	10 year licence	1,800	1,880

Methodology

a) Data

The fee revision will use one data source to inform the measurement:

- **ABS's Consumer Price Index 6401.0 – CPI Index Number (IN) in March 2022 & March 2023**

This time series data is released quarterly, and the latest release is in March 2022. The relevant CPI Index used in this fee revision is for "All groups" in Sydney, which is consistent with official publications by NSW Treasury. "All groups" comprises a wide range of standard good and services.

b) Methodology

The formula used to calculate the new licence fee is:

$$\text{New licence fee (in 2023)} = \frac{\text{Licence fee (Jun 2022)} \times \text{CPI IN (Mar 2023)}}{\text{CPI IN (Mar 2022)}}$$

which essentially applies the new CPI Index Number in 2023 to licence fee in 2022. Below are some indicative calculations for the standard hunting licence fees but instead of using the March quarter CPI for 2023 which is not yet know, the NSW Treasury (2021) half yearly review forecast for 2023 is used (4.5%):

Table 10a Indicative rounding of licence fees under the proposed Regulation

Number of years	Existing licence fees (\$) – in 2022	Un-rounded Indicative licence fees (\$) – from 2023	Rounded indicative licence fee (to the next \$5 or down if < or = \$5)
1 year licence	75	78.38	80
2 year licence	145	151.53	150
3 year licence	210	219.45	220
4 year licence	270	282.15	280
5 year licence	325	339.63	340
10 year licence	550	574.75	570

B – Summary of penalty offences and amounts

Table 8b Penalty amounts for offences under *Game and Feral Animal Control Act 2002*

Section	Offence	Statutory maximum	Current PIN	Proposed PIN
s16(1)	A person who hunts a game animal on any private land or public land is guilty of an offence unless the person is the holder of a game hunting licence	\$5,500 (50 penalty units)	\$500	\$550
s18	A person who hunts a game animal on any public land and who is required by Division 2 to hold a game hunting licence to do so is guilty of an offence unless: (a) a declaration is in force under this Division that permits the person to hunt that game animal on that land at that time, and (b) the person is the holder of a restricted game hunting licence	\$5,500 (50 penalty units)	Nil	\$1,000
s23	The holder of a game hunting licence must not contravene any condition to which the licence is subject Note: PINs for specific licence conditions are outlined below (Schedule 3 of Regulation)	\$5,500 (50 penalty units)	\$550	\$550
s27	(1) A person must not pretend to be the holder of a game hunting licence	\$5,500 (50 penalty units)	\$500	No change
s55	A person must not release a game animal into the wild for the purpose of hunting the animal or its descendants	\$5,500 (50 penalty units)	\$400	No change
s55B	(1) A person who carries on business as a taxidermist must not preserve or prepare the skin of a game animal listed in Part 1 or 1A of Schedule 3 unless the taxidermist: (a) is satisfied that the animal has been killed by the holder of a game hunting licence (or by a person with some other lawful authorisation to kill the animal), and (b) records the following information: (i) the name of the person who killed the game animal and the details of the person's licence or other lawful authorisation, (ii) the date on which the taxidermist received the carcass or other relevant part of the game animal (2) The taxidermist must make any such record available for inspection by an inspector at any reasonable time if requested to do so by the inspector	\$5,500 (50 penalty units)	Nil	\$110

Table 11 Penalty amounts for breach of licence conditions- Schedule 2 of the Regulation

Section	Offence	Statutory maximum	Current PIN	Proposed PIN
s4(5)	The holder of a game hunting licence hunting with written permission on declared public hunting land must, within 14 days after the expiry of the permission, give	\$5,500 (50 penalty units)	N/A	\$550

Section	Offence	Statutory maximum	Current PIN	Proposed PIN
	the Regulatory Authority a public land harvest return – (a) if the form is to be submitted electronically—in the form approved by the Regulatory Authority, and (b) if the form is to be submitted in hard copy—in the form approved by the Regulatory Authority that is a part of the written permission			
s5(1)	A person must wear a relevant clothing item, in the colour blaze orange, at all times while hunting on declared public land	\$5,500 (50 penalty units)	\$550	\$100
s5(2)	A person must not conduct target practice or sighting-in practice with a firearm or bow and arrow equipment on declared public hunting land	\$5,500 (50 penalty units)	\$550	\$100
s5(3)	Not harm, harass or unnecessarily disturb livestock present on declared public land	\$5,500 (50 penalty units)	\$550	\$1,000
s5(4)	A person must not use a tree stand on declared public hunting land	\$5,500 (50 penalty units)	\$550	\$200
S5(7)	A person hunting on declared public hunting land must carry a working GPS enabled device	\$5,500 (50 penalty units)	\$550	\$200
s7(1)(b)-(d)	A person hunting must not use a dog, or permit a dog to be used, on declared public hunting land unless each of the following requirements are met – (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	\$5,500 (50 penalty units)	\$550	\$200
s8(1-3)	1 A person must not hunt using a bow or a firearm on declared public land at night 2 A person hunting at night in possession of a firearm must store the firearm- (a) in a way that ensures compliance with the <i>Firearms Act 1996</i> , section 39, and (b) without the firearm being loaded with ammunition, and (c) if the firearm is stored in a vehicle – in a way that ensures the firearm is not	\$5,500 (50 penalty units)	\$550	\$1000

Section	Offence	Statutory maximum	Current PIN	Proposed PIN
	<p>visible from the outside of the vehicle, and</p> <p>(d) in a way that is not immediately accessible to the person.</p> <p>3 A person hunting at night in possession of a bow must store the bow and any arrows in a way that ensures the bow and arrows are not immediately accessible to the person</p> <p>Firearm and bowhunting during day only</p>			
s11(1)	A hunter must have permission from the licence holder to hunt native game birds on the licence holder's land	\$5,500 (50 penalty units)	\$550	\$1,000
s11(2)	<p>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—</p> <p>(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</p> <p>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</p> <p>(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.</p>	\$5,500 (50 penalty units)	\$550	\$555
s11(3)	A hunter must not kill native game birds on a licence holder's land unless the hunter is satisfied the annual quota of native game birds that may be killed under the authority conferred by the licence, in accordance with the Act, section 32D, has not been exhausted for the species of native game bird for the land	\$5,500 (50 penalty units)	\$550	\$555
s12	<p>A hunter must not hunt a native game bird at night unless-</p> <p>(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</p>	\$5,500 (50 penalty units)	\$550	\$555

Section	Offence	Statutory maximum	Current PIN	Proposed PIN
	(b) the native game birds are in the immediate vicinity of, or are reasonably likely to adversely impact on, a planted crop			

References

- Australian Government (2007) Best Practice Regulation, viewed March 2019, regulationbodyofknowledge.org/wp-content/uploads/2013/03/AustralianGovernment_Best_Practice_Regulation.pdf
- Department of Prime Minister & Cabinet (DPMC) (2021) Best Practice Regulation Guidance Note Value of statistical life, August, Australian Government, Canberra. Accessed 22 Apr 2022, obpr.pmc.gov.au/sites/default/files/2021-09/value-of-statistical-life-guidance-note-2020-08.pdf
- Game Council of NSW (2010) Australian External Causes of Deaths While Engaging in Hunting Activities, Between 1 Jul 2000 - 1 Aug 2010, Victorian Institute of Forensic Medicine, Melbourne, viewed 22 Apr 2022, ssaa.org.au/assets/news-resources/hunting/australian-external-cause-deaths-engaged-hunting-activities.pdf
- International Hunter Education Association (2022) 'IEHA-USA Mission' and 'About', viewed 20 Apr 2022, www.ihea-usa.org
- McLeod, R. (2016). Cost of Pest Animals in NSW and Australia, 2013-14. eSYS Development Pty Ltd, Report prepared for the NSW Natural Resources Commission, Sydney, viewed 22 Apr 2022, invasives.com.au/wp-content/uploads/2019/02/Cost-of-Pest-Animals-in-NSW-and-Aus-2013-14-web-HR.pdf
- Audit Office of NSW (2019) Firearms regulation: 28 February 2019, NSW Auditor General's Report, Performance Audit, Audit Office of NSW, Sydney, viewed 10 May 2022, www.audit.nsw.gov.au/sites/default/files/pdf-downloads/Firearms%20regulation%20final%20report.pdf
- NSW Department of Parliamentary Services (NSW DPS) (2021) Department of Parliamentary Services NSW (2021) DPS Annual Report 2021, DPS, Sydney, p. 34, viewed 21 Apr 2022, www.parliament.nsw.gov.au/about/departments/dps/Documents/DPS%20Annual%20Report%202021_Digital.pdf
- NSW Department of Parliamentary Services (NSW DPS) (2022), 'Statistics of the Legislative Council', DPS, Sydney, accessed 21 April 2022 from: www.parliament.nsw.gov.au/lc/Pages/Statistics-of-the-Legislative-Council.aspx
- NSW DPI (2014) Approved Hunting Organisations directory, viewed March 2019, www.dpi.nsw.gov.au/hunting/clubs-and-associations/approved-hunting-organisations-full-listing
- NSW DPI (2016) Be Safe, Be GunSmart – The 8 fundamentals of firearms safety, viewed March 2019, www.dpi.nsw.gov.au/__data/assets/pdf_file/0009/597528/gunsmart-poster.pdf
- NSW DPI (2017a) Economic impact of recreational hunting in NSW, viewed 22 Apr 2022, www.dpi.nsw.gov.au/__data/assets/pdf_file/0007/723454/economic-impact-of-recreational-hunting-in-nsw.pdf

NSW DPI (2017b) NSW Game Hunting Guide, viewed March 2019,
www.dpi.nsw.gov.au/_data/assets/pdf_file/0010/711658/nsw-game-hunting-guide.pdf

NSW DPI (2021) Performance, Data and Insights, viewed 20 April 2022,
www.dpi.nsw.gov.au/about-us/publications/pdi/2021

NSW Treasury (2017) NSW Government Guide to Cost-Benefit Analysis, TPP17-03, NSW Treasury, Sydney, viewed 21 Apr 2022, arp.nsw.gov.au/tpp17-03-nsw-government-guide-cost-benefit-analysis

NSW Treasury (2019) NSW Government Guide to Better Regulation, TPP19-01, NSW Treasury, Sydney, viewed 21 Apr 2022, www.productivity.nsw.gov.au/better-regulation

NSW Treasury (2021) The NSW Budget 2021-22 Half Yearly Review, NSW Treasury, Sydney, viewed 17 May 2022, www.budget.nsw.gov.au/sites/default/files/2021-12/2021-22_Half-Yearly-Budget-Review-Full-Report.pdf