



New South Wales

Game and Feral Animal Control Regulation 2022

under the

Game and Feral Animal Control Act 2002

[*The following enacting formula will be included if the Regulation is made—*]

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

Minister for Agriculture

Explanatory note

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is to repeal and remake, with amendments, the *Game and Feral Animal Control Regulation 2012*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

This Regulation provides for the following matters—

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

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Game and Feral Animal Control Regulation 2022

under the

Game and Feral Animal Control Act 2002

Part 1 Preliminary

1 Name of Regulation

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

2 Commencement

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

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This Regulation repeals and replaces the *Game and Feral Animal Control Regulation 2012*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

In this Regulation—

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

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

CPI number—see Schedule 1, Part 2, section 1.

fee unit—see Schedule 1, Part 2, section 2(1).

financial year—see Schedule 1, Part 2, section 1.

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

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

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

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

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

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

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

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

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

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

Part 2 Game hunting licences

Division 1 Types of licences—the Act, s 32

4 Classes and types of game hunting licence

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

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

5 Standard hunting licence

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

6 International visitor's hunting licence

An international visitor's hunting licence authorises the licensee to engage in the hunting of game animals other than as a hunting guide, commercial hunter or professional hunter.

7 Hunting guide licence

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

8 Commercial hunter's licence

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

9 Professional hunter's licence

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

Division 2 Training

10 Approval of courses of training for licences

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

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

Division 3 Administration of licences

11 Restrictions on granting licences—the Act, s 21

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

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

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

13 Maximum period for licences

For the Act, section 25(2)(b), the relevant maximum period for a game hunting licence, other than an international visitor's hunting licence, is prescribed as 10 years.

Note— See section 22 for the relevant maximum period for a native game bird management licence.

14 Reduction in licence fees

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

- (a) is less than 18 years of age, or
 - (b) is an eligible pensioner, or
 - (c) is a person who is a serving member of the Australian Defence Force, including a reserve available for, or undertaking, training or duty for the Australian Defence Force.
- (2) In this section—
Australian Defence Force includes the armed forces of the Commonwealth, however described.
eligible pensioner has the same meaning as in the *Motor Vehicles Taxation Act 1988*, section 3(1), paragraphs (a) and (b).
reserve has the same meaning as *Reserves* in the *Defence Act 1903* of the Commonwealth.

15 Licence lost, destroyed or defaced

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

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

16 Grounds for refusal of licence—offences

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

- (iii) dishonesty, and
- (b) the offence was an offence under—
 - (i) the law of another Australian jurisdiction outside the State, or
 - (ii) the law of an overseas jurisdiction, being an offence that, had it been committed in Australia, would be an offence under the law of an Australian jurisdiction.

17 Conditions of game hunting licences

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

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

18 Suspending or cancelling game hunting licences

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

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

Division 4 Miscellaneous

19 Exemptions from licensing

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

Part 3 Native game bird management licences

20 Application of the Act, Part 3, Division 4

The Act, sections 21(3)(a) and (b), 24, 28 and 29(3)(a) do not apply to, or in respect of, a native game bird management licence.

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

21 Applications for native game bird management licence

- (1) For the Act, section 32(2)(b) and 32B, only the owner or occupier of land used for agricultural purposes is eligible to be granted a native game bird management licence.
- (2) An application for a native game bird management licence must be made in a form approved by the Regulatory Authority that is published on the Regulatory Authority's website.
- (3) An applicant for a native game bird management licence must provide to the Regulatory Authority the evidence the Regulatory Authority requests at the time the application is made, or after the application is made, for the Regulatory Authority to decide the eligibility of the applicant to be granted a licence.

22 Maximum period for native game bird management licences

For the purposes of the Act, sections 25(2)(b) and 32B, despite section 14, the relevant maximum period for a native game bird management licence is prescribed as 1 year.

Part 4 Miscellaneous

23 Notice of proposed declaration of hunting land

- (1) For the Act, section 20(3), public notice must be given by publishing the proposed declaration at least 30 days before the declaration is made—
 - (a) in the Gazette, and
 - (b) in another way the responsible Minister is satisfied is likely to bring the notice to the attention of members of the general public.
- (2) In this section—
responsible Minister has the same meaning as in the Act, section 20(1).

Part 5 Repeal and savings provision

24 Repeal and savings

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

Schedule 1 Licence fees

sections 12(1)(b), (3)(b) and 16(b)

Part 1 Fees payable

Item	Type of fee	Fee (in fee units)
1	For a standard hunting licence or professional hunter's licence, a licence with a duration of—	
	(a) 1 year or less	0.75
	(b) More than 1 year but not more than 2 years	1.45
	(c) More than 2 years but not more than 3 years	2.10
	(d) More than 3 years but not more than 4 years	2.70
	(e) More than 4 years but not more than 5 years	3.25
	(f) More than 5 years but not more than 10 years	5.5
2	For an international visitor's hunting licence with a duration of 1 year	1.25
3	For a hunting guide licence, a licence with a duration of—	
	(a) 1 year or less	1.75
	(b) More than 1 year but not more than 2 years	3.40
	(c) More than 2 years but not more than 3 years	5
	(d) More than 3 years but not more than 4 years	6.45
	(e) More than 4 years but not more than 5 years	7.8
	(f) More than 5 years but not more than 10 years	12.85
4	For a commercial hunter's licence, a licence with a duration of—	
	(a) 1 year or less	3
	(b) More than 1 year but not more than 2 years	5.50
	(c) More than 2 years but not more than 3 years	7.75
	(d) More than 3 years but not more than 4 years	10
	(e) More than 4 years but not more than 5 years	12
	(f) More than 5 years but not more than 10 years	18
5	Upgrade of a general licence held by a person to a restricted licence of the same type, section 12(3)(b)	0.1
6	For the grant of a licence to replace a licence that has been lost, destroyed or defaced, section 15(b)	0.3

Part 2 Adjustment of fees for inflation

1 Definitions

In this Part—

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

2 Calculation of fee unit for purposes of Regulation

- (1) For this Regulation, a *fee unit* is—
 - (a) in the financial year 2022–23—\$100, and
 - (b) in each subsequent financial year—the amount calculated as follows—
$$\$100 \times \frac{A}{B}$$
where—

A is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the March quarter of 2017.
- (2) The amount of a fee unit is to be rounded to the nearest cent, and an amount of 0.5 cent is to be rounded down.
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit is to be rounded to the nearest dollar and an amount of 50 cents is to be rounded down.

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the March quarter is first published by the Australian Statistician, the Regulatory Authority is required to—
 - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.
- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this section.

Schedule 2 Conditions of game hunting licences

section 17

Part 1 General

1 Licence to be carried and produced on request

The holder of a game hunting licence must—

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

2 Hunting by persons under certain age

- (1) A person who is under the age of 16 years must not hunt game except under the close personal supervision of a person who is—
 - (a) at least 18 years of age, and
 - (b) the holder of a standard hunting licence or hunting guide licence of the same class, being general or restricted, as the hunting licence of the person being supervised.
- (2) A person who is under the age of 18 years must not use a firearm to hunt game except—
 - (a) as the holder of a minor's firearms permit under the *Firearms Act 1996*, and
 - (b) in accordance with the authority conferred by the permit.

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

3 Hunting of game fleeing from fire or smoke prohibited

- (1) A person must not hunt a game animal that is fleeing from fire or smoke.
- (2) A person must not light a fire for the purpose of hunting a game animal fleeing from fire or smoke, including for the purpose of flushing out a game animal.

Part 2 Hunting on declared public hunting land

4 Hunting on declared public hunting land requires permission to enter

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

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

- (2) For the purposes of obtaining written permission—
 - (a) the manager may request information be provided by the hunter, and
 - (b) the person hunting must provide the information and notify the manager of changes to the information provided.
- (3) A person hunting on declared public hunting land must do the following—
 - (a) comply with a requirement imposed as a condition of the permission to hunt on the land,

- (b) hunt on the land in a way that is consistent with the information provided to the manager in relation to the permission,
 - (c) comply with a reasonable direction given to the person by the manager of the land in relation to the person's hunting on that land,
 - (d) produce for inspection, on request by an inspector, police officer or the manager of the land, the written permission to hunt on the land.
- (4) If a person hunting on declared public hunting land is under the age of 18 years (a **minor**)—
 - (a) both the minor and the person supervising the minor in accordance with section 2(1) must have written permission to hunt on the land, and
 - (b) the person supervising the minor is taken to be hunting on declared public hunting land.
- (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 the Regulatory Authority a public land harvest return, electronically or in hard copy, in the form approved by the Regulatory Authority.
- (6) If the person given written permission to hunt on declared public hunting land is not able to hunt on a day specified in the written permission, the person must advise the manager before the day.
- (7) The manager may amend or cancel written permission if a person is not able to hunt on the day specified in the permission.
- (8) In this section—
manager, of declared public hunting land, means a person appointed as manager of the land by or under the authority of—
 - (a) the Minister who has the care or control of the land, or
 - (b) the authority that has the care or control of the land.

5 General requirements for hunting on declared public hunting land

- (1) A person must wear a relevant clothing item, in the colour blaze orange, at all times while hunting on declared public hunting land and ensure the item is—
 - (a) worn externally, and
 - (b) not covered by other items, and
 - (c) visible, and
 - (d) on the upper part of the body.
- (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.
- (3) A person must not harass, harm or unnecessarily disturb livestock present on declared public hunting land.
- (4) A person must not use a tree stand on declared public hunting land.
- (5) A person must not use a motor vehicle to access declared public hunting land to hunt unless the motor vehicle is registered in accordance with the *Road Transport (Vehicle Registration) Regulation 2017*.
- (6) A person hunting on declared public hunting land must not obstruct or impede the right of another person who is lawfully using the land.
- (7) A person hunting on declared public hunting land must carry a working GPS enabled device—

- (a) which is able to show the person's current position at all times while hunting, and
 - (b) on which a hunting map, downloaded from the Regulatory Authority's website no more than 48 hours before the first day of the period for which the permission applies, is saved.
- (8) A person must not lay any of the following to assist in the hunting of an animal on declared public hunting lands—
 - (a) bait,
 - (b) grain, fruit, meat or other food product,
 - (c) mineral block,
 - (d) animal carcass,
 - (e) another attractant.
- (9) In this section—
 - motor vehicle** has the same meaning as in the *Road Transport Act 2013*.
 - relevant clothing item**—
 - (a) means the following—
 - (i) a hat or beanie,
 - (ii) a buff or neck warmer,
 - (iii) a shirt,
 - (iv) a jumper,
 - (v) a jacket,
 - (vi) a vest, but
 - (b) does not include a backpack.
 - tree stand** means a device that allows a hunter to be suspended above the ground and attached to, or in, a tree for the purposes of hunting from the device.

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

- (1) A person must not, on declared public hunting land—
 - (a) use a motor vehicle to hunt a game animal, or
 - (b) cause, permit or assist in the hunting of a game animal from a motor vehicle.
- (2) This section does not apply to a professional hunter hunting from an aircraft pursuant to an obligation imposed under an Act to manage, control or eradicate an animal, but only on land, and for the period, in relation to which the obligation applies.
- (3) In this section—
 - hunting** does not include using a dog to search for game while the dog is tied up, caged or otherwise restrained.
 - motor vehicle**—
 - (a) means a vehicle that is propelled by a motor that forms part of the vehicle, and
 - (b) does not include a motor vehicle that is a wheelchair used by a person who suffers from a disability that prevents the person from hunting on foot.

7 Use of dogs

- (1) 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—
 - (a) the dog is used to locate, flush, point or retrieve an animal, or to hold or bail an animal,

- (b) the dog is wearing a collar to which a metal tag or label is securely attached, on which the name, address and telephone number of the owner of the dog is legibly printed,
 - (c) the dog is on a lead or wearing a radio tracking collar that is switched on and shows the position of the dog,
 - (d) the dog is identified in the way required under the *Companion Animals Act 1998*, section 8,
Note— Under the *Companion Animals Act 1998*, dogs are required to be microchipped.
 - (e) the person using the dog does not leave or abandon the dog on the land,
 - (f) if a person is hunting alone—not more than 3 dogs are used,
 - (g) if a person is hunting as part of a group—not more than 5 dogs are used.
- (2) A person must not use a dog for hunting pigs on declared public hunting land at night unless—
- (a) the person is hunting on land approved for hunting pigs with dogs at night, and
 - (b) the dog is wearing a light or other form of illumination, and
 - (c) the person does not use a spotlight or a search light from a vehicle, and
 - (d) a firearm or bow—
 - (i) is not used, and
 - (ii) if the person is in possession of a firearm or bow, it is stored in a way that is not immediately accessible to the person.

8 Hunting game on declared public hunting land at night using bow or firearm prohibited

- (1) A person must not hunt using a bow or firearm on declared public hunting land at night.
- (2) A person hunting at night and in possession of a firearm must store the firearm—
 - (a) in a way that ensures compliance with the *Firearms Act 1996*, 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 visible from outside the vehicle, and
 - (d) in a way that is not immediately accessible to the person.
- (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.
- (4) In this section—
night means the time from 30 minutes after sunset to 30 minutes before sunrise the next day.
Note— Section 7 provides for the circumstances a person may use a dog for hunting, including at night.

Part 3 Special provisions relating to native game birds

9 Definition

In this Part—

hunter means the holder of a game hunting licence.

10 Game animals to which this Part applies

This Part applies to native game birds listed in the Act, Schedule 3, Part 1A.

11 Special conditions relating to native game birds

- (1) A hunter must have permission from the licence holder to hunt native game birds on the licence holder's land.
- (2) If a hunter has obtained the permission of a licence holder to kill native game birds on the licence holder's land, the hunter must—
 - (a) comply with a requirement imposed by the licence holder as a condition of the permission to kill native game birds on the land, including the number or species of native game birds that may be killed by the hunter, and
Note— Quotas are set under the Act, section 32D for the number or species of native game birds that may be killed under the authority conferred by a native game bird management licence held by the owner or occupier of land and these quotas are enforced by way of licence conditions imposed on the licence holder by the Regulatory Authority.
 - (b) comply with a reasonable direction given to the hunter by the licence holder in relation to the killing of native game birds on the land.
- (3) 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.
- (4) This section does not limit other conditions to which a game hunting licence is subject.
- (5) In this section—
kill includes capture.
licence holder means the holder of a native game bird management licence.

12 Hunting certain native game birds at night prohibited

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

13 Required endorsement

A hunter of native game birds that are waterfowl must hold a game hunting licence endorsed for the hunting of native game birds.

Note— See also the Act, section 32F, which requires a hunter to pass an official identification test to hunt native game birds that are waterfowl.

14 Sale of native game birds not permitted

A hunter must not sell a native game bird killed pursuant to a native game bird management licence.

Schedule 3 Penalty notice offences

1 Application of Schedule

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

Column 1

Provision

Offences under the Act

Column 2

Penalty

Sections 16(1) and 23 (except as otherwise provided in this Schedule)	\$550
Sections 18 and 23 (Schedule 2, sections 5(3), 6, 8, 11(1), 13 and 14 of this Regulation)	\$1,000
Section 23 (Schedule 2, section 4(3)(b) of this Regulation)	\$50
Section 23 (Schedule 2, sections 4(6), 5(4) and (7) and 7(1)(b)–(d) of this Regulation)	\$200
Section 23 (Schedule 2, section 5(1) and (2) of this Regulation)	\$100
Section 23 (Schedule 2, sections 11(2) and (3) and 12 of this Regulation)	\$555
Section 27(1)	\$500
Section 55	\$400
Section 55B	\$110