

SECTION ONE



CASE



UNIT 1.1 CODE OF PRACTICE & LAW



GAME COUNCIL

New South Wales

CONSERVATION HUNTING

This publication was produced by

Game Council NSW

PO Box 2506

Orange NSW 2800

Phone: (02) 6360 5100 Fax: (02) 6361 2093

Email: info@gamecouncil.nsw.gov.au

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GLOSSARY OF TERMS

Web page – The information located at an Internet address that can be viewed using a browser program on your computer, such as Netscape or Explorer.

Parliamentary Counsel – Body supervising the electronic presentation of all NSW legislation into a format available to the general public.

Act – Act of the NSW Parliament containing the enforceable law of NSW.

Regulations – Administrative rules and details necessary to enforce the intent of an Act.

INTRODUCTION

It is a condition of issue for a NSW Game Hunting Licence that the licence holder be aware of and obey all NSW legislation that relates to hunting, animal welfare and the use of firearms. This unit of study will assist you to abide by this condition of licence.

LEARNING OBJECTIVES

On completion of this unit of study you will:

- Be able to be tested for a Restricted NSW Game Hunting Licence with your nominated hunting method/s.
- Know the *NSW Code of Practice for Game Hunting*.
- Know how to access up to date NSW Government Acts and Regulations online using a computer.
- Know how to obtain detailed information from any Act or Regulation relevant to hunting in NSW.
- Understand the penalty for trespass with a firearm in NSW.
- Understand that NSW law in relation to cruelty to animals directs that no animal be allowed to suffer unnecessary pain.
- Understand the general blanket protections extended in NSW to native fauna.
- Understand the requirements of the *Firearms Act 1996*.
- Understand the requirements of the *Game and Feral Animal Control Act 2002*.

NEW SOUTH WALES CODE OF PRACTICE FOR HUNTING

This Code of Practice is legally binding in NSW under the provisions of the *Game and Feral Animal Control Act 2002* and *Regulation 2004*. NSW licensed game hunters must obey this Code as a condition of licence.

1. AWARENESS of relevant legislation.

It is the responsibility of the holder of a NSW Game Hunting Licence to be aware of and comply with all relevant legislation relating to hunting, animal welfare and the use of firearms.

2. SAFE handling of firearms.

Where firearms are used, the rules for safe handling set out in the *NSW Firearms Safety Awareness* handbook published by or under the authority of the Commissioner of Police must be complied with at all times.

3. PERMISSION required to enter land.

A NSW Game Hunting Licence does not automatically authorise the holder of a licence to hunt on any land. The holder of a game hunting licence must not hunt on any land without the express authority of the occupier of the land.

4. TARGET IDENTIFICATION and safety.

A game animal must not be fired at unless it can be clearly seen and identified, and the shot taken poses no discernible risk of injury to any person or significant damage to any property.

5. OBLIGATION to avoid suffering.

An animal being hunted must not be inflicted with unnecessary pain. To achieve the aim of delivering a humane death to a hunted animal:

- (a) it must be targeted so that humane kill is likely;
- (b) it must be shot within the reasonably accepted killing range of the firearm and ammunition or bow being used, and,
- (c) the firearm, ammunition, or bow and arrow, used must be such as can be reasonably expected to humanely kill an animal of the target species.

6. Lactating female with dependant young.

If a lactating female is killed, every reasonable effort must be made to locate and kill any dependant young.

7. Wounded animals.

If an animal is wounded, the hunter must take all reasonable steps to locate it, so that it can be killed quickly and humanely.

8. Use of dogs.

Dogs and other animals may be used to assist hunters but only if:

- (a) their use is not in contravention to the *Prevention of Cruelty to Animals Act 1979* and,
- (b) their use is with the permission of the occupier of the land concerned.

HOW TO FIND INFORMATION ON HUNTING LAW

If you are a computer user

Enter the website address
<http://www.legislation.nsw.gov.au>

This will take you to the home page for the NSW Parliamentary Counsel's Office. Here you will find all the current NSW legislation, both Acts and Regulations. The site has advanced searching and browsing facilities.

If you are not a computer user

Copies of legislation can be obtained from the NSW Government Bookshop in Sydney by phoning (02)9238 0950. The bookshop is located in the Goodsell Building, Cnr Phillip and Hunter Streets, Chifley Square, Sydney NSW 2000.

Alternatively, you can obtain assistance to access the internet. It is important to remember that obtaining information online is very easy once you know how. Getting started is the difficult part. All you need to do is to ask for help to find the Parliamentary Counsel's home page address listed above.

Why not either:

- Ask a friend with a computer to help you.
- Ask a member of the local hunting club to help you.
- Visit a local community technology centre for assistance to access the NSW government website.
- Seek help at your local library. In NSW, all local libraries have free online computer facilities.
- Pay to use an Internet Café computer. Ask the staff for help.

USING THE PARLIAMENTARY COUNSEL'S WEBSITE

All NSW law, both the Acts and Regulations, can be accessed on this website.

You do not need to know the name of the Act or Regulations that you are looking for.

Once you have opened the front page of the website click on <Search in Force> to open the **In Force Legislation** page.



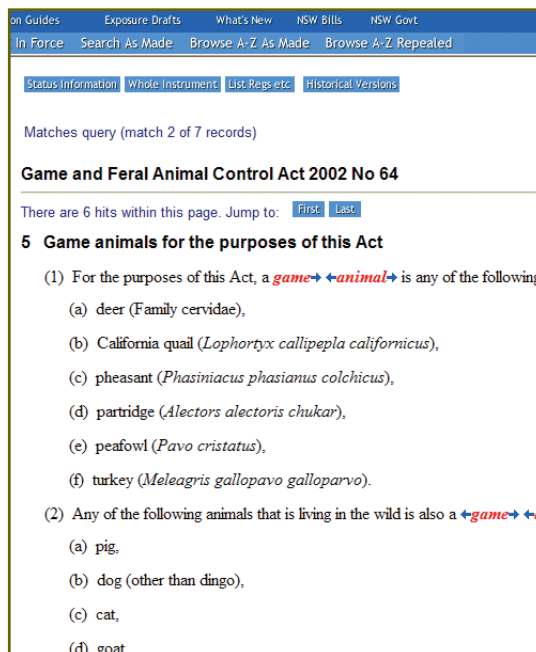
You will then be asked for some words to start the search engine.

Make sure the 'Acts in Force' and 'Regs in Force' boxes are ticked.

In this example we have entered the words *game animal* in the “exact phrase” section and clicked on <Search>.



The definition of what game and feral animals can be hunted under this Act now appears. Use the scroll bar to look at all the contents on this page.



A number of regulations and acts appear that use that phrase - including the *Game and Feral Animal Control Act 2002* that we want.

Click on its title and the next page will appear showing you the contents of this Act.



Click the <Back> button at any time to go back to the previous page to look at other sections of this Act.



Click on <Part 1 Preliminary 5 Game animals for the purpose of this ACT>

LOOKING UP PENALTIES

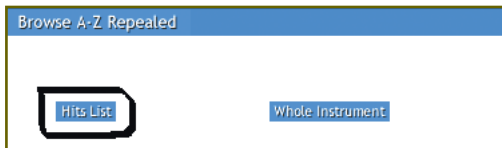
Go back to the **In Force Legislation** page. This time enter the words *trespassing firearm* in the “all of the words” section. You will find a long list of Acts that contain this word but many of them are not relevant to hunters. You often need to use more than one word to get exactly the information you need. This is called limiting your search.



In this example you will find only one Act that contained both these words, the *Crimes Act 1900*.

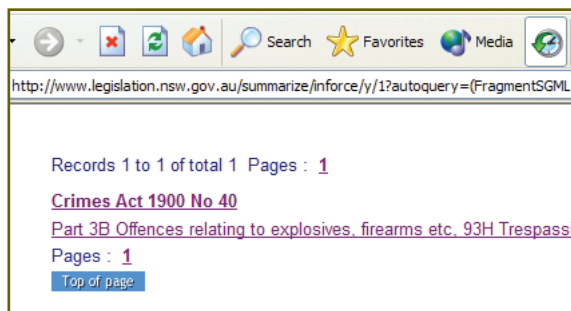


However, this is a large Act and we need to find where in the Act the information on trespassing with firearms is located. To do this Click on the <Hits list>.

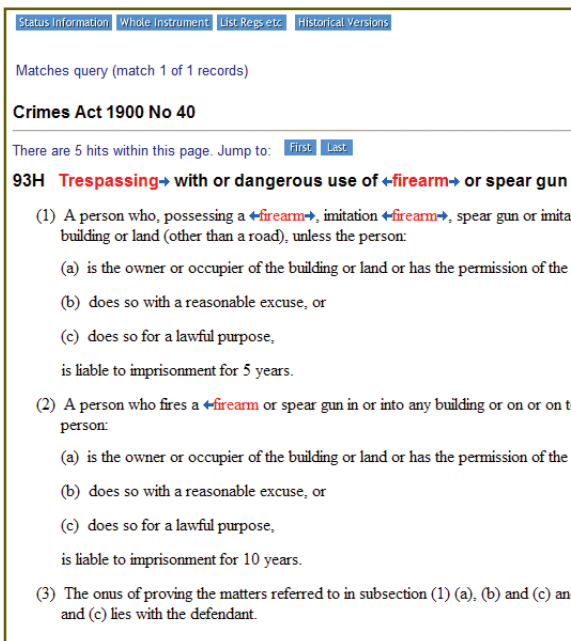


A new page is displayed showing that part of the Crimes Act we are interested in.

On this page Click on the line that contains the phrase <Part 3B Offences relating....>.



A new page is displayed containing the exact detailed information that we want.



We've now found that the Penalties for trespassing with a firearm are severe.

IMPORTANT HUNTING LEGISLATION

The six important Acts that all hunters need to be aware of are:

- the *Crimes Act 1900* in relation to trespass
- the *Firearms Act 1996*
- the *Game and Feral Animal Control Act 2002*
- the *National Parks and Wildlife Act 1974*
- the *Prevention of Cruelty to Animals Act 1979*
- *Companion Animals Act 1998*

In summary, to comply with these Acts you must:

- Only hunt on property that you own or have written permission to hunt on.
- Only use firearms safely, with appropriate licences and approved storage facilities.
- Only hunt prescribed game in accordance with Game Council NSW Hunters' Code of Practice.
- Only hunt native fauna with appropriate National Parks and Wildlife Division licences of Department of Environment and Conservation.
- Never inflict unnecessary pain and suffering on game and feral animals.

EXAMPLE ASSESSMENT QUESTIONS

Example question 1

Up to date information on all the laws and regulations relevant to hunting in NSW is available on the Parliamentary Counsel's web page <http://www.legislation.nsw.gov.au>

True or False?

List four serious breaches of NSW law in relation to hunting.

1.
2.
3.
4.

Example question 2

It is a condition of licence for a NSW Game Hunting Licence holder to be aware of and obey all NSW legislation that relates to hunting, animal welfare and the use of firearms.

True or False?

List four of the Acts of the NSW Parliament that regulate hunting.

1.
2.
3.
4.

REFERENCES FOR FURTHER READING AND LEARNING

1. *Commons Management Regulation 2001*
2. *Crimes Act 1900*
3. *Crown Lands Act 1989*
4. *Firearms Act 1996 No 46*
5. *Firearms (General) Regulation 1997*
6. *Forestry Act 1916 No 55*
7. *Forestry Regulation 1999*
8. *Game and Feral Animal Control Act 2002
No 64*
9. *National Parks and Wildlife Act 1974
No 80*
10. *National Parks and Wildlife
Regulation 2002*
11. *Prevention of Cruelty to Animals
Act 1979*
12. *Prevention of Cruelty to Animals
(General) Regulation 1996*
13. *Weapons Prohibition Act 1998
No 127*
14. *Companion Animals Act 1998*

	SELF ASSESSMENT CHECKLIST	True	False
1.	The NSW Code of Practice for Hunting is not legally binding.		
2.	You will find all the current NSW legislation, both Acts and Regulations, at the home page for the NSW Parliamentary Counsel website.		
3.	It is a condition of issue for the NSW Game Hunting Licence that the Licence Holder be aware of all NSW legislation that relates to hunting, animal welfare and the use of firearms.		
4.	No animal when being hunted may be inflicted with unnecessary pain.		
5.	You do not need a Game Council NSW licence to hunt deer on private property in NSW.		
6.	The maximum penalty for discharging a firearm while trespassing is 10 years imprisonment.		
7.	You must only hunt on property which you own or for which you have written permission to hunt on.		
8.	You are only permitted to hunt prescribed game in accordance with Game Council NSW Hunters' Code of Practice.		
9.	You are only permitted to hunt native fauna with appropriate National Parks and Wildlife Service licences.		
10.	Never inflict unnecessary pain and suffering on game and feral animals.		