

Inquiry into Game and Feral Animal Legislation Amendment (Conservation Hunting) Bill 2025

11 August 2025

Standing Committee on State Development, Legislative Council NSW Parliament

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The NSW Young Lawyers Animal Law Sub-Committee (**Sub-Committee**) makes the following submission in response to the Inquiry into Game and Feral Animal Legislation Amendment (Conservation Hunting) Bill 2025.

NSW Young Lawyers

NSW Young Lawyers is a Committee of the Law Society of New South Wales that represents the Law Society and its members on issues and opportunities arising in relation to young lawyers i.e. those within their first five years of practice or up to 36 years of age. Through its 13 sub-committees, each dedicated to a substantive area of law, NSW Young Lawyers supports practitioners in their professional and career development by giving them the opportunity to expand their knowledge, advance their career and contribute to the profession and community.

The Sub-Committee comprises a group of volunteers and subscribers interested in laws regulating the treatment and management of animals. The Sub-Committee aims to educate the legal profession and wider community about the importance of defending animals from abuse and neglect. The Sub-Committee is made up of a diverse range of individuals who have a passion and desire to use their legal skills to improve the lives of animals.

Summary of Recommendations

1. In summary, the Sub-Committee submits that:

- a. The expansion of "conservation hunting" (which is, in reality, no different from "recreational hunting"), without proper safeguards, poses an unacceptable and significant risk to animal welfare.
- b. Societal expectations about animal welfare (regardless of the animal's status as a pest animal or otherwise), are strong. By contrast, only 0.3% of NSW's population hold hunting licences. It is clear, therefore, that societal concerns about animal welfare ought to be taken seriously in the context of this Bill.
- c. Hunting has been shown, through research, to be ineffective for achieving conservation outcomes.
- d. Save for in limited circumstances, such as where populations of feral animals are isolated and/or small (which is rarely ever the case in a country as vast as Australia) bounty schemes are an ineffective conservation measure which tend to exacerbate the problems caused by feral animals and encourage fraud.
- e. Enshrining a general "right to hunt" in legislation is problematic. A "right to hunt" directly undermines existing legal frameworks that prioritise public safety, and are aimed at addressing the environmental impacts of invasive species.
- f. The need for a Conservation Hunting Authority and Ministerial portfolio for hunting and fishing, as described in the Bill, is not made out. The Bill's description of those two bodies is also misleading because, under the Bill, they would lack independence and their proposed functions centre on advancing the interests of hunters (as opposed to the broader public interest). Under the Bill, the proposed composition of those bodies is such that they would lack the necessary expertise about environmental and conservation issues.
- g. There is a clear problem with the Bill's proposal to authorise the Minister to amend land that is identified as designated hunting land after consultation with the Conservation Hunting Authority. In effect, this amendment would side-step

- parliamentary scrutiny and give the Conservation Hunting Authority/Minister the power to designate hunting land.
- h. The Bill proposes that Crown land listed in "Schedule 5A" will become designated land, being land on which hunting is permitted. There are no commonly used or available references to the proposed designated hunting land that would enable ordinary members of the public to identify this land. In the interests of transparency, the Sub-Committee submits that before any Crown land becomes designated land for the purposes of hunting, that land should be referenced plainly and there should be genuine community consultation about the proposed change of use of this Crown land/shared resource.
 - i. There is no discernible difference between the current "restricted game hunting licences" and the proposed "conservation hunting licences". It is submitted that the change is simply a rebranding which has the potential to mislead the community and obscure the real motivations for obtaining a hunting licence.
 - j. The underlying principles of the *Weapons Prohibition Act 1998* (NSW) are that the possession and use of prohibited weapons is a privilege that is conditional on the overriding need to ensure public safety, and to improve public safety by imposing strict controls on the possession and use of prohibited weapons. The proposed amendment to allow all hunters with a conservation hunting licence to obtain a prohibited weapon (such as a silencer), without the need to establish any actual requirement for the prohibited weapon, offends the principles espoused in the Act and poses a risk to public safety.
- 2. Taking into account the above, and in circumstances where the Bill is being framed as having the potential to achieve conservation outcomes, the Sub-Committee submits that the Bill is not fit for purpose and should not be passed.
 - 3. The Sub-Committee's view is that the Government's response to conservation issues posed by the presence of feral animals should be based on the best available evidence, including scientific evidence.

4. The Sub-Committee supports investing in the development and implementation of more sophisticated, non-lethal control methods for feral animals, aimed at delivering long-term conservation outcomes which prioritise animal welfare.

Introduction

1. The Sub-Committee opposes each of the amendments proposed by the Game and Feral Animal Legislation Amendment (Conservation Hunting) Bill 2025 (the **Bill**).
2. In this submission, the Sub-Committee addresses animal welfare concerns associated with the Bill and the Sub-Committee's specific objections to the following proposed amendments:
 - a. Amending the objects of the *Game and Feral Animal Control Act 2002* (NSW) (the **Act**) to encourage the conservation of the natural environment and native species and to the introduction of the idea of "conservation hunting" throughout the Act.
 - b. The establishment of a bounty scheme.
 - c. Establishing and recognising a "right to hunt".
 - d. Establishing the Conservation Hunting Authority (**CHA**) in place of the Game and Pest Management Advisory Board.
 - e. The proposed membership of the CHA, the broadening of CHA's functions and the obligations on decision-makers to consult with the CHA.
 - f. Establishing a separate Ministerial portfolio for hunting and fishing.
 - g. Expanding public land designated and available for hunting (both now and in the future).
 - h. Renaming "restricted game hunting licences" (**R-Licences**) to "conservation hunting licences".
 - i. Increasing the availability of prohibited weapons such as silencers.

Animal Welfare Concerns

3. The Sub-Committee is conscious of the difficult and inevitable conflict between conservation and animal welfare, particularly when it comes to balancing the interests of

“feral” animals, the environment and agriculture. The Sub-Committee submits, however, that the amendments proposed by this Bill do not prioritise conservation as a central objective. Rather, the Bill seeks to advance the recreational interests of a relatively small number of people under the pretense of conservation.

4. It was noted in the Commonwealth’s Renewal of the Australian Animal Welfare Strategy that ‘there is a worldwide trend towards ethical and moral concern for [the] welfare of animals regardless of their status’,¹ and there is an expectation amongst the community that decision-makers should take animal welfare matters seriously when deciding on the best way to manage the environmental impacts of feral animals. The Bill promotes the idea that hunting has a crucial role to play in conservation and that a “right to hunt” being enshrined in legislation will support conservation goals. The Sub-Committee opposes the Bill and objects to the strength of its purported connection to conservation.
5. Hunting is, first and foremost, a recreational activity. Hunting (particularly in circumstances where hunters are inexperienced or otherwise lack the skills, knowledge or motivation to minimise the suffering of target animals) has the potential to result in target animals experiencing significant and prolonged suffering.² It is also inherently difficult to police animal welfare standards among hunters.
6. The practice of pig-dogging (hunting pigs with the assistance of dogs) is legal in Australia, but it is difficult for authorities to enforce the requirement for hunters to dispatch pig(s) quickly once captured and held by their dog(s). One only needs to look at the abundance of photographic and video evidence available online to see that many pig-doggers ‘stick’ (i.e. stab) pigs (which is not instantly lethal) and frequently encourage their dogs to maul the pig for extended periods of time. Dogs used by hunters are also routinely injured in the process.

¹ Trudy Sharp and Glen Saunders, ‘A Model for Assessing the Relative Humaneness of Pest Animal Control Methods’ (Working Paper, 2nd Edition, Australian Government Department of Agriculture, Fisheries and Forestry, June 2011) 5-6.

² ‘Is Recreational Hunting Humane?’, *RSPCA Knowledgebase* (Web Page, 19 August 2019) <<https://kb.rspca.org.au/knowledge-base/is-recreational-hunting-humane/>>.

7. While the Sub-Committee is mindful that there are skilled and ethical hunters, the existence of problematic hunting practices and the lack of any requirement for hunters to demonstrate proficiency in, and commitment to, humane hunting practices before obtaining relevant licences suggests that the expansion of hunting can only come at a cost to animal welfare.

Environmental and Conservation Claims: Hunting and Bounty Schemes

8. The Sub-Committee objects to the framing of the Bill as a step in the right direction for environmental conservation. During the second reading speech, the Hon. Robert Borsak stated that conservation was a primary objective of the Bill and that it is important that ‘...policy decisions are based on facts rather than pure ideology’.³
9. The Sub-Committee contends that there are 3 main factual issues with the proponents’ assertion that conservation is a primary objective of this Bill:

- a. *Research does not support the concept of “conservation hunting”*

Scientific research is not supportive of a positive correlation between hunting and conservation because:

- i. Hunters are not motivated to eradicate populations of available game.⁴
 - ii. Hunters can interfere with existing management programs (such as by causing animals to scatter into other areas, including private property) which can result in further environmental degradation and impacts on farmers.⁵
 - iii. Effective population control requires a coordinated approach, which is very different from ad hoc killing by hunters.⁶

³ New South Wales, *Parliamentary Debates*, Legislative Council, 28 May 2025, 11 (Robert Borsak).

⁴ Bureau of Resource Sciences, 'Economic Evaluation of the Role of Bounties in Vertebrate Pest Management' (Research Paper, April 1998) 8.

⁵ Ibid 18.

⁶ 'Premier Minns Undermines Science with Shooters Party Bounty Deal', *Invasive Species Council* (Web Page, 27 May 2025) <<https://invasives.org.au/media-releases/premier-minns-undermines-science-with-shooters-party-bounty-deal/>>.

- iv. Hunters (save for bounty hunters) are typically motivated to kill “trophy” animals (males such as bucks), and younger/female animals tend to be left behind. This has no practical impact on reducing the breeding capability of animals.⁷

Research suggests there is no nexus between an expansion of recreational hunting and conservation.

b. Bounty schemes are ineffective, and risk increasing feral animal populations

Research has shown that bounty schemes are an ineffective method for conservation, or to control numbers of “feral” animals, unless the population of the target animal is small and their numbers are isolated to a limited area.⁸ Results from a study on the effectiveness of a bounty scheme for feral pigs showed that the number of feral pigs actually increased during the course of the bounty program.⁹

Not only are bounty schemes ineffective, but bounty hunters are also financially motivated by bounty schemes to collect the most kills with the least amount of effort or expenditure. Bounty hunters are not necessarily focusing their efforts on areas where attention is required the most (e.g. in areas not easily accessible or close to roads), and the welfare of the animals killed is unlikely to be a priority. Finally, bounty hunters are not motivated to eradicate target animals if, i) they are reliant on the population to generate their income, and ii) the effort or expenditure required as populations reduce outweigh the reward. The Sub-Committee notes there is evidence of bounty hunters importing / harvesting / facilitating feral animal populations so as to maintain lucrative populations.¹⁰

c. Conflicts with the Commonwealth National Animal Welfare Strategy

⁷ Bureau of Resource Sciences (n 4) 12.

⁸ Ibid 2.

⁹ Stephen Ditchkoff, Robert Holtfreter, Brian Williams, 'Effectiveness of a Bounty Program for Reducing Wild Pig Densities' (11 August 2017) 31(4) *Wildlife Society Bulletin* 548.

¹⁰ Bureau of Resource Sciences (n 4) 2.

The Bill appears to be out of step with the Commonwealth National Animal Welfare Strategy which promotes the model for assessing the relative humaneness of pest animal control methods.¹¹ This is particularly the case with respect to the proposed bounty scheme.

10. If it is accepted that hunters enjoy killing animals for sport or recreation and the hunting community wishes to continue that activity into the future, then the paradox of hunting as a method of conservation becomes clear: hunters cannot be said to be motivated to substantially reduce an invasive species because to do so would be self-defeating. The Sub-Committee submits that conservation is not a genuine objective of this Bill and references to "conservation" and "conservation hunting" should be read down as an attempt to garner support from areas of the community that would not otherwise take an interest in the Bill's objectives.

Establishing a 'Right to Hunt'

11. The Sub-Committee does not support enshrining a general "right to hunt" in legislation. A "right to hunt" directly undermines existing legal frameworks that prioritise public safety, and are aimed at addressing the environmental impacts of invasive species.

Cultural Hunting Rights

12. There are no identifiable cultural justifications for non-Indigenous Australians to engage in hunting as of right. European-style hunting was introduced by colonial settlers in the late 18th century with the intent of replicating British game-hunting culture. In doing so, settlers deliberately introduced non-native species.¹²
13. In contrast, First Nations peoples in Australia have hunted for millennia as part of a rich and complex cultural tradition that includes sourcing food, materials for clothing and shelter,

¹¹ Department of Agriculture, Fisheries and Forestry, Australian Government, Renewal of the Australian Animal Welfare Strategy (4 July 2025).

¹² 'A History of Hunting in Australia', *Overnights* (ABC Listen, 1 August 2021) <<https://www.abc.net.au/listen/programs/overnights/a-history-of-hunting-in-australia/13480294>>.

participating in ceremony and other cultural practices. The hunting rights of Aboriginal and Torres Strait Islander peoples are recognised under the *Native Title Act 1993* (Cth), *Aboriginal Land Rights Act 1983* (NSW) and other instruments,¹³ which preserve the legal rights of our First Nations peoples to continue to hunt under traditional laws and customs.¹⁴

14. Aboriginal cultural hunting rights should not be conflated with a sweeping “right to hunt” for all citizens. Aboriginal hunting rights are fundamentally distinct from recreational hunting for sport (as a recreational *subculture*) and, unlike recreational hunting, exist within the context of long-standing traditional laws and customs, and Aboriginal people’s deep and enduring connection to Country.
15. The Sub-Committee notes that in the United Kingdom, where Australia’s European-style hunting “culture” originated, there is no established “right to hunt”.¹⁵

Recreation

16. The establishment of an express “right to hunt” for recreational purposes would prioritise hunting, as a recreational activity on public land, over and above other legitimate recreational uses of public land. Other uses of public land (such as hiking, gathering, bushwalking, bird-watching, camping, fishing, foraging, bike riding, or adventure activities such as abseiling) are non-exclusive recreational uses and members of the public can safely and confidently use the same public land for differing recreational interests or purposes. The same cannot be said for recreational hunting on public land which restricts the extent to which public resources can be concurrently used and shared for recreational purposes.
17. In 2023, the NSW population was estimated to be 8,207,915,¹⁶ and the number of recreational hunting licence holders in the 2023-2024 period was 25,821 (and 23,916 for R-

¹³ See *Fisheries Management Act 1994* (NSW); *National Parks and Wildlife Act 1974* (NSW); *Game and Feral Animal Control Act 2002* (NSW) s 17(c).

¹⁴ Australian Law Reform Commission, *Recognition of Aboriginal Customary Laws* (Report No 31, 1986) 972.

¹⁵ See *Hunting Act 2004* (UK).

¹⁶ ‘Population Estimates NSW’, *HealthStats NSW* (Web Page) <<https://www.healthstats.nsw.gov.au/topic-overview/Populations>>.

licence holders).¹⁷ This means that the recreational game hunters wishing to access public land for hunting represents around 0.3% of the state's population (although the total hunting population (which includes hunters using weapons other than firearms and who hunt on private land only) has been estimated to be as high as 197,000).¹⁸ The Sub-Committee submits that a right to hunt on public land for recreational purposes should not be prioritised over the safety, recreational rights and interests of 99.7% of the state's population.

18. Finally, a general right to hunt is inconsistent with the underlying principles of the *Firearms Act 1996* (NSW), which asserts that firearm possession and use is a privilege that is conditional on the overriding need to ensure public safety. Research from jurisdictions such as the United States where hunting and gun ownership patterns are more prevalent, demonstrates a concerning correlation between increased access to weapons and elevated risks of interpersonal violence.¹⁹ Studies also confirm a link between habitual exposure to violence (including animal cruelty) and the desensitisation of individuals to aggression, can increase the likelihood of violent behaviours.²⁰

Conservation and Management of Invasive Species

19. The Sub-Committee is concerned that the proposed Bill seeks to falsely conflate recreational hunting with scientifically endorsed methods of ecological conservation. As previously stated in this submission, there is no credible evidence that recreational hunting, as currently practiced in Australia, provides effective or scalable outcomes for controlling

¹⁷ 'Hunting', *Department of Primary Industries* (Web Page) <<https://www.dpi.nsw.gov.au/about-us/publications/pdi/2024>>.

¹⁸ Department of Primary Industries, *Economic Contribution of Recreational Hunting in NSW* (Final Report, May 2023) 17 <https://www.dpi.nsw.gov.au/__data/assets/pdf_file/0020/1490033/economic-contribution-2021-22.pdf>.

¹⁹ See Patrick Sharkey, Juan Camilo Cristancho Amayo & Daniel C Semenza, 'Deer Hunting Season and Firearm Violence in US Rural Counties' (2024) 7(8) *JAMA Network Open* e2427683.

²⁰ Eleonora Gullone, 'Co-occurrence of Human Violence, Criminal Behaviour and Animal Abuse: Implications for Hunting Behaviour' in Maryland Wilson & David Croft (eds), *Kangaroos: Myths and Realities* (Australian Wildlife Protection Council, 2005).

invasive species.²¹ Existing lethal methods of population control such as baiting and poisons, have themselves failed to deliver sustainable, long-term solutions alone.²²

20. Moreover, recreational hunters often have a vested interest in maintaining viable populations of target species.²³ This dynamic undermines the core objective of population control. For example, during the operation of the now-defunct Game Council, feral deer populations expanded significantly, as deer were classified and treated as game animals rather than managed as pests.²⁴ The Sub-Committee submits that there is no legitimate basis to establish a right to hunt for the purpose of managing invasive species.

Establishing the Conservation Hunting Authority and Minister for Hunting and Fishing

21. The Sub-Committee does not support the establishment of the Conservation Hunting Authority (**CHA**) as described in the Bill. It also does not support the establishment of a Ministerial portfolio for hunting and fishing.
22. The CHA is described in the second reading speech for the Bill as an independent body (or, at least, chaired by an independent chairperson) that would provide oversight to hunting activities and bounty schemes in NSW.²⁵ However, there is a clear inconsistency between this description and later comments in that same speech which indicate that the CHA would:
- a. represent the interests of hunters;
 - b. ensure that hunters have a say in decision-making;

²¹ RSPCA Australia, *Recreational Hunting and Animal Welfare* (Information Paper, December 2017); Nick Kilvert, 'Hunting Animals for Meat Reduces Greenhouse Emissions Compared to Farming, Study Finds', *ABC News* (online, 8 October 2021) < <https://www.abc.net.au/news/science/2021-10-08/hunting-meat-greenhouse-gas-emissions-farming-ecosystems/100514570>>.

²² Sophie Riley, 'Model Codes for Humane Treatment of Animals: Australian Law and Policy on Lethal Control of Pests' (2015) 18(4) *Journal of International Wildlife Law & Policy* 276, 280–281.

²³ Senate Rural and Regional Affairs and Transport References Committee, *Wild Animal Management: Report* (Australian Government, 1998), 19.

²⁴ Anne Davies and Lisa Cox, 'Minns Government Backs Bill Promoting Hunting in NSW's State Forests and Crown Land', *The Guardian Australia* (online, 14 June 2025) <<https://www.theguardian.com/australia-news/2025/jun/14/minns-government-backs-bill-promoting-hunting-in-nsws-state-forests-and-crown-land>>.

²⁵ Parliamentary Debates (n 3) 10, 11.

- c. stand up for hunters; and
 - d. promote the benefits of hunting.
23. It ought to be self-evident that the above does not describe an independent, overseeing body, but rather an advocacy and promotional one. This is also reflected in sections 8 and 9 of the Bill itself – particularly in respect of:
- a. the composition of the CHA, at least half of which is drawn from hunting organisations;
 - b. the first function of the CHA being the representation of hunting interests; and
 - c. the research promotion function relating only to the *benefits* of hunting, and not, for example, any concerns about hunting or ways in which hunting ought to be improved or kerbed.
24. The Sub-Committee submits that the CHA would not be independent. Instead, it would represent an effort to add a veneer of legitimacy to what is, in essence, an exercise in promoting and supporting hunting for the benefit of individuals who enjoy hunting, largely undertaken by those same individuals.
25. The establishment of a related Ministerial portfolio would be infected by the same flaw. This is all the more concerning given the portfolio's remit would overlap so substantially with the political remit of the party that introduced the Bill. This is surprising, given the concerns expressed in the Bill's second reading speech about other groups or political parties prioritising their political positions ahead of effective invasive species management.
26. The Bill proposes to introduce mandatory consultation obligations with the CHA for land managers under the *Crown Lands Management Act 2016* (NSW) (**CLM Act**) in respect of crown land newly designated for hunting so that the interests of hunters are central to land management decisions. The Bill also proposes that the CHA take on advisory role (to their proposed Minister for hunting and fishing) on game and feral animal management matters. The Sub-Committee submits that the proposed membership of the CHA would be lacking in the requisite expertise in research-based conservation and wildlife management matters to be able to perform the proposed advisory function.

27. The advocacy element of the CHA is all the more concerning given the draw on public funds that it would represent – again, for a body that is, on the Sub-Committee’s reading of the Bill, a vessel for promoting hunting interests.
28. In a media release on 4 June 2025 responding to the Bill,²⁶ the Nature Conservation Council (**NCC**) expressed concerns about (among other matters in the Bill) the CHA being a “distraction” that would divert resourcing and efforts away from more appropriate conservation and land management measures. The Sub-Committee shares this concern.
29. The NCC was also similarly critical of the use of public funds for this purpose.
30. The Sub-Committee submits that there are commonalities between the proposed CHA and the now-abolished Game Council of NSW – particularly in respect of its functions in promoting hunting and representing hunting interests. This is worrying, given the many issues that plagued the Game Council during its approximate ten-year life (addressed below).
31. A review into the Game Council in 2012²⁷ revealed several fundamental issues with the Game Council, both conceptually and functionally, that included:
- a. A lack of governance framework.
 - b. A lack of strategic planning.
 - c. Risky allocation of resourcing and funding.
 - d. Inadequate planning and implementation of safety measures around shooting.
 - e. Numerous regulatory breaches, both potential and actual.

²⁶ Nature Conservation Council, ‘Shooting Lobby’s Bill Puts Public Safety and Nature at Risk’ (Media Release, 4 June 2025)

<https://www.nature.org.au/shooting_lobbys_bill_puts_public_safety_and_nature_at_risk>.

²⁷ See Steve Dunn, Steve Corrigan and Russell Watkinson, *Governance Review of the Game Council of NSW for NSW Department of Primary Industries* (Report, 14 June 2013) 3. Summarised on page 3, but addressed throughout in detail.

32. While the CHA could represent an opportunity to avoid several of the pitfalls described in the 2012 review of the Game Council, the Sub-Committee has been unable to identify any clear evidence that this will be the case. Rather, the considerable parallels in personnel/composition, objectives and remit suggest otherwise.
33. For completeness, it is noted that the Sub-Committee's opposition to the proposed CHA remains applicable even to a version of the CHA that distances itself from the Game Council in the above respects; this part of the submission is by way of highlighting *additional*, contextual concerns.
34. The Sub-Committee submits that, in any event, a primary finding of the 2012 review of the Game Council would apply to the CHA; that it would be "deeply embedded in politics"²⁸ and borne of a particular political landscape rather than a need to address invasive species management.
35. In the event that, notwithstanding the matters raised in this submission (and, the Sub-Committee anticipates, other submissions), Parliament is minded to pass a version of the Bill, it ought to be amended materially in respect of the CHA. At a minimum, the membership of the CHA ought to be amended as follows:
- a. The number of hunting organisation representatives ought to be reduced from four to two (i.e. not more than 25% of the membership) to reduce the risk of pro-hunting bias and a saturated perspective within the CHA.
 - b. A suitably qualified animal care and health professional ought to be included as a member – for example, an experienced member of the Australian Veterinary Association – to improve the CHA's capacity to consider and address animal care and health risks associated with the activities proposed by the Bill.
 - c. An animal welfare group representative ought to be included as a member – for example, an experienced and suitably senior representative of the Animal Welfare League (being a group already entrenched in the NSW animal welfare statutory

²⁸ Ibid 4.

scheme)²⁹ – to ensure an animal welfare presence is included, given the extensive animal welfare concerns prompted by the Bill and addressed elsewhere in this submission.

- d. A representative of a gun safety group ought to be included as a member – for example, the Australian Gun Safety Alliance, or similar – to address the self-evident safety concerns associated with an actual or proposed broadened ability to use firearms in and nearby areas frequented by people and their companion animals. This is of particular importance given the absence of any other counterpoint to the pro-gun tenor of the CHA and its membership as presently proposed.

- 36. For the avoidance of doubt, the Bill is opposed outright by the Sub-Committee; the comments immediately above are made by way of identifying an absolute bare minimum that ought to be done to address just one of the many deficiencies (as addressed throughout this submission) of the Bill.

Expanding Public Land Available for Hunting

- 37. The Bill proposes an amendment to the *CLM Act* by inserting a new Part dedicated to enabling recreational hunting on specified Crown land (both now and in the future) or on unspecified Crown land that meets particular criteria. The Sub-Committee objects to each of the proposed amendments to the *CLM Act*.

Specified Crown Land where Hunting Permitted (Designated Land)

- 38. The Bill proposes that Crown land listed in Schedule 5A will become “designated land”, being land on which hunting is permitted. There are 23 reserved parcels of Crown land that have been proposed as newly designated hunting land, and these parcels are referenced only by way of reservation numbers and gazettal (which date as far back as 1882). There are no commonly used or available references to proposed designated hunting land that would enable ordinary members of the public to identify this land. In the interests of transparency, the Sub-Committee submits that before any Crown land becomes designated

²⁹ See *Prevention of Cruelty to Animals Act 1979* (NSW) s 34B (Approved charitable organisations).

land for the purposes of hunting activities that the land be referenced plainly so that genuine community consultation can take place around the use of shared resources.

39. The Sub-Committee submits that the proposed changes to the *CLM Act* to designate Crown land as 'designated hunting land' is, in practice, a change of use or a change to the purpose for which the Crown land reservation was made. As such, members of the public should be consulted on these changes (through a genuine consultation process) in line with the principles of the Community Engagement Strategy established under the *CLM Act*.³⁰ The Sub-Committee objects to the proposed amendments that create designated hunting land due to the lack of transparency and consultation about the use of these shared resources.

Expansion of Designated Land

40. Land identified as designated hunting land is proposed by the Bill to be located in a Schedule to the *CLM Act*, and is able to be amended by order of the Minister following consultation with the CHA (the proposed body established by this Bill to promote the private interests of hunters). There is no express provision for the consultation of other bodies or members of the public. The Sub-Committee objects to this proposed mechanism for amending the list of designated hunting land under the *CLM Act*.
41. The Sub-Committee submits that Crown land is an important public resource, intended and reserved for public use and shared benefit, and any additions to a list of designated hunting land should be a matter for Parliament. The important democratic safeguard of parliamentary scrutiny should not be side-stepped in circumstances where the safe and equitable access to shared resources is at stake.

Unspecified Crown Land where Hunting Permitted

42. The Bill also proposes to allow hunting on other, unspecified Crown land provided it meets certain criteria (again, that is not immediately apparent to a member of the public). The

³⁰ Department of Industry – Lands & Water, 'Community Engagement Strategy' (May 2018) <<https://www.crownland.nsw.gov.au/sites/default/files/2022-06/Community-Engagement-Strategy.pdf>>.

proposed criteria are that hunting would be permitted on land of at least 400 hectares (whether alone or in conjunction with adjacent land already declared as hunting land under the *Game and Feral Animal Control Act 2002* (NSW)) and reserved for one or more of the public purposes below:

- a. Access,
- b. Agriculture and grazing
- c. Environment, environmental protection or nature conservation,
- d. Future public requirements,
- e. Heritage,
- f. Travelling stock, and/or
- g. Water.

The proposal to open additional unspecified Crown land for recreational hunting is affected by the same issues of opaqueness and an absence of genuine community consultation as has been noted above. The Sub-Committee submits that each of the proposed amendments relating to the use of Crown land for recreational hunting should be rejected given the impact of hunting activities on the safe, equitable and free access of Crown land by all members of the public and the absence of genuine community consultation.

Licencing

- 43. The Sub-Committee objects to the proposed renaming of hunting licences from “restricted game hunting licences” (or R-licences) to “conservation hunting licences” on the basis that the change is both unnecessary and misleading. As stated earlier in this submission, conservation hunting is, in essence, a misnomer. Evidence suggests that hunting as a conservation method is at best ineffective, and potentially counter-productive to other established and coordinated control methods, for the management of invasive species.
- 44. Under the current regime, members of the public who wish to hunt animals on public land in NSW generally require an R-licence. One of the stated objects of the Bill is to abolish R-licences and replace those licences with conservation hunting licences. The savings and transitional provisions of the proposed Bill provide that all R-licences in force at the commencement day of the Bill would automatically become conservation hunting licences.

The automatic transition of R-licences to conservation hunting licences illustrates the absence of any genuine difference between the two licence types, and the Sub-Committee submits that the change in terminology as proposed obfuscates the real objective of this Bill – advancing the interests of recreational hunters.

Easing Restrictions of Prohibited Weapons Restrictions

45. The Sub-Committee strenuously objects to the proposed amendments to the *Weapons Prohibition Act 1998* (NSW) that are aimed at relaxing restrictions on prohibited weapons in NSW for hunters by establishing an additional ‘genuine reason’ for possessing a prohibited weapon. The Sub-Committee submits that no amendments should be made to the *Weapons Prohibition Act*.
46. The underlying principles of the *Weapons Prohibition Act* are that the possession and use of prohibited weapons is a privilege that is conditional on the overriding need to ensure public safety, and to improve public safety by imposing strict controls on the possession and use of prohibited weapons.³¹ Similar objectives appear in the *Firearms Act* and the National Firearms Agreement.³² The Sub-Committee submits that the proposal to allow *all* hunters with a conservation hunting licence (currently an R-licence) to obtain a prohibited weapon (such as a silencer), without needing to establish any actual requirements for the weapon, offends the principles espoused in the above instruments and is an unacceptably low threshold.
47. As the law currently stands, there are already mechanisms in place for hunters to apply for (and obtain) a permit to possess a prohibited weapon (such as a silencer) for recreational/sporting purposes, business/employment purposes, or animal management purposes.³³ A permit can be issued for a prohibited weapon where an applicant satisfies they have a ‘genuine reason’ for the purpose specified in their permit application.³⁴ That is,

³¹ *Weapons Prohibition Act 1998* (NSW) s 3 (*‘Weapons Act’*).

³² See *Firearms Act 1996* (NSW) s 3; Council of Australian Governments, ‘National Firearms Agreement’ (February 2017) 2 <<https://www.homeaffairs.gov.au/criminal-justice/files/national-firearms-agreement.pdf>>.

³³ *Weapons Act* (n 31) s 11.

³⁴ *Ibid*. See also *Commissioner of Police, NSW Police Force v Allen* [2016] NSWCATAP 148, [22].

in the case of a commercial or recreational hunter, that the possession or use of the prohibited weapon is 'required' or 'necessary'. The Sub-Committee submits that this is an appropriate threshold given the public interest in the strict control of prohibited weapons and that the proposed amendments are unwarranted.

48. The Sub-Committee notes that criteria for the proposed 'genuine reason' of conservation hunting (i.e. holding a relevant hunting licence) sits in stark contrast to the obligations for applicants seeking a prohibited weapon permit for other 'genuine reasons'. Other genuine reasons require applicants to establish that the weapon for which the permit is sought is 'necessary', 'required' or has some other objectively genuine historical, artistic, educational or sentimental significance. As outlined in more detail below, the Sub-Committee considers that silencer use is not inherently 'necessary' for hunting purposes and does not justify omitting such a condition for the issuing of prohibited weapon permits.
49. Reasons given by the Bill's proponent in the second reading speech to support the proposed relaxing of laws relating to prohibited weapons (such as silencers) for hunters includes:
- a. That the use of silencers aligns with best practice in wildlife management – while there may be limited circumstances in which the use of silencers could be considered necessary, the Sub-Committee submits that these circumstances are the exception and do not arise in the ordinary course of hunting. In any event, the current framework already allows for the issuing of silencer permits where an applicant establishes a genuine reason and that silencers are 'necessary' or 'required' for their particular purpose.³⁵
 - b. Silencers reduce an animal's stress response – however, silencers do not eliminate all noise from firearms, and sensitive animals will still react when a firearm with a silencer fitted is discharged.³⁶ The primary stress response for target animals is

³⁵ See, eg, *Allen v Commissioner of Police, NSW Police Force* [2015] NSWCATAD 224; cf *Burke v Commissioner of Police, NSW Police Force* [2024] NSWCATAD 260.

³⁶ See *Burton v Commissioner of Police, NSW Police Force* [2019] NSWCATAD 14, [30] ('Burton').

- caused by injuries that are not instantly fatal – circumstances that are not improved by the use of silencers.³⁷
- c. Silencer use is best practice for hunter safety – yet expert audiologist evidence in a permit appeal before the NSW Civil and Administrative Tribunal indicated that silencers can reduce firearm noise levels by somewhere between 3.5dB and 32dB, while the attenuation value of ear plugs coupled with earmuffs far exceeded silencers at up to 180dB.³⁸ Additionally, sonic crack cannot be eliminated by a silencer and the degree of noise reduction offered by silencers was subject to many variables.³⁹
 - d. Silencers enable more animals to be taken out more easily and more humanely – silencers can reduce recoil on firearms (potentially making secondary discharge easier), but silencers also cause negative impacts on accuracy depending on factors such as fit, quality of the silencer, skills of the shooter, and the effect of deviation not allowed for by the firearm manufacturer.⁴⁰
50. The Sub-Committee submits that the proposed amendments are really about hunter preference, comfort and efficiency – none of which are legitimate reasons for allowing *all* persons holding an R-licence/conservation hunting licence to possess a silencer. There are good public policy reasons for strict controls on the number of prohibited weapons in the community, including silencers. However, increasing the number of prohibited weapons is not in the public interest and is the antithesis to improving and maintaining public safety. Silencer use on firearms makes it more difficult for people to hear or identify when a gun is being fired in their vicinity or to locate the direction of a shooter (creating risks to the public enjoying public land, and for Police undertaking law enforcement work). Additionally, given

³⁷ See, eg, Australian Hunters Club, 'The 99 Most Common Australian Hunting Questions' (Web Page, 26 August 2023) [23] <<https://australianhunters.com.au/wp-content/uploads/2023/09/The-99-most-common-Australian-hunting-questions-answered.pdf>>. Advice was given to hunters to wait 20 minutes after wounding a deer before heading to the point of impact to attempt to locate the injured deer.

³⁸ *Burton* (n 36) [39].

³⁹ *Ibid* [23]-[26].

⁴⁰ See *Trigg v Commissioner of Police, NSW Police Force* [2018] NSWCATAD 272, [29].

the prevalence of firearm storage offences,⁴¹ together with firearm theft offences,⁴² a simple increase in silencers (even for law-abiding hunters) poses serious public safety risks once in the hands of unintended persons.

51. The Sub-Committee submits that public interest is more than just public safety – it is a concept ‘designed to give the broader interests of the community priority over private interests’.⁴³ Individual interests, as illustrated by the proposed amendments to prohibited weapons and the Bill more broadly, must be subordinate to the interests of the public. The Sub-Committee submits that the amendments to the *Weapons Prohibition Act* are in direct opposition to the public interest and should be rejected.

Concluding Comments

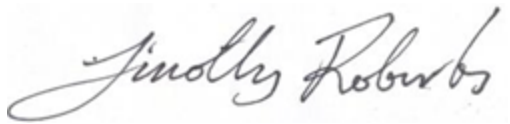
52. The Sub-Committee submits that the amendments proposed by the Conservation Hunting Bill go against the interests of the public, present a serious risk to public safety, are harmful to genuine and targeted conservation efforts, and fail to consider animal welfare issues created by the proposed amendments. The Sub-Committee submits that the conservation language used in this Bill is far from genuine and the true purpose of the proposed amendment is simply to advance the interests of a small group of hunters. The Sub-Committee submits that the proposed amendments come at an enormous cost to the public interest and public safety and the Bill should be rejected in its entirety.
53. NSW Young Lawyers and the Sub-Committee thank you for the opportunity to make this submission. If you have any queries or require further submissions, please contact the undersigned at your convenience.

⁴¹ See Megan Davies and Jenny Mouzos, *Court Outcomes for Firearms Offences in Australia* (Australian Institute of Criminology Report No 31, 2008) ix, 12 <<https://www.aic.gov.au/sites/default/files/2020-05/tbp031.pdf>>. The Australian Institute of Criminology found that, NSW, firearm storage and safekeeping offences were the second most prosecuted firearms related offence totaling around 27% of all firearms related offences for that period.

⁴² See Samantha Bricknell, *Firearm Theft in Australia 2007-2008* (Australian Institute of Criminology Report 8, 2009) <<https://www.aic.gov.au/sites/default/files/2020-05/mr08.pdf>>.

⁴³ *El-Zaghir v Commissioner of Police, NSW Police Force* [2023] NSWCATAD 216, [34].

Contact:



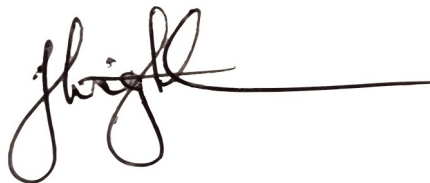
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