



Public Health Association
AUSTRALIA

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

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The **Public Health Association of Australia** (PHAA) is Australia's peak body on public health. We advocate for the health and well-being of all individuals in Australia.

We believe that health is a human right, a vital resource for everyday life, and a key factor in sustainability. The health status of all people is impacted by the social, commercial, cultural, political, environmental and economic determinants of health. Specific focus on these determinants is necessary to reduce the root causes of poor health and disease. These determinants underpin the strategic direction of PHAA. Our focus is not just on Australian residents and citizens, but extends to our regional neighbours. We see our well-being as connected to the global community, including those people fleeing violence and poverty, and seeking refuge and asylum in Australia.

Our mission is to promote better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.

Our vision is for a healthy population, a healthy nation and a healthy world, with all people living in an equitable society, underpinned by a well-functioning ecosystem and a healthy environment.

Traditional custodians - we acknowledge the traditional custodians of the lands on which we live and work. We pay respect to Aboriginal and Torres Strait Islander elders past, present and emerging and extend that respect to all other Aboriginal and Torres Strait Islander people.

This Bill should be rejected

PHAA welcomes the opportunity to provide input to this important inquiry.

We believe that this Bill must be firmly rejected by the NSW Parliament. It proposes to create a legally confusing and deeply inappropriate so-called 'right' that would operate in contradiction to other laws, including vital laws protecting public safety in NSW in furtherance of the National Firearms Agreement.

The Bill also creates a bizarre and inappropriate agency which will in effect carry out executive functions separate from the politically accountable branches of the NSW government.

Any other course than rejecting this Bill would leave the NSW Government and Parliament open to the charge that they had abandoned their commitment to national firearms policy, and to the paramount principle of public safety in these matters.

The deeply inappropriate proposed 'right' to 'hunt'

The Bill speaks of creating a 'right to hunt' in law. This so-called right is ill-conceived and poorly defined, and will no doubt operate to confuse and complicate law enforcement, land management, public safety and many other issues, where disputation on questions about the powers of regulators and officials are in issue. This, of course, may well be exactly the result that the proponents of this proposed right intend. But it is bad law – ambiguous of impact, and importing contested political concepts into the statute book.

Further, the uncertain overlap between the idea of 'hunting' and the activity of *possessing firearms* is very worrying. The fact that the Bill artfully falls short of calling for a 'right to possess firearms' – which would surely have been beyond political acceptability – does not address this concern.

We recall that the National Firearms Agreement – signed by all states, including NSW – affirms that gun ownership is a *privilege* allowed by law in controlled circumstances, not a *right*, and is conditional on the overriding principle of public safety. This is also the primary statutory objective of the NSW *Firearms Act 1996*. The terms of the present Bill would contradict and confuse existing law and policy.

It is entirely inappropriate to create a statutory 'right' to an activity which carries a significant potential to cause serious harm in the community, and which is presently – and should remain – very carefully regulated. Creating a logical tension between a tightly regulated activity and a 'right' to undertake such activity is terrible legal policy.

The loaded composition and role of the proposed replacement to the Game and Pest Management Advisory Board

The former Game Council was abolished in 2013 after a scathing review found public safety was not being prioritised. The Review found poor governance and the prioritisation of hunting interests over the public interest and public safety concerns. In its place, the present Game and Pest Management Advisory Board was created.

The Bill would now abolish the Advisory Board and in its place create a new publicly funded 'Conservation Hunting Authority', effectively a public agency controlled by hunting organisations to promote hunting. The overlap with firearms sector organisations, and the promotion of firearm use, would clearly be very strong.

The use of the term 'Conservation' in this context is profoundly misleading, indeed dishonest. While control of pest and feral animals can indeed have a conservation element, this is plainly not the predominant

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political purpose of the proposed new arrangements. To redescribe 'shooting' as 'conservation hunting' is rhetorical propaganda, which has no place in legislation.

The use of the term 'Authority' in replacement to the present 'Advisory Board' suggests a radical shift in the locus of executive government roles and responsibilities over these affairs. As a matter of constitutional principle the Minister and their delegate officials as part of the NSW public service should hold executive authority, and be accountable for all aspects of performance and delivery of their powers and roles.

An advisory board, as is presently constituted, *assists* ministers and officials in the execution of their responsibilities, often by channelling useful stakeholder input and expertise. An Authority, by implication, would be authorised by Parliament to exercise some part of the executive authority of the NSW Government. To place this role in private sector hands is clearly unacceptable.

Alarmingly, the proposed new authority would have 7 voting members, of which 4 would be directly appointed by hunting organisations, thus entirely controlling the proposed Authority and its budget. This is a serious abdication of the role and authority of a public agency to a private sector interest. Moreover, of the remaining 3 members, there is no requirement that any appointee have a background with expertise or a policy goals contrary to industry and hunting organisations; it is entirely possible that all 7 Authority members could be industry-friendly. Insultingly, the 8th member of the Authority – a representative of the Secretary – is specifically identified as having no vote.

A new authority would have the same structural conflicts or purpose as the pre-2013 Game Council. It would be a proxy for the firearm industry, deploying public resources and the credibility of a public agency to promote industry interests.

Among other things, the new Authority would be mandated to "promote research into the benefits of hunting". The loaded language here begs the question about what genuine scientifically sound research might determine the impacts of hunting – whether positive or negative – might be.

This proposed entity could easily adopt a political mission contrary to the policy directions of agreed national strategies relating to firearms (and other matters), and in rivalry to the politically accountable positions the NSW Government of the day, and of the elected representatives in the Parliament of NSW.

The proposed design of the new Authority is entirely contrary to good public policy, and should be unacceptable to the NSW Parliament.

We recommend that this Bill be rejected as a whole.

The PHAA appreciates the opportunity to make this submission. Please do not hesitate to contact me should you require additional information or have any queries.



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