

**Authorised Version**  
**Game Management Authority Act 2014**  
**No. 24 of 2014**

**TABLE OF PROVISIONS**

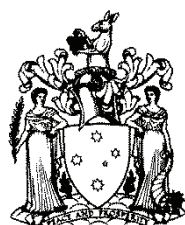
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## Authorised Version



Victoria

# Game Management Authority Act 2014<sup>†</sup>

No. 24 of 2014

[Assented to 8 April 2014]

**The Parliament of Victoria enacts:**

### **PART 1—PRELIMINARY**

#### **1 Purposes**

The main purposes of this Act are—

- (a) to establish the Game Management Authority; and
- (b) to make amendments to the **Wildlife Act 1975** to enable the Game Management Authority to perform or exercise regulatory functions or powers under that Act; and

- (c) to make consequential and miscellaneous amendments to the **Conservation, Forests and Lands Act 1987**, the **Wildlife Act 1975** and other Acts.

## 2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before 1 July 2014, it comes into operation on that day.

## 3 Definitions

In this Act—

*authorised officer* means a person appointed as an authorised officer under section 22;

*Authority* means the Game Management Authority established under Part 2;

*Chairperson* means the Chairperson of the Authority;

*game* has the same meaning as it has in the **Wildlife Act 1975**;

*game hunting* includes pursuing, trailing, stalking, searching for, driving out, taking or destroying game;

*game licence* has the same meaning as it has in the **Wildlife Act 1975**;

*protected wildlife* has the same meaning as it has in the **Wildlife Act 1975**;

*public land* means the following—

- (a) land under the **Crown Land (Reserves) Act 1978** including land under the **Alpine Resorts Act 1983**;

- 
- (b) land in any park within the meaning of the **National Parks Act 1975**;
  - (c) reserved forest within the meaning of the **Forests Act 1958**;
  - (d) unreserved Crown land under the **Land Act 1958**;
  - (e) land in any State Wildlife Reserve or Nature Reserve, within the meaning of the **Wildlife Act 1975**;

*public land manager* means a person or body responsible for the management of public land;

*relevant law* has the same meaning as it has in the **Conservation, Forests and Lands Act 1987**;

*threatened wildlife* means protected wildlife that is specified in any list made under section 10(1) of the **Flora and Fauna Guarantee Act 1988**;

*wildlife* has the same meaning as it has in the **Wildlife Act 1975**.

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**PART 2—GAME MANAGEMENT AUTHORITY**

**Division 1—Establishment, powers and functions**

**4 Establishment**

- (1) There is established a body called the Game Management Authority.
- (2) The Authority—
  - (a) is a body corporate with perpetual succession; and
  - (b) has an official seal; and
  - (c) may sue and be sued; and
  - (d) may acquire, hold and dispose of real and personal property; and
  - (e) may do and suffer all acts and things that a body corporate may by law do and suffer.
- (3) All courts must take judicial notice of the seal of the Authority affixed to a document and, until the contrary is proved, must presume that it was duly affixed.
- (4) The official seal of the Authority must be kept in such custody as the Authority directs and must not be used except as authorised by the Authority.

**5 Objectives of the Authority**

The objectives of the Authority are—

- (a) to promote sustainability and responsibility in game hunting in Victoria; and
- (b) to perform its functions as set out in section 6 and exercise its powers in such a manner as it considers best achieves those functions.



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## 6 Functions

The functions of the Authority are—

- (a) to perform the regulatory, investigative and disciplinary functions conferred on the Authority by or under this Act or any relevant law; and
- (b) to administer the scheme for issuing game licences under the **Wildlife Act 1975** in relation to hunting, taking or destroying game; and
- (c) to promote and monitor compliance with this Act or any relevant law in relation to game hunting; and
- (d) to investigate compliance with this Act and any relevant law in relation to game hunting; and
- (e) to develop operational plans and procedures addressing—
  - (i) the sustainable hunting of game animals; and
  - (ii) the humane treatment of animals that are hunted or used in hunting; and
  - (iii) strategies to minimise any negative impact on non-game wildlife, including protected and threatened wildlife; and
  - (iv) the conservation of wildlife habitats; and
- (f) to work with public land managers to improve the management of public land and facilities on public land where hunting is permitted; and
- (g) to promote sustainability and responsibility in game hunting; and

- (h) to monitor, conduct research and analyse the environmental, social and economic impacts of game hunting and game management; and
- (i) to make recommendations to relevant Ministers in relation to—
  - (i) game hunting and game management; and
  - (ii) the control of pest animals; and
  - (iii) declaring public land open or closed to game hunting, open and closed seasons and bag limits; and
  - (iv) the management of public and private land as it relates to game and their habitat.

#### **7 Powers of the Authority**

For the purpose of performing its functions, the Authority—

- (a) has such powers as are conferred on it by this Act or any other Act; and
- (b) may do all other things necessary or convenient to be done for or in connection with, or as incidental to, the achievement of its objectives or the performance of its functions.

#### **8 Exercise of powers**

- (1) The Authority must exercise its powers and perform its functions under this Act or any other Act subject to any written directions given by the Minister.
- (2) If the Authority is given a written direction under subsection (1), the Authority must publish the direction in its annual report.

## 9 Delegation

The Authority may, by instrument under its official seal, delegate any function or power of the Authority, other than this power of delegation, to—

- (a) an employee of the Authority; or
- (b) any person who is employed under Part 3 of the **Public Administration Act 2004**.

### Division 2—Members of the Authority

## 10 Members of the Authority

- (1) The Authority is to consist of not less than 5 members and not more than 9 members.
- (2) Members of the Authority are appointed by the Minister including—
  - (a) one member who is to be appointed as the Chairperson; and
  - (b) one member who is to be appointed as the Deputy Chairperson.
- (3) In appointing a member under subsection (2), the Minister must—
  - (a) appoint a person who, in the opinion of the Minister, has the skills, experience or knowledge that will assist the Authority to carry out its functions and achieve its objectives; and
  - (b) attempt to ensure that collectively the members of the Authority have skills, experience or knowledge relating to—
    - (i) legal practice; and
    - (ii) finance or accounting; and
    - (iii) wildlife biology or ecology; and

- (iv) animal welfare; and
- (v) public administration; and
- (vi) communications; and
- (vii) Aboriginal culture and identity as they relate to game hunting and game management; and
- (viii) private land management as it relates to agriculture; and
- (ix) public land management; and
- (x) game hunting; and
- (xi) game and wildlife management, including pest animal management.

## 11 Conditions of appointment of members

- (1) A member—
  - (a) holds office for the period specified in the instrument of appointment, which must be a period of not more than 3 years; and
  - (b) holds office on the terms and conditions determined by the Minister; and
  - (c) may be reappointed; and
  - (d) may resign from office by delivering a signed letter of resignation to the Minister; and
  - (e) in respect of the office of member, is subject to the **Public Administration Act 2004** (other than Part 3 of that Act).
- (2) The office of a member becomes vacant if the member—
  - (a) becomes insolvent under administration; or
  - (b) is found guilty of an indictable offence; or

- 
- (c) is absent from 2 consecutive meetings of the Authority without the approval of the Authority; or
- (d) retires, resigns or dies.
- (3) The Minister may remove a member from office if the member—
- (a) becomes incapable of performing his or her duties; or
- (b) is negligent in the performance of those duties; or
- (c) engages in improper conduct; or
- (d) fails to declare a pecuniary interest as required by section 14; or
- (e) is found guilty of an offence against this Act, the **Wildlife Act 1975** or regulations made under the **Wildlife Act 1975**.
- (4) A member who is not an employee in the public service is entitled to the remuneration and allowances (if any) fixed by the Minister.
- (5) An instrument of appointment may specify other terms and conditions of employment not inconsistent with this Act.
- (6) If the office of a member becomes vacant before the end of the term of the office, the Minister may appoint in accordance with section 10 a person to fill the vacancy and to hold office, subject to this Act, for the remainder of the term.
- (7) If the vacancy occurs within 6 months of the end of the term of the office, the office may be left vacant for the remainder of the term.

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## 12 Validity of acts or decisions

An act or decision of the Authority is not invalid by reason only of—

- (a) any vacancy in the office of a member; or
- (b) any defect or irregularity in or in connection with the appointment of a member.

## 13 Proceedings of the Authority

- (1) Four members of whom at least one must be either the Chairperson or the Deputy Chairperson constitutes a quorum.
- (2) A question arising at a meeting of the Authority must be determined by a majority of votes of members present and voting on the question.
- (3) If voting is equal, the person presiding has a casting, as well as a deliberative, vote.
- (4) The person presiding at a meeting must ensure that minutes of the meeting are kept.
- (5) Subject to this Act, the Authority may regulate its own proceedings.

## 14 Pecuniary interests of members

- (1) A member who has a pecuniary interest in a matter being considered or about to be considered by the Authority must as soon as practical after the relevant facts have come to the member's knowledge declare the nature of that interest at a meeting of the Authority.

Penalty: 60 penalty units.

- (2) Subsection (1) does not apply in the case of a member engaged in game hunting, game management or wildlife management if the interest is no greater than that of any other person so engaged.

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- (3) The Chairperson of a meeting at which a declaration is made under this section must cause a record of the declaration to be made in the minutes of the meeting.
- (4) Unless the Authority otherwise resolves, a member who has made a declaration under subsection (1) must not be present during any deliberation with respect to, or vote on, the matter in respect of which the declaration is made.

Penalty: 60 penalty units.

### **15 Improper use of information**

A person who is, or has been, a member, officer or employee of the Authority must not make improper use of any information acquired in the course of his or her duties to obtain directly or indirectly any pecuniary or other advantage for himself or herself or for any other person.

Penalty: 60 penalty units.

### **16 Disclosure of information**

- (1) A person who is, or has been, a member, officer or employee of the Authority or an authorised officer must not disclose any information obtained during the course of the person's duties except as authorised under this section.

Penalty: 50 penalty units.

- (2) A person referred to in subsection (1) is authorised and may disclose information obtained in the course of his or her duties—
- (a) if the person reasonably believes that the disclosure is necessary—
- (i) for or in connection with the administration of this Act or any relevant law; or

- (ii) to assist a relevant person or an authorised officer to exercise a power or perform a duty or function, under this Act or any relevant law; or
- (b) in the following circumstances—
  - (i) for the purposes of any legal proceedings arising out of this Act, or any relevant law, or of any report of such proceedings;
  - (ii) for the purposes of any other legal proceedings;
  - (iii) to a court or tribunal in the course of legal proceedings;
  - (iv) pursuant to an order of a court or tribunal;
  - (v) to the extent reasonably required for any other law enforcement purposes;
  - (vi) with the written authority of the Authority;
  - (vii) with the written authority of the person to whom the information relates.
- (3) In this section—

*relevant person* means—

  - (a) the Authority; or
  - (b) the Secretary to the Department of Environment and Primary Industries; or
  - (c) a person authorised by the Authority to take proceedings under section 96(1) of the **Conservation, Forests and Lands Act 1987**; or
  - (d) the Director of Public Prosecutions; or
  - (e) a member of the police force.



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**Division 3—Chief executive officer and staff of the Authority**

**17 Chief executive officer**

- (1) Subject to subsection (2), the Chairperson must employ a chief executive officer of the Authority.
- (2) The chief executive officer is to be employed—
  - (a) under Part 3 of the **Public Administration Act 2004**; and
  - (b) subject to terms and conditions that are approved by the Minister (on the recommendation of the members of the Authority) and specified in the instrument of appointment.

**18 Staff**

- (1) There may be employed under Part 3 of the **Public Administration Act 2004** any persons that are necessary for the purposes of performing the functions of the Authority.
- (2) The Authority may enter into agreements or arrangements for the use of the services of any staff of a Department, statutory authority or other public body.

**Division 4—Financial and Administrative**

**19 Financial**

- (1) The Authority must establish and keep a Game Management Authority Account.
- (2) The Authority must pay all money received by it into the account, including income from the investments of the account.

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- (3) Out of the account, the Authority must pay—
- (a) the expenses incurred by it in carrying out its functions, powers and duties; and
  - (b) any other expenses incurred in the administration of this Act.

## **20 Annual report**

- (1) On or before 30 September each year the Authority must submit to the Minister a report of its operations for the year ending on 30 June that year.
- (2) The report must also contain any information relating to the Authority's objectives or functions specifically requested by the Minister.
- (3) The Minister must cause each annual report submitted to him or her under this section to be laid before each House of Parliament within 7 sitting days after receiving it.

## **21 Annual business plan**

- (1) Each year the Authority must submit to the Minister for approval, on or before the date required by the Minister, a draft business plan that sets out—
  - (a) its objectives and priorities for the next 3 financial years; and
  - (b) financial projections for that period; and
  - (c) its budget for the next financial year; and
  - (d) what it intends to do over the next financial year; and
  - (e) any other matters that the Minister requires in writing.

- 
- (2) After amending its draft business plan in any way required by the Minister, the Authority must submit a final business plan to the Minister for approval on or before the date required by the Minister.
  - (3) The Authority must not depart significantly from its budget without first obtaining the approval of the Minister.
  - (4) The Authority must have regard to its current business plan in carrying out its functions.
  - (5) The Authority must ensure that a copy of its current business plan is—
    - (a) available for inspection by members of the public at its principal place of business whenever that place is open to the public; and
    - (b) published on the Internet.
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**PART 3—ENFORCEMENT AND LEGAL PROCEEDINGS**

**22 Appointment of authorised officers**

- (1) The Authority may appoint as authorised officers—
  - (a) any specified employee or a specified class of employees employed by the Authority; or
  - (b) any person who is employed under Part 3 of the **Public Administration Act 2004**; or
  - (c) any specified person or any specified class of persons.
- (2) An authorised officer may be appointed under subsection (1)—
  - (a) for the purposes of all or any relevant laws; and
  - (b) for the whole or part of Victoria.
- (3) The Authority must give to each authorised officer a certificate of appointment stating—
  - (a) the relevant law for the purposes of which the person is appointed an authorised officer; and
  - (b) whether the person is appointed for the whole or part of Victoria and, if for part of Victoria, specifying the part of Victoria for which the person is appointed.

**23 Appointment of persons to perform certain functions of authorised officers**

- (1) The Authority may appoint—
  - (a) any specified employee or a specified class of employees employed by the Authority; or
  - (b) any person who is employed under Part 3 of the **Public Administration Act 2004**; or

(c) any specified person or any specified class of persons—

to perform any of the powers, functions or duties of authorised officers that are specified by the Authority.

(2) An appointment may be made under subsection (1) for the whole or part of Victoria.

**24 Application of Conservation, Forests and Lands Act 1987 to authorised officers**

Part 9 (except sections 83 and 84) of the **Conservation, Forests and Lands Act 1987** applies to an authorised officer appointed by the Authority as if the authorised officer were appointed by the Secretary under the **Conservation, Forests and Lands Act 1987**.

**25 Application of Conservation, Forests and Lands Act 1987 to the Authority**

For the purposes of this Part, in sections 87, 88 (except sections 88(1)(c) and (7)), 88A, 89, 96 (except section 96(1)(aa)), 97 and 98 (except section 98(3)(b), (c), (d), (e), (g), 98(8)(a) and 98(12)) of the **Conservation, Forests and Lands Act 1987**, a reference to the Secretary applies as if it were a reference to the Authority.

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**PART 4—GENERAL**

**Division 1—Regulations**

**26 Regulations**

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) The regulations may—
  - (a) be of general or limited application; and
  - (b) differ according to differences in time, place or circumstances; and
  - (c) provide in a specified case or class of cases for the exemption of persons or things from any of the provisions of the regulations—
    - (i) whether unconditionally or on specified conditions; and
    - (ii) either wholly or to any extent that is specified.

**Division 2—Transitional provision**

**27 Authorised officers appointed under the Conservation, Forests and Lands Act 1987 employed by the Authority**

- (1) This section applies to a person who—
  - (a) immediately before the commencement day, is an authorised officer appointed under section 83 of the **Conservation, Forests and Lands Act 1987**; and
  - (b) on the commencement day, is employed by the Authority.

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(2) For a period of 28 days commencing on and including the commencement day, the person continues to be an authorised officer appointed under section 83 of the **Conservation, Forests and Lands Act 1987** unless the Authority appoints the person as an authorised officer under this Act within that period.

(3) In this section—

*commencement day* means the day on which section 3 comes into operation.

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**PART 5—AMENDMENT OF OTHER ACTS AND REPEAL**

**Division 1—Wildlife Act 1975**

**28 Definitions**

See:  
Act No.  
8699.  
Reprint No. 9  
as at  
27 April 2012  
and  
amending  
Act Nos  
65/2010,  
46/2012,  
82/2012 and  
4/2013.  
LawToday:  
www.  
legislation.  
vic.gov.au

- (1) In section 3(1) of the **Wildlife Act 1975** insert the following definitions—

**"Game Management Authority** means the Game Management Authority established under Part 2 of the **Game Management Authority Act 2014**;

**specified birds** means the birds prescribed in the Schedule;"

- (2) In section 3(1) of the **Wildlife Act 1975**, for the definition of **authorised officer substitute**—

**"authorised officer** means—

- (a) a person appointed as an authorised officer under the **Conservation, Forests and Lands Act 1987** for the purposes of this Act; or
- (b) a person appointed as an authorised officer under the **Game Management Authority Act 2014** for the purposes of this Act;"

**29 Repeal of section 11**

Section 11 of the **Wildlife Act 1975** is repealed.

**30 Wildlife licences**

- (1) In section 22(1) of the **Wildlife Act 1975**—

(a) for "The Secretary" **substitute** "Subject to subsection (2), the Secretary";

(b) after "wildlife" (where twice occurring) **insert** "(other than specified birds)".



(2) After section 22(1) of the **Wildlife Act 1975** insert—

"(2) The Game Management Authority may license a person to do all or any of the following in respect of specified birds—

- (a) take or destroy the birds;
- (b) buy, sell, acquire, receive, dispose of, keep, possess, control, breed or display the birds."

(3) In section 22(3)(b)(ii), (3A) and (4) of the **Wildlife Act 1975**, after "Secretary" (wherever occurring) insert "or the Game Management Authority (as appropriate)".

### 31 Game licences

(1) In section 22A(1) and (2) of the **Wildlife Act 1975**, for "Secretary" substitute "Game Management Authority".

(2) In section 22A(3) of the **Wildlife Act 1975**—

- (a) for "Secretary" (where first occurring) substitute "Game Management Authority";
- (b) for "Secretary" (where secondly occurring) substitute "Authority".

(3) In section 22A(4A) and (4B) of the **Wildlife Act 1975**, for "Secretary" substitute "Game Management Authority".

(4) In section 22A(5) of the **Wildlife Act 1975**—

- (a) for "Secretary" (where first occurring) substitute "Game Management Authority";
- (b) for "Secretary" (where secondly occurring) substitute "Authority".

(5) In section 22A(6) of the **Wildlife Act 1975**, for "Secretary" substitute "Game Management Authority".

- (6) In section 22A(7A) of the **Wildlife Act 1975**—
- (a) for "Secretary" (where first occurring) **substitute** "Game Management Authority";
  - (b) for "Secretary" (where secondly occurring) **substitute** "Authority".
- (7) In section 22A(7B) of the **Wildlife Act 1975**, for "Secretary" **substitute** "Game Management Authority".
- (8) In section 22A(7C) of the **Wildlife Act 1975**—
- (a) for "Secretary" (where first occurring) **substitute** "Game Management Authority";
  - (b) for "Secretary" (where secondly occurring) **substitute** "Authority".

**32 Secretary may refuse to grant licences in certain cases**

- (1) **Insert** the following heading to section 23 of the **Wildlife Act 1975**—
- "Grant of wildlife licences may be refused in certain cases"**.
- (2) In section 23(1) of the **Wildlife Act 1975**, after "section 22" **insert** "(except a licence in respect of specified birds)".
- (3) After section 23(1) of the **Wildlife Act 1975** **insert**—
- "(1A) The Game Management Authority may refuse to grant any application for a licence referred to in section 22 in respect of specified birds or to renew a licence in respect of specified birds if the Authority is satisfied that—
- (a) the applicant is not a fit and proper person to hold a licence in respect of specified birds; or

- 
- (b) the premises specified in the application for grant or renewal as being the premises which is to house the specified birds—
- (i) are not suitable for housing specified birds; or
  - (ii) are premises in respect of which a licence has already been issued; or
- (c) the issue of the licence would be deleterious to the welfare of specified birds; or
- (d) the number of licences in force ought to be limited; or
- (e) the applicant has been found guilty of an offence against this Act or a corresponding previous enactment; or
- (f) the applicant is already a holder of a wildlife licence in respect of specified birds; or
- (g) the applicant has failed to comply with this Act, the regulations or the conditions of his or her licence."
- (4) In section 23(2) of the **Wildlife Act 1975**—
- (a) for "any licence" **substitute** "a licence";
  - (b) after "section 22" **insert** "(other than a licence in respect of specified birds)".
- (5) After section 23(2) of the **Wildlife Act 1975** **insert**—
- "(3) The Game Management Authority may vary a licence in respect of specified birds in force under section 22 in any respect—
- (a) on an application made in writing by the holder of the licence; and

- (b) on payment of any additional prescribed fees.
- (4) On the date of variation of a licence in respect of specified birds under subsection (3), the licence is deemed to have been granted as varied."

### 33 Duration of licence

- (1) For section 25(2) of the **Wildlife Act 1975** **substitute**—
  - "(2) An application for the renewal of a wildlife licence must be—
    - (a) made in the prescribed manner; and
    - (b) made to—
      - (i) if the wildlife licence is in respect of specified birds, the Game Management Authority; or
      - (ii) in any other case, the Secretary."
- (2) In section 25(3) of the **Wildlife Act 1975**, after "Secretary" **insert** "or the Game Management Authority (as appropriate)".
- (3) For section 25(4) of the **Wildlife Act 1975** **substitute**—
  - "(4) The Secretary may vary a wildlife licence (other than a wildlife licence in respect of specified birds) at any time by notice in writing sent by post to the holder of the licence.
  - (5) The Game Management Authority may vary a wildlife licence in respect of specified birds at any time by notice in writing sent by post to the holder of the licence."

### 34 Mandatory cancellation of licences

- (1) **Insert** the following heading to section 25A of the **Wildlife Act 1975**—  
**"Mandatory cancellation of certain licences by Secretary"**.
- (2) In section 25A(1) of the **Wildlife Act 1975**, for "a licence issued under this Part" **substitute** "a wildlife licence (other than a wildlife licence in respect of specified birds)".
- (3) In section 25A(4) of the **Wildlife Act 1975** after "other than" (where twice occurring) **insert** "a wildlife licence in respect of specified birds, a game licence or".

### 35 New section 25AB inserted

After section 25A of the **Wildlife Act 1975**  
**insert**—

#### **"25AB Mandatory cancellation of certain licences by Game Management Authority**

- (1) The Game Management Authority must cancel a wildlife licence in respect of specified birds or a game licence if the Authority is satisfied on reasonable grounds that the holder knowingly provided false or misleading information with the application.
- (2) Before cancelling a licence under this section, the Game Management Authority must—
  - (a) notify the holder in writing that it is proposed to cancel the licence; and
  - (b) allow the holder 14 days within which to make oral or written submissions about the proposal.

- (3) In making a decision, the Game Management Authority must—
  - (a) have regard to the submissions; and
  - (b) notify the holder of the decision.
- (4) In addition to cancelling the licence, the Game Management Authority may—
  - (a) cancel any other game licence or wildlife licence in respect of specified birds issued to that person; and
  - (b) specify a time within which the person may not apply for another game licence or wildlife licence in respect of specified birds."

### **36 Power of Secretary to suspend licence**

- (1) **Insert** the following heading to section 25B of the **Wildlife Act 1975**—  
**"Power of Secretary to suspend certain licences"**.
- (2) In section 25B(1) of the **Wildlife Act 1975**, for "a licence under this Part" **substitute** "a wildlife licence (other than a wildlife licence in respect of specified birds)".
- (3) In section 25B(3) of the **Wildlife Act 1975**, after "wildlife" **insert** "(other than specified birds)".

### **37 New section 25BA inserted**

After section 25B of the **Wildlife Act 1975**  
**insert**—

#### **"25BA Power of Game Management Authority to suspend certain licences**

- (1) The Game Management Authority may suspend a wildlife licence in respect of specified birds or a game licence, by notice in writing given to the holder of the licence,

- 
- if the Authority is satisfied, on reasonable grounds, that—
- (a) the holder of the licence has been found guilty of an offence against this Act; or
  - (b) the holder of the licence has breached a condition of the licence.
- (2) A suspension under this section has effect—
- (a) from the time specified in the notice given under subsection (1), which must be after the day on which the notice is given; and
  - (b) subject to section 25C, for the period (not exceeding 90 days) specified in the notice.
- (3) The custody, care and management of any specified birds held under a licence which has been suspended under this section must be dealt with in accordance with the directions of the Game Management Authority."

### **38 Making submissions on suspension**

In section 25C of the **Wildlife Act 1975**, after "Secretary" (wherever occurring) **insert** "or Game Management Authority (as appropriate)".

### **39 Power of Secretary to cancel a licence**

- (1) **Insert** the following heading to section 25D of the **Wildlife Act 1975**—  
**"Power of Secretary to cancel certain licences"**.
- (2) In section 25D(1) of the **Wildlife Act 1975**, for "licence under this Part" **substitute** "wildlife licence (other than a wildlife licence in respect of specified birds)".

- (3) In section 25D(6) of the **Wildlife Act 1975**, after "wildlife" **insert** "(other than specified birds)".

**40 New section 25DA inserted**

After section 25D of the **Wildlife Act 1975**  
**insert—**

**"25DA Power of the Game Management Authority to cancel certain licences**

- (1) The Game Management Authority may cancel a wildlife licence in respect of specified birds or a game licence if the Authority is satisfied, on reasonable grounds, that—
- (a) the holder of the licence has been found guilty of an offence against this Act; or
  - (b) the holder of the licence has breached a condition of the licence.
- (2) Before cancelling a licence the Game Management Authority must—
- (a) notify the holder that the Authority proposes to cancel the licence; and
  - (b) allow the holder of the licence an opportunity to make either oral or written submissions.
- (3) Submissions under subsection (2) must be made within the period specified in the notice.
- (4) In making a decision as to whether or not to cancel a licence, the Game Management Authority must—
- (a) have regard to any submissions made under subsection (2) within the period specified in the notice; and



- (b) must notify the holder of the Authority's decision.
- (5) A cancellation under this section has effect from the time specified in the notice of the Game Management Authority's decision under subsection (4), which must be after the day on which the notice was given.
- (6) Any specified birds held under a licence which has been cancelled under this section must be disposed of in accordance with the directions of the Game Management Authority."

#### **41 Authorisation to take etc. wildlife**

- (1) In section 28A(1) of the **Wildlife Act 1975**, for "The Secretary" **substitute** "Subject to subsection (1AA), the Secretary".
- (2) After section 28A(1) of the **Wildlife Act 1975** **insert—**
  - "(1AA) The Secretary must consult with the Game Management Authority before giving written authorisation to a person under subsection (1)(a) to hunt, take or destroy specified birds or game.
  - (1AB) The Game Management Authority may give written authorisation to a person to do all or any of the following—
    - (a) hunt, take or destroy game;
    - (b) buy, sell, acquire, receive, dispose of, keep, possess, control, breed, process, display, take samples from or experiment on game;
    - (c) mark game, handle game for the purpose of marking it and interfere with the markings on game—

if the Authority is satisfied that the authorisation is necessary—

- (d) for the purposes of the management, conservation, protection or control of game or for the purposes of education about game, research into game or scientific or other study of game; or
  - (e) for aboriginal cultural purposes; or
  - (f) for the purposes of ensuring the health or safety of any person or class of persons; or
  - (g) to support a recognised wildlife management plan; or
  - (h) to make provision for the custody, care and management of game, held under another authorisation or a licence which has been suspended, during the period of that suspension."
- (3) After section 28A(2)(a) of the **Wildlife Act 1975** **insert**—
- "(ab) by the Game Management Authority; or".
- (4) In section 28A(4) of the **Wildlife Act 1975**, after "Secretary" (where twice occurring) **insert** "or the Game Management Authority (as appropriate)".

#### **42 Suspension of authorisation**

- (1) In section 28D(1) of the **Wildlife Act 1975**, after "authorisation" (where first occurring) **insert** "the Secretary has given".
- (2) After section 28D(1) of the **Wildlife Act 1975** **insert**—
- "(1A) If the Game Management Authority is satisfied that there are reasonable grounds to do so, the Authority may suspend an authorisation the Authority has given, by

notice in writing given to the holder of an authorisation."

- (3) In section 28D(2)(a) of the **Wildlife Act 1975**, after "subsection (1)" **insert** "or (1A)".
- (4) In section 28D(3) of the **Wildlife Act 1975** after "this section" **insert** "by the Secretary".
- (5) After section 28D(3) of the **Wildlife Act 1975** **insert**—

"(4) The custody, care and management of any game or specified birds held under an authorisation which has been suspended under this section by the Game Management Authority must be dealt with in accordance with the directions of the Authority."

#### **43 Making submissions on suspension**

In section 28E of the **Wildlife Act 1975**, after "Secretary" (wherever occurring) **insert** "or Game Management Authority (as appropriate)".

#### **44 Cancellation of authorisation**

- (1) In section 28F(1) of the **Wildlife Act 1975**, after "authorisation" **insert** "that the Secretary has given".
- (2) After section 28F(1) of the **Wildlife Act 1975** **insert**—
  - "(1A) If the Game Management Authority is satisfied that there are reasonable grounds to do so, the Authority may cancel an authorisation it has given."
- (3) In section 28F(2) and (4) of the **Wildlife Act 1975**, after "Secretary" **insert** "or Game Management Authority (as appropriate)".
- (4) In section 28F(6) of the **Wildlife Act 1975**, after "authorisation" **insert** "the Secretary has given".

(5) After section 28F(6) of the **Wildlife Act 1975** **insert—**

"(7) Any game or specified birds held under an authorisation which has been cancelled under this section must be disposed of in accordance with the directions of the Game Management Authority."

#### **45 Wildlife Management Co-operative Areas**

- (1) In section 32(3) of the **Wildlife Act 1975**, after "Secretary" **insert** "or the Game Management Authority (as appropriate)".
- (2) In section 32(4) of the **Wildlife Act 1975**, after "Secretary" **insert** "or the Game Management Authority".
- (3) In section 32(5) of the **Wildlife Act 1975**, for "within the meaning of the **Conservation, Forests and Lands Act 1987**" **substitute** "or the Game Management Authority".
- (4) In section 32(7) of the **Wildlife Act 1975**, for "within the meaning of the **Conservation, Forests and Lands Act 1987**" **substitute** "or the Game Management Authority".

#### **46 Offence for certain persons to enter on or remain in specified hunting area**

In section 58C(1A)(d) of the **Wildlife Act 1975**, for "Secretary" **substitute** "Game Management Authority".

#### **47 Offence to approach a person who is hunting**

In section 58D(d) of the **Wildlife Act 1975**, for "Secretary" **substitute** "Game Management Authority".

**48 Variation and revocation of banning notice**

In section 58I(1) of the **Wildlife Act 1975**, for "Secretary" **substitute** "Game Management Authority".

**49 Disclosure of information for enforcement purposes**

In section 58R of the **Wildlife Act 1975**, for "Secretary" (wherever occurring) **substitute** "Game Management Authority".

**50 Retention notices**

(1) In section 60D(3) of the **Wildlife Act 1975**—

- (a) after "Secretary" (where first occurring) **insert** "or the Game Management Authority (as appropriate)".
- (b) after "Secretary" (where secondly occurring) **insert** "or the Authority".

(2) In section 60D(4) of the **Wildlife Act 1975**—

- (a) after "Secretary" (where first occurring) **insert** "or the Game Management Authority";
- (b) after "Secretary" (where secondly occurring) **insert** "or the Game Management Authority (as appropriate)".

**51 Statements of the Secretary as evidence**

(1) **Insert** the following heading to section 64 of the **Wildlife Act 1974**—

**"Statements of the Secretary or the Game Management Authority as evidence".**

(2) At the end of section 64 of the **Wildlife Act 1975** **insert**—

"(2) A statement in writing purporting to be under the seal of the Game Management Authority to the effect that—

- (a) a specified person was or was not the holder of a licence, authorisation or permit under this Act; or
- (b) a licence, authority or permit under this Act is subject to specified conditions, restrictions or limitations; or
- (c) a premises is the premises specified in a licence under this Act; or
- (d) a specified person was or was not issued with a tag under this Act—

is evidence, and in the absence of evidence to the contrary, is proof of the facts stated in it."

## **52 Applications for authorities to conduct controlled operations**

- (1) In section 73(1) of the **Wildlife Act 1975**, after "Secretary" **insert** "or the Game Management Authority".
- (2) In section 73(2)(b) of the **Wildlife Act 1975**, after "Secretary" **insert** "or the Game Management Authority (as appropriate)".
- (3) In section 73(3) of the **Wildlife Act 1975**—
  - (a) after "Secretary" **insert** "or the Game Management Authority (as appropriate)";
  - (b) after "Secretary's" **insert** "or the Authority's".

## **53 Determination of applications**

In section 74 of the **Wildlife Act 1975**, after "Secretary" **insert** "or the Game Management Authority (as appropriate)".

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**54 Matters to be taken into account**

In section 74A of the **Wildlife Act 1975**, after "Secretary" **insert** "or the Game Management Authority (as appropriate)".

**55 Form of authority**

- (1) In section 74B(1) of the **Wildlife Act 1975**, after "controlled operation" **insert** "granted by the Secretary".
- (2) After section 74B(2) of the **Wildlife Act 1975** **insert**—
  - "(3) An authority to conduct a controlled operation granted by the Game Management Authority must—
    - (a) be in writing under the seal of the Game Management Authority; and
    - (b) identify the principal law enforcement officer for the operation; and
    - (c) identify each law enforcement officer who may engage in controlled conduct for the purposes of the operation; and
    - (d) identify the nature of the controlled conduct that the participants may engage in; and
    - (e) identify the nature of the criminal activity (including the suspected offences) in respect of which the controlled conduct is to be engaged in; and
    - (f) identify (to the extent known) any suspect; and
    - (g) specify the period of validity of the authority (which must be a period not exceeding 3 months); and

- (h) specify any conditions to which the conduct of the operation is subject; and
  - (i) state the date and time when the authority is granted; and
  - (j) identify (to the extent known)—
    - (i) the nature and quantity of any illicit goods that will be involved in the operation; and
    - (ii) the route through which those goods will pass in the course of the operation.
- (4) A person is sufficiently identified for the purposes of subsection (3)(b) or (c) if the person is identified—
- (a) by an assumed name under which the person is operating; or
  - (b) by a code name or code number—
- so long as the assumed name, code name or code number can be matched to the person's identity by the Game Management Authority."

**56 When can an authority be varied?**

- (1) In section 74C(1) of the **Wildlife Act 1975**, after "authority" **insert** "the Secretary has granted".
- (2) After section 74C(1) of the **Wildlife Act 1975** **insert**—
  - "(1A) The Game Management Authority may vary and authority it has granted—
    - (a) at any time on the Game Management Authority's own initiative; or
    - (b) on application under section 74D."



- (3) In section 74C(2) of the **Wildlife Act 1975**, after "Secretary" **insert** "or the Game Management Authority (as appropriate)".

**57 Application for variation of authority**

- (1) In section 74D(1) of the **Wildlife Act 1975**, after "Secretary" **insert** "or the Game Management Authority (as appropriate)".
- (2) In section 74D(4) of the **Wildlife Act 1975**—
- (a) after "Secretary" **insert** "or the Game Management Authority (as appropriate)";
  - (b) **omit** "Secretary's".

**58 Determination of application to vary authority**

In section 74E(1) of the **Wildlife Act 1975**, after "Secretary" **insert** "or the Game Management Authority".

**59 Form of variation of authority**

- (1) In section 74F of the **Wildlife Act 1975**, after "A variation of authority" **insert** ", granted by the Secretary,".
- (2) At the end of section 74F of the **Wildlife Act 1975 insert**—
- "(2) A variation of authority, granted by the Game Management Authority, must—
- (a) be in writing under the seal of the Game Management Authority; and
  - (b) identify the authorised operation for which the authority is in force; and
  - (c) state the date and time when the authority was varied; and
  - (d) if the authority was varied on an application under section 74D, state the name of the applicant; and

- (e) describe the variation having regard, if an application for variation was made, to the purposes referred to in section 74D(1) in respect of which the application was made."

#### **60 Cancellation of authorities**

In section 74G(1) and (2) of the **Wildlife Act 1975**, after "Secretary" (where twice occurring) **insert** "or the Game Management Authority (as appropriate)".

#### **61 Notification requirements**

- (1) In section 74L(1) of the **Wildlife Act 1975**—
- (a) after "Department" **insert** ", the Game Management Authority";
  - (b) after "Secretary" **insert** "or the Game Management Authority (as appropriate)".
- (2) In section 74L(2) of the **Wildlife Act 1975**, after "Secretary" **insert** "or the Game Management Authority".
- (3) In section 74L(3) of the **Wildlife Act 1975**, after "Secretary" (where twice occurring) **insert** "or the Game Management Authority".
- (4) In section 74L(4) of the **Wildlife Act 1975**, after "Secretary" **insert** "or the Game Management Authority (as appropriate)".

#### **62 Principal law enforcement officers' reports**

In section 74N(1) of the **Wildlife Act 1975**, after "Secretary" **insert** "or Game Management Authority (as appropriate)".

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**63 New Section 74OA inserted**

After section 74O of the **Wildlife Act 1975**  
**insert—**

**"74OA Game Management Authority's reports**

- (1) As soon as practicable, after 30 June and 31 December but no more than 2 months after each date in each year, the Game Management Authority must submit a report to the Victorian Inspectorate setting out the details required by subsection (2) in relation to authorised operations conducted during the previous 6 months.
- (2) The report must include the following details—
  - (a) the number of authorities that have been granted or varied by the Game Management Authority, and the number of applications for the granting or variation of authorities that have been refused by the Game Management Authority, during the period to which the report relates; and
  - (b) the nature of the criminal activities against which the authorised operations were directed; and
  - (c) the nature of the controlled conduct engaged in for the purposes of the authorised operations; and
  - (d) if any of the authorised operations involved illicit goods, a statement (to the extent known) of—
    - (i) the nature and quantity of the illicit goods; and

- (ii) the route through which the illicit goods passed in the course of the operations; and
  - (e) details of any loss or serious damage to property, or any personal injuries, occurring in the course of or as a direct result of the authorised operations; and
  - (f) the number of authorities cancelled by the Game Management Authority or that have expired during the period to which the report relates.
- (3) The Victorian Inspectorate may require the Game Management Authority to furnish additional information covering any authorised operation to which a report relates.
- (4) Nothing in subsection (2)(c) or (d) requires particulars of an authorised operation to be included in a report for a period of 6 months if the operation had not been completed during that period, but the particulars must instead be included in the report for the period of 6 months in which the operation is completed."

#### **64 Annual report by Victorian Inspectorate**

- (1) For section 74P(1) and (2) of the **Wildlife Act 1975** substitute—
  - "(1) The Victorian Inspectorate must, as soon as practicable after receipt of the report under section 74O of 30 June in each year—
    - (a) prepare a report of the work and activities of law enforcement officers under this Part granted authorities by the Secretary for the preceding 12 months; and

- 
- (b) give a copy of the report to the Minister and the Secretary.
- (1A) The Victorian Inspectorate must, as soon as practicable after receipt of the report under section 74OA of 30 June in each year—
- (a) prepare a report of the work and activities of law enforcement officers under this Part granted authorities by the Game Management Authority for the preceding 12 months; and
- (b) give a copy of the report to the Minister and the Game Management Authority.
- (2) A report under subsection (1) or (1A)—
- (a) must include comments on the comprehensiveness and adequacy of the reports which were provided to the Victorian Inspectorate by—
- (i) the Secretary under section 74O; or
- (ii) the Game Management Authority under section 74OA; and
- (b) must not disclose any information that identifies any suspect or a participant in an operation or that is likely to lead to such a person or participant being identified."
- (2) In section 74P(3) of the **Wildlife Act 1975**—
- (a) after "Secretary" **insert** "or the Game Management Authority (as appropriate)";
- (b) after "Secretary's" **insert** "or the Authority's".
- (3) In section 74P(4) of the **Wildlife Act 1975** **omit** "on the advice of the Secretary".

- (4) In section 74P(5) of the **Wildlife Act 1975**—
- (a) in paragraph (a), **omit** "the Secretary's";
  - (b) for paragraph (b) **substitute**—  
"(b) 14 days after the day the Victorian  
Inspectorate gave the report to—
    - (i) the Secretary under subsection (1);  
or
    - (ii) the Game Management Authority  
under subsection (1A)."

**65 Keeping documents connected with authorised operations**

- (1) In section 74Q of the **Wildlife Act 1975**—
- (a) after "kept" **insert** "in respect of any authority granted by the Secretary under this Part";
  - (b) in paragraphs (a), (b), (c), (d) and (e) **omit** "and".
- (2) At the end of section 74Q of the **Wildlife Act 1975 insert**—
- "(2) The Game Management Authority must cause the following to be kept in respect of any authority granted by the Game Management Authority under this Part—
- (a) each application for authority;
  - (b) each authority;
  - (c) each application for variation of authority;
  - (d) each variation of authority;
  - (e) each order cancelling an authority;
  - (f) each report of a principal law enforcement officer under section 74L or 74N."

## **66 General register**

- (1) In the heading to section 74R of the **Wildlife Act 1975**, after "**register**" insert "**of the Secretary**".
- (2) In section 74R(2) of the **Wildlife Act 1975**—
  - (a) in paragraph (a), after "variation of authority" insert "made to the Secretary";
  - (b) in paragraph (b), after "each authority" insert "granted by the Secretary";
  - (c) in paragraph (c), after "each variation of authority" insert "made by the Secretary".

## **67 New section 74RA inserted**

After section 74R of the **Wildlife Act 1975**  
insert—

### **"74RA General Register of the Game Management Authority**

- (1) The Game Management Authority must cause a general register to be kept.
- (2) The general register is to specify—
  - (a) for each application for authority or for variation of authority made to the Game Management Authority—
    - (i) the date of the application; and
    - (ii) whether the application was granted, refused or withdrawn; and
    - (iii) if the application was refused or withdrawn—the date and time of the refusal or withdrawal; and
  - (b) for each authority granted by the Game Management Authority—
    - (i) the date and time the authority was granted; and

- 
- (ii) each offence in respect of which controlled conduct under the authority was to be engaged in; and
  - (iii) the period of validity of the authority; and
  - (iv) if the authority was cancelled, the date and time of cancellation; and
  - (v) the date and time the authorised operation began and the date of completion of the operation; and
  - (vi) the date on which the principal law enforcement officer for the operation made a report on the operation under section 74N; and
  - (vii) if the authorised operation involved illicit goods, to the extent known—
    - (A) the nature and quantity of the illicit goods; and
    - (B) the route through which the illicit goods passed in the course of the operation; and
  - (viii) details of any loss of or serious damage to property, or any personal injuries, occurring in the course of or as a direct result of the operation; and
- (c) for each variation of authority made by the Game Management Authority, the date and time the variation was made."

### **68 Inspection of records by Victorian Inspectorate**

In the heading to section 74S of the **Wildlife Act 1975**, after "**Inspection of**" insert "**Department**".



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**69 New section 74SA inserted**

After section 74S of the **Wildlife Act 1975**  
**insert—**

**"74SA Inspection of Game Management  
Authority records by the Victorian  
Inspectorate**

- (1) The Victorian Inspectorate must, from time to time and at least once every 12 months, inspect the records of the Game Management Authority to determine the extent of compliance with this Part by the Game Management Authority and law enforcement officers.
- (2) For the purposes of an inspection under this section, the Victorian Inspectorate—
  - (a) after notifying the Chairperson of the Game Management Authority, may enter at any reasonable time premises occupied by the Game Management Authority; and
  - (b) is entitled to have full and free access at all reasonable times to all records of the Game Management Authority that are relevant to the inspection; and
  - (c) may require a member of staff of the Game Management Authority to give the Victorian Inspectorate any information that the Victorian Inspectorate considers necessary, being information that is in the member's possession, or to which the member has access, and that is relevant to the inspection.

- (3) The Game Management Authority must ensure that members of staff of the Game Management Authority give the Victorian Inspectorate any assistance the Victorian Inspectorate reasonably requires to enable the Victorian Inspectorate to perform functions under this section."

#### **70 No delegations**

In section 74T of the **Wildlife Act 1975**, after "Secretary" **insert** "and the Game Management Authority".

#### **71 Evidence of authorities**

For section 74U(b) of the **Wildlife Act 1975** **substitute**—

- "(b) in the absence of evidence to the contrary, is proof in any proceedings (not being criminal or disciplinary proceedings against a law enforcement officer) that (as appropriate)—
- (i) the Secretary was satisfied of the facts he or she was required to be satisfied of to grant the authority; or
  - (ii) the Game Management Authority was satisfied of the facts it was required to be satisfied to grant the authority."

#### **72 Emergency closure notices**

In section 86A of the **Wildlife Act 1975**, for "Secretary" (where twice occurring) **substitute** "Game Management Authority".

#### **73 Review of decisions**

In section 86C(1) of the **Wildlife Act 1975**, after "Secretary" (where twice occurring) **insert** "or the Game Management Authority".

## 74 Regulations

- (1) For section 87(1)(ah) of the **Wildlife Act 1975** substitute—

"(ah) fees to be charged under this Act for any purposes not expressly provided for and for services rendered by—

(i) officers of the Department within the meaning of the **Conservation, Forests and Lands Act 1987**; or

(ii) authorised officers or staff of the Game Management Authority;"

- (2) In section 87(7) of the **Wildlife Act 1975**, after "the Secretary," insert "the Game Management Authority,".

## 75 New sections 98 to 105 inserted

After section 97 of the **Wildlife Act 1975** insert—

### **"98 Transitional provision for wildlife licences in respect of specified birds—Game Management Authority Act 2014**

- (1) This section applies to a wildlife licence if—
- (a) it is issued under section 22 by the Secretary in the prescribed category of Game Bird Farmer Licence; and
  - (b) it is in force immediately before the commencement day.
- (2) On and after the commencement day, the wildlife licence is taken to be a wildlife licence issued by the Game Management Authority in respect of specified birds and remains in force for the period specified in the licence unless sooner cancelled, suspended or surrendered.

(3) Any conditions, limitations and restrictions imposed on the wildlife licence by the Secretary that are in force immediately before the commencement day are, on and after that day, taken to be conditions, limitations and restrictions imposed by the Game Management Authority.

(4) In this section—

*commencement day* means the day on which section 30 of the **Game Management Authority Act 2014** comes into operation;

*Game Bird Farmer Licence* means a Game Bird Farmer Licence within the meaning of the Wildlife Regulations 2013.

**99 Transitional provision for wildlife licence applications—Game Management Authority Act 2014**

(1) This section applies if, immediately before the commencement day—

- (a) a person has applied for a licence under section 22 in the prescribed category of Game Bird Farmer Licence; and
- (b) the Secretary has not determined the application.

(2) On and after the commencement day the Game Management Authority must determine the application as if the person had applied to the Game Management Authority for a licence under section 22 in respect of specified birds.

(3) For the purposes of this section, section 22 as in force immediately before the commencement day applies as if a reference to the Secretary were a reference to the Game Management Authority.

(4) In this section—

*commencement day* means the day on which section 30 of the **Game Management Authority Act 2014** comes into operation;

*Game Bird Farmer Licence* means a Game Bird Farmer Licence within the meaning of the Wildlife Regulations 2013.

**100 Transitional provision for game licences—  
Game Management Authority Act 2014**

(1) This section applies to a game licence if—

- (a) it is issued under section 22A by the Secretary; and
- (b) it is in force immediately before the commencement day.

(2) On and after the commencement day, the game licence is taken to be a game licence issued by the Game Management Authority and remains in force for the period specified in the licence unless sooner cancelled, suspended or surrendered.

(3) Any conditions, limitations and restrictions imposed on the game licence by the Secretary that are in force immediately before the commencement day are, on and after that day, taken to be conditions, limitations and restrictions imposed by the Game Management Authority.

(4) In this section—

*commencement day* means the day on which section 31 of the **Game Management Authority Act 2014** comes into operation.

**101 Transitional provision for game licence applications—Game Management Authority Act 2014**

- (1) This section applies if, immediately before the commencement day—
- (a) a person has applied to the Secretary for a game licence under section 22A; and
  - (b) the Secretary has not made a decision to grant or refuse the licence.

(2) On and after the commencement day the Game Management Authority must determine the application.

(3) In this section—

*commencement day* means the day on which section 31 of the **Game Management Authority Act 2014** comes into operation.

**102 Transitional provision, mandatory cancellation of licence—Game Management Authority Act 2014**

- (1) This section applies if, before the commencement day, the Secretary—
- (a) has, under section 25A(2), notified the holder of—
    - (i) a licence issued under section 22 in the prescribed category of Game Bird Farmer Licence; or

- 
- (ii) a game licence—  
that the Secretary proposes to cancel that licence; and
- (b) has not made a decision in accordance with section 25A.
- (2) On and after the commencement day, section 25A continues to apply as in force immediately before that day until the Secretary makes a decision under that section and notifies the licence holder of that decision.
- (3) A decision made by the Secretary on or after the commencement day under section 25A as in force immediately before that day, is taken to be a decision made by the Game Management Authority.
- (4) In this section—  
*commencement day* means the day on which section 34 of the **Game Management Authority Act 2014** comes into operation;  
*Game Bird Farmer Licence* means a Game Bird Farm Licence within the meaning of the Wildlife Regulations 2013.

**103 Transitional provision, submissions on suspension of licence—Game Management Authority Act 2014**

- (1) This section applies if, immediately before the commencement day—
- (a) the Secretary has, under Part III, suspended a wildlife licence issued in the prescribed category of Game Bird Farmer Licence or a game licence and allowed the holder of that licence to

make written submissions in relation to that suspension under section 25C; and

- (b) the licence holder—
- (i) has made submissions; or
  - (ii) has not made submissions but the period for making submissions has not expired.
- (2) On and after the commencement day, section 25C continues to apply as in force immediately before that day until the Secretary reviews the decision to suspend the licence and notifies the licence holder of that decision.
- (3) A decision made by the Secretary on or after the commencement day under section 25C, as in force immediately before that day, is taken to be a decision made by the Game Management Authority.

- (4) In this section—

***commencement day*** means the day on which section 38 of the **Game Management Authority Act 2014** comes into operation;

***Game Bird Farmer Licence*** means a Game Bird Farmer Licence within the meaning of the Wildlife Regulations 2013.

**104 Transitional provision, power to cancel licence—Game Management Authority Act 2014**

- (1) This section applies if, before the commencement day, the Secretary—
- (a) under section 25D(2), has notified the holder of—



- 
- (i) a licence issued under section 22 in the prescribed category of Game Bird Farmer Licence; or
- (ii) a game licence—  
that the Secretary proposes to cancel that licence; and
- (b) has not made a decision in accordance with section 25D.
- (2) On and after the commencement day, section 25D continues to apply as in force immediately before that day until the Secretary makes a decision under that section and notifies the holder of the licence of that decision.
- (3) A decision made by the Secretary on or after the commencement day under section 25D as in force immediately before that day, is taken to be a decision made by the Game Management Authority.
- (4) In this section—

***commencement day*** means the day on which section 39 of the **Game Management Authority Act 2014** comes into operation;

***Game Bird Farmer Licence*** means a Game Bird Farmer Licence within the meaning of the Wildlife Regulations 2013.

**105 Transitional provision, review of decisions—Game Management Authority Act 2014**

- (1) This section applies if, immediately before the commencement day, an application has been made for review of any of the following

decisions of the Secretary under section 86C to VCAT and the matter is pending—

- (a) a refusal to grant or renew—
    - (i) a licence under section 22 in the prescribed category of Game Bird Farmer Licence; or
    - (ii) a game licence;
  - (b) a suspension or cancellation of—
    - (i) a licence under section 22 in the prescribed category of Game Bird Farmer Licence; or
    - (ii) a game licence;
  - (c) a failure of the Secretary to make a decision specified in paragraph (a) or (b) within a reasonable time.
- (2) Subject to this section, on the commencement day, the Secretary continues to be the decision-maker for the purposes of the review until VCAT determines the matter.
- (3) For the purposes of subsection (2), this Act applies as in force immediately before the commencement day.
- (4) If, after the review is conducted, VCAT by order—
- (a) affirms the decision of the decision-maker; or
  - (b) varies the decision of the decision-maker; or

- (c) sets the decision of the decision-maker aside and makes another decision—  
that affirmed, varied or substituted decision is taken to be a decision of the Game Management Authority.
- (5) If, after the review is conducted, VCAT by order sets aside the decision of the decision-maker and remits the matter for reconsideration by the decision-maker in accordance with any directions or recommendations of VCAT, the Game Management Authority is taken to be the decision-maker and must consider the matter in accordance with the directions or recommendations of VCAT.
- (6) In this section—  
*commencement day* means the day on which section 30 of the **Game Management Authority Act 2014** comes into operation;  
*decision-maker* has the same meaning as it has in the **Victorian Civil and Administrative Tribunal Act 1998**;  
*Game Bird Farmer Licence* means a Game Bird Farmer Licence within the meaning of the Wildlife Regulations 2013.

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## 76 New Schedule inserted

**Insert** the following Schedule to the **Wildlife Act 1975**—

### "SCHEDULE

Section 3(1)

#### SPECIFIED BIRDS

Column 1 <i>Item Number</i>	Column 2 <b>Birds</b>
1	Pheasant—all taxa <i>Phasianus spp</i>
2	Partridge—all taxa <i>Perdix spp.</i> <i>Alectoris spp.</i>
3	European Quail <i>Coturnix coturnix</i>
4	Japanese Quail <i>Coturnix japonica</i>
5	California Quail <i>Callipepla (Lophortyx) californica</i>

## Division 2—Conservation, Forests and Lands Act 1987

### 77 Definitions

See:  
Act No.  
41/1987.  
Reprint No. 8  
as at  
21 July 2011  
and  
amending  
Act Nos  
54/2010,  
29/2011,  
65/2011 and  
43/2012.  
LawToday:  
www.  
legislation.  
vic.gov.au

- (1) In section 3(1) of the **Conservation, Forests and Lands Act 1987** insert the following definition—

**"Game Management Authority** means the Game Management Authority established under Part 2 of the **Game Management Authority Act 2014**;"

- (2) In section 3(1) of the **Conservation, Forests and Lands Act 1987**, for the definition of **authorised officer substitute**—

**"authorised officer** means an authorised officer—

- (a) appointed under Part 9; or  
(b) appointed by the Game Management Authority under Part 3 of the **Game Management Authority Act 2014**;"

- (3) In section 3(1) of the **Conservation, Forests and Lands Act 1987**—
- (a) in the definition of *Central Plan Office*, for "Sustainability and Environment" **substitute** "Environment and Primary Industries";
  - (b) in the definition of *Department*, for "Sustainability and Environment" **substitute** "Environment and Primary Industries";
  - (c) for the definition of *Secretary* **substitute**—  
"*Secretary* means the body corporate established by Part 2;"
- (4) In section 3(2) of the **Conservation, Forests and Lands Act 1987**, for "Sustainability and Environment" **substitute** "Environment and Primary Industries".
- (5) Section 3(2A) of the **Conservation, Forests and Lands Act 1987** is repealed.

**78 Secretary to be body corporate**

In section 6(1) of the **Conservation, Forests and Lands Act 1987**, for "Sustainability and Environment" **substitute** "Environment and Primary Industries".

**79 Secretary to be subject to control**

In section 7(4) of the **Conservation, Forests and Lands Act 1987** for "Sustainability and Environment" **substitute** "Environment and Primary Industries".

**80 Appointment of authorised officers**

At the foot of section 83 of the **Conservation, Forests and Lands Act 1987** insert—

**"Note**

The **Game Management Authority Act 2014** also provides for the appointment of authorised officers for the purposes of all or any relevant laws—see Part 3 of that Act."

**Division 3—Public Administration Act 2004**

**81 Persons with functions of public service body Head**

After section 16(1)(kb) of the **Public Administration Act 2004** insert—

"(kc) the Chairperson within the meaning of Division 2 of Part 2 of the **Game Management Authority Act 2014** in relation to the office of the Game Management Authority;"

See:  
Act No.  
108/2004.  
Reprint No. 4  
as at  
1 July 2013  
and  
amending  
Act Nos  
81/2012 and  
63/2013.  
LawToday:  
www.  
legislation.  
vic.gov.au

**Division 4—Surveillance Devices Act 1999**

**82 Definitions**

(1) In section 3(1) of the **Surveillance Devices Act 1999** insert the following definition—

**"Game Management Authority** means the Game Management Authority established under Part 2 of the **Game Management Authority Act 2014**;"

(2) In section 3(1) of the **Surveillance Devices Act 1999**, in the definition of *chief officer*—

- (a) paragraph (c) is **repealed**;
- (b) in paragraph (d), for "Sustainability and Environment" **substitute** "Environment and Primary Industries";
- (c) after paragraph (da) **insert**—

"(e) in relation to the Game Management Authority—the Chief Executive Officer appointed by the Chairperson of the Game Management Authority;"

See:  
Act No.  
21/1999.  
Reprint No. 2  
as at  
27 May 2010  
and  
amending  
Act Nos  
72/2011,  
13/2012,  
82/2012,  
13/2013,  
15/2013 and  
32/2013.  
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- (3) In section 3(1) of the **Surveillance Devices Act 1999**, in the definition of *law enforcement agency*—
- (a) paragraph (c) is **repealed**;
  - (b) in paragraph (d), for "Sustainability and Environment" **substitute** "Environment and Primary Industries";
  - (c) after paragraph (da) **insert**—  
"(e) the Game Management Authority;"
- (4) In section 3(1) of the **Surveillance Devices Act 1999**, in the definition of *law enforcement officer*—
- (a) paragraph (c) is **repealed**;
  - (b) in paragraph (d), for "Sustainability and Environment" **substitute** "Environment and Primary Industries";
  - (c) after paragraph (da) **insert**—  
"(e) in relation to the Game Management Authority—
    - (i) an authorised officer appointed by the Game Management Authority under the **Game Management Authority Act 2014**; or
    - (ii) a person who is seconded to the Game Management Authority, including (but not limited to) a member of the police force or police service (however described) of another jurisdiction;"

(5) In section 3(1) of the **Surveillance Devices Act 1999**, in the definition of *senior officer*—

- (a) paragraph (c) is **repealed**;
- (b) in paragraph (d), for "Sustainability and Environment" **substitute** "Environment and Primary Industries";
- (c) after paragraph (da) **insert**—
  - "(e) in relation to the Game Management Authority—the Chief Executive Officer appointed by the Chairperson of the Game Management Authority;"

**83 Section 25 substituted**

For section 25 of the **Surveillance Devices Act 1999 substitute**—

**"25 Application of Division**

This Division does not apply to—

- (a) the following law enforcement agencies—
  - (i) the Department of Environment and Primary Industries;
  - (ii) the Game Management Authority;or
- (b) law enforcement officers of the Department of Environment and Primary Industries or the Game Management Authority."



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**Division 5—Repeal of amending Part**

**84 Repeal of amending Part**

This Part is **repealed** on 1 July 2015.

**Note**

The repeal of this Part does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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Game Management Authority Act 2014  
No. 24 of 2014

Endnotes

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**ENDNOTES**

† *Minister's second reading speech—*

*Legislative Assembly: 12 December 2013*

*Legislative Council: 13 March 2014*

The long title for the Bill for this Act was "A Bill for an Act to establish the Game Management Authority, to amend the **Wildlife Act 1975** and the **Conservation, Forests and Lands Act 1987** and other Acts and for other purposes."

By Authority. Government Printer for the State of Victoria.

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Authorised by the Chief Parliamentary Counsel