

Authorised Version No. 004
Game Management Authority Act 2014

No. 24 of 2014

Authorised Version incorporating amendments as at
1 June 2020

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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**;

police officer has the same meaning as in the **Victoria Police Act 2013**;

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**;

S. 3 def. of *police officer* inserted by No. 37/2014 s. 10(Sch. item 73.1).

(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**;

Secretary means the Secretary to the Department of Jobs, Precincts and Regions;

S. 3 def. of *Secretary* inserted by No. 40/2019 s. 40.

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

S. 3 def. of *threatened wildlife* amended by No. 28/2019 s. 50.

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

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.

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.

- (3) The Authority must operate consistently with any governance framework requirements agreed to by the Minister, the Secretary and the Authority.

S. 8(3)
inserted by
No. 40/2019
s. 41.

8A Guiding principles

The Authority must have regard to the following principles when exercising its powers or performing its functions under this Act—

S. 8A
inserted by
No. 40/2019
s. 42.

- (a) the principle of integrated decision-making, which means seeking to achieve government policy objectives through coordination between all levels of government and government agencies;
- (b) the principle of triple bottom-line assessment, which means an assessment of all the economic, social and environmental costs and benefits, taking into account externalities;
- (c) the principle of equity, which means—
 - (i) equity between persons irrespective of their—
 - (A) personal attributes including age, physical ability, ethnicity, culture, gender and financial situation; and
 - (B) location, including whether in a growth, urban, regional, rural or remote area; and
 - (ii) equity between generations by not compromising the ability of future generations to meet their needs;
- (d) the principle of an evidence-based approach, which means considering the best available information when making decisions;

- (e) the principle of stakeholder engagement and community participation, which means taking into account the interests of stakeholders and members of the local community in implementing appropriate processes for stakeholder engagement;
- (f) the principle of transparency, which means that members of the public should have access to reliable and relevant information in appropriate forms to facilitate a good understanding of game management issues and the process by which decisions in relation to game management are made.

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 within 6 months of the end of the term of the office, the office may be left vacant for the remainder of the term.

S. 11(6)
substituted by
No. 40/2019
s. 43.

* * * * *

S. 11(7)
repealed by
No. 40/2019
s. 43.

11A Acting Chairperson

S. 11A
inserted by
No. 40/2019
s. 44.

(1) The deputy Chairperson must act as Chairperson—

- (a) if the office of Chairperson is vacant; or
- (b) during any period when the Chairperson is absent; or
- (c) if the Chairperson is, for any other reason, unable to attend meetings of the Authority or is otherwise unable to perform the duties of the office.

(2) While the deputy Chairperson is acting as Chairperson, the deputy Chairperson—

- (a) has and may exercise all the powers, and must perform all the functions and duties, of the Chairperson; and
- (b) is entitled to be paid the remuneration and allowances to which the Chairperson would have been entitled.

(3) The Minister may appoint a member of the Authority to act as deputy Chairperson—

- (a) during a vacancy in the office of deputy Chairperson; or

- (b) during any period when the deputy Chairperson is absent; or
 - (c) during any period when the deputy Chairperson is acting as Chairperson; or
 - (d) if the deputy Chairperson is, for any other reason, unable to attend meetings of the Authority or is otherwise unable to perform the duties of the office.
- (4) While a member of the Authority is acting as deputy Chairperson, the member—
- (a) has and may exercise all the powers, and must perform all the functions and duties, of the deputy Chairperson; and
 - (b) is entitled to be paid the remuneration and allowances to which the deputy Chairperson would have been entitled.

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.
- (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; 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 police officer.

S. 16(3) def. of *relevant person* amended by Nos 37/2014 s. 10(Sch. item 73.2), 40/2019 s. 45.

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 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.
- (3) Subject to and in accordance with the policies and directions given to the chief executive officer by the Authority, the chief executive officer—
 - (a) is responsible for the administration of the day to day management of the affairs of the Authority; and

S. 17(2) substituted by No. 40/2019 s. 46.

S. 17(3) inserted by No. 40/2019 s. 46.

- (b) is responsible for performing the functions and exercising the powers conferred on the chief executive officer under this Act; and
- (c) may perform any functions or exercise any powers conferred on the chief executive officer under any other Act.

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.
- (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.

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.

S. 24
amended by
No. 40/2019
s. 47.

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 under that Act by the Secretary within the meaning of that Act.

S. 25
amended by
No. 40/2019
s. 48.

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 within the meaning of that Act applies as if it were a reference to the Authority.

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.

- (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 4—General

* * * * *

**Pt 5 (Heading
and ss 28–84)
repealed by
No. 24/2014
s. 84.**

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

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."

The **Game Management Authority Act 2014** was assented to on 8 April 2014 and came into operation on 1 July 2014: section 2(2).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

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- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

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2 Table of Amendments

This publication incorporates amendments made to the **Game Management Authority Act 2014** by Acts and subordinate instruments.

Game Management Authority Act 2014, No. 24/2014

Assent Date: 8.4.14
Commencement Date: S. 84 on 1.7.15: s. 84
Current State: This information relates only to the provision/s amending the **Game Management Authority Act 2014**

Victoria Police Amendment (Consequential and Other Matters) Act 2014, No. 37/2014

Assent Date: 3.6.14
Commencement Date: S. 10(Sch. item 73) on 1.7.14: Special Gazette (No. 200) 24.6.14 p. 2
Current State: This information relates only to the provision/s amending the **Game Management Authority Act 2014**

Flora and Fauna Guarantee Amendment Act 2019, No. 28/2019

Assent Date: 10.9.19
Commencement Date: S. 50 on 1.6.20: s. 2(2)
Current State: This information relates only to the provision/s amending the **Game Management Authority Act 2014**

Primary Industries Legislation Amendment Act 2019, No. 40/2019

Assent Date: 6.11.19
Commencement Date: Ss 40–48 on 17.12.19: Special Gazette (No. 537) 17.12.19 p. 2
Current State: This information relates only to the provision/s amending the **Game Management Authority Act 2014**

3 Amendments Not in Operation

This version does not contain amendments that are not yet in operation.

4 Explanatory details

No entries at date of publication.