



Wildlife (Game) Regulations 2012

Regulatory Impact Statement

This Regulatory Impact Statement has been prepared in accordance with the requirements of the *Subordinate Legislation Act 1994* and the Victorian Guide to Regulation.

Wildlife (Game) Regulations 2012

Regulatory Impact Statement

This Regulatory Impact Statement (RIS) has been prepared to fulfil the requirements of the Subordinate Legislation Act 1994 and to facilitate public consultation on the proposed Wildlife (Game) Regulation 2012.

In accordance with the Victorian Guide to Regulation, the Victorian Government seeks to ensure that proposed regulations are well-targeted, effective and appropriate, and impose the lowest possible burden on Victorian business and the community.

A prime function of the RIS process is to help members of the public comment on proposed statutory rules (regulations) before they have been finalised. Such public input can provide valuable information and perspectives, and thus improve the overall quality of the regulations. The proposed Regulations are being circulated to key stakeholders and any other interested parties, and feedback is now sought. A copy of the proposed Regulations is provided as an attachment to this RIS.

Public comments and submissions are now invited on the proposed Wildlife (Game) Regulations 2012. All submissions will be treated as public documents and published on the Department of Primary Industries website. Written submissions should be forwarded by 5.00pm, 20 August 2012 to:

Mr Zachary Powell
Game Victoria
Department of Primary Industries
1 Spring Street
Melbourne VIC 3000

or email:

game.regs@dpi.vic.gov.au

If you would like to receive this information/publication in an accessible format (such as large print or audio) please call the Customer Service Centre on 136 186, TTY 1800 122 969, or email customer.service@dpi.vic.gov.au.

Published by the Department of Primary Industries
Game Victoria, July 2012.

© The State of Victoria 2012.

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the *Copyright Act 1968*.

Authorised by the Department of Primary Industries
1 Spring Street, Melbourne 3000.

ISBN 978-1-74326-246-7 (print)
ISBN 978-1-74326-247-4 (online)

This Regulatory Impact Statement was prepared for the Department of Primary Industries by Regulatory Impact Solutions Pty Ltd.

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

The *Subordinate Legislation Act 1994* and *Victorian Guide to Regulation* require assessment of alternative non-regulatory and regulatory options. The Victoria Government notes that some options may be inconsistent with current government policy but recognises the requirement for a range of options to be considered.

For more information about DPI go to www.dpi.vic.gov.au or phone the Customer Service Centre on 136 186.



Victorian
Competition & Efficiency
Commission

16 July 2012

Mr Simon Toop
Director
Game Victoria
Department of Primary Industries
Level 22, 1 Spring Street
MELBOURNE VIC 3000

Level 14, 55 Collins Street
Melbourne Victoria 3000
GPO Box 4379
Melbourne Victoria 3001
telephone (03) 9092 5800
facsimile (03) 9092 5845
email contact@vcec.vic.gov.au
web www.vcec.vic.gov.au

Dear Mr Toop

ADVICE ON THE ADEQUACY OF REGULATORY IMPACT STATEMENT

Thank you for seeking advice on the Regulatory Impact Statement (RIS) on the proposed *Wildlife (Game) Regulations 2012*.

The Victorian Competition and Efficiency Commission (VCEC) advises on the adequacy of RISs as required under section 10(3) of the *Subordinate Legislation Act 1994* (the Act). I advise that the final version of the RIS received by the VCEC on 16 July 2012 meets the requirements of section 10 of the Act.

The VCEC's advice is based on the adequacy of the evidence presented in the RIS and is focused on the quality of the analysis rather than the merits of the proposal itself. **Therefore, the VCEC's advice that the RIS is adequate does not represent an endorsement of the proposal.**

In providing this advice, the VCEC notes that the analysis of fees options in the RIS is focussed on the level of cost recovery and that subjective judgements are made regarding the impact of these options – in terms of efficiency, equity and effectiveness – to determine the preferred approach. The RIS transparently explains the basis for the judgements made by the Department of Primary Industries and stakeholders are explicitly invited to comment on the overall approach to cost recovery, including the proposed exemptions and concessions.

It is Government policy that, in the interests of transparency, VCEC's advice be published with the RIS when it is released for public consultation.

If you have any questions, please contact RegulationReview@vcec.vic.gov.au.

Yours sincerely

Andrew Walker

Assistant Director

Victorian Competition and Efficiency Commission

Table of Contents

ABBREVIATIONS	III
EXECUTIVE SUMMARY	1
1. WHAT IS THE ISSUE/PROBLEM TO BE ADDRESSED?	14
1.1 BACKGROUND	14
1.2 REGULATORY FRAMEWORK.....	18
1.3 RATIONALE FOR GOVERNMENT INTERVENTION	18
1.4 PROBLEMS THE REGULATIONS SEEK TO ADDRESS	20
1.5 NATURE AND EXTENT OF THE PROBLEM	23
2. OBJECTIVES OF GOVERNMENT INTERVENTION.....	42
2.1 GOVERNMENT POLICY.....	42
2.2 OBJECTIVES	43
2.3 AUTHORISING PROVISION.....	43
3. OPTIONS TO ACHIEVE THE OBJECTIVES	44
3.1 REGULATORY AND NON-REGULATORY OPTIONS	44
3.2 REGULATORY ARRANGEMENTS IN OTHER JURISDICTIONS	52
4. COSTS AND BENEFITS OF THE OPTIONS.....	54
4.1 BASE CASE.....	54
4.2 METHODOLOGY	55
4.3 ASSESSMENT OF OPTIONS	57
4.A FEES	69
5. PREFERRED OPTION.....	77
5.1 PREFERRED OPTION	77
5.2 GROUPS AFFECTED	80
5.3 DESCRIPTION OF THE PROPOSED REGULATIONS	80
6. ASSESSMENT OF COMPETITION & SMALL BUSINESS IMPACTS.....	81
7. IMPLEMENTATION AND ENFORCEMENT ISSUES	84
8. EVALUATION	88
9. CONSULTATION.....	89
10. ATTACHMENTS.....	96

WILDLIFE (GAME) REGULATIONS

ABBREVIATIONS

DPI – Department of Primary Industries

DSE – Department of Sustainability and Environment

FTE – Full Time Equivalent (staff)

HHT – Hound Hunting Test (the proposed Regulation now refer to this test as the ‘Sambar Deer Hunting with Hounds Test’. For ease of expression, this RIS will refer to the Hound Hunting Test).

MCA – Multi-criteria Analysis

Premier’s Guidelines – *Subordinate Legislation Act 1994* Guidelines

PV – present value. Present value ‘discounts’ the value of money in future years to allow it to be valued in today’s terms.

r. – regulations

RIS – Regulatory Impact Statement

s. – section

the current Regulations – Wildlife (Game) Regulations 2001

the proposed Regulations – Wildlife (Game) Regulations 2012

VCEC – Victorian Competition and Efficiency Commission

VPS – Victorian Public Service

WIT – Waterfowl Identification Test

EXECUTIVE SUMMARY

KEY POINTS:

- In Victoria, recreational game hunting has occurred for over 150 years and remains a popular and culturally significant activity. There are around 41,500 licensed game hunters in Victoria, an increase of over 41 per cent in the last decade. The Department of Primary Industries (DPI) estimates that game hunting generates around \$96 million of economic activity in Victoria annually.
- In line with government policy, in December 2011, *Game Victoria* was established. *Game Victoria* will develop strategies and policies for the sustainable harvest of game species and support the promotion of the game hunting sector, including promoting game hunting as a popular recreational activity.
- Game hunters in Victoria face a range of regulations. It is, therefore, important that the proposed Regulations impose the lowest possible burden on hunters, while achieving government other objectives.
- Consultation with stakeholders and experience built up over the last 10 years has resulted in a number of changes to the proposed Regulations (see Box 1 on p. 12 for key changes). ***In almost all instances, the changes to the proposed Regulations will lower the regulatory burden and allow growth in the industry without compromising the Victorian Government's objectives.***
- Fee levels have been examined and assessed on whether they remain efficient, effective and equitable. Aside from the introduction of new licence categories, fees remain at similar levels to the current fees. In line with licence arrangements for recreational fishing, people under the age of 18 years will not be required to pay a fee.
- Overall, the proposed Regulations seek to continue to provide sustainable recreational hunting opportunities while ensuring the future of game species, the protection of their habitats and the humane and ethical treatment of those species that are hunted.

This Regulatory Impact Statement concludes that:

- the benefits to society of the proposed Regulations exceed the costs;
- the net benefits of the proposed Regulations are greater than those associated with any practicable alternatives; and
- the proposed Regulations do not impose restrictions on competition.

Purpose of a Regulatory Impact Statement

In Victoria, all regulations expire (sunset) after 10 years of operation. This provides the Victorian Government with the opportunity to examine the efficiency and effectiveness of regulations and to evaluate whether they are still relevant or could be improved. Following a 12 month extension, the Wildlife (Game) Regulations are due to expire on 11 September 2012.

New regulatory proposals, including remaking expired regulations that impose a significant economic or social burden on a sector of the public require the preparation of a Regulatory Impact Statement (RIS). Given the nature of and restrictions imposed by the regulations, the Department of Primary Industries (DPI) considers that the burden imposed by the proposal requires assessment in a RIS.

A RIS formally assesses regulatory proposals against the requirements in the *Subordinate Legislation Act 1994* and the *Victorian Guide to Regulation*.¹ The assessment framework of this RIS examines the problem to be addressed, specifies the desired objectives, identifies viable options that will achieve the objectives, and assesses the costs and benefits of the options. Following this, it identifies the preferred option and describes its effect. This RIS also assesses the proposed Regulations' impact on small business and examines their impact on competition. Finally, it considers implementation and enforcement issues and documents the stakeholder consultation undertaken.

Context

The sustainable use of wildlife populations is consistent with contemporary conservation management principles and is sanctioned by international conservation treaties and conventions. Recreational game hunting is a form of sustainable use that, as a cultural tradition, has been undertaken for many centuries. In Victoria, recreational game hunting has occurred for well over 150 years and has been regulated since the early 1860s.² There are approximately 41,500 licensed game hunters in Victoria³, who spent around 300,000 days hunting in 2010/11.⁴ Licensed hunters comprise approximately 24,500 duck hunters, 23,000 deer hunters and 27,300 licensed quail hunters.⁵ The number of licensed game hunters has increased by 41 per cent in the last decade. Of those hunters licensed to hunt deer, approximately 14 per cent hunt Sambar Deer with hounds. A small number of hunters also hunt introduced game birds such as pheasant, partridge and quail.

¹ Department of Treasury and Finance, 2011, 2.1 ed, *Victorian Guide to Regulation incorporating: Guidelines made under the Subordinate Legislation Act 1994*, August 2011, Melbourne

² Norman, F. I. and Young, A. D., 1980, 'Short-sighted and doubly short-sighted are they. A brief examination of the game laws of Victoria, 1858 – 1958', *Journal of Australian Studies*, 7: 2-24

³ Note that many hunters hold licences covering multiple game categories; therefore the numbers cannot be simply added.

⁴ Gormley, A.M. and Turnbull, J. D., 2011, *Estimates of Harvest for Deer, Duck, and Quail in Victoria: Results from Survey of Victoria Game Licence Holders in 2011*, Arthur Rylah Institute for Environmental Research, Technical Report Series No. 224, Department of Sustainability and Environment, Heidelberg, Victoria

⁵ Game Licensing System database (July 2012), Department of Primary Industries.

Game species are the common property of the community and hunting activities need to be regulated to ensure that populations are maintained to provide a range of sustainable consumptive and non-consumptive uses for present and future generations. Hunting pressure also needs to be regulated so that it does not exacerbate any habitat-driven declines in game populations.⁶ Further, the public has become increasingly aware of the issues surrounding hunting and demands a responsible management approach to ensure that hunting is conducted safely and that animal welfare concerns are addressed.

The sustainable use of wildlife in Victoria is provided for under the *Wildlife Act 1975* (the Act), with the hunting of game administered by the Wildlife (Game) Regulations 2001 and the Code of Practice for the Welfare of Animals in Hunting made under the *Prevention of Cruelty to Animals Act 1986*. These regulatory instruments apply to game hunting wherever it occurs, including both private property and Crown land. As required by the Act, game hunting is managed on a sustainable basis for access to the resource. There are also objectives regarding the management of persons engaged in game hunting with regard to competency.

Nature of the problem

Given the framework established by the Act, the proposed Regulations seek to manage game hunting in a manner that provides for and promotes sustainable, humane, ethical and safe recreational hunting opportunities, while minimising the destruction of non-game species and ensuring the protection of wildlife habitats. It is also important to ensure that game resources and public land are managed on an equitable basis, between game hunters and other users of public land.

Specifically, the proposed Wildlife (Game) Regulations seek to manage problems in the following categories:

- sustainable and equitable management of game resources;
- humane and safe hunting; and
- competency and accountability.

More broadly, the proposed Regulations seek to manage an environmental externality known as ‘tragedy of the commons’. This involves managing a public resource in a manner that ensures its sustainability and to prevent over-use.

⁶ Loyn, R.H., 1989, *The Management of Duck Hunting in Victoria – A Review*, Arthur Rylah Institute for Environmental Research, Technical Report Series No. 70

Objectives

The objectives of the proposed Wildlife (Game) Regulations 2012 are to provide for the efficient and effective management of game hunting in Victoria, in ways that:

- provide continued sustainable, equitable, humane, ethical and safe recreational hunting opportunities;
- ensure equitable sharing of game resources between stakeholders;
- minimise the destruction of non-game species;
- ensure the protection of wildlife habitats; and
- facilitate game-related businesses.

Options for achieving the objectives

The *Subordinate Legislation Act 1994* requires that non-regulatory options must be considered as part of the RIS assessment. Further, the Premier's Guidelines provide guidance on alternatives to achieve the Government's objectives. Alternatives to subordinate legislation include: providing better information to affected groups to raise awareness of their rights and/or obligations; introducing voluntary codes of conduct; utilising market mechanisms as a regulatory tool; and establishing a code of practice for the conduct of an activity.

A common regulatory solution to correct the externalities identified with 'tragedy of the commons' is to establish rules and requirements governing the species that may be hunted, when they may be hunted, the method by which they are hunted, the quantity that may be taken, and defining areas where hunting may occur. Establishing systems to regulate the take of game are common regulatory tools used throughout Australian and international jurisdictions to manage such externalities. Such regulations trace their origins back many hundreds of years.

The scope of consideration of regulatory and non-regulatory options in many cases is limited because of the existing powers of the Act and other legislation. Thus, options considered in this RIS focus on the 'residual problems' that would not be managed in the absence of the regulations. Therefore, five specific option areas were considered:

- Option 1 – licensing and registration requirements;
- Option 2 – sustainable game management;
- Option 3 – gundog and hound control;
- Option 4 – non-toxic shot; and
- Option 5 – balloting.

Costs and benefits of the options

The ‘base case’ describes the regulatory position that would exist in the absence of the proposed Regulations; that is, of no game hunting being permitted. It is necessary to establish this position in order to make a considered assessment of the incremental costs and benefits of the viable options. Given the operation of the *Wildlife Act 1975*, the base case for purposes of analysis in this RIS is represented by the situation in which *no game hunting could legally occur* in Victoria. This is because the Act precludes the taking of game except where authorised to do so. It is the Wildlife (Game) Regulations that provide this authorisation for the general public to hunt and take game species. In the absence of these regulations, no game hunting is permitted.

Given the difficulty in measuring the costs and benefits associated with game hunting, this RIS uses a number of methodologies to inform its assessment of viable options. The present value (PV) discounted cash-flow technique is used to measure the likely costs associated with administrative costs and compliance costs; however, others costs and benefits proved difficult to quantify in monetary terms. The Multi-criteria Analysis (MCA) assessment tool⁷ is therefore used in an attempt to assess the costs and benefits of the viable options. The option with the highest score represents the preferred approach.

Costs

Each of the proposed Regulations was examined for the likely costs they would impose on parties impacted by the proposal. Table 1 below shows that these costs over a 10-year period are approximately \$13.3 million (PV), representing an annual cost of around \$1.3 million per annum.

Table 1: Discounted costs imposed by the Proposed Regulations, 10-Year Assessment Period

Summary of Costs Imposed by the Wildlife (Game) Regulations 2012		
Regulation	Type of Cost	Costs (\$)
Licensing and registration	Administrative	5,844,632
Hog Deer tags and checking stations	Administrative	243,724
Non-toxic shot	Substantive Compliance	7,276,131
	Total	13,364,487
	Annual Cost	1,336,449

⁷ This methodology is described in detail in Section 4.2.3.

Of these costs, approximately 54 per cent (\$7.2 million) are directly related to the requirement to use non-toxic shot.⁸ A simple average of the identified costs suggests that the proposed Regulations impose approximately \$32 of regulatory costs (excluding fees) per annum on each licensed hunter. When fees are included, this equates to around \$73 per annum per hunter.

The total quantifiable costs of the proposed Regulations are in the order of \$30.1 million (PV) over a 10 year period (or around \$3 million per annum). This includes compliance and administrative costs imposed by the regulations, as well as fees for Game Licences (\$16.7 million).

Benefits

The Victorian Government estimated that game hunting contributes around \$96 million per annum to the Victorian economy. This figure is likely to grow given the continued strong growth in hunting and hunter numbers. Given that the annual discounted cost of the regulations is in the order of \$3 million per annum and the benefits associated with game hunting in Victoria are likely to be in excess of \$96 million, it is apparent that the benefits associated with the proposed Regulations outweigh the costs. However, to ensure the cost/benefit ratio is maximised, in line with government objectives, a number of alternatives were considered (see discussion below).

Aside from economic benefits, other benefits associated with the proposed Regulations include: environmental benefits (including ensuring that game species populations are sustainable; prevention of toxic shot being deposited on Victorian wetlands and waterways; minimising the destruction of non-game species), social benefits, and scientific benefits (including capturing data on the game populations).

Preferred option

The analysis in this RIS supports the proposed Regulations as the preferred option compared to the other options considered in this RIS. This finding was concluded against the decision criteria described in section 4.2.4; that is, while the quantifiable costs are largest compared to the other options (a discounted cost over a ten-year period of around \$30.1 million), the likely benefits of the regulations are assessed as exceeding the costs.

Assessment of the options using the MCA framework also suggests that the proposed Regulations are superior to the alternatives. Most importantly, the proposed Regulations are assessed as the most effective in achieving the government's policy objectives.

⁸ Arguably, the prescription of calibres, projectile weights and dog and hound breeds influence hunter behaviour. These elements have not been costed in this RIS given that in most cases ethical hunters would use such calibres, projectiles, etc. and that the cost of substitution is relatively low. In addition, these elements would be extremely difficult to cost given the wide range of possible alternatives.

The proposed Regulations ensure that game is hunted in a sustainable, controlled, humane and ethical manner and define and encourage responsible and conservative hunting practices. The proposed Regulations will also ensure that game resources are shared equitably between recreational hunters and other user groups. Game hunters will benefit from continued recreational hunting opportunities in Victoria and industries will benefit from providing the goods and services to support the pursuit.

The proposed Regulations will prescribe the conditions and restrictions relating to the hunting of game in Victoria and, in some cases, areas where hunting is not permitted or is restricted in some way. Tools used to achieve this include the prescription of open and close seasons, bag limits, and permitted hunting methods. The proposed Regulations will also prescribe the licensing requirements for game hunters and the tag and checking station requirements for Hog Deer hunters. Conditions relating to the possession and use of game will also be prescribed.

The majority of the existing arrangements for game hunting in Victoria will remain unchanged under the proposed Regulations. However, some new and amended regulations are proposed. In almost all instances, the changes to the proposed Regulations will generally lower the regulatory burden and allow growth in the industry without compromising the Government's objectives. (For details of the proposed Regulations see [Attachment A](#), along with a comparison of the current regulations and proposed Regulations, see [Attachment B](#).) The key changes contained in the proposed Regulations are summarised at the end of this section in Box 1 on page 12.

The proposed Regulations are broadly consistent with the objectives and actions in other jurisdictions, however, there are some state-specific variations that take into account the difference in conditions, geography and game species. The proposed Regulations are authorised to be made under sections 22A, 58C and 87 of the *Wildlife Act 1975*.

Proposed fees

The Government incurs costs in administering Victoria's game and hunting regimes. The rationale for charging fees is that those individuals who privately benefit from a government service or regulated activity should make some contribution to costs incurred by government in providing that service or activity.

The Victorian *Cost Recovery Guidelines* apply to cost-recovery arrangements of government departments and include the recovery of the costs incurred by government in providing goods and services.⁹ The government policy is that regulatory fees and user charges should generally be set on a full cost-recovery basis; however, if it is determined that full cost-recovery is not consistent with other policy objectives of the government, then it may not be appropriate to introduce a full cost-recovery regime. Consideration may be given to a regime that includes partial cost-recovery (if it can be demonstrated that a lower than full cost-

⁹ Department of Treasury and Finance, 2010 *Cost Recovery Guidelines*, Melbourne

recovery does not jeopardise other objectives) and/or to rely on other funding sources (e.g. general taxation) to finance the government activity.

Fees were generally calculated on an activity-based ‘bottom up’ approach. Each activity in processing and administering was identified and time taken to carry out these functions was estimated by DPI and the Department of Sustainability and Environment (DSE). The physical cost of consumables (e.g. paper, licences, etc.) was apportioned according to the proportion of licences issued. Enforcement and compliance costs were identified by DPI, Parks Victoria and Victoria Police. It proved difficult to directly attribute many of these costs to the proposed Regulations (i.e. many costs associated with compliance are imposed by the Act itself or other legislation, e.g. the *Firearms Act 1996*). Nevertheless, based on consultation with relevant agencies, 25 per cent of the total compliance costs were attributed to activities covered by the proposed Regulations.

DPI considers that the cost base on which the fees are calculated are efficient, as the proposed fees have not increased significantly since 1995 (other than indexation increases from 2005). This suggests internal efficiencies within DSE and DPI that have kept fee levels stable.

An assessment was undertaken to determine the most appropriate fee model. The analysis suggests that cost-recovery, with concessions available for relatively less well-off groups, is preferred. The principal reason for this is that this model satisfies efficiency grounds by collecting the majority of fees at the cost-recovery rate, while reducing barriers to access game hunting for some of the less well-off groups in the community.

Table 2: Proposed fees for the Wildlife (Game) Regulations

Fee item	Current fee (\$)	Proposed fee (\$)	Change (%)
Game birds	48.80	48.30	-1%
Deer	48.80	48.30	-1%
Game birds and deer	78.20	76.70	-2%
Fee for variation of game licence	12.20	12.50	2%
Issue of replacement game licence	12.20	12.50	2%
Waterfowl Identification Test (WIT)	26.80	25.00	-7%
Hound Hunting Test (HHT)	24.60	25.00	2%
Deer – non-resident fee	n.a.	48.30	–
Game birds – non-resident fee	n.a.	48.30	–
Game birds and deer – non-resident fee	n.a.	76.70	–

DPI estimates that these fees will raise approximately \$1.9 million per annum based on 41,500 licensed hunters. Over a 10-year period, the proposed fees will raise around \$15.9 million (PV). However, DPI proposes that no fees will be charged for persons under 18 years of age and eligible recipients within the meaning *State Concession Act 2004* will be charged fees at half of the full rate. No concessions are proposed for the WIT and Hunting with Hounds Test (HHT). This is because these tests only need to be passed once and the fee levels are not considered to act as a barrier to undertaking hunting. The total value of

concessions per annum is in the order of \$285,000, which is equivalent to a cost-recovery of 88 per cent of the costs.

The rationale for exempting under-18s from the fee base rests on two main arguments: equity and the existence of some positive externalities. Consistent with the fee exemption for recreational fishing licences for under-18s, the proposed exemption seeks to ensure that financial barriers do not place the less well-off at a disadvantage, preventing them from participating in game hunting. While full cost recovery for under-18s may not appear large (\$48.30), the cumulative effect of other regulatory burdens may act as a deterrent. For example, under-18s need to hold a junior Firearms Licence and pass a firearms safety test (no similar arrangement existing for fishing licences). With respect to positive externalities, this implicitly recognises that younger Victorians would benefit from a better understanding of the natural environment and wildlife; would benefit from an active outdoor lifestyle; and would encourage younger persons to use Victoria's magnificent public lands. In addition, game hunting activities have the potential to strengthen family and social bonds, as well as providing ongoing and direct training which may lead to safer and more experienced game hunters. The need for direct supervision of juniors not required to sit the Waterfowl Identification Test or Hound Hunting test by fully licensed adults will mitigate the possibility of negative externalities for younger, inexperienced hunters to inadvertently target non-game species.

The value of the exclusion of under-18s from the fee base is in the order of \$33,500 per annum. While an increase in the number of under-18s taking up game hunting would increase the value of this concession, the longer term economic impacts are likely to be positive. This would be the case if a proportion of under-18s developed an interest in game hunting that carries on into adulthood. The attendant expenditure on game hunting in Victoria is noted above.

Groups affected

The major group that will be affected by the proposed Regulations is game hunters who will be required to comply with the regulations when hunting game. Game hunters will continue to be required to pay a Game Licence fee to hunt game in Victoria in accordance with cost-recovery principles and pass tests in order to hunt duck or Sambar Deer with hounds.

Many industries will benefit from game hunting, including those associated with the manufacture, maintenance, importation and retail sale of firearms, ammunition, and camping, boating and motor vehicle equipment. Many hunters also use dogs to assist in hunting which creates a market for the dogs themselves, dog food, training and housing accessories and veterinary care. Many rural townships and regional businesses will also benefit from an influx of hunters during open seasons, where food, accommodation, hunting accessories and fuel are purchased. The general community will benefit from the assurance of the proper conservation and maintenance of game resources and their habitats and from controlled and safe hunting methods.

It is also acknowledged, at the margin, that other recreational users of public land may be impacted by game hunting, particularly around peak periods such as the duck opening season.

Conclusion

This Regulatory Impact Statement concludes that:

- the benefits to society of the proposed Regulations exceed the costs;
- the net benefits of the proposed Regulations are greater than those associated with any practicable alternatives; and
- the proposed Regulations do not impose restrictions on competition.

Public consultation

The prime objective of the RIS process is to enable members of the public to comment on proposed Regulations before they are finalised. Public input, which draws on practical experience and expertise, can provide valuable information and perspectives, and thus improve the overall quality of regulations. Therefore, the proposed Regulations are being circulated to key stakeholders and members of the community for consideration. Game Victoria within DPI, which will administer the proposed Regulations, welcomes and encourages feedback.

DPI has prepared this RIS to provide stakeholders the opportunity to comment on the proposals. While comments on any aspect of the proposed Regulations are welcome, stakeholders may wish to comment on:

- ways in which the licence application process can be streamlined;
- the proposed short-term licences for hunting or taking non-indigenous game birds on a game bird farm;
- hunting ducks or Sambar Deer with hounds without the need to pass the respective tests, but under direct adult supervision;
- the proposed non-resident Game Licence;
- while the Act provides that a game licence *may* be issued for a period of up to five years, current administrative practice is to issue a game licence for a maximum period of three years. Would there be benefits or demand for a Game Licence with a five year duration?;
- whether the current measures for managing duck hunting protestors are adequate to protect public and law enforcement agency personal safety without unnecessarily restricting human rights. This proposal is not contained in the draft regulations but is included for discussion purposes;
- whether an exemption for juniors and/or women to use lead shot in small gauge shotguns for duck hunting is appropriate, given the relatively small

number of hunters involved (estimated to be a maximum of 500) and the relatively small amount of lead shot that would be involved. This proposal is not contained in the draft regulations but is included for discussion purposes;¹⁰

- given the close scoring in the assessment of the fees, whether the concessions should be removed from the proposed fees. In particular, is the fee exemption for under-18s appropriate?;
- changes to approved methods for hunting deer, including the use of Harriers, deer hunting dogs and additional gundog breeds;
- changes to accommodate technological advances in firearms, bows and ammunition;
- ways in which the Hog Deer tag or checking station regulations could be improved;
- whether the areas proposed for closure to forms of deer hunting are appropriate;
- any practical difficulties associated with the proposed Regulations; and
- any unintended consequences associated with the proposed Regulations.

It should be noted that the issue of whether there should be game hunting is outside the scope of the RIS. The Government has already made the policy decision that it will permit game hunting (as provided for under the *Wildlife Act 1975*) given the economic benefit to the State that has been measured at approximately \$96 million.

All submissions will be treated as public documents and published on the Department of Primary Industries website: www.dpi.vic.gov.au/game-hunting

¹⁰ DPI estimates that around 700 kgs of lead per annum would enter the environment under such an exemption.

Box 1: Proposed key changes in the Wildlife (Game) Regulations 2012

Game Licences

- Remove the requirement for people under the age of 18 years ('juniors') to pay a Game Licence fee.
- Create a new 'Provisional' Game Licence for persons aged between 12 and 17 years of age. This licence will be a free, once-off licence valid for one calendar year, or part thereof. The licence will enable juniors to hunt duck or Sambar Deer with hounds without sitting the respective tests, but only while under the direct supervision of an appropriately licensed adult.
- Create a new Non-resident Game Licence. This licence will be for the duration of 14 days and will allow non-residents of Australia to hunt duck or Sambar Deer with hounds without passing the respective tests, but only while under the direct supervision of an appropriately licensed adult. A Non-resident Game Licence will allow non-residents of Australia to hunt game other than duck and Sambar Deer with hounds and without the need for direct supervision, as there are no requirements to pass a test for these species (i.e. Sambar Deer while stalking, other deer species, Stubble Quail and other non-indigenous game birds). Non-residents must still abide by the game hunting laws.
- Create a new Game Bird Farm Hunting Game Licence. This licence will be valid for 7 days and will apply to non-indigenous game birds only hunted on game bird farms. This licence will be issued at no cost.
- Extend requirements for persons to notify the department of any convictions relating to hunting from other states and territories, not just Victoria, as previously required.
- Extend the period required to notify the department of a change of address from 7 days to 14 days.

Hunting methods

- Allow the use of 10 gauge shotguns to hunt game birds.
- Broaden the current firearm and archery requirements for deer hunting to facilitate technological and market advances, without compromising animal welfare.
- Allow the use of fully or partially rifled firearms (i.e. shotguns specifically designed for deer hunting) for deer hunting.
- Provide authority for the department to issue permits to allow the use of antique (pre-1900) shotguns with a gauge greater than 10.
- Allow the use of shotguns with blanks to aid in gundog training.
- Broaden the use of electronic devices permitted to accommodate technological and market advances (e.g. two-way radios, GPS collars for hounds).
- Update the non-toxic shot list to provide for technological and market advances.
- Amend the definition of spotlight to reflect current advances in technology.

Sambar Deer hunting with the use of hounds

- Allow Harriers to be used for hound hunting, in addition to Beagles and Bloodhounds.
- Prescribe the maximum height and breed standards of hounds in regulation.
- Allow the training of up to three hound pups in addition to the current pack limit of five hounds.
- Allow two additional junior hunters (under the age of 18 years) to hunt without being considered part of the 10 person hunting team limit.
- Change the start of the hound hunting season to 1 April every year, but close the season shortly prior to and shortly after Easter (i.e. the Thursday before Easter Sunday until the Thursday after Easter Sunday, when Easter falls in April).
- Allow hounds to be registered for life once they are mature (12 months), rather than renewing registration every three years.
- Provide options that remove the requirement for hound owners to put their residential address on the collar of the hound.
- Remove the option to identify a young hound by ear tattoo and replace it with the requirement for microchipping – consistent with the Domestic Animals Regulations 2005.

Deer hunting with dogs

- Create a new category of approved ‘deer hunting dogs’ to allow dogs other than hounds or gundogs to be used for hunting deer (except for Hog Deer). These dogs are mostly Terrier breeds.
- Set the maximum number of gundogs and approved deer hunting dogs to two and create an offence for dogs that maim or attack wildlife.
- Allow all deer species, except for Hog Deer, to be hunted with the aid of gundogs and deer hunting dogs. This does not apply to hounds.
- Allow gundogs and deer hunting dogs to be used throughout the state. This does not apply to hounds.
- Approve the use of three new gundog breeds, allowing a total of 28 breeds that can be used for hunting deer (other than Hog Deer) and game birds.

Hunting other

- Extend the Red Deer open season from two months to the whole of the year.
- Allow the selling of taxidermied game products, such as deer heads or mounted ducks, which have been obtained legally.
- Remove the requirement for the return of unused Hog Deer tags.
- Add the Mitchell Shire to ‘recognised deer habitat’.

1. WHAT IS THE ISSUE/PROBLEM TO BE ADDRESSED?

1.1 Background

1.1.1 *Game hunting in Victoria*

The sustainable use of wildlife populations is consistent with contemporary conservation management principles and community values, and is sanctioned by international conservation treaties and conventions. Recreational game hunting is a form of sustainable use that, as a cultural tradition, has been undertaken for many centuries. People participate in hunting for a variety of reasons. Often, the focus is not solely on the act of taking game, but rather companionship with others who enjoy the same interests. This can include recreational shooting, training and hunting with dogs, enjoying the experiences of camping and the outdoors, learning about the ecology and behaviour of game and other wildlife, and cooking and eating game. Hunters come from a wide range of social and economic backgrounds, and, unlike game hunting in Europe, which was traditionally reserved for the aristocracy or wealthy, there is an egalitarian element to game hunting in Victoria.

In Victoria, eight species of native duck, one species of native quail, six species of introduced deer and introduced pheasants, partridges and quail are declared as ‘game’ and may be hunted during the respective open season. A full list of deer and game birds is contained in Schedule 3 of the proposed Regulations and is summarised in [Attachment C](#).

Typically, game species are common and occur in relatively large numbers, have a high replacement potential, mature quickly and can breed at an early age, have high rates of turnover, are fast escapers, wary in nature and have good table qualities. These characteristics make game species challenging to hunt, but also means that they are resilient to harvesting and able to adapt to extreme and unpredictable environmental conditions.

There are approximately 41,500 licensed game hunters in Victoria, who spent around 300,000 days hunting in 2010/11. Licensed hunters comprise 24,500 duck hunters, 23,000 deer hunters and 27,300 licensed quail hunters.^{11,12,13} Approximately 14 per cent of those hunters licensed to hunt deer do so with the aid of scent-trailing hounds. A small number of hunters also hunt introduced game birds such as pheasant, partridge and quail. The number of licensed game hunters has increased by 41 per cent in the last decade.

In terms of land area, Victoria is the smallest mainland state in Australia but has the second highest population (around 25 per cent of the Australian total) and the largest number of licensed game hunters. Since 2001 when the regulations were

¹¹ Note that many hunters hold licences covering multiple game categories; therefore the numbers cannot be simply added.

¹² Gormley et al, *ibid*.

¹³ Game Licensing System database, *ibid*.

last remade, the number of licensed game hunters in Victoria has increased by 41 per cent. Accordingly, Victoria experiences high hunting pressure and there is growing competition between hunters and other users for access to areas of public land for recreational, commercial and environmental use. This competition can be pronounced in particular areas and conflicts between competing groups can arise.

Game hunting may occur across a variety of land classifications in Victoria, including State Forest and other unoccupied Crown land, some lake reserves, water reserves, wetlands and waterways and on private land with the landowner's permission. The Wildlife (State Game Reserve) Regulations 2004 specifically provides for the hunting of duck on 186 State Game Reserves in Victoria, the hunting of quail on 16 reserves and the hunting of Hog Deer on six reserves. The *National Parks Act 1975* and the National Parks (Park) Regulations 2003 also provide for deer, duck and quail hunting in some National, State, Coastal and Wilderness Parks, subject to varying conditions. The *Forest Act 1958* and the Forest (Recreation) Regulations 2010 also provide for deer hunting in specified Forest Reserves and Forest Parks, subject to varying conditions.

Game hunting is not permitted on any other public land reserved under the *National Parks Act 1975* and is not permitted in Wildlife Sanctuaries, Melbourne Water Catchments, Flora and Fauna Reserves, Nature Conservation Reserves or on private land without the consent of the landowner.

The seasonal harvest of game can be influenced by a number of factors, but the most important are game abundance (which is largely driven by habitat quality and extent), length of hunting season, hunter numbers and hunter effort. The estimated annual harvest of game duck in Victoria is 364,538, Stubble Quail 317,963, and 38,379 deer (Sambar Deer making up 84 per cent of the count, while in 2011, 105 Hog Deer were taken).¹⁴ Since 1996, numbers of Hog Deer have been counted via mandatory checking stations.

Game hunting contributes to the State and local economies through the importation, retail sale, manufacture and maintenance of firearms and ammunition, camping, boating and four-wheel driving equipment, and the sale of food, fuel and accommodation. The sale and maintenance of dogs used for hunting can also generate additional expenditure. It has been estimated that deer, duck and quail hunters in Victoria spend in excess of \$96 million (2006/07 figures) on hunting annually.¹⁵

1.1.2 Game hunting methods

Recreational game hunters use a diverse range of equipment and a variety of methods, depending on the location and species being hunted. The majority of

¹⁴ Gormley *et al*, 2009, 2010, 2011, *ibid*. These figures represent an average over 2009, 2010 and 2011.

¹⁵ Department of Sustainability and Environment, 2008, *Game Hunting in Victoria: Summary of the 2006/07 Victorian Hunter Mail Survey*, Victorian Government, East Melbourne. This study found that on average game hunters each spend \$2,396 annually.

duck hunters wade, while others use boats or hunt from the shore or on dry land. Some build hides and some use decoys or callers to lure birds within shotgun range. Other duck hunters rely on stalking or their knowledge of birds' flight paths, positioning themselves where they expect birds to fly. A study in 1995 showed that 42 per cent of duck hunters use gun dogs to locate and retrieve downed birds.

Deer are hunted using a variety of methods, but two are particularly popular. The first is known as 'stalking' and involves the hunter seeking out or tracking a deer and looking for 'sign' (e.g. faeces, hoof imprints, tree rubs) that may indicate the presence of an animal. Stalking is generally done alone. Currently, hunters stalking Sambar Deer only are permitted to use gundogs to locate and flush Sambar Deer.

The second popular form of deer hunting specific to Sambar Deer is known as hound hunting and involves a team of hunters who are positioned strategically around an area where scent-trailing hounds are used to trail and flush deer towards the hunters. The hounds are started on the fresh marks of a deer and hunters use the baying of the hounds to help them to locate the animal.

Stubble Quail are hunted using two methods. The first is known as 'walking up' and involves hunters flushing quail by walking through areas where they expect to encounter birds. The second uses gundogs to locate and flush birds and to locate and retrieve downed birds. Introduced game birds are hunted in a similar manner; however, hunting is restricted to game bird farms where a fee is paid to hunt. Under the Wildlife Regulations 2002, game bird farms must be licensed with DSE and adhere to husbandry, housing and other requirements and the Code of Practice for the Welfare of Animals in Hunting made under the *Prevention of Cruelty to Animals Act 1986*.¹⁶

1.1.3 Regulation of game hunting

Game species are the common property of all members of the community and hunting activities are regulated to ensure that they are maintained in order to provide a range of sustainable consumptive and non-consumptive uses for present and future generations.

Regulation of game hunting has occurred for over 800 years. In Norman times, 'forest law' protected 'the beasts of the forest' (Red, Roe, and Fallow Deer and wild boar) and the trees and undergrowth which afforded them shelter, known as the vert. Kings frequently granted their tenants the right to take smaller game, such as hares and pheasants, and more extensive hunting privileges were occasionally granted. Forest law also prevented people from carrying bows and arrows in the royal forest, and dogs had to have their toes clipped to prevent them pursuing

¹⁶ Code of Practice for the Welfare of Animals in Hunting (revision no. 1), updated December 2007, ISSN 1329-8062, *Bureau of Animal Welfare, Attwood*. See: <http://www.dpi.vic.gov.au/agriculture/about-agriculture/legislation-regulation/animal-welfare-legislation/codes-of-practice-animal-welfare/animals-in-hunting>

game. Severe penalties were meted out to those who illegally hunted venison.¹⁷ Thus, since medieval times, regulatory controls have been placed on the hunting of game for conservation purposes, accomplished by managing hunting methods and the use of dogs.

Regulation can be used as a tool to restrict harvest levels to ensure that hunting can take place year after year without compromising the long-term viability of the population or future yields.¹⁸ To achieve sustainability and not send any populations into decline, harvest levels must not exceed the rate of increase. Hunting pressure also needs to be regulated so that it does not exacerbate any habitat-driven declines in game populations. An important part of regulating hunting is also to protect non-game species and their habitats from any negative impacts.

There are a number of control mechanisms that can be used to regulate the harvest of game, including the methods of take, bag limits, season length, the number of hunters and the times and places where hunting can occur.

Game hunting has occurred in Victoria for over 150 years and has been regulated since the early 1860s. The most commonly applied harvest regulation mechanisms have been length of season, bag limits and controlling the methods of take but, in certain instances, more specific and tighter controls (e.g. balloted hunting) have been used to achieve particular management objectives.

Open seasons for native game birds are timed to coincide with peaks in population levels and avoid periods of vulnerability (e.g. breeding, moulting), stress (e.g. food shortages or extremes in weather) and low populations. This allows game species to breed to maximum capacity and minimise any long-term effects of harvesting on the population or on the future productivity of game populations. Under extreme environmental conditions, seasons can be modified or cancelled. For example, during the period 1995 to 2012, four duck hunting seasons were cancelled and 10 seasons were modified (reduced length and/or bag limit) owing to drought conditions, which resulted in reduced populations concentrated into areas of limited habitat and with little breeding.

Bag limits place a restriction on the number of animals that can be taken in a day or over a hunting period. Season length can also regulate the size of the harvest. Such measures help to ensure an equal distribution of the take among hunters and can assist in regulating the total harvest. They too can be modified in response to increasing or decreasing populations.

The public has become increasingly aware of hunting and demands a responsible management approach to ensure that hunting is conducted safely and that animal welfare concerns are addressed. As such, there is a responsibility to manage game species and the habitats in which they occur in the best interests of the wider

¹⁷ Cannon, J., 'forest laws', *The Oxford Companion to British History*, 2002, Retrieved March 27, 2012 from Encyclopedia.com: <http://www.encyclopedia.com/doc/1O110-forestlaws.html>

¹⁸ Caughley, G. and Sinclair, A. R. E., 1994, *Wildlife Ecology and Management*, Blackwell Science Pty. Ltd., Melbourne, Australia

community while continuing to provide sustainable recreational hunting opportunities.

1.2 Regulatory Framework

Game hunting in Victoria is principally governed by the requirements in the *Wildlife Act 1975* and the Wildlife (Game) Regulations 2001 (the issues the current regulations seek to manage are described in detail in section 1.4 and Attachment A). These instruments provide for the declaration of game species, length of seasons, bag limits, areas of hunting, and methods of hunting and administration of game licences.

The *Prevention of Cruelty to Animals Act 1986* establishes a Code of Practice for the Welfare of Animals in Hunting. The Code aims to prevent cruelty and encourage the considerate treatment of animals that are hunted or used for hunting, and sets down minimum standards as well as recommending best practice. In addition to the statutory codes, most hunting organisations have developed their own codes of conduct/ethics for hunting. Finally, hunters using firearms or crossbows must comply with relevant provisions of the *Firearms Act 1996* and *Control of Weapons Act 1990*, respectively.

Those relevant parts of the *Wildlife Act 1975* and the Regulations are enforced principally by authorised officers from DPI. Authorised officers from DSE, Parks Victoria and members of Victoria Police also assist in the enforcement of game laws.

1.3 Rationale for Government Intervention

This section deals with the overarching rationale for regulating game hunting. Much of this is regulated through the *Wildlife Act 1975* and other legislations; however it provides an important context against which the residual issues the proposed Regulations seek to manage can be assessed.

Public policy generally begins from the premise that any economic activity should be free of regulation unless it can be shown that:

- There exists ‘market failures’ which, if left unregulated, will not generate socially efficient levels of output. The uncontrolled hunting of game is associated with a number of market failures.
- Unregulated activity will not achieve social or equity objectives. In the case of game hunting, this includes community expectations about the humane treatment of animals, sustainable harvest of game species and sharing of game resources among the hunting community.
- Regulation is needed to manage risks to the public. Game hunting involving the use of firearms, bows and crossbows can present safety risks to both participants and members of the public if not appropriately managed.

1.3.1 Market failures

The underlying assumption of market efficiency is that properly operating markets will deliver the best overall outcomes for the community. When markets do not operate efficiently, the welfare of community members is reduced. It is common for governments to intervene in the economy when the market is not operating efficiently, and one such cause of market inefficiency is known as ‘externalities’. ‘Externalities’ occur when an activity imposes costs (which are not compensated) on or generates benefits (which are not paid for) for parties not directly involved in the activity (i.e. third parties). Without regulation, the existence of externalities results in too much of an activity (where external costs or negative externalities occur) or too little of an activity (where external benefits or positive externalities arise) taking place from society’s point of view.

The concept of the ‘tragedy of the commons’ illustrates both market failure and externalities.¹⁹ The ‘tragedy of the commons’ argument states that free access to and unrestricted demand for a finite resource ultimately dooms the resource through over-use. This occurs because the benefits of use accrue to individuals or groups, each of whom is motivated to maximise use of the resource to the point at which they become reliant on it. At the same time, the costs of the exploitation are borne by all those to whom the resource is available (which may be a wider class of individuals than those who are exploiting it). This, in turn, causes demand for the resource to increase, which causes the problem to escalate to the point that the resource is exhausted. Ludwig von Mises articulated this problem in 1940 in the following way:

If land is not owned by anybody, although legal formalism may call it public property, it is used without any regard to the disadvantages resulting. Those who are in a position to appropriate to themselves the returns — lumber and game of the forests, fish of the water areas, and mineral deposits of the subsoil — do not bother about the later effects of their mode of exploitation. For them, erosion of the soil, depletion of the exhaustible resources and other impairments of the future utilization are external costs not entering into their calculation of input and output. They cut down trees without any regard for fresh shoots or reforestation. *In hunting and fishing, they do not shrink from methods preventing the repopulation of the hunting and fishing grounds.*²⁰ (emphasis added)

Tragedy of the commons threatens the overall welfare of those directly wishing to use the resources as well as the non-use values of the resource (e.g. biodiversity). A common regulatory solution to correct the externalities identified with ‘tragedy of the commons’ is to establish rules and requirements governing the species that may be hunted, the way in which they may be hunted, imposing bag limits and defining areas where hunting may occur. Establishing systems of permits and/or

¹⁹ Hardin, G., *Science*, 13 December 1968, Vol. 162, No. 3859, pp. 1243–1248

²⁰ Mises, L., Part IV, Chapter 10, Sec. VI, *Nationalökonomie: Theorie des Handelns und Wirtschaftens* (Geneva: Editions Union, 1940). The quote provided is that of Mises’s expanded English translation, Chapter XXIII: *The Data of the Market*, Sec. 6: *The Limits of Property Rights and the Problems of External Costs and External Economies*, *Human Action: A Treatise on Economics*, New Haven: Yale University Press, 1949

licences to regulate the resources are common regulatory tools used throughout Australian (and international) jurisdictions to manage such externalities.

1.3.2 Social and equity objectives

In addition to market failure, the *Victorian Guide to Regulation* notes that government intervention may be justified in the pursuit of social and equity objectives. This is particularly relevant for the case of the humane treatment of animals. This was illustrated in the National Competition Policy Review of the Victorian *Prevention of Cruelty to Animals Act* which found that there are non-economic grounds for government intervention:

It is clear, however, that the purposes and objectives of the Act go beyond the regulation of business conduct and cannot be assessed simply in terms of market failure. The Act aims to ensure adherence to values and behaviours which are accepted by the community.²¹

There is a general community expectation that game hunting is conducted ethically and in a manner that minimises suffering to animals. While animal welfare has been formally regulated in Victoria since 1865²², in recent decades, there has been a growing awareness of animal welfare issues. Thus, government intervention may be justified on animal welfare grounds.

In addition, sharing of resources among the community (i.e. for consumptive and non-consumptive uses) is also a rationale for government intervention on equity grounds. This includes competing or alternative uses of Crown land by other recreational users (e.g. bush walkers, campers, four-wheel drivers). Moreover, sharing resources between game hunters (via the imposition of bag limits, for example) promotes equity objectives.

1.3.3 Risks to public safety

Another justification for government intervention lies in the need to manage and minimise public safety risks. A particular form of social regulation relates to requirements that seek to reduce or manage the risk of harm to health, safety or welfare of individuals in the community. In this regard, game hunting can present public safety risks if not appropriately managed; thus, intervention may also be justified on public safety grounds.

1.4 Problems the Regulations seek to address

As noted above, there are several key Acts of Parliament that seek to manage game hunting or associated issues. These include the *Wildlife Act 1975*, the *Firearms Act 1996* and the Code of Practice for the Welfare of Animals in Hunting. Generally, these set the overarching policy framework while regulations prescribe the *finer*

²¹ Department of Natural Resources and Environment, 1997, *National Competition Policy Review of the Prevention of Cruelty to Animals Act 1986*, prepared by KPMG Management Consulting, Melbourne, p. 6.

²² Victoria Police Offences Statute 1865

details and operational aspects: the legislation provides the building blocks while the statutory rules provide the regulatory edifice. These are described in Table 3 as well as the identification of regulatory gaps not covered by these Acts and Code. This RIS will argue that the proposed Regulations (or something similar) are required in order for game hunting in Victoria to be managed efficiently and effectively.

Table 3: Wildlife Act, Firearms Act and Animal Welfare Code of Practice and gaps in the absence of the Regulations

Wildlife Act 1975	Firearms Act 1996 and Control of Weapons Act 1990	Code of Practice for the Welfare of Animals in Hunting
<ul style="list-style-type: none"> The Wildlife Act provides for the declaration of game for the purposes of the Act via a Governor in Council Order. It also provides for the hunting of game and for the use of a Game Licence. 	<ul style="list-style-type: none"> The Firearms Act provides for the legal sale, ownership, licensing, carriage, use and storage of firearms and ammunition. The Control of Weapons Act provides for the legal ownership, licensing, carriage and use of crossbows. 	<ul style="list-style-type: none"> The Code of Practice for the Welfare of Animals in Hunting encourages best practice and ethical treatment and humane dispatch of all animals involved in hunting.
<p>Regulatory gaps</p> <ul style="list-style-type: none"> The Act does not prescribe the manner in which a person must apply for a Game Licence. The Act does not prescribe conditions on a Game Licence. The Act does not prescribe Game Licence fees. The Act does not establish open seasons, regulate the methods of take or bag limits, set fees for Game Licences or other measures to ensure the effective management or preservation of good order among hunters and other members of the public. The Act does not prescribe tests for competency in identification of species and knowledge of laws. The Act does not prescribe specified hunting areas or times when unauthorised people are not permitted to enter or remain during duck hunting periods. 	<p>Regulatory gaps</p> <p>The Firearms Act and Control of Weapons Act do not prescribe matters including:</p> <ul style="list-style-type: none"> calibres, ammunition or crossbow specifics used in hunting; hunting times; hunting areas; use of spotlights; hunting with aircraft, motor vehicles or boats; areas that are inappropriate or unsafe for game hunting. 	<p>Regulatory gaps</p> <ul style="list-style-type: none"> The Code provides guidance and defence under <i>Prevention of Cruelty to Animals Act 1986</i> but does not contain sanctions or enforcement mechanisms. The Code does not prescribe dog breeds appropriate for the use in hunting. The Code does not specify limits on the number of hounds in a hunting team. The Code does not specify calibres or ammunition used to humanely destroy an animal being hunted.

Given the framework established by the Act, the current Regulations seek to manage game hunting in a manner that provides for the continued sustainable, equitable, humane, ethical and safe recreational hunting opportunities, while minimising the destruction of non-game species and ensuring the protection of wildlife habitats. The nature of the problems the proposal seeks to deal with are outlined below. Specifically, the proposed Wildlife (Game) Regulations seek to manage problems in the following categories:

- Sustainable and equitable management of game resources;
- Humane and safe hunting; and
- Competency and accountability.²³

Sustainable management of game resources is principally associated with market failures (in particular ‘tragedy of the commons’), while competency and accountability are linked with risk management objectives. Humane and safe hunting is associated with both social welfare objectives (ethical and humane hunting) and risk management of public safety. These links are explored at length in Attachment A along with details of the proposed Regulations.

A corollary of seeking to manage these problems is that governments incur administrative costs. This raises issues of ‘allocative efficiency’ and the user-pays principle. These issues are considered under Chapter 4A of this RIS in the context of Game Licence fees.

1.5 Nature and extent of the problem

Once a decision has been made to permit game hunting, the regulatory problem then becomes how to manage it in the most competent, sustainable, equitable, humane and safe manner. The following sections explore these problems.

Game hunting holds inherent risks. Such risks include the safety issues associated with the use of firearms or bows, destruction of non-game species and adherence to laws and regulations. Ensuring that hunters are educated, knowledgeable, competent and proper persons (e.g. have not been convicted of certain serious offences) is a way that government can manage these risks.

Given the relatively large scale and extent of game hunting in Victoria, the Victorian Government needs to ensure that the inherent risks associated with game hunting are appropriately managed.

²³ This point contains elements of the two points above, however it is separated to help illustrate the residual problem the proposed Regulations seek to address. This is discussed in the foregoing sections of this RIS.

Broadly, the problems the regulations seek to address are as follows:

1. Humane and safe hunting

The way in which game is harvested must be humane in that it results in as quick and painless a death as possible. In the past, game birds were trapped, netted, snared, limed (caught with glue), and shot with large calibre punt guns (a single shot could kill over 50 waterfowl and wound others), but these hunting methods have long since been prohibited in Victoria. These methods are not considered humane and may harm other wildlife or lead to unsustainable hunting practices.

Firearm types, calibres and projectile weights, along with the draw-weight of bows, must be the minimum necessary to humanely and efficiently dispatch an animal. If the calibre and projectile weight specifications are not prescribed or set at too low a level, then this may result in wounding of the animal and unnecessary suffering. Further, wounded game may not be recovered and ultimately die, resulting in waste, and fail to be accounted for in harvest statistics. It may be necessary to change these specifications over time to keep pace with developments in technology, such as cartridge and firearm design.

Hunting must be conducted on a humane and ethical basis, consistent with the concept of ‘fair chase’ to ensure that game species will not be pursued to the point of exhaustion by using mechanical means or shot at night using spotlights. In addition, it would not be considered ‘fair chase’ to shoot game fleeing from smoke or fire. If wounded, it is ethical to kill game immediately upon recovery to reduce unnecessary suffering. Spotlighting or shooting from a moving vehicle or a fast moving boat may also result in firearm-related incidents, including injuries to persons or damage to property. Spotlighting can also potentially increase public safety concerns, as spotlights fail to provide a hunter with broad spatial vision or the ability to visually identify areas or objects behind an intended target.

Any dogs²⁴ that are used for hunting must instinctively hunt, be non-aggressive, obedient and able to be trained to obey commands from the hunter to only hunt certain types of game animals and to ignore distractions in the field. Such characteristics are found in certain dog breeds, many of which have been selectively bred over centuries for these traits. Taking too many dogs on a hunt may increase the risk of accidents and increases dog handling difficulties.

It is important to ensure that hunting activity is conducted during periods consistent with other land management activities or peaks in other recreational pursuits (e.g. summer holidays). Hunting is generally considered to be a relatively safe activity and one that can co-exist with a range of other land uses and activities. However, there are periods when hunting can conflict with other land uses. In most cases, these periods are not considered suitable for hunting, due to high levels of disturbance or unfavourable weather seasons which can disrupt hunting activities. To a large extent, hunting takes place during the colder months (autumn and early winter) when other

²⁴ The proposed Regulations distinguish between hounds, gundogs and deer hunting dogs. See Schedule 5 of the proposed Regulations for a listing of these breeds.

recreational activities are reduced and the possibility of conflict is less likely. In instances where there may be significant conflict or some threat to public safety, areas or periods could be closed to hunting.

Appropriate hunting methods

Hunters use a diverse range of equipment and a variety of methods to hunt game species. Many forms of technology could be used, however, regulating agencies across the world impose restrictions to protect from overharvesting and ensure safe, humane and ethical hunting practices.

The vast majority of Victoria's 41,500 licensed game hunters use firearms, partly because the current regulations require it, but mostly because they are an effective, efficient and humane way to harvest an animal.

The possession, use and ownership of firearms and ammunition is regulated under the *Firearms Act 1996*. This Act is maintained by the Department of Justice and administered by Victoria Police.

While the *Wildlife Act 1975* plays no role in the lawful possession, use and ownership of firearms and ammunition, it can, through prescription, require that only certain firearm types or ammunition are used when hunting game. It is important that the correct firearm with the appropriate ammunition is used to ensure that animals are humanely destroyed. The current regulations require minimum calibres of firearm and projectile weights for deer hunting and the maximum bore of shotguns for game bird hunting. Such guidance is also important for those who are not knowledgeable in the terminal ballistic performance and lethality of ammunition. Similarly, it is important to ensure that firearms, such as punt guns, which can harvest large numbers of animals, are prohibited to prevent overharvesting.

While the majority of game hunters use firearms, some choose to use bows and crossbows for deer hunting. The possession, use and ownership of crossbows is regulated under the *Control of Weapons Act 1990*. This Act is maintained by the Department of Justice and administered by Victoria Police.

The extent of their use is unknown, but it is likely to only be a small percentage, and the current regulations allow their use only for deer. Bows and crossbows are not permitted for use in harvesting game birds. While the *Wildlife Act 1975* plays no role in the lawful possession, use and ownership of bows and crossbows, it can, through prescription, require that only sufficiently powerful bows and crossbows are used to effectively take game. Similarly, arrows and crossbow bolts must be appropriately designed and weighted to humanely dispatch an animal.

One of the principles of ethical hunting is the concept of 'fair chase'. The fair chase concept can be articulated as "... a concept [which] addresses the balance between the

hunter and the hunted. It is a balance that allows hunters to occasionally succeed while animals generally avoid being taken”.²⁵

Further, the Australian Deer Association defines fair chase as: “the ethical, sportsmanlike, lawful pursuit and taking of free-ranging wild deer in a manner that does not give the hunter an improper advantage over the animal.”²⁶

The proposed Regulations restrict the use of motorboats (except for some circumstances), motor vehicles and aircraft from being used in hunting due to ethical and animal welfare considerations. The use of motorised vehicles gives hunters a significant advantage over game and is inconsistent with the concept of fair chase or ethical hunting. Further, the use of motorised vehicles and aircraft has the potential to result in overharvesting and could put public safety at risk.

Dogs have been used by humans for thousands of years to assist in hunting. They have been bred over centuries to perform specific tasks, such as scent trailing, pointing, flushing or retrieving game.

The use of dogs has the potential to result in inhumane hunting practices or could result in non-game species being pursued by dogs. It is also important that dogs used for hunting are kept under control so they do not impact on other land users or become lost and contribute to the wild dog problem. The number of dogs that can be used by a hunter or team of hunters should be considered given the potential for large numbers of dogs to get out of control. In light of this, only those dogs capable of being used effectively for game hunting should be permitted.

There are around 1,670²⁷ hounds currently registered to hunt Sambar Deer. The use of hounds can create a number of social, environmental and safety issues if left unregulated.

Many quail and duck hunters use dogs to locate game and recover birds. Survey data shows that 42 per cent of duck hunters and 53 per cent of quail hunters use gundogs to hunt.²⁸ Combined, this equates to 48 per cent of game bird hunters who use gundogs for hunting. As most hunters who are licensed to hunt quail also hunt duck, it could be reasonably estimated that approximately half of the total number of quail and duck hunters own and use at least one dog for hunting. This equates to approximately 11,800 gundogs used to hunt quail and duck in Victoria.

Anecdotal evidence suggests that the use of gundogs to hunt Sambar Deer is becoming more popular. Breeds such as German Wirehaired Pointers and German Shorthaired Pointers are very effective at locating deer and finding animals that have been downed. The number of gundogs used to hunt Sambar Deer is presently unknown as there is no requirement to register or licence them for such use and no surveys have been

²⁵ Posewite, J., 1994, *Beyond Fairchase: The ethic and tradition of hunting*, Falcon Press, Helena, Montana

²⁶ <http://austdeer.com.au>

²⁷ Game Licensing System database, *ibid*

²⁸ Department of Natural Resources and Environment, 1995, *Mail Survey of Hunters in Victoria 1995*, Flora and Fauna Statewide Programs, Department of Natural Resources and Environment, Melbourne

conducted by the Department. However, it is reasonably estimated that the number of gundogs used for hunting Sambar Deer could be in the several of hundreds²⁹.

Using the above figures (11,800 gundogs for quail and duck, 300 gundogs for deer and 1,670 hounds), there are an estimated 13,770 dogs used to hunt game in Victoria. Given the extent of their use and the possible problems that could arise, it is necessary to place certain controls over their use and which breeds are appropriate for hunting.

2. Sustainable management of game resources

The nature of the sustainability problem is to avoid:

- Overharvesting, which could be caused by taking too many individuals (reducing the population below its rate of increase) or by the methods used to harvest;
- Harvesting during periods of vulnerability; and
- Unsustainable or damaging hunting practices, including damage to the environment.

Selection of game species

‘Wildlife’ is defined under the *Wildlife Act 1975* and includes all indigenous vertebrates and some non-indigenous vertebrate species, including all deer, quail, pheasants and partridges. The Act provides that wildlife may be declared to be ‘game’ and may be hunted, taken or destroyed in accordance with the Act and any prescribed conditions. As the declaration of species as game occurs under the Act and not the regulations, further declaration of game species is outside the scope of this RIS.

Regulation of harvests

Recreational game hunting is heavily regulated in Australia and has been regulated in Victoria for over 150 years. While regulation provides for equity in resource sharing and the protection of non-target species, it is fundamentally directed at ensuring the sustainability of the resource, for both future hunting opportunities and to perpetuate the species.

It has been shown on numerous occasions that poorly or unregulated *commercial* harvesting of wild animals can result in serious decline (e.g. numerous whale species) or even extinction (e.g. Passenger Pigeon). While the motivations are different, examples of gross overexploitation as a result of *recreational* hunting are rare, but not unknown.³⁰ A case in point is the Arabian Oryx *Oryx leucoryx* which became extinct in the wild in 1972 through unregulated and uncontrolled recreational hunting. Therefore, it is important to regulate the size and nature of game harvests to ensure that they remain sustainable.

²⁹ Pers. comm., Australian Deer Association, Victoria, 14 June 2012

³⁰ Caughley and Sinclair, *ibid*

Harvest strategy

Determining the best strategy for harvesting a game population depends on the objectives of management. Once determined, a harvesting rate and yield are established to achieve this. However, despite any specific individual management goals, the fundamental objective is to determine a long-term level of harvesting which produces a yield that remains sustainable over time.

Whatever the management objectives are, if the harvest is to remain sustainable, it is important to monitor population size and any changes to it. Therefore, it is important to collect data on the harvested segment of the population and the populations as a whole. Understanding annual production, recruitment and the rate of increase and the response of the population to changes in habitat quality and quantity can assist in making informed decisions regarding the size and nature (e.g. sex or age-specific) of the harvest.

There are a number of different ways populations and their habitats can be managed to produce various harvesting outcomes. Harvest and habitat management strategies can be targeted towards producing ‘trophies’, producing the highest yield possible or producing quality individuals through maintaining a healthy population in balance with its environment.

Other than maintaining strong and healthy populations and harvesting at a sustainable rate, manipulating harvests to achieve desired management objectives can be costly and time consuming. It is really not suited to large and highly mobile populations of nomadic species, such as Victoria’s game ducks and Stubble Quail, but can be for certain deer species, particularly where they occur on private land or lands where certain management approaches can be put into practise by willing participants.

For indigenous game birds in Victoria, their relative abundance and distribution is determined by habitat quality and quantity generally across eastern Australia. Game duck and Stubble Quail numbers fluctuate markedly in response to environmental variables and calculating absolute abundance for these populations is currently not possible. Given this, the harvest strategy for these species is to set harvest parameters that are conservative enough to remain sustainable into the long-term while providing adequate hunting opportunity and equitable resource sharing among hunters and for non-consumptive purposes.

For deer, there is generally a desire from hunters for males with large sets of antlers (trophy animals). That said, many hunters greatly value the meat that game deer provide. Victoria’s population of Sambar Deer is large and continuing to expand its range and densities in some areas is increasing. Quality animals are being harvested under the current arrangements. However, there is a growing philosophy in the deer hunting community that suggests to maintain or further improve the quality of antlered heads, some restraint should be shown in harvesting young stags in order for them to mature and produce bigger sets of antlers. In addition, some are urging hunters to harvest equal numbers of hinds to reduce density-dependent effects and make more resources available to fewer animals, thereby improving animal quality. These same

philosophies are being promoted for Hog Deer and, to a lesser degree, Fallow and Red Deer.

While there is a requirement under the *Wildlife Act 1975* to sustainably manage Victoria's introduced deer species, there is also recognition that deer numbers should be maintained at appropriate levels to reduce any negative impacts on biodiversity or agriculture.

Timing of hunting

For game populations, sustainable harvesting is generally timed to coincide with the post-breeding period when the population is temporarily increased following breeding and recruitment and the activities of hunters are less likely to damage breeding stocks to the point they can no longer replace themselves or maintain a minimum viable population. Game populations should be allowed to breed undisturbed prior to hunting, maximising production and reducing the risk of any long-term effects of harvesting on the total population.

Indigenous game birds are more vulnerable to harvesting during breeding, and disturbance or removal of nesting or brooding adults can result in the failure of nests and the death of chicks, resulting in a reduction in productivity and ultimately reduced hunting opportunity. Indigenous game birds generally moult immediately after breeding, although moult can be protracted in some Australian waterfowl species. During post-nuptial moult, the flight feathers are lost and replaced by new feathers. In the advanced stages of moult, birds are rendered flightless and are extremely vulnerable to hunting as their ability to escape or evade hunters is reduced and they could be subject to over-harvesting. Young birds produced during the peak breeding period of spring/summer must also be allowed to fledge and gain the power of strong flight before hunting is allowed. In waterfowl, strong flight is generally attained at two months after hatching and Stubble Quail approximately one month.

Hunting should be timed to avoid periods of environmental stress and when the population is at its lowest level. Game bird populations are generally at their minimum during winter and these residual populations are under great stress from food and cover shortages and temperature extremes. For game birds, late winter is also the period immediately prior to pair bonding and other preliminary breeding and courtship behaviours. Hunting during this time could impact on the residual breeding stock, reducing numbers and disturbing breeding, resulting in a reduction in productivity and the size of the potential harvestable yield for the forthcoming hunting period.

Similarly, for deer, where consistent with management objectives, hunting should be avoided during breeding, when calves are dependent on their mothers for survival, or when the species may be more vulnerable to hunting. Where there is a need to control deer populations, alternative management approaches are adopted.

Many of Victoria's game deer species are of Asiatic origin and the breeding period is not well defined, with some breeding occurring year-round. In these circumstances, the timing of an open season is less important. Further, due to their cryptic nature,

escape abilities and capacity to withstand harvest pressure, there is less concern over the periods in which they may be hunted.

Unsustainable or damaging harvesting practices

The use of certain hunting methods, equipment or practices can lead to overharvesting, unintended impacts on non-game species or damage to wildlife habitats.

Game may be hunted during an open season provided for under the *Wildlife Act 1975*, including periods prescribed in the regulations, and must only be taken in the manner prescribed. Outside the season, game species are protected and must not be interfered with in any way, unless authorised to do so under the Act. All other wildlife are protected and must not be hunted.

Hunting of protected species, including those that are rare and threatened, could lead to their decline or possible extinction. It is an offence under sections 42 and 43 of the Act to hunt, take or destroy threatened wildlife or other protected wildlife. It is important that recreational hunting does not impact on non-game wildlife, or game outside the open season, that methods used do not contribute to this and that hunters are sufficiently skilled and knowledgeable to avoid the unauthorised taking of these species.

Lead poisoning of waterfowl was first recognised as early as 1874 in the United States and has now been recorded in at least 21 countries.³¹ Birds are exposed to many sources of lead contamination, however, the vast majority of lead poisoning in birds is considered to result from the ingestion of spent lead shot used for waterfowl hunting.

International research into the effects of spent lead shot on waterfowl has been extensive and indicates that lead poisoning is a widespread problem throughout the world. Australian research has also shown waterfowl at various sites to have lead pellets present in their gizzards and elevated lead levels in their blood, indicating lead poisoning. The ingestion of only one lead pellet may be sufficient to kill a bird, and poisoned birds may be debilitated and vulnerable to predators, extreme weather conditions, food shortages and disease.³² The reproductive potential of a bird poisoned by lead may also be reduced and the tissue of poisoned birds can cause secondary poisoning in predators or scavengers. The use of lead shot in cartridges for the hunting of waterfowl has been previously listed as a potentially threatening process in Schedule 3 of the *Flora and Fauna Guarantee Act 1988*.

Punts guns (very large bore shotguns) can harvest large numbers of waterfowl, but can also be indiscriminate and destroy non-game wildlife and potentially wound many birds. Other methods of harvest, while considered effective, can contribute to

³¹ Pain, D.J., 1992, Lead Poisoning of Waterfowl: A Review. In: Pain, D.J. (ed) Lead poisoning in waterfowl, *Proc. IWRB Workshop, Brussels, Belgium, 1991*, IWRB Special Publication No. 16, Slimbridge U.K, pp. 7-13

³² Pain, D.J. and Rattner, B.A., 1988, Mortality and haematology associated with the ingestion of one number four lead shot in Black Ducks, *Anas rubripes*. *Bulletin of Environmental Contamination and Toxicology*, 40: 159-164

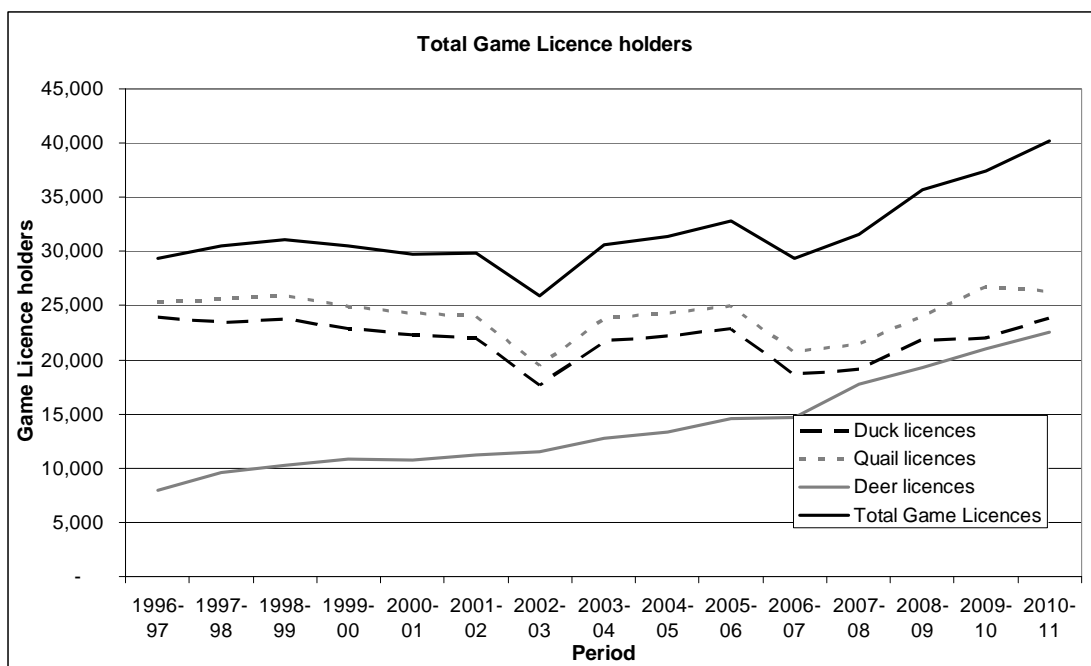
overharvesting, such as the netting or shooting of waterfowl when they are flightless, or the spotlighting of deer, which can create public safety issues.

As noted previously, the Hog Deer is endangered across much of its native range, with the exception of India and Nepal. As a result, the Victorian population of Hog Deer is considered to have high conservation significance on a worldwide scale. A sympathetic harvesting strategy and obtaining genetic and scientific data can assist in the conservation of the Hog Deer. The current International Union for the Conservation of Nature Red List Category classifies the Hog Deer as endangered.

Increasing hunting pressure

The interest and participation in game hunting is increasing. Since these regulations were remade in 2001, the total number of licensed hunters has increased significantly, from approximately 29,500 to over 41,500; a 41 per cent increase. The number of duck hunters has increased by 9 per cent (22,500 cf 24,500) and the number of deer hunters has risen by 120 per cent (10,500 cf 23,000). The increase in Game Licence holders for game deer, duck and quail between 1996 and 2011 is shown in Figure 1.

Figure 1: Licensed game hunter numbers for the period 1996/97 – 2010/11.



Game harvest monitoring

The substantial increase in hunter numbers has resulted in an increase in hunting activity, greater competition for game resources and greater competition for access to hunting areas. In light of this, it is important to monitor game harvests, their impacts on game populations and their long-term sustainability.

The seasonal harvest of game can be influenced by a number of factors, but the most important are game abundance, hunter numbers and hunter effort. DPI (and formerly the DSE) annually monitors game harvests through a number of methods. A fortnightly phone survey is conducted for game deer, duck and quail during their respective seasons. This survey identifies areas of greatest harvesting pressure and estimates total seasonal take.

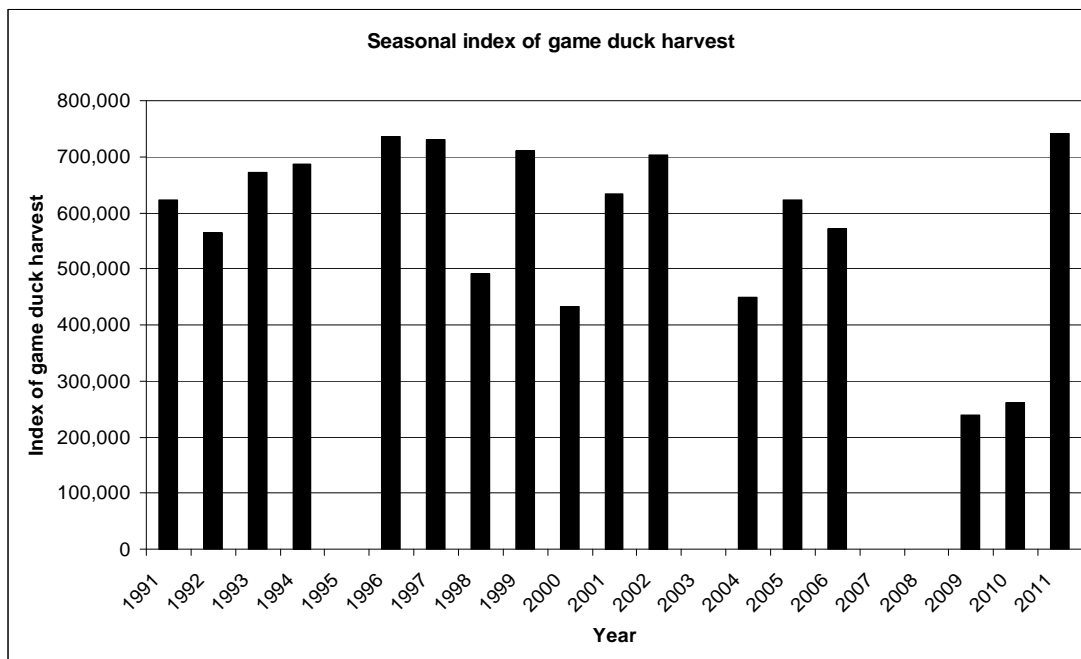
Similarly, an annual mail survey of 1,000 randomly selected game hunters is conducted in June of each year and has been running for over 20 years. The survey also identifies areas of hunting activity, records methods of take and estimates seasonal game harvests. While the phone survey is more accurate in estimating harvest data (as it is conducted more frequently and closer to the time that hunters actually hunted), it has only been running since 2009. Therefore, the mail survey provides a much longer run data set and shows trends in harvest levels.

The following figures graph the index of seasonal harvests derived from the annual mail survey. Given the inherent biases with mail surveys, particularly those conducted sometime after seasons have concluded (including recall bias and a tendency to overestimate harvests), the following graphs provide an *index*³³ of take rather than the *actual* take of game species. These harvest indexes have been derived by multiplying mean seasonal bag data by the estimated number of active hunters for each respective species.

Of the six game deer species with open seasons, only Sambar Deer, the most significantly harvested species, and Hog Deer, the species most sensitive to harvesting pressure due to their relatively small numbers and restricted range, are shown here. Because there is a requirement to take all Hog Deer to a checking station within 24 hours of harvesting the animal actual harvest numbers rather than an index is illustrated.

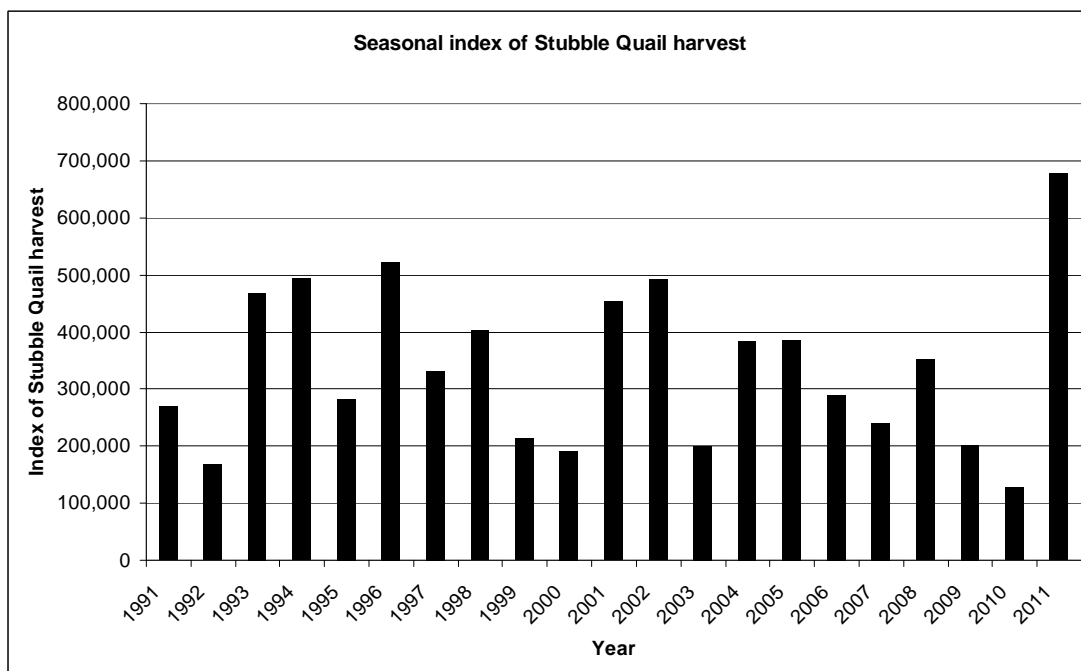
³³ The term “index” is used to describe an estimate of the size of the harvest and is obtained by surveying a sample of deer, duck or quail hunters. Given the biases associated with the way the data is collected, it cannot be considered as an absolute measure of the total harvest. These indexes allow trends in harvesting to be monitored over time.

Figure 2: Seasonal harvest index for game ducks in Victoria for the period 1991 – 2011



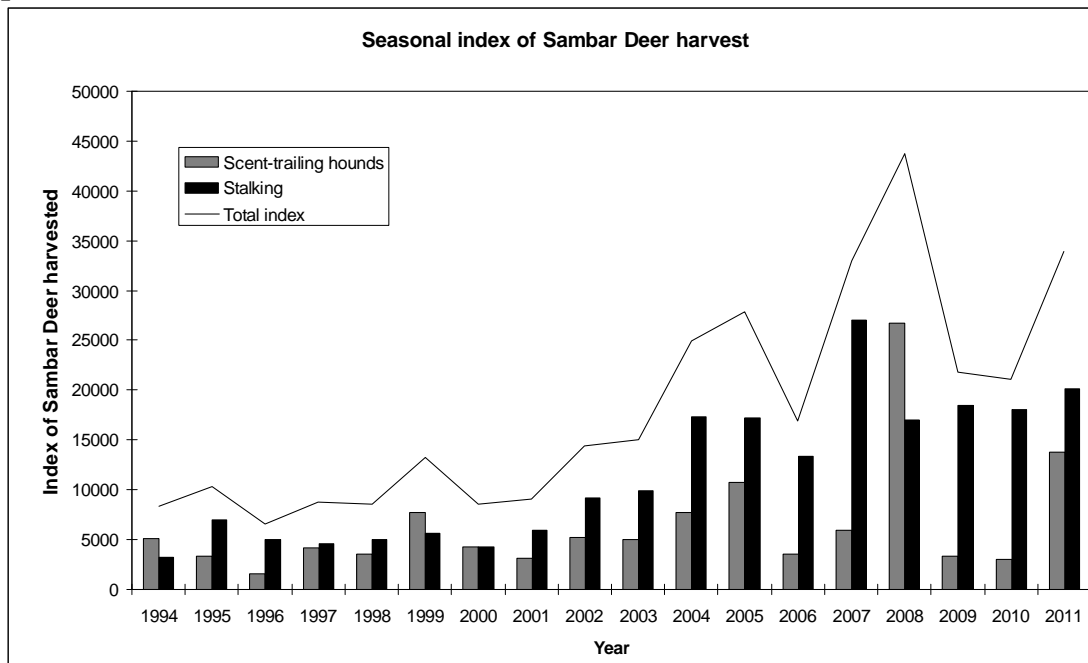
Note: This provides an index of take rather than actual harvest. There is no data for the years 1995, 2003, 2007 and 2008 as a duck hunting season was not held.

Figure 3: Seasonal harvest index for Stubble Quail in Victoria for the period 1991 – 2011



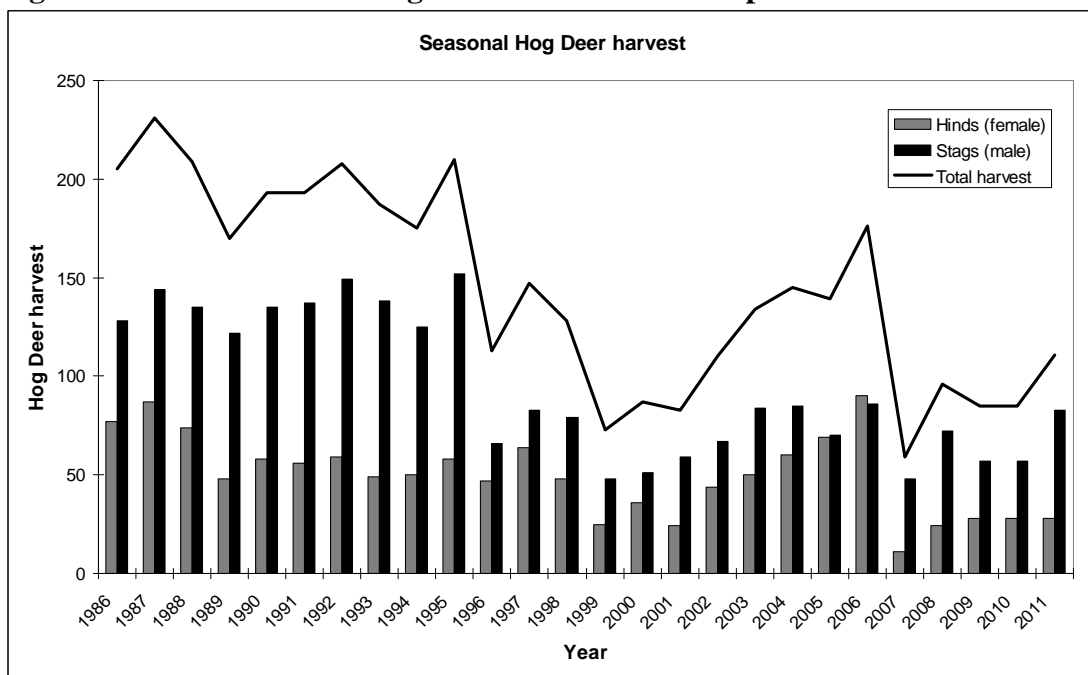
Note: This provides an index of take rather than actual harvest.

Figure 4: Seasonal harvest index for Sambar Deer by hunting method for the period 1994 – 2011



Note: This provides an index of take rather than actual harvest.

Figure 5: Total number of Hog Deer harvested for the period 1986 – 2010



Note: figures from 2007 do not include Hog Deer harvested from the Para Park Cooperative at Sunday Island.

In addition to phone and mail surveys to monitor the harvest of game ducks, hunters' bags are inspected over the opening weekend of the season and details on age, sex, incidence of moult, species and harvest levels are recorded. Hundreds of hunters are surveyed at wetlands across the state over this weekend.

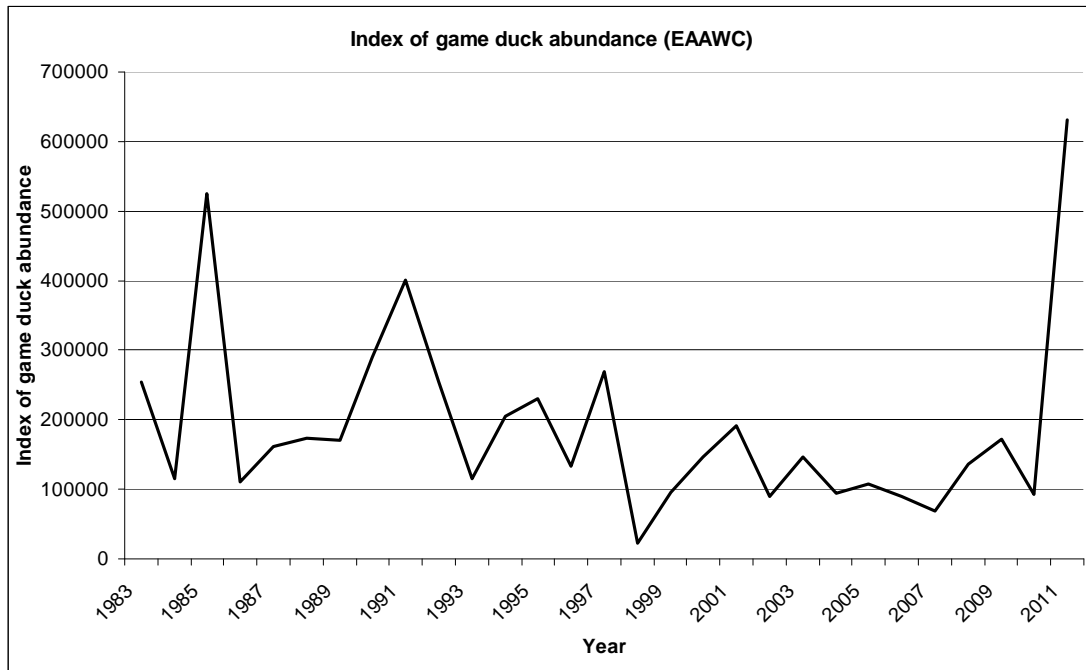
Duck populations are also surveyed outside the season to ensure that a season can be sustained or whether any modifications are necessary. In conjunction with partner state agencies, a major aerial survey is conducted throughout eastern Australia, covering parts of Queensland, New South Wales, Victoria and South Australia. This survey has been conducted continuously since 1983 in October of each year and all waterbirds, including game duck species, are counted or estimated along ten 30 kilometre wide bands, within a 2.7 million km² region. The survey provides information on waterbird abundance, the extent of waterbird habitat and an index of breeding. In addition, the annual Summer Waterfowl Count is conducted on several hundred wetlands across Victoria in February each year. Established in 1987 and conducted every year since, the count estimates duck and other waterbird numbers, records evidence of breeding (i.e. presence of chicks, adults on nests) and locates significant concentrations of protected, rare or threatened species. Other counts are also conducted from time to time to measure the same variables, often during periods of drought (e.g. November waterfowl count).

While unregulated recreational hunting can lead to the decline of a species, *regulated* game hunting (i.e. hunting that seeks to harvest a yield that can be taken year after year without jeopardising future yields) in Australia has not been a significant factor affecting the survival of game species. For game ducks for example, Briggs *et al.* 1993, Briggs and Holmes 1988, Norman and Nicholls 1991 and Kingsford *et al.* 1999 have all published studies using monitoring data collected over long periods of time which have failed to detect any significant effect of hunting on game waterfowl. In a major review of duck hunting open seasons in 2000, a government-appointed expert panel found that regulated hunting has not been a significant factor affecting the survival of game species of waterfowl in Australia, that past open seasons did not represent a significant influence on the survival status of any species of waterbirds and that all scientific studies available to the review indicated that hunting has no effect on waterfowl populations³⁴.

Since the review was conducted in 2000, areas of eastern Australia experienced prolonged drought conditions. However, the abundance of game ducks across eastern Australia, while low, did not continue to decline. In fact, since the breaking of the drought in 2009, game duck numbers have responded to widespread flooding events across eastern Australia. A significant increase in wetland availability stimulated substantial breeding and, in 2011, eastern Australian game duck abundance recorded its highest level since the survey began in 1983 (see Figure 6). In response to the increase in game duck abundance, Victorian harvest levels also increased (see Figure 2).

³⁴ New South Wales National Parks and Wildlife Service, 2000, *Scientific Panel Review of Open Seasons for Waterfowl in New South Wales*, New South Wales National Parks and Wildlife Service, New South Wales

Figure 6: Index of abundance of game ducks as recorded during the Eastern Australian Aerial Waterbird Count



The index of game duck abundance cannot be directly compared with the index of game duck harvest. Neither are absolute measures. The index of game duck abundance describes data collected from only a portion of eastern Australia as part of a stratified sample. The harvest index describes an estimate of the harvest collected from biased data. However, these biases are held constant year to year and allow trends in the data to be monitored over time.

While direct comparisons between these indexes cannot be made, it is appropriate to compare the index trends to see whether game duck abundance and game duck harvest indexes are increasing, stable or in decline. This information is considered in the context of other data gathered on waterfowl and their habitats, including wetland extent and distribution, game duck distribution and game duck recruitment.

Annual surveys of hunters have not detected any declining trend in the long-term harvest (see Figure 2) and, while the index of game abundance shows populations were reduced during the recent drought, numbers recovered substantially in 2011 in response to improved habitat availability.

Consistent with the findings of numerous previous reviews, there is no evidence to suggest that regulated duck hunting today is unsustainable or placing the conservation status of any game duck species at risk. The current regulatory regime, together with an adaptive approach to management which has seen 14 of the last 18 duck seasons modified (including four cancelled seasons), is sustainable and has not prevented game ducks from reaching their highest level of abundance in 2011 in almost 30 years. This adaptive approach which sees game duck abundance, game duck harvests, habitat availability and other environmental and biological parameters reviewed annually, will

protect against any habitat-driven declines in game duck abundance and ensure that harvesting remains sustainable.

While not as intensively studied as game duck species, there is also no evidence that Stubble Quail populations are at risk from regulated game hunting. Stubble Quail occur mostly on private lands where hunting opportunities are limited by the need to gain the landowner's consent and little hunting occurs on public land. Accordingly, there is a level of protection for the species and quail numbers are influenced more by habitat quality and quantity than hunting losses. Annual surveys of hunters have not detected any declining trend in the long-term harvest (see Figure 3). Like game ducks, Stubble Quail populations fluctuate in response to habitat quality and quantity and the harvest (as an indicator of population status) in 2011 was the greatest since mail surveys commenced in 1991. The species' conservation status is considered to be secure and it is widespread and common throughout its range. Its current conservation status is listed as 'Least Concern' under the IUCN Red List.³⁵

Where game deer are concerned, management objectives relate more to the control of populations, except for Hog Deer. Given their compromised conservation status across their native range, while an introduced species, Hog Deer are intensively monitored and every animal that is harvested must be presented to a departmental checking station so that biological information can be collected, including body condition, weight, reproductive status and age.

Data collected from checking stations shows that the number of animals harvested has fluctuated during the period since 1995. Drought conditions have reduced Hog Deer populations in some areas and manipulation of the harvest to achieve management objectives (e.g. harvesting a greater number of hinds to achieve a more balanced sex ratio) has also impacted the take. The population is positively responding to improved conditions following the breaking of the drought. The current regulations which allow only a one month season and a maximum seasonal harvest of one hind and one stag per hunter are considered appropriate to ensure the population remains sustainable.

For other introduced deer species, the year-round season and unlimited bag limits are considered appropriate to maintain deer as a resource and assist in the control of populations where appropriate.

In summary, all game species are considered to be secure and there is no evidence to show that regulated game hunting is putting the conservation status of any Victorian game species at risk.

Impacts on non-game wildlife

The most significant negative impacts on non-game wildlife caused by game hunting are the unauthorised destruction of non-game wildlife during the duck season and lead poisoning caused by spent lead shot during duck hunting.

³⁵ International Union for Conservation of Nature

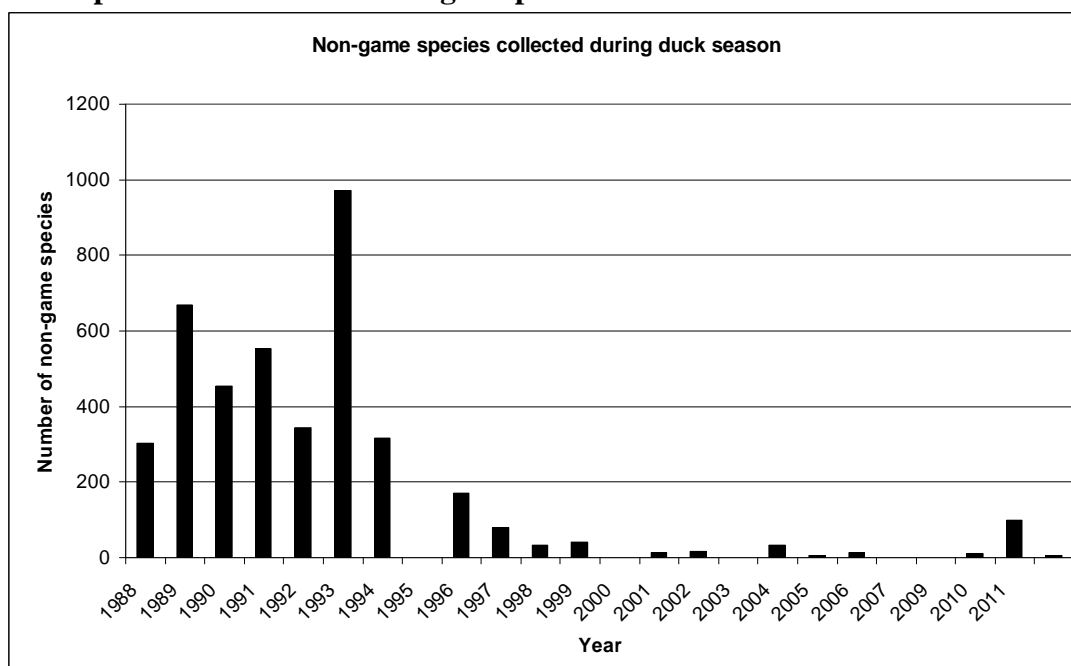
Measures are required to prevent the taking of protected non-game species and to protect less common or threatened species that might not be able to recover from local reductions.

In the past, the illegal shooting of protected waterbirds was a significant problem in duck hunting in Victoria. The shooting of many hundreds of non-game birds attracted public criticism from the broader public. The major cause of illegal shooting was hunters' inability to correctly distinguish between game and non-game species.

In an effort to reduce the number of protected waterbirds shot by duck hunters each year, the Waterfowl Identification Test (WIT) was introduced in 1990 to ensure that only those hunters able to demonstrate adequate bird identification skills were permitted to hunt game ducks in Victoria.

While it is difficult to measure the extent of the illegal take of non-game birds, a coarse measure that could be used as an index is the number of protected birds gathered by anti-duck hunting activists and displayed during protests against duck hunting. At different times throughout the season, protesters actively scour wetlands and collect any unretrieved birds. The displayed birds have been counted, identified and recorded by government authorities before being disposed of. These figures are also supplemented by birds collected by departmental officers during patrols. Not all birds collected have been shot by duck hunters and some have died from other causes, however, the proportion is unknown. Retrieval effort is also erratic and differs from year to year. Despite this, it provides a useful index of the extent of the illegal shooting of protected species.

Figure 7: Number of non-game birds collected by anti-duck hunting protesters and departmental officers during the period 1988 – 2011



Since the introduction of the mandatory WIT in 1990, the number of dead protected waterbirds collected each year has decreased significantly, despite an apparent

increase in search effort by protestors (see Figure 7). This is consistent with the observations of conservation agency staff. The WIT has been successful in reducing the number of non-game waterbirds shot and encourages hunters to adhere to regulations and develop an ethical philosophy towards hunting. Self-regulation in the field is high, as hunters realise that the future of their recreation is contingent on its sustainability and minimal impact on non-game wildlife.

Given the low level of illegal destruction of non-game wildlife, duck hunting is not considered to be a risk to the conservation status of any species. It is not listed as a threatening process under the *Flora and Fauna Guarantee Act 1988*. However, it is necessary to maintain efforts to ensure that illegal destruction does not increase and put any species at risk. Hunting organisations play a major role in educating hunters about bird identification and responsible conduct in the field.

The phasing-out of lead shot for duck hunting in the early-2000s saw its removal as a threatening process under the *Flora and Fauna Guarantee Act 1988*. There are very limited exemptions that allow small numbers of duck hunters to use toxic (i.e. lead) shot due to safety reasons. The prohibition on the use of lead shot for duck hunting has prevented the deposition of an estimated 170 tonnes of lead into the environment each year.

Areas closed to hunting

Game hunting may occur across a variety of land classifications in Victoria, including State Forest and other unoccupied Crown land, some lake reserves, water reserves, wetlands and waterways and on private land with the landowner's permission. The Wildlife (State Game Reserve) Regulations 1994 specifically provide for the hunting of duck on 186 State Game Reserves in Victoria. Stubble Quail may be hunted on sixteen State Game Reserves and Hog Deer on six. The *National Parks Act 1975* and the National Park (Parks) Regulations 2003 also provide for deer, duck and quail hunting in some National, State, Coastal and Wilderness Parks, subject to varying conditions. Game hunting is not permitted on any other public land reserved under the National Parks Act and is not permitted in Wildlife Sanctuaries, Melbourne Water Catchments, Forest Parks, Flora and Fauna Reserves, Nature Conservation Reserves or on private land without the consent of the landowner.

Generally, land status determines which activities can occur there. In determining land status, possible land use is taken into consideration, including the impacts of these activities. Game hunting is permitted to take place in areas where it is considered compatible with other land uses, the assets that occur on those lands and the management objectives for the area. In addition, the *Firearms Act 1996* imposes limitations on where firearms can be safely used. Generally, firearms are not permitted to be used in a 'populous place' or on or across any roads or private property without the landowner's consent.

Game hunting often occurs on areas of multiple use, where many other recreationalists or businesses operate. Managed appropriately, conflict between users is minimal. Game hunting is a relatively safe recreation, however, where incidents occur, they can have serious consequences, particularly where there are public safety issues. In addition to the risk of injury to people or damage to assets, hunting can reduce amenity

for surrounding residents or other land users. Given this, in some cases, it is necessary to close areas to hunting where it conflicts with other land uses or poses a risk to public safety. Closures could happen in time and/or space. That is, preventing hunting in periods where conflict could arise or preventing hunting in places where it is not considered to be safe.

Prohibited times and places during duck hunting

Under the *Wildlife Act 1975*, it is an offence for a person other than the holder of a current Victorian Firearms Licence (or interstate equivalent) and a current Game Licence endorsed for game birds including duck to enter or remain on a specified hunting area during particular times over the opening weekend of the duck season.

Under the Act, the areas and times where access to major duck hunting wetlands is limited must be prescribed in the regulations. Currently, 227 wetlands, comprising all 186 State Wildlife Reserves gazetted as State Game Reserves and a further 41 important duck hunting wetlands are prescribed as specified hunting areas where entry is restricted during limited times over the opening weekend of the duck season. The restricted hours are between midnight on the opening morning of the duck season until 10.00am on the opening Saturday, and from 5.00pm on the opening Saturday until 10.00am on the opening Sunday of the season. Officers from DPI and associated agencies authorised under the *Wildlife Act 1975* and in the course of their normal duties are exempted from these provisions. The Secretary DPI may also issue an exemption to these restrictions.

The current Regulations apply to the minimum number of wetlands and period of time over the opening weekend considered sufficient to minimise the incidence of physical confrontations between hunters and animal welfare protestors and to reduce potential safety risks associated with such confrontations. The current regulations minimise disruptions to duck hunters who are participating in a legal recreation.

The 227 specified hunting areas are considered to be the most important duck hunting wetlands in Victoria and can attract large numbers of hunters over the opening weekend of the duck season in particular. These wetlands represent approximately 1 per cent of the estimated 20,000 wetlands greater than one hectare in size in Victoria and approximately 6 per cent of the estimated 4,000 public wetlands³⁶. Similarly, the specified times limit access during periods when the majority of duck hunting occurs over the opening weekend and represents only a small percentage of the year, compared to the period when access is unrestricted. Other provisions under the *Wildlife Act 1975* ensure human safety at other times during the duck season.

Game-related offences

Table 19 in Chapter 7 summarises the prosecutions and warnings from 2009–11 under the current game regulations. The broad range of infringements committed indicates

³⁶ Department of Natural Resources and Environment, 1998, *Regulatory Impact Statement – Wildlife (Game) (Specified Hunting Area) Regulations 1998*, Flora and Fauna Statewide Programs, Department of Natural Resources and Environment, Melbourne

that regulations need to be broadly, rather than narrowly, focussed. Fines arising from these prosecutions ranged from \$250 to \$3,000. It is worth noting that game hunting is often undertaken in areas that are not easily observed, therefore, the number of warnings, infringements and prosecutions could be regarded as a minimum measure of the extent of the problem. Finally, the range of infringements committed suggests that there are ongoing management challenges that require regulation in some form.

While DPI considers that the current Regulations have been effective in managing game hunting in Victoria. Table 19 illustrates that aberrant behaviour is still occurring and requires continued regulation, education and enforcement to ensure sustainable, humane and safe game hunting.

1.5 Risk of not proceeding with the Regulations

The risk of not remaking the regulations, which will expire on 11 September 2012, is that no game hunting could occur in Victoria. Section 44 of the Act deals with the hunting, taking or destroying of game. Section 44(1) prohibits the taking of game during the close season and section 44(4) allows game to be taken by authorised persons during the open season. Without the proposed Regulations, for practical purposes there would be no mechanism to provide authorisations or set seasons and no game hunting could legally occur. This would adversely impact on tens of thousands of licensed hunters, related businesses, and rural and regional communities.

Once it has been decided to permit game hunting, the question is which regulatory or non-regulatory framework provides the most efficient, effective and sustainable management of game hunting in Victoria.

2. OBJECTIVES OF GOVERNMENT INTERVENTION

2.1 Government policy

In December 2011, the Hon. Peter Walsh MP, Minister of Agriculture and Food Security, announced the creation of Game Victoria as part of delivering on an election commitment to better enable the promotion and growth of the game hunting sector. The Minister noted also that, “The Victorian Coalition Government encourages people to make the most of the opportunities to hunt and fish and enjoy recreational activities that form part of our heritage”.³⁷

Consistent with Government policy objectives, Game Victoria will:

- promote game hunting as a popular recreational activity, important traditional pastime and generator of jobs;
- develop improved hunting opportunities;
- foster the development of game-related businesses;
- support and contribute to conservation and research projects;
- deliver education and compliance programs; and
- develop strategies and policies for the sustainable harvest of game species.

In February 2012, the Minister reiterated this policy noting that “The Victorian Government is committed to providing even better opportunities for Victoria’s 40,000 licensed hunters to enjoy their recreation and to promote the growth of hunting businesses in regional areas across the State”.³⁸

Additionally, the Government will improve consultation with hunters by establishing a new Game Management Council that will advise the Minister for Agriculture and Food Security on game management issues. The Victorian Government, working with the Game Management Council, will investigate some key initiatives for delivery in the short term, including the development of a Victorian Hunting and Game Management Strategy, to guide future direction and set priorities for investment and allocation of resources to conserve and perpetuate game resources and hunting opportunities in Victoria.³⁹

³⁷ The Hon Peter Walsh MP, Media Release, ‘Creation of Game Victoria signals new era’, Wednesday 28 December 2011

³⁸ State of Victoria, 2012, *Victorian Hunting Guide 2012*, Department of Primary Industry, Melbourne; also at: <http://www.dpi.vic.gov.au/game-hunting/about-game-hunting/publications/hunting-guide>.

³⁹ State of Victoria, 2012, *ibid.*, p. 3

2.2 Objectives

The objectives of the proposed Wildlife (Game) Regulations 2012 are to provide for the efficient and effective management of game hunting in Victoria, in ways that:

- provide continued sustainable, equitable, humane, ethical and safe recreational hunting opportunities;
- ensure equitable sharing of game resources between stakeholders;
- minimise the destruction of non-game species;
- ensure the protection of wildlife habitats; and
- facilitate game-related businesses.

Overall, the proposed Regulations seek to continue to provide sustainable recreational hunting opportunities while ensuring the future of game species, the protection of their habitats and the humane and ethical treatment of species that are hunted.

2.3 Authorising provision

The proposed Regulations are made under section 22A, 58C and 87 of the *Wildlife Act 1975*. Section 87 of the *Wildlife Act 1975* provides that the Governor-in-Council may make regulations for the management, control, conservation, and propagation of wildlife, for the preservation and maintenance of wildlife habitat, and providing for the effective management of hunting including preserving good order among hunters of wildlife (see [Attachment D](#)).

3. OPTIONS TO ACHIEVE THE OBJECTIVES

3.1 Regulatory and non-regulatory options

The *Subordinate Legislation Act 1994* requires that regulatory and non-regulatory options must be considered as part of a RIS. Further, the Premier's Guidelines provide guidance on alternative methods by which the Government's objectives may be achieved. Alternatives to subordinate legislation include:

- providing better information to affected groups to raise awareness of their rights and/or obligations;
- introducing voluntary codes of conduct;
- expanding the coverage of existing primary legislation;
- encouraging organisations and individuals to consider the impact of their activities on the community and the environment;
- establishing a code of practice for the conduct of an activity; and
- developing efficient markets where these would deal with the issue.

The scope of consideration of regulatory and non-regulatory options in many cases is limited because of the existing powers of the Act and the limited focus of the residual problem. Furthermore, the broad coverage of the residual issues to be addressed does not lend itself to broad 'one size fits all' alternatives. Instead, this chapter will consider alternative options around the residual problems that are likely to have potentially large impacts. Smaller issues are discussed and comments are invited.

It is also important to note that current regulatory literature emphasises the use of a range of regulatory methods to achieve objectives, rather than choosing between individual instruments or methods – a regulatory tool box is more likely to solve a problem than a single tool.

Nevertheless, education programs, voluntary codes of practice, economic incentives, and performance-based regulations – along with the proposed Regulations and variations to these, are to be considered.

Broad alternatives are considered in the RIS with respect to:

- Option 1 – licensing and registration requirements;
- Option 2 – sustainable game management;
- Option 3 – gundog and hound control;
- Option 4 – non-toxic shot; and
- Option 5 – balloting.

This RIS also discusses a number of other more specific, narrowly focussed options.

Option 1 – Licensing and registration requirements

Option 1a – Proposed licence arrangements

Licensing is a commonly used form of regulation to manage problems associated with the ‘tragedy of the commons’. Typically, individuals, before undertaking an activity, are required to acquire a licence which imposes a range of conditions and obligations and confers certain rights. Breaches of licence conditions usually result in sanctions, such as suspension or revocation of permission to undertake an activity. There are four key components of a licence: notification, where specified information is supplied to the regulator; prior approval, where approval is obtained from the regulator to commence a prescribed activity; standards, in which minimum standards are specified; and enforcement, the requirements of licences are legally enforceable and can involve the application of sanctions.⁴⁰

The licensing system is the cornerstone of the current regulatory regime. Licensing provides the government with hunter details, ensures that the applicant is fit to hold the licence, ensures a minimum level of competency, provides a legal ‘permission’ to hunt game, and provides an enforcement framework. Importantly, conditions are attached to the licence which provide for, amongst other things, hunting methods, possession of game, and hunting with gundogs and hounds. The specifics of this proposal are set out in Part 2 (regulations 6 to 27) of the proposed Regulations.

The Act also provides that a Game Licence may be issued for a period of up to five years. Current administrative practice is to issue game licences for a maximum period of three years. DPI would be interested in hearing from stakeholders about whether there would be benefits or demand for a Game Licence with a five-year duration.

Option 1b – Performance-based standards

An alternative to the prescriptive approach could be to set outcome or performance-based targets. For example, the current Regulations prescribe detailed requirements for hunting methods including calibres and projectile weights for deer hunting, gauges for shotguns, and draw weights for bows. Such requirements could be replaced with a general standard such as “firearms and ammunition or bows and arrows must be used that will humanely destroy the species being hunted”.

⁴⁰ Rimmer, S., 2004, *Best practice regulations and the role of licensing*, Office of Regulation Review, Productivity Commission, Transcript from address to the National Consumer Congress, Park Hyatt, Melbourne, 15-16 March 2004, pp. 10–11

Option 2 – Sustainable game management

Option 2a – Bag Limits

The rationale and method for determining bag limits is described in detail at Attachment A. Traditionally, bag limits have been set on particular game species over the open season; for example, 10 birds per day or 2 deer per season.

Preliminary consideration was given to the use of economic instruments to replace bag limits. For example, no bag limits would be set but an exponential-type fee applied to each bird shot, e.g. 50 cents for the first bird, \$1 for the second bird, \$2 for the third bird and so on. On this basis, a hunter that shot five birds in a day could pay a fee of \$15.50, whereas ten birds shot in a day would cost the hunter \$511.50. However, the considerable compliance issues (and fact that no other jurisdiction has such a system) suggest that this option is not feasible.

Similarly, a form of tradable quotas/permits could be issued. Hunting groups or individuals could compete in the marketplace for the right to hunt ducks or deer. While similar arrangements exist for commercial fishing, there are a number of practical difficulties associated with this option (not least: there is no legislative authority for this option). Moreover, such arrangements may also constitute a ‘resource rent’ and would not be considered a fee. In all likelihood, this would require legislative amendment. Given these difficulties, a quota system or tradable permits are not considered feasible options for the proposed Regulations.

Given that bag limits are reviewed by the Minister following scientific advice and may be revised from those set in the regulations, variations to the bags limits and species are not formally assessed using the MCA framework in this RIS. Nevertheless, bag limits are discussed in detail in Attachment A.

Option 2b – Hog Deer management

The current arrangements for regulating Hog Deer hunting are described in detail in Attachment A. In short, these arrangements relate to affixing tags to shot Hog Deer and taking them to checking stations so DPI can record biological information concerning the Hog Deer population. Under these arrangements, private hunters incur costs in assisting the government to obtain general health, weight and measurement data about Hog Deer.

Alternatives could include the government undertaking its own research, issuing tags to hunters of which a certain (randomly selected) proportion must take the Hog Deer to checking stations, encouraging hunters to voluntarily take Hog Deer to checking stations, or removing the legal obligation but offering an economic incentive (similar to a bounty) to those hunters who take Hog Deer to checking stations. In addition, the Victorian Government could conduct its own scientific research on Hog Deer separate from the game hunting regime. While there would be some advantages with this option, some Hog Deer would have to be destroyed to obtain the same sort of information currently obtained. Given that Hog Deer obtained by hunters are readily available for testing, additional destruction of deer seems unwarranted and reduces

already limited recreational hunting opportunities, and, therefore, this alternative is assessed as not feasible.

Option 3 – Gun dog and hound control

Option 3a – Proposed Regulations

The proposed Regulations place restrictions on the breed and number of dogs that can be used to hunt game. These include classification of hounds, gundogs and deer hunting dogs. Hounds must be registered with the Secretary of DPI. The regulations also limit the number of persons and hounds that can be used to hunt Sambar Deer. The proposed Regulations, which are similar in nature to the current Regulations, seek to ensure the deer are hunted in a humane, safe way and any impacts on other users of public land are minimised.

Option 3b – Code of Practice

The Code of Practice for the Welfare of Animals in Hunting addresses issues about the use of hounds and gundogs. This Code could be broadened in consultation with hunting groups, with a focus on a broader outcomes-approach rather than relying on detailed prescriptive requirements. For example, any dog breed may be used as long as it does not “worry, maim or injure animals”. Similarly, the number of dogs in a team would not be prescribed but would depend on location and impact. Bigger teams could possibly be used in more remote areas.

Given that the Code does not contain penalties or sanctions, it would be a requirement for such hunters to be a member of an accredited hunting group. Members could enforce good conduct and unacceptable conduct would be punished by expulsion from the organisation (thus the individual would not be able to hunt with dogs).

Option 4 – Non-toxic shot

Option 4a – Prescription of non-toxic shot

Proposed regulation 32 prescribes that only the non-toxic shot types listed in Schedule 7 may be used to hunt duck. The inclusion of the types of non-toxic shot in Schedule 7 is the result of scientific testing and industry standards. The list in the proposed Regulations considerably expands the current list, reflecting industry and technological developments over the previous 10 years. Thus, the expanded list provides retailers and hunters greater flexibility and shot options and allows the market to expand and become more competitive.

Option 4b – Education campaign

The current Regulations prohibit the use of toxic shot (e.g. lead) for duck hunting and prescribe the types of non-toxic shot that may be used. Given that this requirement is likely to be relatively costly to duck hunters (as the less expensive but toxic (lead) substitute is available but prohibited from use), a non-regulatory option could be considered.

This option could include better education of hunters concerning the effects of toxic shot on wildlife and the environment, and could also be supported with a voluntary code of conduct. As a sub-option, the government could consider rewarding good behaviour by offering discounts on Game Licences for those committed to using non-toxic shot, similar to the system in which Victorian motorists with good driving records are rewarded with a discounted licence renewal fee under the Driver Reward Scheme.

Option 5 – Balloting

Option 5a – Balloting

Currently, each year the Blond Bay Hog Deer Advisory Group, together with DPI (formerly carried out by DSE), conducts balloted hunts at the Blond Bay State Game Reserve and the Boole Poole Peninsula for Hog Deer. The number of hunters selected to take part in the balloted hunts is determined by the number of animals that can be sustainably harvested. Around 800 applicants enter the ballot each year and usually about 40 to 60 hunters are drawn randomly to hunt. Hunters drawn to take part in the balloted hunts at Blond Bay and Boole Poole may be required to hunt outside normal season dates and during weekdays to achieve harvest and management goals and to minimise impacts on other land users. There may be restrictions placed on the numbers or sex of the deer taken.

Option 5b – Competitive allocation

An alternative to balloting could be the use of competitive bidding for the entitlement to hunt Hog Deer. Such a system could be based on an auction system, whereby applicants submit a bid to DPI by a certain date. The market would determine the appropriate rate and the highest 40 to 60 bidders would receive the entitlement to hunt Hog Deer where ballots are conducted.

Other options

In a number of cases, there are few practicable regulatory alternatives other than to alter the scope or extent of the proposed Regulations. Discussion is included and comments are sought on:

- spotlighting;
- possession/identification of duck; and
- using aircraft and motor vehicles in game hunting.

Other issues for consultation

Exemptions from the use of non-toxic shot for duck hunting

In 2001, an exemption to the mandatory use of non-toxic shot for duck hunting was introduced for people using muzzle-loading, Damascus steel or twist-barrelled shotguns. This exemption was introduced due to the inability of these firearms to safely withstand the barrel pressures generated by steel loads. Such pressures could cause barrel damage and pose a safety risk for the users. Given these risks and the very low number of firearms involved (likely to be in the dozens), it is proposed to maintain this exemption.

Due to the fact that Australia (and Victoria) is a relatively small market for ammunition sales on the world stage, non-toxic shot for smaller gauge shotguns (i.e. .410, 28 and 16 gauge) is not available given the reluctance of suppliers to import these cartridges owing to the very small user base. However, there is a small demand from hunters, particularly juniors and women, to use smaller gauge shotguns when hunting ducks. The major reason for this is reduced recoil when using these firearms.

Hunting organisations and individual hunters have sought an exemption for juniors and women from using non-toxic shot when hunting ducks with shotguns with a gauge less than 12, but not including 20 gauge as there are limited stocks of this ammunition currently available. This would effectively allow these hunters to again hunt with lead shot which would be deposited in wetlands and other areas where duck hunting occurs. While this is inconsistent with the decision to ban the use of lead shot for duck hunting, there appears to be a genuine need where the market has failed to make non-toxic shot in these gauges available for sale.

Smaller gauge non-toxic shot is widely available for sale in North America and other parts of the world and it is only the reluctance of the industry to import it into Australia that is preventing its sale here. DPI is seeking the views of the community on whether it believes that an exemption for juniors and/or women to use lead shot for duck hunting is appropriate, given the relatively small number of hunters involved (estimated to be a maximum total of 500 – 400 juniors and 100 women) and the relatively⁴¹ small amount of lead shot that would be involved. DPI estimates that around 700 kgs⁴² of lead per annum (560 kgs for juniors and 140 kgs for women) would enter the environment under such an exemption. In addition, it should be noted that an exemption for shotguns with a gauge of less than 12 was previously in place between 1 January 2002 and 31 December 2004.

Lead is a known environmental contaminant and the use of lead shot for duck hunting was prohibited in Victoria in 2002. While the amount of lead shot deposited into the environment each year would be relatively small compared to when lead shot could be

⁴¹ This is compared to an estimated 170 tonnes (170,000 kilograms) of lead shot that was deposited into wetlands by duck hunters immediately prior to its banning in 2002. This estimate represents a maximum and is likely to be considerably lower.

⁴² Assuming 500 hunters shoot an average of 132 cartridges (.410 cartridges contain 10.6 grams of lead) per season, then this would equate to around 700 kgs of lead.

used for duck hunting (700 kg cf 170,000 kg), there is the chance that lead poisoning of waterfowl or secondary poisoning of other wildlife could occur.

Such an exemption could be ongoing or time-bound (e.g. three years) to allow the industry to respond to the demand for small gauge non-toxic shot, this proposal is not currently included in the draft regulations. That said, such an exemption may actually slow down the introduction of non-toxic shot for these gauges over the period of exemption because these group will be able to continue to use traditional lead shot.

Specified hunting areas and prohibited times

Since the late-1980s, the duck hunting season, particularly the opening weekend, has been marred by at times, violent physical confrontations on wetlands between animal welfare protesters and duck hunters. In the most extreme cases, protesters have wrestled with armed hunters when shooting at or recovering downed birds and hunters have been aggressive or threatened protesters.

In response to Victoria Police and departmental concerns over the danger to human safety from confrontations between duck hunters and protesters, the then Minister for Conservation and Environment introduced a voluntary Code of Behaviour for the 1992 duck season to prevent potentially dangerous interactions. This was not effective and the then Chief Commissioner of Police recommended that legislation be introduced to exclude those not actively engaged in duck hunting from certain prescribed areas between set times during the duck hunting season.

In response, the Wildlife (Game) Regulations 1990 were amended in 1993 to physically separate the parties by prohibiting persons other than licensed duck hunters from entering specified hunting areas during prescribed periods over the opening weekend of the duck hunting season.

These regulations were temporarily implemented for the 1993 duck season, under the Wildlife (Game) (Hunting Season) Regulations 1993, and the 1994 duck season, under the Wildlife (Game) (Hunting Season) Regulations 1994. In 1996, the provisions were permanently introduced into the Wildlife (Game) Regulations 1990 via the Wildlife (Game) (Human Safety) Regulations 1996. These regulations also introduced an offence provision to prevent unauthorised persons from approaching to within a distance of 10 metres of a duck hunter at any time during the open season for duck.

In 1997, the provisions were incorporated into the *Wildlife Act 1975*. A further offence for interfering with, hindering, harassing or obstructing a hunter was also introduced. The inclusion of these provisions into the Act gave police the power of arrest under section 458(1)(a)(iii) of the *Crimes Act 1958* to prevent a person from continually offending and allowed their removal from a wetland.

Under the *Wildlife Act 1975*, it is currently an offence for a person, other than the holder of a current Victorian Firearms Licence (or interstate equivalent) and a current Game Licence endorsed for game birds including duck, to enter or remain on a specified hunting area during particular times over the opening weekend of the duck season. Section 58C(2) of the *Wildlife Act 1975* provides for the Governor in Council to make regulations:

- a) declaring any area to be a specified hunting area, and
- b) specifying the times during which entry onto the area or remaining in the area is prohibited.

The existing regulations prescribe the specified hunting areas and the times which entry is prohibited. The specified hunting areas consist of 227 wetlands, comprising all 186 State Wildlife Reserves gazetted as State Game Reserves and a further 41 important duck hunting wetlands. These wetlands represent approximately 1 per cent of the estimated 20,000 wetlands greater than one hectare in size in Victoria and approximately 6 per cent of the estimated 4,000 public wetlands.⁴³

The restricted hours of entry occur between midnight on the opening morning of the duck season until 10.00am and from 5.00pm on opening Saturday until 10:00am on the opening Sunday of the season. This represents only a small percentage of the year compared to the period when access is unrestricted. Officers from DPI and associated agencies authorised under the *Wildlife Act 1975* and in the course of their normal duties are exempt from the regulations. The Secretary to DPI may issue an exemption to these restrictions.

When the regulations were last made, these restrictions applied to the minimum number of wetlands and periods of time considered sufficient to minimise the incidence of physical confrontations between hunters and protestors and to reduce potential safety risks associated with such confrontations. The current regulations also minimise the disruption to duck hunters participating in a legal activity while still allowing people who oppose duck hunting to protest within five metres of the shoreline of any of the specified hunting areas at any time. Also, the regulations still allow people to enter specified hunting areas outside of the exclusion periods; that is between 10.00am and 5.00pm on the opening Saturday and after 10:00am on the opening Sunday, as well as every day for the remainder of the open season for duck.

Since the regulations were made in 2001, protestors have changed their tactics and are now active over most weekends of the three month duck season and at other times, including public holidays (e.g. Easter and the Queen's birthday long weekend) and some weekdays. The dangers associated with conflict are compounded by the reduced presence of authorised officers and Victoria Police during these periods in comparison to the opening weekend, when a major enforcement operation is undertaken.

Anti-duck hunting protestors intentionally interfere with duck hunters to scare ducks away by waving flags and blowing whistles⁴⁴. This can lead to potentially dangerous altercations between legitimate duck hunters and protestors seeking to disrupt or prevent lawful hunting. The dangers associated with protestors being in these areas was highlighted over the opening weekend of the 2011 duck season when a protestor

⁴³ Department of Natural Resources and Environment, 1998, *Regulatory Impact Statement – Wildlife (Game) (Specified Hunting Area) Regulations 1998*, Flora and Fauna Statewide Programs, Department of Natural Resources and Environment, Melbourne

⁴⁴ Laurie Levy, 'Operation Bolte' verdict today for five duck rescuers accused of 'hindering and harassing' duck shooters, Media Release, June 7 2012

was accidentally shot in the face when illegally in a specified hunting area during a prohibited period.

Given that protestors are now active throughout much of the duck season, the question is whether the existing periods of exclusion are adequate and whether the extent of hunting areas to which they apply is sufficient to ensure public safety and prevent other illegal activity, such as obstructing, hindering, harassing and interfering with duck hunting.

If the current provisions are considered inadequate, alternative options could be considered in an effort to achieve the policy objectives, including:

- extending the period of exclusion to:
 - two hours before sunset until 10.00am the following day; or
 - all day during every day of the duck season.
- extending when the period of exclusion applies to:
 - all weekends during the open season; or
 - all weekends and public holidays during the open season; or
 - the entire open season.
- extending the areas to which the exclusion periods apply. This could:
 - include wetlands in addition to all State Game Reserves and the 41 important duck hunting areas that have been identified. For example, other important hunting areas; or
 - extending the exclusion zone from five metres from the water's edge to 100 metres or even back to the boundary of the reserve.

As the penalty for this offence is set in the *Wildlife Act 1975*, the level of penalty is out of scope of this regulatory review.

While it is recognized that the existing regulations and any strengthening of them may limit certain human rights (freedom of movement, freedom of assembly), the over-riding priority is to ensure public safety and the safety of authorized officers and Victoria Police members. Any further restriction to these human rights must be justifiable and the minimum necessary to achieve the desired public safety outcomes.

The community is invited to express its views on this matter taking into account the need to protect public safety and allow lawful hunting to continue unhindered, while minimizing any impacts on human rights.

3.2 Regulatory arrangements in other jurisdictions

Historical, geographical and socio-political factors have resulted in different regulatory requirements relating to game hunting across Australia. Victoria has a diverse range of game birds and deer, and has a strong culture of game hunting dating back over 150 years. Victoria is also the smallest mainland state with the second

largest population in Australia, which can pose management challenges when large numbers of users seek access to resources, including wildlife and public lands. In many ways, Victoria offers the widest range of game hunting in Australia with access to large areas of public land but, as a consequence, Victoria has the most comprehensive game hunting regulatory regime (including testing pre-requisites).

Given the geographical, socio-political and game species differences, the Victorian game hunting regulatory regime can only be broadly compared with those in other jurisdictions. Attachment E summarises arrangements in other jurisdictions. Overall, it should be noted that management costs and expenditure may be considerably greater in Victoria, due to the significantly higher number of game hunters, higher hunting pressure and competition for access to areas of public land for recreational and commercial environmental use.

4. COSTS AND BENEFITS OF THE OPTIONS

4.1 Base case

The ‘base case’ describes the position that would exist in the absence of the proposed Regulations. It is necessary to establish this position to make a considered assessment of the incremental costs and benefits of the viable options.

Given the operation of the *Wildlife Act 1975*, the base case for purposes of analysis in this RIS is represented by the situation in which *no game hunting could legally occur* in Victoria.⁴⁵ This is because the Act prohibits the hunting or taking of wildlife unless otherwise authorised. Regulations provide the enabling provisions to this general prohibition, providing that it is done so only under certain strict conditions (e.g. via a regime that establishes licensing, testing, open and close seasons, hunting areas and methods, etc).

However, as noted in the discussion concerning the residual problem, there is some interaction between the *Wildlife Act 1975* on one hand and on the other the *Firearms Act 1996*, *Domestic Animals Act 1994*, and Code of Practice for the Welfare of Animals in Hunting under the *Prevention of Cruelty to Animals Act 1986*. In addition, the *Wildlife Act 1975* itself contains a number of provisions that are relevant.

The micro-chipping (permanent identification) provisions in the current Regulations now duplicate the provisions in the *Domestic Animals Act 1994*, which were introduced in 2005. As a consequence, it is proposed to remove the micro-chipping regulations from the proposed Regulations and rely on the *Domestic Animals Act 1994* for the permanent identification of all dogs.

The *Firearms Act 1996* has minimal interaction with game hunting, while the firearms safety training course required to obtain a Firearms Licence does not include any information on waterfowl identification, hound requirements and the game hunting regulations in general.

The Code of Practice for the Welfare of Animals in Hunting does not duplicate the current regulations, but rather, complements them by providing guidance to hunters and compliance with the Code provides a defence against a charge of cruelty where a hunter operates outside the requirements of the *Wildlife Act 1975* and the Wildlife (Game) Regulations. The Code itself in a number of places refers to requirement that must be “in accordance with the provisions of the *Wildlife Act 1975* and associated regulations”, i.e. the Code draws upon the regulations. The Prevention of Cruelty to Animals Regulations 2008 also generally prohibits the use of traps, nets and snares.

The *Wildlife Act 1975* provides that the Secretary may licence a person to hunt, take or destroy game. These provisions do not provide the general architecture for the management of game hunting – this is done by prescribing and attaching conditions to such licences. The Act also bans a number of inhumane and inappropriate hunting

⁴⁵ In addition, in the absence of a regulated game hunting in Victoria, it could be expected that an amount of illegal hunting or poaching would occur.

methods (e.g. limiting and the use of punt guns). These are contained in the Act because they are unlikely to ever be permitted as a legitimate form of game hunting.

4.2 Methodology

4.2.1 Assessment of costs and benefits

The *Subordinate Legislation Act 1994* requires, amongst other things, a RIS to assess the costs and benefits of proposed Regulations. This legislation also requires that the RIS identify practicable alternatives to the proposed Regulations and assess their costs and benefits compared to the proposed Regulations. Conversely, the RIS is not required to identify alternatives which are not feasible or practicable.

By their nature, regulations are designed to modify or encourage certain behaviours in order to achieve certain outcomes. This can impose costs on individuals or businesses known as ‘compliance costs’. In simple terms, compliance costs are the costs incurred or opportunities forgone by complying with regulations. In the context of the *Regulatory Change Measurement* manual, these can be divided into ‘administrative costs’, ‘substantive compliance costs’ and ‘financial costs’.⁴⁶

Administrative costs, often referred to as ‘red tape’, are those costs incurred by individuals to demonstrate compliance with the regulation or to allow government to administer the regulation. Administrative costs can include those costs associated with familiarisation with administrative requirements, record keeping and reporting, including inspection and enforcement of regulation.

Substantive compliance costs are those costs that directly lead to the regulated outcomes being sought. These costs are often associated with content-specific regulation and include specifying types of equipment to be used and undertaking training in order to meet government regulatory requirements.

Financial costs are the result of a concrete and direct obligation to transfer a sum of money to the government or relevant authority. Such costs include administrative charges and taxes. For example, the fees for applying for a licence or permit would be a financial cost of regulation.

4.2.2 Discounted Cash Flow

Every effort was made to identify and quantify the costs and benefits imposed by the proposed Regulations. As far as possible, likely costs were identified and a Present Value (PV) of the costs was calculated. A discount rate of 3.5 per cent was used over a 10-year period (i.e. the life of regulations in Victoria).⁴⁷ This allows future costs and benefits to be examined in terms of today’s dollar value. Assumptions underlying these calculations are contained in [Attachment F](#).

⁴⁶ Department of Treasury and Finance, 2009, *Victorian Regulatory Change Measurement Manual*, Melbourne, December. The manual also categorises ‘delay costs’ but these are not relevant in the present case.

⁴⁷ DTF, 2011, *ibid.*, p. C-19

4.2.3 Multi-criteria Analysis

In many cases, the benefits specific to the proposed Regulations proved difficult to quantify in monetary terms. Multi-criteria Analysis (MCA) is presented in this RIS as an alternative assessment tool to complement the quantitative analysis. The MCA approach is described in the *Victorian Guide to Regulation*.⁴⁸ This approach is useful where it is not possible to quantify and assign monetary values to the impacts of a proposed measure (e.g. measures that have behavioural or environmental impacts). Furthermore, it represents a convenient way of comparing a range of alternative approaches.

This technique requires judgements about how proposals will contribute to a series of criteria that are chosen to reflect the benefits and costs associated with the proposals. A qualitative score is assigned, depending on the impact of the proposal on each of the criterion weightings, and an overall score can be derived by multiplying the score assigned to each measure by its weighting and summing the result. If a number of options are being compared, then the option with the highest score would represent the preferred approach.

Three criteria – sustainable management of game and non-game resources; safe and humane hunting; and cost effectiveness – were chosen and weightings selected (see Table 4). They broadly reflect the government’s objectives and weighting priorities in the context of game hunting.

Table 4: Multi-criteria Analysis Criteria

Criterion	Description of criterion	Weighting
Promoting sustainable management of game and non-game resources	This criterion concerns ensuring that game and non-game species are effectively managed to ensure sustainability of populations.	25
Promoting safe and humane hunting	Game hunting has inherent risks. These must be managed to ensure hunter and community safety. Community standards (socio-political risks) also demand that hunting is conducted in a manner that minimises inhumane treatment of animals.	25
Cost	This criterion seeks to measure costs to game hunters and the community.	50

4.2.4 Decision Criteria

Given the difficulty in measuring the costs and benefits of game hunting, this RIS uses a number of methodologies to inform its assessment of viable options. The present value (PV) discounted cash-flow technique is used to measure the likely administrative and compliance costs; however, others proved difficult to quantify in monetary terms. The MCA assessment tool is, therefore, used in an attempt to

⁴⁸ DTF 2011, *ibid.*, p. 85

complement the assessment of the costs and benefits of the viable options. As noted above, the option with the highest score represents the preferred approach.

4.3 Assessment of options

4.3.1 Option 1 – Licensing and registration requirements

Option 1a – Proposed licence arrangements

The licensing elements of the proposed Regulations are similar to the current regulations. An applicant must complete an application form (obtainable from DPI's website or via post) with their personal particulars, type of licence applied for, certificate number on the WIT or Hound Hunting Test (HHT), and declare whether they have had any prior convictions under the *Wildlife Act 1975*, *Firearms Act 1996* or *Prevention of Cruelty to Animals Act 1994*.

As noted above, a common regulatory solution to correct the externalities identified with the 'tragedy of the commons' is to establish rules and requirements governing what species may be hunted, imposing bag limits and defining areas where hunting may occur. Establishing systems of permits and/or licences are common regulatory tools used throughout Australian (and international) jurisdictions to manage such externalities.

The proposed arrangements are considered effective because they obtain hunter details and assess a person's fitness to hold such a licence based on their criminal history. Information and educative material (e.g. the annual Victorian Hunting Guide) can be targeted to hunters, while compliance and enforcement is assisted by ensuring those undertaking hunting have appropriate knowledge and skills. Licensing also permits a fee to be charged so that the beneficiary of the service makes some financial contribution to its provision.

The costs associated with issuing and administering licences (including the WIT, the HHT and hound registration) are estimated to be around \$700,000 annually or \$5.8 million (PV) over 10 years. Around \$280,000 or 40 per cent of the annual cost is associated with administering the WIT and HHT. (See Attachment G for detailed calculations.)

To assist in the assessment of this option, an MCA assessment was done. In terms of the sustainable management of game resources, this criterion is assigned a relatively high score of 80. The licensing regime assesses and applicant's fitness and provides for hunter education by mandating minimum knowledge levels concerning game species and game hunting. In relation to the safe and humane hunting criterion, the proposal attaches conditions to licenses that hunting must be conducted using certain methods (i.e. certain firearms, projectiles, dog breeds, etc). Similar arrangements that have been in place have proved effective and a score of 75 is assigned to this criterion. Finally, this options (licensing and testing) is comparatively costly to administer, however, hunters contribute to the costs through Game Licence fees. A score of -50 is assigned to the cost effectiveness criterion reflecting the cost position relative to the base case. Taken together, this results in a net score of +13.8.

Table 5: Multi-criteria Analysis Assessment of proposed licensing requirements

Criteria	Weighting	Assigned Score	Score
Sustainable management of game resources	25	80	20.0
Safe and humane hunting	25	75	18.8
Cost	50	-50	-25.0
Total	100%		+13.8

Option 1b – Performance-based regulation

Regulation may take the form of prescriptive rules, which focus on the inputs, processes and procedures of a particular activity. One of the main advantages of prescriptive regulation is that it provides certainty and clarity. By setting out requirements in detail, it provides standardised solutions and facilitates straight-forward enforcement.⁴⁹ However, because of their inflexibility, prescriptive regulations may be unsuitable in certain situations, e.g. where circumstances are subject to change. Performance-based standards specify desired outcomes or objectives, but not the means by which these outcomes/objectives have to be met.

An alternative to the prescriptive approach could be to set outcome or performance-based targets. For example, the current regulations prescribe detailed requirements for hunting methods including calibres and projectile weights for deer hunting, gauges for shotguns, and draw weights for bows. Such requirements could be replaced with a general standard such as “firearms and ammunition or bows and arrows must be used that will humanely destroy the species being hunted”.

The main advantages that performance-based standards have over prescriptive regulation are the greater flexibility afforded to regulated parties in achieving the desired outcomes, and their ability to be used in situations where circumstances may change over time. Nevertheless, they do have some disadvantages. For example, the greater flexibility and freedom offered by performance-based regulations is often cited as a problem for those being regulated as it can lead to uncertainty as to whether the actions they undertake are sufficient to satisfy the standards set by the regulations.⁵⁰ Similarly, performance-based standards may generate uncertainty because circumstances giving rise to prosecutions may be determined subjectively. This in turn may increase government enforcement costs because the interpretation of such standards may be challenged or determined in the court/tribunal system.

In these circumstances, a court will determine what is considered “humanely destroyed”. Expert witnesses may be called by each side to settle the matter. Over time, case law will build up which may provide greater clarity to game hunters and enforcement officers. Ironically, such case law may begin to resemble regulations (e.g. calibres below .270 may be considered inhumane for hunting Sambar Deer by the courts). Two recent court cases have been estimated to cost DPI around \$5,000 and

⁴⁹ DTF, 2011, *ibid.*, p. 24

⁵⁰ *loc cit.*, p. 3-9

\$30,000, respectively. While each case will differ, contested cases would easily run into hundreds of thousands of dollars per annum for both DPI and the defendant.

To assist in the assessment of this option, an MCA assessment was undertaken. Sustainable management of game resource and safe and humane hunting could generally be managed well for the majority of hunters under this option. Guidance material or best-practice suggestions could be published to supplement the effective operation of this alternative. Hunting clubs could also supplement general standards with their own education and codes of practice. While performance-based standards can provide flexibility, there is also an element of uncertainty regarding what is required. For example, how would an authorised officer determine whether game was destroyed humanely? In addition, performance-based standards would not be suited to activities where there should be no discretion (e.g. hunting non-game species, shooting at night). Government enforcement may also not be easy in borderline cases and this may result in difficulties in enforcing the standards. Therefore, scores of 50 are assigned to these criteria. In terms of cost, while it could be expected that compliance and enforcement costs would be lower overall compared to the proposed Regulations, individual compliance actions are likely to be costly, resulting in relatively large enforcement costs. Consequently, a score of -40 is assigned to the cost effectiveness criterion. As a result, assessment of this option results in a net score of +5.0.

Table 6: Multi-criteria Analysis Assessment of performance-based regulation

Criteria	Weighting	Assigned Score	Score
Sustainable management of game resources	25	50	12.5
Safe and humane hunting	25	50	12.5
Cost	50	-40	-20.0
Total	100%		+5.0

For these reasons, this RIS concludes that, given the specific nature of the problems the regulations seek to manage, *prescribed standards* provide greater certainty for game hunters and are more efficiently administered for government than performance-based standards. Given that regulations are revised every 10 years, technical standards can be readily updated, taking changing circumstances into account.

4.3.2 Option 2 – sustainable game management

Option 2b – Hog Deer management⁵¹

The Hog Deer is threatened species across much of its native range. Victoria has a healthy and sustainable Hog Deer population, as long as it continues to be appropriately managed. Consequently, the proposed Regulations provide special arrangements for Hog Deer hunting. These entail strict limitations on the numbers taken, a tagging regime and a requirement to take harvested animals to a checking

⁵¹ Note that the options section above identifies bag limits (Option 2a) as a key regulatory tool for sustainably managing game populations. However, given that bag limits are ultimately determined by the Minister after considering scientific evidence, variations of this option is not separately analysed in this RIS. Nevertheless, see Attachment A for detailed discussion on bag limits.

station to permit DPI to record biological information. This RIS has calculated the cost of these requirements to be about \$29,000 per annum to hunters (or \$244,000 (PV) over a 10 year period)⁵² or about \$280 per Hog Deer taken.

Given that about two-thirds of the cost associated with these regulations relates to the requirement to take the deer to checking stations, alternatives to the proposed regulations will focus on this element. Alternatives may include varying the number of deer taken to checking stations; providing economic incentives for hunters; or conducting scientific research into Hog Deer independent of hunters.

DPI could consider requiring only a certain proportion of hunters to present at checking stations. For example, when Hog Deer tags are issued, 50 per cent of tags could be marked with a symbol requiring presentation at a checking station. Such tags would be drawn randomly. Based on 2011 data, about 53 Hog Deer would be presented at a checking station (rather than 105). This would halve the compliance cost of the requirement compared with the proposal. This alternative would necessarily entail a trade-off between compliance costs and data quality.

An alternative to mandating hunters' presentation to checking station could be to remove the requirement, but offer an economic incentive. For example, hunters could be offered a payment for Hog Deer presented to checking stations (subject to obtaining appropriate tags). A \$50 payment per deer, assuming 50 per cent of hunters respond to the incentive, would cost the government around \$2,600. Such presentation would be entirely voluntary. This would reduce compliance costs by around \$20,000 given the voluntary nature of the program.

To assist in the analysis, an MCA assessment was undertaken of the option requiring all Hog Deer to be taken to a checking station. MCA assessments were undertaken to compare the costs and benefits of the a) the proposed Regulations requiring the population or a sample of Hog Deer to be taken to a checking station or b) offering a payment to hunters to take Hog Deer to a checking station.

The proposed arrangements require all Hog Deer to be taken to a checking station. In 2011, 105 Hog Deer were taken to checking stations. This provided DPI with scientific information on the entire legally harvested Hog Deer population taken during the year. A relatively high score of 75 is assigned to the sustainable management of game resources. DPI advises that these arrangements enable the collection of valuable scientific and biological data that could not otherwise be readily collected. As noted above, however, these arrangements impose costs on Hog Deer hunters of around \$29,000 per annum. Given these costs, a score of minus 50 is assigned to the cost effectiveness criterion. Taken together, this results in a net score of +12.5.

⁵² These costs can be taken as a maximum cost. The costings assume that hunters take each Hog Deer to the checking station, whereas some hunters take both Hog Deer to the checking station at the same time (if indeed two were shot on a particular outing).

A sub-option of this proposal could be to randomly assign or target deer taken from certain areas for presentation at checking stations. For example, 50 per cent of hunters could be required to take their Hog Deer to checking stations. This option would involve a trade-off between the quality and amount of scientific data with regulatory costs.

It should also be noted that when hunters make the decision to enter a Hog Deer ballot, they enter voluntarily and are aware of the regulatory requirements and associated costs. Hog Deer hunters place a considerable value on obtaining a ‘right’ to hunt Hog Deer. This is evidenced by the fact that there are approximately eight ballot applications for every successful application. In Victoria, there are no government trophy fees. Therefore, even with the costs associated with checking stations, Hog Deer hunting in Victoria remains internationally competitive.

Table 7: Multi-criteria Analysis Assessment of checking station (population)

Criteria	Weighting	Assigned Score	Score
Sustainable management of game resources	50	75	37.5
Cost	50	-50	-25.0
Total	100%		+12.5

If a payment were to be made (assumed to be \$50) per Hog Deer, hunters would voluntarily choose to present Hog Deer at checking stations. The rate of presentation would vary depending on the financial incentive. It is assumed that 50 per cent of hunters would present deer at checking stations. Fewer observations may result in poorer quality data or less comprehensive scientific information⁵³, therefore a score of 35 is assigned to the sustainable management of game resources criterion. Given that presentation at a checking station is ‘voluntary’, no direct regulatory costs are incurred by hunters; however, the Victorian taxpayer and DPI would incur financial and administrative costs. A score of -20 is assigned to the cost criterion. As a result this option achieves a net score of +7.5.

Table 8: Multi-criteria Analysis Assessment of a hunter bounty

Criteria	Weighting	Assigned Score	Score
Sustainable management of game resources	50	35	17.5
Cost	50	-20	-10.0
Total	100%		+7.5

⁵³ This option provides an indicative assessment only. The option directly trades off the amount and quality of scientific data with regulatory costs. Ultimately DPI will need to decide on scientific grounds whether such a trade-off is acceptable.

4.3.3 Option 3 – Gundog and hound control

Option 3a – Proposed Regulations

The proposed Regulations prescribe reasonably restrictive practices concerning the type and use of dogs for game hunting. Current arrangements are supported by regulations and a Code of Practice for the Welfare of Animals in Hunting Code made under the *Prevention of Cruelty to Animals Act 1986*.

As an alternative, consideration could be given to establishing a ‘model’ Code of Conduct for Hunting Game with Dogs. Hunters would be required to become a member of an accredited hunting group and as a condition of membership, hunters would be required to adhere to the code. Failure to adhere to the Code could result in education, disciplinary action or expulsion from the club. If the latter occurred, then a hunter would not be able to hunt with dogs or hounds. Appeal mechanisms and methods to prevent membership of another club would also need to be established.

A model code could cost in the order of \$5,000 to develop and DPI would be required to accredit hunting groups. There are around 2,700 hunters licensed to hunt with hounds and assuming membership of \$35 per annum, hunters would incur club membership costs in the order of \$100,000 per annum.

The main benefit of codes of practice is that they can utilise hunter expertise and are usually associated with stakeholder buy-in, which may encourage compliance. In addition, codes can be tailored to the needs of particular groups and are generally more flexible than regulations. The main disadvantage of this alternative — as with an education campaign — is the possibility of non-compliance and difficulties associated with enforceability, as well as whether or not the actions of members are observable. Codes of conduct are best suited to situations in which the risks associated with non-compliance are low. This RIS argues that the risks are not low in the case of game hunting. Non-compliance could lead to over exploitation of game resources, animal welfare issues, impacts on non-game wildlife and risks to public safety.

Codes may be relatively effective in addressing simple information gaps or supplementing regulations, but may have little effect on reducing aberrant or illegal behaviour. For similar reasons to an education campaign, this alternative is not considered a superior option to the proposed Regulations.

To assist in the assessment of this option, an MCA assessment was undertaken. The proposed Regulations are reasonably prescriptive, but set out clear requirements concerning dog breeds, categories of dogs for different hunting methods and number of hunters in a team. The proposed Regulations contain a number of modifications compared to the current regulations. These generally provide for more flexibility. In terms of management of game resources, a score of 75 is assigned to this criterion. DPI has advised that the previous regulations have been effective in this regard. The limitations on hunter numbers and dogs per team are primarily aimed at ensuring hunter safety and humane hunting techniques. The knowledge associated with the HHT also seeks to improve safe and humane hunting. Consequently, a score of 75 is assigned to this criterion. As noted above, while similar arrangements have proved effective in achieving government objectives in the past, they are relatively

prescriptive. To reflect this, a score of -50 is assigned to the cost effectiveness. Taken together, this results in a net score of +12.5.

Table 9: Multi-criteria Analysis Assessment of proposed hound regulations

Criteria	Weighting	Assigned Score	Score
Sustainable management of game resources	25	75	18.8
Safe and humane hunting	25	75	18.8
Cost	50	-50	-25.0
Total	100%		+12.5

Option 3b – Code of Practice

A Code of Practice could contain similar requirements to the proposed Regulations and the vast majority of hunters could be expected to adhere to the Code. The main disadvantage of Codes (with effective enforcement sanctions) is the possibility of non-compliance. Even if a small minority did not adhere to the Code, this could impose unacceptable environmental, and health and safety risks on the community. Therefore, while a clear improvement over the base case, scores of 40 are assigned to both the sustainable management of game resources criterion and the safe and humane hunting criterion. Codes, however, can be relatively inexpensive to establish and administer and a score of -25 is assigned to the cost effectiveness criterion to reflect this aspect. This alternative therefore results in a net score of +7.5.

Table 10: Multi-criteria Analysis Assessment of proposed Hounds Control Code

Criteria	Weighting	Assigned Score	Score
Sustainable management of game resources	25	40	10.0
Safe and humane hunting	25	40	10.0
Cost	50	-25	-12.5
Total	100%		+7.5

4.3.4 *Option 4 – Non-toxic shot*

Option 4a – Prescription of non-toxic shot

The proposed Regulations prohibit the use of toxic shot to hunt, take or destroy ducks. This regulation has been in place for around 10 years and is estimated to have prevented from between 150 to 200 tonnes of lead from entering Victoria's rivers, lakes and wetlands each year. This regulation has also been identified in this RIS as imposing a significant cost on hunters. It is estimated that this regulation imposes an incremental cost on duck hunters of around \$874,000 per annum or \$7.2 million (PV) over the life of the proposed Regulations.

Option 4b – Education campaign

Given the serious environmental consequences associated with lead shot, an alternative to prescribing a ban on toxic shot could be to educate hunters. This would allow hunters to be better informed concerning the consequences of their actions and could lead to what economists call ‘correcting an information asymmetry’.

An education campaign is likely to be successful where the target audience can be easily and economically identified and reached. Game hunters would appear well suited for an information campaign given that they are a relatively homogenous group and can be easily targeted (via licensing details). A hunter education campaign could include advertising in hunting magazines, information on DPI’s website, and included in the Victorian Hunting Guide and targeted mail-outs. Information campaigns are suitable for use when the problem or non-compliance results from misinformation or a lack of information and when a light-handed approach would be more appropriate. They can also be useful when target audiences can be easily and economically reached and in situations where the rationale of a particular policy is not well understood.

Education campaigns represent a quick method of disseminating information about issues, may reduce costs to the government and the community because of a higher level of awareness about issues of concern, and may reduce resources expended on implementing regulatory programs and ongoing enforcement.

However, information campaigns may be less effective than other regulatory approaches as they rely on voluntary compliance rather than being supplemented by the element of coercion. If there are monetary incentives combined with a perception of low detection rates, then compliance levels may be low.⁵⁴

Although the cost of education campaigns vary considerably, in the case of game hunting the costs would be relatively low. DPI could utilise the Victorian Hunting Guide to deliver the message, include an educative component in the WIT training, post details on the website and include brochures in licence renewals. A cost in the order of \$20,000 to \$30,000 per annum is considered reasonable.

The main problem with this option is that there is a monetary incentive to use lead shot because it is cheaper. There is also a perception that non-toxic shot is ‘harder on barrels’ and also has different performance characteristics to toxic shot. If this option were not supported by sanctions, then compliance rate could be low. For illustrative purposes, if an education campaign resulted in 30 per cent of hunters using non-toxic shot then around 100 to 140 tonnes of lead would enter Victoria’s waterways and wetland annually.

To assist in assessing this option, an MCA assessment was undertaken of the proposed Regulations. As noted above, toxic shot has serious negative impacts on the environment and waterfowl health. The proposed prohibition of toxic shot used for duck hunting removes this hazard and a score of 95 is assigned to this criterion (allowing for some non-compliance). Lead poisoning in waterfowl has been recorded

⁵⁴ Victorian Guide to Regulation, pp. B6 – B7

in 21 countries and prohibition of toxic shot has occurred in a number of jurisdictions, including North America. However, it is extremely difficult to measure the benefits in monetary terms from this proposal. In the Flora and Fauna Guarantee Action Statement, *The use of lead shot in cartridges for hunting waterfowl*, it is noted that “The social cost to society in the form of lead shot discharge into Victoria’s wetlands and subsequent potential poisoning of our waterfowl are difficult to quantify. The consequence ... is the possibility that species particularly vulnerable to lead poisoning may be placed a risk”.⁵⁵ Therefore the benefits of the proposal are largely qualitative, i.e. reduction of pain, suffering and in some instances death of waterfowl and secondary poisoning of other species, along with the ‘existence value’ of a species. This regulation does impose direct monetary costs on duck hunters by requiring the use of more expensive cartridges. A negative score of 50 is assigned to the cost effective criterion. This results in a net score of +22.5.

Table 11: Multi-criteria Analysis Assessment of proposed Regulations (non-toxic shot)

Criteria	Weighting	Assigned Score	Score
Sustainable management of game resources	50	95	47.5
Cost	50	-50	-25.0
Total	100%		+22.5

An MCA assessment was also undertaken of an education campaign which would seek to encourage hunters to use non-toxic shot. The use of toxic shot by around a third of duck hunters would seriously undermine the objective of sustainable management of game resources (highlighted by the fact that a single ingested lead pellet can have adverse health effects for a duck). Consequently, a score of 30 is assigned to this criterion (assuming that about 30 per cent of hunters would use non-toxic shot). In terms of cost-effectiveness, a score of -2 is assigned to this criterion given that hunters would incur no direct costs (while government would incur some costs for the campaign). Given that the direct costs would be lower for those choosing not to use non-toxic shot, these hunters would incur lower costs. Together, these result in an MCA score of +14.0 for this alternative.

Table 12: Multi-criteria Analysis Assessment of education program for shot

Criteria	Weighting	Assigned Score	Score
Sustainable management of game resources	50	30	15.0
Cost	50	-2	-1.0
Total	100%		+14.0

⁵⁵ Department of Sustainability and Environment, 2003, *Flora & Fauna Guarantee Action Statement: The use of lead shot in cartridges for hunting waterfowl*, No 32, State of Victoria, East Melbourne, p. 4

4.3.5 Option 5 – Balloting

Option 5a – Balloting

Currently, each year the Blond Bay Hog Deer Advisory Group, together with DPI (formerly carried out by DSE), conduct a ballot for the opportunity to hunt Hog Deer at the Blond Bay State Game Reserve and the Boole Poole Peninsula. Around 800 applicants enter the ballot each year and usually about 40 to 60 hunters are drawn from the ballot on a random basis.

An alternative to balloting could be the use of competitive bidding for the entitlement to hunt Hog Deer. Such a system could be based on an auction system whereby applicants submit a bid to DPI by a certain date. The market would determine the appropriate rate and the highest 40 to 60 bidders would receive the entitlement to hunt specified Hog Deer for a particular season. This option captures the economic value that certain hunters place on hunting Hog Deer, and, in economic terms, capture some of the ‘consumer surplus’ for the state. It is assumed that the administrative cost to DPI of this option would be similar to the costs of operating a ballot.

To assist in the assessment of this option, an MCA assessment was undertaken. For the purposes of assessment of this option, a criteria relating to *equitable* and *efficient* management of game resources are used. In terms of equity, hunter selection is literally based on ‘luck of the draw’ and not based on ability to pay. A relatively high score of 75 is assigned to the equity criterion. In terms of efficiency, balloted hunters capture the benefits (or, in economic terms, the surplus) associated with taking Hog Deer. As noted earlier, game resources in the first instance are common property of the community generally. Therefore, a score of 25 is assigned to the efficiency criterion (how benefits are distributed between hunters and the community). The proposed system is relatively straight-forward to administer. Accordingly, in terms of cost effectiveness a score of -5 is assigned. Together, assessment of this alternative results in a net score of +22.5.

Table 13: Multi-criteria Analysis Assessment of proposed Regulation

Criteria	Weighting	Assigned Score	Score
Equitable management of game resources	25	75	18.8
Efficient management of game resources	25	25	6.3
Cost	50	-5	-2.5
Total	100%		+22.5

Option 5b – Competitive allocation

The alternative of competitive allocation of Hog Deer Tags was also assessed using MCA. In the case of equity, a relatively low score of 25 is assigned. This is because allocation would be based on the ability to pay, and less well-off members of the community may be effectively barred from hunting. However, this alternative scores relatively well in terms of efficiency. Prospective Hog Deer hunters would pay an amount to the government and this ‘surplus’ would be captured by the community. Consequently a score of 75 is assigned to this criterion. This option would be more

complex and costly to administer compared to the proposal and a score of -10 is therefore assigned to the cost effectiveness criterion. Assessment of this alternative results in a net score of +20.0.

Table 14: Multi-criteria Analysis Assessment of proposed competitive allocation

Criteria	Weighting	Assigned Score	Score
Equitable management of game resources	25	25	6.3
Efficient management of game resources	25	75	18.8
Cost	50	-10	-5.0
Total	100%		+20.0

Both alternatives have relative benefits. The current system's strength is reflected by the equitable selection of hunters, while the alternative has strengths on efficiency grounds. The alternative would be most complex and costly to administer which makes the proposed Regulations preferable. However, this RIS acknowledges the strengths of both approaches, and DPI may wish to consider a competitive allocation process in some instances or for some areas in the future.

It should also be noted that the competitive bidding alternative is currently not feasible because it would require a change of government policy and legislative amendments. That said, it may be worthy of consideration in the future for certain areas or as a hybrid model. For example, half of the allocations for an area could be by ballot while the other half is selected by competitive bidding.

4.3.6 Other options

Possession/identification of a duck

The proposed Regulations (r. 52) contain a requirement that a person must leave one fully-feathered wing attached to the duck until immediately prior to cooking or until that duck has been taken to the person's ordinary place of residence. The rationale behind this requirement is to allow authorised officers to readily identify ducks in a hunter's possession to ensure compliance with bag limits and that the ducks are game species. It also allows identification of the sex of the bird and whether it is moulting, and allows birds to be aged as part of research into game harvests. This regulation has the benefit of providing immediate, low cost identification to the authorised officer. The costs to the hunter are also low (delaying plucking of one wing can create an inconvenience, but it must be done in any case). Furthermore, it reduces the need for an authorised officer to seize any birds where identification is unclear. Seizure introduces a raft of other costs with respect to safe storage of the bird, testing and returning the bird where it is found to be a legal species.

An alternative to this arrangement could be to allow the hunter to pluck the entire duck, but where there is some doubt concerning the species, DNA testing could be undertaken. The cost of this is around \$30 per bird, with a turnaround time of between 5 and 15 business days (this cost is for blood or feather samples). This method would be inconvenient for hunters, given delays in accessing their game. The cost of not being able to process someone's birds on the day and the lack of ability to prosecute

someone in a timely manner could see someone repeatedly offend before becoming aware of their offences. Therefore, taking cost and convenience into account, the proposed regulation is considered a superior alternative.

Hunting methods: safety and fair chase

The proposed Regulations prohibit a person from using a spotlight to hunt or take game. In addition, a person must not be in possession of a spotlight and a firearm in a recognised deer habitat between the hours of sunset and sunrise. Related to these provisions, the regulations prohibit hunting at night.

The proposed Regulations do not permit a person to hunt, take or destroy game that is fleeing from fire or smoke. Potentially, this issue could increase in importance given the Victorian Government's planned burn targets, which would see a threefold increase in planned burning. The proposed Regulations also prohibit aircraft and motor vehicles to be used for hunting game.

These restrictions are based on two broad grounds: i) safety and risk management, and ii) the concept of the 'fair chase'. These regulations do not impose monetary costs on hunters, but seek to modify behaviour by restricting actions (such restrictions often carry a notional cost).

DPI seeks comments from stakeholders concerning ways to improve safety and manage public risks, while ensuring that regulatory burdens placed on hunters are minimised.

4.A FEES

Rationale for fees

Once the decision has been taken by the Government to regulate game hunting, a further rationale for regulation concerns cost-recovery. Governments incur costs in administering Victoria's game hunting regimes. The rationale in this instance is that individuals who privately benefit from a government service or regulated activity should make some contribution to costs incurred by government in providing that service or activity.

Principles of fee setting

Cost-recovery may be defined as the recuperation of the costs of government-provided or funded products, services or activities that, at least in part, provide private benefits to individuals, entities or groups, or reflect the costs imposed by their actions. The *Cost Recovery Guidelines* apply to cost-recovery arrangements of government departments and agencies, and include the recovery of the costs incurred by government in providing goods and services.⁵⁶

As stated in the Guidelines, government policy is that regulatory fees and user charges should generally be set on a full cost-recovery basis; however, if it is determined that full cost-recovery is not consistent with other policy objectives of the government, then it may not be appropriate to introduce a full cost-recovery regime. Consideration may be given to a regime of partial cost-recovery (if it can be demonstrated that a lower than full cost-recovery does not jeopardise other objectives) and/or to rely on other funding sources (e.g. general taxation) to finance the government activity.

Options – Limited to regulations

In identifying options, it seems reasonable to assume that in certain cases, the regulations are the only viable option because they 'give effect' or 'operationalise' key elements of the Act. While these suppositions should generally be avoided, clause 51 of the Premier's Guidelines states that when the Act requires that a thing or matter be prescribed in regulations, it must be provided in the Regulations:

where the authorising legislation dictates what kind of instrument may be created. For example, *where the authorising legislation provides for fees to be prescribed in statutory rules, there may be no discretion to set those fees by another method.*⁵⁷ (emphasis added)

⁵⁶ Department of Treasury and Finance, 2010 *Cost Recovery Guidelines*, Melbourne

⁵⁷ *Subordinate Legislation Act 1994 Guidelines*, Revised 2011, clause 51

Given the limited discretion⁵⁸, this RIS will focus on fee design elements contained in a statutory rule, rather than considering alternative funding options or use of alternative regulatory/economic instruments. Practical fee design options are further limited by the simple, transaction-based nature of obtaining a licence from DPI.

Full or partial cost-recovery

When designed and implemented appropriately, the adoption of cost-recovery has the potential to advance efficiency and equity objectives. However, the Guidelines note that “efficiency and equity considerations may need to be balanced against each other in determining the appropriate form of cost-recovery”.⁵⁹ The following points outline conditions where partial cost-recovery may be considered appropriate:

- where merit goods are being provided, or where activities generate benefits to unrelated third parties;
- where objectives of income redistribution or social insurance are important;
- *where concessions are deemed appropriate* (emphasis added);
- where full cost-recovery may undermine innovation and product development;
- where the government is providing goods and services on a commercial basis in competition with the private sector; and/or
- where full cost charging could undermine other objectives.

When assessing effectiveness, the fees should not be set at such a rate so as to discourage compliance. Therefore, feasible fee options were considered as follows:

- Option A – Full cost-recovery (relevant fee based on 100 per cent of the average costs); or
- Option B – Full cost-recovery combined with concessions (partial cost-recovery) for less well-off members of the community (e.g. a rate of 50 per cent to take equity considerations into account).

The government could choose to recover no costs (i.e. zero cost-recovery); however, given that this alternative is analogous to the ‘base case’, it is not considered an option.

⁵⁸ Section 87(1)(ah) of the Act provides that the Governor in Council may prescribe “fees to be charged under this Act for any purposes not expressly provided for and for services rendered by officers of the Department within the meaning of the *Conservation, Forests and Lands Act 1987*.”

⁵⁹ DTF 2010, *ibid*.

Fee calculation methodology

Fees were generally calculated on an activity-based ‘bottom up’ approach. This approach is illustrated below:

$A + B + C = \text{Proposed Fee}$, where

- A = $T \times ST$. T represents the time taken to process licence applications, variations, WIT tests, etc, and is multiplied by an hourly staff tariff (ST). The hourly rate for processing licences is assumed at \$46.21. Data entry and licence processing are currently undertaken by officers at the VPS2 level. The VPS casual hourly rate (\$25.70 since 1 October 2010) has been increased by 2.75 per cent to allow for a possible salary increase during 2012. This results in a figure of \$26.41. In turn, this figure was grossed up by a factor of 1.75⁶⁰ to allow the labour on-costs and overheads. Time taken for each activity was multiplied by an hourly staff rate.
- B The physical costs of consumables (e.g. paper, licences, etc) was apportioned according to the number of licences issued (see Table B, Attachment G). Based on the proportion of licences and tests conducted, 91 per cent of this cost was allocated to licences and 9 per cent allocated to the WIT and the HHT. Once the proportion was determined, a per unit cost (dividing the proportion by the number of licences) of **\$6.59** was obtained.
- C. Enforcement and compliance costs were identified by DPI, Parks Victoria and Victoria Police. It proved difficult to directly attribute many of these costs directly to the proposed Regulations (i.e. many costs associated with compliance are imposed by the Act itself or other legislation, e.g. the *Firearms Act 1996* or *National Parks Act 1975*). Nevertheless, based on consultation with relevant agencies, 25 per cent of the total compliance costs were attributed activities covered by the proposed Regulations. A per unit cost of **\$11.92** was obtained by dividing the attributable enforcement costs by the total number of licences (see Table C, Attachment G).

Therefore, the time taken for each task multiplied by the staff tariff (A) was added to a component for the physical cost of licences (B) along with a component for enforcement and compliance of the regulations (C). The calculations in (A) were based on an activity-based costing methodology (a ‘bottom up approach’), whereas the costs in (B) and (C) were calculated using a distributed cost methodology (a ‘top down’ approach). This results in the proposed fee.

DPI considers that the cost base on which the fees are calculated are efficient because the fees have not increased significantly since 1995 (other than indexation from 2005). This reflects internal efficiencies within DSE and DPI that have kept fee levels stable.

⁶⁰ The salary on-cost factor of 1.75 is considered an appropriate factor as set out in the *Victorian Guide to Regulation*. See VGR, Appendix C, ‘Valuing staff time’, p. 14

Assessment of fee options

In deciding the appropriate nature of fee regimes, an assessment should be made of where the good or service sits on the public-private good continuum. At one end of the public-private good continuum are ‘pure public goods’, which are non-excludable and non-rivalrous, so that consumption of the good and the benefits arising from that consumption are available to the community as a whole.

At the opposite end of the public-private good continuum are ‘private goods’, where consumption by one party conflicts with its use by another, and where benefits of consumption only accrue to the consuming party. Under these circumstances, there is a strong case for the party consuming and benefiting from the private good to pay for its provision. The provision of ‘game hunting services’ to hunters clearly has private good characteristics and therefore, a strong case for ‘beneficiary pays’ can be made. However, it is recognised that there are a range of positive externalities generated from allowing game hunting, including supporting industries that supply goods and services to the sector and the incentive and actions to conserve and restore game and their habitats.

It is general government policy that fees are set on a full cost-recovery basis. However, given that around one-third of hunters are either pensioners or under the age of 18, a case could be made for concessions on the ability to pay. Consequently, an MCA was used to assess the preferred fee option. Reflecting the Government’s *Cost Recovery Guidelines*, the criteria used was:

- Efficient – fees set at a level to promote the efficient allocation of resources;
- Effective – fees set at a level to achieve the government’s policy objective (i.e. encourage compliance, easy to understand, etc); and
- Equitable – fees set at a level to promote the sharing of costs and benefits across society.

Accordingly, each criterion was assigned a weighting of one-third each reflecting their overall importance in achieving the Government’s policy objectives in relation to fee setting.

MCA Assessment of Option A – Full cost-recovery

An MCA assessment was undertaken concerning full cost-recovery. As mentioned earlier, the *Cost Recovery Guidelines* state that the general government policy is that regulatory fees and user charges should be set on a full cost-recovery basis. In this case, full costs represent the value of all the resources used or consumed to process Game Licences and for monitoring and compliance. Full cost-recovery, therefore, fulfils this government objective, and accordingly a score of 100 is assigned to this criterion.

In terms of ‘effectiveness’, if fee levels are set too high it may result in non-compliance or drive elements of the industry ‘underground’. In many cases, game hunting can be difficult to monitor given the wide geographic area covered and different terrains. If fees are considered too high or unreasonable, detection of

breaches difficult to monitor, or fees difficult to pay, then the effectiveness of the overall regime may be compromised. Consequently a score of 60 is assigned to this criterion.

Around 30 per cent of game hunters in Victoria are pensioners or under the age of 18. Charging fees at the full cost-recovery rate for these groups may cause hardship or deter some from undertaking game hunting. Therefore, a lower score of 20 is assigned to the equity criterion because the fees are not based on a person's ability to pay (known as 'vertical equity'). Taken together, this results in a net score of +59.4.

Table 15: Multi-criteria Analysis Assessment of Option A

Criteria	Weighting	Assigned Score	Weighted Score
Efficient	1/3	100	33.0
Effective	1/3	60	19.8
Equitable	1/3	20	6.6
Total	100%		+59.4

MCA Assessment of Option B – Full cost-recovery combined with concessions

Similarly, an MCA assessment was applied to the option of full cost-recovery for those other than pensioners and those under 18 years of age (fees for pensioners would be charged at half the full cost-recovery rate while no charge would be charged for those under 18. This latter is consistent with the Government decision to exempt minors from paying a fee for a Recreational Fishing Licence). This implicitly recognises a positive externality associated with fishing and hunting for younger Victorians. The Victorian Government seeks to promote a better understanding of the natural environment and wildlife, an outdoor and active lifestyle for younger persons, as well as encouraging recreational use of Victoria's public lands and natural resources. Under this option, approximately 88 per cent of costs are recovered, thereby significantly contributing to the Government's broad cost-recovery principles. Consequently, a score of 88 is assigned to this criterion.

In terms of effectiveness, it could be argued that concessions would encourage compliance (e.g. it may prevent situations in which those under 18 'tag along' with a hunting party and (illegally) taking the odd shot). However, given the absence of evidence to the extent that this may be occurring, a score of 60 is assigned to this criterion (i.e. to same score as for Option A).

Turning to the equity criterion, setting concessions for pensioners or those under the age of 18, would target groups that are generally less well-off than the broader community. This promotes the idea of 'fairness' and is aimed at allowing those to participate in game hunting in Victoria. As noted earlier, game hunting throughout history, and particularly overseas, has been characterised by elitism. In Victoria, such barriers have largely been absent. Setting fees at an affordable rate for those less well-off will reduce a potential barrier and thereby, lower the hurdle from participating in game hunting. For example, a junior hunter is required to obtain a Victorian Junior Firearm Licence, which costs \$46.20, in addition to passing the Victoria Firearms Safety Course. If a family has more than one child, then such costs can quickly mount

up. Consequently, a score of 40 is assigned to the equity criterion. The overall MCA score for this option is **+62.0**

Table 16: Multi-criteria Analysis Assessment of Option B

Criteria	Weighting	Assigned Score	Weighted Score
Efficient	1/3	88	29.0
Effective	1/3	60	19.8
Equitable	1/3	40	13.2
Total	100%		+62.0

The decision criteria in section 4.2.4 suggest that Option B (full cost-recovery with concessions) is a superior alternative, albeit marginally, compared to Option A (full cost-recovery). The principal reason for this result is that Option B satisfies the efficiency criterion by collecting the vast majority of fees at the full cost-recovery rate, while reducing barriers to access game hunting for some of the less well-off groups in the community.

Proposed Wildlife (Game) Regulations fees

Under the proposed Regulations, game hunters (other than hunters under the age of 18 and those eligible for concessions) will be required to pay an annual fee for a Game Licence to hunt game in Victoria. The revenue raised from these fees will be used to recover costs associated with administering and managing game hunting in this state, including the licensing system and compliance and enforcement with the game regulations.

Table 17: Proposed fees for the Wildlife (Game) Regulations

Fee item	Current fee (\$)	Proposed fee (\$)	Change (%)
Game birds	48.80	48.30	-1%
Deer	48.80	48.30	-1%
Game birds and deer	78.20	76.70	-2%
Fee for variation of game licence	12.20	12.50	2%
Issue of replacement game licence	12.20	12.50	2%
Waterfowl Identification Test (WIT)	26.80	25.00	-7%
Hound Hunting Test (HHT)	24.60	25.00	2%
Deer – non-resident visitor fee	n.a.	48.30	–
Game birds – non-resident visitor fee	n.a.	48.30	–
Game birds and deer – non-resident visitor fee	n.a.	76.70	–

The proposed fees will be set as fee units in the proposed Regulations. Currently, one fee unit is equivalent to \$12.53. This means that each year under the *Monetary Units Act 2004*, the fees will increase by a rate set by the Treasurer to take account of general rises in prices.

DPI estimates that the fees in Table 17 will generate approximately \$1.9 million per annum given the current number of licence holders.⁶¹ Persons under 18 years of age will not be required to pay a fee, and eligible recipients⁶² within the meaning of the *State Concessions Act 2004* will pay half of the proposed Game Licence fee. The total value of concessions per annum is in the order of \$285,000, which is equivalent to a cost-recovery of 88 per cent of the costs. No concessions are proposed to be provided for the WIT and HHT. This is because these tests only need to be passed once, and the fee levels are not considered to act as a barrier to hunting. Therefore, over a 10-year period, the proposed fees will raise around \$15.9 million (PV).

Fees for ballots – proposed Regulation 16

Balloted hunting could be used as a management mechanism to control hunting in an area. It could do this by restricting the number of people who can hunt in an area, the times they could hunt and where they could hunt. They could be used for hunting any game species and at any time, depending on the management objectives. The mechanism to set hunting parameters would come from the *Wildlife Act 1975*.

While balloting has not to date been *imposed* by the Secretary, with increasing hunting pressure, continued urbanisation and increasing competition for access to public lands by other users, enforced balloting is a viable possibility to manage hunting in certain areas.

The proposed Regulations 16(2) provides that if a holder of a game licence is *required* to take part in a ballot, the holder of the licence must, if required to do so by the Secretary, pay the fee determined by the Secretary. Such a fee must not exceed 5 fee units or \$62.65 (r. 16(3)). While provision exists for such a fee in the current Regulations and in the proposed Regulations, such a fee has never been charged and balloted hunting has not, to date, been *required* by the Secretary.

As noted above, each year the Blond Bay Hog Deer Advisory Group organises a ballot from which hunters are drawn to participate in sanctioned hunts at the Blond Bay State Game Reserve and the Boole Poole Peninsula for Hog Deer. This group is staffed by volunteers and is structured as an incorporated (not-for-profit) association. It receives no government funding and its responsibilities only extend to organising a ballot, providing names of successfully drawn entrants to DPI and providing advice on possible hunt periods and the size and nature of the potential harvest. It does not authorise the hunting of Hog Deer in these areas or during the periods. It is DPI that authorises the taking of Hog Deer for these balloted hunts and DSE that authorises the possession, carriage and use of firearms in these areas.

⁶¹ This figure is an average indicative figure. Given the payment of 3 yearly licences tend to cluster around certain years, actual receipts will differ from year to year.

⁶² Section 3 of the *State Concessions Act 2004* defines an **eligible recipient** as a “person who during the relevant period is (a) an eligible pensioner; or (b) the holder of a Gold Card, being a card issued to a person who is eligible (i) for treatment under Part V of the *Veterans' Entitlement Act 1986* of the Commonwealth; and (ii) to receive a pension under section 13(1) of that Act as a totally and permanently incapacitated veteran to whom section 24 of that Act applies”. An ‘eligible pensioner’ includes the holder of “a pensioner concession card issued under section 1061ZF of the *Social Security Act 1991* of the Commonwealth”.

While these arrangements are currently operating effectively and efficiently, the inclusion of regulation 16 provides the government with an option and the flexibility to manage these arrangements itself, should it choose to do so. The provision of this regulation in the proposed Regulations would allow the government to recover costs if the present arrangements changed. It is noted that the prescribed amount of 5 fee units represents a maximum fee, and an activity-based costing exercise would need to be undertaken if the government decides holds a ballot (i.e. if this exercise revealed that an appropriate fee amount was less than 5 fee units, then such a fee would be lower than \$62.65). Setting the ballot fee would be dictated by the different circumstances presented by each ballot and would relate to the level of effort required to administer, manage and enforce balloted hunting in each area.

5. PREFERRED OPTION

5.1 Preferred option

Key points

- The proposed Regulations are assessed as the preferred option compared to the other possible options identified in this RIS because they are the most effective way to achieve the Victorian Government's policy objectives.
- The main reasons why the alternatives are not preferred to the proposed Regulations relate to inferior compliance and enforcement, and because the proposal seeks to manage reasonably high risks which may not be appropriately managed by information campaigns or codes of conduct alone.
- The proposed Regulations support, and are consistent with, Victorian Government policy and the *Wildlife Act 1975*. The proposed Regulations are reasonably prescriptive, but generally only to the point of prescribing minimum standards. In doing so, they provide clarity for the requirements and thus assist in compliance. While regulating the use of wildlife can be challenging, compliance is not necessarily difficult or excessively costly. The direct costs associated with the proposed Regulations will be borne by the licensed game hunter. To the extent that hunting is a recreational activity, these costs are borne 'voluntarily'.
- Many small businesses and Victoria will benefit economically from the proposed Regulations. The economic contribution of game hunting is estimated to be in excess of \$96 million per annum.
- The proposed Regulations are considered to meet the 'competition test' as set out in the *Victorian Guide to Regulation*.

The proposed Regulations will ensure the sustainable, ethical and safe use of Victorian game resources and improve the management of those resources. The proposed Regulations will also define and encourage responsible and conservative hunting practices, and will ensure that game resources are shared equitably between recreational hunters and other user groups and amongst game hunters themselves. Game hunters will benefit from continued recreational hunting opportunities in Victoria. The analysis in the preceding chapters support the proposed Regulations as the preferred option compared to the viable options identified in this RIS.

Costs

Each of the proposed Regulations was examined for the likely costs they would impose on parties impacted by the proposal. Table 18 below shows that these costs over a 10-year period are approximately \$13.3 million (PV), representing an annual cost of around \$1.3 million per annum.

Table 18: Discounted costs imposed by the Proposed Regulations, 10-Year Assessment Period

Summary of Costs Imposed by the Wildlife (Game) Regulations 2012		
Regulation	Type of Cost	Costs (\$)
Licensing and registration	Administrative	5,844,632
Hog Deer tags and checking stations	Administrative	243,724
Non-toxic shot	Substantive Compliance	7,276,131
	Total	13,364,487
	Annual Cost	1,336,449

Of these costs, approximately 54 per cent (\$7.2 million) are directly related to the requirement to use non-toxic shot.⁶³ A simple average of the identified costs suggests that the proposed Regulations impose approximately \$32 of regulatory costs (excluding fees) per annum on each licensed hunter. When fees are included, this equates to around \$73 per annum per hunter.

The total quantifiable costs of the proposed Regulations are in the order of \$30.1 million (PV) over a 10 year period (or around \$3 million per annum). This includes compliance and administrative costs imposed by the regulations, as well as fees for Game Licences (\$16.7 million).

Benefits

As noted, the base case describes a situation in which no game hunting would exist in Victoria. The Victorian Government in 2008 estimated that game hunting contributes around \$96 million to the Victorian economy. Given that the annual cost of the regulations is in the order of \$1.3 million (PV) and the benefits associated with game hunting in Victoria are likely to be in excess of \$96 million, it is apparent that the benefits associated with the proposed Regulations outweigh the costs. Aside from economic benefits, other benefits associated with the proposed Regulations include:

- environmental benefits:
 - the operation of open and close seasons and application of bag limits have ensured that game harvests are sustainable;
 - approximately 200 tonnes of lead per annum is not deposited in Victorian wetlands and in waterways⁶⁴; and
 - the destruction of non-game species has reduced since the introduction of the WIT;

⁶³ Arguably, the prescription of calibres, projectile weights and dog and hound breeds influence hunter behaviour. These elements have not been costed in this RIS given that in most cases ethical hunters would use such calibres, projectiles, etc. and that the cost of substitution is relatively low. In addition, these elements would be extremely difficult to cost given the wide range of possible alternatives.

⁶⁴ Department of Sustainability and Environment, 2003, *Flora & Fauna Guarantee Action Statement: The use of lead shot in cartridges for hunting waterfowl*, No 32, State of Victoria, East Melbourne.

- social benefits – by permitting game hunting, many Victorians are able to pursue a recreational activity in Victoria’s natural environment. The number of hunters and clubs also suggests close social networks through which hunters derive considerable enjoyment and ‘utility’ from their pursuit. Game hunting in Victoria has a cultural tradition extending to the nineteenth century. Against this, some in the community strongly oppose game hunting.
- scientific benefits:
 - in order to make sound decisions regarding the setting of bag limits and other seasonal parameters, information on the biology, ecology, and habitat condition and extent is collected. This contributes to improved understanding of game and, more broadly, biodiversity.
 - the regulations concerning checking stations for Hog Deer provide scientific data to assist in the monitoring and preservation of an internationally threatened species. Without hunting, DPI officers would not have access to this data on this scale.
 - Harvested waterfowl are sampled as part of a monitoring program for avian influenza. An improved understanding of wildfowl populations will contribute to its management, control and mitigation, including where the commercial poultry industry is involved.

In this regard, the proposed Regulations support and are consistent with Victorian Government policy. The Government recently announced that it will seek to provide “even better opportunities for Victoria’s 40,000 licensed hunters to enjoy their recreation and to promote the growth of hunting businesses in regional areas across the State”.⁶⁵

In terms of the incidence of costs and benefits, the direct costs associated with the proposed Regulations will be borne by licensed hunters; however, given that persons voluntarily apply for licences, implicit in their decision-making process is that the benefit they derive from game hunting outweighs the direct costs.

The proposed Regulations are broadly consistent with the objectives and actions in other jurisdictions; however, there are some state-specific variations that take the differences conditions, geography and game species into account. The proposed Regulations are authorised to be made under sections 22A, 58C and 87 of the *Wildlife Act 1975*.

⁶⁵ State of Victoria, 2012, *Victorian Hunting Guide 2012*, Department of Primary Industry, Melbourne; also at: <http://www.dpi.vic.gov.au/game-hunting/about-game-hunting/publications/hunting-guide>

5.2 Groups affected

The major group that will be affected by the proposed Regulations are game hunters who will be required to comply with the regulations prior to (i.e. passing any relevant test, applying for a Game Licence, paying a fee) and when hunting game. Game hunters will be required to pay a Game Licence fee to hunt game in Victoria in accordance with cost-recovery principles. Regulatory proposals may place restrictions on hunting opportunities and practices in Victoria, although these are considered necessary to ensure that game is hunted in a sustainable, controlled, safe and humane manner. There may also be other monetary and administrative costs associated with regulatory compliance. Some individuals from the general community may also be affected by the proposed regulations, as access to certain wetlands during specified times over the opening weekend of the duck hunting season will be limited to persons with a current Game Licence and Firearms Licence.

Many industries will benefit from game hunting, including those associated with the manufacture, maintenance, importation and retail sale of firearms, ammunition, and camping, boating and motor vehicle equipment. Many rural townships will also benefit from an influx of hunters during open seasons, where food, accommodation, hunting accessories and fuel are purchased. The general community will benefit from the conservation and maintenance of game species and their habitats and from controlled and safe hunting methods.

5.3 Description of the proposed Regulations

5.3.1 *The proposed Regulations*

The proposed Wildlife (Game) Regulations 2012 will prescribe the conditions and restrictions relating to the hunting of game in Victoria. The regulations will specify open and close seasons, bag limits, and permitted hunting methods. The regulations will also prescribe the licensing requirements for game hunters and the tag and checking station requirements for Hog Deer hunters. Conditions relating to the possession and use of game will also be prescribed. The majority of existing arrangements for game hunting in Victoria will remain unchanged under the proposed regulations, however, some new and amended regulations are proposed. A detailed description of the proposed Regulations is contained in Attachment I.

5.3.2 *Proposed changes from the current regulations*

The change differences between the current and proposed Regulations are contained in Attachment B. ***In almost all instances, the changes lower the existing regulatory burden.*** The exception to this is the notional burden increase of closing two areas to deer hunting (Warburton Township and the Mount Timbertop Area). The key changes contained in the proposed Regulations are summarised in Box 1 on pages 12.

6. ASSESSMENT OF COMPETITION & SMALL BUSINESS IMPACTS

Competition impacts

At the Council of Australian Governments meeting in April 1995 (reaffirmed in April 2007), all Australian governments agreed to implement the National Competition Policy. As part of the *Competition Principles Agreement*, all governments, including Victoria, agreed to review legislation containing restrictions on competition under the following principle:

The guiding principle is that legislation (including Acts, enactments, Ordinances or Regulations) should not restrict competition unless it can be demonstrated that:

- (a) The benefits of the restriction to the community as a whole outweigh the costs; and
- (b) The objectives of the regulation can only be achieved by restricting competition.

The *Victorian Guide to Regulation* adopts these fundamental principles and states that a legislative measure is likely to have an impact on competition if any of the following questions can be answered in the affirmative:

- Is the proposed measure likely to affect the market structure of the affected sector(s), i.e. will it reduce the number of participants in the market, or increase the size of incumbent firms?
- Will it be more difficult for new firms or individuals to enter the industry after the imposition of the proposed measure?
- Will the costs/benefits associated with the proposed measure affect some firms or individuals substantially more than others (e.g. small firms, part-time participants in occupations, etc)?
- Will the proposed measure restrict the ability of businesses to choose the price, quality, range or location of their products?
- Will the proposed measure lead to higher ongoing costs for new entrants that existing firms do not have to meet?
- Is the ability or incentive to innovate or develop new products or services likely to be affected by the proposed measure?

The proposed Regulations will prescribe the conditions and restrictions relating to game hunting in Victoria. The regulations will specify open and close seasons, bag limits, and permitted hunting methods. The regulations will also prescribe the licensing requirements for game hunters and the tag and checking station requirements for Hog Deer hunters. Conditions relating to the possession and use of game will also be prescribed.

The major group that will be affected by the proposed regulations are game hunters, who will be required to comply with the regulations when hunting game. Some individuals from the general community may also be affected by the proposed Regulations.

As the regulations relate to recreational, non-profit activities, there is no market as defined under competition policy. The regulations relate to recreational rather than commercial activities and are required to ensure the long-term conservation of Victoria's game species and other wildlife.

It may be argued that restrictions on lead shot and the mandating of certain dog breeds may restrict competition, but in both cases, alternative shot and hound breeds may be substituted and there are no significant barriers to market entry (although non-toxic shot tends to be approximately \$5 to \$10 more expensive than lead shot per box of 25 cartridges).

With respect to licensing, section 22A(5) of the Act states that the Secretary must grant any application for a Game Licence unless a person does not satisfy a number of basic requirements (e.g. the person must not have recent convictions under certain Acts, have not been disqualified from holding a licence, must have passed any prescribed tests about the identification of a taxon, etc). The basic requirements and fees charged are not considered barriers to entry for applicants (i.e. any restrictions are character and competencies based), and fee concessions are offered for certain less well-off groups.

It could also be argued that the prohibition on the sale of wild game taken by hunters restricts competition by not allowing the emergence of a new market for wild-shot game. However, it is questionable whether there is a potential discrete market for wild game (e.g. duck, quail, venison, pheasant, etc, can be readily purchased commercially), or whether the market is for game in general. If the latter is correct, there is no restriction on the emergence of a new market as there is no restriction on the sale of captive-bred game by licensed operators. Nevertheless, the justification for this potential restriction is outlined below.

The proposed Regulations will maintain the current prohibition on the sale or exposure of wild game for sale or the possession of wild game on commercial premises. Removing this prohibition could lead to increased harvesting levels of wild game, as some hunters would take more animals for their commercial gain. These increased harvesting levels are likely to occur regardless of other legal limits to hunting, due to the commercial incentive. It could also lead to the illegal harvesting of game in excess of any bag limits, harvesting outside open seasons, and/or using methods of harvesting that maximise efficiency, possibly at the expense of animal welfare or sustainability. Without a significant increase in investment in monitoring, quota-setting and enforcement, the prohibition is essential as increased harvesting has the potential to eliminate local populations and, under extreme circumstances, threaten the viability of more vulnerable species.

It is assessed that the benefits of the potential restriction resulting from the prohibition on the sale of wild game outweigh the costs as they protect local populations of game and vulnerable species. The restriction impacts on those who participate in

recreational game hunting and are considered necessary to ensure that game is hunted in a sustainable, controlled and ethical manner.

The proposed Regulations will also define and encourage responsible and conservative hunting practises and will ensure that game resources are shared equitably between recreational hunters and other user groups who value game for non-consumptive purposes. Game hunters will benefit from continued recreational hunting opportunities in Victoria. There is no impact on the existing market for game as existing licensed operators sell captive-bred animals only and not individuals from wild populations.

Overall, the assessment of competition impacts concludes that the regulations generally do not restrict competition and, in the case of prohibiting the sale of game it is assessed that the restriction (to the extent that any exists) is in the public interest given the objective to ensure that game is hunted in a sustainable, controlled and ethical manner.

Small business impacts

The proposed Regulations provide positive indirect benefits for small businesses, while the cost burdens associated with the regulatory regime are borne by individuals. As described in the base case, without the proposed Regulations there would be no game hunting in Victoria. To that extent, the proposed Regulations are ‘market forming’ and enable small business, particularly rural business, to participate in the market. Such businesses may include gun shops, camping and boating stores, rural petrol stations and general stores, as well as dog breeders and the pet industry.

7. IMPLEMENTATION AND ENFORCEMENT ISSUES

The enforcement of the proposed Regulations will be principally undertaken by Game Officers in DPI. In addition, other authorised officers in DPI and officers from other agencies, these being Victoria Police, Parks Victoria and DSE, will also enforce these proposed regulations. These other agencies, in many cases, are responsible in part for enforcing these proposed Regulations, as the broad regulation of game hunting includes compliance with land management legislation as well as laws relating to the use of firearms, weapons and vehicles/boats.

Although day-to-day enforcement of these regulations will be led by DPI with the assistance of Victoria Police, surge periods of compliance will involve officers from Parks Victoria and DSE. As an example, for the 2012 duck hunting opening weekend, there were more than 160 officers in the field from all mentioned agencies. Although it may not be their primary role, officers from all agencies can be authorised to enforce the *Wildlife Act 1975* and its associated regulations.

Table 19 summarises prosecutions and warnings made from 2009-11 under the current regulatory regime.

Table 19: Wildlife (Game) Regulations Warnings and Prosecutions, 2009–11

Reg ⁿ	Description	No.
	<i>Prosecutions</i>	
16	Failure to notify change of address	3
25	Exceed bag limit for ducks	2
27(1)(a)	Use of toxic shot to destroy ducks	3
27(1)(b)	Possession of toxic shot	4
33(1)	Use of spotlight, electronic device	8
33(2)(a)	Possession of a spotlight and firearm in deer habitat	12
33(2)(b)	Possession of a spotlight with person with firearm	3
33(2)(c)	Possession of firearm with person with spotlight in deer habitat	2
34	Hunt or take game from a motor vehicle	5
34(4)	Scent trailing hounds in national park	1
36	Hunting game at night	14
37(1)	Hunting duck from an operating motor boat	1
38	Failure to kill game upon recovery	1
39	Failure to leave feathered wing on duck	1
53(b)	Failure to forward unused hog deer tags	1
57	Hunting game in a prohibited area	1
	<i>Infringements</i>	
16	Failure to notify change of address	6
19	Use of scent-trail hounds not registered	4
27(1)(a)	Use of toxic shot to destroy ducks	11
27(1)(b)	Possession of toxic shot (i-iii)	39
30(1)	Use of a dog not in accordance with the regulations	1
31(1)(4)	Possessing a scent-trail hound in a National Park	6
31(7)	Failure to ensure that a scent-trail hounds is wearing a collar	7
32(1)	Failure to control a dog	1

Reg ⁿ	Description	No.
33(2)(a)	Possession of a spotlight in a deer habitat	4
34	Hunting or taking game from a motor vehicle	1
36	Hunting game at night	3
37(1)	Hunting duck from an operating motor boat	13
38	Failure to kill game upon recovery	4
39	Failure to leave feathered wing on duck	21
47	Failure to affix a tag on a killed Hog Deer	1
58C	Entering or remaining on duck hunting area during open season	79
	Warnings	
19(1)	Use of unregistered scent hound to hunt Sambar Deer	1
27(1)(a)	Use of toxic shot to destroy ducks	1
27(1)(b)	Possession of toxic shot	1
31(7)	Use of dog to hunt deer without collar identification	2
32(1)	Use of non-recognised dog in deer habit while hunting	2

Source: DSE Wildlife and Game database

The proposed Regulations emphasise compliance through a range of penalties. In all but three instances (failure to notify of change of address (r. 15), retaining a fully feathered wing on a duck (r. 52)), and failure to return Hog Deer Tag return forms (r.68)], the penalties have been set at the maximum amount ordinarily permitted under regulations (20 penalty units which equates to about \$2,800). This level indicates the seriousness of which the Victorian Government views infringements against the proposed Regulations and the possible risks to the environment or public safety. The appropriateness of these infringement penalties and their levels was discussed with the Infringement System Oversight Unit in the Department of Justice.

It should be noted that the penalty for ‘times when entry onto or remaining in specified hunting areas are prohibited’ (r. 69) is contained in the Act (s. 58C(1)) and not the regulations. The maximum penalty for this offence is 10 penalty units.

Table 20 below contains the penalty infringements contained in the proposed Regulations, which are aimed at ensuring compliance.

Table 20: Penalties in proposed Regulations

Regⁿ	Description	Penalty units*
15	Failure to notify change of address	2
30	Exceeding bag limit	20
31	Use of firearm greater than 10 gauge	20
32	Use of toxic shot	20
33	Possession of toxic shot	20
34,35	Approved method for hunting deer	20
36	Use of baits, lures and decoys when hunting game	20
37	Use of dogs when hunting game birds	20
38	Use of dogs for deer hunting	20
39	Hunting alone for deer with dogs that are not hounds	20
40	Hunting in a team for deer with dogs that are not hounds	20
41	Location of hound while deer hunting	20
42	Hound must be identified	20
43	Dogs used to hunt game	20
44	Use of dogs in recognised deer habitat	20
45	Use of spotlights or electronic devices for hunting	20
46	Possession of spotlight and firearm	20
47	Aircraft and motor vehicles not to be used for hunting game	20
48	Game fleeing from fire or smoke not to be hunted	20
49	Hunting at night prohibited	20
50	Hunting from motor boats prohibited	20
51	Person taking or wounding game to kill that game on recovery	20
52	Possession of duck	5
53	Storage of game on commercial premises	20
54	Game prohibited on commercial premises where food is cooked	20
55	Sale of game prohibited unless obtained lawfully	20
59	Possession of Hog Deer	20
60	Requirement to attach tags to Hog Deer killed	20
61	Hog Deer not to be removed until tag is affixed	20
62	Removal of Hog Deer Tags	20
63	Removal of Hog Deer head and dismemberment	20
64	Hog Deer Tags to be obtained	20
65	Must not hunt Hog Deer without possession of Tags	20
66	Hog Deer Tags not to be sold etc.	20
67	Hog Deer Tags not to be altered, defaced or reproduced	20
68	Hog Deer carcass to be taken to checking station	20
69	Hog Deer Tag return forms	10
72	Prohibited deer hunting areas	20
73	Prohibited areas for hunting Sambar Deer with hounds	20

* On 1 July 2012 the amount of a penalty unit will be \$140.84. Victoria Government Gazette, No. G 13 Thursday 29 March 2012. This equates to 2 penalty units - \$281.68, 5 penalty units - \$704.20, and 20 penalty units - \$2,816.80.

There are a number of regulations where the Secretary has the discretion to set standards. These include: pass rates for WIT and HHT, the contents of the Game Licence application form and whether or not hunters are required to enter a ballot.

For the WIT, a score of 75 per cent or above constitutes a pass, provided that the applicant also identifies at least one of the Freckled Duck sequences correctly. Similarly, a pass mark for the HHT is 75 per cent. This information is contained on the DPI website and is also included on the test paper instructions that are handed out to those who sit the tests.

A Game Licence application form requires information on a person's personal details (name, age, sex, residential and postal address), which species they wish to hunt, the certificate number for the WIT or HHT (if relevant) and whether the person has any prior convictions under the *Wildlife Act 1975*, Firearms Act or Prevention of Cruelty to Animals Act. The applicant must sign the form, declaring that all information provided is true and correct and it must be signed by a witness from a list provided.

Balloted hunting could be used as a management mechanism to control hunting in an area. This could be required in circumstances where there is excessive hunting pressure and hunter density needs to be reduced, where take needs to be restricted, where only certain hunting methods should be used (e.g. bow hunting) or where there is a need to manipulate harvests.

Balloting could do this by restricting the number of people who can hunt in an area, the times they could hunt, what they could hunt and where they could hunt. Ballots could be used for hunting any game species and at any time, depending on the management objectives. The mechanism to set hunting parameters would come from the *Wildlife Act 1975*.

While balloting has not to date been imposed by the Secretary, with increasing hunting pressure, continued urbanisation and increasing competition for access to public lands by other users, enforced balloting is a viable possibility to manage hunting in certain areas.

Given that similar regulations have been in place for 20 years (and game hunting has been regulated in Victoria for 150 years), DPI considers that stakeholders will be familiar with the requirements and no implementation issues should arise. An education program will be developed and delivered to inform the public of the new and revised regulations to ensure there is a clear understanding and to maximise voluntary compliance with the new arrangements. To ensure a smooth transition, a dog registered as a hound under regulation 18 before the proposed Regulations come into operation may continue to be used to hunt or take Sambar Deer for the duration of that dog's life.

8. EVALUATION

The *Subordinate Legislation Act 1994* revokes statutory rules following 10 years of operation. This allows the government to examine whether there is still a problem that requires government intervention, and to take account of any changes or developments since the regulation was implemented. When regulations are remade, the government assesses whether the objectives of the regulation are being met, whether practical experience suggests ways in which they can be improved, or whether a different regulatory approach is warranted. Final development of the regulations is informed by public input through the RIS process.

DPI does not anticipate that the proposed Regulations will require a formal review once they are in place following assessment through the RIS process. This is because they largely remake the current Regulations, which have been in operation for more than 10 years, and similar regulations have been in place for over 20 years. Game Victoria is in constant dialogue with key hunting groups and can monitor issues through customer queries to DPI's Customer Service Centre. The Victorian Government collects a considerable amount of baseline⁶⁶ and scientific data concerning game and other wildlife species and the natural environment is monitored by DPI and DSE field officers and through other agencies or entities.

Seasonal conditions and game hunting arrangements are monitored annually and revised as required. Section 86 of the *Wildlife Act 1975* (and section 86A in extreme circumstances) allows for, among other things, the modification of season length, bag limits and hunting methods. For example, the Victorian duck season has been modified in some form or cancelled 14 out of 18 years between 1995 and 2012 in response to prolonged drought conditions which negatively affected waterfowl productivity, abundance and distribution.

The proposed Game Management Council, along with the current Victorian Hunting Advisory Committee, will also provide a valuable source of information concerning the effective operation of the proposed Regulations.

DPI will monitor the proposed Regulations closely and, should any issues arise with respect to their operation, these will be rectified.

⁶⁶ For example, its annual survey *Estimates of Harvest for Deer, Duck and Quail in Victoria: Results from Surveys of Victorian Game Licence Holders*.

9. CONSULTATION

In June 2011, DSE (then responsible for game management) commenced consultation with a wide range of groups, organisations and Government authorities over various aspects of the proposed Regulations. Consultation has been in the form of meetings, presentations and written communication regarding the effectiveness, efficiency, costs, and technical aspects of the proposed Regulations. In addition to numerous informal discussions with regulated stakeholders, DPI, following assuming responsibility for game hunting on 23 December 2011, also met with key hunting organisations in February 2012. Information on various aspects of the regulations has also been sought from a number of other interstate government authorities during the development of the proposed Regulations.

DPI consulted with the following hunting organisations during the development of the proposed Regulations:

- Australian Bowhunters Association;
- Australian Deer Association (Vic);
- Deerstalkers (SSAA);
- Field and Game Australia Inc;
- Game Management Council of Victoria;
- Gippsland Deer Stalkers' Association;
- North East Deer Stalkers Association;
- Para Park Cooperative Game Reserve;
- Shooting Sports Council of Victoria;
- Sporting Shooters' Association of Australia (Vic);
- Victorian Deer Association;
- Victorian Hound Hunters Inc;
- Victorian Game and Deerstalkers Association; and
- Working Gundog Association of Australia (SSAA).

Government agencies and committees, such as the DPI Bureau of Animal Welfare, Parks Victoria, the Firearms Consultative Committee, the Victorian Hunting Advisory Committee, and Victoria Police were also consulted.

Overall there was broad support for the proposed Regulations from hunting organisations. Consultation, along with DSE and DPI's internal review of the regulations, resulted in the following proposed changes to the regulations:

- amend the definition of 'regulated spotlight'. New technologies have rendered the current definition ineffective.

- amend the Game Licence application conditions to require the notification of a prior conviction against other States' legislation that pertains to animal welfare and hunting. The Victorian legislation currently only refers to convictions in Victoria and will be broadened to include offences in other jurisdictions.
- amend licence types to include a short-term licence for game bird farm hunters.
- change the requirements for a person who holds a Game Licence to notify the Secretary of their change of address within 7 to 14 days of changing address. The proposed 14 day period aligns with the notification of change of address requirements in the *Firearms Act 1996* (s. 139).
- enable the training of pup hounds outside of the current pack limit of five hounds, with total team size of eight hounds. The current situation makes pup training difficult and ineffective.
- allow up to two junior hunters to hunt Sambar Deer with hounds without being considered part of a 10 person team. Current regulations do not provide training opportunities for junior hunters outside of the maximum 10 person team limit.
- allow scent-trailing hounds to be registered for life once they are mature (12 months). This removes the current requirement for hounds to be re-registered every three years.
- allow the use of 10 gauge shotguns to hunt or take game birds. This would make Victoria consistent with the current standard maximum gauge permitted in other jurisdictions and open the market to sell these firearms to game bird hunters.
- allow new centre-fire cartridges consistent with market advances.
- cross-bow and archery specifications revised consistent with market advances.
- allow shotguns with blanks to be used for training gundogs. The current exemption allows the use of a starter's pistol for training gundogs. However, current firearms laws have changed, which now require persons to obtain a handgun licence in order to own a starter pistol.
- allow the use of some electronic equipment in line with technological advances, e.g. GPS tracking collars, radios, motorised decoys.
- enable the use of a gundogs (and deer hunting dogs) for the purpose of locating, pointing or flushing all game deer, other than Hog Deer.
- amend Schedule 5 to also include 'approved deer hunting dogs' (Part 4). This will allow the use of breeds such as the Jack Russell and smaller terrier breeds.
- provide options for identification of hounds without the need for a person to provide their residential address.
- permit the selling of legally obtained taxidermied game products, such as deer heads.
- remove the regulation requiring the return of unused Hog Deer tags to the Secretary. Tags are non-transferrable, and different coloured sets and numbers are used annually.

- amend the regulations to remove reference to gundogs and re-word to specify hounds only. It is appropriate to allow gundogs and ‘approved deer hunting dogs’ to be used state-wide.
- amend Schedule 3 Part 1 to allow a twelve-month open season for Red Deer.
- create a new ‘deer hunting dogs’ category and definitions of dog breeds.
- add the Mitchell Shire Council as a recognised deer habitat, but include areas around Merrijig and Warburton to be closed to some forms of deer hunting.
- updating the current non-toxic shot list to reflect international standards.

Issues raised during the consultation but not included in the proposed Regulations include:

- One hunting organisation sought the declaration of additional game species, such as Eastern Grey Kangaroos, Crested Pigeons and Brown Quail.
 - Wildlife may be declared to be ‘game’ by way of an Order under the Act. While it is possible to set open seasons, bag limits and other hunting arrangements under the regulations, game species can only be declared under the Act. This is, therefore, outside the scope of the regulations and this RIS.
- Some hunting groups suggested that the Secretary should be able to appoint or delegate an organisation to conduct WIT and/or Deer Hunting Tests and issue certificates. It was argued that this would ease current administrative burdens and improve service to stakeholders.
 - This requirement is contained in the Act, not the regulations.
 - DPI noted that allowing appropriate trained and accredited individuals to assist in delivering this test would address stakeholder needs, reduce the administrative burden for government and would be consistent with best practice. It does not need a regulatory regime. DPI has committed to investigating appropriate administrative processes to allow trained and accredited individuals to assist in delivering tests in the future.
- Entitle hunters to receive a Game Licence refund or an extension if the season is cancelled through a section 86 of the *Wildlife Act 1975* closure notice.
 - DPI considers that it is not appropriate to offer refunds, as Game Licence fees fund the administration, management and enforcement of game hunting year-round, not just the access to a resource. That said, current policy allows for an extension of licences during a cancelled duck hunting season. This has been practised in the past.
- Charging international hunters a much higher fee than Victoria hunters. The revenue from these fees could be earmarked to improve the environment and habitat of game species.

- Fees set on this basis would be inconsistent with the Victorian *Cost Recovery Guidelines*. Any such earmarking of funds would require the Treasurer's approval and/or legislative change.

DPI acknowledges that some groups and individuals are opposed to game hunting in Victoria, particularly duck hunting. For example, the RSPCA, Coalition Against Duck Shooting, Animals Australia and Birds Australia all publicly oppose duck hunting and publicise their policies on their websites. Views from these groups generally concern the broader policy question of game hunting rather than the specific details contained in the proposed Regulations. The question of whether there should be game hunting in Victoria is for practical purposes outside the scope of this RIS as the Government has a policy position that game hunting will be permitted as it delivers an economic return to the State of approximately \$96 million. Nevertheless, views from these groups and views from other recreational users will be sought during the RIS consultation phase.

This RIS represents another step in the consultation process and DPI welcomes comments or suggestions with respect to the proposed Regulations, and ways to improve their design and application. This RIS will be publicly available on the DPI website at www.dpi.vic.gov.au and will be advertised in state-wide and regional newspapers and the Victorian Government Gazette. Copies of this RIS have been forwarded to key stakeholders inviting comments.

The *Subordinate Legislation Act 1994* requires that the public be given at least 28 days to provide comments or submissions regarding the proposed Regulations. Given that the proposed Regulations are similar to the current Regulations (and where changes have occurred, these have tended to lower regulatory burdens, update technical specifications or streamline arrangements), the consultation period for this RIS will be 28 days, with written comments required by no later than **5.00pm, 20 August 2012**.

* * * * *

BIBLIOGRAPHY

Australia Deer Association, <http://austdeer.com.au>

Briggs, S. V., Brickhill, J. G., Kingsford, R. T. and Hodgson, P. F., 1993, Ducks, hunters and rainfall at two sites in southern inland New South Wales. *Wildlife Research* 20: 759-69

Briggs, S. V. and Holmes, J. E., 1988, Bag sizes of waterfowl in New South Wales and their relation to antecedent rainfall, *Australian Wildlife Research* 15: 459-68

Bentley, A., 1998, *An Introduction to the Deer of Australia, With Special Reference to Victoria*, Revised Bunyip Edition, The Australian Deer Research Foundation Ltd, Melbourne

Caughley, G. and Sinclair, A. R. E., 1994, *Wildlife Ecology and Management*. Blackwell Science Pty. Ltd., Melbourne, Australia

Cause, M. L., 1990, *Economic Values of Recreational Deer Hunting in Australia*, M.Sc Thesis, Griffith University, Queensland

Deer Advisory Council of Victoria, 1979, *Deer in Australia*, Fisheries and Wildlife Division, Melbourne, Australia

Department of Natural Resources and Environment, 1995, *Mail Survey of Hunters in Victoria 1995*, Flora and Fauna Statewide Programs, Department of Natural Resources and Environment, Melbourne

Department of Natural Resources and Environment, 1998, *Regulatory Impact Statement – Wildlife (Game) (Specified Hunting Area) Regulations 1998*, Flora and Fauna Statewide Programs, Department of Natural Resources and Environment, Melbourne

Department of Natural Resources and Environment, 1999, *Mail Survey of Hunters in Victoria 1998*, Flora and Fauna Statewide Programs, Department of Natural Resources and Environment, Melbourne

Department of Natural Resources and Environment, 2000, *Mail Survey of Hunters in Victoria 1999*, Flora and Fauna Statewide Programs, Department of Natural Resources and Environment, Melbourne

Department of Natural Resources and Environment, 1997, *National Competition Policy Review of the Prevention of Cruelty to Animals Act 1986*, prepared by KPMG Management Consulting, Melbourne

Department of Sustainability and Environment, 2003, *Flora & Fauna Guarantee Action Statement: The use of lead shot in cartridges for hunting waterfowl*, No 32, State of Victoria, East Melbourne

Department of Sustainability and Environment, 2008, *Game Hunting in Victoria: Summary of the 2006/07 Victorian Hunter Mail Survey*, Victorian Government, East Melbourne

Department of Treasury and Finance, 2009, *Victorian Regulatory Change Measurement Manual*, Melbourne, December

Department of Treasury and Finance, 2011, 2.1 ed, *Victorian Guide to Regulation incorporating: Guidelines made under the Subordinate Legislation Act 1994*, August 2011, Melbourne

Frith, H. J. and Carpenter, S. M., 1980, Breeding of the Stubble Quail, *Coturnix pectoralis*, in south-eastern Australia, *Australian Wildlife Research*, 4: 85–90

Gormley, A.M. and Turnbull, J. D., 2011, *Estimates of Harvest for Deer, Duck, and Quail in Victoria: Results from Survey of Victoria Game Licence Holders in 2011*, Arthur Rylah Institute for Environmental Research, Technical Report Series No. 224, Department of Sustainability and Environment, Heidelberg, Victoria

Hardin, G., *Science*, 13 December 1968, Vol. 162. No. 3859: 1243–1248

Jones, E., 1990, Physical characteristics and taxonomic status of wild canids, *Canis familiaris*, from the eastern Highlands of Victoria, *Australian Wildlife Research* 17: 69–81

Holmes, J., 1996, *1994 Duck Season Report*, Department of Conservation and Natural Resources

Kingsford, R. T., Wong, P. S., Braithwaite, L. W., and Maher, M. T., 1999, Waterbird abundance in eastern Australia, 1983-1992, *Wildlife Research* 26: 351-66

Loyn, R.H., 1989, *The Management of Duck Hunting in Victoria – A Review*, Arthur Rylah Institute for Environmental Research, Technical Report Series No. 70

Loyn, R.H., Brown, R.S. and Timms, R., 1991, *The 1988 Duck Hunting Season and Hunter Mail Survey in Victoria*, Arthur Rylah Institute for Environmental Research, Technical Report Series No. 119

Mayze, R.J. and Moore, G.I., 1990, *The Hog Deer*, Australian Deer Research Foundation Ltd., Croydon, Victoria

Menkhorst, P.W. (ed), 1995, *Mammals of Victoria – Distribution, Ecology and Conservation*, Oxford University Press, Melbourne, Australia

Mises, L., Part IV, Chapter 10, Sec. VI, *Nationalökonomie: Theorie des Handelns und Wirtschaftens* (Geneva: Editions Union, 1940). The quote provided is that of Mises's expanded English translation, Chapter XXIII: *The Data of the Market*, Sec. 6: *The Limits of Property Rights and the Problems of External Costs and External Economies*, *Human Action: A Treatise on Economics*, New Haven: Yale University Press, 1949

- New South Wales National Parks and Wildlife Service, 2000, *Scientific Panel Review of Open Seasons for Waterfowl in New South Wales*, New South Wales National Parks and Wildlife Service, New South Wales
- Norman, F. I., 1983, Protection for native waterfowl, *Journal of the Royal Historical Society of Victoria*, 54(2): 33–43
- Norman, F. I. and Nicholls, N., 1991, The Southern Oscillation and variations in waterfowl abundance in south-eastern Australia, *Australian Journal of Ecology* 16: 485-90
- Norman, F. I. and Young, A. D., 1980, 'Short-sighted and doubly short-sighted are they. A brief examination of the game laws of Victoria, 1858–1958', *Journal of Australian Studies*, 7: 2–24
- Pain, D.J., 1992, Lead Poisoning of Waterfowl: A Review. In: Pain, D.J. (ed) Lead poisoning in waterfowl, *Proc. IWRB Workshop, Brussels, Belgium, 1991*, IWRB Special Publication No. 16, Slimbridge U.K, pp. 7-13
- Pain, D.J. and Rattner, B.A., 1988, Mortality and haematology associated with the ingestion of one number four lead shot in Black Ducks, *Anas rubripes*. *Bulletin of Environmental Contamination and Toxicology*, 40: 159–164
- Posewite, J., 1994, *Beyond Fairchase: The ethic and tradition of hunting*, Falcon Press, Helena, Montana.
- Queensland Department of Environment and Heritage, 1995, *Conservation and Management of Duck and Quail in Queensland 1995-2000 - Conservation Plan Series No. 3.*, Queensland Department of Environment and Heritage
- Robertson, P. A., and Rosenberg, A. A., 1988, Harvesting gamebirds In: *Ecology and Management of Gamebirds* (ed. P. J. Hudson and M. R. W. Rands), BSP Professional Books, Oxford
- Strickland, M. D., Harju, H. J., McCaffery, K. R., Miller, H. W., Smith, L. M., Stoll, R. J., 1996, Harvest management in: *Research and Management Techniques for Wildlife and Habitats* (ed. T. A. Bookhout), The Wildlife Society, Maryland
- Toop, S. D., 1995 *Reproductive timing and habitat preference in the Stubble Quail (Coturnix pectoralis) in Northern Victoria*, Honours thesis, University of Ballarat, Victoria

10. ATTACHMENTS

Attachment A

PROBLEMS THE PROPOSED REGULATIONS SEEK TO ADDRESS

Broadly, the problems the regulations seek to address are as follows:

- 1. Competency and accountability:**
 - a. games licences (Part 2)

- 2. Humane and safe hunting:**
 - a. hunting methods (Part 4)
 - b. specified hunting areas (Part 7)

- 3. Sustainable management of game resources:**
 - a. open and close seasons and bag limits (Part 3)
 - b. deer hunting areas (Part 8)
 - c. Hog Deer Tags (Part 6)
 - d. possession and use of game (Part 5)

1. Competency and accountability (licensing and registration)

Game Licence

Under the *Wildlife Act 1975*, any person wishing to hunt game in Victoria is required to obtain a Game Licence from DPI. Game Licences provide accountability for hunters in Victoria and assist with the enforcement of hunting regulations. The potential loss of a Game Licence as a result of a breach of hunting regulations provides a powerful incentive for hunters to comply with the law. Game Licences also provide DPI with a better understanding of the number of game hunters in Victoria, enabling the development and implementation of appropriate management policies and better estimates of game harvests and hunting pressure each year. Game Licence details (i.e. contact names and addresses of each hunter) also provide DPI with a direct means of communicating with game hunters. Some Game Licence types ensure that hunters have achieved a minimum level of competency with respect to identifying game and non-game species and knowing the relevant laws, rules and obligations.

Prior convictions

The proposed Regulations will extend the existing requirements for Game Licence applicants to declare any convictions relating to hunting from other states, not just Victoria, as previously required. DPI considers that game and wildlife offences that occur in other jurisdictions should be taken into account when assessing the character and suitability of an applicant to hunt game in Victoria.

Notification of change of address

The proposed Regulations extend the period required to notify DPI of a change of address from 7 days to 14 days. This is consistent with requirements for holders of a Firearms Licence.

Fees

Under the proposed Regulations, all hunters over the age of eighteen years will be required to pay an annual fee for a Game Licence to hunt game (with the exception of non-indigenous game birds on a game bird farm).

Revenue raised from Game Licence fees will be used to offset costs relating to:

- administration of the licensing system;
- enforcement of hunting regulations; and
- development of hunter education and extension material.

Game Licence fees are proposed to remain relatively unchanged, in line with cost-recovery assessments. See [Attachment H](#) for a comparison.

No fee for juniors

Currently, juniors who hunt game must hold a valid Game Licence, but are entitled to a 50 per cent concession off the full price of a licence. In order to support juniors entering the field and to remove a financial barrier to entry, DPI proposes to exempt those between the age of 12 and 17 years (referred to as ‘juniors’) from paying any licence fee. This is consistent with other licence regimes, such as a Victoria Recreational Fishing Licence.

There are currently fewer than 1,000 people under the age of 18 years who hold a Game Licence. This equates to only 2.5 per cent of the total number of Game Licence holders. Therefore, the cost borne by government in exempting juniors from paying a fee is minimal, with potential revenue benefits to government increasing should an increase in junior licence holders result in an increase in adult licence holders over time.

Provisional Game Licence

Consistent with the policy of supporting juniors to enter the field and the exemption for juniors from paying a licence fee, it is proposed to introduce a new licence type known as a ‘Provisional’ Game Licence. This provisional licence will attract no fee and only juniors (people between the ages of 12 and 17 years) will be eligible for this licence.

Section 22A(7) of the Act requires that the duration of a licence shall be for the period specified in the licence. In the case of a Provisional Game Licence, it is proposed that the duration will be for up to one calendar year only, or the remainder of the calendar year in which the licence is issued.

The Provisional Game Licence will be granted without the need for a pass in the Waterfowl Identification Test or the Sambar Deer Hunting with Hounds Test (according to proposed Regulations 8 and 10), thus applying where these tests were undertaken on a voluntary basis and not passed or where the tests were not undertaken. However, a junior hunting under a Provisional Game Licence must be under the direct supervision of an adult who holds a valid Game Licence specific to the species being hunted. In this case, direct supervision by a licensed adult is considered to be an appropriate substitute for testing.

Administratively, it is proposed that a Provisional Game Licence will only be issued to a person once. Thus, even if still a junior, following expiry of the provisional licence, the junior may only hunt under a full licence after having successfully undertaken the tests referred to above and, therefore, would not be required under the *Wildlife Act 1975* to be directly supervised. It is worth noting however, that, under the Firearms Act, any person under the age of 18 who is licensed to use a firearm must do so only under the supervision of a fully-licensed adult.

A Provisional Game Licence holder will be subject to all sanctions applied to full Game Licence holders. A Provisional Game Licence will allow a junior hunter to participate in and experience game hunting before deciding whether they would like to continue. At the conclusion of the one-year Provisional Game Licence, a junior who wishes to continue hunting must acquire a full Game Licence and sit the relevant tests, as required.

This tiered licensing regime will assist in bringing juniors into the recreation while being supported through in-field supervised training and learning. It is consistent with other licensing frameworks, such as the Victorian Driver Licence.

Non-resident Game Licence

DPI proposes to introduce a new type of Game Licence for international visitors. This licence is aimed at facilitating access to game hunting for international visitors and supporting the commercial hunting and guiding industry. This licence will only be available to people who reside outside of Australia and will remove the need to undertake either a Waterfowl Identification Test or the Sambar Deer Hunting with Hounds Test. This is important, as it is often difficult for overseas visitors with limited time to book and sit a test prior to going hunting, generally for a limited period of time. It is expected that if non-residents were expected to take these tests, there would be very little demand for these licences, given the time and cost barriers presented by such testing. Given that potential non-resident hunters must be under the 'direct supervision' of a fully licensed game hunter that has passed these tests, the risk of compromising the government's objectives is considered low. A Non-resident Game Licence will be restricted to a maximum period of fourteen days and will require the licence holder to hunt under the direct supervision of an adult who holds a valid Game Licence specific to the species being hunted.

Non-indigenous game birds on a game bird farm

Currently, anyone wishing to hunt game birds on a game bird farm must have a Game Licence endorsed for game birds which has a minimum duration of 12 months. This licence type is excessive for the majority of clientele who pay to hunt at a game bird farm, with anecdotal information suggesting that the majority of clients are seeking a once-off experience in a controlled environment. Game bird farms often cater for corporate events where the majority of participants are not regular hunters. These people can experience hunting in a controlled environment under expert instruction.

DPI, therefore, proposes to introduce a new licence type that accommodates this type of clientele while supporting commercial hunting enterprises throughout the state. This licence will be valid for a period of 7 days only and will only apply to the hunting of non-indigenous game birds (i.e. introduced pheasant, partridge and quail species) that are hunted on game bird farms. Native game duck species and Stubble Quail may not be hunted at game bird farms under such a licence. Heavy penalties apply for such offences.

Given these limitations and restrictions, this licence type will not impact on the equity of access to non-indigenous game bird populations, as these species are only found on game bird farms following rearing and release. There are almost no wild populations that exist. Holders of a full Game Licence for game birds, including those endorsed for duck, may still hunt at game bird farms without the need to obtain a licence for hunting non-indigenous game birds at a game bird farm.

This licence will not allow the hunting of native game birds on a game bird farm. Anyone wishing to do so will need to hold a paid and valid Game Licence endorsed for game birds and/or duck.

The proposal to attach no fee will support industry, with commercial benefits outweighing the small costs associated with the enforcement of regulations on game bird farms. Further, game bird farm operators are required to hold a Wildlife Licence under the Wildlife Regulations 2004, with fees from this licence offsetting government administration and compliance costs.

Waterfowl Identification Test (WIT) and Sambar Deer Hunting with Hounds Test

Currently, hunters applying for a Game Licence allowing them to hunt ducks must pass a WIT. DPI proposes to maintain this requirement. This test ensures that only those hunters able to demonstrate adequate bird identification skills are permitted to hunt game ducks in Victoria and assists with reducing the number of protected species shot by duck hunters. Since the introduction of the WIT in 1990, the number of protected birds mistakenly shot by duck hunters each year has decreased significantly.

Currently, hunters wishing to hunt Sambar Deer with hounds must pass a test. DPI proposes to maintain this requirement. The test includes questions on the legal requirements for hound hunting, firearms safety, ethics in hunting and any other issues as determined by the Secretary DPI. This test is designed to ensure hunters are aware

of their legal obligations and to foster an ethical philosophy towards hunting and the responsibilities of hunters in the community.

These tests place an administrative and financial burden on hunters wishing to either hunt duck or Sambar Deer with the aid of hounds, however, these tests are not considered a significant barrier for people wishing to hunt these species. While no formal training is required, applicants may increase their chances of passing these tests by engaging in private study prior to the tests. DPI provides a range of resources (e.g. booklets, guides, brochures, DVDs, websites), while local libraries may hold DVDs to assist in preparation for the WIT. Also, some hunting organisations run information sessions to assist hunters to prepare for sitting the tests. Where it has been identified as a potential barrier to entry (international visitors and juniors), new licence types with no testing requirements are proposed, however, other protection mechanisms are put in place to ensure compliance with game laws (e.g. hunting under the direct supervision of a fully licensed and qualified game hunter).

Micro-chipping and registration of hounds

Microchipping

Currently, all hounds used to hunt Sambar Deer must be registered with the Secretary of DPI. Registration was introduced in 2001 and required individual hounds to be assessed for conformity with the breed standard, as well as providing a system to assist in the identification and tracking of hounds. This system has provided a valuable tool in assisting in the identification of owners of unrecovered or temporarily lost hounds. DPI proposes to maintain this requirement.

Currently, all hounds over the age of twelve months must be microchipped. Hounds less than 12 months of age currently only require ear tattooing, thereby allowing hunters to assess the hunting ability of young dogs before investing in microchipping.

Since the introduction of this requirement in 2001, Part 3 of the Domestic Animals Regulations 2005 introduced a requirement for *all* dogs to be microchipped by the time they are three months old. DPI proposes to change the current regulations to reflect the Domestic Animals Regulations, providing consistency for dog registration throughout the community. There is little or no cost difference between tattooing and microchipping. Therefore, this proposal is not considered to impose any substantial burden on hunters.

In fact, the proposal will reduce the cost burden should a hunter decide to use the hound for hunting (i.e. microchipping under the proposed regulations as opposed to tattooing and microchipping under the previous system). This proposal will also remove the need for an exemption for hounds to be microchipped at three months under the Domestic Animals Regulations 2005.

Hound owner details on collars

All hounds are currently required to wear a collar with a metal tag on which the name, address and/or telephone number of the owner must be recorded. In keeping with the intent of this policy, it is proposed to provide further owner detail options that removes

the need for residential details to be recorded on a hound's collar if the hound owner holds a valid Game Licence and the licence details are recorded on the collar. This addresses privacy issues, while still providing significant information for authorised officers to readily identify owners and to prosecute owners where offences are detected.

Hound registration

Currently, hounds over the age of 12 months are registered to hunt Sambar Deer for a maximum period of three-years. At the end of the three-year period, hounds must be re-registered if they continue to be used for hunting. The registration process for hounds was introduced into regulation in 2001 and phased in to take effect in 2004.

To reduce the administration and compliance burden, the proposed Regulations will provide that registration occurs only once after twelve months of age. As hounds have generally reached physical maturity at 12 months of age, it is considered appropriate to allow life-long registration of the hound after 12 months of age. This reduces the administrative burden for both hunters and the department and the compliance cost for hunters. Concerns regarding changes to the physical characteristics of the hound (including height) beyond twelve months of age will be addressed through the proposal to include maximum height limits of hounds in the regulations, as well as breed standards specified by the Australian National Kennel Council. It will remain an offence to hunt with a hound that fails to comply with the regulations including the height requirements. Therefore, the onus will remain on the hunter to ensure that his/her hound does not exceed the height limit beyond 12 months of age and anyone using hounds that exceed the height limits may be prosecuted.

This proposal will remove the need for hunters to re-register hounds once registration expires if they wish to continue to use the hounds for hunting Sambar Deer.

Possession of game ducks

All duck hunters are currently required to leave one fully-feathered wing on all game ducks they have in their possession until they reach their normal place of residence, or until immediately prior to cooking the bird. DPI proposes to maintain this regulation. This requirement is consistent with other jurisdictions (including internationally) that allow recreational duck hunting. It is the only robust method that enables Game Officers to quickly and accurately identify all waterfowl in a hunter's possession and reduces the amount of time that officers need to inspect hunters' bags. Leaving the wing on a bird also assists DPI in collecting harvest data during bag surveys or to assist with other research. These bag surveys provide information on age and moult of ducks harvested during the open season, which assists with the sustainable management of duck populations. This may cause some hunters some burden or inconvenience, however, the benefits outweigh this. New products are currently on the market that allows ducks to be breasted while leaving the wings attached.

2. Humane hunting and safety (hunting methods)

Restrictions on hunting methods

A management tool used to regulate and control harvests is to place restrictions on the methods used for hunting. Prescribed hunting methods are also used to define the minimum standards of equipment considered necessary for the efficient, ethical and humane taking of game. Further, restrictions on hunting methods can also be used to ensure public safety in areas where hunting is permitted, particularly on areas of high-use Crown land where the use of firearms, bows or crossbows could be problematic.

Under the regulations, DPI proposes to impose the following restrictions on the methods permitted for hunting game:

- Game must not be hunted with the assistance of motorboats, except where provided for. Duck hunters may hunt duck from a boat under power on waterways (such as rivers, creeks, streams and channels only) up to a speed of five knots. Duck hunters also may use a motor boat as a stationary platform from which to hunt, provided the engine is not running, or retrieve downed game birds on open water.
- Game must not be hunted with the assistance of motor vehicles or aircraft.
- Game must not be hunted while fleeing from fire or smoke.
- Game must not be hunted at night (defined as half an hour after sunset to half an hour before sunrise).
- A person must not hunt or take game or cause, permit or assist in the hunting or taking of game using any bait, lure or decoy or live animal to attract game. An exception to this regulation is the provision to allow hunters to use a decoy made or constructed to resemble or represent a waterbird or a call resembling the call of a duck or deer.
- Game birds must only be harvested with a shotgun of having a gauge of no greater than 10. This has increased from a maximum gauge of 12 in response to technological and market advances. It is also consistent with other Australian and international jurisdictions. The ballistic performance of 10 gauge shotguns is equal to that of 12 gauge firearms and, when used appropriately (i.e. with the correct load and choke combinations for the game being hunted, and within the individual's effective shotgunning range), will humanely harvest game birds.
- Deer must be hunted with a centre-fire rifle of a minimum prescribed calibre and projectile weight. Different calibre and projectile weights are prescribed for large species of deer (Sambar Deer, Rusa Deer, Red Deer) and smaller species of deer (Hog Deer, Chital Deer and Fallow Deer). Similar regulations are prescribed for muzzle-loading rifles.
- Minimum draw weights and arrow specifications are prescribed for long, recurve, and compound bows. Minimum draw weights and bolt specifications are also prescribed for crossbows.

These proposed restrictions are less of a burden than those prescribed in the current regulations. Changes have been made to accommodate technological advances in ammunition and firearm capability and general hunting equipment. Without compromising the humane dispatch and sustainability of hunting methods, some electronic devices, such as two-way radios, and new firearm configurations, are proposed.

It is also proposed to provide the Secretary DPI with authority to issue permits to allow the use of antique shotguns (i.e. pre-1900) that do not conform with the proposed shotgun specifications for game bird hunting.

Shotguns for gundog training

The proposed Regulations propose to allow the use of shotguns with blanks to train gundogs. The current regulations allow starters' pistols to be used, however, new licensing arrangements have made it difficult to obtain and use some types of starters' pistols. It will remain an offence to train a gundog while in possession of live ammunition outside of the prescribed open season. Where practicable, these proposed regulations are consistent with other jurisdictions.

Dispatch of game

Consistent with the current regulations, it is proposed to maintain the requirement that any game hunter who wounds game must immediately dispatch that game upon recovery. The proposed Regulations have included that dispatching game must be done humanely (i.e. done in a way that results in a quick and painless death). Failures to do so will be an offence and may leave hunters open to prosecution under the *Protection of Cruelty to Animals Act 1986*.

Use of dogs for hunting

Under the current regulations, there are two types of dog groups that can be used to hunt game. These are gundogs (used for game bird hunting and Sambar Deer hunting) and hounds (used for Sambar Deer hunting only). The use of approved breeds of dogs in hunting is encouraged as it has the potential to increase hunter success and assist in the location of downed game that may otherwise be lost.

Under the Code of Practice for the Welfare of Animals in Hunting, provided for under the *Prevention of Cruelty to Animals Act 1986*, any dog used to assist game hunters must instinctively hunt and must be non-aggressive, obedient, and be able to be trained to obey commands from the hunter to only hunt certain types of wild animals and to ignore distractions in the field.

Gundogs

Breeds of gundogs have been selectively developed over centuries to either trail, flush, point or retrieve game species, and are considered to have appropriate physical and behavioural characteristics to effectively and humanely hunt deer and game birds.

Consistent with the current regulations, it is proposed to maintain the current list of 25 gundogs approved for game hunting, as well as adding three more gundog breeds (Bracco Italiana, Hungarian Wirehair Vizsla and Lagatto Ramangolo). These breeds are considered to be appropriate for use in game hunting and further free the market for the production of these dogs for game hunting.

Reflecting the existing regulations, the Code of Practice for the Welfare of Animals in Hunting specifies that a hunter may use no more than two gundogs at any one time. The limit of two takes into account animal welfare considerations, ensuring fair chase and is considered the maximum number to achieve effective hunting. The proposed regulations maintain this position.

Where deer hunting is concerned, the current regulations permit gundogs to be used for hunting Sambar Deer only. However, the proposed Regulations provide for the use of gundogs for all other deer species, except for Hog Deer. Also, the current regulations only allow the use of gundogs for hunting Sambar Deer in that part of the state generally bounded by the Hume Freeway, Princes Highway and the New South Wales border. Under the proposed Regulations, gundogs would be permitted to hunt all deer species, except for Hog Deer, throughout the state, wherever hunting is permitted. This reflects the distribution of deer in Victoria and, given the restriction on breed types and limiting the number of gundogs that can be used by any person or team of people to two at any one time, is not considered to pose any problems regarding dog control.

Consistent with the current regulations that allow gundogs for Sambar Deer hunting, there are no welfare issues associated with the use of gundogs for these other deer species. The use of gundogs to assist in tracking and recovering deer is considered beneficial and assists hunters in fulfilling their obligation to recover and dispatch game.

Deer hunting dogs

Currently, only gundogs and hounds as listed in schedules in the regulations can be used to hunt deer.

Hunters have expressed a desire to use companion dogs other than gundogs and hounds, to hunt deer. Some other dog breeds are considered appropriate for use in deer hunting, given their limited size and temperament. DPI proposes that a new schedule of dogs be permitted for deer hunting only. To be known as *deer hunting dogs*, these breeds are small in size and pose no threat to the deer being hunted. Predominantly, these new dogs will be from the terrier family and include:

- Border Terrier
- Finnish Spitz
- Fox Terrier (smooth)
- Fox Terrier (wire)
- German Hunting Terrier (Jagd Terrier)

- Jack Russel Terrier
- Norwegian Elkhound

Consistent with the proposed requirements for gundogs, it is proposed to allow deer hunting dogs on all deer species, except for Hog Deer, and throughout the state. Consistent with gundogs, it is proposed that a maximum of two deer hunting dogs be permitted for hunting at any one time.

Hounds

Scent-trailing hounds have been used to hunt Sambar Deer for over 100 years in Victoria. Currently, as a condition of Game Licence under the regulations, all hunters wishing to hunt Sambar Deer with the aid of hounds are required to:

- use no more than five hounds on any deer hunt;
- identify all hounds with a legible ear tattoo (for pups) or microchip; and,
- register all hounds with DPI.

These regulations are proposed to be maintained, with an exception of ear tattooing (see discussion under ‘Microchipping and registration of hounds) and the number of hounds permitted for use. There is currently a limit of five scent-trailing hounds that can be used on any one hunt. New hounds may not be introduced into a hunt that has already commenced. The restriction of five hounds per hunt was introduced in 2001 and has improved the ability of hunters to control the movements of the hounds once a hunt has commenced. A limit of five hounds per pack allows it to function effectively and reduces the potential for hounds to become lost or enter prohibited areas.

However, it is recognised that the social and behavioural characteristics of a hound pack significantly impacts on how the pack functions and whether a hunt is successful or not. As a result, the training of pups (i.e. under the age of 12 months) as part of the five hound pack can compromise the way it functions, as it limits the number of older and experienced hounds that can be used which can reduce the training effectiveness for pups. The proposed Regulations will maintain the intent of only allowing five mature hounds, but will also provide the option of including an additional three pups in training as part of the hound pack. This proposal will mean that a hound team could potentially use eight hounds, of which three must be under the age of 12 months.

Under the current regulations, only pure Beagles and Bloodhounds can be used to hunt Sambar Deer. The use of these breeds only was prescribed in 2001 and phased-in to become mandatory in 2004 to address issues regarding animal welfare, a lack of control over a hunt and the potential for conflict with other public land users.

As part of the hound registration system put in place, tolerance limits were provided to hound height limits, as well as exempting pedigree hounds from complying with the recommended height limits contained in the Australian National Kennel Council Breed Standards. These exemptions have provided incentive for some hunters to

breed pedigree hounds which do not conform to the breed standards and for hunters to crossbreed Beagles with larger hounds in order to produce bigger and faster dogs.

In order to address these issues and bring clarity to the use of hounds for hunting Sambar Deer, DPI proposes to allow Harriers as an approved hound breed for hunting Sambar Deer, remove the height exemptions for pedigree hounds and remove tolerances for height limits for hounds without pedigree papers.

Harriers (at 53 cm at the withers) are larger than Beagles (40 cm) but smaller than Foxhounds (64 cm), which made up the vast majority of hounds used to hunt Sambar Deer prior to their banning in 2004. The proposed prescribed height of a Harrier (53 cm) is the same size as a number of Beagles holding pedigree papers which have been registered under the current registration system. A grandfather clause is proposed, so that any hound which was registered under the current regulations will be eligible for use for its lifetime, even if it does not conform to the new regulations.

These proposals will allow the use of a medium-sized hound (the Harrier), remove perverse incentives for hunters to take advantage of administrative loopholes and breed larger Beagles that do not conform to the breed standard or crossbreed Beagles in order to get bigger dogs. Hound height limits will be introduced and strictly enforced. Any hound that is found not to conform to the breed standard or height limit will be deregistered and hunters may be prosecuted for failing to hunt with a legal hound.

Use of spotlights for hunting

The spotlighting of deer is a common problem encountered by wildlife agencies throughout the world. The avoidance behaviour of deer makes them difficult to hunt during daylight hours. However, at night under a spotlight, they are particularly vulnerable and may be easily shot. Spotlighting of deer has the potential to increase the total seasonal harvest, reducing hunting opportunity for law-abiding hunters. The majority of illegal spotlighting activity occurs from vehicles on public roads or thoroughfares, compounding the potential for firearm-related incidents, including the risk to public safety and possible damage to property. Hunting organisations consider the use of spotlights to hunt game to be highly unethical.

DPI proposes to maintain the existing spotlighting regulations, but revise the definition of spotlight to reflect current advances in technology. A spotlight is currently defined as an artificial source of light with a power source of greater than 4.5 volts. In 2001 when the regulations were last remade, such a light was considered powerful enough to cast sufficient light to spotlight a deer. Today, with current lighting technology and improved performance and output of bulbs, very powerful lights capable of spotlighting a deer can be powered with a much lower power source. Given this, the reference to a power source of 4.5 volts will be removed and the use of any artificial light, night vision or heat detecting device for taking game will not be permitted. However, the ability to use a light source for domestic or emergency purposes will be retained. Linked to the proposed spotlighting provisions is the proposed inclusion of the Mitchell Shire in the list of recognised deer habitats where a person must not be in possession of a spotlight and firearm together. This proposal addresses a previous oversight in 2001 not to include the Mitchell Shire as an important deer hunting area.

3. Sustainable management

Open and close seasons for game

Open and close seasons are one of the most common management tools used by wildlife agencies throughout the world to ensure the conservation of game resources and reduce hunting disturbance to both game and other wildlife during important stages of their life cycle.⁶⁷ Open seasons are timed so as to take advantage of peaks in the population and not impact on productivity or core breeding stocks. Also, the length of an open season is used as a mechanism to regulate harvest, as harvest levels are known to show a positive relationship with increasing time.

The primary consideration when setting open season dates is the probable impact that hunting will have on the species at a given time. Although the need to provide hunting opportunity is important, it must come second to minimising any likely detrimental impact on the status of the population and must be consistent with the biology and ecology the species.

For game populations, harvesting is generally timed to coincide with the post-breeding period when the population is temporarily increased by replacement and recruitment and the activities of hunters are less likely to damage breeding stocks. Close seasons allow game to breed undisturbed prior to hunting, maximising production and reducing the risk of any long-term effects of harvesting on the total population. Local elimination of small breeding populations of game species is also less likely than with a twelve-month season. The use of open and close seasons also means that enforcement efforts can be concentrated into particular periods.

For ducks and other game birds, regulations generally prohibit hunting while birds are breeding or moulting. Game birds are more vulnerable to harvesting during breeding and disturbance or removal of nesting or brooding adults can result in the failure of nests and the death of chicks, resulting in a reduction in productivity and ultimately reduced hunting opportunity. Game birds generally moult immediately after breeding, although moult can be protracted in some Australian waterfowl species. During post-nuptial moult, the flight feathers are lost and replaced by new feathers. In the advanced stages of moult, birds are rendered flightless and are extremely vulnerable to hunting, as their ability to escape or evade hunters is reduced and they could be subject to over-harvesting. Young birds produced during the peak breeding period of spring/summer must also be allowed to fledge and gain the power of strong flight before hunting is allowed. In waterfowl, strong flight is generally attained at two months after hatching and quail approximately one month.

Open seasons are also timed to avoid periods of environmental stress and lowest population levels. Populations are generally at their minimum during winter and these residual populations are under great stress during winter from food and cover shortages and temperature extremes. Late winter is also the period immediately prior to pair bonding and other preliminary breeding and courtship behaviours. Hunting during this time could impact on the core breeding stock, reducing numbers and

⁶⁷ Loyn, *ibid.*

disturbing breeding, resulting in a reduction in productivity and the size of the potential harvestable yield for the forthcoming hunting period.

Similarly, for deer, where consistent with management objectives, regulations prohibit hunting disturbance during breeding, when calves are dependent on their mothers for survival, or when the species may be more vulnerable to hunting. Where there is a need to control deer populations, alternative management approaches are adopted.

In addition to protecting game during periods of vulnerability, close seasons can also be a useful tool to ensure that hunting activity is conducted during periods consistent with other land management activities or peaks in other recreational pursuits (e.g. summer holidays). Generally, recreational game hunting is considered to be a relatively safe activity, but there are periods when hunting can conflict with other land uses. In most cases, these periods are not considered suitable for hunting anyway, due to high levels of disturbance which can disrupt hunting activities. To a large extent, hunting takes place during the colder months (autumn and early-winter) when other recreational activities are reduced and the chance of conflict is less likely. In instances where there may be significant conflict or some threat to public safety, areas or periods may be closed to hunting.

Hunting, taking or destroying protected game during the prescribed close season carries a maximum of 50 penalty units and/or 6 months imprisonment under the *Wildlife Act 1975* and an additional 5 penalty units for every head of wildlife.

Open and close seasons for game ducks

The main factor to consider when setting dates for the open season for waterfowl is the need to avoid peak breeding periods when pairing adults are vulnerable to disturbance and brooding adults, eggs and chicks are vulnerable to destruction. These same principles apply to non-game waterbirds and other wildlife where hunting may occur. Australian waterfowl are highly opportunistic and have the ability to breed at almost any time of the year if conditions are suitable. This is an evolutionary adaptation to take advantage of Australia's variable climatic conditions where periods of extended drought or flood are common. However, despite this flexibility, waterfowl in eastern Australia display a regular peak in breeding activity in late-winter and spring (August-November), with some breeding activity commencing as early as June and extending as late as January.

It is also necessary to avoid periods when adult ducks are moulting and have impaired flight. Australian waterfowl moult soon after breeding, with large flocks of moulting birds often observed in February each year, although this response may be protracted and variable. Recently produced young must also be given the opportunity to mature to the point where they are self-sufficient and strong in flight.

The timing of the commencement and conclusion of the open season also needs to be carefully considered for its possible impact on harvest levels. A high proportion (consistently approximately 30 per cent) of the annual harvest is taken during this two-day period (e.g. DNRE 2000). It is, therefore, considered important that the opening weekend is timed to avoid falling on a long weekend to avoid the extra hunting pressure and increased harvest level of three continuous days hunting. The end of the

open season must also be timed to avoid periods of environmental extremes and hardship for game ducks.

It is proposed that the existing regulations for open and close seasons for duck are maintained, meaning that the open season for duck will commence on the third Saturday in March and conclude on the second Monday in June, each year. This provides an 83-89 day open season, depending on when opening day falls, which may be any date between 15 and 21 March in any given year.

This proposal avoids hunting during the peak breeding and moulting period for ducks and other waterbird species and the opening weekend will not commence on the Labour Day long weekend or the Easter holiday period in any given year. This proposal also avoids hunting in the late-winter period when population levels are at their lowest, ducks may be subject to environmental extremes and food shortages, and when preliminary breeding activity may occur.

The start time for the opening day of the duck season is also considered important for the conservation of non-game species and the adherence to restricted bag limits on species like the Blue-winged Shoveler, which has a maximum daily bag limit lower than that for any of the other species. Hunting under poor light conditions may compromise the ability of hunters to positively identify game species and could affect accurate marksmanship. This is considered particularly important on opening day when a large proportion of duck hunters are active and typically more non-game species are shot compared with any other time throughout the season. This is important for species such as Freckled Duck, which present the main identification problem for hunters.

The start of hunting on the opening day of the duck season is set under a notice under section 86 of the *Wildlife Act 1975*. Hunting on any other day during the season will not be permitted from half an hour after sunset until half an hour before sunrise and is consistent with current regulatory arrangements. Some hunters claim that earlier and later shooting times would increase the chances of harvesting birds. This may be so, however, it is considered that light conditions are insufficient for positive identification of species under all weather conditions should shooting times be extended.

Open and close seasons for Stubble Quail

The open season for Stubble Quail must also be conducted when the population is at its maximum and must be timed to avoid periods of vulnerability such as breeding, moulting, temperature extremes and food shortage. Like waterfowl, Stubble Quail may breed at any time throughout the year when conditions are suitable, although in eastern Australia, there is a regular annual peak between August and December, with some breeding occurring into late-summer. There is also some evidence of a frequent second peak in the breeding cycle that coincides with autumn rains which result in a

flush of plant growth, providing quality food and cover resources^{68 69}. Stubble Quail moult soon after breeding.

The current timing of the open season was determined in response to a study conducted by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) which sampled over seven thousand birds between 1967-1975 across Victoria, New South Wales and South Australia.⁷⁰ After discussions with hunting organisations, the season was amended to cover the period from April to June.

Under the proposed Regulations, the existing open season dates will be maintained. The Stubble Quail open season will commence on the first Saturday in April and conclude on the last day in June each year. This proposal provides an 85 to 91 day season, depending on the opening day, which may fall on any date between 1 and 7 April in any given year.

This proposal avoids the peak period of breeding activity over spring/summer, the subsequent moult of adult birds and allows young birds to mature to be strong in flight. The end of the open season is also timed to avoid the late-winter period when the Stubble Quail population is at its lowest, under stress from environmental extremes and food shortages and when preliminary breeding activity may occur. Hunting will be permitted from half an hour before sunrise until half an hour after sunset for every day of the season.

There is some evidence to suggest that the Stubble Quail season could be divided into two distinct periods (i.e. a split season) to be more consistent with the biology of the species, thereby, avoiding any autumn breeding events and taking greater advantage of the post-breeding harvestable surplus.⁷¹ However, further scientific evidence specific to Victorian conditions would be required before being able to make an educated and informed change to the season dates. DPI is developing a research proposal to investigate the breeding biology of the Stubble Quail across Victoria.

Open and close seasons for Sambar Deer

Sambar Deer were first introduced into Victoria in the 1860s from India, Sri Lanka and the Philippines. Today, Sambar Deer are distributed throughout the Midlands and Eastern Highlands of Victoria and have extended their range into New South Wales. Sambar Deer have become the most successful species of deer introduced into Australia.⁷²

Sambar Deer may be hunted using two distinct methods: stalking or using scent-trailing hounds. A growing number of hunters also use gundogs to locate and flush

⁶⁸ Frith, H. J. and Carpenter, S. M., 1980, Breeding of the Stubble Quail, *Coturnix pectoralis*, in south-eastern Australia. *Australian Wildlife Research* 4: 85-90

⁶⁹ Toop, S. D., 1995, *Reproductive timing and habitat preference in the Stubble Quail (Coturnix pectoralis) in Northern Victoria*, Honours thesis, University of Ballarat, Victoria

⁷⁰ Frith, H. J. and Carpenter, S. M., *ibid.*

⁷¹ Toop, *ibid.*

⁷² Menkhorst, P. W., 1995, *Mammals of Victoria – Distribution, Ecology and Conservation*. Oxford University Press, Melbourne, Australia

Sambar Deer. Under the current regulations, the open season for hunting Sambar Deer with hounds starts on the second Saturday after Easter Sunday and finishes on 30 November of each year. These seasonal arrangements were put in place to reduce any negative interactions with other user groups during peak holiday periods. This is due to the fact that Sambar Deer hunting with hounds is a very visible and audible activity, with multiple people involved.

Linking the start of the hound season to Easter can cause problems when Easter falls late in April. This can effectively shorten the length of the hound season by several weeks. It is, therefore, proposed to start the season on 1 April of each year, but close the season from the Thursday before Easter until the Thursday after Easter. This proposal provides a regular start date to the season each year but continues to avoid hunting during the important Easter holiday period, thereby reducing the potential for negative conflicts with other user groups. It is proposed to retain the season closing date of 30 November each year.

The majority of hound hunting currently occurs during the cooler months of the year when dogs are less susceptible to heat exhaustion and snakebite. Therefore, the close season coincides with the hotter months of the year and has a minimal impact on the majority of hound hunters. Hunters are still permitted to train hounds during the close season provided they are restrained (e.g. on a leash) and the person(s) training the dogs are not in possession of a firearm or bow. Deerstalkers and those using gundogs to hunt Sambar Deer benefit from increased hunting opportunities, as hunting pressure on deer is reduced during the close season for hound hunting.

The length of the open season for stalking and those using gundogs will be maintained and will extend all year round. The same will apply to the new category of 'deer hunting dogs'. The twelve month season appears not to have had any negative impacts on the success of the species, as anecdotal evidence suggests that the Sambar Deer continues to extend its range, population density appears to be increasing and harvest levels remain high. As with hound hunting, hunting activity using gundogs and stalking for Sambar Deer reduces significantly over the warmer months of late-spring, summer and autumn and there is little conflict between these forms of hunting and other forms of recreation and use on public land. This proposal is not expected to have an appreciable burden on any sector of the community.

For all forms of hunting for Sambar Deer, hunting will be permitted from half an hour before sunrise until half an hour after sunset. It is considered that any extension to these hunting times would compromise the ability of hunters to positively identify and hit their target. It would also compromise the ability of hunters to identify what is behind the target.

Open and close seasons for Red Deer

Red Deer were first introduced into Victoria from Britain in 1860. Red Deer have a short rutting (mating) period that lasts only three to four weeks, beginning in late-March/early-April. Most hinds give birth to single young in November or December

after an eight-month gestation period. Stags cast their antlers during September and October and regrow them by mid-February⁷³.

Liberations of Red Deer in Victoria did not prove to be particularly successful and the Red Deer population in Victoria was restricted in its range and consisted of a number of small, isolated populations. However, today Red Deer are expanding their range, most likely due to escapees from deer farms, and populations are being observed in places where they have not been previously sighted. Given that the traditional herd is largely protected due to the fact that it generally occurs in the Grampians National Park where hunting is prohibited and there is a desire to prevent the establishment of new Red Deer populations, it is proposed to increase the existing two-month season and provide a year-round open season for Red Deer.

This proposal will assist in controlling the spread of Red Deer populations away from the traditional herd locations. An increase in the length of the Red Deer season will have minimal impact on other users, as most hunting for Red Deer occurs on areas of private property or leased Crown land.

Open and close seasons for Hog Deer

The Hog Deer was first introduced into Victoria from Sri Lanka and India in 1865. It is considered to be endangered across much of its native range, with the exception of India and Nepal, and has become extinct in some of its former territory. As a result, the Victorian population of Hog Deer is considered to have high conservation significance on a world-wide scale and sympathetic management is warranted to provide a level of insurance against the decline of Asian populations⁷⁴.

The Victorian Hog Deer population is restricted in range and consists of a number of small isolated populations. It is considered to be under pressure from a decline in habitat quality and quantity as land is cleared and freshwater marshes and wetlands are drained. Excessive harvest levels may compromise the security of some populations, therefore, when considering the timing of the open season, it is important to ensure the population is at its maximum and that hunting does not occur during periods of stress or vulnerability.

In Victoria, Hog Deer are capable of breeding in most months of the year, however, there is a clear peak in mating activity between December and January. Calves are most frequently seen between August and October following an approximate 230-day gestation period, and are weaned after approximately four months⁷⁵. Stags generally come into breeding condition following a period of antler growth from about mid-October to early-December each year. Once stags are in hard antler, mating is likely to occur.

⁷³ Bently, A., 1998, *An Introduction to the Deer of Australia, with Special Reference to Victoria*, revised edition, The Australian Deer Research Foundation Ltd, Melbourne

⁷⁴ Menkhorst, *ibid*

⁷⁵ Mayze, R. and Moore, G. I., 1990, *The Hog Deer*, Australian Deer Research Foundation Ltd., Croydon, Australia

Under the proposed Regulations, the current duration of the Hog Deer open season will be maintained, commencing on the first day in April and concluding on the last day in April, each year. Hunting will be permitted from half an hour before sunrise until half an hour after sunset. This period is considered to be consistent with the biology of the species as, generally, the majority of hinds have conceived, stags are in hard antler and calves born in spring have been weaned and are self-sufficient before the season opens. A month-long season in April avoids hunting during the peak-breeding period in summer, when stags are particularly vulnerable, and avoids any disruption to mating, which may affect productivity. An April season also avoids the major calf-rearing period and the hardships of winter when population levels are at their lowest and deer are subject to environmental extremes and food shortages.

The restricted length of the Hog Deer season is used as a mechanism to regulate harvest. For any game species, harvest levels generally increase with an increase in season length. It is considered that the current yield of Hog Deer is sustainable. However, should the season length be extended beyond one month, there is some concern that the increased level of take could not be sustained. Should the season be extended in length, it is considered that alternative measures would need to be employed to limit harvest to an appropriate level. This could be done by further restricting the bag limit or limiting the number of hunters permitted to hunt. Such management actions are considered to be too restrictive on hunting opportunity and thus it is not feasible to extend the hunting season.

The proposed open and close seasons and a range of other management actions (e.g. Hog Deer tags, checking stations, return forms) provide equal hunting opportunity for all Hog Deer hunters and ensures that hunting remains sustainable and does not threaten the status of the Victorian Hog Deer population.

Open and close seasons for Fallow Deer

Fallow Deer were first introduced into Victoria in the 1860s but few herds survived beyond the 1920s due to the effects of intensive agriculture and hunting pressure⁷⁶. In the last decade and a half, the number of free-ranging Fallow Deer herds in Victoria has increased significantly, particularly in the north-east of the State, due to large-scale, illegal releases from deer farms following a decline in the market value of deer in the mid-1990s. Fallow Deer herds are impacting on primary productivity by destroying crops and competing with livestock. Some anecdotal evidence suggests that Fallow Deer are also having a detrimental impact on flora and fauna values in some areas.

Prior to the regulations being remade in 2001, there was no open season for Fallow Deer. However, as a consequence of the 2001 review, a year-round open season was introduced with no bag limit. Hunting is permitted from half an hour before sunrise until half an hour after sunset. It is proposed to maintain the current year-round open season for Fallow Deer.

⁷⁶ Menkhorst, *ibid*

One objective of declaring an open season for Fallow Deer was to reduce or eliminate the population given that the population was established through illegal release. Managing Fallow Deer on a sustainable basis would condone the illegal release of non-indigenous wildlife and may encourage the release of further deer species in the hope of establishing feral populations that will later be managed to provide sustainable hunting opportunities.

Although opportunistic recreational hunting alone rarely results in the effective control of problem wildlife, the herding nature and preferred habitat of Fallow Deer make them particularly vulnerable to hunting, especially during the rut. Recreational hunting may assist to reduce Fallow Deer populations, although this will be influenced to a large degree by the timing, intensity and composition of the harvest.

Open and close seasons for Rusa and Chital Deer

Rusa Deer is a close relative of the Sambar, but are considerably smaller. Rusa are native to the Indonesia and its islands. Chital Deer are native to Sri Lanka, India, Pakistan, Nepal and Bangladesh. Both species were introduced into Australia in the 1800s but failed to persist in Victoria.

Although there are often anecdotal reports of Rusa in Victoria, it is generally accepted that they are genetically swamped through crossbreeding with Sambar Deer. Any existence of Rusa or Chital in Victoria is the result of release from deer farms. It is considered appropriate to have a year-round open season for these species of deer to prevent any populations from establishing as a result of illegal releases.

Bag limits for game

Bag limits are used to restrict the number of animals taken on a daily or a seasonal basis and are an unambiguous management tool to ensure that harvesting does not compromise the long-term conservation of the total population. Bag limits can apply to a species generally or they can be more specific and set different limits for sex and/or age categories. The regulation of harvests using bag limits can result in a more even and equitable distribution of game among hunters⁷⁷ and can limit or prevent the accumulation of game species for illegal commercial sale.

Bag limits have their greatest impact when set below levels that most hunters can achieve. If bag limits are excessively high, they have little effect on regulating harvest. In Victoria, for duck and quail in particular, only a minority of hunters can consistently attain the maximum daily bag. However, this minority contributes significantly to the total seasonal harvest.

Unrealistic bag limits may act as a goal that some hunters may strive to fulfil, placing unnecessary pressure on game populations and possibly leading to poor shooting practises.⁷⁸ High bag limits that are rarely attained by the majority can discourage goal-oriented hunters and can result in both the general and hunting communities

⁷⁷ Robertson, P. A., and Rosenberg, A. A., 1988, Harvesting gamebirds in: *Ecology and Management of Gamebirds* (ed. P. J. Hudson and M. R. W. Rands), BSP Professional Books, Oxford

⁷⁸ Loyn, *ibid*

believing that management is poor and the population is not capable of providing for or sustaining such high levels of harvest.⁷⁹

Bag limits for game ducks

The need for bag limits to regulate the harvest of game duck was recognised early last century when a daily limit of fifteen birds was introduced in 1916⁸⁰. A daily bag limit of 10 birds was first introduced in 1931 and, in 1932, the opening day bag was increased to 20 birds for opening day only and 10 for every other day of the season, although other restrictions applied at various times to individual species⁸¹. This arrangement was introduced to compensate for the fact that hunting was not permitted on Sundays and remained in place until 1988. In 1986, the prohibition on hunting on Sundays was lifted and the need to allow twice the daily bag limit on opening Saturday was no longer necessary. In 1988, the opening day bag limit was reduced to 10 birds after a review of duck hunting found that a bag limit of 20 on opening day was contributing to harvest levels that were exceeding annual production⁸².

Under the proposed Regulations, the current daily bag limit for duck will be maintained. The bag limit will be a maximum of ten birds per day, which includes no more than two Australasian (Blue-winged) Shoveler. The lower limit for Australasian Shoveler is in response to a naturally low population level, restricted distribution and specific habitat requirements of the species. This proposal will ensure that the long-term conservation status of waterfowl is not threatened and that the available harvestable surplus of game ducks is shared equitably among all recreational duck hunters, while maintaining local populations for non-consumptive uses.

The current bag limit of ten birds per day is relatively high by world standards and long-term monitoring has shown that relatively few hunters ever achieve the maximum bag, as few individuals have the necessary skill, perseverance or opportunity to take more than ten ducks per day⁸³. The long-term average bag on opening day, a period when typically more ducks are available for harvest, is approximately four ducks per hunter.

Historically, a minority of duck hunters (approximately 30 per cent) achieve their bag on opening day, but they account for an estimated 50 per cent of the opening day harvest⁸⁴. Those hunters capable of consistently attaining their bag will have hunting opportunities restricted, but any increase above the ten bird bag limit would benefit only the better hunters and could reduce hunting opportunities for the majority. The daily bag limit of ten birds ensures an equitable distribution of the resource among hunters.

⁷⁹ Strickland, M. D., Harju, H. J., McCaffery, K. R., Miller, H. W., Smith, L. M., Stoll, R. J., 1996, Harvest management in: *Research and Management Techniques for Wildlife and Habitats* (ed. T. A. Bookhout), The Wildlife Society, Maryland

⁸⁰ Norman, F. I., 1983, Protection for native waterfowl, *Journal of the Royal Historical Society of Victoria*, 54(2): 33-43

⁸¹ Loyn, *ibid*

⁸² Loyn, *ibid*

⁸³ Loyn, *ibid*

⁸⁴ Holmes, J., 1996, *1994 Duck Season Report*, Department of Conservation and Natural Resources, Victoria

Bag limits for Stubble Quail

Under the proposed Regulations, the bag limit for Stubble Quail will be maintained at twenty birds per day. This proposal will minimise any long-term effects of harvesting on the overall population and will ensure that the harvest of Stubble Quail is shared equitably among recreational quail hunters.

The proposed bag limit is not expected to reduce hunting opportunities for the majority of quail hunters, as few individuals have the necessary skill, perseverance or opportunity to take more than 20 quail per day. The average opening day bag of Stubble Quail over the last five seasons has been approximately eight birds per hunter and the average total seasonal harvest for each hunter over the same period is approximately thirty-four birds. Some hunters who have the skill and opportunity to harvest more than 20 birds will have hunting opportunities restricted under the proposed regulations. This is, however, considered necessary to ensure that the harvest remains sustainable and that harvest opportunities are distributed equitably among all recreational hunters.

Anecdotal evidence suggests that Stubble Quail numbers have declined in recent decades, a phenomenon consistent with the reduction of many ground-dwelling game bird species in other developed countries throughout the world. Reports from both hunters and researchers suggest that changes to agricultural practices have degraded already highly modified agricultural environments, which once provided suitable Stubble Quail habitat. Intensified range management and “clean” farming practices using herbicides and insecticides are known to compromise quail habitat by reducing relative food abundance and degrading nesting, brood rearing and protective cover. Any increase to the bag would be inconsistent with a probable declining population or the precautionary principle of management.

Bag limits for Sambar, Red, Fallow, Chital and Rusa Deer

The proposed Regulations will maintain the unrestricted daily bag limit for Sambar, Red Fallow, Chital and Rusa Deer. The unrestricted bag limit for Sambar Deer appears to have had little noticeable effect on the success of the species and it is considered that there is no reason to alter the current harvest strategy. Since its introduction, the population has flourished in the Eastern Highlands and Sambar Deer have steadily extended their range into New South Wales and the Australian Capital Territory to become Australia’s most successful deer species⁸⁵. It would also appear that their density is increasing, despite an estimated seasonal harvest in excess of 32,000 animals.⁸⁶

The traditional Red Deer population in Victoria centres around the Grampians in western Victoria and the majority of the population occurs within the Grampians National Park where hunting is prohibited and on areas of private property where access is restricted. This provides a degree of protection for the species. Other

⁸⁵ Menkhorst, *ibid*

⁸⁶ Gormley *et al*, *ibid*

populations are establishing at sites across the state, largely as a result of escapees from deer farms or from illegal releases. Given the level of protection for the traditional Grampians herd and the need to apply some form of control to illegally established herds, an unlimited bag limit for Red Deer is considered appropriate.

The Victorian Fallow Deer population has increased significantly in the past decade and a half following large-scale illegal releases of unwanted farm animals when the market for deer dramatically declined in the 1990s. The release and establishment of non-indigenous species, particularly hard-hoofed herbivores, is not consistent with contemporary biodiversity conservation principles and such action should be discouraged. The same principle applies to Rusa and Chital Deer. For this reason, it is proposed to maintain the current unlimited bag limit for these species. This, combined with a year-long season and the vulnerable nature of Fallow and Chital Deer during the rut, may assist to reduce some populations. The unrestricted bag limit will provide maximum hunting opportunity to hunters and will provide an additional avenue to primary producers to control problem deer wherever necessary. This proposal is not expected to place an appreciable burden on any sector of the community.

Bag limits for Hog Deer

The Hog Deer is considered to be endangered across much of its native range, with the exception of India and Nepal. As a result, the Victorian population of Hog Deer is considered to have high conservation significance on a worldwide scale and sympathetic management is warranted to provide a level of insurance against the decline of Asian populations.

The Victorian Hog Deer population is restricted in range and consists of a number of small, isolated populations and is considered to be under constant pressure from a decrease in the availability and quality of habitat as land is cleared and freshwater marshes and wetlands are drained. Excessive harvest levels may compromise the security of some populations. In response, the proposed Regulations will maintain the seasonal bag limit of one male and one female per hunter. This will ensure that hunting remains sustainable and does not threaten the status of the Victorian Hog Deer population. Biological data collected from Hog Deer at checking stations over more than a decade confirms that current harvest restrictions are not threatening the security of the Hog Deer population. However, at times, extreme environmental conditions, such as prolonged drought, may require some re-evaluation of harvesting strategies to ensure sustainability. Short-term adjustments to the harvesting strategy can be made under section 86 of the *Wildlife Act 1975* to respond to extreme environmental conditions.

This proposal is not expected to reduce hunting opportunities for the majority of Hog Deer hunters, as few hunters have the opportunity to harvest more than two animals in an average year. Data show that only 25 per cent of Hog Deer hunters harvest an animal each year. Accordingly, the proposed bag limit is not expected to limit hunting opportunities for the majority of Hog Deer hunters. Hunters who have the opportunity to take more than two animals per season will have hunting opportunities restricted under this proposal. This is, however, considered necessary to ensure a sustainable

harvest and for hunting opportunities to be shared equitably between recreational hunters.

Use of non-toxic shot for duck hunting

Lead is a known environmental contaminant and can cause death in waterfowl through ingestion and secondary poisoning to predators who feed on lead poisoned birds. The current regulations prohibit the use of toxic shot (including lead) for duck hunting in Victoria. Only non-toxic shot may be currently used for duck hunting and is defined as steel, bismuth, tungsten matrix, tungsten polymer, tungsten iron or tin shot.

It is proposed to maintain the prohibition on the use of toxic shot but update the types of non-toxic shot allowed for use in duck hunting. The proposed changes will reflect recent technological advances, freeing up the market and ensuring consistency with international standards. The proposed non-toxic shot types have been rigorously tested and are approved for use by the United States Fish and Wildlife Service.

Deer hunting areas

Prohibiting deer hunting in certain areas ensures that it is conducted in suitable areas throughout Victoria and may reduce the potential for firearm-related incidents associated with the use of firearms in close proximity to residential or commercial properties and areas that attract high visitor densities.

The proposed Regulations will maintain the existing regulations which restrict the use of hounds for hunting Sambar Deer to State forest and private land within the area bounded generally on the south by the Princes Highway and on the west by the Hume Highway and the north by the New South Wales border.

These same restrictions currently apply to gundogs being used to hunt Sambar Deer, however, it is proposed to remove this prohibition and allow gundogs to be used to hunt Sambar Deer and all other deer species (except for Hog Deer) throughout Victoria, where the presence of dogs is permitted. The same will apply to the new category of 'deer hunting dogs'. This does not mean that gundogs and deer hunting dogs can be taken into areas where they are presently not allowed e.g. National Parks.

The reason for lifting the prohibition on the use of gundogs for deer hunting in these areas is that there have been no issues with the use of gundogs in these areas or generally with respect to deer hunting. It is proposed to retain the maximum number of gundogs that can be used for deer hunting to two dogs for any individual or team of people. This will also apply to deer hunting dogs. In order to be effective, gundogs and deer hunting dogs must work close to the hunter and be under control, otherwise they will disturb deer and cause them to flee well out of hunting range.

The proposed Regulations will also maintain a number of other areas that were closed to deer hunting following a review of public safety relating to deer hunting in Victoria. All forms of deer hunting will remain prohibited around the areas to the north of Warburton township, Rubicon and surrounds and Halls Gap. Despite this, deer may continue to be hunted on private property by the owner or occupier of those lands.

The current regulations also prohibit deer hunting with the use of dogs (i.e. hounds and gundogs) from areas around Marysville and Jamieson-Kevington. However, under the proposed Regulations, the prohibition on the use of gundogs in these areas will be lifted and the new category of ‘deer hunting dogs’ will also be allowed to operate in these areas. The use of hounds, however, will remain prohibited. Stalking for deer will continue to be allowed.

In addition to these areas, the proposed Regulations will prohibit all forms of deer hunting from immediately around the township of Warburton as well as from the immediate area surrounding Mt Timbertop and the Timbertop Campus of Geelong Grammar, near the township of Merrijig. In addition, the hunting of Sambar Deer with hounds will be prohibited from the Buttercup Lane area (surrounds private properties) adjacent to the township of Merrijig. Here, stalking and hunting with gundogs and deer hunting dogs will be permitted. These proposals will permanently close areas that have already been subject to temporary closures under the *Wildlife Act 1975*, following requests from Victoria Police. Despite this, deer may continue to be hunted on private property by the owner or occupier of those lands.

This proposal will ensure that deer hunting is conducted in suitable areas throughout Victoria and may reduce the potential for firearm-related incidents associated with the use of firearms in close proximity to residential or commercial properties and areas that attract high visitor densities. This proposal will reduce hunting opportunities for deer hunters in Victoria, but the impact is expected to be minimal as the areas represents less than three per cent of State forest available for hunting in Victoria. The areas closed are also considered to be marginal deer hunting areas with the majority of deer hunters avoiding them due to the close proximity of residential and commercial properties and the disturbance associated with popular tourist and recreational destinations.

Balloted hunting

The *Wildlife Act 1975* provides for balloted hunting of game animals in Victoria. Balloted hunting is an accepted management tool to provide recreational hunting opportunities in areas where hunting may conflict with other land uses, where unrestricted hunting activity could pose safety concerns for the general public, including other hunters, or where there is a need to strictly regulate the harvest of game animals, including meeting management objectives.

Under a balloted system, hunters enter a draw to be selected to hunt in an area. This allows managers to determine where and when hunts occur, the number of hunters and specific harvest composition to achieve the desired population management objectives. Balloted hunting provides a level of control over hunting that may not be afforded by traditional management methods.

It is proposed to maintain the ability for the Secretary DPI to conduct a draw for balloted hunting and to charge a fee for entry to the ballot. The fee must not exceed 5 fee units (approximately \$62) and is set to cover the costs of administering the ballot.

Hog Deer Tags

The Hog Deer is endangered across much of its native range, with the exception of India and Nepal. As a result, the Victorian population of Hog Deer is considered to have high conservation significance on a worldwide scale. Sympathetic management is warranted to provide a level of insurance against the decline of Asian populations, but also recognises that introduced mammals can impact on the natural environment in certain circumstances.

Current regulations require all hunters wishing to hunt Hog Deer to obtain a set of Hog Deer Tags from DPI before they go hunting. Tags are provided to hunters with a current Game Licence free of charge. Hunters must carry tags when hunting and immediately attach the correct sex-specific tag to the hind leg of any harvested animal(s). The tag must be inserted between the main bone of the leg and the main tendon, completely encircling the main bone. The animal must not be removed from where it was harvested until a tag is attached in the prescribed manner and the tag must not be removed from the animal until the hunter arrives at their ordinary place of residence. Tags must not be sold, given away, lent or transferred to any other person. Tags must not be altered, defaced or reproduced in any way.

The current regulations also require hunters to present all harvested Hog Deer to a Hog Deer checking station within 24 hours of harvest. Once the deer has been processed at a checking station, hunters are permitted to dismember Hog Deer, but the tag must remain on the hock until they reach their normal place of residence.

Also, it is a current requirement that hunters must return any unused Hog Deer Tags to DPI at the conclusion of the season. This is required to reduce the illegal use of tags. Given that the tags used are different in colour each year and have individual serial numbers, it is considered that this regulation is no longer required. It is, therefore, proposed to remove the regulations requiring hunters to return Hog Deer tags, but continue with the other regulations that require hunters to obtain tags and the manner in which they apply the tags to a harvested animal.

The Hog Deer Return Form requirements provide the DPI with a means of ensuring that hunters adhere to bag limits. Checking stations also make it more difficult for hunters to legitimise deer taken illegally outside the declared open season or those taken using illegal methods such as a spotlight. By reducing the number of deer taken illegally, hunting opportunities for legitimate hunters in Victoria may increase. The regulations propose to maintain checking station requirements.

The tag and checking station requirements provide hunters and DPI with important information on the status and health of Victoria's Hog Deer population and will assist in the sustainable management of the species. It is proposed to retain the requirement for hunters to return a completed Hog Deer Return Form as well as processing any harvested Hog Deer through checking stations.

Possession and use of game

Unrestricted commercial harvesting of game has the potential to eliminate local populations and, in extreme circumstances, threaten the viability of more vulnerable species and drive them into extinction. Like the current regulations, the proposed Regulations prohibit the sale or exposure of game for sale or the possession of game on commercial premises unless that game is contained within a bag or receptacle that has a tag securely attached, on which the name and address of the owner, the date which the game was moved to that commercial premises and the Game Licence number under which the game was taken must be recorded. The possession or control of game on commercial premises where food is cooked would be prohibited unless that game has been sourced from a licensed game bird farm, deer farm or wildlife processor. It is proposed to continue to allow organisations to serve wild game with the approval in writing from the Secretary DPI.

These proposed Regulations ensure that all game species sold for commercial purposes (excluding taxidermied game) are being obtained from licensed operators who sell captive-bred animals only and not individuals from wild populations.

This reduces the illegal commercial sale of game harvested from the wild and the impacts of illegal commercial harvesting on wild game species and their habitats. This proposal also maintains the market for appropriately licensed game bird farms, deer farms and wildlife processors to produce a range of game animals for commercial sale or processing.

Unlike the previous regulations, the proposed Regulations propose to allow the sale of taxidermied game products that have been legally obtained. This will enable persons to sell products such as taxidermied deer heads or mounted waterfowl. This will clarify the current arrangements because a strict reading of the current Regulations may prevent such sales. Taxidermied game are routinely sold, particularly over the internet.

Attachment B**COMPARISON OF CURRENT AND PROPOSED WILDLIFE (GAME) REGULATIONS 2012**

Proposed Regⁿ	Description	Current Regⁿ	Change
1	Objectives	1	Minor redrafting of objectives
2	Authorising provisions	2	No change
3	Commencement date	3	The proposed Regulations will commence on 9 September, other than rr. 20, 21 and 22 which will come into operation on 1 July 2013.
4	Revocation	4	Revokes redundant regulations
5	Definitions	6	Contains new definitions for 'adult hunter', 'blank ammunition', 'cartridge ammunition', 'deer hunting dog', 'game bird farm', 'hound', 'hound possessor', 'prescribed permanent identification device', 'registered hound', and 'Sambar Deer Hunting with Hounds Test'.
6	Application for game licence	7	Requirement to include information concerning certain interstate and Commonwealth offence committed.
7	Waterfowl Identification Test	8	Minor wording changes.
8	Granting of game licences for ducks	9	Minor wording changes.
9	Sambar Deer Hunting with Hounds Test	10	No change
10	Granting of game licence for hunting Sambar Deer with Hounds	11	Minor wording changes.
11	Games licence fees	12	New fee categories for international visitors and fees revised.
12	Fee for variation of game licence	13	No change
13	Issue of replacement game licence	14	No change
14	Licence document as evidence	15	No change

Proposed Reg ⁿ	Description	Current Reg ⁿ	Change
15	Change of game licence holder address	16	Increase notification period from 7 to 14 days to be consistent with the <i>Firearms Act 1996</i> .
16	Fee for ballot	17	No change
17	Condition of game licences allowing the hunting or taking of Sambar Deer with hounds	18	Changes will provide greater opportunity for training young hounds (under 12 months) and persons under the age of 18.
18	Condition of game licence requiring only registered hounds to be used.	19	Three yearly requirement to register hound replaced by lifetime registration (unless ownership is transferred).
19	Conditions of game licence allowing hunting or taking game on a game bird farm	n.a.	New licence condition to permit hunting or taking of game birds on a game bird farm. The duration of this licence is up to 7 days.
20	Conditions of game licence allowing a non-resident of Australia to hunt or take duck	n.a.	A new licence condition to allow international visitors to hunt or take duck. Such hunters must be under the 'direct supervision' of an appropriately licensed adult hunter.
21	Conditions of game licence allowing a non-resident of Australia to hunt or take Sambar Deer with hounds	n.a.	A new licence condition to allow international visitors to hunt Sambar deer with hounds. Such hunters must be under the 'direct supervision' of an appropriately licensed adult hunter.
22	Conditions of game licence allowing a provisional hunter to hunt, take or destroy duck	n.a.	A new annual licence to permit young hunters (aged between 12 and under 18 years) to hunt duck under the direct supervision of an appropriately licensed adult hunter.
23	Conditions of game licence allowing a provisional hunter to hunt, take or destroy Sambar Deer with hounds	n.a.	A new annual licence to permit young hunters (aged between 12 and under 18 years) to hunt Sambar Deer with hounds under the direct supervision of an appropriately licensed adult hunter.
24	Registration of a hound	19	Registrations aligned with Domestic Animals Regulations 2005.
25	Power of Secretary to cancel registration of a hound	20	No change
26	Power of Secretary to suspend registration of a hound	21	No change
27	Making a submission on suspension of the registration of a hound	22	No change
28	Close season	23	See Schedule 2: Area restrictions removed for Red Deer. Minor

Proposed Reg ⁿ	Description	Current Reg ⁿ	Change
			changes for Sambar Deer to take account of Easter holidays.
29	Open season	24	See Schedule 3: no change
30	Bag limit	25	Minor wording change.
31	10-gauge shotgun to be used when hunting game birds	26	10 gauge shotguns may be used to hunt game birds, and provision for pre-1900 shotguns with permission from the Secretary DPI. The current regulations prescribe 12 gauge shotguns.
32	Use of toxic shot	27	See Schedule 7: list of non-toxic shot expanded to take into account developments in the marketplace.
33	Possession of toxic shot	27	New regulation created by separating the components of r. 27 to improve clarity.
34	Approved methods for hunting deer (other than Hog Deer etc.)	28	Changes to take technological and market developments, e.g. length of cartridge case no longer prescribed, cross-bow draw-weight increased and provision for a fully or partially rifled firearm of no less than 20 bore.
35	Approved methods for hunting deer (including Hog Deer etc.)	28	Changes to take technological and market developments, e.g. length of cartridge case no longer prescribed, cross-bow draw-weight increased and provision for a fully or partially rifled firearm of no less than 20 bore.
36	Use of baits, lures and decoys when hunting game	29	No change
37	Use of dogs when hunting game birds	30	Will allow blank shotgun ammunition to be used when training a gundog. The current provision only allowed for use of a starter's pistol.
38	Use of dogs for hunting deer	31	Expands the breed of dogs and includes a new category of 'deer hunting dog' (see Schedule 5, Part 3). This regulation also provides flexibility concerning information to be attached to a dog's collar.

Proposed Reg ⁿ	Description	Current Reg ⁿ	Change
39	Hunting alone for deer with dogs that are not hounds	31	A new regulation to take into account the new categories of dogs
40	Hunting in a team for deer with dogs that are not hounds	31	A new regulation to take into account the new categories of dogs
41	Location of hound while hunting deer	n.a	A new regulation to ensure that hounds are used on appropriate land.
42	Hound must be identified	31(7)	Component separated into new regulation to improve clarity. Removes the need to attach telephone number.
43	Dogs used to hunt game	31(8)	Component separated into new regulation to improve clarity.
44	Use of dogs in recognised deer habitat	32	No change
45	Use of spotlights or electronic devices for hunting	33	Wording changes and removal of prescriptive requirements.
46	Possession of spotlight and firearm	33(2)	Component separated into new regulation to improve clarity.
47	Aircraft and motor vehicles not to be used for hunting game	34	No change
48	Game fleeing from fire or smoke not to be hunted	35	No change
49	Hunting at night prohibited	36	No change
50	Hunting from motorboats prohibited	37	No change
51	Person taking or wounding game to kill that game on recovery	38	No change
52	Possession of duck	39	No change
53	Storage of game on commercial premises	40	No change
54	Game prohibited on commercial premises where food is cooked	41	No change
55	Sale of game prohibited unless obtained lawfully	42	Provides an exemption for the person who is the owner of taxidermed game, which has been legally obtained
56	Application for Hog Deer Tags	43	No change
57	Issue of Hog Deer Tags	44	Two Hog Deer tags may be issued: one each for a male and female Hog Deer.

Proposed Reg ⁿ	Description	Current Reg ⁿ	Change
58	Validity of Hog Deer Tags	45	No change
59	Possession of Hog Deer	46	No change
60	Requirement to attach tags to Hog Deer killed	47	No change
61	Hog Deer not to be removed until tag is affixed	48	No change
62	Removal of Hog Deer Tags	49	No change
63	Removal of Hog Deer Tags and dismemberment	n.a	New regulation to ensure that accurate Hog Deer information is collected.
64	Hog Deer Tags to be in possession	50	Wording changes
65	Must not hunt Hog Deer without Hog Deer Tags during open season, etc.	50	Clarification of possession of Hog Deer Tag while hunting
66	Hog Deer Tags not to be sold etc.	51	No change
67	Hog Deer Tags not to be altered, defaced or reproduced	52	No change
68	Hog Deer carcass to be taken to checking station	54	No change (minor wording)
69	Unused Hog Deer Tags return forms to be returned	53	Unused Hog Deer tags will no longer need to be returned.
70	Specified hunting areas	55	No change
71	Times when entry onto or remaining in specified hunting areas are prohibited	56	Minor wording change
72	Prohibited deer hunting areas	57	See Schedule 9: additional area prohibited from hunting (Part 4 - Warburton Township)
73	Areas for hunting Sambar Deer with hounds	58	See Schedule 10: additional area prescribed (Part 4 - Buttercup and surrounds).
74	Continued use of registered scent-trailing hounds	n.a.	This is a transitional measure in the proposed Regulations.
		5	This was a transitional sunset provision in the current regulations, now longer required.

Attachment C

TAXON OF WILDLIFE DECLARED AS GAME UNDER THE WILDLIFE ACT 1975 WITH AN OPEN SEASON

Deer

Chital Deer (*Axis axis*)
Fallow Deer (*Dama dama*)
Hog Deer (*Axis porcinus*)
Red Deer (*Cervus elaphus*)
Sambar Deer (*Cervus unicolor*)
Rusa Deer (*Cervus timorensis*)

Indigenous Game Birds

Native Duck

Pacific Black Duck (*Anas superciliosa*)
Australasian (Blue-winged) Shoveler (*Anas rhynchotis*)
Chestnut Teal (*Anas castanea*)
Grey Teal (*Anas gibberifrons*)
Hardhead (White-eyed duck) (*Aythya australis*)
Australian Shelduck (Mountain duck) (*Tadorna tadornoides*)
Pink-eared Duck (*Malacorhynchus membranaceus*)
Australian Wood Duck (Maned Duck) (*Chenonetta jubata*)

Native Quail

Stubble Quail (*Coturnix pectoralis*)

Non-indigenous Game Birds

Pheasants (*Phasianus spp.*)
Partridges (*Alectoris spp.* and *Perdix spp.*)
European and Japanese Quail (*Coturnix coturnix* and *Coturnix japonica*)
Californian Quail (*Lophortyx californicus*)

Attachment D

AUTHORISING PROVISION IN THE WILDLIFE ACT 1975 – SECTION 87

Key elements of this section include (but are not limited to) authority to make regulations concerning:

- prescribing the procedure to be followed in making any application for the purposes of this Act or in issuing any licence or other authority or in giving any permission under this Act or the regulations [s. 87(1)(b)];
- regulating and controlling the taking of wildlife at large in the open season therefore, fixing and enforcing bag limits for any kind of wildlife and regulating the taking of protected wildlife on wildlife farms licensed under this Act [s. 87(1)(d)];
- prohibiting absolutely the taking or hunting, of any particular kind of wildlife at large and the possession, keeping or control of any wildlife so taken [s. 87(1)(e)];
- prescribing open seasons and close seasons for any kind or taxon of wildlife and fixing other periods during which the hunting, killing, molesting, disturbing, possession, keeping, or control of wildlife of any kind or taxon is prohibited [s. 87(1)(f)];
- prohibiting or regulating the use of any method, substance, gun, net, or equipment whatsoever for the taking, hunting, or killing of wildlife [s. 87(1)(k)];
- prescribing conditions, limitations, and restrictions for hunting in or upon any reserve or wildlife management co-operative area (not on private land) established under this Act and prohibiting or controlling the removal or cutting of plants, trees, or vegetation on any such reserve or area [s. 87(1)(v)];
- prohibiting or regulating the carrying, control, possession or use of any firearm, appliance or equipment; and the control or use of dogs for hunting in any sanctuary, reserve or wildlife management co-operative area (not on private land) established under this Act or any other area specified in the regulations [s. 87(1)(va)];
- determining what circumstances give priority as between hunters to hunt and take wildlife in Victoria [s. 87(1)(w)]; and
- fixing maximum or minimum fees or the reduction, waiver or refund, in whole or in part, of the fees [s. 87(1)(za)].

To view to entire section, please see section 87 of the *Wildlife Act 1975*, which can be viewed at: <http://www.parliament.vic.gov.au/static/www.legislation.vic.gov.au-lawtoday.html>

Attachment E

COMPARISON OF GAME LICENCE/PERMIT ARRANGEMENTS OF AUSTRALIAN STATES & TERRITORIES

Jurisdiction	Current Arrangement	Game Licence/Permit Fees	Concession	Approved hunting methods
Victoria	<p>Allows taking of a variety of game species under licence system. Some species of game can only be taken during a proclaimed 'open season' and according to the set 'bag limit'.</p> <p>A number of different game licences are available. Various licences require that the applicant has passed a Hound Hunting Test (HHT) and/or a Waterfowl Identification Test (WIT) in the case of duck hunting.</p>	<p>Deer (Stalking), Deer (Stalking and Hounds – HHT applies), Game Birds, incl. Duck (WIT applies), Game Birds, not including Duck: \$47.80 one yr., \$143.40 three yr.</p> <p>Deer (Stalking) & Game Birds, incl. Duck (WIT applies), Deer (Stalking & Hounds – HHT applies), Deer (Stalking) and Game Birds, not incl. Duck, Deer (Stalking & Hounds – HHT applies) & Game Birds, not including Duck: \$76.40 one yr., \$229.20 three yr.</p>	<p>Eligible Concession Card holder and person 12 to 17 yrs.: 50% of full fee.</p>	<p>Deer: Firearms, Bows/crossbows, Muzzleloader.</p> <p>Gundogs and scent trailing hounds (for Sambar Deer only)</p> <p>Duck and quail: nothing greater than 12 gauge shotgun</p>
NSW	<p>Allows taking of game and feral animals in declared State Forests and Crown land by holder of a Restricted NSW Game Hunting Licence (R-Licence) subject to obtaining written permission of landowner.</p> <p>R-Licence also incorporates the General NSW Game Licence (G-Licence) which allows the holder to hunt wild deer, duck (as pest mitigation) and game birds on private land only. G-Licence may be separately obtained.</p>	<p>R-Licence: Must pass accreditation; must be over 12 yrs. of age. Must be member of a Game Council approved hunting organisation. Must have written permission to hunt on designated land. One, three or five years: \$60 per yr.</p> <p>G-Licence: Must be over 12 yrs. of age. One, three or five yrs: \$60 per yr.</p>	<p>For juniors under 18 years of age</p>	<p>Deer: Firearms, Bows/crossbows, Muzzleloader.</p> <p>Gundogs and scent trailing hounds (for Sambar Deer only)</p>

Jurisdiction	Current Arrangement	Game Licence/Permit Fees	Concession	Approved hunting methods
Tasmania	<p>Allows taking of game during declared 'open season' (i.e. deer, wild duck, mutton bird, wallaby, brown quail and pheasant).</p> <p>Pest and feral animals such as pig and goat can be taken at any time on State Forest and Crown land, and private land with the permission of the landowner.</p>	<p>Deer Adult Male and Antlerless: \$63 per yr.</p> <p>Wild duck, Mutton Bird, Wallaby, Brown Quail and Pheasant (male only): \$28 each</p>	<p>Pensioner concession of 20% of full fee</p>	<p>Deer: Firearms only.</p> <p>Duck: nothing greater than 12 gauge shotgun</p>
South Australia	<p>Allows taking of game during 'open seasons' (i.e. Stubble Quail and duck).</p> <p>All species of introduced animals can be taken with no bag restrictions; however a hunting permit is required before it is permissible to hunt such animals.</p>	<p>Basic Hunting (e.g. feral rabbits, fox, goat, pig): One, three or five years: \$22 per yr.</p> <p>Open Season Duck Hunting: \$38.80</p> <p>Open Season Quail Hunting: \$38.80</p>	<p>Concession (various, incl. age): 50% of full fee.</p> <p>Sub-Junior Basic Hunting <14 yrs.: \$11</p> <p>Concession (various, inc. age): \$20.05</p> <p>Concession (various, inc. age): \$20.05</p>	<p>Duck: nothing greater than 12 gauge shotgun</p>
Western Australia	<p>Hunting is limited to taking feral animals on private property with the landowner's permission (e.g. rabbits, camel and wild cattle)</p> <p>No 'open season' game species are available to recreational hunter.</p>	<p>Only current firearms licence required to hunt on private property.</p>	<p>Not applicable</p>	

Jurisdiction	Current Arrangement	Game Licence/Permit Fees	Concession	Approved hunting methods
Queensland	Hunting of feral animals on private property with landowner's written permission (e.g. camel, deer and feral pig). No 'open season' game species are available to recreational hunters.	Only current firearms licence required to hunt on private property.	Not applicable	
Northern Territory	Allows taking of feral pig and waterfowl under permit system. All other classified feral animals can be taken on private land with landowner's permission, without a specific permit under the normal conditions of a firearms licence.	Feral pig permit: \$10 per year. Waterfowl permit: \$20 per year.	Not applicable	Duck: nothing greater than 10 gauge shotgun or smaller than 20 gauge shotgun. Bows can be used.
Australian Capital Territory	Allows taking of feral animals on private property with landowner's permission (e.g. rabbit, goat and feral dog). No 'open season' game species are available to recreational hunter.	Only a current firearms licence is required to hunt on private property.	Not applicable	

Attachment F

ASSUMPTIONS

Cost calculations

1. Annual costs are discounted by 3.5 per cent as suggested in the *Victorian Guide to Regulation*, Appendix C, ‘Choice of discount rate’, p. 19.
2. As a proxy for valuing an hour of a person’s time, the following formula is given:

$HR_x = AE_x / AW_x \times AH_x$, where:

AE_x = average weekly earnings multiplied by 52;

AW_x = number of weeks worked per annum (44 weeks);

AH_x = average weekly hours for full time workers (41 hours).

See *Victorian Guide to Regulation* (Appendix C, ‘Valuing staff time’, p. 15). Labour on-costs and overhead costs are excluded from the calculation of game hunters’ valuation of time. This provides an hourly value of a person’s time of **\$38.44** (i.e. \$1,333.40 divided by (44 x 41)). ABS Cat 6302.0 – Average Weekly Earnings, Australia, November 2011, Canberra, Full-time adult ordinary time earnings (private and public sectors) is \$1,333.40 per week.

3. The RACV Reimbursement Rate of 115 cents per km was used for costs associated with travelling to a Checking Station for Hog Deer. This rate is for an ‘All-terrain SUV’, a vehicle typically preferred by hunters.
4. DPI assumes that hunters expend eight shots per duck. A study published in 1991⁸⁷ found that hunters used an average of ten shots per duck. This study, however, was conducted when pump action and automatic shotguns were still in use. Moreover, a study which reported on the move to non-toxic shot in South Australia found that hunters used fewer non-toxic shot cartridges compared with lead shot.⁸⁸ Therefore, an assumption of eight cartridges per duck is considered reasonable.
5. The hourly rate for processing licences is assumed at **\$46.21**. Data entry and licence processing is currently undertaken by officers at the VPS2 level. The VPS casual hourly rate (\$25.70 since 1 October 2010) has been increased by 2.75 per cent to allow for a possible salary increase during 2012. This results in a figure of \$26.41. In turn, this figure was grossed up by a factor of 1.75⁸⁹ to allow the labour on-costs and overheads. This produces the assumed hourly staff rate.

⁸⁷ Loyn, R.H., Brown, R.S. and Timms, R., 1991, *The 1988 duck hunting season and hunter mail survey in Victoria*. Arthur Rylah Institute for Environmental Research, Technical Report Series No. 119

⁸⁸ Department of Sustainability and Environment, 2003, *Flora & Fauna Guarantee Action Statement: The use of lead shot in cartridges for hunting waterfowl*, No 32, State of Victoria, East Melbourne

⁸⁹ The salary on-cost factor of 1.75 is considered an appropriate factor as set out in the *Victorian Guide to Regulation*. See VGR, Appendix C, ‘Valuing staff time’, p. 15

Attachment G**COST CALCULATIONS FOR WILDLIFE GAME REGULATIONS 2012**

Summary of Costs Imposed by the Wildlife (Game) Regulations 2012 (Discounted 10- Year Period)		
Regulation	Type of Cost	Cost (\$)
Licensing and registration	Administrative	\$5,844,632
Hog Deer	Administrative	\$243,724
Non-toxic shot	Substantive compliance	\$7,276,131
	Total	\$13,364,487
	Annual Cost	\$1,336,449

Costs Imposed by the Proposed Wildlife (Game) Regulations 2012					
Description	Price		Quantity		Cost (\$)
	Tariff ¹	Time ²	Population ³	Frequency	
Regulation 6 – Application for a game licence	\$38.44	0.50	19,026	1	365,673
Regulation 7 – Waterfowl Identification Test	\$38.44	4.00	1,658	1	254,934
Regulation 9 – Deer Hunting with Hounds Test	\$38.44	2.00	363	1	27,907
Regulation 15 – Change of address	\$38.44	0.25	1,203	1	11,564
Regulation 18 – Only registered hounds to be used	\$38.44	1.50	690	1	39,804.62
Regulation 19 – Application for a short-term game bird farm hunting licence	\$38.44	0.50	100	1	1,922
Regulation 20 and 21 – International game licences	\$38.44	0.50	50	1	961.00
			Total		\$702,766

Description	Discounted (10-Years)		Cost (\$)	Discounted Cost (\$)
	Year	Cost (\$)		
	1	\$702,766	\$679,001	
	2	\$702,766	\$656,040	
	3	\$702,766	\$633,855	
	4	\$702,766	\$612,420	
	5	\$702,766	\$591,711	
	6	\$702,766	\$571,701	
	7	\$702,766	\$552,368	
	8	\$702,766	\$533,689	
	9	\$702,766	\$515,642	
	10	\$702,766	\$498,204	
	Total		\$5,844,632	

Notes:

1. A proxy for applicants' time is assumed at the hourly rate calculated from the Victorian Guide to Regulations (see assumptions, Attachment F).
2. Times are approximate and have been informed by input from DPI and confirmed by desktop exercises.
3. Populations for regulations 6, 7, 9, 15, 18 and 19 are derived from three yearly averages from licensing database. Figures for regulation 20 and 21 are estimates given that they are new licences.
4. Annual costs are discounted by 3.5 per cent as suggested in the *Victorian Guide to Regulation* (Appendix C, *Choice of discount rate*, p. 19).

Costs Imposed by the Proposed Wildlife (Game) Regulations 2012					
Description	Price		Quantity		Cost (\$)
	Tariff ¹	Time ²	Population ³	Frequency	
Regulation 6 – Application for a game licence	\$38.44	0.50	19,026	1	365,673
Regulation 7 – Waterfowl Identification Test	\$38.44	4.00	1,658	1	254,934
Regulation 9 – Deer Hunting with Hounds Test	\$38.44	2.00	363	1	27,907
Regulation 15 – Change of address	\$38.44	0.25	1,203	1	11,564
Regulation 18 – Only registered hounds to be used	\$38.44	1.50	690	1	39,804.62
Regulation 19 – Application for a short-term game bird farm hunting licence	\$38.44	0.50	100	1	1,922
Regulation 20 and 21 – International game licences	\$38.44	0.50	50	1	961.00
			Total		\$702,766

Description	Discounted (10-Years)		Discounted Cost (\$)
	Year	Cost (\$)	
	1	\$702,766	\$679,001
	2	\$702,766	\$656,040
	3	\$702,766	\$633,855
	4	\$702,766	\$612,420
	5	\$702,766	\$591,711
	6	\$702,766	\$571,701
	7	\$702,766	\$552,368
	8	\$702,766	\$533,689
	9	\$702,766	\$515,642
	10	\$702,766	\$498,204
	Total		\$5,844,632

- Notes:
1. A proxy for applicants' time is assumed at the hourly rate calculated from the Victorian Guide to Regulations (see assumptions, Attachment E).
 2. Times are approximate and have been informed by input from DPI and confirmed by desktop exercises.
 3. Populations for regulations 6, 7, 9, 15, 18 and 19 are derived from three yearly averages from licensing database. Figures for regulation 20 and 21 are estimates given that they are new licences.
 4. Annual costs are discounted by 3.5 per cent as suggested in the *Victorian Guide to Regulation* (Appendix C, *Choice of discount rate*, p. 19).

Costs Imposed by the Proposed Wildlife (Game) Regulations 2012					
Hog Deer Description	Price		Quantity		Cost (\$)
	Tariff ¹	Time ²	Population ³	Frequency ⁴	
Regulation 56 – Application for hog deer tags	\$38.44	0.50	212	1	4,075
Regulation 60 – Requirement to attach tags to Hog Deer killed	\$38.44	0.25	105	1	1,009
Regulation 67 – Hog Deer carcass to be taken to checking station (value of time)	\$38.44	2.00	105	1	8,072
Regulation 67 – Hog Deer carcass to be taken to checking station (transport costs)	\$1.15		105	100	12,075
Regulation 68 – Unused Hog Deer Tags return forms to be returned	\$38.44	0.50	212	1	4,075
			Total		\$29,306

Discounted (10-Years)	Discounted (10-Years)		Discounted Cost (\$)
	Year	Cost (\$)	
	1	\$29,306	\$28,315
	2	\$29,306	\$27,357
	3	\$29,306	\$26,432
	4	\$29,306	\$25,538
	5	\$29,306	\$24,675
	6	\$29,306	\$23,840
	7	\$29,306	\$23,034
	8	\$29,306	\$22,255
	9	\$29,306	\$21,503
	10	\$29,306	\$20,775
	Total		\$243,724

Notes:

1. A proxy for applicants' time is assumed at the hourly rate calculated from the Victorian Guide to Regulations (see assumptions, Attachment F). The tariffs for regulation 67 is adopted from RACV reimbursement rates.
2. Times are approximate and have been informed by input from DPI and confirmed by desktop exercises.
3. Number of Hog Deer taken in 2011. DSE Survey.
4. In the case of regulation 67, frequency refers to kilometres travelled (i.e., assumed 100km).

Costs Imposed by the Proposed Wildlife (Game) Regulations 2012				
Description	Price		Quantity	Cost (\$)
	Tariff¹	Time	Population²	
Regulation 32 – Non-toxic shot	\$7.50		116,652	\$874,892
			Total	\$874,892

Description	Discounted (10-Years)		Cost (\$)	Dis counted Cost (\$)
	Year	Cost (\$)		
	1	\$874,892	\$845,306	
	2	\$874,892	\$816,721	
	3	\$874,892	\$789,102	
	4	\$874,892	\$762,418	
	5	\$874,892	\$736,636	
	6	\$874,892	\$711,725	
	7	\$874,892	\$687,657	
	8	\$874,892	\$664,403	
	9	\$874,892	\$641,935	
	10	\$874,892	\$620,227	
			Total	\$7,276,131

Notes:

1. Regulation 32 - cost differential between lead and non-toxic shot is \$7.50 per box of 25 cartridges.
2. For amount of non-toxic shot. This figure assumes that 8 shots of steel shot are expended per duck (see Assumptions in Attachment F).

Attachment H**FEE CALCULATIONS: WILDLIFE (GAME) REGULATIONS 2012****PROPOSED WILDLIFE (GAME) REGULATIONS 2012 FEES**

Fee item	Current fee (\$)	Fee calculations (\$)	Proposed fees (\$) (rounding)	% change	Fee units*
Game birds	48.80	48.32	48.30	-1%	4.0
Deer	48.80	48.32	48.30	-1%	4.0
Game birds and deer	78.20	76.73	76.70	-2%	6.0
Fee for variation of game licence	12.20	12.48	12.50	2%	1.0
Issue of replacement game licence	12.20	12.48	12.50	2%	1.0
Waterfowl Identification Test	26.80	25.07	25.00	-7%	2.0
Deer Hunting with Hounds Test	24.60	25.07	25.00	2%	2.0
Deer taken or hunted by an international visitor	n.a	48.32	48.30	-	4.0
Game birds taken or hunted by an international visitor	n.a	48.32	48.30	-	4.0
Game birds and deer taken or hunted by an international visitor	n.a	76.73	76.70	-	6.0

Notes: A fee unit as at 1 July 2012 has the value of \$12.53. Fee units subject to minor rounding.

TABLE A: GAME LICENCES, TESTS AND HOUND REGISTRATION

Activity/Cost	VPS Staff Tariff	Time (hrs)	Cost
Individual Task Costs - Deer or Game Birds			
1. DSE receipt of application & payment	46.21	0.250	\$11.55
2. Check for completeness of information	46.21	0.035	\$1.62
3. Check for correct payment	46.21	0.035	\$1.62
4. Data-entry to licensing database	46.21	0.150	\$6.93
5. Internal Print Production & Dispatch - Game Licences	46.21	0.150	\$6.93
6. File/Retrieve documentation	46.21	0.025	\$1.16
7. Licence consumables (see Table B)			\$6.59
8. Compliance and enforcement (see Table C)			\$11.92
		Sub-Total	\$48.32

Activity/Cost	VPS Staff Tariff	Time (hrs)	Cost
Individual Task Costs - Deer and Game Birds			
1. DSE receipt of application & payment	46.21	0.250	\$11.55
2. Check for completeness of information	46.21	0.450	\$20.79
3. Check for correct payment	46.21	0.035	\$1.62
4. Data-entry to licensing database	46.21	0.350	\$16.17
5. Internal Print Production & Dispatch - Game Licences	46.21	0.150	\$6.93
6. File/Retrieve documentation	46.21	0.025	\$1.16
7. Licence consumables (see Table B)			\$6.59
8. Compliance and enforcement (see Table C)			\$11.92
		Sub-Total	\$76.73

Activity/Cost	VPS Staff Tariff	Time (hrs)	Cost
Individual Task Costs - Replacement Licence, amendment			
1. DSE receipt of application & payment	46.21	0.025	\$1.16
2. Check for completeness of information	46.21	0.125	\$5.78
3. Check for correct payment	46.21	0.025	\$1.16
4. Data-entry to licensing database	46.21	0.025	\$1.16
5. Internal Print Production & Dispatch - Game Licences	46.21	0.045	\$2.08
6. File/Retrieve documentation	46.21	0.025	\$1.16
		Sub-Total	\$12.48

Activity/Cost	VPS Staff Tariff	Time (hrs)	Cost
Individual Task Costs - Hound and WIT Tests (pa)			
1. DSE receipt and allocation of test payment	46.21	0.075	\$3.47
2. Data-entry to licensing database	46.21	0.150	\$6.93
3. Internal Print Production & Dispatch - Test result	46.21	0.150	\$6.93
4. File/Retrieve documentation	46.21	0.025	\$1.16
5. Licence consumables (see Table B)			\$6.59
		Sub-Total	\$25.07

TABLE B: LICENCE HANDLING AND CONSUMABLES

Activity/Cost	VPS Staff Tariff	Time (hrs)	Instances (pa)	Cost (ea)
Apportioned Task Costs				
1. Prepare & Dispatch Letter to Customer re: Incomplete Information	46.21	0.150	1,000	\$6,931.77
2. Prepare & Dispatch Letter to Customer re: Underpayment	46.21	0.150	500	\$3,465.89
3. Prepare & Dispatch Letter to Customer re: Overpayment & Refund	46.21	0.150	500	\$3,465.89
4. Prepare Letter to Customers re: Licence Renewal	46.21	0.150	28,800	\$199,635.03
			Sub-Total	\$213,498.57
Activity/Cost	Unit Cost	Instances (pa)	Cost (ea)	
Apportioned Fixed Costs				
1. Supply Stock: Game Licence Card	0.34	30,000	\$10,200.00	
2. Supply Stock: Envelope DLX	0.03	60,000	\$2,000.00	
3. Postage - DLX	0.60	35,000	\$21,000.00	
4. External Print Production & Postage - Renewal Notice	0.68	25,000	\$17,000.00	
			Sub-Total	\$50,200.00
			Total	\$263,698.57
			Per unit	\$6.59

TABLE C: COSTINGS ASSOCIATED WITH GAME MANAGEMENT

Department of Primary Industry (Game Victoria)	
Cost item¹	Cost (\$)
Operating	\$244,609
Salaries and overheads	\$620,244
Duck season	\$150,000
	Sub-total
	\$1,014,853
Parks Victoria	
Cost item	Cost (\$)
General enforcement (\$5,400 per region)	\$16,200
Duck season (35 staff for a total of 16 hours)	\$19,600
Seasonal enforcement	\$7,000
State Game Reserve general management costings (estimated at \$3,650 per SGR)	\$657,000
	Sub-total
	\$699,800
Victoria Police	
Cost item	Cost (\$)
Eastern Gippsland (1,208 hours at \$70ph)	\$84,560
DFO Sale (588 hours at \$70ph)	\$41,160
North East (128 hours at \$70ph)	\$8,960
South West (80 hours at \$70ph)	\$5,600
North West (752 hours at \$70ph)	\$52,640
State Planning Unit (16 hours at \$70ph)	\$1,120
	Total
	\$194,040
	Total cost
	\$1,908,693
	Attribution to Proposed Regulations² - 25 per cent
	\$477,173
	Per unit cost³
	\$11.92

1. This is a costing based on 5 FTE dedicated game officers (1 x VPS3, 3 x VPS4, 1 x VPS5), and drawing on the organisation more broadly (and potentially DSE) at surge periods.

2. DPI estimates that 25 per cent of the enforcements costs could be attributable to the proposed Regulations.

3. Assumes 40,025 units

Attachment I

PROPOSED WILDLIFE (GAME) REGULATIONS 2012

Specific clauses of the proposed Regulations are described below.

PART 1—PRELIMINARY

Regulation 1 prescribes the objectives of the regulations. These are to facilitate, promote and provide for the management of game species and game hunting in Victoria; to make further provision for the procedure for granting and administering game licences; to make further provision for open and close seasons and bag limits; to regulate methods of hunting; to provide for the management of hunting and the identification, possession and use of game; and to make further provision for specified hunting areas.

Regulation 2 enumerates the provisions in the *Wildlife Act 1975* that provides authority for the making of the regulations. The authorising provisions in the Act are sections 22A, 58C and 87.

Regulation 3 provides that the regulations will commence on 9 September 2012, other than regulations 20, 21, 22 and 23 which will come into operation on 1 July 2013.

Regulation 4 revokes the current regulations and a number of amending regulations.

Regulation 5 provides definition to assist in specifying and clarifying the regulations. This regulation defines ‘adult hunter’, ‘blank ammunition’, ‘cartridge ammunition’, ‘deer hunting dog’, ‘bag limit’, ‘Deer Hunting Test’, ‘direct supervision’, ‘established pest animal’, ‘freezing chamber’, ‘game bird’, ‘game bird farm licence’, ‘gundog’, ‘Hog Deer Tag’, ‘hound’, ‘hound possessor’, ‘Indigenous person’, ‘international game licence’, ‘motor boat’, ‘park’, ‘permanent identification device’, ‘possession’, ‘recognised deer habitat’, ‘registered hound’, ‘secured’, ‘short-term game bird hunting farm licence’, ‘State Game Reserve’, ‘spotlight’, ‘take’, ‘the Act’, ‘toxic shot’, ‘Waterfowl Identification Test’, and ‘waterway’.

PART 2—GAME LICENCES

Regulation 6 deals with applications for a Game Licence. For the purposes of section 22A of the Act, a person applying for a game licence must do so in the form provided for that purpose by the Secretary. The Secretary may require a person to provide personal particulars, details of particular convictions in Victoria or other states or territories, and a fee to accompany the application (see Regulation 11).

Regulation 7 prescribes that the Secretary may conduct a test on the identification and hunting status of taxons of waterfowl and other waterbirds, understanding the law relating to duck hunting, the principles for the use of firearms to hunt duck, the ethics of hunting and, any other matters relevant to waterbird hunting determined by the Secretary. This is commonly known as the Waterfowl Identification Test (WIT).

Wildlife (Game) Regulations

Exposure Draft

TABLE OF PROPOSALS

<i>Proposal</i>	<i>Page</i>
PART 1—PRELIMINARY	1
1 Objectives	1
2 Authorising provisions	2
3 Commencement	2
4 Revocation	2
5 Definitions	2
PART 2—GAME LICENCES	7
6 Application for a game licence	7
7 Waterfowl Identification Test	8
8 Granting of game licence for duck	8
9 Sambar Deer Hunting with Hounds Test	9
10 Granting of game licence for hunting Sambar Deer with the use of hounds	9
11 Game licence fees	10
12 Fee for variation of game licence	11
13 Issue of replacement game licence	11
14 Licence document as evidence	11
15 Change of address	12
16 Ballots	12
17 Condition of game licence allowing hunting, taking or destroying Sambar Deer with the use of hounds	12
18 Hounds used for hunting, taking or destroying Sambar Deer to be registered with the Secretary	13
19 Condition of game licence allowing hunting, taking or destroying non-indigenous game birds on a game bird farm	14
20 Condition of game licence allowing a non-resident of Australia to hunt, take or destroy duck	14
21 Condition of game licence allowing a non-resident of Australia to hunt, take or destroy Sambar Deer with the use of hounds	14
22 Conditions of game licence allowing a person aged 12 years or more but less than 18 years to hunt, take or destroy duck	15

<i>Proposal</i>	<i>Page</i>	
23	Conditions of game licence allowing a person aged 12 years or more but less than 18 years or more to hunt, take or destroy Sambar Deer with the use of hounds	15
24	Registration of a hound	16
25	Power of Secretary to cancel registration of a hound	17
26	Power of Secretary to suspend registration of a hound	18
27	Making a submission on suspension of the registration of a hound	18
PART 3—OPEN AND CLOSE SEASONS AND BAG LIMITS	20	
28	Close season	20
29	Open season	20
30	Bag limit	20
PART 4—HUNTING METHODS	21	
31	Ten-gauge shotgun to be used when hunting game birds	21
32	Use of toxic shot	21
33	Possession of toxic shot	21
34	Approved methods for hunting deer (other than Hog Deer, Chital Deer or Fallow Deer)	22
35	Approved methods for hunting Hog Deer, Chital Deer or Fallow Deer	23
36	Use of baits, lures and decoys when hunting game	24
37	Use of dogs when hunting game birds	24
38	Use of dogs for hunting deer	25
39	Hunting alone for deer with dogs that are not hounds (other than Hog Deer)	25
40	Hunting in a team for deer with dogs that are not hounds (other than Hog Deer)	26
41	Location of hound while hunting deer	26
42	Hound must be identified	27
43	Dogs must not attack, bite or maim wildlife	27
44	Use of dogs in recognised deer habitat	27
45	Use of spotlights for hunting	27
46	Possession of spotlight and firearm	28
47	Aircraft and motor vehicles not to be used for hunting game	29
48	Game fleeing from fire or smoke not to be hunted	29
49	Hunting at night prohibited	29
50	Hunting from motorboats prohibited	30
PART 5—POSSESSION AND USE OF GAME	31	
51	Person taking or wounding game to kill that game on recovery	31
52	Possession of duck	31
53	Storage of game on commercial premises	31

<i>Proposal</i>	<i>Page</i>	
54	Game prohibited on commercial premises where food is cooked	32
55	Sale of game prohibited unless obtained lawfully	33
PART 6—HOG DEER TAGS		34
56	Application for Hog Deer Tags	34
57	Issue of Hog Deer Tags	34
58	Validity of Hog Deer Tags	34
59	Possession of Hog Deer	34
60	Requirement to attach tags to Hog Deer killed	35
61	Hog Deer not to be removed until tag is affixed	35
62	Removal of Hog Deer Tags	35
63	Removal of Hog Deer head and dismemberment	36
64	Hog Deer Tags to be in possession	36
65	Hog Deer Tags not to be sold etc.	37
66	Hog Deer Tags not to be altered, defaced or reproduced	37
67	Hog Deer carcass to be taken to checking station	37
68	Hog Deer Tags return forms	38
PART 7—SPECIFIED HUNTING AREAS AND SPECIFIED TIMES—OPEN SEASON FOR DUCK		39
69	Specified hunting areas	39
70	Times when entry onto or remaining in specified hunting areas are prohibited	39
PART 8—DEER HUNTING AREAS		40
71	Prohibited deer hunting areas	40
72	Areas for hunting Sambar Deer with the use of hounds	40
SCHEDULES		42
SCHEDULE 1—Regulations Revoked		42
SCHEDULE 2—Close Seasons for Game		43
PART 1—DEER		43
PART 2—GAME BIRDS		44
SCHEDULE 3—Open Seasons for Game		45
PART 1—DEER		45
PART 2—INDIGENOUS GAME BIRDS		47
PART 3—NON-INDIGENOUS GAME BIRDS		47

<i>Proposal</i>	<i>Page</i>
SCHEDULE 4—Bag Limits for Game	48
SCHEDULE 5	50
PART 1—GUNDOGS	50
PART 2—HOUNDS	51
PART 3—DEER HUNTING DOGS	51
SCHEDULE 6—Recognised Deer Habitat	52
SCHEDULE 7—Shot which is Not Toxic Shot	53
SCHEDULE 8—Hunting Areas	55
SCHEDULE 9—Prohibited Deer Hunting Areas	57
PART 1—WARBURTON AND SURROUNDS	57
PART 2—RUBICON AND SURROUNDS	58
PART 3—HALLS GAP AND SURROUNDS	59
PART 4—WARBURTON TOWNSHIP	60
PART 5—MOUNT TIMBERTOP AREA	61
SCHEDULE 10—Areas for Hunting Sambar Deer with the Use of Hounds	62
PART 1—EASTERN VICTORIA	62
PART 2—MARYSVILLE AND SURROUNDS	63
PART 3—JAMIESON AND SURROUNDS	64
PART 4—MERRIJIG AND SURROUNDS	65
<hr/>	
ENDNOTES	66



Victoria

Wildlife (Game) Regulations

Exposure Draft

PART 1—PRELIMINARY

1 Objectives

The objectives of these Regulations are—

- (a) to provide for the effective management of game species and game hunting in Victoria;
- (b) to make further provision for the procedure for granting and administering game licences;
- (c) to make further provision for open and close seasons and bag limits;
- (d) to regulate methods of hunting;
- (e) to provide for the identification, possession and use of game;
- (f) to make further provision for specified hunting areas.

2 Authorising provisions

These Regulations are made under sections 22A, 58C and 87 of the **Wildlife Act 1975**.

3 Commencement

- (1) These Regulations (other than regulations 20, 21, 22 and 23) come into operation on 9 September 2012.
- (2) Regulations 20, 21, 22 and 23 come into operation on 1 July 2013.

4 Revocation

The Regulations set out in Schedule 1 are **revoked**.

5 Definitions

In these Regulations—

adult hunter means a person who is 18 years of age or older and who is the holder of a game licence;

bag limit in relation to a taxon of game, means the bag limit prescribed by these Regulations for that taxon of game;

blank ammunition means ammunition that is not cartridge ammunition;

cartridge ammunition has the same meaning as it has in the **Firearms Act 1996**;

deer hunting dog means a dog from a breed listed in Part 3 of Schedule 5;

established pest animal has the same meaning as it has in the **Catchment and Land Protection Act 1994**;

firearm has the same meaning as it has in the **Firearms Act 1996**;

Wildlife (Game) Regulations
Exposure Draft
Part 1—Preliminary

freezing chamber means any facility capable of being used for freezing or cold storage;

game bird means any taxon of bird listed in Part 2 of Schedule 2 or Part 2 of Schedule 3;

game bird farm means a farm operated by the holder of a Wildlife Producer Licence Type 1 within the meaning of the Wildlife Regulations 2002;

gundog means a dog from a breed listed in Part 1 of Schedule 5;

Hog Deer Tag means a tag that is issued in accordance with regulation 57;

hound means a dog from a breed referred to in Part 2 of Schedule 5 that conforms to—

- (a) the maximum height specified in that Part of that Schedule for that breed; and
- (b) the Australian National Kennel Council Illustrated Breed Standards, Hound Group 4 (other than any specification relating to height), as amended from time to time;

hound possessor means a person who keeps or harbours a hound or has a hound in his or her care, whether the hound is at large, is restrained or is in confinement;

motor boat means a boat which has at least one motor fitted or attached which when operating is capable of propelling the boat and includes any craft known as an "airboat" or "hovercraft";

park has the same meaning as it has in the **National Parks Act 1975**;

possession in relation to shot, a magazine, ammunition, a firearm or a spotlight, includes any of the following—

- (a) physical possession of the shot, magazine, ammunition, firearm or spotlight;
- (b) custody or control of the shot, magazine, ammunition, firearm or spotlight;
- (c) access to the shot, magazine, ammunition, firearm or spotlight, either solely or in common with others;

prescribed permanent identification device has the same meaning as it has in the **Domestic Animals Act 1994**;

recognised deer habitat means an area referred to in Schedule 6;

registered hound means a hound that is registered by the Secretary under regulation 24;

Sambar Deer Hunting with Hounds Test means the test that is conducted by the Secretary under regulation 9(1);

secured in relation to a firearm, magazine, ammunition or shot, in a vehicle means—

- (a) in the case of a vehicle with a boot or storage area (that is not a glove box), being in a securely fastened case or container locked in the boot or storage area of the vehicle; or
 - (b) in the case of a vehicle without a boot or other storage area (that is not a glove box), being in a securely fastened case or container stowed in a part of the vehicle not readily accessible by any occupant of the vehicle;
-

Wildlife (Game) Regulations
Exposure Draft
Part 1—Preliminary

spotlight means—

- (a) a source of artificial light; or
- (b) an infrared device; or
- (c) a night viewing device; or
- (d) a thermo-imaging device—

but does not include—

- (e) a domestic source of light used for domestic purposes; or
- (f) an emergency source of light used for emergency purposes; or
- (g) a light fitted to a motor vehicle that complies with any requirement in the Road Safety (Vehicles) Regulations 2009 relating to a light of that kind;

State Game Reserve means an area classified as a State Game Reserve under section 15 of the Act;

take means to gain possession or control of wildlife by any means and also includes causing, permitting or assisting in taking wildlife;

the Act means the **Wildlife Act 1975**;

toxic shot means shot which is not of a class or type described in Schedule 7;

Waterfowl Identification Test means the test that is conducted by the Secretary under regulation 7(1);

waterway means—

- (a) a river, creek, stream or watercourse; or
 - (b) a natural channel in which water regularly flows, whether or not the flow is continuous; or
-

Wildlife (Game) Regulations
Exposure Draft

Part 1—Preliminary

- (c) a channel formed wholly or partly by the alteration or relocation of any such river, creek, stream, watercourse or channel.
-

PART 2—GAME LICENCES

6 Application for a game licence

- (1) A person applying for a game licence must do so in the form provided for that purpose by the Secretary.
- (2) A person who is applying for a game licence may be required by the Secretary—
 - (a) to set out in the application—
 - (i) his or her name; and
 - (ii) his or her residential address; and
 - (iii) his or her telephone number (if any); and
 - (iv) his or her email address (if any); and
 - (v) details of any convictions for offences under the Act, the **Firearms Act 1996**, the **Prevention of Cruelty to Animals Act 1986**, the **National Parks Act 1975** or any corresponding law of another State or Territory of the Commonwealth relating to game hunting, during the 10 years preceding the application; and
 - (vi) the class or classes of game for which the licence is required; and
 - (b) to provide with the application—
 - (i) evidence to verify his or her name and residential address; and

- (ii) the fee to be paid for the licence under regulation 11.

Example

An example of evidence of a person's name and residential address is a copy of the person's driver's licence.

7 Waterfowl Identification Test

- (1) The Secretary may conduct a test in relation to hunting duck which includes the following matters—
- (a) understanding the Act and these regulations and the law relating to the hunting of duck; and
 - (b) the identification of taxons of waterfowl and other waterbird; and
 - (c) principles for the use of firearms for hunting duck; and
 - (d) the ethics of hunting; and
 - (e) any other matters relevant to waterbird hunting determined by the Secretary.
- (2) Where a person is required to take part in the Waterfowl Identification Test, the person must pay the fee determined by the Secretary.
- (3) The fee determined by the Secretary for the Waterfowl Identification Test must not exceed 5.5 fee units.

8 Granting of game licence for duck

A person applying for a game licence (other than a licence referred to in regulations 20 and 22), or for a variation to such a licence, for the hunting, taking or destroying of duck must undertake and obtain a pass at a percentage rate determined by the Secretary in the Waterfowl Identification Test.

9 Sambar Deer Hunting with Hounds Test

- (1) The Secretary may conduct a test in relation to hunting Sambar Deer with the use of hounds which includes the following matters—
 - (a) understanding the Act and these regulations and the law relating to the hunting of deer; and
 - (b) the identification of Sambar deer and other deer; and
 - (c) principles for the use of firearms or bows or both for the hunting of deer; and
 - (d) the ethics of hunting; and
 - (e) any other matters relevant to deer hunting determined by the Secretary.
- (2) Where a person is required to take part in the Sambar Deer Hunting with Hounds Test, the person must pay the fee determined by the Secretary.
- (3) The fee determined by the Secretary for the Sambar Deer Hunting with Hounds Test must not exceed 5.5 fee units.

10 Granting of game licence for hunting Sambar Deer with the use of hounds

A person applying for a game licence (other than a licence referred to in regulations 21 and 23), or for a variation to such a licence, for the hunting, taking or destroying of Sambar Deer with the use of hounds must undertake and obtain a pass at a percentage rate determined by the Secretary in the Sambar Deer Hunting with Hounds Test.

Wildlife (Game) Regulations
Exposure Draft
Part 2—Game Licences

11 Game licence fees

- (1) Subject to subregulations (2) and (3), the fees to be paid to the Secretary by an applicant for a game licence referred to in Column 1 of the Table of Game Licence Fees is the amount set out opposite that licence in Column 2 of that Table.

Table of game licence fees

Column 1 <i>Licence</i>	Column 2 <i>Fee</i>
A game licence for the hunting, taking or destroying of game birds	4 fee units per year or part year
A game licence for the hunting, taking or destroying of deer	4 fee units per year or part year
A game licence for the hunting, taking or destroying of game birds and deer	6 fee units per year or part year
A game licence for the hunting, taking or destroying of non-indigenous game birds on a game bird farm	0 fee units
A game licence for the hunting, taking or destroying of deer by a non-resident of Australia	4 fee units per part year
A game licence for the hunting, taking or destroying of game birds by a non-resident of Australia	4 fee units per part year
A game licence for the hunting, taking or destroying of game birds and deer by a non-resident of Australia	6 fee units per part year
A game licence for the hunting, taking or destroying of game birds and deer by a person aged 12 years or more but less than 18 years	0 fee units

- (2) If an applicant for a game licence satisfies the Secretary that he or she is an eligible recipient within the meaning of the **State Concessions Act 2004**, the fee to be paid for a game licence is half that of the fee to be paid under subregulation (1).
- (3) An applicant for a game licence who is under the age of 18 years is exempt from payment of a fee for that licence.
- (4) A person who holds a game licence referred to in Column 1 of the Table of Game Licence Fees who applies to have the licence varied to another kind of game licence listed in that Column, in addition to the variation fee payable under regulation 12, must pay the difference, if any, between the fees for the categories of game listed in the Table.

12 Fee for variation of game licence

The fee for an application for a variation of a game licence is 1 fee unit.

13 Issue of replacement game licence

- (1) The Secretary may, upon payment by the holder of a game licence of a fee of 1 fee unit, issue a game licence to replace one which has been stolen, lost, damaged or destroyed.
- (2) A holder of a game licence who applies for a replacement game licence must provide personal particulars necessary to identify the applicant, including evidence to verify those particulars.
- (3) The Secretary may require a holder of a game licence who applies for a replacement game licence to comply with any of the requirements of regulation 6.

14 Licence document as evidence

- (1) If the Secretary has granted a game licence to a person, the Secretary may issue a document to that person as evidence of that fact.
-

- (2) It is a condition of a game licence that a document issued under subregulation (1) must be signed by the holder of the licence.

15 Change of address

A person who holds a game licence must notify the Secretary if he or she changes his or her residential address and must forward his or her game licence to the Secretary for amendment within 14 days after changing address.

Penalty: 2 penalty units.

16 Ballots

- (1) For the purposes of section 22A(4A) of the Act, a ballot is to be conducted in accordance with the procedure determined by the Secretary.
- (2) If a holder of a game licence is required to take part in a ballot, the holder of the licence must, if required to do so by the Secretary, pay the fee determined by the Secretary.
- (3) The fee determined by the Secretary under subregulation (2) must not exceed 5 fee units.

17 Condition of game licence allowing hunting, taking or destroying Sambar Deer with the use of hounds

- (1) For the purposes of section 22A(3) of the Act, a game licence which allows a person to hunt, take or destroy Sambar Deer with the use of hounds is subject to the condition that the person must not do so while hunting alone unless the person is using at the time of hunting—
- (a) not more than 5 hounds; or
- (b) not more than 8 hounds, of which 3 hounds must be less than 12 months old and must be used for the purpose of training those hounds to hunt or take Sambar Deer; or

- (2) For the purposes of section 22A(3) of the Act, a game licence which allows a person to hunt, take or destroy Sambar Deer with the use of hounds is subject to the condition that the person must not do so while hunting as part of a team unless—
- (a) the team is using at the time of hunting—
 - (i) not more than 5 hounds; or
 - (ii) not more than 8 hounds of which 3 hounds must be less than 12 months old and must be used for the purpose of training those hounds to hunt or take Sambar Deer; and
 - (b) the team consists of—
 - (i) not more than 10 persons who are the holders of game licences endorsed to hunt, take or destroy Sambar Deer with the use of hounds; or
 - (ii) not more than 12 persons who are the holders of game licences endorsed to hunt, take or destroy Sambar Deer with the use of hounds of which 2 persons must hold a licence referred to in regulation 21 or 23.

18 Hounds used for hunting, taking or destroying Sambar Deer to be registered with the Secretary

For the purposes of section 22A(3) of the Act, a game licence which allows a person to hunt, take or destroy Sambar Deer with the use of a hound is subject to the condition that the holder of a licence must not use a hound for hunting, taking or destroying Sambar Deer, unless that hound is registered with the Secretary.

19 Condition of game licence allowing hunting, taking or destroying non-indigenous game birds on a game bird farm

For the purposes of section 22A(3) of the Act, a game licence which allows a person to hunt, take or destroy non-indigenous game birds specified in Part 3 of Schedule 3 is subject to the condition that the person must not hunt, take or destroy game birds of that kind unless the person does so on a game bird farm.

20 Condition of game licence allowing a non-resident of Australia to hunt, take or destroy duck

(1) For the purposes of section 22A(3) of the Act, a game licence which allows a non-resident of Australia to hunt, take or destroy duck is subject to the condition that the person must not hunt, take or destroy duck unless he or she does so while under the direct supervision of an adult hunter who is the holder of a game licence endorsed to hunt, take or destroy duck and who has obtained a pass in the Waterfowl Identification Test.

(2) An applicant for a game licence referred to in subregulation (1) is not required to undertake the Waterfowl Identification Test.

21 Condition of game licence allowing a non-resident of Australia to hunt, take or destroy Sambar Deer with the use of hounds

(1) For the purposes of section 22A(3) of the Act, a game licence which allows a non-resident of Australia to hunt, take or destroy Sambar Deer with the use of hounds is subject to the condition that the person must not hunt, take or destroy Sambar Deer with the use of hounds unless he or she does so under the direct supervision of an adult hunter who is the holder of a game licence

endorsed to hunt, take or destroy Sambar Deer with the use of hounds and who has obtained a pass in the Sambar Deer Hunting with Hounds Test.

- (2) An applicant for a game licence referred to in subregulation (1) is not required to undertake the Sambar Deer Hunting with Hounds Test.

22 Conditions of game licence allowing a person aged 12 years or more but less than 18 years to hunt, take or destroy duck

For the purposes of section 22A(3) of the Act, a game licence which allows a person who is 12 years of age or more but less than 18 years, who has not obtained a pass at a percentage rate determined by the Secretary in the Waterfowl Identification Test to hunt, take or destroy duck, is subject to the conditions that the person—

- (a) must not hunt, take or destroy duck unless the person does so under the direct supervision of an adult hunter who is the holder of a game licence endorsed to hunt, take or destroy duck and who has obtained a pass at a percentage rate determined by the Secretary in the Waterfowl Identification Test; and
- (b) must not apply for another game licence referred to in this regulation.

23 Conditions of game licence allowing a person aged 12 years or more but less than 18 years or more to hunt, take or destroy Sambar Deer with the use of hounds

For the purposes of section 22A(3) of the Act, a game licence which allows a person 12 years of age or more but less than 18 years, who has not obtained a pass at a percentage rate determined by the Secretary in the Sambar Deer Hunting with

Hounds Test to hunt, take or destroy Sambar Deer with the use of hounds, is subject to the conditions that the person—

- (a) must not hunt, take or destroy Sambar Deer with the use of hounds unless the person does so under the direct supervision of an adult hunter who is the holder of a game licence endorsed to hunt, take or destroy Sambar Deer with the use of hounds and who has obtained a pass at a percentage rate determined by the Secretary in the Sambar Deer Hunting with Hounds Test; and
- (b) must not apply for another game licence referred to in this regulation.

24 Registration of a hound

- (1) On application by the owner of a hound, the Secretary may register a hound if—
 - (a) the Secretary has consulted with a person or body with relevant expertise; and
 - (b) the hound is identified by the implantation of a prescribed permanent identification device in accordance with the Domestic Animals Regulations 2005.
 - (2) The registration of a hound, unless sooner cancelled, suspended or surrendered, remains in force until the ownership of the hound is transferred to another person.
 - (3) A hound registered with the Secretary under regulation 19 of the Wildlife (Game) Regulations 2001 may continue to be used to hunt and take Sambar Deer for the duration of that dog's life.
-

25 Power of Secretary to cancel registration of a hound

- (1) The Secretary may cancel the registration of a hound, by notice in writing given to the owner of the hound, if the Secretary is satisfied, on reasonable grounds, that—
 - (a) the dog is not a hound; or
 - (b) the owner knowingly provided false or misleading information with the application for registration; or
 - (c) the hound has been found in circumstances in which the owner or the hound possessor would be guilty of an offence against regulation 41(1) in respect of the hound; or
 - (d) the owner has been found guilty of an offence against the Act or these Regulations in respect of the hound; or
 - (e) the hound no longer complies with the conditions of registration under regulation 24(1)(b).
 - (2) Before cancelling the registration of a hound the Secretary must—
 - (a) notify the owner that he or she proposes to cancel the registration; and
 - (b) allow the owner an opportunity to make a written submission.
 - (3) A submission under subregulation (2) must be made within the period specified in the notice.
 - (4) In making a decision as to whether or not to cancel the registration of a hound, the Secretary must—
 - (a) have regard to any submission made under subregulation (2) within the period specified in the notice; and
-

- (b) must notify the owner of the Secretary's decision.

26 Power of Secretary to suspend registration of a hound

- (1) The Secretary may suspend the registration of a hound, by notice in writing to the owner, if the Secretary is satisfied, on reasonable grounds, that—
 - (a) the dog is not a hound; or
 - (b) the owner knowingly provided false or misleading information with the application for registration; or
 - (c) the hound has been found in circumstances in which the owner or the hound possessor would be guilty of an offence against regulation 41(1) in respect of the hound; or
 - (d) the owner has been found guilty of an offence against the Act or these regulations in respect of the hound; or
 - (e) the hound no longer complies with the conditions of registration under regulation 24(1)(b).
- (2) A suspension under this regulation has effect—
 - (a) from the time specified in the notice given under subregulation (1), which must be after the day on which the notice is given; and
 - (b) subject to regulation 27, for the period (not exceeding 90 days) specified in the notice.

27 Making a submission on suspension of the registration of a hound

- (1) On suspending the registration of a hound, the Secretary must allow the owner of the hound an opportunity to make a written submission.
-

Wildlife (Game) Regulations
Exposure Draft

Part 2—Game Licences

- (2) A submission must be made within the period specified in the notice of suspension.
 - (3) On receiving a submission under subregulation (2), the Secretary must review the decision to suspend the registration, and in doing so must have regard to the submission and may decide—
 - (a) not to revoke or amend the suspension; or
 - (b) to revoke or amend the suspension.
 - (4) The Secretary must notify the owner of the outcome of the review.
-

PART 3—OPEN AND CLOSE SEASONS AND BAG LIMITS

28 Close season

For the purposes of the Act, the close season for a kind or taxon of game is set out in Schedule 2.

29 Open season

For the purposes of the Act, the open season for a kind or taxon of game is set out in Schedule 3.

30 Bag limit

A person must not, in relation to a kind or taxon of game set out in Schedule 4, take or destroy more than the number of game specified in that Schedule as the Bag Limit for that kind or taxon, in the period set out in that Schedule for that taxon of game.

Penalty: 20 penalty units.

PART 4—HUNTING METHODS

31 Ten-gauge shotgun to be used when hunting game birds

- (1) A person must not hunt, take or destroy game birds other than with a firearm that is a shotgun having a gauge no greater than 10.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person using a firearm that is a shotgun manufactured before the year 1900, if that person has written authorisation given by the Secretary to use that shotgun to hunt, take or destroy game birds.

32 Use of toxic shot

- (1) A person must not use toxic shot to hunt, take or destroy ducks.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who is hunting, taking or destroying, or intending to hunt, take or destroy ducks, in the open season for duck, if the person is using a firearm that is a muzzle-loading, Damascus steel or twist-barrelled shotgun.

33 Possession of toxic shot

- (1) A person must not be in possession of toxic shot—

- (a) in the course of hunting ducks; or
(b) within an area in which he or she intends to hunt ducks; or
(c) within a State Game Reserve.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who is in possession of toxic shot that is secured in a vehicle.

34 Approved methods for hunting deer (other than Hog Deer, Chital Deer or Fallow Deer)

A person must not hunt, take or destroy deer (other than Hog Deer, Chital Deer or Fallow Deer) other than by the use of—

- (a) a firearm that is a centre-fire rifle having a calibre of no less than 6.85 mm (0.270"), with a projectile weight of no less than 8.45 grams (130 grains); or
- (b) a firearm that is a muzzle-loading rifle having a calibre of no less than 11.45 mm (0.45"), with a projectile weight of no less than 14.91 grams (230 grains); or
- (c) a long bow, recurve bow or compound bow having a draw-weight of no less than 22.5 kilograms (50 lbs), using an arrow with a broad-head having a combined minimum weight of no less than 26 grams (400 grains) and a minimum of two sharpened cutting blades; or
- (d) a cross-bow having a draw-weight of no less than 68 kilograms (150 lbs), using a bolt with a broad-head having a combined minimum weight of no less than 26 grams (400 grains) and a minimum of two sharpened cutting blades; or
- (e) a fully rifled or partially rifled firearm of no less than 20 bore, with a single solid projectile, having a weight of no less than 15.88 grams (245 grains).

Penalty: 20 penalty units.

35 Approved methods for hunting Hog Deer, Chital Deer or Fallow Deer

A person must not hunt, take or destroy Hog Deer, Chital Deer or Fallow Deer other than by the use of—

- (a) a firearm that is a centre-fire rifle having a calibre of no less than 6.17 mm (0.243"), with a projectile weight of no less than 5.18 grams (80 grains); or
- (b) a firearm that is a muzzle-loading rifle having a calibre of no less than 9.65 mm (0.38"), with a projectile weight of no less than 12.96 grams (200 grains); or
- (c) a long bow, recurve bow or compound bow having a draw-weight of no less than 22 kilograms (45 lbs), using an arrow with a broad-head having a combined minimum weight of no less than 22.5 grams (350 grains) and a minimum of two sharpened cutting blades; or
- (d) a cross-bow having a draw-weight of no less than 54.4 kilograms (120 lbs), using a bolt with a broad-head having a combined minimum weight of no less than 22.5 grams (350 grains) and a minimum of two sharpened cutting blades; or
- (e) a fully rifled or partially rifled firearm of no less than 20 bore, with a single solid projectile, having a weight of no less than 15.88 grams (245 grains).

Penalty: 20 penalty units.

36 Use of baits, lures and decoys when hunting game

- (1) A person must not hunt, take or destroy game or cause, permit or assist in the hunting, taking or destroying of game using any bait, lure, decoy or live animal to attract game.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who hunts, takes or destroys game, or who causes, permits or assists in the hunting, taking or destroying of game using a decoy made or constructed to resemble or represent a waterbird, or any call resembling the call of a waterbird or deer.

37 Use of dogs when hunting game birds

- (1) A person must not use a dog when hunting, taking or destroying game birds or cause or permit a dog to be so used.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who when hunting, taking or destroying game birds uses, causes or permits—

- (a) gundogs to be used to locate, flush, point or retrieve game birds during an open season; or
or
(b) gundogs to be used in any field trials conducted during an open season, by an organisation approved by the Secretary; or
(c) gundogs being trained to locate, point or flush game birds during the close season if a person accompanying a dog being so trained, is not carrying or using any firearm other than a starter's pistol or a shotgun with blank ammunition and that person is not in possession of any cartridge ammunition.
-

38 Use of dogs for hunting deer

- (1) A person must not use a dog for hunting deer other than—
- (a) a registered hound for the purpose of scent-trailing Sambar Deer; or
 - (b) a gundog for the purpose of locating, pointing or flushing deer (other than Hog Deer); or
 - (c) a deer hunting dog for the purpose of locating, pointing or flushing deer (other than Hog Deer);

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who has written authorisation given by the Secretary to use a dog that is not referred to in subregulation (1)(a), (1)(b) or (1)(c) for hunting deer.

39 Hunting alone for deer with dogs that are not hounds (other than Hog Deer)

A person hunting alone for deer (other than Hog Deer) must not use more than—

- (a) 2 gundogs listed in Part 1 of Schedule 5; or
- (b) 2 deer hunting dogs listed in Part 3 of Schedule 5; or
- (c) 1 gundog listed in Part 1 of Schedule 5 and 1 deer hunting dog listed in Part 3 of Schedule 5—

for the purpose of locating, pointing or flushing that deer.

Penalty: 20 penalty units.

40 Hunting in a team for deer with dogs that are not hounds (other than Hog Deer)

A person hunting in a team for deer (other than Hog Deer) must ensure that the team does not use more than—

- (a) 2 gundogs listed in Part 1 of Schedule 5; or
- (b) 2 deer hunting dogs listed in Part 3 of Schedule 5; or
- (c) 1 gundog listed in Part 1 of Schedule 5 and 1 deer hunting dog listed in Part 3 of Schedule 5—

for the purpose of locating, pointing or flushing that deer.

Penalty: 20 penalty units.

41 Location of hound while hunting deer

- (1) If while hunting deer, a hound is found—
 - (a) on private land; or
 - (b) in a park, other than in accordance with the **National Parks Act 1975**; or
 - (c) in any area prohibited by these regulations; or
 - (d) in any other area closed under Part XI of the Act—

the owner of the hound or the hound possessor is guilty of an offence and liable to a penalty of not more than 20 penalty units.

- (2) Subregulation (1)(a) does not apply to an owner of a hound or to a hound possessor if a hound is found on private land on which the owner of the hound or hound possessor has written authorisation given by the Secretary to hunt deer on that land.

42 Hound must be identified

A person who uses a hound for hunting deer must ensure that the hound is wearing a collar to which is securely attached a permanent tag or label on which is legibly printed—

- (a) the full name and game licence number of the hound owner, and hound registration number of the hound; or
- (b) the full name and residential address of the owner of the hound, and the hound registration number.

Penalty: 20 penalty units.

43 Dogs must not attack, bite or maim wildlife

A person who uses a hound, gundog or deer hunting dog for hunting deer must ensure that the hound does not attack, bite or maim wildlife.

Penalty: 20 penalty units.

44 Use of dogs in recognised deer habitat

- (1) A person who is hunting on public land in recognised deer habitat must not have in his or her care or control a dog (that is not a hound, gundog or deer hunting dog) unless the dog is restrained or confined.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who has written authorisation given by the Secretary to have such a dog in his or her care or control.

45 Use of spotlights for hunting

- (1) A person must not use a spotlight to hunt or take game.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who is an employee or contractor of the Secretary who has written authorisation given by the Secretary to use a spotlight to hunt or take game.

46 Possession of spotlight and firearm

- (1) A person must not be in possession of a spotlight and a firearm in a recognised deer habitat between the hours of sunset and sunrise.

Penalty: 20 penalty units.

- (2) A person must not be in possession of a spotlight and be in company with a person in possession of a firearm in a recognised deer habitat between the hours of sunset and sunrise.

Penalty: 20 penalty units.

- (3) A person must not be in possession of a firearm and be in company with a person in possession of a spotlight in a recognised deer habitat between the hours of sunset and sunrise.

Penalty: 20 penalty units.

- (4) Subregulations (1), (2) and (3) do not apply to a person—

- (a) if the person is in the process of controlling established pest animals within 250 metres outside of the boundary of freehold land which is owned or occupied by that person or a person for whom that person acts as an agent; or
- (b) if the person is in the company of a person to whom paragraph (a) applies; or
- (c) if the person is the holder of an authorisation under section 28A, 28G or 28H of the Act and is acting in accordance with that authorisation; or
-

- (d) in the case of a person who is in a vehicle in which there is a firearm, magazine or ammunition if—
 - (i) any such firearm is unloaded and secured; and
 - (ii) any such magazine is unloaded and secured; and
 - (iii) any such ammunition is secured; and
 - (iv) any spotlight in or on the vehicle is not in use; or
- (e) who is an employee or contractor of the Secretary when acting in the course of his or her duties.

47 Aircraft and motor vehicles not to be used for hunting game

A person must not hunt, take or destroy game or cause, permit or assist in the hunting, taking or destroying of game from an aircraft or motor vehicle.

Penalty: 20 penalty units.

48 Game fleeing from fire or smoke not to be hunted

A person must not hunt, take or destroy game that is fleeing from fire or smoke.

Penalty: 20 penalty units.

49 Hunting at night prohibited

A person must not hunt, take or destroy game during the period commencing a half-hour after sunset on any day and ending a half-hour before sunrise on the next day.

Penalty: 20 penalty units.

50 Hunting from motorboats prohibited

- (1) A person must not hunt, take or destroy duck or cause, permit or assist in the hunting, taking or destroying of duck from a motor boat whose motor is running whether in gear or not.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who hunts, takes or destroys duck or who causes, permits or assists in the hunting, taking or destroying of duck from—
- (a) a motor boat under power which is operating at a speed of 5 knots or less in any waterway;
or
 - (b) a motor boat under power which is operating at a speed of 5 knots or less for the purpose of retrieving a dead or wounded duck.
-

PART 5—POSSESSION AND USE OF GAME

51 Person taking or wounding game to kill that game on recovery

A person who takes game which is alive when recovered must immediately humanely kill that game.

Penalty: 20 penalty units.

52 Possession of duck

A person who has in his or her possession any taxon of duck must leave one fully feathered wing attached to the duck, or duck breast, until immediately prior to cooking or until that duck has been taken to the person's ordinary place of residence.

Penalty: 5 penalty units.

53 Storage of game on commercial premises

- (1) A person must not have game in his or her possession or control in any shop, commercial premises or business premises except in accordance with the following conditions—
 - (a) the game must be contained within a bag or receptacle;
 - (b) any bag or receptacle containing any game must have a tag securely attached on which the following particulars are legibly written—
 - (i) the name and address of the owner of the game; and
 - (ii) the date on which the game was placed in the shop, commercial premises or business premises; and

- (iii) the game licence number under which the game was taken.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who has game in his or her possession or control in any part of a shop, commercial premises or business premises that is used primarily for domestic purposes.

54 Game prohibited on commercial premises where food is cooked

- (1) A person must not have in his or her possession or control on commercial premises in which food is cooked or served, any game other than—
 - (a) game listed in Part 3 of Schedule 3 which has been obtained from a Game Bird Farm; or
 - (b) game listed in Part 1 of Schedule 3 which has been obtained from a Deer Farm; or
 - (c) any other game which has been obtained from a Wildlife Processor licensed under the Act or under a corresponding law of another State or Territory of the Commonwealth.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who is a member of an organisation, or to a person who acts on behalf of an organisation, who has in his or her possession or control on commercial premises on which food is cooked or served, any game for which the organisation has written authorisation given by the Secretary to serve at a meal conducted by that organisation.

55 Sale of game prohibited unless obtained lawfully

- (1) A person must not sell or expose for sale any game.

Penalty: 20 penalty units.

- (2) Subregulation (1)—

- (a) does not apply to any person—

(i) who holds a licence, permit or other authority issued under section 22, 28A or 28G of the Act which entitles the person to sell any taxon of wildlife declared to be game; and

(ii) who is acting in accordance with that licence, permit or authority; and

- (b) does not apply to any person who receives game from a commercial interstate source authorised under the laws of that State or Territory to sell the game; and

- (c) does not apply to a person who is the owner of taxidermied game, which has been legally obtained and taxidermied.
-

PART 6—HOG DEER TAGS

56 Application for Hog Deer Tags

- (1) A person who is applying for Hog Deer Tags must do so in a manner determined by the Secretary.
- (2) A person who is applying for Hog Deer Tags may be required by the Secretary to provide evidence of a game licence held by that person.

57 Issue of Hog Deer Tags

- (1) The Secretary may issue 2 Hog Deer Tags per year, one of which is for hunting, taking or destroying a male Hog Deer and one of which is for hunting, taking or destroying a female Hog Deer, to any holder of a game licence for the hunting, taking or destroying of Hog Deer.
- (2) The Secretary may issue an additional 2 Hog Deer Tags per year, one of which is for hunting, taking or destroying a male Hog Deer and one of which is for hunting, taking or destroying a female Hog Deer, to a person who holds a game licence that is subject to the condition set out in section 22A(4A) of the Act.

58 Validity of Hog Deer Tags

A Hog Deer Tag is valid only for the year for which it is issued.

59 Possession of Hog Deer

- (1) A person must not have in his or her possession or control the carcass of any female Hog Deer unless a Hog Deer Tag marked with the letter "F" is affixed to one of the hind legs.

Penalty: 20 penalty units.

- (2) A person must not have in his or her possession or control the carcass of any male Hog Deer unless a Hog Deer Tag marked with the letter "M" is affixed to one of the hind legs.

Penalty: 20 penalty units.

60 Requirement to attach tags to Hog Deer killed

A person who kills a Hog Deer must immediately affix a Hog Deer Tag to one of the hind legs of the deer in the following manner—

- (a) the tag must be affixed above the hock by inserting the end of the tag between the main bone of the leg and the main tendon;
- (b) the tag must then completely encircle the main bone and must be securely locked in position.

Penalty: 20 penalty units.

61 Hog Deer not to be removed until tag is affixed

A person who kills any Hog Deer must not remove the Hog Deer from where it has been killed unless a Hog Deer Tag is affixed to one of its hind legs in accordance with regulation 59.

Penalty: 20 penalty units.

62 Removal of Hog Deer Tags

A person must not, without written authorisation given by the Secretary, remove the Hog Deer Tag from the body of any Hog Deer killed until the body of that deer has been taken to a checking station in accordance with regulation 67 by the holder of the game licence under the authority of which the Hog Deer was taken, and any biological samples required under regulation 67(3)(b) have been given.

Penalty: 20 penalty units.

63 Removal of Hog Deer head and dismemberment

A person must not, without written authorisation given by the Secretary, remove the head or dismember any Hog Deer killed until the body of that deer has been taken to a checking station in accordance with regulation 67 by the holder of the game licence under the authority of which the Hog Deer was taken and any biological sample required under regulation 67(3)(b) have been given.

Penalty: 20 penalty units.

64 Hog Deer Tags to be in possession

(1) A person who—

- (a) was issued with Hog Deer Tags under regulation 57(1); and
- (b) is hunting, taking or destroying Hog Deer during the open season for which the Hog Deer Tags were issued—

must not hunt, take or destroy Hog Deer without having in his or her possession—

- (c) in the case where no Hog Deer have been taken, 2 Hog Deer Tags, one marked with the letter "F" for female and one marked with the letter "M" for male;
- (d) in the case where one Hog Deer has been taken, one Hog Deer Tag marked with the letter of the sex that has not been taken.

Penalty: 20 penalty units.

(2) A person who—

- (a) was issued with Hog Deer Tags under regulation 57(2); and
-

(b) is hunting, taking or destroying Hog Deer in accordance with an authority issued under section 28A of the Act—

must not hunt, take or destroy Hog Deer without having in his or her possession—

(c) in the case where no Hog Deer have been taken, 2 Hog Deer Tags, one marked with the letter "F" for female and one marked with the letter "M" for male;

(d) in the case where one Hog Deer has been taken, one Hog Deer Tag marked with the letter of the sex that has not been taken.

Penalty: 20 penalty units.

65 Hog Deer Tags not to be sold etc.

A person issued with a Hog Deer Tag must not sell, give, lend or transfer that Hog Deer Tag to any other person.

Penalty: 20 penalty units.

66 Hog Deer Tags not to be altered, defaced or reproduced

A person must not alter, deface or reproduce a Hog Deer Tag.

Penalty: 20 penalty units.

67 Hog Deer carcass to be taken to checking station

(1) The Secretary may nominate places, to be known as checking stations, for the purposes of recording biological, physical and other information about Hog Deer taken.

(2) The Secretary must publish a notice in the Government Gazette giving details of the location and opening times of the checking stations.

- (3) A person who takes a Hog Deer during the open season must—
- (a) within 24 hours of the taking of the deer, take the Hog Deer carcass to a checking station nominated under subregulation (1) during the hours that the checking station is open for business; and
 - (b) provide any biological sample from the Hog Deer carcass that is requested by the Secretary for the purpose of examination for any disease, disorder or other physical condition of the Hog Deer.

Penalty: 20 penalty units.

68 Hog Deer Tags return forms

A person who is issued with Hog Deer Tags for a year must, within 28 days after the last day of each open season in the year for which the Hog Deer Tags were issued, forward to the Secretary by registered post, a complete and accurate return for the year (in the form determined by the Secretary) detailing—

- (a) the name, and address of the person and the game licence number of the licence under which the tags have been issued; and
- (b) if the person has taken any Hog Deer in the year, where and when the person took the deer; and
- (c) the amount of time the person spent hunting for Hog Deer; and
- (d) any other particulars regarding the taking of Hog Deer by the person that the Secretary requires.

Penalty: 10 penalty units.

**PART 7—SPECIFIED HUNTING AREAS AND SPECIFIED
TIMES—OPEN SEASON FOR DUCK**

69 Specified hunting areas

For the purposes of section 58C of the Act, the following are declared to be specified hunting areas—

- (a) the waters of any State Game Reserve and the land within 5 metres of the water shoreline of those waters;
- (b) the waters of the hunting areas described in Schedule 8 and the land within 5 metres of the water shoreline of those waters.

70 Times when entry onto or remaining in specified hunting areas are prohibited

For the purposes of section 58C(1) of the Act, the following times are specified as the times during which entry onto or remaining in a specified hunting area is prohibited—

- (a) from the beginning of the first day of the open season for ducks until 10.00 a.m. of that day;
 - (b) between the hours of 5.00 p.m. on the first day of the open season for ducks and 10.00 a.m. on the second day of the open season for ducks in each year.
-

PART 8—DEER HUNTING AREAS

71 Prohibited deer hunting areas

- (1) A person must not hunt, take or destroy deer within the areas of Victoria indicated by shading on the plans in Parts 1, 2, 3, 4 and 5 of Schedule 9.
- (2) Subregulation (1) does not apply to—
 - (a) a person who has written authorisation given by the Secretary to hunt, take or destroy deer within the areas referred to in that subregulation; or
 - (b) a person who is an owner or occupier of private land when hunting, taking or destroying deer on that private land.

72 Areas for hunting Sambar Deer with the use of hounds

- (1) A person must not hunt, take or destroy Sambar Deer with the use of hounds in any area of Victoria other than within the permitted hunting area.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to—
 - (a) a person who has written authorisation given by the Secretary to hunt, take or destroy Sambar Deer with the use of hounds in the area shown by shading on the plans in Parts 3 and 4 of Schedule 10; or
 - (b) a person who is an owner or occupier of private land when hunting, taking or destroying Sambar Deer with the use of hounds on that private land.

Wildlife (Game) Regulations
Exposure Draft

Part 8—Deer Hunting Areas

- (3) In this regulation, *permitted hunting area* means the area shown by shading on the plan in Part 1 of Schedule 10 (part of the boundary of which is shown in greater detail on the plan in Part 2 of Schedule 10).
-

Wildlife (Game) Regulations
Exposure Draft

SCHEDULES

SCHEDULE 1

Regulation 4

REGULATIONS REVOKED

<i>S.R. No.</i>	<i>Title</i>
90/2001	Wildlife (Game) Regulations 2001
20/2004	Wildlife (Game) (Amendment) Regulations 2004
147/2004	Wildlife (State Game Reserve) Regulations 2004
50/2008	Wildlife (Game) (Hunting of Fallow Deer) (Amendment) Regulations 2008
10/2009	Wildlife (Game) (Amendment) Regulations 2009

Wildlife (Game) Regulations
Exposure Draft

SCHEDULE 2

Regulation 28

CLOSE SEASONS FOR GAME

<i>Common Name</i>	<i>Scientific Name</i>	<i>Close Season</i>	<i>Area of Victoria</i>
PART 1—DEER			
Hog Deer	<i>Axis porcinus</i>	From 30 minutes after sunset on 30 April in each year to 30 minutes before sunrise on 1 April in the next year following.	The whole of Victoria.
Sambar Deer	<i>Cervus unicolor</i>	When hunted, taken or destroyed with the use of hounds, from 30 minutes after sunset on 30 of November in each year to 30 minutes before sunrise on 1 April in the next following year. If Easter Sunday is in April, when hunted, taken or destroyed with the use of hounds, from 30 minutes after sunset on the Thursday before Easter Sunday until 30 minutes before sunrise on the Thursday after Easter Sunday.	The whole of Victoria.

Wildlife (Game) Regulations
Exposure Draft

<i>Common Name</i>	<i>Scientific Name</i>	<i>Close Season</i>
PART 2—GAME BIRDS		
Latham's (Japanese or Jack) Snipe	<i>Gallinago hardwickii</i>	For the whole of each year.
Stubble Quail	<i>Coturnix pectoralis</i>	From 30 minutes after sunset on the last day in June to 30 minutes before sunrise on the first Saturday in April in the next year following.
Pacific Black Duck	<i>Anas superciliosa</i>	From 30 minutes after sunset on the second Monday in June in each year until midnight on the day before the third Saturday in March in the next year following.
Australasian (Blue-winged) Shoveler	<i>Anas rhynchotis</i>	
Chestnut Teal	<i>Anas castanea</i>	
Grey Teal	<i>Anas gracilis</i>	
Hardhead (White-eyed) Duck	<i>Aythya australis</i>	
Australian Shelduck (Mountain Duck)	<i>Tadorna tadornoides</i>	
Pink-eared Duck	<i>Malacorhynchus membranaceus</i>	
Australian Wood Duck (Maned Duck)	<i>Chenonetta jubata</i>	

Wildlife (Game) Regulations
Exposure Draft

SCHEDULE 3

Regulation 29

OPEN SEASONS FOR GAME

<i>Common Name</i>	<i>Scientific Name</i>	<i>Open Season</i>	<i>Area</i>
PART 1—DEER			
Chital Deer	Axis axis	For the whole of each year.	The whole of Victoria.
Fallow Deer	Dama dama	For the whole of each year.	The whole of Victoria.
Hog Deer	Axis porcinus	From 30 minutes before sunrise on 1 April until 30 minutes after sunset on 30 April in each year.	The whole of Victoria.
Red Deer	Cervus elaphus	For the whole of each year.	The whole of Victoria.
Rusa Deer	Cervus timorensis	For the whole of each year.	The whole of Victoria.
Sambar Deer	Cervus unicolor	When not hunted, taken or destroyed with the use of hounds, for the whole of the year. If Easter Sunday is in March, when hunted, taken or destroyed with the use of hounds, from 30 minutes before sunrise on 1 April until 30 minutes after sunset on 30 November in each year.	The whole of Victoria.

Wildlife (Game) Regulations
Exposure Draft

<i>Common Name</i>	<i>Scientific Name</i>	<i>Open Season</i>	<i>Area</i>
		If Easter Sunday is in April— (a) when hunted, taken or destroyed with the use of hounds, from 30 minutes before sunrise on 1 April until 30 minutes after sunset on the Thursday before Easter Sunday; (b) when hunted, taken or destroyed with the use of hounds, from 30 minutes before sunrise on the first Thursday after Easter Sunday until 30 minutes after sunset on 30 November in each year.	

Wildlife (Game) Regulations
Exposure Draft

<i>Common Name</i>	<i>Scientific Name</i>	<i>Open Season</i>
--------------------	------------------------	--------------------

PART 2—INDIGENOUS GAME BIRDS

Stubble Quail	<i>Coturnix pectoralis</i>	From 30 minutes before sunrise on the first Saturday in April until 30 minutes after sunset on 30 June in each year
Pacific Black Duck	<i>Anas superciliosa</i>	} From the beginning of the third Saturday in March in each year until 30 minutes after sunset on the second Monday in June in each year.
Australasian (Blue-winged) Shoveler	<i>Anas rhynchotis</i>	
Chestnut Teal	<i>Anas castanea</i>	
Grey Teal	<i>Anas gracilis</i>	
Hardhead (White-eyed Duck)	<i>Aythya australis</i>	
Australian Shelduck (Mountain Duck)	<i>Tadorna tadornoides</i>	
Pink-eared Duck	<i>Malacorhynchus membranaceus</i>	
Australian Wood Duck (Maned Duck)	<i>Chenonetta jubata</i>	

PART 3—NON-INDIGENOUS GAME BIRDS

Pheasant	<i>Phasianus spp.</i>	} For the whole of each year.
Partridge	<i>Alectoris and Perdix spp.</i>	
European Quail	<i>Coturnix coturnix</i>	
Japanese Quail	<i>Coturnix japonica</i>	
Californian Quail	<i>Lophortyx californicus</i>	

Wildlife (Game) Regulations
Exposure Draft

SCHEDULE 4

Regulation 30

BAG LIMITS FOR GAME

<i>Column 1</i> Item number	<i>Column 2</i> Common Name	<i>Column 3</i> Scientific Name	<i>Column 4</i> Bag Limit
1.	Chital Deer	<i>Axis axis</i>	No limit.
2.	Fallow Deer	<i>Dama dama</i>	No limit.
3.	Hog Deer	<i>Axis porcinus</i>	A maximum of one male and one female during an open season.
4.	Red Deer	<i>Cervus elaphus</i>	No limit.
5.	Rusa Deer	<i>Cervus timorensis</i>	No limit.
6.	Sambar Deer	<i>Cervus unicolor</i>	No limit.
7.	Stubble Quail	<i>Coturnix pectoralis</i>	A maximum of twenty on any day during an open season.
8.	Pacific Black Duck	<i>Anas superciliosa</i>	A maximum of ten ducks, which may include no more than two Australasian (Blue-winged) Shovelers, on any day during an open season.
9.	Australasian (Blue-winged) Shoveler	<i>Anas rhynchotis</i>	
10.	Chestnut Teal	<i>Anas castanea</i>	
11.	Grey Teal	<i>Anas gracilis</i>	
12.	Hardhead (White-eyed Duck)	<i>Aythya australis</i>	
13.	Australian Shelduck (Mountain Duck)	<i>Tadorna tadornoides</i>	

Wildlife (Game) Regulations
Exposure Draft

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item number</i>	<i>Common Name</i>	<i>Scientific Name</i>	<i>Bag Limit</i>
14.	Pink-eared Duck	<i>Malacorhynchus membranaceus</i>	}
15.	Australian Wood Duck (Maned Duck)	<i>Chenonetta jubata</i>	
16.	Pheasants	<i>Phasianus spp.</i>	} No limit.
17.	Partridges	<i>Alectoris and Perdix spp.</i>	
18.	European Quail	<i>Coturnix coturnix</i>	
19.	Japanese Quail	<i>Coturnix japonica</i>	
20.	Californian Quail	<i>Lophortyx californicus</i>	

SCHEDULE 5

Regulation 5

APPROVED DOGS FOR HUNTING

PART 1—GUNDOGS

Bracco Italiano
Brittany Spaniel (Epagneul Breton)
Chesapeake Bay Retriever
Clumber Spaniel
Cocker Spaniel
Cocker Spaniel (American)
Curly Coated Retriever
English Setter
English Springer Spaniel
Field Spaniel
Flat Coated Retriever
German Shorthaired Pointer
German Wirehaired Pointer (Deutsch Drahthaar)
Golden Retriever
Gordon Setter
Hungarian Vizsla
Hungarian Wirehair Vizsla
Irish Red and White Setter
Irish Setter
Irish Water Spaniel
Italian Spinone
Labrador Retriever
Lagotto Romagnolo
Large Munsterlander
Nova Scotia Duck Tolling Retriever
Pointer
Sussex Spaniel
Weimaraner
Welsh Springer Spaniel

Wildlife (Game) Regulations
Exposure Draft

PART 2—HOUNDS

<i>Column 1</i>	<i>Column 2</i>
<i>Breed</i>	<i>Maximum height measured at withers</i>
Bloodhound	69 centimetres
Beagle	40 centimetres
Harrier	53.5 centimetres

PART 3—DEER HUNTING DOGS

Border Terrier
Finnish Spitz
Fox Terrier (smooth)
Fox Terrier (wire)
German Hunting Terrier (Jagd Terrier)
Jack Russell Terrier
Norwegian Elkhound

SCHEDULE 6

Regulation 5

RECOGNISED DEER HABITAT

All Crown land in the municipal districts of the following
municipal councils—

Alpine Shire Council
Ararat Rural City Council
Baw Baw Shire Council
Benalla Rural City Council
Cardinia Shire Council
Colac-Otway Shire Council
Corangamite Shire Council
East Gippsland Shire Council
Glenelg Shire Council
Horsham Rural City Council
Mansfield Shire Council
Mitchell Shire Council
Murrindindi Shire Council
Northern Grampians Shire Council
Pyrenees Shire Council
South Gippsland Shire Council
Southern Grampians Shire Council
Strathbogie Shire Council
Towong Shire Council
Wangaratta Rural City Council
Wellington Shire Council
Whittlesea City Council
Yarra Ranges Shire Council

SCHEDULE 7

Regulation 5

SHOT WHICH IS NOT TOXIC SHOT

Shot commonly known by the description set out in *Column 1* and constituted by percentage composition by weight as described in the corresponding part of *Column 2*

<i>Column 1*</i>	<i>Column 2</i>
Bismuth-tin	(a) at least 97 per cent by weight bismuth; and (b) not more than 3 percent by weight tin.
Iron (steel)	any per cent by weight iron and carbon.
Iron-tungsten	(a) any per cent by weight tungsten; and (b) not more than 1 per cent by weight iron.
Iron-tungsten-nickel	(a) any per cent by weight tungsten; and (b) not more than 40 per cent by weight nickel; and (c) not more than 1 per cent by weight iron.
Tungsten-bronze	(a) 51.1 per cent by weight tungsten, 44.4 per cent by weight copper and 0.6 per cent by weight iron; or (b) 60 per cent by weight tungsten, 35.1 per cent by weight copper, 3.9 per cent by weight tin and 1 per cent by weight of iron.
Tungsten-iron-copper-nickel	(a) not less than 40 per cent and not more than 76 per cent by weight tungsten; and (b) not less than 10 per cent and not more than 3 per cent by weight iron; and (c) not less than 9 per cent and not more than 16 per cent by weight copper; and (d) not less than 5 per cent and not more than 7 per cent weight nickel.
Tungsten-matrix	95.9 per cent by weight tungsten and 4.1 per cent by weight polymer.

Wildlife (Game) Regulations
Exposure Draft

<i>Column 1*</i>	<i>Column 2</i>
Tungsten-polymer	95.5 per cent by weight tungsten and 4.5 per cent by weight Nylon 6 or 11.
Tungsten-tin-iron	(a) any per cent by weight tungsten and tin; and (b) with not more than 1 per cent by weight iron.
Tungsten-tin-bismuth	Any per cent by weight tungsten, tin, and bismuth.
Tungsten-tin-iron-nickel	(a) 65 per cent by weight tungsten; and (b) 21.8 per cent by weight tin; and (c) 10.4 per cent by weight iron; and (d) 2.8 per cent by weight nickel.
Tungsten-iron-polymer	(a) not less than 41.5 per cent and not more than 95.2 per cent by weight tungsten; and (b) not less than 1.5 per cent and not more than 52 per cent by weight iron; and (c) not less than 3.6 per cent and not more than 8 per cent by weight fluoropolymer.

* coatings of copper, nickel, tin, zinc, zinc chloride and zinc chrome on shot is non-toxic.

Wildlife (Game) Regulations
Exposure Draft

SCHEDULE 8

Regulation 69

HUNTING AREAS

<i>Area</i>	<i>Municipal district of the Council of</i>
Backwater Morass	Wellington and East Gippsland
Browns Lake (Cope Cope)	Buloke
Cullens Lake	Gannawarra
Cundare Pool	Colac-Otway
Fosters Swamp	Gannawarra
Grassy Lake	Buloke
Green Lake	Campaspe
Lake Batyo Catyo	Northern Grampians
Lake Boort	Loddon
Lake Buloke	Buloke
Lake Charm	Gannawarra
Lake Colongulac	Corangamite
Lake Coradgill	Corangamite
Lake Gnarpurt	Corangamite
Lake Kakydra	Wellington
Lake Kanagulk	Horsham
Lake Kelly	Gannawarra
Lake Lalbert	Gannawarra
Lake Leaghur	Loddon
Lake Lyndger	Loddon
Lake MacDonald	Gannawarra
Lake Marmal	Loddon
Lake Martin	Corangamite and Colac-Otway
Lake Melanhydra	Wellington
Lake Murphy	Gannawarra

Wildlife (Game) Regulations
Exposure Draft

<i>Area</i>	<i>Municipal district of the Council of</i>
Lake Nillahcootie	Delatite
Lake Nurrumbeet	Buloke
Lake Reeve	Wellington
Lake Tutchewop	Gannawarra
Lake William	Gnangara
Little Lake Buloke	Buloke
Little Lake Charm	Gannawarra
Loch Garry	Greater Shepparton
Meridian Road Basins	Mildura
Morley Swamp	Wellington
Racecourse Lake	Campaspe
Red Morass	Wellington
Town Swamp	Gannawarra
Two Tree Swamp	Campaspe
Victoria Lagoon	Wellington
Wooroonook Lakes	Buloke

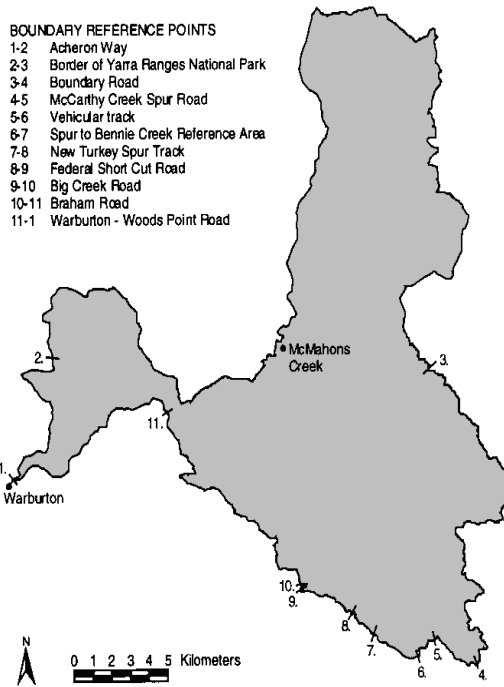
Wildlife (Game) Regulations
Exposure Draft

SCHEDULE 9

Regulation 71

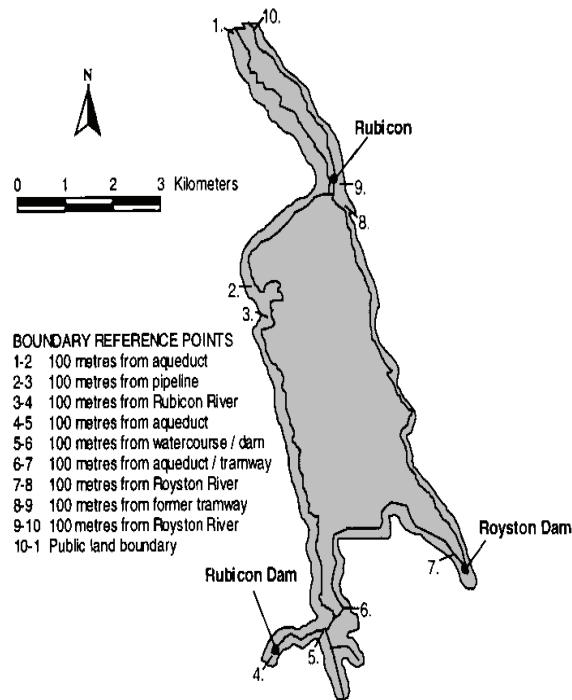
PROHIBITED DEER HUNTING AREAS

PART 1—WARBURTON AND SURROUNDS



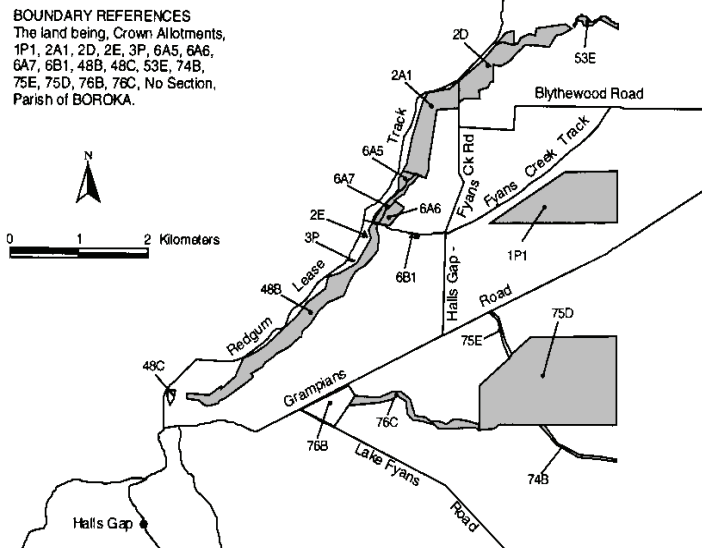
Wildlife (Game) Regulations
Exposure Draft

PART 2—RUBICON AND SURROUNDS



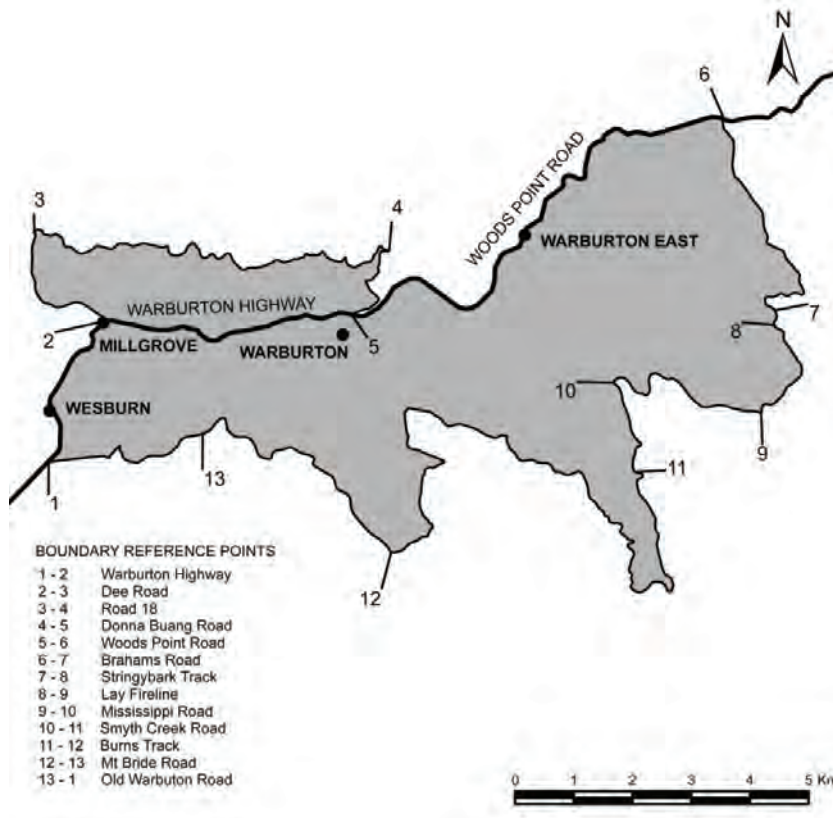
Wildlife (Game) Regulations
Exposure Draft

PART 3—HALLS GAP AND SURROUNDS



Wildlife (Game) Regulations
Exposure Draft

PART 4—WARBURTON TOWNSHIP



PART 5—MOUNT TIMBERTOP AREA

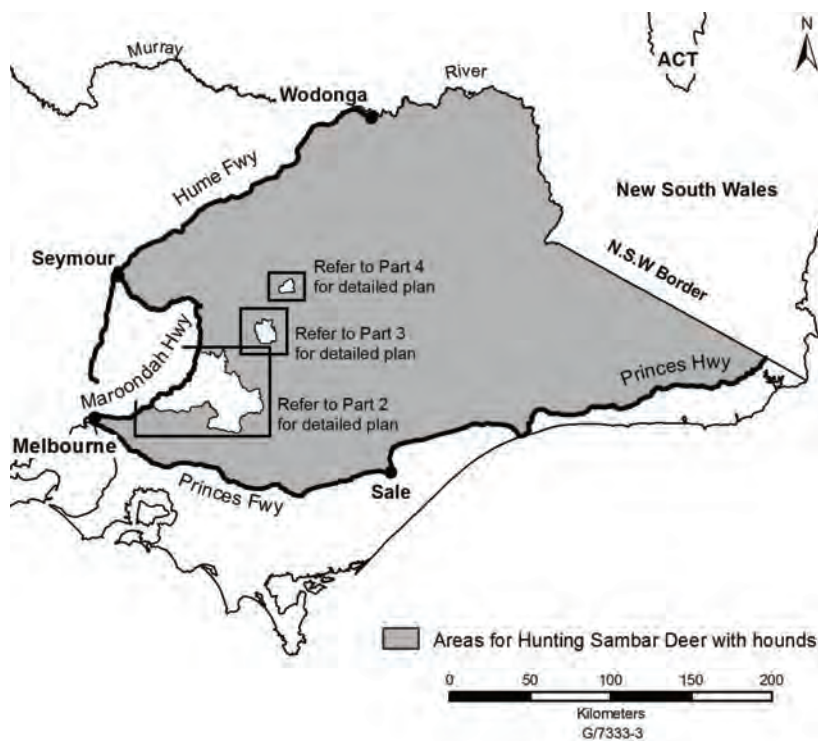


SCHEDULE 10

Regulation 72

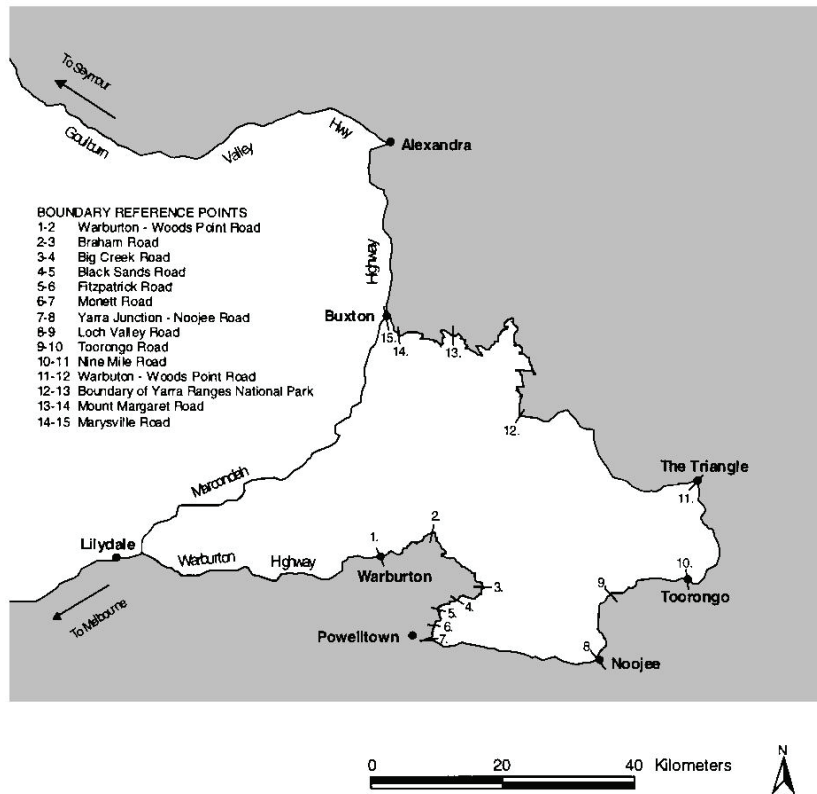
**AREAS FOR HUNTING SAMBAR DEER WITH THE USE OF
HOUNDS**

PART 1—EASTERN VICTORIA



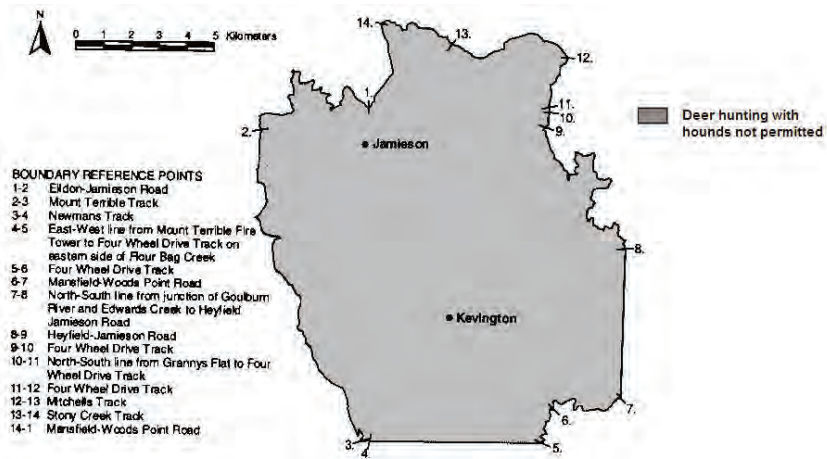
Wildlife (Game) Regulations
Exposure Draft

PART 2—MARYSVILLE AND SURROUNDS

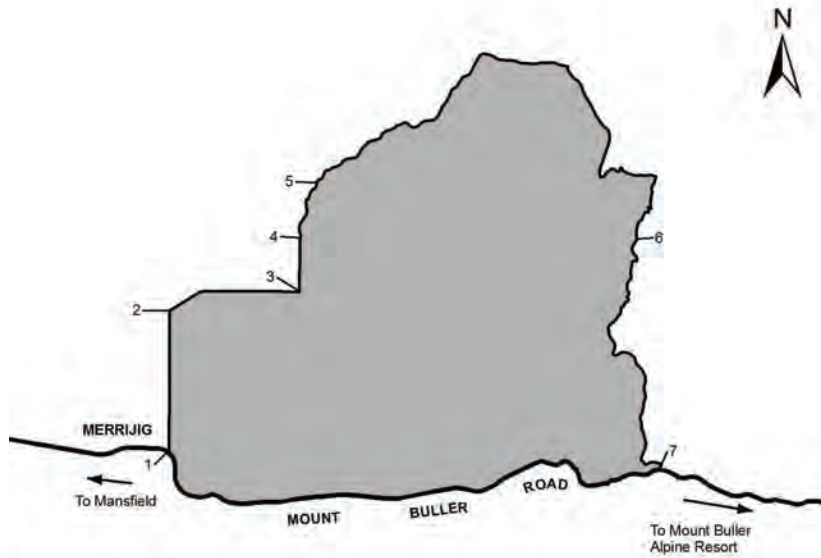


Wildlife (Game) Regulations
Exposure Draft

PART 3—JAMIESON AND SURROUNDS



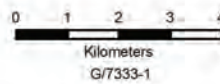
PART 4—MERRIJIG AND SURROUNDS



BOUNDARY REFERENCE POINTS

- 1 - 2 School Lane
- 2 - 3 Buttercup Road
- 3 - 4 Greenways Lane
- 4 - 5 Bakers Creek Road
- 5 - 6 Buttercup Jeep Track
- 6 - 7 Carters Road
- 7 - 1 Mount Buller Road

 Deer hunting with hounds not permitted.



Wildlife (Game) Regulations
Exposure Draft

ENDNOTES

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 5 (definition of <i>hound</i>)	The Australian National Kennel Council Illustrated Breed Standards, Hound Group 4, as amended from time to time.	The beagle, bloodhound and harrier standards (other than any specification relating to height)

Regulation 8 provides that a person applying for a Game Licence under section 22A of the Act for the hunting of duck must obtain a pass in the WIT.

Regulation 9 prescribes that the Secretary may conduct a test in relation to hunting Sambar Deer with hounds which includes understanding the law relating to hunting deer, the principles for the use of firearms, bows or both and the ethics of hunting.

Regulation 10 prescribes that a person who applies for a Game Licence, other than a non-resident Game Licence, or for the variation of a Game Licence to hunt or take Sambar Deer with the use of hounds under Section 22A of the Act, must undertake and obtain a pass, at a percentage rate determined by the Secretary, in the Sambar Deer Hunting with Hounds Test.

Regulation 11 prescribes the fees, including concessions for eligible recipient, to be paid for a Game Licence for the hunting or taking of game birds and deer.

Regulation 12 prescribes the fee applicable to the variation of a Game Licence as 1 fee unit.

Regulation 13 deals with the conditions for the issue of a replacement Game Licence.

Regulation 14 deals with the issue of a Game Licence to a person as evidence of the fact that such a licence has been issued and that the holder must sign the licence so issued.

Regulation 15 specifies that if the holder of a Game Licence changes his or her residential address, then he or she must forward their licence to the Secretary for amendment within 14 days after changing address.

Regulation 16 deals with Game Licence holders required to enter a ballot and having to pay a fee determined by the Secretary not exceeding 5 fee units.

Regulation 17 specifies the conditions of a Game Licence allowing the hunting or taking of Sambar Deer with hounds if a person is hunting alone or in a team, the number and the age of hounds that may be used if a person is hunting alone or in a team, and the number and age of persons comprising a team of hunters that is using hounds to hunt Sambar deer.

Regulation 18 specifies the condition of a Game Licence requiring only registered hounds to be used to hunt or take Sambar Deer.

Regulation 19 deals with applications for a game bird farm hunting licence. This is a new licence and only applies to game birds listed in Part 3 of Schedule 3 of the proposed Regulations, namely pheasants, partridges, European and Japanese quail, and Californian Quail. For the purposes of section 22A of the Act, a person applying for a game licence must do so in the form provided for that purpose by the Secretary. The Secretary may require a person to provide personal particulars, details of particular convictions in Victoria or other states or territories, and a fee to accompany the

application (see Regulation 11). Game bird farm hunting licences have a duration of 7 days.

Regulation 20 prescribes the conditions of a Game Licence allowing a non-resident of Australia to hunt or take duck for up to 14 days without having to undertake the Waterfowl Identification Test. The regulation also requires non-residents of Australia to hunt or take duck to be under the direct supervision of a fully-licensed adult hunter.

Regulation 21 prescribes the conditions of a Game Licence allowing a non-resident of Australia to hunt Sambar Deer with hounds for up to 14 days without having to undertake the Sambar Deer Hunting with Hounds Test. The regulation also enables non-resident hunters to hunt with hounds subject to being under the direct supervision of a fully-licensed adult hunter.

Regulation 22 provides for a new type a licence for young hunters (between 12 years and under 18 years of age), known as a provisional licence, to permit them to hunt duck. Holders of a provisional licence are not required to undertake a WIT but must hunt under the direct supervision of an appropriately licensed adult hunter.

Regulation 23 provides for a new type a licence for young hunters (between 12 and 17 years of age), known as a provisional licence, to permit them to hunt Sambar Deer with Hounds. Holders of a provisional licence are not required to undertake a HHT but must hunt under the direct supervision of an appropriately licensed adult hunter.

Regulation 24 provides the Secretary with the authority to register a hound. This may occur following the implantation of a prescribed permanent identification device in accordance with the Domestic Animals Regulations 2005. Unless cancelled, suspended or surrendered, the registration remains in force until the ownership of the hound is transferred to another person.

Regulation 25 specifies the conditional power of the Secretary to cancel the registration of a hound by notice given in writing to the owner of the hound and the opportunity for the owner of the hound to make a submission to the Secretary in regard to such a decision.

Regulation 26 specifies the conditional power of the Secretary to suspend registration of a hound by notice given in writing to the owner of the hound.

Regulation 27 deals with providing an opportunity for the owner of a hound whose registration has been suspended by the Secretary, to make a submission to the Secretary in regard to such a decision.

PART 3 — OPEN AND CLOSE SEASONS AND BAG LIMITS

Regulation 28 deals with the close season for a kind or taxon of game as set out in Schedule 2.

Regulation 29 deals with the open season for a kind or taxon of game as set out in Schedule 3.

Regulation 30 deals with the bag limit for a taxon of game as set out in Schedule 4.

PART 4 — HUNTING METHODS

Regulation 31 specifies that a person must not hunt, take or destroy game birds other than with a shotgun having a gauge no greater than 10 gauge and the approval that may otherwise be granted by the Secretary to use a firearm with a gauge greater than 10 only if it was manufactured before the year 1900 to hunt, take or destroy game birds.

Regulation 32 specifies the requirements regarding the use of non-toxic shot to hunt, take or destroy ducks other than the use of a muzzle-loading, Damascus steel or twist-barrelled shotgun.

Regulations 33 provides that a person must not be in possession of toxic shot in the course of hunting ducks, within an area which he or she intends to hunt ducks, or within a State Game Reserve.

Regulation 34 specifies the approved methods for hunting deer (other than Hog Deer, Chital Deer or Fallow Deer) in relation to the use of centre-fire rifle, muzzle-loading rifle, long bow, re-curve bow, compound bow, crossbow or fully or partially rifled firearm.

Regulation 35 specifies the approved methods for hunting deer (Hog Deer, Chital Deer or Fallow Deer) in relation to the use of centre-fire rifle, muzzle-loading rifle, long bow, re-curve bow, compound bow, cross bow or fully or partially rifled firearm.

Regulation 36 deals with the prohibited use of baits, lures, decoys and live animals when hunting game other than a decoy made to resemble a waterbird, or any call resembling the call of a waterbird or deer.

Regulation 37 prohibits the use of dogs when hunting or taking game birds, other than gundogs being used for various purposes during an open season, or a close season in the case of gundogs being trained for various purposes if the trainer is not in possession of any cartridge ammunition.

Regulation 38 prohibits use of dogs when hunting deer other than a registered hound for the purpose of scent-trailing Sambar Deer or a gundog or a deer hunting dog for the purpose of locating, pointing or flushing deer (other than Hog Deer).

Regulation 39 provides that a person hunting deer alone (other than Hog Deer) with dogs must not use more than two gundogs or two deer hunting dogs, or one gun dog and one deer hunting dog, for the purpose of locating, pointing or flushing that deer.

Regulation 40 provides that a person hunting deer in a team (other than Hog Deer) with dogs must not use more than two gundogs or two deer hunting dogs, or one gun dog and one deer hunting dog, for the purpose of locating, pointing or flushing that deer.

Regulation 41 provides that if a hound is found on private property, in a park (other than in accordance with the *National Parks Act 1975*), or in any area prohibited or closed to deer hunting the owner of the hound or hound possessor is guilty of an offence.

Regulation 42 prescribes the information requirements for identifying a hound. A person hunting deer must ensure that the hound is wearing a collar to which this information is securely attached.

Regulation 43 provides that a person who uses a hound for hunting deer must ensure that the hound does not attack, bite or maim wildlife.

Regulation 44 prohibits a person who is hunting on public land in recognised deer habitat to have in their care or control a dog that is not a registered hound, gundog or deer hunting dog, unless the dog is restrained or confined.

Regulation 45 prohibits the use and possession of a spotlight or electronic device to hunt game unless authorised in writing by the Secretary to do so for various purposes or under various circumstances.

Regulation 46 provides that a person must not be in possession of a spotlight and a firearm; be in possession of a spotlight and be in the company of a person in possession of a firearm; or be in possession of a firearm and be in the company of a person in possession of a spotlight in a recognised deer habitat between the hours of sunset and sunrise.

Regulation 47 prohibits the use of aircraft and motor vehicles to hunt or take game or assist in the hunting or taking of game.

Regulation 48 prohibits the hunting, taking or destroying of game whilst it is fleeing from fire or smoke.

Regulation 49 prohibits the hunting, taking or destroying of game at night.

Regulation 50 prohibits the hunting, taking or destroying of duck from a motor boat whose motor is running, whether in gear or not unless the boat under power is operating at a speed of 5 knots or less, or whilst retrieving a dead or wounded duck.

PART 5 — POSSESSION AND USE OF GAME

Regulation 51 requires game which is alive when recovered to be immediately and humanely killed.

Regulation 52 specifies the requirement for a person in possession of any taxon of duck to leave one fully feathered wing attached to the duck, or duck breast, until immediately prior to cooking or until that duck has been taken to the person's ordinary place of residence.

Regulation 53 deals with the requirements of storing game in any shop, commercial premises or business premises subject to various conditions and that the conditions do not apply to any refrigerator, deep freeze or cold storage in any domestic premises.

Regulation 54 limits game other than that obtained from a Game Bird Farm, a Deer Farm or a Wildlife Processor being on commercial premises in which food is cooked or served.

Regulation 55 prohibits, with some exceptions, a person to sell or expose for sale game that was not lawfully obtained.

PART 6 — HOG DEER TAGS

Regulation 56 governs applying for a Hog Deer Tag.

Regulation 57 governs the issue of a Hog Deer Tag.

Regulation 58 specifies that a Hog Deer Tag is valid only for the year for which it is issued.

Regulation 59 requires the carcass of any female or male Hog Deer to have affixed a Hog Deer Tag marked with the letter 'F' or 'M' respectively.

Regulation 60 requires a Hog Deer Tag to be immediately affixed to above the hock and to completely encircle the main bone of one hind leg of a killed Hog Deer.

Regulation 61 specifies that a Hog Deer must not be removed from where it was killed unless a Hog Deer Tag has been affixed to one hind leg.

Regulation 62 prohibits the removal of a Hog Deer Tag from the body of any Hog Deer killed until the body has been removed and processed at a Hog Deer Checking Station.

Regulation 63 provides that a person must not remove the head or dismember any Hog Deer killed until the deer has been taken to a checking station under regulation 63 and its biological, physical and other information recorded.

Regulation 64 prohibits a person to hunt, take or destroy Hog Deer unless they possess two Hog Deer Tags marked with the letter 'F' for female or 'M' for male.

Regulation 65 prohibits a person issued with a Hog Deer Tag to sell, give, lend or transfer a Hog Deer Tag to any other person.

Regulation 66 prohibits a Hog Deer Tag to be altered, defaced or reproduced.

Regulation 67 requires a person who has taken a Hog Deer during the open season to take the Hog Deer carcass to a Hog Deer checking station during specified hours, within 24 hours of taking the deer.

Regulation 68 specifies the requirement to return to the Secretary Hog Deer Return form, providing information relating to any Hog Deer that was taken, within 28 days after the last day of each open season.

PART 7 — SPECIFIED HUNTING AREAS AND SPECIFIED TIMES — OPEN SEASON FOR DUCK

Regulation 69 deals with specified hunting areas for duck in the waters of any State Game Reserve.

Regulation 70 deals with the times when entry onto or remaining in specified hunting areas is prohibited for duck hunting. These restrictions are limited to certain hours on the first two days of the open season.

PART 8—DEER HUNTING AREAS

Regulation 71 deals with prohibited deer hunting areas that are shown in Schedule 9 of the Regulations.

Regulation 72 prohibits the hunting, taking or destroying of Sambar Deer with hounds in any part of Victoria other than that shown in Schedule 10 of the Regulations.

SCHEDULES

Schedule 1 specifies the Regulations that were previously revoked.

Schedule 2 specifies the close seasons for deer (Part 1) and close season for game birds (Part 2).

Schedule 3 specifies the open season for deer (Part 1), indigenous game birds (Part 2), and for non-indigenous game birds (Part 3).

Schedule 4 specifies the bag limits for game including deer and game birds (indigenous and non-indigenous).

Schedule 5 specifies the breeds of gundogs that may be used to hunt Sambar Deer (Part 1) and the breeds of hounds that may be used to hunt Sambar Deer (Part 2), while providing for the specifications of the breeds of hounds that may be used to hunt Sambar Deer (Part 3) and the breeds of deer hunting dogs that may be used to hunt Sambar Deer (Part 4).

Schedule 6 identifies the areas of Crown land in the municipal districts of Victoria that is recognised deer habitat in which deer hunting is permitted.

Schedule 7 specifies non-toxic shot that may be used to hunt duck.

Schedule 8 identifies the hunting areas of Municipal districts in Victoria in which duck hunting is permitted.

Schedule 9 identifies prohibited deer hunting areas of Warburton and surrounds (Part 1), Rubicon and surrounds (Part 2), Halls Gap and surrounds (Part 3), Warburton township (Part 4), and the hunting area of Timbertop (Part 5).

Schedule 10 identifies areas available for hunting Sambar Deer with hounds in Eastern Victoria (Part 1), Marysville and surrounds (Part 2), Jamieson and surrounds (Part 3), and for Merrijig and surrounds (Part 4).
