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Ms Beth Jones
Deputy Secretary
Regional Development and Outdoor Recreation
Department of Jobs, Skills, Industry and Regions
121 Exhibition St MELBOURNE VIC 3000

26 June 2024

Dear Ms Jones

REGULATORY IMPACT STATEMENT FOR THE WILDLIFE (GAME) REGULATIONS 2024

I would like to thank your staff at the Department of Jobs, Skills, Industry and Regions Action (the Department) for working with the team at Better Regulation Victoria to prepare a Regulatory Impact Statement (RIS) for the Wildlife (Game) Regulations 2024 (the proposed Regulations).

As you know, the Commissioner for Better Regulation provides independent advice on the adequacy of the analysis provided in all RISs in Victoria. A RIS is deemed to be adequate when it contains analysis that is logical, draws on relevant evidence, is transparent about any assumptions made, and is proportionate to the proposal's expected effects. The RIS also needs to be written clearly so that it can be a suitable basis for public consultation.

I am pleased to advise that the final version of the RIS received by us on 26 June 2024 meets the adequacy requirements set out in the *Subordinate Legislation Act 1994*.

Background and Problems

Under the *Wildlife Act 1975* (the Act), the Game Management Authority (GMA) may license a person to hunt, take or destroy game. Game means any kind or taxon of wildlife declared to be game for the purposes of the Act; in practice this includes several species of duck, quail, pheasants, partridges and deer. Licence holders may hunt these species during the respective open season subject to other regulations requirements.

The existing Regulations (the Wildlife (Game) Interim Regulations 2023):

- set out licence requirements;
- define specific areas where hunting is not permitted or is further regulated;
- define hunting seasons and bag limits; and

- prescribe the hunting methods that may be used (such as equipment, use of dogs and hounds).

The Regulations do not regulate the hunting of pest animals, such as rabbits.

The Department explains that if the current Regulations expire and are not remade, open seasons would not be prescribed and therefore game hunting could not legally occur. It explains that while this would reduce environmental, safety and animal welfare risks, it would be inconsistent with Government policy to “grow the economic, environmental and social benefits of responsible, sustainable and safe hunting”. As a result, the Department analyses options in the RIS to make regulations to enable and regulate game hunting.

The Department notes the RIS reflects the Government’s response to the Select Committee inquiry into Victoria’s recreational native bird hunting arrangements. The Department consulted stakeholders in 2021 and again in 2024 to inform the RIS.

The Department explains that the objectives of the proposed Regulations are to:

- reduce environmental impacts (including ensuring sustainable game harvests, preserving biodiversity and reducing pollution);
- minimise adverse animal welfare outcomes;
- promote safety for hunters and non-hunters; and
- minimise regulatory costs for game hunters (while maximising economic benefits and contributing to thriving regional communities).

Options Analysis

The Department discusses the base case of no Regulations, which would result in no legal game hunting, and ‘minimal’ Regulations, which are the minimum Regulations required to enable game hunting under the Act. The Department considers that neither option is feasible as neither option would allow game hunting to legally take place and regulate the risks of game hunting. Consequently the Department considers the existing Regulations as a feasible ‘reference case’ for analysis and considers five sets of ‘design options’ within thematic categories that differ from the existing Regulations:

1. *reducing environmental impact* — prohibiting toxic shots and electronic acoustic callers;
2. *animal welfare* — increasing the powers of the GMA to inspect hounds used to hunt deer and requiring hunters to make reasonable efforts to dispatch struck deer;
3. *safety* — changing the season commencement time for duck hunting and extending areas where certain deer hunting practices are regulated;
4. *mandatory education and training* – requiring all hunters to complete a test to be able to hunt; and
5. *regulatory burden reduction* — streamlining outdated processes and reducing regulatory requirements where the risk of harm is low.

The RIS analyses the impact of each design option against the current Regulations to assess whether the option is preferred to the current requirements. Impacts are analysed in a multi-criteria analysis (MCA) summarised in the following table:

Criterion	Weighting	Options				
		1	2	3	4	5
Environmental impacts	20%	7.00	0.00	2.00	5.00	0.00
Animal welfare	20%	6.00	1.00	1.00	6.00	1.00
Safety	10%	-1.00	1.00	2.00	5.00	1.00
Regulatory costs	50%	-3.00	-0.25	-0.50	-3.00	1.00
Total weighted MCA score		1.00	0.18	0.55	1.20	0.80

Environment

The Department explains that prohibiting toxic shot will reduce lead being introduced into the environment, which it expects will have significant environmental benefits as well as animal welfare benefits (through reducing the risk of lead poisoning). It assesses that there may be a slight reduction in safety due to the small risk of injury to hunters from using non-toxic ammunition in unsuitable firearms, which is partly offset by the reduced risk of lead contamination for hunters. Prohibiting electronic acoustic callers is expected to improve species sustainability. The Department expects that non-toxic shot and projectiles will cost hunters on average an additional \$750,000 per year compared to toxic shot. Further, there may be some hunters who would need to replace their firearm; the Department provides an indicative estimate of \$1.3 million in one-off costs if 5 per cent of quail hunters were to purchase replacement firearms, but notes that it is difficult to estimate how many firearms would need to be replaced.

Animal welfare

The Department explains that requiring hunters to make all reasonable efforts to dispatch (i.e. kill) struck deer is expected to lead to a modest improvement in animal welfare. It also explains that due to the higher risks of hunting with hounds, increasing the powers of the GMA to inspect hounds, as well as requiring hunters to notify the GMA of the transfer of a hound to a new owner is expected to lead to a modest improvement in animal welfare and safety. According to the Department, these changes are expected to lead to a small additional burden of about \$6,000 per year on average.

Safety

The Department states that this design option involves moving the commencement of the duck season to the third Wednesday of March and having a start time of 8am. This

approach has been implemented on a trial basis since the 2021 season. The Department explains that commencing the season midweek reduces competition between hunters and conflict with non-hunters, improving safety and animal welfare as hunters are less likely to take unrealistic shots. The Department explains that later start times make species identification easier, resulting in positive environmental impacts. The Department takes into account in the scoring that these arrangements have already been in place for several years on an ad hoc basis and would likely continue and that there could be small costs to hunters such as a loss of tradition from the season no longer starting on Saturday.

The Department explains that this option is expected to improve safety by extending recognised deer habitats to include West Wimmera Shire and Moyne Shire. This option will improve the ability of authorised officers to prevent illegal shooting by requiring that firearms, spotlights and ammunition are securely stored when transported.

Knowledge testing

The Department explains that education and testing for game hunters is likely to improve hunter knowledge across a range of topics that will, in turn, lead to improved environmental, animal welfare and safety outcomes. The Department notes that further consultation will be required to design the testing requirements. It explains that it expects that hunters will need to spend about two hours to prepare for and take the test, which is expected to impose a burden of \$1.3 million per year in foregone leisure time.

Reducing regulatory burden

This option involves streamlining or reducing regulatory requirements where the risk of harm is low including:

- requiring hunters to make an online 'harvest return' for hog deer, rather than taking the hog deer to a checking station;
- removing the requirement to sign a licence to validate it and to return a licence following a change of address;
- allowing the use of deer decoys, water points for hog deer on private land, hand-held thermal imaging devices during the day, and two additional gundog breeds.

The Department explains that permitting thermal imaging during daytime will lead to small improvements in animal welfare and safety. The other changes are expected to reduce the burden on hunters or provide hunters more options.

Licence fees

The Department explains that regulatory expenses have grown faster than fee revenue over the past decade and that existing fees only recover about 50 per cent of GMA's costs,

which are estimated to be \$7.3 million per year. Three options for fees are analysed in the RIS:

1. retain the current fees (around 50 per cent cost recovery);
2. set fees at full cost recovery; or
3. set fees at full cost recovery, but exclude GMA expenditure on research projects as these projects might benefit the community and not just game hunters.

The Department has assessed these options as part of an MCA where equal weights are applied to the criteria of efficiency and horizontal equity, vertical equity, effectiveness, and simplicity. The Department selects Option 3 as its preferred option, as it achieves a high level of efficiency and horizontal equity by reflecting the cost of regulation in the fee level, with only a modestly negative score for vertical equity.

Preferred option

The Department explains that its preferred option is to remake the existing Regulations with four of the five design options discussed above, because each design option was assessed as achieving the Government's objectives to a greater extent than the existing Regulations. The Department explains that hunter knowledge testing will not be included in the proposed Regulations, as it will consult further with stakeholders on the design of the requirements before introducing them. It explains that the overall burden of the preferred option (excluding licence fees) is expected to be about \$1.4 million per year on average, primarily due to the cost of non-toxic shot. In addition, fees are expected to recover \$5.3 million per year.

Most fees are unchanged, except for:

- licences to hunt either birds only or deer only, which have increased by 36% to 5.44 fee units (\$88.80 in 2024-25); and
- licences to hunt both birds and deer which have increased by 53% to 9.2 fee units (\$150.20 in 2024-25).

Implementation and Evaluation

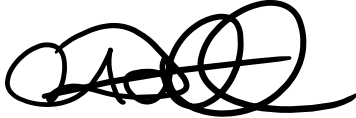
In the RIS, the Department explains that the GMA will inform game hunters of the new Regulations through its website and direct mail-outs to licence holders. The GMA will continue to be primarily responsible for enforcement and compliance activities for game hunting.

Lead projectiles for deer hunting will be prohibited from 31 December 2028, to give hunters as well as ammunition and firearm retailers time to adjust to prohibition on toxic shot.

The GMA will evaluate the operation of the Regulations using phone surveys, complaints data, reporting on harvest estimates and game population abundance, and monitoring the frequency of duck wounding rates.

Should you wish to discuss any issues raised in this letter, please do not hesitate to contact my office on (03) 7005 9772.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cressida Wall', with a stylized, cursive script.

Cressida Wall

Commissioner for Better Regulation