

FACT SHEET

Duck hunting & public safety

Public safety laws seek to provide a safe environment for duck hunters to undertake their legal recreation while allowing members of the community who disagree with duck hunting to express their views safely.

Duck hunting

Duck hunting in Victoria is a popular, legal recreational activity practiced by over 26,000 licensed hunters. Duck hunting allows people to interact with our environment, creates an incentive to preserve important wetland habitats and is a stimulator of the economy, supporting the manufacturing, hospitality and retail sectors. It is also important in generating expenditure in rural economies and supporting jobs.

Duck hunting is managed sustainably in Victoria and is regulated to ensure that the conservation status of game ducks and non-game species is not put at risk. Hunting organisations contribute to conserving and restoring waterfowl habitat, installing water control structures, erecting nesting boxes and controlling pest plants and animals.



Duck hunting and animal welfare

The Victorian Government has standards in place to protect the welfare of animals. Under the *Prevention of Cruelty to Animals Act 1986*, the Code of Practice for the Welfare of Animals in Hunting is in place to prevent cruelty and encourage the considerate treatment of animals that are hunted or those used in hunting. The Wildlife (Game) Regulations 2012 ensure that animals are not hunted during periods of vulnerability (eg. breeding, moult and periods of food shortage), that humane hunting methods are used and that any wounded birds are put down immediately on recovery.

The Victorian Government is also delivering the Victorian Shotgun Education Program which is designed to teach hunters how to be more efficient and effective and reduce waterfowl wounding. This involves theoretical and practical training.

Protestors and duck hunting

Some sections of the community oppose duck hunting. Some anti-duck hunting activists choose to voice their opposition by entering wetlands to disrupt hunting by obstructing hunters.

These confrontational situations are unsafe for protestors, duck hunters and law enforcement officers. In the past, a voluntary Code of Behaviour was introduced to prevent potentially dangerous interactions. However, this was not effective, resulting in the Chief Commissioner of Victoria Police recommending that legislation be introduced to physically separate protestors and hunters to ensure the safety of all concerned.

Public safety provisions in the Wildlife Act 1975

Public safety legislation is in place to provide a safe environment for duck hunters to undertake their recreation, individuals who oppose duck hunting to safely express their views, and for authorised officers and Victoria Police to make sure hunters and other people are acting in a legal manner.

There are a number of offences under the *Wildlife Act 1975* which are designed to prevent potentially dangerous interactions between hunters and protestors on wetlands.

1. It is an offence for an unauthorised person to enter or remain in specified duck hunting wetlands at certain times throughout the duck season.

This offence focuses on separating hunters and protestors during peak hunting periods on every day of the duck season.

The Wildlife (Game) Regulations 2012 identifies important duck hunting areas to which access by unauthorised persons is restricted between the following hours:

- midnight on the opening day of the duck season until 10:00 am on that day; and
- from two hours before sunset on the opening day until 10.00 am of the following day and for every other day of the open season; and
- on the last day of the open season, the prohibited period ends 30 minutes after sunset.

The areas to which the restrictions apply include all Victorian State Game Reserves and 41 other important wetlands identified in Schedule 8 of the Wildlife (Game) Regulations 2012. These are all referred to as "specified hunting areas".

The restriction does not apply to the whole of the reserve. It only applies to the waterbody and extends out to 25 metres from the water's edge.

To be authorised to be present in the prohibited sections of these specified hunting areas during prohibited times, you must hold a current Victorian Firearms Licence (or interstate equivalent) and a current Game Licence endorsed for game birds including duck, or be exempt by the Game Management Authority.

2. It is an offence for an unauthorised person to approach within 10 metres of a person who is carrying a firearm or actively hunting ducks in specified hunting areas during the duck season.

This offence applies throughout the duck season and to all specified hunting areas. Protestors who place themselves in close proximity to hunters, whether to disrupt hunters from shooting, scare away birds or collect unretrieved birds, are in danger of being injured or even killed.

3. It is an offence for anyone to hinder, harass, interfere with or obstruct a person engaged in hunting at any location and time.

Duck hunting is a legal activity and people should be able to participate in an unhindered way. People who scare birds away, stand in the way of hunters, or distract or abuse hunters may be charged with an offence.

Penalties

People committing any of these offences can be fined or arrested, found guilty by a court and a penalty imposed. The maximum penalty that can be imposed by the courts if found guilty of failing to comply with any of the public safety laws is 60 penalty units and a conviction can be recorded.

Banning notices

Authorised officers and Victoria Police can issue a banning notice to a person who they suspect on reasonable grounds is committing or has committed any of the above offences. A banning notice prohibits the alleged offender from entering or remaining in a specified hunting area or areas for the period specified in the notice.

The length of the banning notice is at the discretion of the authorised officer or police member. However, it cannot extend beyond the length of the duck season in which it was issued.

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It is an offence to contravene a banning notice. The penalty is a maximum of 20 penalty units for a first offence and a maximum of 60 penalty units for a second or subsequent offence.

Exclusion orders

An exclusion order is a court order that prohibits a person from entering any or all of the specified hunting areas for a period of up to 12 months. The courts can impose an exclusion order if a person is found guilty of committing a specified offence (i.e. one of the three public safety laws).

It will be an offence to contravene an exclusion order. The penalty is a maximum of 60 penalty units for a first offence and up to 120 penalty units for a second or subsequent offence.

Lawful protesting

These offence provisions do not prevent people from protesting in a safe and lawful manner. At restricted times in specified duck hunting areas, people may protest as long as they remain at least 25 metres from the water's edge. They may enter wetlands after restricted times have ceased, but can still not hinder, harass or obstruct hunters at any time.

Understanding the risks of protesting

Wetlands and waterways where duck hunting occurs can be dangerous places. Deep or fast-flowing water, sink holes, submerged obstacles, temperature extremes, blue-green algae and mosquito-borne disease all pose significant safety risks.

The dangers of inexperienced people being in close proximity to firearms were graphically displayed on the opening day of the 2011 duck season when a protestor was struck by stray pellets while in a specified hunting area during a prohibited period. While the injuries were minor, the protestor was very lucky not to be blinded or even killed.

There can be ongoing ramifications for people receiving a guilty finding or court conviction. This could limit future employment opportunities and earning potential. In addition, criminal convictions can prevent entry into certain countries.

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