



Animal Defenders Office
Using the law to protect animals

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The Animal Defenders Office is accredited by Community Legal Centres Australia Inc.

Select Committee on Victoria's Recreational Native Bird Hunting Arrangements
Inquiry into Victoria's Recreational Native Bird Hunting Arrangements
Parliament House
Spring St
EAST MELBOURNE VIC 3002

By email: cso@parliament.vic.gov.au

Dear Sir/Madam

Submission on the *Inquiry into Victoria's Recreational Native Bird Hunting Arrangements*

Thank you for the opportunity to provide submissions about Victoria's recreational bird hunting arrangements.¹

About the Animal Defenders Office

The Animal Defenders Office (“ADO”) is a nationally accredited community legal centre that specialises in animal law. The ADO is a member of Community Legal Centres Australia Inc., the national peak body representing community legal centres in all jurisdictions.

The ADO is run by volunteer professionals and students. The ADO produces information to raise community awareness about animal protection issues and works to advance animal interests through law reform.

Since 2016 the ADO has produced a [fact sheet](#) detailing offences and penalties that apply to members of the public during the annual Victorian duck shooting season.

Further information about the ADO can be found at www.ado.org.au.

The ADO's submissions

The ADO is opposed to the recreational hunting of native ducks due to the unnecessary harm it inflicts on animals, the failure of enforcement agencies to provide meaningful protection to threatened species, and the environmental damage caused by shooters.

For several years ADO volunteers have attended shooting zones in Victoria to monitor compliance with the complex regulatory framework that applies to shooters and rescuers during a Victorian duck hunting season.

¹ <https://new.parliament.vic.gov.au/nativebirdhunting>.

The regulatory scheme has at various points included some or all of the following Victorian legislation:

Wildlife Act 1975 (“Wildlife Act”)

Conservation, Forests and Lands Act 1987

Conservation, Forests and Lands (Primary Industries Infringement Notices) Regulations 2013

Firearms Act 1996

Wildlife (Game) Regulations 2012

Wildlife (State Game Reserves) Regulations 2014

Flora and Fauna Guarantee Act 1998

In the ADO’s experience, enforcement of restrictions and prohibitions applying to shooters is completely inadequate.

Our volunteers have personally witnessed multiple breaches of the hunting laws² that apply to shooters, including shooting freckled ducks (threatened species), hiding dead bodies of freckled ducks, failing to kill shot ducks immediately, and failing to make reasonable efforts to claim the bodies of shot ducks. Volunteers collect multiple wounded birds after shooting ceases for the day.

The Freckled Duck is listed as a threatened species in Victoria.³ ADO volunteers have witnessed freckled ducks being shot from the sky and not being claimed. No shooter will claim a freckled duck as it is an offence to take or harm threatened wildlife, whether dead or alive.⁴ Yet the only person the ADO is aware of who has been apprehended by officials under these laws is a rescuer transporting the dead body of a freckled duck to an onshore vet for examination. The rescuer was apprehended by officials and subsequently received an official warning from the enforcement agency.

The ADO also submits that the current regulatory framework over-protects shooters and under-protects native birds. For example, loud hailers, whistles or other ‘noisy devices’ or equipment cannot be used in a game reserve if they disturb wildlife or people.⁵ Yet this rule does not apply to a person discharging a gun or using a duck or game caller while hunting.⁶ This exemption is not justifiable. If the prohibition applies to noises members of the public may make if they disturb ‘wildlife or people’, then the prohibition should apply to guns and duck callers which also disturb wildlife and people.

² For details about the laws see: ADO, ‘Rescuing birds during Victoria’s duck shooting season: offences and penalties’, Fact Sheet, 2019,

https://www.ado.org.au/files/ugd/a64856_f331b117562749a5bbdec7f1e4963bf.pdf.

³ https://www.gma.vic.gov.au/data/assets/pdf_file/0003/481530/Freckled-Duck-Not-sure,-dont-shoot.pdf.

⁴ *Wildlife Act*, ss41, 45, 47D.

⁵ *Wildlife (State Game Reserves) Regulations 2014*, reg 36.

⁶ *Ibid* (reg 36(2)(c)).

Finally, ADO volunteers have personally witnessed the extensive environmental hazard caused by shooters who leave their gun detritus and other litter behind after a morning's shooting. The shoreline is littered with the spent cartridges and other rubbish which volunteers then have to spend considerable time retrieving and disposing of properly.

Conclusion

Given the inherent and unjustifiable harm inflicted on native wildlife as part of recreational duck hunting, the disproportionate protection given to hunters at the expense of native wildlife, the complete lack of enforcement of laws that purport to protect wildlife, and the environmental hazards associated with shooting native birds in their habitat, the ADO submits that recreational duck hunting should be phased out as soon as possible in Victoria.

Thank you for taking our submissions into consideration.

Tara Ward
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Animal Defenders Office

8 May 2023