

Rescuing ducks during the Victorian hunting season: offences and penalties

This fact sheet is for general information purposes and is not legal advice. It provides a brief overview only of this area of the law. If you require legal advice relating to your particular circumstances, you should contact a solicitor.

This fact sheet sets out the main offences and penalties that may apply to rescuers of injured wildlife during the Victorian duck hunting season.

Entering wetlands during hunting season

It's an offence under Victorian law to go into declared hunting areas during the hunting season, unless you:

- Hold a game licence allowing you to hunt or take game birds (eg duck); and
- Hold a 'longarm' gun licence.



A \$910 fine (or 'infringement notice') can be issued for this offence. The fine can be paid within 28 days. Rather than paying this fine you can go to court. The maximum penalty you could face in court is \$9,100.

Case: 4 rescuers were issued with fines for entering a specified hunting area without a permit on the opening morning of the 2014 shooting season. The rescuers decided to go to court rather than pay the fine. The rescuers were given 6–12 month good behaviour bonds without convictions. One had to pay \$250 in court costs.

Interstate gun licences are recognised as valid gun licences in Victoria.

A game licence must be obtained from the Victorian Game Management Authority. It involves taking a '[waterfowl identification test](#)', which is a 22 multiple-choice question test. A score of 75% or above, and the correct identification of a freckled duck, constitutes a pass.

Wetlands includes the shore

A duck 'hunting area' means the water **and** 25 metres back on land from the water's edge.

Ban on entering wetlands: times

The only time you can enter the wetlands (including 25 metres from the water's edge) without a valid licence during the hunting season is between 10am and 2 hours before sunset each day. The ban applies at any other time. On the last day of the season the ban stops 30 minutes after sunset.

Approaching or obstructing shooters

In general, unless you're another shooter, it's an offence to get closer than 10 metres to a shooter in a hunting area.

A \$910 fine can be issued for this offence. The fine can be paid within 28 days. If contested in court the maximum penalty for this offence is \$9,100.

It's against the law to 'interfere with, harass, hinder, or obstruct' a shooter while he or she is hunting or retrieving a duck. The law doesn't specify what these terms mean when applied to duck shooters, nor where this offence applies (it may apply outside declared hunting areas).

The penalty for not complying with this law can be up to \$9,100.

Making noises

Loud hailers or other noise-producing equipment can't be used in a reserve if it disturbs wildlife or another person. The penalty for not complying with this law can be up to \$1,516.

Note—this rule doesn't apply to anyone discharging a gun or using a duck or game caller while hunting.

Case: 5 rescuers were charged with harassing and being too close to shooters, and with using whistles and horns to scare off ducks, on the last weekend of the 2011 duck shooting season. In 2012 only the charges of hindering by using 'annoying equipment' (a whistle) were proved in court. The rescuers were given good behaviour bonds without conviction. A request by the VIC Department of Primary Industries for costs of \$18,000 was rejected by the Court.

Rescuing live birds

If a shot duck is alive when recovered, Victorian law requires that the bird must be killed immediately. A fine of \$303 can be issued for this offence. The fine can be paid within 28 days. If contested in court the maximum penalty for this offence is \$3,033.

Case: A rescuer was charged with not killing a duck he had rescued in the water on the final weekend of the 2011 duck shooting season. In 2012 the charges were dropped and legal costs of over \$8,000 were awarded to the rescuer.

Damaging signs, notices etc

It's an offence to remove or damage a sign or notice that relates to the hunting season. The penalty for committing the offence can be up to \$7,583. This offence doesn't relate to 'hides' used by shooters.

Name and address

If an authorised officer (including a police officer) reasonably believes you're committing an offence, they can ask for your name and address. It's an offence not to give your name and address, or to give a false name and address. A penalty of up to \$3,033 applies to this offence. If you're not sure a person is an 'authorised officer', ask to see his or her identification.

Banning notices

An authorised officer or police officer can ban you from hunting areas if the officer reasonably suspects you have illegally entered the area or approached or obstructed shooters. Officers must produce evidence of their identity unless they are in uniform. You can be banned for the rest of the duck shooting season. The penalty for breaching the banning notice is \$3,033 (for the first breach).

The penalties—general information

Penalties for breaching these laws can result in either a fine (known as an 'infringement notice'), or charges being laid and an appearance in the Magistrates Court. If you go to court, the maximum penalties a Magistrate may impose are listed above, and a conviction may be recorded. If the Court finds you guilty of illegally entering hunting areas or approaching or obstructing shooters, the Court may also issue you with an exclusion order, which can stop you from entering a hunting area for up to 12 months. The penalty for breaching an exclusion order is \$9,100 (for the first breach).

DISCLAIMER

While all care has been taken in preparing the information on this fact sheet, it is not a substitute for legal advice. For any specific questions we recommend you seek legal advice. The Animal Defenders Office accepts no responsibility for any loss or damage suffered by people relying on the information on this fact sheet.