

Rescuing birds during Victoria's duck shooting 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 the ADO or your solicitor.

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

Entering declared 'hunting area' wetlands during shooting season

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

- Hold a 'game licence' [see below] allowing you to hunt game birds (eg duck); and
- Hold a 'longarm' gun licence.

A \$952 fine can be issued for this offence. You will usually be given at least 21 days to pay the fine. Rather than paying the fine you can go to court. The maximum penalty you could face in court is \$9,515.

Case: Four 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.

ACT, NSW, and other interstate gun licences are recognised as valid gun licences in Victoria.

A game licence must be obtained from the Victorian Game Management Authority ("GMA"). They are valid for 1-3 years. To get a game licence, you must pass a '[waterfowl identification test](#)' ("WIT"), which has 22 multiple-choice questions. In 2018 the 'pass' mark is 85%. WITs are held only in Victoria. You do not have to re-do a WIT when renewing a game licence.

Ban on entering wetlands without licence: times

The only time you can enter a wetland that's a declared 'hunting area' without holding gun and game licences is between 10am and 2 hours before sunset each day (or, on the last day of the season, 30 minutes after sunset).

Wetlands include the water **plus** 25 metres back on land from the water's edge.

Shooting times

In 2018 shooters can start shooting at **9am** on the first day of the season (Sat 17 March), and **8am** on the following day (Sun 18 March). For the rest of the season they can start half an hour before sunrise and continue shooting to half an hour after sunset. Shooters must not shoot at night.

Approaching or obstructing shooters

It's an offence to get closer than 10 metres to a shooter in a hunting area. This doesn't apply to other shooters. A fine of \$952 can be issued for this offence, or a maximum penalty of \$9,515 if it goes to court.

It's against the law for a person to 'interfere with, harass, hinder, or obstruct' another person who is lawfully 'hunting or taking game'. There is no 'on the spot' fine for this offence. A court can issue a maximum penalty of \$9,515.



Making noises

Loud hailers, whistles or other ‘noisy devices’ or equipment can’t be used in a game reserve if they disturb wildlife or people. A court can issue a fine of up to \$1,586 for this offence. The rule does **not** apply to anyone discharging a gun or using a duck or game caller while hunting.

Case: In 2011 five rescuers were charged with harassing and being too close to shooters, and with using whistles and horns to scare off ducks. Only the charges of hindering by using ‘annoying equipment’ (a whistle) were proved in court. The rescuers were given good behaviour bonds without conviction (no fines). A request by the Victorian Department of Primary Industries for costs of \$18,000 was rejected by the Court.

Wounded live birds

On 1 March 2018 a new law was introduced requiring shooters to make ‘all reasonable efforts’ to recover a shot, or ‘downed’, duck. ‘Reasonable effort’ is not defined. The GMA states that shooters ‘must not’ continue to shoot other birds if they bring down one bird—but this ‘rule’ is not in legislation.

If a shot duck is alive when recovered, the bird must be killed immediately. An ‘on the spot’ fine of \$318 can be issued for this offence, or a maximum penalty of \$3,172 if it goes to court.

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.

Taking threatened species—dead or alive

Various offences apply to *anyone* (shooters or rescuers) caught taking or possessing threatened wildlife, whether dead or alive. There is no ‘on the spot’ fine for this offence. A court can issue a maximum penalty of \$38,057 or 24 months’ imprisonment.

Case: A rescuer found a freckled duck who had been shot and killed on the first morning of the 2016 shooting season. Freckled ducks are a threatened species under Victorian law. After taking the body back to shore, the rescuer was apprehended by officials who said they would consider laying charges for being in possession of threatened wildlife. Several months later the rescuer received an official warning from the Victorian Government. It said that next time the rescuer would face the maximum penalty.

Damaging signs or notices

It’s an offence to remove or damage a sign or notice that relates to the hunting season. There is no ‘on the spot’ fine for this offence. A court can issue a maximum penalty of \$7,929.

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. There is no ‘on the spot’ fine for this offence. A court can issue a maximum penalty of \$3,172. If you’re not sure a person is an ‘authorised officer’, ask to see their identification.

Banning notices

An authorised officer or police officer can ban you from hunting areas if they reasonably suspect you have illegally entered the area or approached or obstructed shooters. Officers must produce evidence of their identity, unless they are a police officer in uniform. You can be banned for the rest of the duck shooting season. The penalty for breaching the banning notice is \$3,172 (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.