



*Regulatory Impact Solutions*

Wildlife (Game) Regulations 2024

# **Regulatory Impact Statement**



July 2024

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## Abbreviations

the Act	<i>Wildlife Act 1975</i>
the current Regulations	Wildlife (Game) Interim Regulations 2023, which extended the operation of the Wildlife (Game) Regulations 2012
the proposed Regulations	Wildlife (Game) Regulations 2024
the Select Committee	Select Committee on Victoria's Recreational Native Bird Hunting Arrangements
AHM	Adaptive Harvest Management
department	Department of Jobs, Skills, Industry and Regions
GMA	Game Management Authority
HHT	Sambar Deer Hunting with Hounds Test, also known as the 'Hound Hunting Test'
MyGL	My Game Licence, online licensing system
RIS	Regulatory Impact Statement
PV	Present Value
SARC	Scrutiny of Acts and Regulations Committee
WIT	Waterfowl Identification Test

## Preface

The Wildlife (Game) Regulations are a critical component of the regulatory framework for recreational game hunting (deer, duck, and quail) in Victoria. They are made under the *Wildlife Act 1975* (the Act) and set out a range of matters for recreational hunting such as licensing requirements, default bag and season limits for game, and key restrictions and offences related to game hunting.

The Department of Jobs, Skills, Industry and Regions (department) began remaking the Wildlife (Game) Regulations in 2021. This work included targeted consultation with key stakeholders, development of reform proposals, and initial drafting of both a Regulatory Impact Statement (RIS) and proposed Regulations.

The Wildlife (Game) Regulations 2012 were due to expire on 11 September 2022. On 6 September 2022, the Governor in Council approved an extension to the Wildlife (Game) Regulations to allow for any substantial remake of the regulations following consideration of the report of an Expert Advisory Panel that was appointed in December 2020 to provide advice to the Minister for Environment as part of a review of the *Wildlife Act 1975*. The Extension Regulations were due to expire on 11 September 2023.

However, in early 2023 the Victorian Parliament announced the establishment of the *Select Committee inquiry into Victoria's recreational native bird hunting arrangements*.<sup>1</sup> It was determined that conducting a RIS process to remake the Wildlife (Game) Regulations while the Select Committee undertook its work, or before the Government had considered its report, would detract from the Select Committee's work. Therefore, Interim Regulations<sup>2</sup> were made to allow time for the Select Committee to deliver its report and for Government to respond before remaking the Regulations.

The Interim Regulations will be revoked on 7 September 2024 and new Wildlife (Game) Regulations need to be made before this date.

This Select Committee delivered its final report on 31 August 2023, which included 8 recommendations.<sup>3</sup> On 29 January 2024 the Victorian Government responded to the Select Committee's recommendations, and this response was tabled in Parliament on 20 February 2024. The Victorian Government supported in full or supported in principle all but one of the Select Committee's recommendations.

The table below summarises the Select Committee's recommendations and government's response. This includes commitments to ban lead shot for hunting all game birds, which has been assessed in this RIS. The table below summarises the Select Committee's recommendations, the Victorian Government's response to the recommendations, and whether the recommendations are assessed in this RIS.

**Table 1: Select Committee findings and government response**

Recommendation	Type of response	Assessed in this RIS
1. That the Victorian Government ends the annual recreational native bird hunting season opening on all public and private land from 2024.	<b>Do not support</b>	The Victorian Government highlighted its commitment to safe, sustainable and responsible hunting, and noted that recreational duck and quail hunting will continue in Victoria.

<sup>1</sup> State Government, Media Release Continuing Recreational Duck Hunting in Victoria, 29 January 2024 <https://www.parliament.vic.gov.au/news/environment/birdhuntreport>

<sup>2</sup> Wildlife (Game) Interim Regulations 2023.

<sup>3</sup> The government responded to this inquiry in February 2024. See Appendix A of this report for the Government's response to the Select Committee's recommendations.

Recommendation	Type of response	Assessed in this RIS
		<p>The government intends to introduce a range of changes, including the following proposals which are assessed in this RIS:</p> <ul style="list-style-type: none"> <li>• Use of the science-based Adaptive Harvest Management (AHM) to guide annual game duck seasons.</li> <li>• Improved animal welfare outcomes through implementing the Waterfowl Wounding Reduction Action Plan.</li> <li>• Banning the use of lead shot in quail hunting.</li> <li>• Improved hunter knowledge and skill through mandatory education and training for hunters, including cultural awareness training</li> </ul>
<p>2. That the Victorian Government retains existing exemptions to hunt and control native birds under the Authority to Control Wildlife framework to control bird populations impacting on agricultural and other land.</p>	<p><b>Support in full</b></p>	<p>Not assessed in this RIS.</p> <p>Not related to game hunting. An Authority to Control Wildlife (ATCW) is an authorisation issued under section 28A or section 28A(1A) of the <i>Wildlife Act 1975</i>.</p> <p>Although a technical amendment is considered to clarify the exemption from the regulations for certain authorised persons (e.g. authorised persons involved in controlling deer).</p>
<p>3. That Traditional Owner hunting rights are retained under existing legislation.</p>	<p><b>Support in full</b></p>	<p>Assessed in this RIS.</p>
<p>4. That State Game Reserves used for duck hunting be converted into Outdoor Recreation Reserves to provide greater access to outdoor recreation for all Victorians, with appropriate investment in camping, boating, and related infrastructure</p>	<p><b>Support in principle</b></p>	<p>Not assessed in this RIS.</p> <p>The Victorian Government supports in principle the intent of this recommendation via other programs such as the Great Outdoors Program.</p>
<p>5. That the Victorian Government provides additional resources to the Department of Energy, Environment and Climate Action (DEECA) and Parks Victoria to better control non-native invasive species</p>	<p><b>Support in principle</b></p>	<p>Not assessed in this RIS.</p> <p>Non-native pest control is not game hunting.</p>
<p>6. That the Victorian Government amends the Victorian wildlife framework to discontinue the use of lead shot for all types of bird hunting and undertakes further investigation into plastic pollution and other forms of</p>	<p><b>Support in full</b></p>	<p>Discontinuing the use of lead shot for all types of game bird hunting is assessed in this RIS. [Note: lead shot is already banned for use in recreational duck hunting.]</p> <p>More work is required to investigate plastic pollution and this issue is not assessed in this RIS.</p>

Recommendation	Type of response	Assessed in this RIS
wetland degradation as a result of hunting.		
7. That the Victorian Government reviews the process to report damage or destruction of Aboriginal cultural heritage and introduces additional protections for these sites including appropriate signposting and a review of the current penalties for cultural destruction.	<b>Support in full</b>	<p>Not assessed in this RIS.</p> <p>The department will work with Traditional Owners, the Department of Premier and Cabinet, the Game Management Authority (GMA), DEECA, and Parks Victoria to investigate appropriate enforcement and penalties for non-compliance with cultural heritage protections, and damage and destruction of cultural heritage.</p> <p>This issue is covered under the <i>Aboriginal Heritage Act 2006</i>, not the Wildlife (Game) Regulations.</p>
8. That the Victorian Government requires hunters participate in an Aboriginal cultural heritage awareness education program.	<b>Support in full</b>	<p>Assessed at a high level in this RIS but not included in the proposed Regulations. It is important that appropriate consultation takes place, and this proposal will take time develop.</p> <p>The department will work with Traditional Owners to develop a suitable education program, which may cover topics such as cultural heritage significance, Aboriginal heritage legislation, types of artefacts and practices to protect cultural heritage.</p>

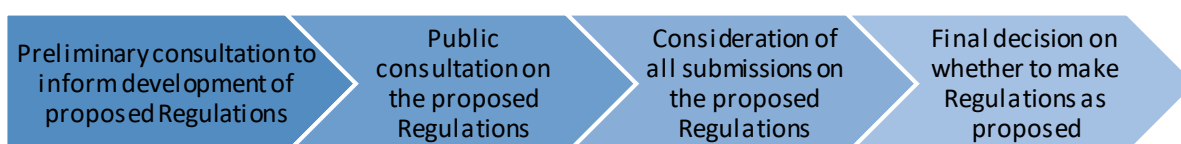
## The process for remaking sunseting Regulations

In Victoria, regulations automatically expire (or sunset) 10 years after they are made. The Wildlife (Game) Regulations 2012 were due to expire in September 2022; however, they were extended and will now be revoked on 8 September 2024.

On 29 January 2024, the Minister for Outdoor Recreation announced that recreational duck and quail hunting will continue in Victoria with important changes to ensure that it remains safe, sustainable and responsible.<sup>4</sup> To continue the effective management of game hunting in Victoria, the Wildlife (Game) Interim Regulations 2023 are now formally being remade.

The remaking process provides an opportunity to revisit whether there are ways to improve the Regulations. In preparing the proposed Regulations, the department has reviewed the current Regulations and has decided to make some important changes.

Before regulations are remade, the *Subordinate Legislation Act 1994* requires:



In developing the proposed Regulations, the department has consulted with hunting groups, hunting suppliers, conservation organisations, animal welfare and advocacy groups and a Traditional Owner advocacy body. The proposed Regulations have also been informed by the Government's response to the Select Committee's inquiry. The views and information held by these stakeholders has informed consideration of changes to the current Regulations. The department has also examined international developments in game hunting. Some aspects of the Government's response to the Select Committee Inquiry, such as mandatory education and training for hunters will require further consultation but will take a phased approach beginning for the 2025 bird hunting seasons.

To assist parties to review and comment on the proposed Regulations, the *Subordinate Legislation Act 1994* requires the preparation of a Regulatory Impact Statement (RIS) to be made available with the proposed Regulations, to ensure that the proposed Regulations have been subjected to adequate analysis and to help stakeholders comment on the proposed Regulations.

The assessment framework of this RIS:

- examines the nature and extent of the problem to be addressed
- states the objectives of the proposed Regulations
- assesses the costs and benefits of the proposed Regulations and compares their impacts to other feasible alternatives
- explains the effects on various stakeholders.

The Commissioner for Better Regulation provides an independent assessment of RISs. It is not the Commissioner's role to comment on the underlying policy of the proposed Regulations. The Commissioner has determined that this RIS meets the requirements of the *Subordinate Legislation Act 1994* and the Victorian Guide to Regulation.

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<sup>4</sup> 'Continuing Recreational Duck Hunting in Victoria', 29 January 2024: <https://www.premier.vic.gov.au/continuing-recreational-duck-hunting-victoria>

Interested parties may now make written submissions to the department about the proposed Regulations before a final decision is made on whether to remake them in the proposed form, or whether any other changes are needed.

All submissions will be treated as public documents. Written comments and submissions should be submitted via the Engage Victoria website at: <https://engage.vic.gov.au/>

Following consideration of all submissions received in response to the proposed Regulations, and consultation with the Treasurer in relation to the proposed fees, a Notice Of Decision and statement of reasons will be published. Once the Regulations are made, copies of all submissions are provided to the Parliament's Scrutiny of Acts and Regulations Committee (SARC). SARC examines these submissions to check that the department has considered the views of stakeholders



## At a glance

The Victorian Government has stated that it continues to ‘support safe, responsible and sustainable hunting. We recognise the social and economic benefits that it brings to our rural communities’<sup>5</sup>.

Contemporary game management regulations should provide a modern, evidence-based framework for the sustainable and responsible use of game species. They should address issues and risks of significance where non-regulatory approaches such as voluntary approaches are insufficient. They should provide flexibility to account for the natural variation in game populations and climate change over time, while providing strong safeguards. They should ensure responsible management that is consistent with other regulatory frameworks for public safety and animal welfare.

The department, in consultation with the GMA and other government agencies, and engagement with key stakeholders, has reviewed the operation of the current Regulations. Elements of the proposed Regulations were also informed by the Select Committee’s recommendations.

The consultation determined that the current Regulations should be modernised to align with advancements in science, data, evidence, technologies and evolving community expectations. The review process also identified that community attention to the environment and animal welfare issues has increased over the past decade.

Further, it is important to ensure that the proposed Regulations still adhere to the Victorian principles of good regulation, being:

- effective and proportionate in managing risk
- contemporary and flexible in accommodating further changes to technology, markets, risks and community views
- consistent with government priorities and avoid overlap and duplication.

The proposed Wildlife (Game) Regulations 2024 remake many core elements of the 2012 Regulations<sup>6</sup>, however, there are some significant changes.

The proposed Regulations also set new fee amounts for game licences and related activities, following a review of fees in line with the Government’s *Pricing for Value Guide*.

The proposed Regulations also seek to streamline and clarify elements of the current Regulations and target several areas to reduce the regulatory burden on game hunting. It is also worth noting that the Government’s support of a number of Select Committee’s findings and recommendations, and other reforms, will require further consideration on how they are most effectively implemented.

## Key Changes

While the proposed Regulations largely remake the current Regulations, there are some key changes as follows:

- Mitigate environmental impacts by phasing out toxic lead ammunition from all game hunting.
- Improve safety by commencing duck open season on the third Wednesday of March each year rather than the third Saturday of March each year.
- Commence the beginning of hunting in the first week of Duck Season (Wednesday to Sunday inclusive) from 8 am each morning.

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<sup>5</sup> State Government of Victoria, 2021, *Sustainable Hunting Action Plan 2021-2024*: [https://djsir.vic.gov.au/\\_\\_data/assets/pdf\\_file/0004/2039800/13504-RRV-FCC-Sustainable-Hunting-Action-Plan-2021\\_2024-Brochure\\_Print\\_WEB.pdf](https://djsir.vic.gov.au/__data/assets/pdf_file/0004/2039800/13504-RRV-FCC-Sustainable-Hunting-Action-Plan-2021_2024-Brochure_Print_WEB.pdf)

<sup>6</sup> Game hunting is currently regulated by the Wildlife (Game) Interim Regulations 2023.

- Update access to specified hunting areas for non-authorized people during the first week of Duck Season to 11 am each morning.
- Update licensing fees pursuant to a pricing review.
- Remove some regulatory requirements on hunting Hog Deer.
- Remove the requirement to sign a licence and removing the requirement to return a cancelled licence upon change of address.
- Protect gamebird populations by prohibiting the use of acoustic electronic calls.
- Improve safety by increasing the number of recognised deer habitats.
- Empower the GMA to require a hound be presented for inspection.
- Improve animal welfare by permitting deer hunters to use hand-held thermal cameras during daytime, permitting the use of deer decoys, allowing the use of artificial water points on private land for Hog deer and including requirements to make reasonable efforts to immediately dispatch struck deer.
- Prevent the hunting of Blue Winged Shoveler as the species is listed as threatened under the *Flora and Fauna Guarantee Act 1988*.
- Update the list of approved dog breeds used in hunting activities.
- Strengthen the regulatory framework for hunting by making administrative improvements and making technical changes to the existing regulations.

## What does this document do?

This RIS assesses the proposed Regulations as they relate to the objectives of safe, sustainable and responsible game hunting that minimises adverse animal welfare outcomes, and within the context of government policy to support economic and social opportunities of game hunting.

The RIS is structured as follows:

- Chapter 1 provides a background to game hunting and regulatory arrangements in Victoria
- Chapter 2 explains the nature and extent of the regulatory problem and why game hunting needs regulation
- Chapter 3 states the objectives of the regulations
- Chapter 4 deals with options to address the regulatory problem
- Chapter 5 assesses the costs and benefits of feasible options
- Chapter 6 deals with the setting of fees
- Chapter 7 presents the preferred option
- Chapter 8 examines the impacts on competition and small business
- Chapter 9 describes implementation, enforcement and evaluation.

Supporting material is contained in the appendices.

## Questions for Stakeholders

The department invites comments from any interested person or organisation. While in no way limiting the comments or suggestions on the proposed Regulations, the list of questions below may be a useful guide to providing comments. Submissions do not need to respond to all or any of these questions.

### **Reducing environmental impacts – non-toxic ammunition**

1. Do you support the banning of lead and other toxic ammunition (shot and projectiles) for quail, non-indigenous game birds and deer hunting, in line with bans already in place for game duck hunting? Please explain why.
2. Do you think that there should be any exemptions for specific gauges, calibres or types of shotguns (e.g. Damascus barrels, muzzle loaders)? If so, what should be exempted and why?
3. Will the proposed commencement dates of the banning of lead shot and projectiles (31 December 2028 for deer hunting and from September 2024 for quail hunting ahead of the 2025 quail hunting season) allow sufficient time for this proposal to be implemented? If not, what is an appropriate timeframe?

### **Specified hunting areas and specified times**

4. Do you support a later start time of 8 am on the first five days of duck season for hunters and 11 am for non-hunters? Please explain why.

### **Improving the management of illegal deer spotlighting**

5. Do you support increasing the number of recognised deer habitats to include West Wimmera Shire and Moyne Shire in order to better address illegal spotlighting? Please explain why.

### **Excluding deer hunting in areas where it is inappropriate**

6. Do you support retaining the current prohibited deer hunting areas? If not, what areas should be included or excluded?

### **Fees**

7. The proposed fees are set below at full recovery of costs, excluding discretionary expenditure on research projects by the GMA. This is due to expenditure on research being considered to have public good benefits. Do you support this approach?
8. Nevertheless, the Regulations propose significant increases to licence fees, reflecting increased expenditure on hunting education, enforcement, and compliance since the fees were last reviewed. The RIS recognises that this may lead to a reduction in licence numbers. Do you consider the increase to be reasonable?

### **Red-tape reductions**

9. Do you support the removal of requirements to take Hog Deer to a checking station, to be replaced with a new 'harvest return' which can be completed online? Please explain why.

### **Dogs**

10. Do you support the addition of two new gundog breeds, namely the Wirehaired Slovakian Pointer and Murray River Retriever to the list of approved dogs for hunting? Please explain why.
11. Do you support giving the GMA the power to request a requested hound be presented for inspection within 28 days and a power to cancel or suspend the registration of a hound for failure to comply? Please explain why.

### **Other changes**

12. Do you support allowing the use of deer decoys in deer hunting? If not, why?

13. Do you support the proposed prohibition on the use of electronic callers for gamebirds when hunting? If not, why?
14. Do you support allowing the use of hand-held thermal imaging devices during the day for the hunting of deer? If not, why?

Any other comments or suggestions on the proposed Regulations are welcome.

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# Executive Summary

## Game Hunting in Victoria

Victoria is regarded as providing some of the best hunting opportunities in Australia, contributing to sustainable outdoor recreation. Many Victorians have a long tradition of spending weekends camping with family and friends and hunting game, be it close to home or further afield. Game hunting has a long cultural tradition among Traditional Owners and non-indigenous communities.

Game hunting contributes to the State and local economies through the importation, retail sale, manufacture and maintenance of firearms and ammunition, camping, boating, food preparation, four-wheel driving equipment, the sale of food, fuel and accommodation and the purchase, training, maintenance and care of hunting dogs.

But there are also costs and risks that arise from game hunting. Therefore, game hunting has been regulated in Victoria since the 1860s. The extent of regulation has increased over time, reflecting changes in hunter numbers, changes in population density, hunting methods, knowledge and understanding of species sustainability, and changing community expectations in relation to safety, environmental protection, and animal welfare.

Community expectations change over time, and it is important to reflect these expectations when considering changes to the regulations.

The regulation of game hunting occurs through a variety of legislation, statutory rules (regulations), ministerial orders, and administrative decisions of the GMA. The current Regulations deal with only some of the regulatory controls that apply to game hunting in Victoria.

The current Regulations deal with:

- requirements for the issuing of licences
- specifying the species that may be hunted under the licences
- defining specific areas where hunting is not permitted or is further regulated
- defining hunting seasons and bag limits
- prescribing the hunting methods that may be used (such as equipment, use of dogs and hounds).

The *Wildlife Act 1975* (the Act) permits some hunting to occur, subject to the parameters of the Act and terms specified in regulations. Therefore, whether game hunting should be allowed or not is not considered in this RIS. Moreover, the Victorian Government has recently confirmed 'that recreational duck and quail hunting will continue in Victoria with important changes to ensure it remains safe, sustainable and responsible'.<sup>7</sup>

## Objectives of game hunting regulations

Consistent with Victorian Government policy and legislation, the objectives of the proposed Regulations may be stated as providing for the efficient and effective management of game hunting in Victoria, in ways that:

- reduce environmental impacts (including ensuring sustainable game harvests, preserving biodiversity, and reducing toxicity and pollution)
- minimise adverse animal welfare outcomes
- promote safety for hunters and non-hunters

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<sup>7</sup> 'Continuing Recreational Duck Hunting in Victoria', 29 January 2024: <https://www.premier.vic.gov.au/continuing-recreational-duck-hunting-victoria>

- minimise regulatory costs for game hunters.

These objectives reflect the Victorian Government’s *Sustainable Hunting Action Plan 2020–2024*, which envisions that Victorians gain from the growing economic, environmental and social benefits of responsible, sustainable and safe hunting.<sup>8</sup> It also seeks to ensure that hunting opportunities continue for future generations.

Game hunting has a net economic benefit for supply chain businesses and ancillary businesses (e.g., local tourism), as well as social and health benefits for hunters. It is important that the proposed Regulations maximise net economic benefits, within the context of managing risks and impacts associated with game hunting.

#### Options considered

In order to achieve these objectives, the three broad options identified in this RIS were:

- enable the declaration of open and close seasons, bag limits and game species (a minimalist approach)
- remake the current Regulations without any material changes (reflecting the current arrangements, i.e. the status quo)
- remake the current Regulations with a range of changes and new requirements. The design options considered to address elements<sup>9</sup> of the objectives are as follows:
  - prohibit the use of lead shot for game birds for which it is presently permitted (i.e. Stubble Quail and non-indigenous game birds) and phase out lead projectiles (bullets, slugs, balls) for deer hunting
  - prohibiting the use of electronic acoustic callers<sup>10</sup> for all game birds
    - introducing an 8 am start time for the opening period (the third Wednesday in March) for the first five days of duck season and fixing the hours that non-authorized people are prohibited from entering specified hunting areas over the opening period of the duck season to 11 am
    - updating licensing fees pursuant to a pricing review
    - increasing the number of recognised deer habitats for which spotlighting laws apply
    - empowering the GMA to require a hound be presented for inspection
    - removing some regulatory requirements on hunting Hog Deer, and allowing water points on private land for Hog Deer hunting
    - allowing the use of deer decoys, hand-held thermal imaging device for deer hunting, and watering points for Hog Deer and including requirements to make reasonable efforts to immediately dispatch struck deer
    - removing the requirement to sign a licence and removing the requirement to return a cancelled licence upon change of address
    - updating the list of approved dog breeds used in hunting activities

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<sup>8</sup> *Sustainable Hunting Action Plan 2021–2024*, p. 4: <https://djpr.vic.gov.au/game-hunting/action-plan>

<sup>9</sup> For ease of categorisation, options are listed under these objectives. It is important to note, however, that some options will address more than one of these sub-objectives.

<sup>10</sup> These are electronic devices that mimic the call of quail and/or ducks, thereby attracting or luring them to the hunter. They are referred to in the proposed Regulations as an ‘electronic acoustic lure’.



- preventing the hunting of Blue Winged Shoveler as the species is listed as threatened under the Flora and Fauna Guarantee Act 1988, and
- strengthening the regulatory framework for hunting by making administrative improvements and making technical changes to the existing regulations.

While several options were considered for inclusion in the proposed Regulations, further work and consultation are required prior to including these proposals in any future amendments to the regulations. These issues include mandatory knowledge testing, consideration of prohibiting plastic wads and casings for game bird hunting, technical amendments regarding the ‘possession’ of a spotlight and increasing penalties.

#### Options analysis – Costs and Benefits of new Proposals

By their nature, regulations are designed to modify behaviour to achieve certain outcomes. This can impose costs on individuals or businesses known as ‘compliance costs’. In simple terms, compliance costs are the costs of complying with regulations. These can be divided into ‘administrative costs’ and ‘substantive compliance costs’. Another type of cost is ‘financial costs’. These costs refer to an obligation to pay a fee, charge or levy.

Several methodologies can be used to measure or describe costs and benefits. In this RIS, the standard cost model method and present value techniques are used to measure quantifiable costs (cost where a dollar value can be estimated), and the multi-criteria analysis (MCA) decision making tool is used to assess costs and benefits where costs and benefits are difficult to quantify. The MCA is informed by quantitative costs, where these were able to be estimated. The *Victorian Guide to Regulation* presents the MCA as a useful decisions-making tool<sup>11</sup> when it is not possible to quantitatively estimate the effects of many or most of the impacts of a regulatory proposal (e.g., measures that have behavioural, animal welfare or environmental impacts). Section 5.2.2 describes this methodology.

The options identified in this RIS were assessed against a ‘reference case’ of the current Regulations. This is because if no regulations are made then there would be no legal game hunting in Victoria. This was considered an unhelpful starting point to analyse the proposed changes.

The *new* proposals impose costs and benefits on hunters and the community. A costing exercise was undertaken where a dollar value could be estimated for regulatory proposals. The quantitative costs of the proposed changes are shown in the table below. New net quantifiable costs were estimated to be \$870,480 annually, or \$7,516,611 (PV) over a 10 year period.

**Table 2: Costs of New proposals**

Description	Costs (\$)
Non-toxic shot and projectiles – Quail and deer	\$866,484
Notification of transfer of a hound and presentation of a hound	\$3,996
<b>Total annual costs</b>	<b>\$870,480</b>
<b>Cost over 10 years (PV)</b>	<b>\$7,516,611</b>

An MCA assessment was undertaken of each of the design options. The design options were grouped as follows:

- Option 1: Environmental – Prohibit toxic shot and electronic acoustic callers
- Option 2: Animal welfare – Struck deer and regulation of hounds

<sup>11</sup> Department of Treasury and Finance, *Victorian Guide to Regulation: A handbook for policy-makers in Victoria*, State of Victoria 2016, p. 38

- Option 3: Safety options – Season commencement times, extending deer habitats
- Option 4: Mandatory knowledge testing (animal welfare and knowledge testing)
- Option 5: Reducing the regulatory burden.

The table below summarises these results. The decision rule adopted in this RIS is that a positive score suggests that the benefits outweigh the costs, and the proposal should be adopted.

**Table 3: Summary of MCA assessment scores**

Criterion	Weighting	Options assessment - MCA weighted scores				
		1	2	3	4	5
Environmental impacts	20%	1.40	0.0	0.4	1.0	0.0
Animal welfare	20%	1.20	0.20	0.2	1.2	0.2
Safety	10%	-0.10	0.10	0.2	0.5	0.1
Regulatory costs	50%	-1.50	-0.13	-0.25	-1.5	0.5
<b>Net MCA score</b>		<b>1.0</b>	<b>0.18</b>	<b>0.55</b>	<b>1.2</b>	<b>0.8</b>

### Costs and Benefits of proposed Regulations

Costs were quantified for the proposed Regulations where feasible. The quantifiable costs of the proposed Regulations (including the new proposals) were \$1.4 million annually, or \$9.9 million (PV) over a 10-year period. These results are shown in table 5 below, and detailed cost calculations are contained in Appendix G. In addition, while no data is available on the number of firearms that may not be able to use non-toxic shot, a reasonable entry level replacement could cost in the order of \$800 to \$1,200 per firearm. For illustrative purposes, if 5 per cent of quail hunters needed to replace firearms then such replacement costs could be in the order of \$1.3 million<sup>12</sup>

**Table 4: Summary of costs imposed by the Wildlife (Game) Regulations 2024**

Description	Costs (\$)
Licensing and registration	\$229,795
Hog deer requirements	\$7,400
Non-toxic shot	\$1,071,321
Hound registration	\$66,252
<b>Total annual costs</b>	<b>\$1,374,768</b>
<b>Cost over 10 years (PV)</b>	<b>\$9,945,428</b>

The proposed Regulations also contain a number of quantifiable regulatory burden savings (i.e. removal of checking station requirements for Hog Deer hunters, removal of requirements to a sign licence, and removal of requirements to return licence). The amount of regulatory burden savings is around \$75,000 annually for game hunters, or around \$611,000 (PV) over a 10-year period. For example, the total annual costs in Table 4 above would have been \$75,000 greater if the regulatory burden savings measures were not adopted.

### Decision rule – benefits outweigh costs

The *Subordinate Legislation Act 1994* requires that the benefits and costs of a regulatory proposal be assessed in a RIS.<sup>13</sup> Where possible, regulatory costs were quantified as shown in Table 4. However, many of the regulations proved difficult to quantify, for example, regulations that prescribe game species and bag limits, regulations that restrict activities and manage conduct, and regulations that prescribe hunting areas. A number of regulations were potentially quantifiable, but data were not available (in some instances indicative estimates have been made).

<sup>12</sup> In 2023 there were 26,627 hunters endorsed to hunt quail. 1,331 (26,627 x 5%) replacements x \$1,000 = \$1.3 million. Many quail hunters who own guns with Damascus barrels, etc, are also likely to possess more modern firearms; nevertheless, undoubtedly some hunters will feel a loss by not being able to use vintage or heirloom guns.

<sup>13</sup> Section 10(1)(d), *Subordinate Legislation Act 1994*

This RIS identified a minimalist regulatory scenario for purposes of analysis (the historical position under which hunting seasons and game species were prescribed, but not much else). This is clearly an undesirable position given better knowledge of game species, the environment and community expectations. An MCA analysis of the minimalist position would score strongly negative against all criteria (the current regulations representing the reference case by definition receive a score of zero). Therefore, the decision rule for the design options is that if the MCA score is positive, then it represents an improvement over the current Regulations and should be incorporated into the proposed Regulations.

#### Break-even Analysis – an indicative measure

At a higher level, a break-even analysis (BEA) method is used to compare the likely costs of the proposed Regulations against the broader benefits provided by game hunting. BEA allows assessments to be made when the benefits are difficult to measure. In this case, a reasonable estimate can be made of some costs associated with the proposed Regulations, however, other costs and the benefits of the regulations are difficult to measure. While a gross estimate of the benefits (in monetary terms) of game hunting has been estimated in an economic study, it is reasonable to assume that a large proportion of these benefits derive from the game regulations (without regulations there would be no game season). A BEA presents the costs and asks at what level of benefit will costs equal benefits. Strictly, this comparison of the costs against economic studies poses methodological issues, but nevertheless it does provide ‘rule of thumb’ guidance on orders of magnitude between the costs and benefits.

The Economic Contribution of Recreation Hunting in Victoria report estimates the net contribution to the economy of game hunting in Victoria to range from \$19 million to \$57 million, while providing net full-time equivalent employment of between 246 and 627 jobs. The proposed Regulations play a key part of the overall regulatory framework for game hunting in Victoria, and arguably a large part of these benefits is attributable to the regulations (without the regulations game hunting would not occur). This suggests that the regulatory costs imposed by the proposed Regulations, which seek to manage environmental, animal welfare, and safety risks, are reasonable given the value generated by game hunting to Victoria’s economy. Therefore, the department considers that the benefits of the proposed Regulations exceed the costs they impose.

## Fees

The proposed Regulations also reset the fees for game licences and related activities.

**Table 5: Current and proposed fees**

	Current fees		Proposed fees		
	Prescribed fee (fee units)	Value of fee in 2024-25	Prescribed fee (fee units)	Value of fee in 2024-25	% change
Licence to hunt game birds only (new and renewal)	4	\$65.30	5.44	\$88.80	36%
Licence to hunt game deer only (new and renewal)					
Licence to hunt game birds and deer (new and renewal)	6	\$98.00	9.2	\$150.20	53%
Licence to hunt on game bird farms	Nil	Nil	Nil	Nil	-
Provisional junior licence	Nil	Nil	Nil	Nil	-
Variation of licence	1	\$16.30	1	\$16.30	-
Issue of replacement licence card	1	\$16.30	1	\$16.30	-
Hunting with Hounds Test	2	\$32.70	2	\$32.70	-
Waterfowl Identification Test	2	\$32.70	2	\$32.70	-

The current fee on ballots has been removed from the proposed Regulations.

The proposed fees are based on full recovery of costs related to the regulation of game hunting, excluding discretionary expenditure on research projects by GMA. The proposed option is expected to generate around \$5.3 million per annum in revenue, however this could be lower if the increased fees lead to a reduction in total licence numbers. The department expects any fee-related impact on licence numbers to be small.

The preferred fee option was identified following a pricing review conducted in accordance with the *Pricing for Value Guide*, which identified a wide range of different fee options, and assessed these against the government's Pricing Principles as well as alignment to the policy objectives in relation to game hunting, the complexity of administering different fee systems (for government and for game hunters), and the legislative support for implementation different fee options.

Ultimately, this RIS assessed only three options (against the base case of zero fees). The options varied according to the level of cost recovery. The proposed fees were preferred because they provided the best balance of efficiency, equity and effectiveness. Further details on the assessment of fee options in in Chapter 6.

### Preferred approach

The preferred outcome was to remake the Regulations with the proposed changes, including resetting the fees at the proposed levels.

The department believes that the overall benefits are likely to outweigh the costs of the Regulations as a whole, considering the economic, social and environmental impacts assessed in this RIS. However, it is noted that some costs and many of the benefits are difficult to quantify.

The proposed Regulations were assessed as not having a material restriction on competition – overall the regulations are market enabling, although there are some restrictions on the type of equipment and dogs that may be used in game hunting. It was also assessed that the regulations do not impose a disproportionate burden on small business.

### Implementation and Enforcement

Several of the proposals represent significant changes to the current arrangements. These changes will be phased in to allow game hunters, ammunition and firearm retailers, and training providers time to adjust to the changes. While most of the provisions in the proposed Regulations will commence from 7 September 2024, the use of lead projectiles for deer hunting will be prohibited from 31 December 2028. This period will allow hunters and firearm retailers time to adjust to the new requirements.

The GMA will assist the department in informing game hunters of the new Regulations via its website and other communication platforms. The department will conduct a mail-out to licence holders advising them of the changes. The department will also utilise its networks among hunting groups to inform game hunters of the changes.

### Consultation

To obtain data and the views of stakeholders, consultation was undertaken to inform the options and costs and benefits in this RIS. Game hunting groups, firearm wholesalers and retailers, along with animal welfare and animal advocacy groups were consulted.

Broadly, hunting groups raised concerns about the timing of the proposed ban on lead shot and projectiles for game hunting, generally supported knowledge training, supported fee increases provided that any increases were used for hunting research, and supported measures to reduce the regulatory burden on game hunters. While animal welfare and advocacy groups did not support game hunting as an activity, within the regulatory framework they supported the proposal to prohibit lead shot and projectiles, suggested that fees should aim for full cost recovery, called for mandatory knowledge and proficiency testing (including refresher training), and called for harsher penalties for hunters who do the wrong thing. Both hunting and animal groups supported the proposal to ban electronic acoustic bird callers. The Traditional Owner advocacy body supported the existing range of exemptions and supported development of culture awareness training packages. The views and proposals of stakeholders are contained in Appendix I.

In addition, the recommendations of the *Select Committee inquiry into Victoria's recreational native bird hunting arrangements* helped guide the proposals in this RIS.

# 1 Background

## 1.1 Game hunting in Victoria

Victoria has a long history of hunting. Hunting and gathering practices have been central to Aboriginal life for thousands of years. The Government recognises the importance of hunting for Victoria's Traditional Owners, as part of the culture, traditional practices and unique relationships to their traditional country.

Game hunting has also been a feature of Victorian life since European settlement and has been regulated since the 1860s. The extent of regulation has changed over time, reflecting changes in hunter numbers, hunting methods, and changing community expectations in relation to environmental impacts, safety and the humane treatment of animals. Game hunting in Victoria also developed an egalitarian quality, as it was not largely reserved for the 'landed gentry' or very wealthy. Game hunting has also taken on a multicultural dimension with many post-WW2 immigrant communities taking advantage of the hunting opportunities that Victoria had to offer.

Today, Victoria is regarded as having some of the best sustainable hunting opportunities in Australia. Many Victorians have a long tradition of spending weekends camping with family and friends and hunting game.

Historically, game hunting in Victoria refers to the hunting of ducks, quail and deer. It does not include other hunting that may be permitted under other legislation (e.g. pest species such as rabbits and foxes or harvesting wild animals such as kangaroos for commercial purposes).

Game hunting contributes to the State and local economies through the importation, retail sale, manufacture and maintenance of firearms and ammunition, camping, boating and four-wheel driving equipment, the sale of food, fuel and accommodation, and the purchase, training, maintenance and care of hunting dogs. Released in 2020, the *Economic Contribution of Recreation Hunting in Victoria* estimates that game hunting contributes \$356 million per year to the economy in gross terms (or \$19 million to \$57 million in net terms), supporting over 3,100 jobs. Most of this—around 70 per cent—is in regional areas.<sup>14</sup> National and international studies also confirm the positive contribution of game hunting to economic activity and well-being.<sup>15</sup>

The *Economic Contribution of Recreation Hunting in Victoria* looks primarily at direct and indirect expenditure by recreational hunters. However, the report did not quantify other benefits of hunting—many recreational hunters also volunteer in conservation programs, such as wetland rehabilitation, re-vegetation work, pest control and disease monitoring. Game hunting allows participants to gather food, while recreational hunting may also contribute to control or reduction of pest animal species and the reduction of deer in the landscape.

It is also important to recognise the points raised by animal welfare groups during initial consultation that the economic study did not consider the costs of game hunting on the community and the

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<sup>14</sup> *Economic Contribution of Recreation Hunting in Victoria*, report by RM Consulting Group, June 2020. This report acknowledges that without hunting at the state level, much of the economic activity would be replaced by expenditure on other activities. The paper therefore provides scenarios for net contributions to Victoria from hunting. The estimates of the net contribution to the economy range from \$19 million to \$57 million, while providing net full-time equivalent employment of between 246 and 627 jobs. Page iv

<sup>15</sup> British Association for Shooting and Conservation, 2024, *The Value of Shooting: The economic, environmental and social impact of shooting in the UK*, Cognisense: [https://valueofshooting.co.uk/wp-content/uploads/dlm\\_uploads/2024/05/The-Value-of-Shooting-2024-.pdf](https://valueofshooting.co.uk/wp-content/uploads/dlm_uploads/2024/05/The-Value-of-Shooting-2024-.pdf). This study found that shooting is worth £3.3bn annually to the UK economy (gross value added) and generates £9.3bn of wider economic activity in the UK economy. RMCG, 2019, *Economic and social impacts of recreational hunting and shooting*, Final Report: <https://www1.health.gov.au/internet/main/publishing.nsf/Content/economic-and-social-impacts-of-recreational-hunting-and-shooting>. This study estimates that that the Australian economy is \$335m and 3,300 jobs larger in net terms as a result of the contribution of recreational hunting and sports shooting.

environment, e.g. for example the cost of animal pain and suffering or ‘dis-benefit’ incurred by those opposed to game hunting.

In recent decades, some parts of the community have questioned the legitimacy of game hunting.<sup>16</sup> Community expectations change over time, and it is important to accommodate these expectations when considering changes to the regulations, particularly in relation to environmental impacts and animal welfare.

## 1.2 Regulating game hunting in Victoria

### 1.2.1 Regulatory framework

Regulation of game hunting occurs through a complex combination of legislation, regulations, ministerial orders, and administrative decisions of the GMA (see Appendix B for a summary of the wider legislative framework).

Game hunting takes place on both public and private land. Game hunting may occur across a variety of land classifications in Victoria, including some National Parks, State Game Reserves, State Forests and other unoccupied Crown land, some National Parks and lake reserves, water reserves, and wetlands and waterways and on private land with the landowner’s permission. Game hunting is not permitted on any other public land reserved under the *National Parks Act 1975* (with some exceptions) and is not permitted in Wildlife Sanctuaries, Melbourne Water Catchments, Flora and Fauna Reserves, Nature Conservation Reserves or on private land without the consent of the landowner.

### 1.2.2 Legislation – Wildlife Act 1975

Under the *Wildlife Act 1975* (the Act), the GMA may license a person to hunt, take or destroy game. The GMA must issue a licence to a person who applies for a licence unless:

- the applicant is not a fit and proper person
- the applicant is not qualified to hold the licence, or has failed any prescribed test on the identification of wildlife species
- the issue of the licence would negatively affect the conservation of a species.

The GMA may also refuse to issue a licence if the applicant has been found guilty of an offence under the Act.

Under the Act, licences can be issued for up to five years (in practice they are issued for one or three years), with arrangements for renewal. The Act also provides powers for the GMA to suspend or cancel licences in certain situations. Such decisions can be reviewed by the Victorian Civil and Administrative Tribunal.

It should be noted that the game hunting enabling provisions are in the Act and that this legislation is currently being reviewed. The Panel of experts appointed to lead the review provided independent advice to Government in December 2021. The Government is committed to the review. Ensuring Victoria has contemporary wildlife laws is important. The Government is taking the time to get it right. In the meantime, the Panel report remains subject to Cabinet confidentiality.

### 1.2.3 Statutory rules – Wildlife (Game) Interim Regulations 2023

The current Regulations deal with only some of the rules that apply to game hunting in Victoria. The current Regulations deal with:

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<sup>16</sup> The Coalition Against Ducking Shooting (CADS) was formed in 1986. Since then, WA, NSW and Qld have prohibited duck hunting.



- the process for applying for a game hunting licence. This includes eligibility for a licence, namely completion of tests, the payment of the prescribed fee, and processes for changing licences
- defining the open and close season times (although the Act provides flexibility to alter these dates for a short period, namely by a Ministerial Notice under section 86 of the Act)
- setting limits on how much game a hunter may take (bag limits)
- limiting the types of hunting methods that may be used, including equipment
- regulating the use of dogs and hounds
- limiting where certain types of hunting may occur
- defining land areas (i.e. land within 25 metres of the water shoreline) for which persons other than hunters may not enter during duck season.

The essence of the current regulatory approach is that a person cannot recreationally hunt game in Victoria unless they are authorised or licensed by the GMA. Licensed game hunters must comply with a number of rules, which vary for different types of hunting. Game licences currently have the following administrative categories:

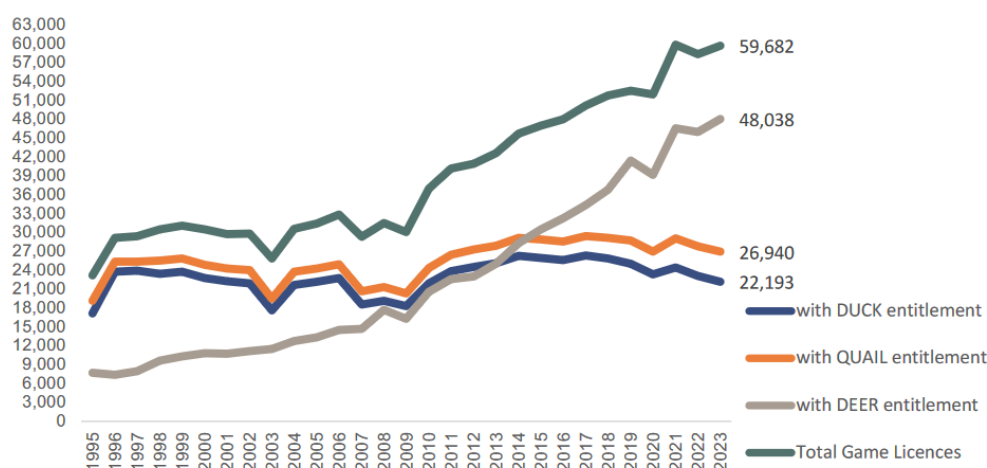
- Game birds, including duck
- Game birds, not including duck
- Deer (stalking), and
- Deer (stalking and hounds).

A person may apply to be licensed in more than one of these categories (e.g. a single licence can permit hunting of deer and game birds). The Minister also has the power to place further limits on the species that may be hunted under each licence.

### 1.3 Current hunting activities

As at 30 June 2023, there were 59,682 licensed game hunters in Victoria, an increase of about 18,000 in the past 10 years (largely attributable to increases in deer hunting).

**Figure 1: Licensed game hunters, 1995 to 2023 (as at 30 June annually)<sup>17</sup>**



Source: Game Management Authority

<sup>17</sup> Game Management Authority, Game Licence Statistics Summary Report 2023, p. 3:  
[https://www.gma.vic.gov.au/\\_\\_\\_data/assets/pdf\\_file/0009/974619/Game-Licence-Statistics-Summary-Report-2022-23.pdf](https://www.gma.vic.gov.au/___data/assets/pdf_file/0009/974619/Game-Licence-Statistics-Summary-Report-2022-23.pdf)

In Victoria, eight species of native duck, one species of native quail, six species of introduced deer and introduced pheasants, partridges and quail are declared as ‘game’ under the *Wildlife Act 1975* and may be hunted during the respective open seasons. Many game licence holders also hunt pest animals; however, pest animals are not declared to be game, and their hunting is managed outside the Regulations.

**Table 6: Game licence numbers, 2023**<sup>18</sup>

Licence category	Licensed hunters
Deer (Stalking)	29,953
Game birds including Duck	10,442
Deer (Stalking) & Game Birds including Duck	9,503
Deer (Stalking) & Game Birds not including Duck	3,516
Deer (Stalking & Hounds)	2,734
Deer (Stalking & Hounds) & Game Birds including Duck	2,060
Game birds not including Duck	1,059
Deer (Stalking & Hounds) & Game Birds not including Duck	173
Game Birds including Duck (provisional licence)	143
Deer (Stalking & Hounds) (provisional licence)	54
Deer (Stalking & Hounds) & Game Birds including Duck (provisional licence)	45
<b>Total number of licensed game hunters</b>	<b>59,682</b>

From 2013 to 2023 deer hunting has grown strongly, with annual deer harvests increasing from around 40,000 to more than 120,000 per annum. Over this period, duck and quail hunting has remained relatively stable when taking regulatory and climatic conditions into account (although seasonal conditions show marked fluctuations of annual game bird harvests).<sup>19</sup>

Changes to the length of open seasons, variability in the abundance of game species, and changing preferences and demographics of game hunters may affect the amount of hunting by each hunter. A higher number of hunters may also lead to overcrowding in some game reserves and other areas, which affects the amount of and quality of hunting. The *Economic Contribution of Recreation Hunting in Victoria* notes that despite an increase in hunters, the overall economic contribution decreased between 2013 and 2020, due in part to fewer hunting days by the ‘average’ game hunter. Each season from 2015 to 2024 (inclusive) has included restrictions on the length of duck season, bag limits, or species of ducks that may be hunted.<sup>20</sup> The quail season was also restricted in 2023.

### 1.3.1 Government policy

The Victorian Government published the second iteration of its *Sustainable Hunting Action Plan* in November 2021. The Action Plan’s vision is that Victorians will gain from growing the economic, environmental and social benefits of responsible, sustainable and safe hunting.<sup>21</sup> The plan continues to have sustainability at its core, ensuring hunting opportunities for future generations, and has a

<sup>18</sup> Game Management Authority, Game Licence Statistics Summary Report 2023, p. 4

<sup>19</sup> Moloney Paul D., Gormley Andrew M., Toop Simon D., Flesch Jason S., Forsyth David M., Ramsey David S. L., Hampton Jordan O. (2022) Bayesian modelling reveals differences in long-term trends in the harvest of native and introduced species by recreational hunters in Australia. *Wildlife Research* 49, 673-685: <https://doi.org/10.1071/WR21138>

<sup>20</sup> There were restricted (either reduced season length, bag limit or species) duck seasons in 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024. Since 2016 hunting of Blue Winged Shovelers has not been permitted. The 2020 and 2021 seasons were restricted owing, in part, to the Covid-19 pandemic.

<sup>21</sup> State of Victoria, *Sustainable Hunting Action Plan 2021-2024*, November 2021, Melbourne Victoria, p., 2

stronger focus on collaboration and building partnerships to maximise the economic, environmental and social benefits of hunting in Victoria.

The Action Plan commits the Government to deliver:

- safe, responsible and sustainable game management based on the best available science and evidence
- healthy and productive habitats
- a growing hunting industry contributing to thriving regional communities
- more people enjoying Victoria's natural environment.

The plan sets a framework to provide hunters with better access to information, education and training programs to promote safe, responsible and sustainable hunting. This work will be delivered through a partnership approach with government departments and agencies working together with Traditional Owners, hunting communities and key stakeholders to ensure each action gets delivered during the life of the plan.

In addition, it is government policy to recognise the connection that Traditional Owners have with land. Currently regulation 6 provides that the Game Regulations do not apply to Traditional Owner Group members acting under a Traditional Owner agreement except in relation to some specific offences. The proposed Regulations will also clarify that Traditional Owner group members acting under a Traditional Owner agreement will be exempt from a number of requirements of the Regulations if they are undertaking an Aboriginal tradition.

### 1.3.2 Game Management Authority

An important change to the management of game hunting in Victoria since the Regulations were last remade has been the establishment of the GMA in 2014.

The GMA is an independent statutory authority responsible for the regulation of game hunting in Victoria and was established under the *Game Management Authority Act 2014* to facilitate the effective regulation of Victoria's game resources and game hunting across the State. The GMA is responsible for:

- issuing Game Licences, authorities and permits
- managing open and closed seasons for game species
- educating and informing hunters on how to hunt legally in Victoria
- enforcing game hunting laws and acting against those who do not hunt legally.

It seeks to achieve responsible and sustainable game hunting in Victoria through licensing, education, research, and enforcement. In addition to the GMA, a number of other government departments and agencies assist in regulating game hunting and where it can occur in Victoria. These roles and responsibilities are described in Appendix C.

## 1.4 Key elements of the current Regulations

### Licence requirements

The Act allows for the setting of wildlife species identification tests as a licence requirement. Such a test aims to ensure that game hunters have sufficient knowledge to comply with the licence conditions (e.g. where there are different limits on different game species) and to minimise the risks to non-game species.

The Act also allows regulations to set out circumstances where a person is ‘not qualified’ to hold a licence. This allows testing to be set on subjects (beyond species identification) such as firearms safety, knowledge of the Act and regulations, hunter etiquette and reducing environmental impacts.

Currently, the Regulations require applicants to pass tests in two situations:

- Ducking hunting—the Waterfowl Identification Test (WIT), which includes the identification of taxa of waterfowl and other waterbirds. This test has resulted in a decline in the number of illegally shot protected bird species since 1990 when the test was introduced, demonstrating that mandatory testing can be effective.<sup>22</sup>
- Sambar Deer hunting with the use of hounds—the Sambar Deer Hunting with Hounds Test (also known as the Hound Hunting Test (HHT)), which includes understanding the law relating to hunting deer with hounds, principles for the use of firearms for hunting deer, and safe and ethical hunting.

Licence applicants that are not Australian residents are not required to complete a relevant knowledge test; however, they may only hunt under the direct supervision of a licensed hunter who has passed the relevant tests. Experience suggests that such hunters are experienced in their home jurisdictions and risks to non-game species or unsafe behaviour are extremely low. Such exemptions are on a very small scale (usually around 10 per annum). Similarly, junior hunters aged between 12 and 17 years of age may obtain a once-off provisional Game Licence which entitles them to hunt duck or Sambar Deer with hounds without having to do the relevant tests for the calendar year or part thereof. Again, this occurs on a small scale and under supervision, with around 200 such licences are issued annually. After that calendar year, if those junior hunters wish to continue to hunt duck or Sambar Deer with hounds, they must successfully complete the relevant test(s) before being able to obtain a game licence.

Knowledge and identification tests are only required to be completed prior to application for an initial licence. Once passed, the test does not need to be re-taken when licences are renewed.

Of all new licences issued each year, around nine per cent complete the Waterfowl Identification Test, and around seven per cent complete the Hound Hunting Test.<sup>23</sup> These tests are delivered by the GMA and must be completed by the applicant in person at specific locations around Victoria. They are held on specified dates in the lead up to the relevant hunting season.

Most game licence applications and renewals are lodged online through the portal My Game Licence (MyGL). Alternatively, an applicant may call the DEECA Customer Contact Centre and have an application form posted out. The MyGL portal was launched in early-2021 and now it is estimated that 99.9 per cent of applications are lodged online. Renewal notices are sent out automatically. There is a single application for all game licences, with the applicant able to indicate on the application which types of hunting (species and methods) for which they wish to be licensed.

#### Specifying species that may be hunted

Typically, game species are common and occur in relatively large numbers, have a high replacement potential, mature quickly, and can breed at an early age, are fast escapers, wary in nature and have good table (food) qualities. These characteristics make game species challenging to hunt, but also means that they are resilient to harvesting and able to adapt to extreme and unpredictable environmental conditions.

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<sup>22</sup> From the late 1980s to mid-1990s, the number of non-game birds collected by departmental officers and animal welfare groups ranged from around 300 to almost 1000 annually. Since 1997 (with the exception of three years, 2013, 2014, 2017) numbers have ranged from zero to 100 birds, with an average of less than 40 birds per annum.

<sup>23</sup> Testing and licence data for 2019/2020.

The current Regulations list game species for the purposes of close and open season and set bag limits. These are set out at Appendix D to this RIS.

### Hunting areas

There are many land classifications throughout Victoria and, depending on the type, hunting may or may not be permitted. Whether hunting is permitted in a certain land category is determined by DEECA based on assessments or, in the case of legislation (e.g. National Parks Act), the Victorian Parliament. Generally, hunting is restricted to land where environmental impacts are minimised and where it is safe and sustainable to do so. The table below summarises the general position.

**Table 7: Game hunting locations**

Land classification	Hunting activity
State forests, forest parks (Cobboboonee and Otway), leased and licensed Crown land, and other unoccupied Crown land	Game species may be hunted only during the open season. Only deer hunting is permitted in the Thomson River Forest Reserve.
State Game Reserves	Game species may be hunted only during the open season. All are available for duck hunting, sixteen are available for Stubble Quail hunting, one for Sambar Deer hunting and six for Hog Deer hunting.
National parks, state parks, coastal parks, wilderness parks and regional parks	Hunting of any type is not permitted at any time †.
Sanctuaries ‡, Melbourne water catchment areas, Flora and fauna reserves and nature conservation reserves, Alpine resorts	Hunting of any type is not permitted at any time.
Private land	Game species may be hunted only during the open season and only with the permission of the landowner/manager.

† Some exceptions. ‡ Pest animals may be hunted.

The hunting of Sambar Deer with scent-trailing hounds is only permitted in Eastern Victoria, Marysville and surrounds, Jamieson and surrounds, and Merrijig and surrounds. Deer hunting by stalking is still permitted in the Marysville and Kevington-Jamieson areas. All forms of deer hunting are prohibited around Warburton and surrounds, Rubicon and surrounds, Halls Gap and surrounds, the Warburton township, and in the Mount Timbertop area.

Game cannot be hunted at night-time; that is, between 30 minutes after sunset to 30 minutes before sunrise. Hunting at night-time poses significant safety risks to people, infrastructure and other wildlife through misidentification or the inability to see what is beyond the target. Animals are also more vulnerable at this time, so it is not considered consistent with 'fair chase' principle associated with ethical hunting. Spotlights (including night-viewing and thermal imaging devices) cannot be used to hunt any game species. There are specific carriage/storage requirements for the possession of spotlights, firearms and ammunition in recognised deer habitats.<sup>24</sup>

### Seasons

<sup>24</sup> There is also a proposal to provide a general exemption for people acting under either an authorisation under sections, 28A, 28G or 28H of the Wildlife Act, or acting in accordance with a section 7A Order or a person who is an employee, contractor or agent of the Secretary or the Game Management Authority and who has a written authorisation from the Secretary or GMA. The proposed exemption primarily relates deer management.

An open season is the period in which game hunting may occur, while a closed season means that no game hunting is permitted. Typically, closed seasons are designed to protect a species when it is most vulnerable (e.g. moulting in birds, food shortages, weather extremes) or, in the case of native game birds, to protect them during their reproductive period, which includes pair bonding, nesting, incubation and chick rearing, and until young birds are strong in flight and capable of escape.

The duck open season in Victoria is timed to occur when the population is at its maximum and to avoid periods of vulnerability. The closed season is timed to prevent hunting during times of peak reproductive activity, impaired flying ability during moulting and temperature extremes, low population levels and food shortage. The same principles apply to the timing of the open season for Stubble Quail.

The deer season is from 1 April to 30 November for Sambar Deer hunting with hounds (except over the Easter break), and only during April for Hog Deer. There is an open season on other game deer species all year round (including Sambar Deer if stalked).

The regulations set default dates for open and close game hunting seasons, however, under sections 86 and 86A of the Act the Minister may issue a notice to change the dates of open and close seasons. This has occurred in recent years for duck and quail hunting.

### Bag limits

A bag limit is a restriction imposed on hunters by regulation which restricts the number of animals that may be taken in a period within a specific species or group of species. Bag limits may apply to the daily maximum harvest allowable (e.g. game birds) or for the duration of a season (e.g. Hog Deer) and only apply during open season. Bag limits serve to keep the target species at healthy, sustainable levels, and share the total harvest among the entire hunting population as more experienced hunters or those with access to productive hunting locations or greater availability to hunt generally take the greater proportion of the annual harvest.

The daily bag limit set in the current Regulations for game ducks is 10 birds per day and for stubble quail 20 birds per day. However, under some circumstances, there may be a need to restrict the bag limit to ensure that harvest levels do not result in excessive harvesting. In these circumstances, the Ministers<sup>25</sup> may reduce the bag limit under section 86 of the Wildlife Act, but those arrangements will only apply for the period specified in the legal instrument (not exceeding 12 months) and will then revert to the limit prescribed in the regulations. In practice, each year the Minister receives advice from the GMA and respective policy departments regarding the sustainability of native game bird species and may reduce the length of the season and bag limits from the prescribed limits accordingly. Section 86 could also be used to vary deer hunting arrangements; however, this happens rarely.

The game duck bag limit may be reduced when wetland availability has been significantly reduced during dry periods, lowering bird numbers and restricted breeding. In these circumstances, the bag limit is reduced to protect duck populations from over-harvesting. In recent years, the bag limit has been set at a level lower than that prescribed in the regulations. For example, the bag limit in 2024 was set at six ducks per day. The Blue Winged Shoveler and Hardhead could not be hunted during the 2024 season due to their threatened status. It should be noted that the threatened listing of the Hardhead was removed in June 2024, and it is no longer listed under the *Flora and Fauna Guarantee Act 1988*.

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<sup>25</sup> The Act is jointly administered by the Minister for Environment and Minister for Outdoor Recreation.

As part of its response to the Select Committee's report, the Victorian Government has committed to implementing Adaptive Harvest Management (AHM) to guide annual game duck seasons starting from 2025.

There are no bag limits set for pheasants, partridges, or European, Japanese and California quail, which reflects their status as an introduced species. There are no populations of these species established in the wild and they are only available for hunting on licensed game bird farms.

There are no bag limits set for deer (other than Hog Deer) owing to their status as an introduced species and lack of native predators or limiting disease. There is a bag limit for Hog Deer of a maximum of one male and one female during an open season. This reflects the small population of Hog deer (representing around 0.12 per cent of the deer harvest) and their conservation value due to its threatened status in its native range.

### Hunting methods

A management tool used to regulate and control harvests is to place restrictions on the methods used for hunting. Prescribed hunting methods are also used to define the minimum standards of equipment considered necessary for the efficient, ethical and humane taking of game. Further, restrictions on hunting methods can also be used to ensure public safety in areas where hunting is permitted, particularly on areas of high-use Crown land where the use of firearms, bows or crossbows could be problematic.

Deer hunters must also follow approved hunting methods and equipment (e.g. no hunting with spotlights) and hunting times (e.g. no night hunting). The Act also prohibits the use of certain hunting equipment that could lead to excessive harvest (e.g. punt guns, traps) or methods considered to be inhumane or unethical (e.g. snares, poisons, bird-lime). The current Regulations prescribe the minimum acceptable specifications for the use of firearms for game birds (e.g. shotguns with a maximum bore of 12 gauge). These specifications ensure effective destruction and use of appropriate shot type to prevent lead poisoning to wildlife that ingest spent shot and scavengers that could eat the carcasses of poisoned game birds or those carrying embedded pellets.

The current Regulations also prescribe specifications of firearms and bows for hunting species of deer. For example, for firearms minimum calibres and minimum projectile (bullet) weights are prescribed, while for bows and crossbows minimum draw weights and broad-head weights (broadheads are the arrow points used specifically for hunting unlike target arrow points) are also prescribed. These vary according to the deer species. Prescribing these specifications helps ensure that harvesting is effective and humane. While not prescribed by the current Regulations, under the National Firearms Agreement, automatic or pump-action shotguns have not been available for game hunting for almost three decades.

A person must not hunt, take or destroy game using any bait, lure, decoy or live animal to attract game. A decoy made or constructed to resemble or represent a waterbird or any call resembling the call of game (deer, duck or quail) is currently the only exception.

Hunting from vehicles, aircraft or boats (travelling more than 5 knots on waterways) poses safety risks and is considered unethical and consequently is prohibited.

Game animals are vulnerable when they are fleeing from fire or smoke and must not be hunted.

### Use of dogs and hounds

Certain dog breeds can be used to hunt game birds and deer in Victoria. These categories of dogs are gundogs, deer hunting dogs and hounds:

- gundogs can be used for hunting game birds and deer (excluding Hog Deer)
- deer hunting dogs can be used to hunt deer only (excluding Hog Deer)
- hounds can only be used to hunt Sambar Deer in season.

Any dogs that are used for game hunting must instinctively hunt, be non-aggressive, obedient, and able to be trained to obey commands from the hunter to only hunt certain types of game animals and to ignore distractions in the field. Such characteristics are found in certain dog breeds, many of which have been selectively bred over centuries for these traits.

Hunters may use a dog to help them locate, flush, point, or trail deer. Dogs can be of particular value when locating downed animals that could be lost, thereby reducing wounding. Dogs must not chase other animals and/or attack the deer being hunted or other wildlife in the hunting area. Dogs can be used only on land classifications that permit people to be in possession of dogs (e.g. dogs cannot be taken into National Parks).

All deer species – other than Hog Deer – can be hunted with the aid of prescribed breeds of gundogs or deer hunting dogs. Deer hunters cannot hunt with more than two gundogs or deer hunting dogs, individually or with a team of hunters. In order to be effective, gundogs and deer hunting dogs must work close to the hunter and be under control, otherwise they will disturb deer and cause them to flee well out of hunting range.

A traditional method of hunting Sambar Deer is with the aid of hounds. Three hound breeds are permitted for use: beagles, harriers and bloodhounds. Hunting Sambar Deer with hounds can be an effective way to hunt Sambar Deer in environments that are difficult for stalking. Approximately 12 per cent of those hunters licensed to hunt deer do so with the aid of hounds.<sup>26</sup> There were 4,164 registered hounds as at 30 June 2023, and the current laws allow the GMA to cancel or suspend a hound's registration.

However, the use of hounds can create a number of social, environmental and safety issues if left unregulated. The reason for registration of hounds is to ensure that hounds are only used for scent trailing and flushing out of deer. Hounds must not be used to attack or kill deer or be otherwise aggressive. This is to ensure that deer are hunted humanely, and that hunting is safe for other hunters and public land users. Consequently, there are laws that restrict where and when hunting with hounds can occur and the number of hunters and hounds that can be used at any one time.

The restriction of five hounds per hunt was introduced in 2001 and has improved the ability of hunters to control the movements of the hounds once a hunt has commenced. A limit of five hounds per pack allows it to function effectively and reduces the potential for hounds to become lost or enter prohibited areas.

However, it is recognised that the social and behavioural characteristics of a hound pack significantly impacts on how the pack functions and whether a hunt is successful or not. As a result, the training of pups (i.e. under the age of 12 months) is permitted as long as no more than three pups are used for the purpose of training.

A person who uses a registered hound for hunting Sambar Deer must ensure that the hound is wearing a collar to which is securely attached a permanent tag or label on which is legibly printed the full name of the hound owner and the hound registration number (issued by the GMA).

Registration of hounds allows an Authorised Officer in the field to easily check that it has been assessed as being consistent with the breed standards for the three permitted breeds and the prescribed height requirements. Registered hounds are required to wear collars with tags that permanently state the hound's owner and registration number, and Officers may also scan the microchip identification for confirmation. Some hunters also attach GPS devices to their hounds and while this is not prescribed, it is strongly encouraged as it helps to recover dogs and prevent them from becoming lost.

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<sup>26</sup> GMA, 2023, *Game Licence Statistics - Summary report 2023*, p.15



## 2 The nature and extent of the ‘regulatory problem’ – regulating game hunting activities

### 2.1 Allowing the regulations to expire

The RIS process involves an assessment of regulatory proposals to examine whether the ‘regulatory problems’ still exists, and whether statutory rules should be remade in their current form, whether they should be remade with amendments, whether other regulatory tools are more suitable, or whether they are not remade at all.

The current Regulations prescribe open seasons for game hunting, so in the absence of these regulations no game hunting would occur in Victoria (this represents the position of the ‘base case’). Therefore, at the highest level, the problem is that ‘without the regulations declaring open seasons, game hunting could not occur’.

While environmental, safety, and animal welfare risks would be lower under this scenario, as would government regulatory costs, it remains government policy ‘to grow the economic, environmental and social benefits of responsible, sustainable and safe hunting’<sup>27</sup>. Under the base case scenario of no game hunting in Victoria, the economy would forgo annually \$356 million in economic activity in gross terms (or \$19 million to \$57 million in net terms), supporting 3,100 jobs.<sup>28</sup> The Government would also be required to spend more on its deer control program.

Allowing the current Regulations to expire without remaking them is not consistent with current government policy therefore allowing the regulations to expire is not considered a feasible alternative to making regulations.

### 2.2 Managing risks of game hunting

While regulations are necessary to meet the government’s game hunting policy objectives, hunting has risks that need to be controlled. Without adequate controls, game hunting poses a number of risks:

- excessive game hunting can jeopardise the future sustainability of species
- poor game hunting practices can have a negative impact on the environment —flora and other fauna—in the areas where hunting occurs
- irresponsible game hunting can lead to unnecessary pain and trauma for animals
- game hunting is potentially dangerous, to both hunters and other people who may be in or near a hunting area. Rules are needed to ensure that hunting is carried out safely to avoid injury to people
- uncoordinated game hunting can reduce the benefits of hunting by leading to congestion or otherwise diminish the experience with other public land uses or lead to what is perceived as an unfair sharing of hunting opportunities.

#### 2.2.1 Game hunting – risk management matrix

Therefore, regulations are needed to control who can hunt; what can be hunted; how much can be hunted; the method used to hunt; where hunting can occur; and when hunting can occur. The matrix below illustrates the ‘regulatory problem’ and how it is managed.

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<sup>27</sup> *Sustainable Hunting Action Plan 2021–2024*, p. 2

<sup>28</sup> *Economic Contribution of Recreation Hunting in Victoria*, report by RM Consulting Group, June 2020: [https://djsir.vic.gov.au/\\_\\_data/assets/pdf\\_file/0008/1948706/v.4Economic-contribution-of-recreational-hunting-in-Victoria-accessible.pdf](https://djsir.vic.gov.au/__data/assets/pdf_file/0008/1948706/v.4Economic-contribution-of-recreational-hunting-in-Victoria-accessible.pdf)

**Table 8: Game hunting risk management matrix**

Objectives	Regulatory problem	1. Who	2. What	3. How much	4. Method	5. Where	6. When
Environmental impacts	Sustainable harvest of game species		✓	✓	✓		✓
	Minimising any negative impacts of hunting on non-game wildlife	✓	✓			✓	✓
	Conservation of wildlife habitats, avoiding hunting during species' periods of vulnerability, and reducing environmental impacts				✓		✓
Safety	Safety	✓			✓	✓	
Animal welfare	Maximise the welfare of animals that are hunted and used in game hunting	✓			✓		✓

In addition to game hunting specific objectives, the Victorian Government has objectives to reduce regulatory burdens on business and the community, and to recover costs for regulatory services provided to individuals where the benefit of those services is considered a private benefit.

The Government's cost recovery policy is outlined in its *Pricing for Value* guide. The pricing principles include consideration of aiming to recover the full costs of service provision to promote efficient consumption (Principle 1), and the cost of service provision should be borne by those who benefit from the service (Principle 2).<sup>29</sup> Cost recovery and fees are considered separately in Chapter 6.

The objectives listed in the risk matrix are briefly discussed below.

### Environmental impacts

Game hunting should only include game species that can be sustainably harvested. Over the decades the species listed as game species has been reduced significantly. Bag limits have also been periodically adjusted, generally reduced over the years to ensure sustainability.

Hunters may impose impacts on the environment by the very act of hunting. These impacts need to be managed and minimised. For example, lead is commonly used for shot or bullet projectiles, and most shotgun cartridges contain a plastic, non-biodegradable case and wad. Lead is a known toxic substance which poses health risks to human and non-target wildlife that may consume it. Plastic aside from its contribution to litter, may have a contribution to long term issues with plastic in the environment.

<sup>29</sup> Department of Treasury and Finance, Pricing for value: A guide for government services - Pricing principles: <https://www.dtf.vic.gov.au/sites/default/files/document/Pricing%20for%20Value%20Guide%20-%20Pricing%20Principles.pdf>

Game species are vulnerable at certain times of the year (e.g. during breeding and moulting season). If the timing of hunting seasons is not properly set, then species may be over-hunted thus threatening sustainability.

### Animal welfare

There should be controls on hunting methods and equipment. If appropriate equipment is not used then the dispatch (i.e. killing) of game will not be as quick and humane as possible, leading to unnecessary pain and prolonged distress to the animal. Unrestricted use of dogs could lead to packs attacking or maiming game. Wounded game should be dispatched as quickly as possible.

### Safety

There are inherent risks associated with activities using firearms, bows and crossbows. Uncoordinated game hunting can present public safety issues, conflict with other public land uses, and reduce the benefits of hunting by leading to congestion or otherwise diminish the experience.

## 2.3 Residual regulatory issues

The department, in consultation with the GMA, other government agencies and engagement with stakeholders, has reviewed the operation of the Wildlife (Game) Regulations. The department believes that the current Regulations are largely still fit for purpose and necessary to deal with the regulatory problems discussed above; however, the department has identified a number of areas for potential change. These include:

- phasing out ammunition that is toxic
- improving safety and good order among hunters
- improving animal welfare
- updating the regulations to take technological developments into account
- opportunities to reduce red-tape and regulatory burdens

The residual problems are discussed below.

## 2.4 Environmental impacts

### 2.4.1 Lead ammunition

Lead ammunition (shot and bullets/projectiles) is a source of lead in the environment. Lead is a known toxic environmental contaminant and when lead from ammunition is ingested by wildlife, it can cause poisoning. Lead poisoning is estimated to kill millions of birds (including waterfowl, terrestrial birds and predators/scavengers) worldwide each year and there is increasing evidence of it affecting predatory and scavenging mammals that feed on the carcasses or remains of animals left by hunters or wounded animals that are not recovered.<sup>30</sup>

Lead ammunition also poses a threat to human health when ingested and can cause negative effects on nearly all physiological systems, especially the nervous system, but also renal, cardiovascular, reproductive, immune and haematologic systems. Pregnant women and children are at most risk. The World Health Organisation has established that there is no safe threshold level of human lead exposure. As lead is considered a non-threshold toxicant, which means there is no safe level of lead

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<sup>30</sup> Woodford, L. P., Forsyth, D. M., Hampton, J.O., 2020, 'Scavenging birds at risk of ingesting fragments of lead bullets from kangaroo and deer carcasses in south-eastern Australia', *Australian Field Ornithology*, 37, pp. 112-116

intake for humans<sup>31</sup>, the consumption of contaminated game meat poses risks to human health. People who regularly consume meat shot with lead-based bullets have elevated blood lead levels compared with control subjects and this relationship has been demonstrated through many studies.

The hunting world is moving away from the use of lead due to its toxic effects on wildlife and the environment and its potential impact on human health. It is at odds with the ethos of hunting which promotes sustainable use of wildlife and ensuring healthy, functioning ecosystems for good game production. In the UK, a collective of hunting-related organisations (consisting of the British Association for Shooting and Conservation, the Countryside Alliance, British Game Alliance, Country Land and Business Association, Game & Wildlife Conservation Trust, National Gamekeepers' Organisation, Moorland Association, Scottish Land & Estates and Scottish Association for Country Sports) has recently publicly called for a five-year phased transition away from the use of lead shot in shotgun shooting for all live quarry.

The use of lead shot was banned from hunting game ducks in Victoria more than two decades ago (in 2002) due to its negative impacts on the environment; however, lead shot is still allowed to be used for hunting Stubble Quail and non-indigenous gamebirds. Lead shot has been banned for hunting in many countries and jurisdictions throughout the world and many where it is not banned have committed to phasing out its use over time (e.g. use of lead gunshot in wetlands will be banned in all European Union (EU) Member States under REACH, the EU's framework regulation for chemicals). Bans on lead shot in most jurisdictions apply to waterfowl hunting over wetland environments. However, bans on the use of lead shot for other game birds, including ground-dwelling birds, such as quail, pheasant and partridge, and others, such as doves, have also been instituted in a number of jurisdictions. For example, many state wildlife management and wildlife refuges in the United States prohibit the use of lead shot for doves and upland gamebirds.

Based on the average seasonal harvest, the GMA estimates that an average of around 18,000 kg of lead shot is deposited into the environment in Victoria each year through Stubble Quail hunting alone.<sup>32</sup> Most of this is deposited onto agricultural lands or public state game reserves.

Non-toxic ammunition alternatives are available internationally and the most commonly used (steel shot) is priced comparably with premium lead products and is safe when used in appropriate firearms. Various shot sizes and cartridge gauges are increasingly becoming available.

Lead bullets present the same toxicity risks to predatory and scavenging wildlife and humans as lead shot used for bird hunting. The principal concern with lead bullets is that the lead core can disintegrate upon entering the animal and spread fragments into adjacent organs and tissues. Avian and mammalian predators and scavengers can be poisoned when ingesting lead bullet fragments. Such poisoning has been shown to be a major cause of death in species such as White-tailed Sea Eagles (Germany), California Condor (USA) and a range of other bird (especially raptors) and mammal (e.g. bear) species. In Australia, scavenging birds (e.g. Wedge-tailed Eagles, ravens) and mammals (e.g. the Dingo and threatened Spot-tailed Quoll) may be exposed to poisoning by lead ammunition. In a recent study into lead exposure of mainland Australia's top avian predator, the Wedge-tailed

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<sup>31</sup> Government of South Australia, SA Health, No safe level of lead exposure:

<https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/healthy+living/protecting+your+health/environmental+health/lead+reducing+your+exposure/health+effects+from+lead+exposure>

<sup>32</sup> The long terms average (2009-2023) of the quail harvest in Victoria is 159,294 birds per season. Assuming 4 shots per bird (conservative), using No.9 shot (lead weight 1¼ oz (28 grams), this would result in lead deposits of 17,841 kgs annually. See GMA Estimate of duck and Stubble Quail harvest in Victoria for 2023:

[https://www.gma.vic.gov.au/\\_\\_\\_data/assets/pdf\\_file/0007/988126/Game-Bird-Estimates-2023.pdf](https://www.gma.vic.gov.au/___data/assets/pdf_file/0007/988126/Game-Bird-Estimates-2023.pdf)

eagle, harmful levels of lead were found in these birds underscoring the importance of efforts to address the ongoing contamination of Australian ecosystems with lead from ammunition.<sup>33</sup>

As mentioned earlier, the use of lead shot for duck hunting has been prohibited throughout Victoria for more than 20 years. Lead is a toxic substance that can harm humans, wildlife, and the environment. The most common lead poisoning in birds is considered to be the result of ingestion of spent lead shot used for waterfowl hunting. This includes duck hunting on all wetlands, waterways, and dry lands on public and private land. Ground-dwelling birds and scavenging birds and mammals that eat birds containing lead shot can also be poisoned and suffer fatal and non-fatal effects.

In Europe and a number of jurisdictions in the US, lead shot and lead bullets are being phased out (e.g. Denmark) or have already been banned (e.g. California and certain state public lands, certain areas in Germany). Consistent with this, in 2019 the European Commission's European Chemical Agency recommended the prohibition of lead used in hunting and fishing. Member states are currently working to implement this ban. Also, a number of European hunting and industry bodies have recommended the move away from single-use plastics to recyclable (for cartridge cases) or compostable (for shotgun wads) materials and the market is responding by developing more environmentally friendly and sustainable alternatives.

During initial consultation for this RIS, shooting groups noted that quail feeding habits differ from ducks and lead shot does not pose the same risks. While the level of exposure on dryland may be reduced, ground-dwelling and other birds have been shown to ingest spent lead shot mistaken for grit to aid with digestion and wounded, unrecovered birds shot with lead could be consumed by predators/scavengers, exposing them to lethal or sublethal effects associated with lead ingestion. It also results in large quantities of lead which do not remain in target birds being deposited into the environment unnecessarily when non-toxic substitutes are available.

Shooting groups also highlighted that many older shotguns could not use steel shot<sup>34</sup>, which places higher pressures on the barrel, and that non-toxic shot was unavailable for sub-gauges (e.g. 16-gauge, 20-gauge, 28-gauge, .410) and shotguns in shot sizes required for quail hunting. Non-toxic shot alternatives for quail and native game birds are commonly available overseas in 12-gauge (currently, around 90 per cent of quail hunting is undertaken with 12-gauge shotguns, and approximately 20 per cent of quail hunters currently use steel shot)<sup>35</sup>. However, sub-gauge non-toxic ammunition in shot size 7 and smaller currently have limited availability in Australia and retailers are currently facing supply constraints. That said, non-toxic shot alternatives are increasingly becoming available in international markets, and if mandated for use in Victoria could be imported from these sources.

#### 2.4.2 Electronic acoustic callers

In recent years, electronic acoustic callers<sup>36</sup> have been used more extensively by some quail hunters. These devices are sometimes left in a field for days to attract numerous quail. Hunters are then able to shoot these quail in large numbers. Some electronic acoustic callers also have settings to call ducks. Recent research into the effectiveness of electronic acoustic callers to attract Stubble Quail has

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<sup>33</sup> Jordan O. Hampton, Michael T. Lohr, Aaron J. Specht, Damien Nzabanita, Jasmin Hufschmid, Lee Berger, Kate McGinnis, Jane Melville, Emma Bennett, James M. Pay, 'Lead exposure of mainland Australia's top avian predator, *Environmental Pollution*, Volume 332, 2023

<sup>34</sup> In November 2020 GMA conducted an online Hunter Methods Survey suggesting that around 20 per cent of quail hunters used Damascus steel or twisted-barrelled shotguns.

<sup>35</sup> GMA hunting methods survey 2020

<sup>36</sup> In the proposed Regulations they are referred to as an 'electronic acoustic lure'

shown that they are highly effective, with one study finding that electronic acoustic callers were highly efficacious in attracting Stubble Quail in Victoria.<sup>37</sup>

The ability to attract and concentrate Stubble Quail increases the likelihood of being harvested and the number of days hunted by those using them, as successful hunters tend to hunt more frequently. This has the potential to greatly increase the seasonal harvest. Bird callers are prohibited for use in many parts of the world because of unsustainable harvesting in addition to the ‘fair chase’ issues it raises.<sup>38</sup> Accordingly, electronic acoustic callers have been banned for the 2022, 2023, and 2024 Stubble Quail seasons on advice from the GMA, who also recommended that consideration be given to permanently banning them for all indigenous gamebirds.

## 2.5 Animal welfare

### 2.5.1 Reasonable efforts to kill struck deer

Regulation 53 currently provides that a game bird hunter must make all reasonable efforts to recover a downed bird immediately after it is struck. This is intended to improve the animal welfare outcomes. There is no similar requirement for deer.

### 2.5.2 Game species

The Australian and state governments have signed up to an intergovernmental agreement to deliver a Common Assessment Method (CAM) for assessing the conservation status and risk of extinction of threatened species. Species that are assessed under the CAM as being Extinct, Extinct in the Wild, Critically Endangered, Endangered, Vulnerable or Conservation Dependant at the state level, and any Victorian species listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* will become listed under the Victorian *Flora and Fauna Guarantee Act 1988* (FFG Act) as threatened species. The assessments will see some species removed from the current FFG Act Threatened List.

A CAM review has recently concluded that the Blue Winged Shoveler (*Anas rhynchos*), should be listed as a threatened species. This occurred on 15 July 2021.

It would not be appropriate to allow the broad-scale harvest of threatened species as this could put their conservation status at risk. Blue Winged Shovelers have not been hunted in Victoria since 2017 (by setting a bag limit of zero) in response to concerns over the species status and inability to recover when habitat conditions are not good, but Blue Winged Shovelers remain listed in the regulations as a game bird. The species has not been hunted in South Australia since 2003 and was prohibited from hunting in NSW in the early-1990s.

Removing species from the list of game birds to ensure population sustainability is not new: previously, emus, black swans, and wallabies were once considered as ‘native game’.

### 2.5.3 Hunter knowledge

The GMA, together with a number of other government agencies and hunting organisations, provides a range of education materials to recreational hunters to maximise their understanding of the law and good hunting practice in order to achieve safe and sustainable hunting and maximise animal welfare outcomes. This includes information on responsible and sustainable game hunting through its website and several key publications, including the Game Hunting in Victoria Manual and How to be a Better

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<sup>37</sup> Ray, M., November 2021, Efficacy of quail callers in attracting Stubble Quail (*Coturnix pectoralis*) in Western Victoria, School of Life and Environmental Science, Deakin University. The electronic quail caller attracted a mean of 14 quail compared with an average of less than one quail in the control area.

<sup>38</sup> The US Department of the Interior prohibited the use of electronic calls in taking migratory game birds in 1957.

Game Bird Hunter. The GMA also provides online education modules. These modules are currently voluntary and contain self-assessed quizzes.

However, a survey conducted in 2020 by the GMA to assess the level of hunter knowledge found that less than 75 per cent of respondents in most hunting groups answered all questions correctly. The survey results suggest that ‘every hunter group and every demographic cohort would benefit from increasing their knowledge of hunting laws and good hunting practices’.<sup>39</sup> In addition, in a review into GMA compliance, the Pegasus Report<sup>40</sup> recommended that more stringent licensing requirements be put in place to ensure that all hunters have a minimum standard of knowledge of the hunting laws and good hunting practice.

Against this background, many countries around the world also impose some sort of hunting knowledge testing, and some include a proficiency testing element which must be passed prior to being allowed to hunt. In Australia, New South Wales requires hunters to pass an accreditation course in order to obtain the NSW Restricted Game Hunting Licence.

The results of GMA’s hunters’ knowledge survey suggests that the voluntary approach to acquiring hunter knowledge is not providing a sufficiently high level of knowledge of legal requirements and hunting practices.

## 2.6 Safety

### 2.6.1 Season opening times

Early opening times over the opening period of the duck hunting season are considered to be a contributing factor to some poor hunter behaviour, the illegal shooting of protected wildlife, and a failure to recover downed birds. The opening weekend is characterised by large gatherings of hunters at many wetlands throughout the state, hunting at a time when game ducks are generally plentiful and have not been hunted before (for first-year birds) or for nine months for adults. Often, there is intense competition for birds and hunting. This can result in illegal or irresponsible hunting practices. The Government implemented a trial of later start times (i.e. 9.00am on opening Saturday and 8.00am on opening Sunday) following large-scale illegal activities at Koorangie State Game Reserve over the 2017 opening weekend, which saw hundreds of protected wildlife shot and widespread early shooting. Other unethical practices occurred which resulted in regulatory reform (e.g. over a thousand game ducks were left on the water and not recovered by hunters).

Until 2017 the time for the duck opening season varied across the state (i.e. 7.10 am in the eastern zone, 7.20 am in the central zone, and 7.30 am in the western zone). In 2018 the government trialled a commencement time of 9.00 am on Saturday and 8.00 am on Sunday for the opening weekend across the whole state. During the 2019 season, a commencement time of 8.00 am was put in place on the opening weekend, with opening times for the rest of the season permitting duck hunting from half an hour before sunrise to half an hour after sunset.

Since 2021 duck season opening has commenced on a Wednesday. The GMA has reported that a mid-week start to the season has reduced hunter numbers at the season start. These arrangements continued over the 2024 duck hunting season. The changing start times caused some uncertainty for hunters, while the GMA reported that the 8.00 am start time has considerably reduced risks of inappropriate shooting.

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<sup>39</sup> Game Management Authority, December 2020, Summary report of hunters’ knowledge survey findings, p. 31: [https://www.gma.vic.gov.au/\\_\\_data/assets/pdf\\_file/0007/614194/GMA-Hunters-Knowledge-Survey-Report.pdf](https://www.gma.vic.gov.au/__data/assets/pdf_file/0007/614194/GMA-Hunters-Knowledge-Survey-Report.pdf)

<sup>40</sup> Report Assessment of the GMA’s compliance and enforcement function, prepared by Pegasus Economics, September 2017, available at <https://www.gma.vic.gov.au/about-us/gma-policies-and-procedures/pegasus-report-progress-reporting>

## 2.6.2 Extension of recognised deer habitat

Under the current Regulations, game, including deer, cannot be hunted at night (defined as 30 minutes after sunset to 30 minutes before sunrise) or with the aid of spotlights, which includes thermal imaging equipment.

The illegal spotlighting of deer often involves people illegally shooting at night from vehicles on roads, sometimes in built-up areas, such as towns or near houses. This is extremely dangerous and causes distress and anxiety to landowners, primary producers, and residents. Illegal spotlighting is the most often reported complaint to the GMA of suspected illegal activity.

The transport of firearms, spotlights and ammunition is currently regulated in areas prescribed as 'recognised deer habitat.' Within recognised deer habitat, the transport of these items in vehicles and on foot is only allowed if they are stored in such a manner that they cannot be readily accessed and used. These laws were introduced to prevent illegal spotlighting of deer and have been proven to be an effective enforcement tool.

There are currently 23 local government areas listed as recognised deer habitat, however the distribution of deer has changed over time as they continue to expand their range and move into previously unoccupied habitats.

## 2.7 Regulatory Burden

### 2.7.1 Administrative requirements for Hog deer

Presently, Hog Deer hunters are required to undertake a range of administrative and compliance-related actions over and above those placed on hunting other deer species. The Hog Deer is relatively scarce compared to other deer, and of the 123,376 deer taken by Game Licence holders in 2022, only 166 were Hog Deer. Currently the bag limit of one male and one female per season are in place, within a short one-month hunting season in April. As a consequence of these limits, a range of additional requirements has been added to monitor compliance—these include tagging the deer, taking deer to a checking station within 24 hours of harvesting, and completing a record of seasonal hunting activity, which must be submitted after the season has ended. These additional tasks add to the regulatory burden on Hog Deer hunters.

There is also an administrative burden placed on the GMA who must check compliance, and a direct financial cost in supplying tags each year, collating and entering return form data, contracting checking station operators and providing equipment (costs which ultimately are passed on to hunters through the setting of licence fees). In an age in which mobile phones have cameras, the current requirements could be satisfied more efficiently by sending information electronically while achieving the same regulatory objectives. This would obviate the need to physical transport the Hog Deer to a checking station. In contrast, other game deer species have all-year-round seasons with no bag limits and there is no legal tagging or reporting requirements.

### 2.7.2 Signing licences

Hunters are currently required to sign their game licence. The department believes this is no longer necessary and creates an administrative burden with little benefit. This is outdated and is not required for similar licences (e.g. Recreational Fishing Licence).

### 2.7.3 Returning licence

The current Regulations require a person who changes address to return their game licence to the GMA. The department believes this is no longer necessary and creates an administrative and minor cost burden to the person and an administrative burden to the GMA. Administrative changes can now be managed electronically.



#### 2.7.4 Approved Gundogs

The current Regulations list approved gundogs for hunting. Currently there are 30 approved gundog breeds and of these six are retriever breeds. As noted earlier, dogs that are used for game hunting must instinctively hunt, be non-aggressive, obedient, and be able to be trained to obey commands from the hunter to only hunt certain types of game animals and to ignore distractions in the field.

The Murray River Retriever has recently (November 2021) been accepted by the Australian National Kennel Council (ANKC) as a Group 3 Gundog. The ANKC assessed the Murray River Retriever as having “a natural ability to find, flush and retrieve game with a soft mouth and track large game ... [and is] ... friendly, self-confident, highly intelligent and inquisitive”. The Wirehaired Slovakian Pointer has also been listed (August 2018) by the ANKC as a gundog breed. Neither the Murray River Retriever nor the Wirehaired Slovakian Pointer are currently allowed to be used by hunters as they are not listed in the current Regulations.

#### 2.7.5 Deer decoys for deer hunting

The current Regulations provide that a person must not hunt, take or destroy game using any bait, lure, decoy or live animal to attract game (other than decoys and callers for waterbirds).

Deer decoys are used elsewhere in the world to attract rutting/territorial males or female deer. They can be effective when used correctly and with other attractants (such as rattling antlers or deer calls) and can bring deer within range and at angles that provide for better shot placement. Allowing the use of deer decoys would be consistent with the existing use of duck decoys for duck hunting. Deer decoys are more likely to be effective on territorial species with well-defined rutting periods, such as Fallow Deer and Red Deer. Deer decoys are permitted for use in New South Wales, widely throughout the US and in some European countries.

The use of deer decoys is likely to improve animal welfare outcomes for deer by reducing the distance of shots, increasing the chances of hunters taking more ethical and lethal shots. It may also increase the recreational harvest of deer.

#### 2.7.6 Hand-held thermal imaging device for hunting deer through the day

Hand-held thermal imaging devices are considered a ‘spotlight’ under the existing regulatory definitions. Therefore, the use of these devices is prohibited for hunting game at any time of the day. Hand-held thermal imaging device may help hunters to identify their target more clearly during daylight hours as they work on detecting emitted heat, not on visible light. The use of thermal imaging devices during the day could help to positively identify game and for retrieving wounded deer. These devices are unlikely to create or exacerbate risks if used during normal hunting hours.

It is still not appropriate for these devices to be used at night to hunt game (which is dangerous and contrary to game hunting laws which prohibit hunting 30 minutes after sunset to 30 minutes before sunrise).

During initial consultation, however, some groups raised concerns that permitting daylight use of hand-held thermal imaging devices might result in a temptation for a small minority to use this equipment at night, while others doubted the efficacy of thermal imaging use during daytime in Australian conditions. Within the daytime hunting period, these devices would work best when conditions are cool, and would be most effective during the early morning or later in the afternoon, and particularly during the cooler months. Generally, consultation suggested that the risks of encouraging the illicit use of hand-held thermal imaging devices at night are considered minimal due to the existing substantial penalties in place for hunting at night and for using this equipment at night.

## 3 Objectives of the regulations

### 3.1 Government policy

The regulation of game hunting has focused on promoting opportunities for game hunting while ensuring game hunting is safe, sustainable, responsible, and minimises adverse animal welfare outcomes. Regulating hunters and hunting activity contributes to sustainable recreational, social, environmental and economic benefits and seeks to eliminate or mitigate negative impacts to an acceptable level.

The Government does not solely rely on the regulations to achieve its objectives. Other initiatives that have been put in place include:

- developing a Traditional Owner Game Hunting Strategy and integrating Traditional Owners' ecological knowledge into current planning processes
- information and education programs, such as the RESPECT: Hunt Responsibly program, government agency websites, tools (e.g., 'More to Explore' mapping phone app) and social media platforms (e.g., Facebook, YouTube) to inform hunters and the public about firearms and game hunting laws and practices, and funding allocated to the Australian Deer Association and the Firearms Safety Foundation (Victoria) to promote responsible hunting practices
- publications to inform hunters of best-practice hunting methods and to ensure responsible hunting, including the second edition of *Game Hunting in Victoria – A manual for responsible and sustainable hunting*, *Be a Better Game Bird Hunter – Shotgunning Education Program Handbook* and *Guidelines for humane dispatch of downed ducks*
- research to establish a baseline of the extent of hunters' knowledge of game hunting laws and good hunting practice
- surveying wetlands across the state to identify any wetlands that require closure, partial closure or further regulation of duck hunting
- monitoring of game harvest levels and the abundance and distribution of game ducks, stubble quail, and Hog Deer.

The Victorian Government has published the *Sustainable Hunting Action Plan 2021-2024* (see section 1.3.1 above). The Action Plan's vision is that Victorians will gain from growing the economic, environmental and social benefits of responsible, sustainable and safe hunting. Earlier this year, in response to the Select Committee inquiry recommendations, the Victorian Government also confirmed that "recreational duck and quail hunting will continue in Victoria with important changes to ensure it remains safe, sustainable and responsible".<sup>41</sup>

### 3.2 Legislative objectives

The *Wildlife Act 1975* is the primary legislation that regulates game hunting in Victoria. The purposes of this Act include:

- to establish procedures in order to promote the protection and conservation of wildlife, the prevention of taxa of wildlife from becoming extinct, and *the sustainable use of and access to wildlife*

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<sup>41</sup> State Government, Media Release Continuing Recreational Duck Hunting in Victoria, 29 January 2024 <https://www.parliament.vic.gov.au/news/environment/birdhuntreport>

- to prohibit and regulate the conduct of persons engaged in activities concerning or related to wildlife.<sup>42</sup>

### 3.3 Regulatory objectives

Given government policy and the legislative purpose, the objectives of the proposed Regulations may be stated as:

Providing for the efficient and effective management of game hunting in Victoria, in ways that:

- reduce environmental harms (including ensuring sustainable populations, biodiversity, and reducing toxicity)
- 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).

In addition, the provision of testing, licensing, and compliance and enforcement activities impose costs on to the government. The objectives of the proposed Regulations with regard to fees are that:

The fees recover the cost of regulatory activities, and in doing so are:

- effective
- efficient
- equitable
- simple to understand.<sup>43</sup>

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<sup>42</sup> Section 1A of the *Wildlife Act 1975*. Emphasis added.

<sup>43</sup> Better Regulation Victoria, October 2021, Guide Note: Fees RISs, p. 6: <https://www.vic.gov.au/impact-assessments>

## 4 Options to address the ‘regulatory problem’

### 4.1 Problem addressed by Regulations

Broadly, game hunting seeks to manage persons who can hunt, what can be hunted, how much can be hunted, the method used to hunt, where hunting can occur, and when hunting can occur. The current Regulations seek to manage these issues. Following a review of the current Regulations, the department identified a range of options to achieve the Government’s objective more effectively. These options were also informed through stakeholder input, including discussions with Traditional Owners, hunting groups and animal welfare groups. The residual regulatory issues identified include: ammunition toxicity; improving safety and good order among hunters; improving animal welfare; updating the regulations to take technological developments into account; and opportunities to reduce red-tape and regulatory burdens. The ‘regulatory problems’ are discussed in Chapter 2.

### 4.2 The base case – no regulations

The ‘base case’ describes the hypothetical regulatory position that would exist if the current Regulations were allowed to expire and were not remade. Since the current Regulations prescribe open season for game hunting, in the absence of these regulations then no game hunting would occur in Victoria. For analytical purposes, it is often useful to consider the base case because it provides a scenario in which incremental costs and benefits can be assessed.

Therefore, at the highest level, the problem is that without the regulations declaring open seasons, game hunting could not occur. Since it remains government policy to ‘grow the economic, environmental and social benefits of responsible, sustainable and safe hunting’, regulations are needed to set open seasons and give effect to the intentions of the Act. Therefore, within the hunting season there is a need to regulate hunting practices and conduct to minimise impacts.

### 4.3 Approaches to regulating game hunting

In order to achieve the regulatory objectives in the most effective and efficient manner, the *Subordinate Legislation Act 1994* require that a RIS examines the costs and benefits of alternative feasible options. Options should also include consideration of non-regulatory alternatives.

Hypothetically, the regulations could be remade with minimal controls. For example, the type of game species could be declared, and game season dates specified. This position was broadly represented under the *Fisheries and Games Statute 1864* and the *Game Act 1890*. This approach is not considered to be realistic or feasible and is clearly inconsistent with community expectations. It would lead to environmental harms, safety and animal welfare issues, and would erode the social licence of game hunting. The costs of this hypothetical scenario are difficult to estimate; however, the environmental harms and safety risks arising from uncontrolled hunting could be substantial. While the minimal regulatory position is not considered appropriate, it nevertheless provides a reference point to consider costs and benefits of regulation.

While the current *Wildlife Act 1975* provides that the ‘Game Management Authority may license a person to hunt, take or destroy game’<sup>44</sup> the Act does not itself prescribe the length of a game season, types of game, bag limits, hunting methods or safety measures. With the minimal regulations required to allow for hunting (i.e. game species declared, game season dates specified) alongside the requirement in the Act to obtain a licence, there would be no controls on where game is hunted, the manner in which it is hunted, and the amount which is hunted.

The minimal regulatory position options are therefore not considered feasible or acceptable.

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<sup>44</sup> Section 22A(1), *Wildlife Act 1975*

### 4.3.1 Reference Case – current Regulations

The current Regulations balance the Government’s objectives of enabling hunting while controlling the associated harms and risks. Therefore, the current Regulations are a more realistic analytical starting point so they will be used as the ‘reference case’ from which incremental costs and benefits will be calculated.

Each regulation was closely examined to see whether it was still necessary, and if so, what options could be considered to improve environmental, sustainability, animal welfare, safety, and social outcomes. Consideration of options was also informed through stakeholder input from both hunting groups and animal welfare organisations.

While remaking the current Regulations would be reasonably effective, since 2013 a better understanding of species sustainability, changes in hunting technology, and increased social expectations concerning environmental and animal welfare present the opportunity to consider redesigning some components of the regulations to ensure that they are contemporary and fit for purpose. Some simple changes to reduce the regulatory burden could also be made.

Therefore, for the purposes of analysis in this RIS options to address the ‘residual problem’ will be considered. These design options seek to examine better ways of achieving the government objectives and will focus on better regulatory design.

## 4.4 Design Options

The design options are presented below in sections that reflect the regulatory objectives of game hunting, namely:

- reducing environment impacts (including species sustainability and reducing environmental toxicity)
- reducing adverse animal welfare outcomes
- improving safety
- strengthening enforcement
- reducing the regulatory burden.

### 4.4.1 Reducing environmental impacts

#### Phasing out toxic shot and projectiles

It is proposed to extend the current ban of toxic shot used for duck hunting to the hunting of all game birds (i.e. stubble quail and non-indigenous game birds). It is also proposed to phase out lead used in projectiles for hunting deer. The proposal to prohibit the use of toxic shot for game bird hunting will take effect from 7 September 2024, ahead of the respective 2025 game bird seasons. The proposal to prohibit lead projectiles for deer hunting will commence from 31 December 2028. Phasing out of lead projectiles for deer hunting will allow deer hunters time to adjust and ammunition retailers order new non-toxic stock of ammunition.

Under this option, firearms that are muzzle-loading, Damascus steel or twist-barrelled shotguns will no longer be exempt from the restrictions on using toxic shot to hunt any game birds. Similarly, there will not be an exemption from the use of toxic shot (i.e. lead) for firearms used to hunt deer.<sup>45</sup>

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<sup>45</sup> Certain authorised persons (e.g., authorised persons involved in controlling deer) and Traditional Owners will also not be exempt from the proposed prohibition of using toxic shot or projectiles.

## Electronic acoustic callers

It is proposed to ban electronic acoustic calls for gamebird hunting. Electronic acoustic callers are electronic devices made or constructed to emit a sound that resembles or represents a sound made by a gamebird or a call resembling a gamebird call.

### 4.4.2 Minimise adverse animal welfare outcomes

#### Require Hunters to make reasonable efforts to kill struck deer

It is proposed that a hunter who strikes a deer must make all reasonable efforts to kill the struck deer if it is alive after being struck. A similar regulation already exists for downed game birds, under which a person who hunts, takes or destroys a game bird must make all reasonable efforts to recover the bird immediately after it is struck.<sup>46</sup> This regulation would not permit a hunter to breach other requirements in the regulations or other legislation, such as entering private land without permission, in the course of making reasonable efforts to kill the struck deer.

#### Game species – Blue Winged shoveler

The game species in the current Regulations were examined to see whether there were species that were vulnerable. The best available scientific evidence suggests that the Blue Winged Shoveler not be hunted. This will be done by not setting an open and close season in the regulations for the Blue Winged Shoveler.

Due to their relative scarcity in Victoria, Blue Winged Shovelers make up only a very small percentage of the game duck harvest annually (2 per cent or less) so there would be negligible impact on hunters if they were not available for hunting. Preventing hunting of Blue Winged Shovelers is unlikely to dissuade hunters from continuing to hunt or not visit any areas where these species may be found.

#### Presentation of hounds

Existing powers of Authorised Officers allow for inspection of hounds in the field or at residences where they can be determined. Currently there is no provision in the Regulations to require a hound to be presented to the GMA for inspection. It is proposed to introduce a new regulation which gives GMA Authorised Officers the power to request that a hound owner present a registered hound for inspection by the GMA at a time and place that is reasonable. The request should allow the hound owner at least 28 days to present the hound. The GMA will have the power to suspend or cancel the registration of a hound if the owner fails to present it without a reasonable excuse. This is intended to provide a means for the GMA to audit registered hounds to ensure that they are compliant with the requirements in the regulations.

### 4.4.3 Improve safety

#### Start times for duck opening

Another important proposal is to move the opening day of the season from the third Saturday in March to the mid-week on the third Wednesday in March each year, and the starting time will be set at 8.00 am for the first five days of the season. This will help spread the season opening over a five-day period and will relieve some of the intensity associated with the traditional opening weekend (i.e. a two-day period).<sup>47</sup>

#### Extension of deer habitats

It is proposed that the West Wimmera Shire and Moyne Shire be prescribed as recognised deer habitat to which the laws for storage and transport of spotlights, firearms and ammunition apply. The

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<sup>46</sup> Regulation 52 Wildlife (Game) Interim Regulations 2023

<sup>47</sup> The later start time also avoids large concentrations of hunters, improves behaviour, minimises competition which may result in bad behaviour, allows for better field identification of birds, allows improved recovery of downed birds and facilitates compliance.

addition of these shires responds to the change in deer distribution and improves the ability of government agencies (including, the GMA, Victoria Police and Parks Victoria) to enforce illegal spotlighting laws. Other areas may be identified through the public consultation process.

#### Hunter knowledge

There are several ways in which a hunter can obtain knowledge. These include receiving advice from experienced hunters, reading hunting books or magazines, joining a hunting club, or reading codes or conduct published by government or hunting bodies. In the past these avenues have been relatively effective. However, over recent decades the hunting environment (including regulations) has become more complicated and there is evidence that many game hunters have not kept up to date.

The results of GMA's Summary report of hunters' knowledge survey findings suggests that the voluntary approach to acquiring hunter knowledge is not providing a sufficiently high level of knowledge of legal requirements and hunting practices. An option is currently being considered to require a knowledge test as part of the application process for a game hunting licence. Refresher training and testing is also being considered. The Select Committee Inquiry also recommended that hunters be required to complete Aboriginal cultural heritage awareness training and testing.

Mandatory game hunting training, education and testing have merit given the results of the GMA hunters knowledge survey. Training packages will take time to develop and will require appropriate consultation, particularly with Traditional Owners. Formal consultation on this process will commence later in 2024, and these proposed Regulations do not contain new requirements. Nevertheless, education and training are considered in this RIS to consider its merits ahead of formal consultation. It is intended that mandatory training, education and testing requirements be phased in starting with the 2025 bird hunting season.

#### 4.4.4 Strengthening enforcement

##### Possession of spotlights

Consideration was given to better enforcing the illegal use of spotlights by making some technical amendments. Currently, regulation 37 provides that a person cannot be in recognised deer habitat at night (30 minutes after sunset to 30 minutes before sunrise) and be in 'possession' of a spotlight and firearm or be in 'possession' of a firearm and in the company of a person with a spotlight or be in possession of a spotlight and in the company of a person in possession of a firearm. There are technical difficulties in defining what 'possession' means in the current Regulations, and changes are required to give effect to the intention of this regulation.

The department has advised that while this proposal is under active consideration, further work needs to be undertaken to ensure that there are no unintended consequences arising from future amendment.

##### Transfer of hounds

The current Regulations contain provisions to register hounds used to hunt sambar deer and include a requirement that the hound must wear a collar with the full name of the hound owner, and the hound registration number of the hound. However, there is currently no requirement to notify the GMA when a hound has been transferred to another person. It is proposed that a hound owner must notify the GMA within 14 days of selling or transferring ownership of the hound. This will ensure that the register is kept up to date.

##### Clarification of 'convictions' in the regulations

Included in these changes is a technical amendment related to licence applications. Currently regulation 7(2) provides that a person applying for a game licence must provide the GMA with certain information including the details of any 'convictions' for offences under the *Wildlife Act 1975* and several other Acts. It is proposed to amend the word 'convictions' to 'findings of guilt'. This is

intended to more accurately reflect the language of section 22A(6) of the *Wildlife Act 1975* which allows the GMA to refuse licences to persons found guilty of offences against the Acts.

#### Penalty levels

In addition, the Select Committee recommended that the government review the level of penalties for offences while undertaking game hunting, particularly the current penalties for damage or destruction of Aboriginal cultural heritage. The Subordinate Legislation Act 1994 Guidelines recommend that penalties contained in regulation be set at a maximum of 20 penalty units. However, the Act provides that penalties may be set in regulations at a higher level. To improve compliance and enforcement, the department intends to review the penalty levels set in the regulations to assess whether they are appropriate.

Any such changes to penalty levels will be included in the next tranche of reforms to the regulations and are not considered further in this RIS.

#### 4.4.5 Reducing regulatory burden

Every effort was made to reduce regulatory costs, while achieving the Government's overall game hunting objectives. These design options will relieve hunters from some regulatory costs without a risk of compromising the government's objectives.

##### Licence requirements

The current Regulations require a person who changes address to return their game licence to the GMA. The department believes this is no longer necessary and creates an administrative and minor cost burden to the person and an administrative burden to the GMA. This would align the requirements of a game hunting licence with a recreational fishing licence, which are not required to be signed.

##### Hog deer reporting requirements

An option is put forward to simplify the current Regulations associated with Hog Deer hunting. It is proposed that the requirements to take a Hog Deer to a checking station be removed. Instead, a new 'harvest return' must be made within 24 hours, unless there is a reasonable excuse (this will be done electronically through the new Game Licensing System). This will include the name, address, licence number of the hunter who took the deer, the tag number of the tag used for the hog deer, the time and place the hog deer was taken, if the hog deer is male, a frontal photograph of the hog deer which contains both antlers in full and is unobstructed, and include any other information required by the GMA relevant to hunting hog deer.

Hog Deer tags will only be able to be removed at the person's residence or by a licensed taxidermist or at a meat processing facility licenced under the *Meat Industry Act 1993*. The tagging system is similar to that currently used in the Kangaroo Harvesting Program, which has proved a successful method of ensuring compliance and is used in other states. A completed annual Hog Deer return form will still be required to be submitted to the GMA at the conclusion of the season.

##### Water points for Hog Deer

The current Regulations prevent the use of baits, lures and decoys for hunting game except in certain situations. This has the effect of preventing private landowners from using water points to improve the harvest of hog deer on their land by concentrating hog deer numbers during the hunting season. It is intended to amend this prohibition to allow the use of artificial water points on private land for hog deer.

This will have the effect of removing an unnecessary regulatory burden on private landowners who wish to use water points for hog deer. This will not apply to public land.



### Hand-held thermal imaging devices

Hand-held thermal imaging devices are considered a 'spotlight' under the existing regulatory definitions and are currently prohibited from use for game hunting at any time of day. These devices may help hunters to identify their target more effectively during daylight hours as they work on detecting emitted heat, not on visible light.

It is intended to amend this prohibition to allow for the use of hand-held thermal imaging devices during daylight hours. Use of these devices to hunt game at night will still be prohibited due to potential safety risks and current hunting arrangements prohibiting hunting 30 minutes after sunset to 30 minutes before sunrise.

This proposal is likely to increase harvest rates which may contribute to the control of deer populations. It should also assist hunters in target identification (safety) and improve retrieving wounded deer (animal welfare).

### Gun Dogs

It is proposed to include the Murray River Retriever and Wirehaired Slovakian Pointer in Schedule 5 of the proposed Regulations as approved gundogs.

It is also proposed to allow a hunter to hunt game birds with a dog that is not a gundog if they have written authorisation from the GMA and otherwise comply with the requirements of the regulations (e.g. start/finish times for hunting).

Currently regulation 38 provides that a hunter cannot use a dog when hunting gamebirds, with the exception of Regulations 38(2) (3) (5) and (6), which provide a number of exceptions which allow the use of gundogs to hunt game birds under certain circumstances. The regulations also provide that a person may use a dog other than a hound, gundog or deer hunting dog to hunt deer if they have written authorisation from the GMA. This proposal is intended to provide consistency between the provision related to using dogs to hunt deer and the provision related to using dogs to hunt game birds and allow greater flexibility to which dogs can be used to hunt gamebirds on a case-by-case basis.

### Deer decoys

The current Regulations provide that a person must not hunt, take or destroy game using any bait, lure, decoy or live animal to attract game (other than decoys and callers for waterbirds). Deer decoys are used to attract rutting/territorial male or female deer and can be effective in bringing deer within range and at angles that provide for better shot placement. Allowing the use of deer decoys is likely to improve animal welfare outcomes for deer by reducing the distance of shots, increasing chances of hunters taking more ethical and lethal shots.

There is an increased risk of a hunter mistakenly being shot while installing, removing or hunting in close proximity to a decoy. The deer decoy would need to be fitted or painted with orange blaze (high visibility fluorescent orange colour). The orange blaze could be attached or painted on the deer decoy, must be obvious and present from deployment of the decoy to retrieval (i.e. not removed whilst the decoy is in use) and be of a cumulative area of no smaller than 0.25 square metres.

## 4.5 Administrative changes

The remaking of the regulations has provided the department with the opportunity to clarify and update the proposed Regulations. These changes are generally of an administrative nature or seek to clarify enforcement of the regulations.

In addition, currently regulation 6 provides that the Wildlife (Game) Regulations do not apply to traditional owners acting under a traditional owner group agreement with the exception of several specific regulations.

Consideration was given to creating a similar general exemption for people acting under either an authorisation under sections, 28A, 28G or 28H of the Wildlife Act, or acting in accordance with a section 7A Order or a person who is an employee, contractor or agent of the Secretary or the GMA and who has a written authorisation from the Secretary or GMA. This was intended to clarify that persons acting under Act authorisations, order or as an employee, contractor or agent of the Secretary or GMA are not bound by the Wildlife (Game) Regulations; that is, to ensure that such authorised persons are not inadvertently caught up by the game regulations when they are carrying out authorised activities (e.g. controlling deer populations). Further consideration needs to be given to the drafting of this technical amendment. Nevertheless, it is mentioned here to let stakeholders know that the department is continuing to work on this proposal, and it may be included when the proposed Regulations are finalised following the consultation period.

There is also a proposal to amend the current Regulations so that hound hunting does not occur over the Easter break. The policy position is to avoid this happening because Easter is one of the busiest times for camping and public land use and, given the nature of hound hunting (numbers of hunters and packs of hounds), the intention is to avoid conflict with other users of hunting areas. This is reflected in the current Regulations. However, owing to the different dates on which Easter occurs, this year hunters were eligible to hunt Sambar deer with hounds over part of the Monday the Easter holiday break.

It is proposed that the current Regulations be amended to ensure that Sambar deer cannot be hunted with hounds from the Thursday evening (30 mins after sunset) before Good Friday each year until the following Thursday morning (30 minutes before sunrise), thereby avoiding Good Friday – Easter Monday and two days after that, thereby giving effect to the policy intent.

Appendix J highlights the changes contained in the proposed Regulations, along with descriptions of technical and administrative amendments.

## 5 Assessment of Options – Costs and Benefits

### 5.1 Assessment against the objectives – Reference case

The analysis in this section assesses the options identified in the preceding section against the regulatory objectives. It seeks to determine the expected costs and benefits of the options and to arrive at a preferred option.

In regulatory impact assessments, costs and benefits are assessed against the base case (described in section 4.2). However, in this case if no regulations are made then there would be no legal game hunting in Victoria. This was considered an unhelpful starting point for a detailed analysis of the options. Therefore, for purposes of options analysis in this RIS, the ‘reference case’ adopted is the regulatory framework represented by the current Regulations.

### 5.2 Assessment methods

#### 5.2.1 Assessment of costs and benefits

By their nature, regulations are designed to modify behaviour to achieve certain outcomes. This can impose costs on individuals or businesses known as ‘compliance costs’. In simple terms, compliance costs are the costs of complying with regulations. These can be divided into ‘administrative costs’ and ‘substantive compliance costs’.<sup>48</sup> Another type of cost is ‘financial costs’. These costs refer to an obligation to pay a fee, charge or levy. Fees for game licences are assessed in chapter 6 of this RIS.

Several methodologies can be used to measure or describe costs and benefits. In this RIS, the standard cost model method is used to measure quantifiable costs in present value terms (cost where a dollar value can be estimated), and the multi-criteria analysis (MCA) decision making tool is used to assess costs and benefits where costs and benefits are difficult to quantify. The MCA is informed by quantitative costs, where these were able to be estimated.

In an MCA, the option with the highest total score is the preferred option. To support this decision, a break-even analysis (BEA) method is used to compare the likely costs of the proposed Regulations against the broader benefits provided by game hunting. BEA allows assessments to be made when the benefits are difficult to measure. In this case, a reasonable estimate can be made of some costs associated with the proposed Regulations, however, other costs and the benefits of the regulations are difficult to measure. While a gross estimate of the benefits (in monetary terms) of game hunting has been estimated in an economic study, it is difficult to precisely assign how much of this benefit is attributable to the proposed Regulations. However, a case could be made that without regulations there would be no open seasons (no hunting) and consequently a large proportion of the benefits could be attribute to the proposed Regulations. A BEA presents the costs and asks at what level of benefit will costs equal benefits. Strictly, this comparison of the costs against economic studies poses

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<sup>48</sup> Administrative costs, often referred to as ‘red tape’ or administrative burden, are those costs incurred by individuals or businesses to demonstrate compliance with the regulation or to allow government to administer the regulation. These include costs associated with administrative requirements such as applying for a permit or reporting information to government. These costs can usually be quantified. Where administrative costs are identified in the proposed Regulations, a cost estimate has been calculated.

Substantive compliance costs are those costs that lead directly to the regulated outcomes being sought. These costs are often associated with content-specific regulation and include, for example, specifying behaviours in order to meet government regulatory requirements. Many requirements in the regulations are substantive compliance costs aimed at modifying behaviours, e.g., requirement to use, or not use, specified equipment, specifying times and seasons, or specifying hunting areas. A requirement to undertake training is another example. In most instances these costs are difficult to quantify. For example, the ‘cost’ of not littering would entail a person placing litter in a bin or taking litter home to dispose of appropriately. A requirement to carry wheel chains is also a substantive compliance cost (and in this instance costs can be quantified when chains are hired.)

methodological issues, but nevertheless it does provide ‘rule of thumb’ guidance on orders of magnitude between the costs and benefits.

### 5.2.2 Multi-criteria Analysis

The *Victorian Guide to Regulation* presents the MCA as a useful decisions-making tool<sup>49</sup> when it is not possible to quantitatively estimate the effects of many or most of the impacts of a regulatory proposal (e.g. measures that have behavioural, animal welfare or environmental impacts).

This technique requires judgements about how options will impact several different criteria that reflect benefits and costs. Criteria are selected to reflect the government’s objectives and are weighted to reflect their relative importance while ensuring an even weighting between benefits and costs. A qualitative score is assigned against each criterion between -10 and +10, depending on the magnitude of the impact of the option on each of the criteria. A negative score indicates that the option is more costly than the status quo, while a positive score indicates that the options provide more benefits than the current arrangements. A score of zero means there is no difference from the base case. A weighted score is derived by multiplying the score assigned to each criterion by its weighting and summing the result. The option with the highest weighted score or positive score is the preferred option.

In the case of the options assessed in this chapter, the criteria reflect government policy and regulatory objectives. These are shown below in table 9 for the options. The options are scored compared to the ‘reference case’ (i.e. current Regulations), which is given a score of zero.

The following criteria are selected and weighted according to their overall importance in achieving the Government’s objectives. The environmental and animal welfare criteria are important reasons to regulate game hunting and each criterion receives a weighting of 20 per cent. Safety of hunters and other members of the public is also addressed and receives a weighting of 10 per cent (this criterion receives a smaller weighting because firearms safety is mostly covered by other legislation, e.g. the *Firearms Act 1996*). Taken together, these criteria have a combined weighting of 50 per cent representing the ‘benefits’ of the options.

While providing benefits, regulations also impose costs. It is important that these costs are scrutinized so that they impose the lowest possible burden on game hunters and the community, while achieving the government’s objectives. A 50 per cent weighting is assigned to costs, so that benefits and costs are equally valued. Therefore, a positive total MCA score will correspond to a case in which the benefits outweigh the costs. Government costs are assessed in the fees chapter since they seek to recover costs attributable to game hunting management.

**Table 9: MCA weighting and criteria**

Criterion	Description	Weighting (%)
Environmental impacts	Reducing environmental harms is a key purpose of the game hunting regulations. This criterion encompasses species sustainability, biodiversity, and minimising environmental pollution (e.g. the use of toxic shot and projectiles).	20
Animal welfare	Game hunting involves the killing of game species. It is important that animal suffering is minimised or eliminated wherever possible.	20

<sup>49</sup> Department of Treasury and Finance, *Victorian Guide to Regulation: A handbook for policy-makers in Victoria*, State of Victoria 2016, p. 38

Criterion	Description	Weighting (%)
Safety	There are inherent risks associated with activities involving firearms. While other regulations (e.g. firearms regulations) deal with firearms safety, the game hunting framework can promote the safety of hunters and non-hunters. Safety received a weighting of 10% because, while important, is not a primary objective of the game regulations.	10
Regulatory costs	Regulations impose costs on game hunters and businesses. It is important that these costs are scrutinized so that they impose the lowest possible burden on the community, while achieving the Government's objectives.	50

### 5.2.3 Costing method

Each clause that imposes an administrative or substantive compliance cost was identified. Game hunting and licensing date were obtained from the GMA, and costs incurred each year were calculated. To assess costs on a consistent basis, discounted cashflow techniques are used. The costs over of the life of the regulation (i.e. 10 years) are discounted to obtain the present value (PV) of costs (i.e. expressed in terms of the value of a dollar in 2024). This will help identify those areas of the regulations that impose larger regulatory burdens on industry. This analysis adopts a real discount rate of 4 per cent.<sup>50</sup>

## 5.3 Assessment of Options

The options identified in Chapter 4 have been reconfigured into the following groups:

- Option 1: Environmental – Prohibit toxic shot and electronic acoustic callers for all game birds
- Option 2: Animal welfare – Struck deer and regulation of hounds
- Option 3: Safety options – Season commencement times, extending deer habitats
- Option 4: Mandatory knowledge testing (animal welfare and knowledge testing)
- Option 5: Reducing the regulatory burden.

### 5.3.1 Option 1: Reducing environmental impact

The use of toxic shot for duck hunting has been prohibited in Victoria for more than two decades, and this prohibition is planned to continue. It is now proposed to prohibit toxic shot across all other areas of game hunting. This would mean that hunters would be required to use non-toxic shot when they hunt quail, Latham's snipe, and other non-indigenous gamebirds, as well as using non-toxic projectiles when they hunt deer. The problems associated with lead in the environment have been discussed above. The prohibition of toxic shot will remove a significant source of lead (around 15–20 tonnes per annum from quail hunting alone) from the environment and will further reduce lead toxicity from waterways, farmland and from carcasses on which endangered species prey. It is also proposed to remove the current exemption for muzzleloading, Damascus steel or twist barrelled shotguns from using toxic shot.

There will be two types of costs associated with this proposal. First, the cost of non-toxic shot and projectiles, which are usually (but not always) more expensive than ammunition containing toxic shot.

<sup>50</sup> State Government's Guidance on Discount Rates: <https://djsir.vic.gov.au/about-us/overview/the-economic-assessment-information-portal/i-am-looking-for-guidance-on-particular-economic-assessment-processes,-methods-and-variables>

Second, some firearms may not be suited for non-toxic shot and may need to be replaced. No data is available on the number of firearms that may not be able to use non-toxic shot, but a reasonable entry level replacement could cost in the order of \$800 to \$1,200 per firearm. For illustrative purposes, if 5 per cent of quail hunters needed to replace firearms then such one-off replacement costs could be in the order of \$1.3 million<sup>51</sup>

The incremental costs have been estimated at around \$866,500 per annum and are contained in table 10 below (see costings in Appendix G). No data exists on the number of electronic acoustic quail callers currently held by hunters or retailers. Both hunting and animal welfare groups support the prohibition of electronic acoustic callers. The prohibition of this product will have an impact on hunters who own such callers and retailers who currently sell these products.

**Table 10: Phasing out of toxic shot**

Description	Costs (\$)
Non-toxic shot – Quail	\$254,870
Non-toxic shot – gun replacement (annualised)	\$130,000
Non-toxic projectiles – Deer	\$481,614
<b>Total annual costs</b>	<b>\$866,484</b>

Some of the costs and benefits of these proposals proved difficult to quantify owing to the absence of data and an MCA was undertaken to assist in the decision-making process. The results are summarised in the table 11 below.

The phasing out of toxic shot and projectiles from game hunting will remove lead introduced into the environment from game hunting. It represents one of the most significant regulatory changes for game hunting in 20 years. The prohibition of electronic acoustic callers will also assist in species sustainability. Taken together, a relatively high score of 7 is assigned to the environment criterion.

Removing lead from the environment will improve animal welfare by removing lead poisoning from ingested and embedded shot and projectiles. Some ammunition retailers, however, suggested that using non-toxic shot for quail hunting may increase wounding rates. Considering the overall benefits of removing lead, a score of 6 is assigned to this criterion.

It is difficult to assess the hunter safety implications of phasing out toxic shot. There is a small possibility that hunters may use modern non-toxic shot in older guns for quail hunting that are not suited to the barrel pressure of non-toxic shot. Against this, removing toxic shot will prevent hunters from ingesting lead (particularly in deer when a lead projectile splinters in the carcass). A small negative score of -1 is assigned to safety criterion.

These proposals directly impose costs on game hunters. The major cost is the price differential between toxic and non-toxic shot and projectiles. The phasing out of toxic shot could also mean that some hunters may need to purchase new firearms. Consequently, a negative score of -3 is assigned to this criterion.

**Table 11: MCA assessment phasing out toxic shot and prohibition of electronic bird callers**

Criterion	Assignment score	Weighting	Weighted score
Environmental impacts	7.0	20%	1.4
Animal welfare	6.0	20%	1.2
Safety	-1.0	10%	-0.1
Regulatory costs	-3.0	50%	-1.5
		<b>Total</b>	<b>1.0</b>

<sup>51</sup> In 2023 there were 26,627 hunters endorsed to hunt quail. 1,331 (26,627 x 5%) replacements x \$1,000 = \$1.3 million. Many quail hunters who own guns with Damascus barrels, etc, are also likely to possess more modern firearms; nevertheless, undoubtedly some hunters will feel a loss by not being able to use vintage or heirloom guns.

A positive MCA score of 1.0 suggests that the positive environmental and animal welfare impacts outweigh the additional regulatory costs and possible small safety risks, so it is preferred to the reference case.

### 5.3.2 Option 2 – Animal welfare

Three new animal welfare proposals were identified from the design options for analysis. These are arrangements for regulating hounds used to hunt Sambar deer, a proposed requirement for a hunter who strikes a deer to make all reasonable efforts to dispatch the struck deer and preventing the hunting of Blue Winged Shoveler ducks by not declaring an open or close season for them.

#### *Hound identification*

The higher risks associated of hunting with hounds are identified above, and as such require registration of hounds with the GMA. There are two proposals to strengthen to current arrangements for managing hounds. These are a requirement to notify the GMA when a registered hound is transferred to a new owner, and a requirement to present a hound for inspection to the GMA when requested to do so (the current presentation requirements are limited to when the hound is operating in the field). These proposals seek to ensure that GMA’s registry of hounds is up to date and to verify that a hound is properly registered and is of the specified breed.

A conservative estimate is that 10 per cent of registered hounds are transferred each year (i.e. around 400 hounds) and that it takes owners 15 minutes to notify the GMA of this occurrence. It is also assumed that the GMA requires 5 hounds to be presented each year, taking the owner 60 minutes to arrange and undertake the presentation. The costs of these proposals are estimated to be around \$6,000 per annum, as shown in table 12 below.

**Table 12: Hound identification**

Description	Costs (\$)
Notification of transfer of a hound	5,607
Presentation of hound	272
<i>Total annual costs</i>	<b>5,880</b>

#### *Game species – Blue Winged Shoveler*

Preventing the hunting of the Blue Winged Shoveler should increase its sustainability and thus ensure biodiversity values. Previously, these species made up only a small proportion of the duck harvest (less than 2 per cent), and the removal of the ability to hunt this duck species should only have a very small overall impact on game hunters.

While the regulations will prevent the hunting of the Blue Winged Shoveler by not declaring an open and close season for this taxon, eventually it is anticipated that the Blue Winged Shoveler will be removed from the regulations altogether as a game species.

#### *Struck deer*

A requirement to make all reasonable efforts to dispatch the struck deer will improve animal welfare and will align such efforts with the requirement already in place for duck hunters. In practical terms, a hunter will not be able to continue hunting until the struck deer is located and dispatched humanely. It is not possible to attach a monetary value to the costs (and benefits) of this proposal, and accordingly an MCA assessment was undertaken to assess the proposals.

These proposals will not directly impact the environment and a consequently a score of zero is assigned to the environmental criterion. The proposals should, however, improve animal welfare. A positive duty imposed upon hunters should result in a quicker and more humane treatment of struck deer, while better regulatory controls over hounds should improve compliance and hunter accountability. Preventing the hunting of the Blue Winged Shoveler will also ensure the sustainability of this species. These are small changes to the existing regime and a score of 1 is assigned to the

animal welfare criterion. Similarly, improved registration and accountability should result in safer hunting (e.g. correct breeds being used). A small positive score of 1 is therefore assigned to the safety criterion. The changes to the regulatory arrangements for hounds impose an annual cost of around \$4,000 and a negative score of -0.25 reflect the small costs associated with this proposal. Taken together, the net MCA score of 0.18 suggests that these proposals should be adopted (the relatively low MCA score reflects the narrow focus and small-scale nature of these proposals.)

**Table 13: MCA assessment hound registration arrangement and requirements to dispatch struck deer**

Criterion	Assignment score	Weighting	Weighted score
Environmental impacts	0	20%	0.0
Animal welfare	1	20%	0.20
Safety	1	10%	0.10
Regulatory costs	-0.25	50%	-0.13
		<b>Total</b>	<b>0.18</b>

### 5.3.3 Option 3 – Safety

The options to set later start times in the proposed Regulations and to extend recognised deer habitat to better manage illegal hunting are difficult to quantify in monetary terms. These proposals are qualitatively described below, and an MCA assessment is conducted.

#### *Open Season start times*

Setting later start times for the first five days of the season in the regulations is expected to reduce the shooting of protected wildlife and allow improved recovery of downed birds in improved light conditions. The proposed later start times will support the sustainability and humane hunting objectives of the regulatory objectives. These later start times and mid-week start do not prevent hunting and experience shows that the quality of hunting is not necessarily diminished. Therefore, the impact on hunting is minimal. A slightly later start is expected to improve hunter behaviour, while the certainty of prescribing start times in the Regulations will remove ambiguity over start times. The notional cost of this proposal is that hunters’ opportunities will be slightly reduced (by around 30 minutes per day over a season over the first 5 days of the season).

#### *Extending deer habitats*

Extending recognised deer habitats to include the West Wimmera Shire and Moyne Shire will improve safety by improving the ability of authorised officers to prevent illegal shooting (particularly at night). The cost of this measure is minimal and will entail that persons who transport firearms, spotlights and ammunition through a recognised deer habitat are stored these items in such a manner that cannot they be readily accessed and used.

#### *Multi-criteria Assessment of safety proposals*

The later start times have been trialled since 2018. The GMA has reported that these trials have been successful in preventing shooting of non-game species. The Wednesday commencement of the season has also diffused competition among hunters and tension with non-hunters. For similar reasons, a later start time can improve species identification. This is particularly important for the first 5 days of the open season given the likely presence of first-time hunters, current hunters who have not hunted since the end of close season and taking account hunter competition during the opening period. Consequently, the environmental criterion is assigned a score of 2.

A mid-week later start time may also improve animal welfare. The proposed season commencement and start times can reduce the intense competition associated with the traditional Saturday start day, and hunters may be less likely to take unrealistic shots. Reflecting this, a small score of 1 is assigned to the animal welfare criterion.



A mid-week later start time may also improve safety. The exclusion time imposed on non-hunters has also been shown to reduce tense interactions between hunters and non-hunters, while the extension of recognised deer habitats will improve compliance and should deter illegal deer hunting especially at night, thus resulting in improved safety. A score of 2 is assigned to this criterion.

Regulatory costs are minimal for these proposals. The duck hunting season will be reduced by two and half hours over the entire season, while persons travelling in recognised deer habitats will need to securely store firearms, ammunition and spotlights. A small negative score is assigned to the cost criterion of -0.5 (while theoretically the cost is negligible, some hunting groups during consultation commented that the mid-week commencement day represented a loss of valued tradition).

**Table 14: Later start times and extending deer habitat**

Criterion	Assignment score	Weighting	Weighted score
Environmental impacts	2	20%	0.4
Animal welfare	1	20%	0.2
Safety	2	10%	0.2
Regulatory costs	-0.5	50%	-0.25
		<b>Total</b>	<b>0.55</b>

The MCA score of 0.55 for these options suggests they are an improvement over the current arrangements. In practice, the impacts will be minimal because in recent years the season commencement day and start times have been set by Ministerial Order. The proposed Regulations will simply set these as the default times in the Regulations.

#### 5.3.4 Option 4: Hunter knowledge – mandatory education and training

In 2020, GMA published the results of a survey on game hunters' knowledge.<sup>52</sup> The results suggested that there were some significant knowledge gaps concerning game hunting and safety. An option is suggested for game hunters to complete a knowledge test in order to obtain a game licence. Refresher testing could also be considered. In addition, a knowledge package could be developed in relation to Traditional Owner cultural heritage to ensure that cultural sites are not damaged and are respected.

Given the difficulty in quantifying mandatory training for game hunters (since a training package has not yet been developed), an MCA assessment was conducted.

The main environmental benefit from this option is the positive behaviours associated with improved hunter knowledge (e.g. non-use of toxic shot, picking up plastic cartridge cases, better bushcraft/camping skills resulting in lower impact on the environment). Better knowledge of hunter impacts on the environment should lead to reduced negative behaviours. Consequently, a score of 5 is assigned to the environment criterion.

Animal welfare outcomes should be improved by better hunter knowledge (e.g. distances for humane shots, appropriate calibres for game, duty to recover wounded animals). These impacts should be positive and a score of 6 is assigned to this criterion.

Improved hunter knowledge (which would include safety components, e.g. proper target identification, firearms safety, dealing with other land users) should contribute positively to safety outcomes. Consequently, a score of 5 is assigned to this criterion.

The regulatory costs associated with this option is the notional cost of a game hunter's time when they are required to study information and undertake the testing. A testing program has not yet been

<sup>52</sup> Game Management Authority, December 2020, *Summary report of hunters' knowledge survey findings*: [https://www.gma.vic.gov.au/\\_\\_data/assets/pdf\\_file/0007/614194/GMA-Hunters-Knowledge-Survey-Report.pdf](https://www.gma.vic.gov.au/__data/assets/pdf_file/0007/614194/GMA-Hunters-Knowledge-Survey-Report.pdf)

designed, so estimating costs are difficult. Costs would also depend on testing frequency. Nevertheless, an estimate of 2 to 3 hours including preparation and time to undertake the test would appear reasonable. There would be no direct financial cost to undertake the test, but an individual would forgo a few hours of their leisure time. A score of negative -3 is assigned to this criterion, although this score is indicative only. While the format and the length of time taken to undertake such training is unknown, costs could be in the order of \$1.3 million per annum of hunters' time.<sup>53</sup>

This assessment, shown below, suggests that these proposals will result in positive benefits when assessed against key elements of government policy. Each of the proposals will contribute to achieving the regulatory objectives, while acknowledging that costs will be imposed upon game hunters – the largest cost being the 'leisure time' forgone.

**Table 15: MCA assessment mandatory knowledge testing**

Criterion	Assignment score	Weighting	Weighted score
Environmental impacts	5	20%	1.0
Animal welfare	6	20%	1.2
Safety	5	10%	0.5
Regulatory costs	-3	50%	-1.5
<b>Total</b>			<b>1.2</b>

Knowledge testing for game hunters would help ensure a minimum standard of knowledge of hunting laws and good hunting practices are improved. This should improve hunter and public safety, reduce unsustainable hunting practices (e.g. exceeding bag limits, shooting protected species) and improve animal welfare outcomes. It should also reduce hunter non-compliance caused by ignorance of the law and give the community confidence that hunters are aware of their obligations and responsibilities. Of course, any such benefits of training depend upon hunter knowledge being translated into hunting practices.

Hunting groups generally support knowledge testing, while animal welfare groups fully support knowledge testing (provided it is independently conducted). The total MCA score of 1.7 suggests that Option 4 is an improvement over the reference case and should be pursued. However, due to the need to consult on the design of the testing requirements, Option 4 is not reflected in the proposed Regulations. As stated earlier, this option is presented in this RIS to inform stakeholders of a probable future change to the regulations.

The development of such training packages will require further consultation with stakeholders and the public, along with a formal assessment of costs and benefits when further details of such training packages are known.

### 5.3.5 Option 5: Regulatory burden reduction

There are two broad types of regulatory costs<sup>54</sup> imposed by the current Regulations: administrative costs and substantive compliance costs. Administrative costs (sometimes referred to as 'red tape') are those costs associated with providing information to government, e.g. applying for a licence or submitting returns. Substantive compliance costs are regulatory costs that require (or prohibit) a person to act in a certain way or undertake certain actions to deliver the regulated outcomes being sought, e.g. a requirement to undertake training, mandating the use of certain equipment.

The current Regulations were scrutinised to see whether they imposed any unnecessary regulatory burdens on game hunters. A number of areas of the regulations that impose administrative costs (i.e.

<sup>53</sup> Assumes one-third of the hunter population undertake that test each year and the preparation and test take 2 hours (at \$37 per hour proxy for leisure time)

<sup>54</sup> Two other types of costs are 'delay costs', usually associated with delays of projects (e.g., planning permits) and 'financial costs' such as fees (see Chapter 6).

hog deer reporting, licensing arrangements) and substantive compliance costs (i.e. thermal imaging equipment, deer decoys) were selected for reform. These elements were chosen because they present minimal risk to safety or are no longer necessary.

The cost of the administrative burdens is calculated below. However, the benefits from such measures, along with the costs and benefits arising from the substantive compliance costs proved difficult to estimate in monetary terms. Consequently, an MCA assessment was performed to assist in decisions making. For ease of analysis, the MCA assessment applies to these measures as a package.

### Administrative costs

#### 5.3.5.1.1 Hog deer administrative burdens

This proposal will remove the need to take hog deer to checking stations. Currently, when a hog deer is shot the hunter must take the carcass to a GMA nominated checking station where details of the carcass are recorded. There are currently checking stations in Sale, Leongatha, and Bairnsdale. A hunter must travel to one of these stations within 24 hours of harvesting the deer.

The removal of this requirement will save the hunter travel time and transport costs. It will be replaced with the hunter submitting details via the MyGL website. Given the small number of hog deer harvested annually, these savings are quite small (see table 16 below).

#### 5.3.5.1.2 Licence requirements

Currently there is a requirement to sign a game licence upon receipt to ‘validate’ it. There is also a requirement to return a licence following a change of address so that a new licence with the current address can be issued. The GMA considered that these two requirements yield little benefit and that their removal poses no risks.<sup>55</sup> The administrative saving are small individually, but the overall amount is significant given the number of licences.

The reporting arrangements associated with these measures resulted in annual cost savings of around \$104,375.

**Table 16: Reducing regulatory burden – administrative savings**

Description	Saving (\$)
Removal of checking station requirement	26,666
Removal of requirement to sign licence	55,852
Removal of requirement to return licence	21,858
<b>Total annual savings</b>	<b>\$104,375</b>

See Appendix G for calculations.

Electronic lodgement of game licence applications has also saved administration costs. Under the previous arrangements, a person needed to print out an application form, complete it manually, and physically post in the form to the GMA. Changes have been made changes to the application system which now means that 99.9 per cent of applications are made online via the MyGL website. This provides an estimated saving in application time and administrative effort in the order of \$380,000 annually.<sup>56</sup> However, this saving is not attributable to the regulations because electronic lodgement of game licence applications via MyGL is an administrative measure, not a regulatory requirement.

### Other compliance costs

Regulatory restrictions impose non-financial costs on game hunters by removing choices or increasing obligations. Increasing the breadth of choices provides options to hunters, and options provide benefits if exercised. However, benefits associated with removing restrictions are extremely difficult

<sup>55</sup> Address details will also be removed from game licence. If a lost game licence fell into the wrong hands, there may be a supposition that firearms are held at the address. For this reason, address details have been removed from firearm licences. For similar reasons, Victoria Police have also removed address details from firearms licences.

<sup>56</sup> New licences and renewals for 2022/23 were 30,778. Assumes a time saving of 20 minutes per transaction at \$ 37.00 proxy value for licensees’ time.

to estimate in monetary terms. Nevertheless, these are discussed below and assessed together using the MCA tool.

#### 5.3.5.1.3 Deer decoys

Currently decoys are generally prohibited under the regulations. The most notable exception is duck decoys. The proposal to permit the use of deer decoys will increase hunters’ possible choice of hunting methods and may enhance the hunting experience. Again, any adoption of the use of deer decoys, and thus level of benefits, is likely to be small.

#### 5.3.5.1.4 Day time hand-held thermal imaging devices

For the purposes of the current Regulations, hand-held thermal imaging devices are regarded as a spotlight and may not be used for game hunting. It is proposed that the use of hand-held thermal imaging devices be permitted during daytime. This should allow a deer hunter to better identify targets during daytime, as well as assist a hunter in tracking down a wounded animal. The use of thermal imaging equipment during daytime should improve safety, enhance the hunting experience, and help improve animal welfare (by tracking wounded animals and better target identification). Hunting at night remains prohibited.

#### 5.3.5.1.5 New breed of gundog

While a small measure, the inclusion of two new breeds of gundog into the schedule of gundogs – the Murray River Retriever and Wirehaired Slovakian Pointer – will increase hunter choice of gundogs, without increasing associated risks.

#### *Multi-criteria Assessment of regulatory burden reduction proposals*

An MCA analysis was undertaken to qualitatively assess the costs and benefits of these proposals since estimating the benefits in monetary terms proved difficult.

These proposals do not directly impact the environment. A score of zero is assigned to this criterion.

If the use of hand-held thermal imaging devices helps to locate wounded animals and provides better target identification, there will be a small positive benefit. Given the small scale of this proposal a score of 1 is assigned.

The removal of the checking station requirements for hog deer results in a reduction in regulatory costs, while the other measures reduce current restrictions. A positive score of 1 is assigned to this criterion (representing a reduction in costs).

**Table 17: MCA of regulatory burden reduction proposals**

Criteria	Assignment score	Weighting	Weighted score
Environmental impacts	0	20%	0.0
Animal welfare	1	20%	0.2
Safety	1	10%	0.1
Regulatory costs	1	50%	0.5
		<b>Total</b>	<b>0.8</b>

While assessed as a package, the proposals receive a positive net score 0.8 score, suggesting that that the proposals have a positive net benefit. Since a net positive score means that the benefits outweigh the costs of a proposal, the MCA assessment suggests that the proposals be adopted.

## 5.4 Assessment of the Proposed Regulations

The costings and assessment above examined the design options identified for reform during the remaking of the current Regulations. The proposed Regulations, which largely remake the current Regulations but also include four of the five design options, were costed to measured quantifiable

impacts on game hunters. The table below shows the regulatory costs of licences, non-toxic shot, and hog deer and hound registration requirements.

**Table 18: Costs of proposed Regulations**

<b>Description</b>	<b>Costs (\$)</b>
Licensing – application, testing, change of address, etc	\$229,795
Hog deer requirements	\$7,400
Non-toxic shot and projectiles (duck, quail and deer)	\$1,071,321
Hound registration requirements	\$66,252
<i>Total annual costs</i>	<b>\$1,374,768</b>
<i>Cost over 10 years (PV)</i>	<b>\$9,945,428</b>

## 6 Fees for game hunters

### 6.1 Context

There are costs of properly regulating game hunting. To ensure that game hunting is done in a way that is safe, sustainable, responsible, and minimises adverse animal welfare outcomes, the government—primarily through the GMA—performs a number of activities, including:

- processing licence applications, issuing licences and renewals
- checking compliance with legislation and licence conditions, and where necessary taking appropriate enforcement actions
- collecting data and intelligence
- undertaking education and information and communication activities, and
- undertaking and commissioning research into game harvest levels, native game population abundance, sustainable hunting and animal welfare issues.

The various elements of regulating game hunting discussed in previous chapters contributes to the sustainable, recreational, social, environmental and economic benefits associated with game hunting.

These activities come at a cost. Such costs relate to compliance and enforcement patrols, education programs, safety related equipment, delivery of priority research programs, IT infrastructure and equipment and staff training to support GMA game hunting related operations.

The Victorian Government, through the State Budget and parliamentary appropriations, allocates funding for this purpose, primarily to the GMA.

Like other services that are funded by the Government, charging fees for game licences (and other related transactions) has been a common characteristic in Victoria for many decades, as it is in many other jurisdictions.

In line with government policy on cost recovery, costs of regulation should generally be borne by those that give rise the need for regulatory activity. The current Wildlife (Game) Regulations set fees to recover costs to government of providing services (being the regulation of game hunting).

Not charging fees for these activities is:

- inefficient—a lack of price signal would create an incentive for demand for these services much higher than is optimal. That is, more people would choose to hunt game, which would require additional effort by government to regulate if they don't face the full costs associated with managing the risk of hunting activities. Charging a fee for these services ensures that people making decisions that give rise to these services bear the true cost of those decisions.
- inequitable—in the absence of charging fees, these services provide a benefit to specific persons, while being paid for by taxpayers.

Hence, the 'problem' to be addressed by the fees in the proposed Regulations is the inefficiency and inequity caused by the Government having to fund the costs of regulating game hunting, which only arise because a small proportion of the population are licensed to hunt game.

These activities listed above cost the government in the order of \$7 million or more per annum. In the absence of fees, these costs would need to be met from additional funding from the State (i.e. taxpayers).

Given these factors, the current Regulations set following fees, which were based on full recovery of costs as assessed in 2012:

**Table 19: Current game hunting fees**

	Prescribed fee	Value of fee in 2024-25†
Licence to hunt either game birds <u>or</u> deer (new and renewal)	4 fee units‡	\$65.30
Licence to hunt game birds and deer (new and renewal)	6 fee units‡	\$98.00
Licence to hunt on game bird farms	Nil	–
Provisional junior licence	Nil	–
Waterfowl Identification Test	2 fee units*	\$32.70
Hound Hunting Test	2 fee units*	\$32.70
Variation of licence	1 fee unit	\$16.30
Issue of replacement licence card	1 fee unit	\$16.30
Fee for participation in ballot	5 fee units*	\$81.70

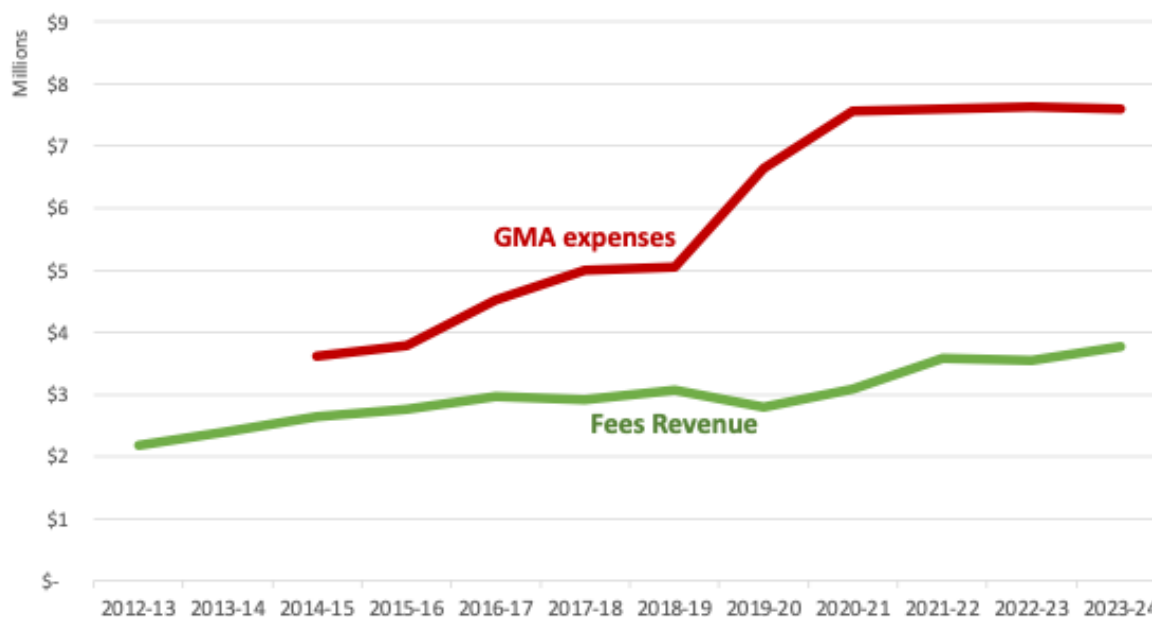
† Fees in regulations are expressed as a number of ‘fee units’. The value of a fee unit is determined each year by the Treasurer, and usually is set at a higher rate each year to consider inflation. The value of one fee unit is set at \$16.33 for the 2024-25 financial year. Fees are rounded to the nearest 10 cents.

‡ Licence fees are expressed on a per year basis. Licences for more than one year are charged the corresponding multiple. Further, persons under 18 years of age are not required to pay the game licence fee, and concession card holders are eligible for a discount of 50 per cent.

\* These fees are set as maximum fees that GMA may charge.

Since the establishment of the GMA in 2014, the total revenue collected from game hunting fees has been significantly less than GMA’s costs.

**Figure 2: GMA expenses and Fees revenue**



Revenue from fees is not retained by GMA but is paid into the State’s consolidated fund.

The fees have not been adjusted, other than usual annual increases for inflation, since 2012.<sup>57</sup> This was before the GMA commenced its operations. Since 2014, the proportion of GMA’s expenses that

<sup>57</sup> Game Licence fees have not increased materially in real terms since the early 1990s, despite considerably more resources being devoted to the effective regulation of hunting.

are offset by fees revenue has fallen from around 73 per cent to less than 50 per cent in 2023. This mostly reflects the additional resources provided to the GMA for increased enforcement and compliance activities, hunter education programs, and research projects that help ensure game hunting is done sustainably.

It was not expected that fees should recover all of GMA’s expenses. Some of GMA’s activities relate to other functions—for example, GMA has entered an agreement with DJSIR to administer parts of the Kangaroo Harvesting Program (which costs around \$800,000 per year).

On the other hand, some administrative functions related to game hunting are also carried out by DJSIR, the Department of Environment, Energy and Climate Action, Parks Victoria and Victoria Police including enforcement, regulatory functions and data and intelligence. See Appendix C for detail on the roles of various government agencies. Some of these activities are not usually subject to cost recovery (e.g. the costs associated with providing policy advice, or activities for which there is a wider public good purpose such as data on species populations that would be needed even in the absence of game hunting), however some of these costs could be considered for the purpose of setting game hunting fees.

## 6.2 What is a pricing review

The fees in the current Regulations were set in 2012, in accordance with the Victorian Government’s *Cost Recovery Guidelines*. Those Guidelines provided an approach to measuring the cost of services and determining appropriate fees.

From 1 July 2021, the *Pricing for Value Guide* replaced the *Cost Recovery Guidelines*. The new Guide is intended to improve consistency and capability in price-setting across government. It updates principles to align with current best practice.

The Guide helps departments and agencies use pricing to recover the costs of regulating and delivering services, and as a tool to support wider policy objectives.

A key feature of the new *Pricing for Value Guide* is a principles-based approach to identify opportunities to set government charges in better ways. The Guide sets out a number of Pricing Principles, as follows:

1	Agencies should aim to recover the full cost of service provision to promote efficient consumption
2	The cost-of-service provision should be borne by those who benefit from the service
3	Services creating broad benefits for the community should be priced to support efficient consumption
4	The cost of interagency services should be borne by the user agency
5	The price of services should not limit access to those with a lower ability to pay
6	Users should pay for differentiated service based on the value created by that differentiation
7	The public should share in the value generated by pricing based on user differentiation
8	Pricing should support positive behaviours
9	Pricing should ensure sustainable usage of public services and reflect the value of natural resources
10	Where services are in competition with the private sector, pricing should be relative to market prices
11	Pricing structures should be easy to understand and simple to administer
12	Pricing arrangements should be monitored annually and reviewed periodically

While the previous *Cost Recovery Guidelines* focused on cost considerations, the new Pricing Principles are broader, identifying a range of potential benefits. Cost recovery is one principle among



a broader range of principles relevant to setting prices. Some principles support setting prices below cost recovery, while some principles support setting prices above cost recovery.

Not all of the Pricing Principles will be relevant or need to be applied in all circumstances. Agencies and departments must consider which Pricing Principles should be considered, within the context and objectives of the services being assessed.

The new *Pricing for Value Guide* provides practical step-by-step guidance for undertaking pricing reviews. Pricing reviews are a detailed process to collect data, consult with stakeholders, and identify and test a range of different pricing strategies. The Pricing Playbook is a document that provides support for the *Pricing for Value Guide*. It sets out a number of steps to guide comprehensive and evidence-based assessment of pricing strategies. Not all steps in the Playbook will be relevant or appropriate to all situations. The setting of fees in regulations, including in remaking sunseting regulations, will usually be based on the pricing objectives and strategies agreed during the pricing review.

Further information about the *Pricing for Value Guide* can be found on the website [www.dtf.vic.gov.au](http://www.dtf.vic.gov.au).

Relevant for this review of game licence fees, the Guide notes:

- cost analysis should be targeted at the appropriate level of detail for different steps in the process
- high level analysis (e.g. to a division level) is typically all that is needed early on
- more detailed analysis may be required for specific ideas, particularly where they are based on the cost recovery principle, and
- cost analysis continues to play a critical role in effective financial management more broadly.

These game licence fees currently result in around \$3.5 million in fee revenue collected by GMA annually. It is relevant that the degree of effort in undertaking the pricing review, especially in terms of obtaining new data, should be proportionate to the amount of the fees, or the proportion of the fees that would be affected by further investigation efforts.

### 6.3 Pricing review outcomes

The department conducted a pricing review in early 2024 in accordance with the *Pricing for Value Guide*.

#### 6.3.1 Baseline

Game hunting is prohibited in Victoria without a licence or specific authorisation to do so.

A Game Licence can be issued with the following entitlements and is subject to conditions set out in the current Regulations:

- Deer (Stalking)
- Deer (Stalking & Hounds)
- Game birds, not including Duck
- Game birds, including Duck

There is a range of licence types available. A Game Licence may be issued for a single game entitlement (e.g. Deer (Stalking)) or it may be issued for multiple entitlements (e.g. Deer (Stalking) and Game Birds, including Duck).

Game Licences have a common expiry date of 31 December and are issued for the following terms:

- Short-term (up to 18 months)

- Long-term (up to 42 months)

As there is a common expiry date, licences issued in the second half of the year (i.e. post 1 July) expire at the end of the next calendar year. This accounts for the potential 18- and 42-month periods.

As at 30 June 2023, 59,682 people were licensed to hunt game in Victoria.

There were 44,385 (74%) Game Licence holders who have a single licence entitlement (e.g. Deer, Game Birds including Duck, or Game Birds not including Duck) with:

- 32,741 (55%) endorsed to only hunt deer
- 10,585 (18%) endorsed to only hunt Game Birds including Duck
- 1,059 (2%) only hunting Game Birds not including Duck.

The remaining 15,297 (26%) licence holders are endorsed to hunt a combination of licence entitlements.

The *Wildlife Act 1975* allows charging fees related to game licences.

- Section 22A(2) of the Act specifically provides for the payment of a prescribed fee by a person applying for a licence. A fee charged on this basis is paid upon the application of the licence.
- The Act also provides for prescribed fees to be charged in relation to an application to vary a licence (s. 22A(B)).
- Section 87 allows for the making of regulations that can set fees in relation to entering ballots, fees to be charged under the Act for any purposes not expressly provided for and for services rendered by authorised officers or staff of the GMA, and generally for prescribing any matter or thing which is authorised or required by the Act to be prescribed for carrying the Act into effect.

In fixing fees, the regulations may provide for (a) maximum or minimum fees; (b) maximum and minimum fees; or (c) the reduction, waiver or refund, in whole or in part, of the fees. Regulations made under this Act may be of general or limited application, or differ according to differences in time, place or circumstance.

Regulations made under the Act may confer a discretionary authority on the GMA.

Applications for game licences (including renewal) are made through the GMA's online portal (MyGL) only. Applicants are required to create an account.

Game licences for hunting Sambar deer with hounds only permits certain breeds of hound to be used, and each hound must be registered. As at 30 June 2023, there were 4,164 hounds registered in Victoria with the GMA. A hound registered after 2013 is registered for the life of the dog. There are around 300 new registrations annually.

### 6.3.2 Cost of regulating game hunting

Allowing game hunting to occur in Victoria gives rise to a number of costs to government. These are:

- administrative costs to issue licences—including the application and approval systems, systems for issuing licences (whether physical or digital), testing/checks of eligibility, providing information about the licensing system, collecting revenue, reporting on licences
- costs of ensuring licensed hunters comply with the 'rules' of game hunting—enforcement officers, issuing fines and other compliance responses, prosecutions
- research to inform decision making about the licensing activities—including monitoring species and habitats, consultations etc (note: this only includes research done specifically to enable decisions about game hunting activities, not species monitoring in general), and

- costs incurred to support or facilitate game hunting —this could include things like signage, other infrastructure, educational information (aimed at hunters), research on hunting opportunities etc.

All of these costs are incurred as a consequence of allowing hunters to undertake hunting activities in Victoria. Note that this is all *additional* cost to government that wouldn't be necessary if game hunting did not exist.

Hunters are the beneficiaries of the licensing system (as opposed to not allowing hunting activities). Under the principles of cost recovery, prima facie, these costs should be recovered from licence holders.

GMA operating and capital costs, as reported in its annual report, provide the baseline for these costs (a small amount of GMA costs relates to other activities (e.g. Kangaroo Harvest Program) which can be excised from relevant costs when setting fees).

The latest projections of GMA expenditure are shown below.<sup>58</sup>

OPERATING STATEMENT	2022-23 Forecast	2023-24 Budget	2024-25 Budget	2025-26 Budget	2026-27 Budget
<b>Revenue</b>					
Grants	8,856,981	7,941,886	5,931,690	4,872,315	4,872,315
Interest	220,000	180,000	180,000	180,000	180,000
<b>Total Revenue</b>	<b>9,076,981</b>	<b>8,121,886</b>	<b>6,111,690</b>	<b>5,052,315</b>	<b>5,052,315</b>
<b>Expenditure</b>					
Employee Related Expenses	5,300,000	5,214,116	4,068,581	4,276,804	4,493,356
Professional Services / Agency Hire	175,000	50,000	50,000	50,000	50,000
IT Expenses	510,000	603,500	550,000	563,750	577,844
Purchases of Services from Govt	350,000	353,000	361,825	370,871	380,142
Occupancy and Property Holding	230,000	219,500	224,988	230,612	236,377
General Expenses (incl. VAGO, Audit and Legal)	200,000	315,000	176,000	180,400	184,910
Vehicle and Equipment Expenses	260,000	264,000	184,000	188,600	193,315
Staff Related Expenses (uniforms, training, etc)	120,000	117,800	88,800	91,200	93,296
Personal & Travel Costs	140,000	78,000	56,000	57,400	58,835
Communications	100,000	100,000	102,500	105,063	107,689
Office Expenses	200,000	170,000	174,250	178,606	183,071
Telecommunications	25,000	60,000	61,500	63,038	64,613
Vehicle Registrations / State Taxes	10,000	10,000	10,250	10,506	10,769
Interest Expense	40,000	40,888	37,810	33,777	29,461
Other Expenses	(20,000)	10,000	10,000	10,000	10,000
<b>Total Operating Expenses</b>	<b>7,640,000</b>	<b>7,605,804</b>	<b>6,156,504</b>	<b>6,410,446</b>	<b>6,673,679</b>
<b>Operating Result</b>	<b>1,436,981</b>	<b>516,082</b>	<b>(44,814)</b>	<b>(1,358,131)</b>	<b>(1,621,364)</b>
Depreciation and Amortisation	420,000	436,959	445,943	455,344	460,881

<sup>58</sup> From GMA Business Plan 2023-24.

Research Projects <sup>59</sup>	825,000	1,580,000	155,000	155,000	155,000
<b>Total Depreciation and Research Programs</b>	<b>1,245,000</b>	<b>2,016,959</b>	<b>600,943</b>	<b>610,344</b>	<b>615,881</b>
<b>Total Expenditure</b>	<b>8,885,000</b>	<b>9,622,763</b>	<b>6,757,447</b>	<b>7,020,791</b>	<b>7,289,560</b>
<b>Net Result</b>	<b>191,981</b>	<b>(1,500,877)</b>	<b>(645,757)</b>	<b>(1,968,476)</b>	<b>(2,237,245)</b>

Using a distributed cost approach to allocate GMA's costs to different types of activities (mostly based on FTE distributions allowing for on-costs and overheads, while some non-employee expenditure could also be attributed to particular activities), the following table sets out the per licence costs of regulating game hunting.

**Figure 3: Unit costs of Game Licences (based on 2022-23 values)**

Activity attributable to licence	Cost per licence holder	
	Deer licences	Game bird licences
Issue of licence	\$0.95	\$0.42
Testing	\$0.89	\$2.60
Issuing tags	\$0.95	-
Engagement	\$10.89	\$6.80
Education	\$11.52	\$12.12
Research	\$19.47	\$48.09
Compliance	\$36.33	\$38.22
Prosecutions	\$2.43	\$2.56
Share of other corporate costs	\$21.95	\$26.96
<b>Total unit cost</b>	<b>\$105.39</b>	<b>\$135.77</b>

These unit costs are based on the full costs of GMA's regulatory activities, less those activities not related to game hunting, and excluded activities for which a separate fee is charged (such as licence replacement or variation, and ballots). This is based on costs of around \$7.3 million per annum, averaged over the period to 2026-27. This excludes around \$700,000 per year attributed to other activities.

The final category of costs is not measurable by expenditure but relate to opportunity costs and/or other economic/environmental costs. For example:

- facilitating game hunting in Victoria involved the use of land reserved for that purpose, which may have other uses (including biodiversity uses). Hence, game hunting involves an opportunity cost for that land (note: setting aside game reserves is done in different regulations), and
- game hunting involves several externalities—the impact on species populations, damage to the environment, impacts on local areas (e.g. noise, traffic).

There is no established data on opportunity costs or environmental costs (externalities) from game hunting.

Land use opportunity costs are not considered to be significant. They form part of public land reserves and state forests or parks, and the extent of hunting activities does not significantly decrease the value of these areas. There is an opportunity cost for non-hunters who may otherwise wish to use the areas for other activities, however the proportion of game reserves to other parks is small (less

<sup>59</sup> 'Research Projects' only relate to external expenditure; most research costs are part of 'total operating expenses'.

than 2 per cent of parks in Victoria), so non-hunters should have little difficulty finding other locations for their activities for the 3 months of the year when game hunting is permitted.

The impact on species populations is minimised through direct regulation (i.e. bag limits) rather than using pricing as a rationing mechanism. Hence, so long as those limits are set at the appropriate level, it should not be necessary to separately include species costs into licensing fees.

The externality costs on local areas are important, and likely to be significant in some instances, but difficult to measure. It was not quantified for the purposes of this RIS, as the effort to comprehensively measure the impact would involve resources disproportionate to the likely overall scale of that impact, however this impact is recognised when considering overarching policy and decision making.

There are three groups of cost drivers:

- Costs that vary directly in relation to demand for services (licence numbers). These relate to the costs of issuing licences and other transactional-type services. These costs make up only a small amount of total GMA costs.
- Costs that likely vary with demand but are somewhat discretionary. These include enforcement costs, which in practice are often in proportion to the number of licences (or the number of hunters engaging in hunting at any one time) but are also subject to policy and/or operational decisions about the level of enforcement resources to deploy.
- Costs that are largely discretionary, such as research.

This suggests that the costs within the scope of licence fees is largely (in aggregate) determined independent of licence demand but is influenced by how government perceives the risk and amount of regulatory control the community expects, particularly in relation to enforcement, and ensuring hunting decisions are informed by current and comprehensive research and evidence of the impacts of hunting.

### 6.3.3 Understanding demand for Game Licences

Demand for game licences is unlikely to be significantly sensitive to the licence fee (as it is currently structured, based on duration). Given the variability in licence numbers due to other factors, the data does not allow a clear relationship between demand and price to be estimated.

Game hunting is a relatively expensive activity, and the current licence fees are only one small component of the amount that hunters are willing to spend to undertake hunting.

The table below sets out some typical expenditure for each of an average duck hunter and average deer hunter.

**Table 20: Typical hunter expenditure**

Expense type	Typical duck hunter	Typical deer hunter
Current game licence fee	\$63.60 per year	\$63.60 per year
Testing to hold licence	Time to prepare and take WIT	Time to prepare and take HHT (Sambar deer only)
Cost of firearms	\$2,000	\$2,500
Firearms training	\$75	\$75
Cost of firearms licence	\$240.50 (5 years)	\$284.80 (5 years)
Cost of ammunition	\$125 per year	\$250 per year
Other equipment costs (cleaning kit, carry bag, binoculars, knife, etc)	\$1,000	\$1,000
Travel and/or accommodation costs	7-8 days per year	8-10 days per year

However, licence fees have been relatively stable over many years, and the sensitivity to fee amounts has not been rigorously tested in practice. There is no clear direct data on the ‘willingness to pay’ of game hunters for a Game Licence. It is also unclear how other fee structures (such as ones discussed below) might affect the number of game licences and/or the amount of hunting that occurs.

There is also no clear guidance from other jurisdictions as to how fees may affect demand. Australian and selected other jurisdictions fees are set out in the appendix. However, comparisons are difficult because what a hunter is licensed to do under their licence varies considerably, and as such inter-jurisdictional fees are not a useful comparator of the ‘value’ of a game licence in each jurisdiction (nor can we conclude that any other jurisdiction has attempted to reflect hunters’ willingness to pay in their fee setting.)

That said, the department believes that game licence demand is not particularly sensitive to the licence fee amount, within a reasonable range, and that game hunters enjoy a significant consumer surplus (and hence would place a high value on the licence), based on how much they are willing to spend on other necessary elements of hunting.

The prevalence of anti-hunting groups has been understood by the sector as a reflection of increased awareness by sections of the community of the impacts of game hunting, and hunters and hunting organisations accept that obtaining a ‘social licence’ to hunt is as important as a legal licence. Hunters are aware that they need to, and be seen to, hunt responsibly. In the context of fee setting, social licence means that game hunters generally accept a high level of regulatory oversight will be needed if they wish to continue to enjoy the benefits of game licences being available.

Finally, current game hunters are likely to have a high capacity to pay licence fees. Game hunters expend significant amounts to participate in hunting (e.g. ammunition, firearms, dogs, and other equipment), and the licence fees are marginal in the decision to participate. It is likely that the overall costs of hunting make it prohibitive for many segments of the community, but licence fees are not the main source of this cost. For those groups with limited capacity to pay, fees are set with a 50 per cent reduction (for concession holders) and zero for those under 18.

#### 6.3.4 Identification of potential pricing options

The ‘discover’ step of the pricing review seeks to identify all possible fee-setting approaches, regardless of their feasibility or suitability or alignment to policy objectives.

The following ‘long list’ of fee options was identified, in addition to continuing the current fee structure (and review of appropriate level of cost recovery).

**Table 21: Fee options considered**

Category	Fee ideas
Pricing ideas	<ul style="list-style-type: none"> <li>• Dynamic pricing to better coordinate demand at certain times</li> <li>• Auction models to extract highest value (through created scarcity)</li> <li>• Escalating prices (higher fees the more hunting a person does in a year)</li> <li>• More price differentiation between different groups where there may be a difference in value (e.g. higher fees for duck entitlement, species of deer, use of hounds or type of equipment allowed)</li> <li>• Different levels of cost recovery (e.g. broaden groups for concessional fees)</li> </ul>
Volume ideas	<ul style="list-style-type: none"> <li>• Time-limited licences (e.g. a 1-day or 3-day licence)</li> <li>• Basing fees on different bag limit/take</li> <li>• Create enhanced value by reducing amount of hunting activity allowed</li> </ul>

Category	Fee ideas
	<ul style="list-style-type: none"> <li>Segmenting licences by geographic area with different fees</li> <li>Charge fees based on entry into game reserve (per entry)</li> <li>Using fees to nudge people to buy longer term licences (e.g. 5 years)</li> </ul>
Service innovation ideas	<ul style="list-style-type: none"> <li>Encourage good behaviour by offering discounts for those with lower risk profile (informed by compliance history, completion of voluntary proficiency training, test results, etc)</li> <li>Offer special licences for use during exclusive/premium times or areas (e.g. permission to begin a day earlier)</li> <li>Using fees to nudge greater use of electronic licences rather than physical cards</li> </ul>

These potential options were tested against the Pricing Principles, and against the policy objectives for game licences. It was found that most of the above options were not consistent with the policy objectives, would be over-complex to administer and enforce (and hence not an efficient use of resources), or would require legislative change to support their implementation. Therefore, a more limited range of options was identified as both practical and feasible for assessment in this RIS. These are outlined in the next section.

Section 22A(7) of the Act allows GMA to issue licences for up to five years. Currently, GMA issues game licences for a maximum period of 3 years, with the fee for a 3-year licence being three times the fee for a 1-year licence. A potential option identified in the pricing review was to make available (in addition to 1- and 3-year licences) a 5-year licence. If so, the department should consider whether discounts could be provided for longer licence duration, as it may reduce administrative costs for GMA to process licence renewals and save licence holders' time. Discounts for longer licences are in place for recreational fishing licences. However, the potential for a 5-year licence would need to be considered in the context of future requirements in relation to knowledge and proficiency tests, and in the forthcoming implementation of the Government's response to the Select Committee Inquiry. Therefore, a 5-year licence has not been considered as an appropriate option at this time but could be revisited at a later time.

## 6.4 Fee options

Following the outcomes of the pricing review, the department decided to retain the current approach to the structure of fees and consider different levels of cost recovery. The options are:

**Option 1:** retain the current fees (around 50% cost recovery)

**Option 2:** set fees at full cost recovery

**Option 3:** set fees at full cost recovery but exclude GMA expenditure on research projects.

Research projects are discretionary and ad-hoc, and depending on each activity, may have a wider benefit beyond game hunters (e.g. has public good benefit, such as ensuring species sustainability or habitat protection). Further, research expenditure can be highly variable year to year.

These options were assessed against a 'base case' of no fees.

The fee amounts under each option are as follows:

**Table 22: Game licence fee options**

	Option 1	Option 2	Option 3
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Licence to hunt game birds only (new and renewal)	4 fee units (\$65.30)	7.36 fee units (\$120.20)	5.44 fee units (\$88.80)
Licence to hunt game deer only (new and renewal)			
Licence to hunt game birds and deer (new and renewal)	6 fee units (\$98.00)	12.95 fee units (\$211.50)	9.2 fee units (\$150.20)
Variation of licence	1 fee unit (\$16.30)	1 fee unit (\$16.30)	1 fee unit (\$16.30)
Issue of replacement licence card	1 fee unit (\$16.30)	1 fee unit (\$16.30)	1 fee unit (\$16.30)
Hunting with Hounds Test	2 fee units (\$32.70)	2 fee units (\$32.70)	2 fee units (\$32.70)
Waterfowl Identification Test	2 fee units (\$32.70)	2 fee units (\$32.70)	2 fee units (\$32.70)
<b>Total revenue</b>	<b>\$3.7 million</b>	<b>\$7.3 million</b>	<b>\$5.3 million</b>

Under all options, junior licence remains a zero cost, and concession card holders remain at 50 per cent of the fee.

The amounts shown in the table above reflect the fee amounts for the 2024-25 financial year, compared to the costs in Table 22 which were in 2022-23 dollars. The amount of the fee (in fee units) was calculated using the 2022-23 data and the value of the fee unit in 2022-23. This is in line with how fees are intended to increase each year in line with the Treasurer's determination.

For Options 2 and 3, the fees for a single deer licence or a single bird licence are set at the same level, consistent with the current approach, notwithstanding that there are different underlying costs related to each of deer or bird licences. The cost data indicates that the GMA's costs are disproportionately higher on a per licence basis for game bird hunting. Hence, there is a degree of cross subsidisation from deer hunters to game bird hunters. Under the preferred option (Option 3) this cross-subsidisation is in the order of \$1.20 per deer hunter, with a total of around \$20,000 per year. However, if research costs were to be included in the fees (as in Option 2), the cross subsidisation would be in the order of \$11 per deer hunter, and a total of around \$185,000 per annum. Because this is relatively small, the department has preferred to keep fees the same across both groups for simplicity.

The cost analysis revealed there were little regulatory cost savings from a person holding both a bird and deer licence, hence under Options 2 and 3 the 'discount' for holding both types of licences has been reduced from the current 50 per cent discount on the second licence, to a discount of around 23 per cent on the second licence.

The fees for the Hunting with Hounds Test (HHT) and Waterfowl Identification Test (WIT) are proposed to remain at their current levels under all options. The pricing review found these fee amounts to be consistent with the costs for those activities, noting that testing arrangements may change later in 2024, and hence fees for tests will be reviewed at that time.

All options also exclude the current fee for ballots (currently allowing GMA to charge up to 5 fee units). This fee is rarely charged in practice, and therefore there was limited data available to determine a suitable fee. It was preferred to leave the fee out of the proposed Regulations at this time. If at a future time the charging of fees for a particular ballot becomes necessary, an amendment to the Regulations can be assessed at that time.



The pricing review also estimated the costs associated with the registration of hounds. It may be appropriate to consider that these be charged separately, as not all deer licence holders use hounds. The unit costs associated with registration and transfer of ownership of hounds was as follows:

Registration of hound	\$116.70
Transfer of ownership of hound	\$31.25

There are only around 300 registrations and 40 transfers each year, with a total cost of around \$36,000. This could be removed from the costs used to determine the fee for Game Licences, however the reduction in licence fees to offset this cost would only be a saving of 55 cents per licence. Given GMA would need to set up new processes for payment and collection of fees if there were separate fees for hound registration, it was considered easier and more efficient to recover these costs through the licence fee.

## 6.5 Assessment of fee options

To compare the fee options, a MCA was used. Note that the criteria for assessing fees are different from the MCA criteria used elsewhere in this RIS, as this is specific to comparing fees, rather than considering broad costs and benefits. The criteria used in this chapter are as follows.

**Table 23: MCA criteria and weighting**

Assessment criterion	Description	Weighting
Efficiency <sup>60</sup>	Assesses the extent to which the fees will fully recover the costs to the GMA associated with regulating game hunting	25%
Equity	Assesses 'vertical equity' – where access to a service should consider a person's relative ability to pay	25%
Effectiveness	Assesses the extent to which the fees align with (promote or deter from) broader policy objectives and outcomes for game hunting	25%
Simplicity/implementation	Assesses the extent to which fees are easy to understand and apply	25%

Against each criterion, each option is scored relative to the base case of no fees (i.e. all costs are borne by the taxpayer).

The scores shown as follows.

**Table 24: MCA assessment of fee options**

	Option 1	Option 2	Option 3
Efficiency and horizontal equity	5	9	8
Vertical equity	-2	-5	-3
Effectiveness	1	1	1
Simplicity/implementation	-2	-2	-2
<b>TOTAL (weighted) score</b>	<b>0.5</b>	<b>0.75</b>	<b>1.0</b>

Efficiency scores reflect the extent to which the option recovers the costs of regulating game hunting by the GMA, which are around 50 per cent, 100 per cent, and 75 per cent for each option respectively. The score for Option 2 was 9, noting that despite achieving full cost recovery, there is a material amount of cross-subsidisation from deer hunters to bird hunters, which reduces horizontal

<sup>60</sup> This criterion also reflects "horizontal equity", where people who consume the same (amount of a) service, and/or give rise to the same level of regulatory costs, pay the same fee (i.e., full cost recovery aligns with achieving horizontal equity).

equity. The score for Option 3 is rounded up, also reflecting that the research costs being excluded will often have a public good component or value, and hence Option 3 is likely to be closer to full cost recovery for the direct licensing costs imposed by game hunters.

All options score negatively against the equity criterion because they all introduce an additional cost that will be relevant to the ability of individual game hunters to pay the fee. The negative scores are relatively small however, because the fees are considered to be only a small factor in overall costs of those participating in game hunting, and therefore not have a significant impact on the group of people that hold licences. It is noted that the concessional rate continues for concession card holders under all options, reducing the impact on those with a more limited capacity to pay the fees.

Effectiveness refers to the extent to which the fees align with broader policy objectives. Aside from recovering government costs, imposing fees on game hunting supports the government's broader policy objectives that game hunting is done in a responsible manner, particularly from the point of view of game hunters gaining a 'social licence' to participate in hunting activities. The higher the contribution from game hunters, the more likely that game hunting is accepted by the community as a sustainable activity. That said, fees that are too high may lead to incentives for non-compliance (i.e. illegal hunting) which compromises government policy objectives. On balance, all fee options are therefore likely to make a small positive contribution to policy outcomes.

All options have a negative score for simplicity. While all options are easy to understand and apply, they all involve a use of resources to calculate, pay and collect fees in each case, compared to the base case. However, as these systems are already in place, and largely all completed electronically through MyGL, this score is only slightly negative. The scores for simplicity and implementation do not change because of the level of fees.

Therefore, on balance, the department prefers Option 3 at this time, noting that fees may need to be revisited following implementation of the government's response to the Select Committee's recommendations.

There is also scope for further discussion with the sector about future research funding at a later time.<sup>61</sup> The proposed fees will also require the Treasurer's approval before the proposed Regulations are made.

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<sup>61</sup> A recent survey by the Australian Deer Association showed that approximately 77 per cent of respondents supported the introduction of a levy for research and the promotion of sustainable, best-practice hunting. Of these, approximately 48 per cent supported paying \$15, and approximately 40 per cent would pay between \$30-45. The SSAA and Field & Game Australia also support research and education funding from licence fee revenue. However, to establish a specific research fund, would require further work outside of the current Regulation making process.

## 7 Preferred Option

### Costs of regulatory options

The current Regulations will largely be remade, with some important reforms concerning the environment (phasing out of toxic projectiles) and animal welfare. The key changes incorporated in the proposed Regulations include:

- phasing out of toxic shot and projectiles in game hunting
- removing checking station requirements for hog deer
- prohibiting the use of electronic acoustic callers.

These *new* proposals impose costs and benefits on hunters. The quantitative costs of the proposed changes are shown in the table below. New net quantifiable costs were estimated to be \$870,480 annually, \$6,119,595 (PV) over a 10 year period.

**Table 25: Costs of New proposals**

Description	Costs (\$)
Non-toxic shot and projectiles – Quail and deer	\$736,484
Non-toxic shot – Quail gun replacement (annualised)	\$130,000
Notification of transfer of a hound and presentation of a hound	\$3,996
<i>Total annual costs</i>	<b>\$870,480</b>
<i>Cost over 10 years (PV)</i>	<b>\$6,119,595</b>

An MCA assessment was undertaken of each of the design options given the difficulty in measuring costs and benefits. The design options were grouped as follows:

- Option 1: Environmental – Prohibit toxic shot and electronic acoustic callers
- Option 2: Animal welfare – Struck deer and regulation of hounds
- Option 3: Safety options – Season commencement times, extending deer habitats
- Option 4: Mandatory knowledge testing (animal welfare and knowledge testing)
- Option 5: Reducing the regulatory burden.

The table below summarises these results. The decision rule adopted in this RIS is that a positive score suggests that the benefits outweigh the costs, and the proposal should be adopted. Therefore, all design options were preferred to the reference case of remaking the Regulations unchanged. However, Option 4: Mandatory knowledge testing (animal welfare and knowledge testing) will not be included in the proposed Regulations, as the design of the requirements will require further consultation with stakeholders. It is presented in this RIS to inform stakeholders of a probable future change to the regulations and initiate consultation on the proposal.

**Table 26: Summary of MCA assessment scores**

Criterion	Weighting	Options assessment - MCA weighted scores				
		1	2	3	4	5
Environmental impacts	20%	1.40	0.0	0.4	1.0	0.0
Animal welfare	20%	1.20	0.20	0.2	1.2	0.2
Safety	10%	-0.10	0.10	0.2	0.5	0.1
Regulatory costs	50%	-1.50	-0.13	-0.25	-1.5	0.5
<b>Net MCA score</b>		<b>1.0</b>	<b>0.18</b>	<b>0.55</b>	<b>1.2</b>	<b>0.8</b>

Other aspects of the game regulations will be remade – such as game species, open and close seasons, hunting equipment, and hounds – with some changes.

#### Cost of the proposed Regulations

Where costs could be quantified for the proposed Regulations, it was done so. The quantifiable costs of the proposed Regulations (including the new proposals) were \$1.4 million annually, or \$9.9 million (PV) over a 10-year period. These results are shown in Table 27 below, and detailed cost calculations are contained in Appendix G.

**Table 27: Summary of costs imposed by the Wildlife (Game) Regulations 2024**

Description	Costs (\$)
Licensing and registration	\$229,795
Hog deer requirements	\$7,400
Non-toxic shot	\$1,071,321
Hound registration	\$66,252
<b>Total annual costs</b>	<b>\$1,374,768</b>
<b>Cost over 10 years (PV)</b>	<b>\$9,945,428</b>

The proposed Regulations also contain a number of quantifiable regulatory burden savings (i.e. removal of checking station requirements for hog deer hunters, removal of requirements to a sign licence, and removal of requirements to return licence). The amount of regulatory burden savings is around \$75,000 annually for game hunters, or around \$611,000 (PV) over a 10-year period. For example, the total annual costs in Table 4 above would have been \$75,000 greater if the regulatory burden savings measures were not adopted.

#### Break-even Analysis – an indicative measure

At a higher level, a BEA method is used to compare the likely costs of the proposed Regulations against the broader benefits provided by game hunting. BEA allows assessments to be made when the benefits are difficult to measure. In this case, a reasonable estimate can be made of some costs associated with the proposed Regulations, however, other costs and the benefits of the regulations are difficult to measure. While a gross estimate of the benefits (in monetary terms) of game hunting has been estimated in an economic study, it is reasonable to assume that a large proportion of these benefits derive from the game regulations (without regulations there would be no game season). A BEA presents the costs and asks at what level of benefit will costs equal benefits. Strictly, this comparison of the costs against economic studies poses methodological issues, but nevertheless it does provide ‘rule of thumb’ guidance on orders of magnitude between the costs and benefits.

The Economic Contribution of Recreational Hunting in Victoria report estimates the net contribution to the economy of game hunting in Victoria ranges from \$19 million to \$57 million, while providing net full-time equivalent employment of between 246 and 627 jobs. The proposed Regulations play a key part of the overall regulatory framework for game hunting in Victoria, and arguably a large part of these benefits is attributable to the Regulations (without the Regulations game hunting would not occur). This suggests that the regulatory costs imposed by the proposed Regulations, which seek to manage environmental, animal welfare, and safety risks, are reasonable given the value generated by game hunting to Victoria’s economy.

Given that the Victorian Government seeks to grow the economic, environmental, and social benefits of responsible, sustainable and safe hunting, now and into the future, it is assessed that the benefits of the proposed Regulations outweigh the costs.

## 8 Competition and small business impacts

The major group that will be affected by the proposed Regulations are businesses that sell hunting equipment and game hunters themselves. At a higher level, given that without the Regulations there would be no game hunting in Victoria, the Regulations can be regarded as ‘market-forming’ and pro-competitive overall. Within the game hunting sector, however, there are certain restrictions on what equipment (e.g. types of firearms, ammunition, and restrictions on the use of certain technology) may be used in game hunting, may be sold, and what type of dogs and hounds may be used; thereby limiting the market for those goods. These restrictions are required to achieve the Government’s objectives of sustainable, low environmental impact, and humane game hunting.

Restrictions on lead shot and projectiles and the mandating of certain dog breeds will restrict what businesses may sell. In these cases, alternative cartridges and hound breeds may be substituted and there are no significant barriers to market entry (although non-toxic ammunition tends to be approximately 20 per cent more expensive than lead, and copper bullets approximately 25 per cent (or more) expensive than lead, but this is expected to decline over time as demand and supply increases). The market is rapidly developing in the areas of non-toxic shot and for biodegradable or compostable wads and cartridge casings.

To ensure food safety and ensure that recreational hunting is not for commercial gain, the proposed Regulations will maintain the current prohibition on the:

- the sale of wild game; or
- exposure of wild game for sale; or
- the possession of wild game on commercial premises.<sup>62</sup>

However, the department is currently examining a proposal to ensure legally obtained deer meat can be shared with friends and family.

The proposed Regulations restrict competition by prohibiting the sale of game as well as the sale of certain types of hunting equipment. It is assessed that the benefits of the restriction outweigh the costs and that the restriction is necessary in order to meet the government’s objectives to ensure that game is hunted in a sustainable, controlled, and ethical manner.

The proposed Regulations do not impose any administrative regulatory burdens on businesses, although some products will be prohibited (e.g. toxic shot and projectiles, electronic acoustic callers). Overall, the proposed Regulations provide positive indirect benefits for small businesses, while the cost burdens associated with the regulatory regime are borne by individuals.

As noted above, without the proposed Regulations there would be no game hunting in Victoria. Therefore, the proposed Regulations are ‘market forming’ and enable small business, particularly rural business, to participate in the market. Such businesses may include gun shops, camping and boating stores, rural petrol stations and general stores and supermarkets, as well as dog breeders and the pet industry. The minor restrictions on competition within the proposed Regulations are necessary to achieve the Government’s objectives and the benefits of the restrictions outweigh the costs.

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<sup>62</sup> However, regulation 55(2)(c) permits taxidermied game that has been legally obtained to be sold.

## 9 Implementation, enforcement & evaluation

### 9.1 Implementation

Several of the proposals represent significant changes to the current arrangements. These changes will be phased in to allow game hunters and ammunition and firearm retailers time to adjust to the changes. Most of the provisions in the proposed Regulations will take effect from 7 September 2024. However, the use of lead projectiles for deer hunting will be prohibited from 31 December 2028. This period will allow hunters and ammunition and firearm retailers time to adjust to the new requirements. With the transition to copper bullets, bullet weights may need to be revisited because copper bullets are lighter and faster, having a higher ballistic coefficient.<sup>63</sup> Some European countries have also regulated the minimum kinetic energy properties of a projectile, and this could also be examined as part of the review of projectile weights.

The department will inform game hunters of the new Regulations on its website and will conduct a direct mail-out to licence holders. It will also utilise its networks among hunting groups to inform game hunters of the changes.

### 9.2 Enforcement and compliance

#### Compliance framework

The GMA is primarily responsible for enforcement and compliance activities for game hunting. The GMA is an independent statutory authority established to promote sustainability and responsibility in game hunting in Victoria in accordance with the GMA Act. The GMA also performs the regulation, investigation and disciplinary functions conferred by or under the GMA Act, the *Wildlife Act 1975* and the *Conservation Forests and Lands Act 1987*.

Since 2014 GMA has developed its enforcement capacity significantly. Government increased funding to the GMA in 2019 to provide for additional compliance, research and communications staff. The GMA now has 21 authorised officers, 16 of these dedicated full-time staff and five ‘Game Managers’ who are also authorised. The GMA has increased its compliance footprint across the state and has five regional offices with authorised officers, at Ballarat, Bendigo, Benalla, Traralgon and Lakes Entrance. The GMA also works with partner agencies during peak periods of hunting activity and at other times, including Victoria Police, Parks Victoria and DEECA, to increase its compliance capacity. As an example, 132 authorised officers and Police were active during the opening week of the 2024 duck season. While compliance resources are likely to remain stable in the near term, GMA has advised that it will increase the intensity of its enforcement activities.

In March 2024 the GMA published a revised Compliance and Enforcement Policy.<sup>64</sup> This policy recognises that risk is a combination of two elements: consequence (the degree of risk or harm to public safety or game management) and likelihood (the chance that non-compliance will occur). The GMA will focus on risks to:

- Public safety (both hunters and non-hunters)
- Sustainable game harvesting;
- Non-game protected wildlife; and
- Animal welfare.

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<sup>63</sup> The ballistic coefficient (BC,  $C_b$ ) of a body is a measure of its ability to overcome air resistance in flight. A higher number indicates a low negative acceleration—the drag on the body is small in proportion to its mass.

<sup>64</sup> Game Management Authority, March 2024, *Compliance and Enforcement Policy* (Version 2): [https://www.gma.vic.gov.au/\\_\\_data/assets/pdf\\_file/0008/535454/GMA-Compliance-and-Enforcement-1.pdf](https://www.gma.vic.gov.au/__data/assets/pdf_file/0008/535454/GMA-Compliance-and-Enforcement-1.pdf)

When the GMA commences the enforcement process following an incident or risk or non-compliance, the level of risk or harm in the circumstances and culpability of the offender are considered on public safety, animal welfare, conservation, resource, biological and economic implications regarding the actual incident and offence.

The following specific issues will be considered:

- threats to public safety
- animal welfare concerns
- conservation importance
- deliberate resource abuse by the person(s)
- biological considerations
- consequence of the offending
- personal gain to the person(s), and
- whether or not the person has a prior history of offending.

The regulatory model uses elements that can be applied when inspection activity and other compliance resources are targeted to areas with the potential to cause significant harm. Ultimately, effective compliance, which includes awareness and education, will be the driver for behaviour change within the hunting and non-hunting community, to best support the achievement of GMA's objectives.<sup>65</sup>

The GMA seeks to achieve compliance using education and a range of sanctions, including official warnings, infringement notices, prosecutions and licence suspensions and cancellations. Any sanctions imposed as a consequence of court proceedings are at the discretion of the courts. Other agencies, including Victoria Police, the department, Parks Victoria and DEECA, are also authorised to undertake enforcement actions relating to illegal hunting or hunting-related activities.

### Enforcement activity

The GMA uses an Intake and Assessment Panel (IAP) to facilitate and embed an intelligence-led, risk-based approach to GMA-wide compliance and enforcement action. The purpose of the IAP is to provide early guidance on possible regulatory responses to each matter that has been referred to the IAP. The IAP considers how a matter should be categorised and triaged if further information is required before recommending additional action, including if formal investigation is warranted. In 2022-23, the IAP assessed 205 matters, which is a reduction from 358 matters assessed in 2021-22. This is due to continuous improvement of GMA processes and only referring matters to the IAP where it is alleged breaches of the GMA's legislated functions may have occurred.

In 2022-23, the GMA generated 770 Information Reports from internal sources, members of the community and other referring agencies, regarding hunting-related matters. Of the Information Reports generated, 356 were the result of illegal hunting reports submitted by the public via the GMA website (56 per cent), direct contact with GMA staff (12 per cent) and the Customer Contact Centre (32 per cent). Of the 356 matters, reporting related to deer and illegal hunting (45 per cent), duck hunting (13 per cent), hunting with hounds (6 per cent), kangaroos (4 per cent), animal cruelty/welfare (2 per cent), protestors (1 per cent) and "other" matters including seasonal arrangements, recruitment, firearms-related etc (29 per cent).

Over the 2022-23 reporting period, the GMA conducted 277 proactive patrols using an intelligence-led approach to target specific locations. This was a 52 per cent increase from the previous year (133). During this period, the GMA commenced 83 new investigations, and 78 investigations were concluded. Compliance operations and activities resulted in 12 court proceedings (64 charges), 37

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<sup>65</sup> Ibid., p. 5

infringement notices and 13 official warnings. During the 2023 duck season, compliance and survey staff attended 216 individual wetlands with a combined total of 469 wetland attendances.<sup>66</sup>

### New Offences

Several new offences will be introduced in connection with the new proposals. These include:

- instances where a person hunts before 8.00am on the first five days of the open season for ducks, (i.e. twenty penalty units).
- instances where a hunter does not adhere to the orange blaze requirements associated with the use of deer decoys. The penalty would be the same as similar offences, such as regulation 49 which bans the use of baits, lures and decoys (i.e. twenty penalty units).
- where a hunter uses a non-handheld thermal imaging device (i.e. one that is fixed to a firearm, e.g. a rifle scope). The penalty would be the same as similar offences, such as regulation 37 which describes when a spotlight can be used (i.e. twenty penalty units).
- the offence for using or possessing lead shot for all forms of gamebird (i.e. Stubble Quail and non-indigenous gamebirds) will be the same as they currently are for game ducks (i.e. twenty penalty units).
- using or possessing lead projectiles while hunting deer. The penalty would be the same as that for using lead shot when game duck hunting. The new offence would not apply to a person who is in possession of toxic shot that is secured in a vehicle (similar to the existing exemption for possession of toxic shot).
- instances where a hunter does not lodge a HHog Deer harvest return. The penalty would be the same as for similar administrative offences (i.e. two penalty units).
- Instances where a hunter does not make reasonable efforts to kill a deer that they have struck but not killed (i.e. twenty penalty units).

### Review of penalties

As mentioned earlier, the Select Committee recommended that Government review the level of penalties for offences while undertaking game hunting, particularly the current penalties for damage or destruction of Aboriginal cultural heritage. The Subordinate Legislation Act 1994 Guidelines recommend that penalties contained in regulation be set at a maximum of 20 penalty units. However, the *Wildlife Act 1975* provides that penalties may be set in regulations at a higher level (i.e. 50 penalty units).

To improve compliance and enforcement, the department intends to review the penalty levels set in the regulations to assess whether they are appropriate. Any such review will also be informed by the Attorney-General's Guidelines to the *Infringements Act 2006* for Enforcement Agencies. This review will occur later in 2024.

## 9.3 Evaluation

The department is primarily responsible for monitoring and evaluating the operation of the regulations. It does this by:

- risk-based intelligence-led approach, such as proactive patrols that target specific areas, and an increased compliance effort for the opening weekend of the duck hunting season and open seasons throughout the year, which ensures that hunters are hunting safely and responsibly

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<sup>66</sup> Game Management Authority Annual Report 2022-2023:  
[https://www.gma.vic.gov.au/\\_\\_data/assets/pdf\\_file/0008/987821/GMA-Annual-Report-22-23.pdf](https://www.gma.vic.gov.au/__data/assets/pdf_file/0008/987821/GMA-Annual-Report-22-23.pdf)



and complying with hunting laws. The effectiveness of compliance effort and educational resources will be measured by a reduction in breaches to hunting laws and regulations.

- phone surveys to assist the GMA in gathering information on a wide range of hunting behaviours concerning hunter effort, days spent in the field, location and the number of ducks, quail and deer harvested.
- compliance operations and activities, which may identify regulatory breaches that result in warnings and infringement notices being issued, and court proceedings being commenced. The effectiveness of these activities will be measured in the number of breaches against the regulations.
- reporting on harvest estimates for deer, duck and quail hunting. These inform decisions about setting rules and regulations for hunting seasons to ensure sustainability in game hunting in Victoria.
- game duck population abundance monitoring to inform decision-making for setting duck season arrangements, to ensure that game duck populations remain sustainable.
- Stubble Quail population abundance monitoring, to provide critical data on abundance and distribution of this species and allow tracking trends over time to ensure that population levels remain sustainable for game hunting.
- monitoring the frequency of wounding in duck hunting to understand wounding rates by radiographing live-caught ducks, which will inform whether the government needs to further develop regulatory and non-regulatory interventions to reduce wounding.

More generally, the GMA will:

- evaluate enforcement and compliance data to see whether the regulations are working effectively
- analyse complaints data to assess whether patterns of behaviour require regulation, and
- conduct surveys on hunter knowledge, compiling harvest reports, monitoring game populations and undertaking hunter research.

In addition, the *Sustainable Hunting Action Plan 2021-2024* also commits the Government to conduct another economic study on the contribution of game hunting to the economy in 2024.

## Appendix A: Victorian Government Response to the Legislative Council Select Committee Inquiry into Victoria’s Recreational

Recommendation	Type of response	Response
<p>1. That the Victorian Government ends the annual recreational native bird hunting season opening on all public and private land from 2024.</p>	<p><b>Do not support</b></p>	<p>The Victorian Government is committed to safe, sustainable and responsible hunting. Recreational duck and quail hunting will continue in Victoria, but with the following changes to take effect from 2025:</p> <ul style="list-style-type: none"> <li>a) Use of the science-based Adaptive Harvest Management (AHM) to guide annual game duck seasons.</li> <li>b) Improved animal welfare outcomes through implementing the Waterfowl Wounding Reduction Action Plan.</li> <li>c) Banning the use of lead shot in quail hunting.</li> <li>d) Improved hunter knowledge and skill through mandatory education and training for hunters, including cultural awareness training.</li> <li>e) Strengthened compliance, including further penalties for hunters doing the wrong thing.</li> <li>f) Greater recognition of Traditional Owners’ knowledge and practice of hunting and land management, continuing to implement the Traditional Owner Game Management Strategy.</li> </ul> <p>The Department of Jobs, Skills, Industry and Regions (DJSIR) will, in 2024, lead the remake of the Wildlife (Game) Interim Regulations 2023 to be completed by September 2024. This remake will involve a public consultation process. Government will make clear its intention to have more stringent requirements for hunting such as banning the use of lead-based ammunition and mandating training and testing to improve hunter proficiency and Aboriginal cultural heritage awareness.</p> <p>To reduce the rate of wounding, the Victorian Government is committed to implementing the Waterfowl Wounding Reduction Action Plan, beginning in 2024. The Plan has been informed by a Wounding Reduction Working Group, that included animal welfare stakeholders and an independent chair.</p>

Recommendation	Type of response	Response
<p>2. That the Victorian Government retains existing exemptions to hunt and control native birds under the Authority to Control Wildlife framework to control bird populations impacting on agricultural and other land.</p>	<p><b>Support in full</b></p>	<p>An Authority to Control Wildlife is an authorisation issued under section 28A of the <i>Wildlife Act 1975</i> which allows a person to shoot, wilfully disturb or trap wildlife where it is damaging property, crops or other wildlife habitat or for the purposes of management, conservation or protection of wildlife. In Victoria, all wildlife is protected under the <i>Wildlife Act 1975</i>. It is illegal to disturb or destroy wildlife without an appropriate authorisation, licence or exemption.</p> <p>No changes will be made to the existing Authority to Control Wildlife system administered by DEECA. Landholders will still be able to apply for permits to control bird populations impacting on agricultural and other land.</p>
<p>3. That Traditional Owner hunting rights are retained under existing legislation.</p>	<p><b>Support in full</b></p>	<p>Victorian Traditional Owner groups have legal rights to access game and native species for personal, communal and cultural purposes.</p> <p>Traditional Owners will retain their rights to hunt and take native birds under relevant Settlement Agreements. Aboriginal Victorians will be involved in the design of ongoing native game bird hunting arrangements, and supported to explore opportunities take leadership roles.</p> <p>The Victorian Government is committed to strengthening collaboration and partnerships between government, agencies, Traditional Owners, hunters and the community to continue to grow safe, sustainable and responsible hunting.</p> <p>The Victorian Government will continue to invest in the implementation of the Traditional Owner Game Management Strategy (TOGMS).</p> <p>The TOGMS outlines a holistic approach to game management in Victoria incorporating Traditional Owner led knowledge and practice to promote healthy populations of animals on healthy Country and improved cultural, social, ecological and economic benefits for all. The broader actions in the TOGMS include:</p> <ul style="list-style-type: none"> <li>- Collaborative Management:</li> <li>- Employment and economic opportunities</li> <li>- Recognition and respect</li> </ul> <p>Development of the TOGMS was led by the Federation of Victorian Traditional Owner Corporations in partnership with the Game Management Authority (GMA), DJSIR and DEECA to build Traditional Owner participation in hunting, land management and conservation. The TOGMS was finalised in June 2022.</p>

Recommendation	Type of response	Response
<p>4. That State Game Reserves used for duck hunting be converted into Outdoor Recreation Reserves to provide greater access to outdoor recreation for all Victorians, with appropriate investment in camping, boating, and related infrastructure</p>	<p><b>Support in principle</b></p>	<p>Government is committed to supporting more people to spend time in nature, enjoying outdoor activities and exploring our parks and forests. Government has invested \$33 million to improving boat facilities across Victoria and \$12.4 million to providing fishing and boating access at Tarago Reservoir. Victoria's Great Outdoors is investing \$106.6 million in better campgrounds, walking trails, 4WD tracks and visitor facilities in Victoria's parks and state forests</p>
<p>5. That the Victorian Government provides additional resources to the Department of Energy, Environment and Climate Action and Parks Victoria to better control non-native invasive species</p>	<p><b>Support in principle</b></p>	<p>The Victorian Government is committed to improving the health and biodiversity of Victoria's wetlands and creating opportunities for Traditional Owners to lead in caring for country.</p> <p>Through Biodiversity 2037 and a record investment of more than \$582 million since 2014, we're delivering the biggest ever investment in Victoria's biodiversity and environment.</p> <p>A series of large-scale conservation projects are underway to reduce the impact of pests, predators and invasive weeds at key locations across Victoria.</p> <p>The projects span from Victoria's far north-west, the Grampians, Gippsland and the Mornington Peninsula and benefit a range of threatened species including the Long-footed Potoroo, southern Brush-tailed Rock-wallaby, Giant Burrowing Frog and the Eastern Bristlebird.</p> <p>To date, the Icon Species Program has supported 19 species through a range of activities like habitat protection, translocation and predator control for species including the southern bent-wing bat, the orange-bellied parrot, southern right whale and the plains wanderer. We are committed to protecting Victoria's most threatened species and ensuring they have a bright future in our changing climate.</p> <p>These projects are part of that commitment to improve biodiversity and will help us deliver our ambitious environmental agenda – to ensure Victoria's environment is healthy, valued and protected for years to come.</p>
<p>6. That the Victorian Government amends the Victorian wildlife framework to discontinue the use of lead shot for all types of bird hunting and undertakes</p>	<p><b>Support in full</b></p>	<p>The use of lead shot in the hunting of game ducks in Victoria has been prohibited for more than 20 years.</p>

Recommendation	Type of response	Response
further investigation into plastic pollution and other forms of wetland degradation as a result of hunting.		DJSIR will lead the remake of the Wildlife (Game) Interim Regulations 2023 and seek to ban the use of lead-based ammunition for Stubble quail. Options to find compostable versions of shotgun ammunition currently based on non-compostable plastics will also be investigated.
7. That the Victorian Government reviews the process to report damage or destruction of Aboriginal cultural heritage and introduces additional protections for these sites including appropriate signposting and a review of the current penalties for cultural destruction.	<b>Support in full</b>	<p>The Victorian Government is committed to protecting Aboriginal cultural heritage and supporting strong Traditional Owner corporations. The Aboriginal Heritage Act 2006 includes a range of enforcement provisions to provide protection for Aboriginal cultural heritage in Victoria. These provide appropriate penalties and clear powers for Authorised Officers and Aboriginal Heritage Officers.</p> <p>DJSIR will work with Traditional Owners, the Department of Premier and Cabinet, the GMA, DEECA, and Parks Victoria to investigate appropriate enforcement and penalties for non-compliance with cultural heritage protections, and damage and destruction of cultural heritage.</p> <p>DJSIR, GMA, DEECA, the DPC and Parks Victoria will work with Traditional Owners to identify improvements for the reporting of damage and destruction of cultural heritage sites, and opportunities to improve signposting where appropriate.</p> <p>For the 2025 season, additional Authorised Officers and Aboriginal Heritage Officers will deliver stronger on ground presence to enhance protection of cultural heritage sites.</p>
8. That the Victorian Government requires hunters participate in an Aboriginal cultural heritage awareness education program.	<b>Support in full</b>	<p>From 2025, hunters will be required to complete Aboriginal cultural heritage awareness training and testing.</p> <p>DJSIR will work with Traditional Owners to develop a suitable education program, which may cover topics such as cultural heritage significance, Aboriginal heritage legislation, types of artefacts and practices to protect cultural heritage.</p>

## Appendix B: Legislative framework

Game management involves the monitoring and management of habitats and game populations to achieve sustainable harvest objectives. Regulating hunters and hunting activity contributes to sustainable recreational, social, environmental and economic benefits.

The legislative framework that applies to game hunting is complex.

<b>Regulation of game hunting</b>	
<p><b>Wildlife Act 1975</b> Defines 'wildlife' in Victoria; defines threatened wildlife and protected wildlife; prohibits the hunting of wildlife without licence or authorisation</p>	<ul style="list-style-type: none"> <li>• Orders declaring species to be 'game'</li> <li>• Orders declare certain State Wildlife Reserves to be State Game Reserves, State Game Refuges, State Faunal Reserves, Game Management Stations</li> <li>• Sections 86 and 86A notices of the Wildlife Act ((notices prohibiting, regulating or controlling the taking, destroying or hunting of wildlife and emergency notices)</li> <li>• Wildlife Regulations 2024 creates the licensing framework for game bird farmers and taxidermists (although not only a service to game hunters) and includes some habitat protection laws.</li> <li>• Wildlife (State Game Reserves) Regulations 2014 regulate what happens on state game reserves (other than game hunting)</li> <li>• <b>Wildlife (Game) Interim Regulations 2023</b> regulate game licences and hunting activities</li> </ul>
<p><b>Flora and Fauna Guarantee Act 1988</b> Lists terrestrial invertebrate animals for the purpose of defining 'wildlife'; lists species that are threatened species</p>	
<p><b>Crown Land (Reserves) Act 1978</b> Sets aside land for the propagation or management of wildlife or the preservation of wildlife habitat</p>	
<p><b>Prevention of Cruelty to Animals Act 1986</b></p>	<ul style="list-style-type: none"> <li>• Code of Practice for the Welfare of Animals in Hunting</li> <li>• Code of Practice for the Welfare of Animals on Private Game Reserves Licensed to Hunt Game Birds</li> </ul>
<p><b>Firearms Act 1996</b> <b>Control of Weapons Act 1990</b></p>	<p>Game hunters who use firearms must be licensed under this Act</p>
<p><b>Catchment and Land Protection Act 1994</b> Defines pest animals</p>	<p>No game licence is required to hunt pest animals</p>
<p><b>Traditional Owner Settlement Agreement Act 2010</b></p>	<p>Traditional owners are exempt from requiring a game licence if they are acting in accordance with a Natural Resource Agreement made under this Act</p>
<p><b>Game Management Authority Act 2014</b> Establishes the game regulator as an independent statutory authority to promote sustainability and responsibility in game hunting in Victoria</p>	<p>The GMA also has obligations under the GMA Act to develop operational plans and procedures to address the humane treatment of animals that are hunted or used in hunting</p>
<p><b>Conservation, Forests and Lands Act 1987</b> Provides framework for delegations of powers and appointment and powers of authorised officers across multiple Acts</p>	<p>Supports the enforcement and compliance activities of game hunting on public land</p>
<p>Various land management legislation including: <i>Forests Act 1958, National Parks Act 1975, Water Act 1989, Parks Victoria Act 2018</i></p>	<p>Provides various definitions and/or limits where game hunting can occur</p>

In May 2020, the then Minister for Energy, Environment and Climate Change announced a review of the Wildlife Act. This review will outline what changes should be made to the Act. Concurrently, the *Prevention of Cruelty to Animals Act 1986* (POCTA) has been reviewed and the draft Animal Care and Protection Bill is being developed and consulted on. The proposed Regulations will not anticipate any legislative changes that are under development.<sup>67</sup>

**Figure 2: How is game hunting regulated?**

	<b>Wildlife (Game) Regulations 2012 (in scope for this RIS)</b>	<b>Other instruments (i.e., outside the scope of the proposed Regulations)</b>
<b>What</b> species may be hunted?	Taxa listed in 3 Schedule Open season of Regulations-	Order in Council prescribes the species that can be hunted as ‘game’ in Victoria. (Pest species—species not specifically defined as game or protected or threatened species—can be hunted without a licence).
<b>Who</b> may hunt game?	The Wildlife (Game) Regulations set out the process for applications, renewals, etc. including specifying any tests to support establishing a person’s ability to satisfy the criteria in the Act	The <i>Wildlife Act 1975</i> prohibits hunting of game unless authorised or licensed by the Game Management Authority. The Act sets out the eligibility criteria for an application to be granted or rejected, and mechanisms for suspension and cancellation of licences. (licences may specify which species a person is licensed to hunt).
<b>When</b> can game be hunted?	The Regulations set open and closed seasons	The Minister may also make declarations for hunting in certain situations for up to 12 months, or in emergency situations.
<b>Where</b> can game be hunted?	Further restricts some types of hunting in some areas	Various other Acts restrict where game hunting can occur. Orders made under the Act define State Game Reserves.
<b>How</b> can game be hunted?	The Wildlife (Game) Regulations place conditions/restrictions on hunting methods, bag limits, gun gods, registration of hounds, etc	If a game hunter uses a firearm, they must hold a licence under the Firearms Act. Hunting must comply with Codes of Practice under the <i>Prevention of Cruelty to Animals Act 1986</i> . GMA may also specify any other conditions on the issue of a licence.

<sup>67</sup> *Victoria’s New Animal Care and Protection Laws Plan* was released for consultation in September 2022. In that plan there is a list of exceptions under the proposed law. Game hunting is specifically excepted: “This exception recognises that game hunting is permitted and regulated under Victoria’s *Wildlife Act 1975*. Activities involving the control or disturbance of wildlife are also regulated under that Act. From a legal perspective, it is important to explicitly allow these activities so that a person would not be committing an offence under the new laws when doing something lawful under another authority, and so people know what they must or must not do.” (see p. 18)

## Appendix C: Roles and responsibilities

The responsibility for hunting and game management is shared across a range of government departments and agencies. This recognises that the factors associated with safe and sustainable hunting and game management (game species, water, environment, firearms, land management, pest management etc.) are not the responsibility of any one organisation.

The following table outlines the roles and responsibilities of these organisations in game management in Victoria.

Who	Role
Minister for Outdoor Recreation	Lead Minister responsible for game hunting policy.
Minister for Environment	Jointly responsible with Minister for Outdoor Recreation for some decisions under the <i>Wildlife Act 1975</i> which relate to game species, including season modifications, further regulation or closure of hunting areas and other decisions under the Act. Jointly responsible for making relevant regulations under the <i>Wildlife Act</i> <sup>68</sup> .
Minister for Agriculture	Jointly responsible with the Minister for Outdoor Recreation and the Minister for Environment for any unprotection orders made under the <i>Wildlife Act 1975</i> relating to game species (an unprotection order is an order to allow the legal control and management of a protected species).
Game Management Authority (GMA)	Primary regulator of game hunting on public and private land. Responsible for operational policy, licensing, education, research and compliance. Can provide advice to government on game and pest management. Not responsible for public land management, game species management, water management, habitat management or game and wildlife policy. Not responsible for the illegal use of firearms or firearms licensing. Can issue authorisations to conduct research on or manage game species.
Department of Jobs, Skills, Industry and Regions (DJSIR)	Responsible for state-wide game hunting policy, including regulatory and legislative advice and development. Responsible for instituting any game hunting related decisions under the <i>Wildlife Act 1975</i> , including further regulation or closure of hunting areas and seasonal modifications.
Department of Energy, Environment and Climate Action (DEECA)	Responsible for state-wide land, water and wildlife management policy, including regulatory and legislative advice and development. Responsible for determining public land classifications and permitted activities. Responsible for monitoring and research on the status of wildlife, including game jointly with the GMA. Responsible for issuing Authorities to Control Wildlife which can include game. Manages public land that is not managed by Parks Victoria (e.g., state forests). This includes managing wildlife and the activities, including hunting, that occur on the land DEECA manages. Administers the <i>Wildlife Act 1975</i> and the <i>Wildlife Regulations 2013</i> and is responsible for wildlife possession, trade and processing, including taxidermy.

<sup>68</sup> See <https://www.vic.gov.au/general-order-dated-5-december-2022#minister-for-agriculture>



Who	Role
	<p>Administers the Wildlife (State Game Reserve) Regulations 2014.</p> <p>Responsible for <i>Prevention of Cruelty to Animals Act 1986</i> and animal welfare policy, including regulatory and legislative advice and development.</p> <p>Responsible for enforcing Codes of Practice that relate to hunting such as the Welfare of Animals in Hunting.</p> <p>Responsible for agriculture and meat industry policy, including regulatory and legislative advice and development</p>
Parks Victoria	<p>Manages parks and most reserves and the activities that occur on them, including hunting. National Parks and State Game Reserves are two examples. Game hunting can be permitted in certain parks and reserves, during season.</p>
Department of Justice and Community Safety	<p>Responsible for firearms policy, including regulatory and legislative advice and development.</p>
Victoria Police	<p>Responsible for the licensing, possession, use and trade in firearms and controlled weapons.</p> <p>Important role in ensuring public safety and public order, including leading protestor management.</p> <p>Assists the GMA during enforcement activities.</p>
Victorian Environmental Water Holder	<p>Responsible for holding and managing Victoria's environmental water entitlements and making decisions on where environmental water is used to improve and maintain the health of rivers and wetlands, which includes some State Game Reserves and other wetlands used for hunting.</p>
Rural Water Corporations	<p>Rural water corporations provide water supply, drainage, and salinity mitigation services for irrigation and domestic and stock purposes. Some of these corporations (e.g., Goulburn-Murray Water) allow hunting on some of the waters they manage and produce information for hunters.</p>
Catchment Management Authorities	<p>CMAs have management powers over regional waterways, floodplains, drainage and environmental water.</p>
RSPCA Victoria	<p>Inspectorate has a role in enforcing animal welfare provisions (mostly domestic pets and small number of livestock) under the <i>Prevention of Cruelty to Animals Act 1986</i>.</p> <p>Can provide advice on animal welfare.</p>

## Appendix D: Game in Victoria

The species declared to be game in Victoria is as follows:

Governor in Council Order, Declaration of Wildlife to be Game, *Wildlife Act 1975*, 17 December 1991

Common Name	Scientific name
<b>Deer</b>	
Chital Deer	<i>Axis axis</i>
Fallow Deer	<i>Dama dama</i>
Hog Deer	<i>Axis porcinus</i>
Red deer	<i>Cervus elaphus</i>
Rusa Deer	<i>Cervus timorensis</i>
Sambar Deer	<i>Cervus unicolor</i>
<b>Indigenous birds - ducks</b>	
Pacific Black Duck	<i>Anas superciliosa</i>
Australasian (Blue-winged) Shoveler	<i>Anas rhynchotis</i>
Chestnut Teal	<i>Anas castanea</i>
Grey Teal	<i>Anas gracilis</i>
Hardhead (White-eyed Duck)	<i>Aythya australis</i>
Australian Shelduck (Mountain Duck)	<i>Tadorna tadornoides</i>
Pink-eared Duck	<i>Malacorhynchus membranaceus</i>
Australian Wood Duck (Maned Duck)	<i>Chenonetta jubata</i>
<b>Other indigenous birds</b>	
Latham's (Japanese or Jack) Snipe	<i>Gallinago hardwickii</i>
Stubble Quail	<i>Coturnix pectoralis</i>
<b>Non-indigenous birds</b>	
Pheasant	<i>Phasianus spp.</i>
Partridge	<i>Alectoris and Perdix spp.</i>
European Quail	<i>Coturnix</i>
Japanese Quail	<i>Coturnix japonica</i>
Californian Quail	<i>Lophortyx californicus</i>

Source: Victorian Government Gazette, 3538 G 49 18 December 1991

## Appendix E: Costing Assumptions

### A.1 Discount rate

1. Annual costs are discounted by a real discount rate of 4 per cent, as suggested for RISs by the State Government's Guidance on Discount Rates.<sup>69</sup>

### A.2 Cost of time – proxy value of leisure time

Where proposals involve an impact on individuals not in the course of their employment, this leisure time is assumed to be the opportunity cost of the time spent filling in forms. It is a standard economic approach to consider the trade-off between work and leisure such that the marginal value of time spent working equals the marginal value of time spent at leisure. The marginal value of time spent working is approximated across the economy as the average hourly wage, including overtime, after tax. Therefore, the default value that adopted by the Commonwealth's Office of Impact Analysis to be used for an individual's leisure time is based on average weekly earnings and has been estimated at \$37 per hour.

(Department of the Prime Minister and Cabinet, Office of Impact Analysis (February 2024), Regulatory Burden Measurement Framework – Non-work-related labour costs, p. 13:

<https://oia.pmc.gov.au/sites/default/files/2024-02/regulatory-burden-measurement-framework.pdf>)

### A.3 Non-toxic ammunition for quail and deer

#### Quail hunting

#### A.3 Non-toxic ammunition for quail and deer

Given that the average quail harvest per season (2009-2023) was 159,294 birds, 4 shots per quail provides an estimate of 637,176 cartridges shot on average in a season. This equates to 25,487 boxes (25 cartridges per box) sold. Assuming a cost differential of \$10 per box, this would provide a total incremental cost of \$254,870 per annum to hunters for non-toxic shot for quail hunters.

#### Deer hunting

Deer hunting is carried out using a number of different rifle calibres. The most popular cartridges are 30-06 Springfield, .308 Winchester, .300 WSM, and .270 Winchester, which account for about two-thirds of bullets used for deer hunting.

Cost differential between non-toxic projectiles and projectiles contained lead is estimates to be around \$40.00 per box (20 cartridges per box). It is estimated that 3 shots are required to harvest each deer. The long-term (2009-2023) average annual deer harvest is 80,269. This suggests that 240,807 cartridges, or 12,040 boxes of ammunition were used annually. A cost differential of \$40 per box results in an incremental cost to deer hunters of around \$481,614 per year.

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<sup>69</sup> See: <https://djsir.vic.gov.au/about-us/overview/the-economic-assessment-information-portal/i-am-looking-for-guidance-on-particular-economic-assessment-processes,-methods-and-variables>

## Appendix F: Victorian Harvest Reports and Bag Surveys, 2012–2023

### Deer Harvest Reports

Year	Average number of hunting days per game licence holder	Total hunting days per season	Number per hunter	Total harvest
2012	6.9	169,721	2.0	41,601
2013	6.4	135,854	2.1	42,847
2014	6.6	186,215	2.2	57,945
2015	6.7	201,547	2.2	62,165
2016	6.6	207,614	3.1	97,776
2017	5.5	184,317	3.1	106,275
2018	6.7	237,594	3.5	121,600
2019	13.6	344,604	6.8	173,800
2020*	10.1	143,488	4.9	69,900
2021	13.6	246,152	6.6	118,900
2022	8.6	216,269	4.9	123,376

\* Number affected by Covid-19

### Duck Harvest Reports

Year	Average number of hunting days per game licence holder	Total hunting days per season	Number per hunter	Total harvest
2012	4.6	109,718	21.2	508,256
2013	3.7	91,748	17.2	422,294
2014	4.6	118,800	17.3	449,032
2015	3.6	90,634	11.4	286,729
2016	4.0	100,749	10.7	271,576
2017	3.8	96,508	17.4	438,353
2018	3.6	91,570	15.7	396,708
2019	3.3	81,023	9.6	238,666
2020*	3.9	29,501	8.1	60,400
2021	2.6	19,720	6.8	52,500
2022	8.5	96,102	23.3	262,600
2023	7.1	99,680	22.7	319,900

\* Number affected by Covid-19

### Quail Harvest Reports

Year	Average number of hunting days per game licence holder	Total hunting days per season	Number per hunter	Total Harvest
2012	1.8	22,262	4.8	129,711
2013	0.8	21,958	6.7	184,123
2014	0.4	10,852	0.6	16,243
2015	0.8	22,432	3.6	101,244
2016	0.2	6,559	1.0	28,043
2017	0.8	22,052	6.5	186,691
2018	1.6	17,772	13.6	148,500
2019	0.9	22,351	6.7	188,015
2020*	3.9	3,771	5.1	4,800
2021	9.2	16,381	59.4	106,000
2022	4.0	10,214	30.4	77,600
2023	5.7	26,981	63.6	302,800

\* Number affected by Covid-19<sup>70</sup>

<sup>70</sup> Sources: Game Management Authority, Harvest Reports and Bag Surveys, located at: <https://www.gma.vic.gov.au/research>

## Appendix G: Regulatory Costs

Summary of costs imposed by the Wildlife (Game) Regulations 2024	
Regulation	Cost (\$)
Licensing and registration	\$229,795
Hog deer requirements	\$7,400
Non-toxic shot	\$1,071,321
Hound registration	\$66,252
<i>Annual Cost</i>	<b>\$1,374,768</b>
<i>Discounted 10-year Total</i>	<b>\$8,891,011</b>

Costs imposed by the proposed Wildlife (Game) Regulations 2024					
Licensing and registration	Price		Quantity		Cost (\$)
Description	Tariff <sup>1</sup>	Time <sup>2</sup>	Population <sup>3</sup>	Frequency	
Application for a game licence	\$37	10 mins	6,742	1	41,576
Waterfowl Identification Test	\$37	60 mins	438	1	16,206
Deer Hunting with Hounds Test	\$37	60 mins	215	1	7,955
Change of address	\$37	5 mins	1,606	1	4,952
Application for a short-term game bird farm hunting licence	\$37	10 mins	61	1	376
International game licences	\$37	10 mins	9	1	56
<b>Annual Total</b>					<b>\$71,120</b>
<b>Discounted 10-year Total</b>					<b>\$576,848</b>

Notes:

1. A proxy for applicants' time is assumed at the hourly rate of \$37.00 per hour (see Assumptions, Appendix E).
2. Times are approximate and have been informed by input from DJSIR and GMA, and confirmed by desktop exercises.
3. GMA 2023/24 Annual Report. Licence numbers include junior licences.
4. A real discount rate of 4 per cent is used, as recommended by DJSIR (see Assumptions, Appendix E).

Costs imposed by the Proposed Wildlife (Game) Regulations 2024					
Hog Deer requirements	Price		Quantity		Cost (\$)
Description	Tariff <sup>1</sup>	Time <sup>2</sup>	Population <sup>3</sup>	Frequency	
Application for hog deer tags	\$37.00	30 mins	160	1	2,960
Requirement to attach tags to Hog Deer killed	\$37.00	15 mins	160	1	1,480
Unused Hog Deer Tags and end of season report	\$37.00	30 mins	160	1	2,960
<b>Annual Total</b>					<b>\$7,400</b>
<b>Discounted 10-year Total</b>					<b>\$60,021</b>

Notes:

1. A proxy for applicants' time is assumed at the hourly rate of \$37.00 per hour (see Assumptions, Appendix E).
2. Times are approximate and have been informed by input from DJSIR and GMA, and confirmed by desktop exercises.
3. There is significant historical variation of Hog Deer harvest numbers ranging from zero to 223 in a season (2009-2022). 160 is considered reasonable to reflect recent trends.

Costs imposed by the proposed Wildlife (Game) Regulations 2024					
Substantive compliance costs	Price		Quantity		Cost (\$)
Description	Tariff <sup>1</sup>	Time	Population <sup>2</sup>	Frequency	
Non-toxic shot - Duck	\$4.00	n.a	51,209	1	\$204,836
Non-toxic shot - Quail	\$10.00	n.a	25,487	1	\$254,870
Non-toxic shot - Quail gun replacement <sup>3</sup>					\$130,000
Non-toxic projectile - Deer	\$40.00	n.a	12,040	1	\$481,614
<b>Annual - Total</b>					<b>\$1,071,321</b>
<b>Discounted 10-year Total<sup>4</sup></b>					<b>\$6,429,784</b>

Notes:

1. Cost differential between lead and non-toxic shot is estimates to be \$10.00 per box of 25 cartridges. This differential should reduce over time.
2. This figure assumes that 4 shots of steel shot are expended per quail (see Assumptions, Attachment E). This assumes that about 25,000 boxes (25 shells per box) are purchased annually). It is also assumed that 3 shots are expended per deer, and the average annual harvest is 80,269 (2009-2022). The price differential between projectiles containing lead and non-toxic projectiles is assumed assumed to be \$40 (per box of 20 cartridges).
3. In 2023 there were 26,627 hunters endorsed to hunt quail. 1,331 (26,627 x 5%) replacements x \$1,000 = \$1.3 million.
4. A real discount rate of 4 per cent is used, as recommended by DJSIR (see Assumptions, Appendix E). Assumes a 2 year implementation time for deer hunting.

Costs imposed by the proposed Wildlife (Game) Regulations 2024					
Hound Registration	Price		Quantity		Cost (\$)
	Description	Tariff <sup>1</sup>	Time <sup>2</sup>	Population <sup>3</sup>	
Registration of a hound	\$37.00	180 mins	412	1	\$45,776
Hound must be identified	\$40.00	n.a	412	1	\$16,480
Notify GMA upon transfer of a hound	\$37.00	15 mins	412	1	\$3,811
Presentation of hound	\$37.00	60 mins	5	1	\$185
<b>Annual - Total</b>					<b>\$66,252</b>
<b>Discounted 10-year Total</b>					<b>\$537,366</b>

1. A proxy for applicants' time is assumed at the hourly rate of \$37.00 per hour (see Assumptions, Appendix E).
2. Assumes that it takes 3 hours to identify a hounds, mostly consisting of travel time.
3. There are currently 4,124 hounds registered. It is assumed that 10% of this number represents new annual registrations, providing a number of 412. It is also assumed that 5 hounds will be presented for inspection each year.



## Appendix H: Game Licence Fees interstate comparisons

Note on comparisons: in each state, what can be hunted, how much, when and where can vary considerably. Therefore, the fees should not be seen as comparing the 'value' of holding a licence.

### New South Wales

Licence term	Full rate	Concession rate
1 year	\$75	\$50
2 years	\$145	\$97
3 years	\$210	\$140
4 years	\$270	\$180
5 years	\$325	\$217

Two licence types: General (for hunting on private land) and Restricted (for public land), although holding a restricted licence allows the same hunting under the General licence. Both are the same price.

There is also a Visitors Licence: The NSW Visitors game hunting licence is available for \$125 per year and is valid for one year only. A reduced fee is charged for minors who can prove that they are under 18 years of age.

### Tasmania

Applicable from 1 July 2023 till 30 June 2024

Game species	Full Fee	Concession Fee (including Seniors Card)
Brown Quail	\$35.60	\$28.48
Deer	\$80.10	\$64.08
Muttonbird	\$35.60	\$28.48
Pheasant	\$17.80	\$14.24
Wallaby	\$35.60	\$28.48
Wild Duck	\$35.60	\$28.48

Children under the age of 18 years are entitled to a concession only if they have their own concession card or are named as dependants by their parents on one of the eligible concession cards.

### South Australia

Description		1 year	3 years	5 years
Basic Hunting	<b>Adult</b>	<b>\$27.00</b>	<b>\$81.00</b>	<b>\$135.00</b>
	<b>Concession*</b>	<b>\$13.60</b>	<b>\$40.80</b>	<b>\$68.00</b>
	<b>Junior (14-17 years of age)</b>	<b>\$13.60</b>	<b>\$40.80</b>	<b>\$68.00</b>
	<b>Subjunior (under 14 years of age)</b>	<b>\$8.60</b>	-	-
+Open Season Duck Hunting	<b>Adult</b>	<b>\$49.25</b>	-	-
	<b>Concession*</b>	<b>\$25.50</b>	-	-
	<b>Junior (14-17 years of age)</b>	<b>\$25.50</b>	-	-
+Open Season Quail Hunting	<b>Adult</b>	<b>\$49.25</b>	-	-
	<b>Concession*</b>	<b>\$25.50</b>	-	-
	<b>Junior (14-17 years of age)</b>	<b>\$25.50</b>	-	-

Basic Hunting includes deer and feral animals. No fee (no licence required) for Aboriginal person unless if to sell animal.

\* Concession does NOT include Seniors Card.

## Northern Territory

Permit to hunt magpie, geese and waterfowl.

A 1-year permit costs \$20 and is valid for 12 months from the date of issue.

A 5-year permit costs \$80 and is valid for 5 years from the date of issue.

Replacement cards cost \$22.

## Others

Queensland and Western Australia only allow hunting for feral animals on private land. No licence required (but require firearms licence).

## New Zealand

Game Bird Whole Season Licence – Adult \$107 (NZD), Junior \$25, Child \$5

Game Bird One Day Licence – Adult \$25, Junior \$9

No fee for a hunting permit (for Pigs, Goats, Deer, Wallabies, Chamois and Tahr).

# Appendix I: Stakeholder Consultation

## Consultation May-June 2024

### Overview

As part of the remaking of the Wildlife (Game) Interim Regulations 2023 five consultation sessions were held by DJSIR officials between 30 May and 3 June 2024, with representatives from a range of organisations, including hunting organisations, animal welfare stakeholders, animal advocacy stakeholders, and a Traditional Owner advocacy body. The following key themes that emerged from these discussions:

### Hunting organisations

The majority of the participants accepted that lead is toxic and understood the intent to remove it from the environment. However, concerns were raised about timeframe for this change, arguing that the removal of lead from quail hunting by the 2025 season would be impossible, as industry needs at least 18-24 months to source adequate supplies of steel shot as an alternative, and there is a need to give consumers and businesses a chance to use existing lead stock. The group generally opposed on the removal of lead ammunition for deer hunting, given the relative effectiveness of lead compared with lead-alternatives.

The group broadly supported potential license fee increases but wanted to ensure that any increase is hypothecated to support the hunting sector. However, some were not supportive of pursuing cost recovery through licensing fees, as they do not believe that the money currently raised is being spent very efficiently.

Hunters supported a return to Saturday season opening and former start times, as they believe the changes to the start of the season were introduced to appease anti-duck hunting advocates. In addition, the group argued that dawn is better for hunting to start as by 8:00am ducks are warier and harder to hit, increasing wounding and thus duck suffering.

Hunters requested a phase-in from lead shot for quail hunting, and the current exemption of Damascus barrels from using steel shot duck hunting extended to quail hunting.

The group did support the reduction of the burden on hunters relating to hog deer, though want to ensure that any changes do not increase illegal hunting, and ideally would like to see the changes go further in reducing administrative burden.

The group was interested in the proposals regarding training. They were keen to see mandatory training for anyone found to be non-compliant but had concerns about RTOs being forced to train uncooperative people; however, the merit of online training modules was accepted. Overall, there was support for training but stressed that consultation and further work was required.

The group suggested including new breeds of dogs in the list of approved dog breeds for hunting (Murray River Retriever and White-haired Slovakian Pointers), and a hunting group suggested that a new hound breed should be included in the schedule.

### Traditional Owners

The Traditional Owner representative was comfortable with the ban on lead but suggested that the bans on lead and acoustic electronic callers not be applied to Traditional Owners. They suggested that the department seek input from Traditional Owners into the settings of the duck seasons to incorporate Traditional Owner knowledge and ensure compatibility with traditional activities (such as the collection of reeds).

They raised concerns about deer in the landscape and queried the provision of water points, with concerns that this might lead to increased hog deer populations, which Traditional Owners do not support as they are not a native species.

Finally, the Traditional Owner representative was interested in developing the knowledge training package, and potentially interested in partnerships between hunters' organisations and Traditional Owner groups.

#### Animal Welfare Stakeholders

Some members expressed their stand for total ban on recreational hunting but are open to engaging in the current process and contributing to the discussions.

The groups fully support the banning of lead shot for quail hunting and all bird hunting by 2025. Additionally, they also supported extending the ban on lead ammunition to all other forms of shooting and hunting, including deer hunting. The discussion touched on concerns regarding plastic pollution from shotguns and associated regulatory challenges. These stakeholders would like to see an increase in the cost of licenses to generate revenue to underpin research. They also argued for raising the minimum age for license holders from 12 years to 18 years and supported issuing separate licenses for each game species.

Stakeholders argued that hunting 30 minutes before dawn/after dusk is too early/late and advocated for further limiting hunting hours to daytime. Overall, they were opposed to all deer hunting, including changes to reduce the administrative burden on Hog Deer hunters.

Stakeholders supported further training for hunters but feel it should be mandatory and were supportive of additional safety measures and training aimed at preventing the shooting of non-target species.

#### Animal Advocacy Stakeholders

The group advocated the banning of all game callers, not just electronic acoustic one, for both duck and quail shooting. They also argued strongly for full cost recovery for licence fees from hunters to remove any taxpayer subsidy for hunting.

The group was concerned that duck and quail hunting seasons start too early in the year, at a time when quail breeding is still ongoing.

They were also opposed to any reduction of administrative burden related to Hog Deer hunting, as they oppose all deer hunting. They also did not support the use of dogs for any form of hunting. The group raised the NSW scheme as a potential model, whereby deer hunters have to inform the government in advance of when and where they are hunting. They would like to see similar arrangements in Victoria.

## Consultation April-October 2021

### General

To obtain data and the views of key stakeholders, extensive consultation was undertaken to inform the costings, options, and benefits in this RIS. Game hunting groups, firearm wholesaler and retailers, along with animal welfare and conservation groups were consulted. In early 2020 an issues paper was circulated to key hunting groups and several written responses were received. Two stakeholder forums were conducted for hunting groups (26 March 2021) and animal welfare and conservation groups (31 March 2021). A series of phone interviews were conducted from April to October 2021 with the firearms industry.

The following groups were consulted:

#### Game hunting groups

- Australia Deer Association
- Field & Game
- Field & Game (Sale)
- Para Park Co-Operative Game Reserve
- Sporting Shooters Association of Australia (Victoria)
- Victorian Hound Hunters Inc.

A consistent theme amongst hunting groups was that any changes needed to be firmly based in scientific evidence. Hunting groups generally supported the use of biodegradable/compostable shotgun wads; however, the view was to 'let the market decide' rather than through direct regulation. Some groups 'strongly opposed' proficiency testing for existing game hunters. Game hunting groups called for a ban of electronic acoustic callers, a 5-year game licence should be offered, and a call for new breeds of hound to be listed. Hunting groups did not support the use of non-toxic ammunition for quail hunting, and argued that the exemptions for muzzle loading, Damascus steel and twist-barrelled shotguns should not be removed.

#### Firearms groups

- Firearms Safety Foundation
- Firearms Traders Association of Victoria
- National Shooting Council
- Outdoor Sporting Agencies
- Shooting Industry Foundation of Australia

Data, costs, and ammunition availability were obtained from the firearms industry. A number of firearm wholesalers and retailers were also contacted. Generally, these groups were opposed to introducing non-toxic ammunition for quail and deer hunting. There was support for permitting the use of 10-gauge shotguns for game birds.

#### Animal welfare and advocacy groups

- Animals Australia
- Coalition Against Duck Shooting
- Regional Victorians Opposed to Duck Shooting
- The Royal Society for the Prevention of Cruelty to Animals.

A joint submission was also received from Animals Australia, Victorian National Parks Association, Friends of the Earth Melbourne, Gariwerd Animal Biodiversity Alliance, Geelong Duck Rescue, Wilderness Society, Coalition Against Duck Shooting, and Regional Victorians Opposed to Duck Shooting. This submission called for clarity regarding land areas on which game hunting can occur, the removal of several species of ducks from being game birds, alignment of penalties, and clearer hunter identification.

Animal welfare groups called for a ban on game hunting. Specifically, groups submitted that the Blue-winged Shoveler (Australasian Shoveler) and Hardhead ducks be removed from the list as a game species, tests should be required for quail hunting, game hunting knowledge and proficiency testing (annual) should be mandatory for all game species, toxic ammunition should be prohibited from game

hunting, separate game hunting licence categories for species and hunting method be established, and that funding be made available for research and education.

#### Traditional Owners

A submission was received from the Federation of Victorian Traditional Owner Corporations. The submission broadly supported the proposed reforms, and also called for a number of initiatives including examining commercial opportunities for game use, collaborative management of State Game Reserves, acknowledgement of cultural practices, and providing education and cultural information to game hunters.

## Appendix J: Key changes highlighted in proposed Regulations

Current Regulations clause	Proposed Regulations clause	Description	Drafting change
1	1	Objectives	No change.
2	2	Authorising Provisions	Technical amendments to clarify appropriate head of power.
3	3	Commencement	Technical amendments to provide that the provisions come into operation at the same time (or directly prior) to current regulations sunsetting.
4	4	Revocation	Technical amendments to repeal the interim regulations on the date that the new regulations commence.
5	5	Definitions	Mostly unchanged.
6	6	Application of these Regulations to traditional owner groups	Minor amendment to add a clause relating to banning of lead shot for game bird hunting, lead bullets and slugs for game deer hunting, electronic acoustic calls for all game birds, and hand-held thermal imaging devices.
-	7	Game Management Authority or Secretary may issue written permission	Technical amendment empowering the Secretary and GMA to issue certain permissions under the Regulations.
7	8	Application for a game licence	No change.
8	9	Game licence fees	New fees for game licence are set (see Chapter 6).
9	10	Fee for variation of game licence	New fee set.
10	11	Issue of replacement game licence	New fee set.
11	12	Licence document as evidence	No change, except the requirement to signing a licence is removed (see section 5.3.5).
12	13	Change of address	No change, however, the requirement to return a game licence to GMA has been removed (see section 5.3.5).
13	14	Ballots	No change, except for new fee.
14	15	Granting of game licence for duck	No change.
15	16	Waterfowl Identification test	No change, except for new fee.
16	17	Granting of game licence for hunting Sambar Deer with the use of hounds	No change, except for new fee.
17	18	Sambar Deer hunting with Hounds Test	No change, except for new fee.

Current Regulations clause	Proposed Regulations clause	Description	Drafting change
18	19	Exemptions from certain requirements to undertake testing for non-residents of Australia	No change.
19	20	Exemption from certain testing requirements for applicants aged 12 years or more but less than 18 years	No change.
20	21	Condition of game licence that allows a person to hunt or take Sambar Deer with the use of Hounds or to destroy Sambar Deer	No change.
21	22	Conditions of game licence that allows a person to hunt, take or destroy non-indigenous game birds on game bird farm	No change.
22	23	Condition of certain game licences that allow certain persons to hunt, take or destroy duck	No change.
23	24	Conditions of certain game licences that allow certain persons to hunt or take Sambar Deer with the use of hounds or to destroy Sambar Deer	No change.
24	25	Hounds used for hunting or taking Sambar deer must be registered	No change.
25	26	Registration of a hound	No change
-	27	Change of ownership of registered hound	New requirements to notify the GMA when hounds are transferred and
-	28	Presentation of hound to Game Management Authority for inspection	New requirements to present a hound for inspection when required (see section 5.3.2)
26	29	Power of GMA to cancel registration of a hound	No change.
27	30	Power of GMA to suspend registration of a hound	No change.
28	31	Making a submission on suspension of the registration of a hound	No change.



Current Regulations clause	Proposed Regulations clause	Description	Drafting change
29	32	Close season	Ensure hound hunting for Sambar Deer cannot occur from the Thursday evening (30 mins after sunset) until the Thursday morning (30 minutes before sunrise) after Easter. See section 4.4. Set a year long close season for Blue-Winged Shoveler.
30	33	Open season	Ensure hound hunting for Sambar Deer cannot occur from the Thursday evening (30 mins after sunset) until the Thursday morning (30 minutes before sunrise) after Easter. See section 4.4. Removed open season for Blue-Winged Shoveler as there is a year long close season.
31	34	Bag limit	No change. Removed bag limit for Blue-Winged Shoveler as there is a year long close season.
32	35	Twelve-gauge shotgun for hunting game birds	No change.
33	36	Use of toxic shot	Prohibit use toxic shot for all game hunting. See section 5.3.1
34	37	Possession of toxic shot	Prohibit possession toxic shot and projectiles for all game hunting. See section 5.3.1
-	38	Use of toxic projectiles	New prohibition on the use of toxic projectiles for game hunting. See section 5.3.1
-	39	Possession of toxic projectile	New prohibition on the possession of toxic projectiles for game hunting from 31 December 2028. See section 5.3.1
35	40	Approved methods for hunting deer	No change.
36	41	Approved methods for hunting Hog Deer, Chital Deer, or Fallow Deer	No change.
37	42	Possession of spotlight and firearm	Use of hand-held thermal imaging permitted during daytime. See section 5.3.5.
38	43	Use of dogs when hunting game birds	It is proposed to allow a gamebird hunter to use a dog that it is not a gundog if they have written permission from the GMA.
39	44	Use of dogs when hunting deer	No change.

Current Regulations clause	Proposed Regulations clause	Description	Drafting change
40	45	Hunting alone for deer (other than Hog Deer) with dogs that are not hounds	No change.
41	46	Hunting in a team for deer with dogs that are not hounds	No change.
42	47	Dogs must not bite or attack or maim wildlife	No change.
43	48	Use of dogs in recognised deer habitat	No change.
44	49	Location of hound while hunting Sambar Deer	No change.
45	50	Hound must be identified	No change.
46	51	Use of spotlights for hunting	Amended to allow the use of hand-held thermal imaging devices to hunt deer during the day. See section 5.3.5 and regulation 37.
47	52	Game fleeing from fire or smoke not to be hunted	No change.
48	53	Hunting at night prohibited	No change.
-	54	Additional prohibited hunting times – ducks	New additional prohibition on the hunting of ducks during the period on the first 5 days of the open season for ducks, preventing hunting between 30 minutes before sunrise and 8:00am on each of these days.
49	55	Use of baits, lures and decoys when hunting game	Amendment to prohibit the use of electronic quail callers and electronic duck callers. See section 2.4.1. Amendment to allow the use of deer decoys with requirements around orange blaze. The intention is for it to be an offence to not adhere to the orange blaze requirements. See section 4.4.5. Amendment to allow the use of artificial water points for hog deer on private land. See section 4.4.5.
50	56	Aircraft and motor vehicles not to be used for hunting game	No change.

Current Regulations clause	Proposed Regulations clause	Description	Drafting change
51	57	Hunting duck from motorboats prohibited	No change.
52	58	Game alive when recovered	No change.
53	59	Downed game birds to be recovered	No change.
-	60	Deer alive when struck	New requirement to make all reasonable efforts to immediately kill a deer that is alive after being struck (see section 4.4.2).
54	61	Breast meat of game bird to be kept in possession	No change.
55	62	Possession of duck	No change.
56	63	Storage of game on commercial premises	No change.
57	64	Game prohibited on commercial premises where food is cooked	No change.
58	65	Sale of game prohibited unless lawfully obtained	No change.
59	66	Possession of hog deer	No change.
60	67	Requirement to attach tags to Hog Deer killed	No change.
61	68	Hog Deer not to be removed until tag is attached	No change.
62	69	Removal of Hog Deer tags	The requirement to take hog deer to a checking station and give a biological sample before removing tags will be removed and replaced with a requirement to lodge a harvest return before doing so. See section 4.4.5.
63	70	Removal of Hog Deer head and dismemberment	The requirement to take hog deer to a checking station and give a biological sample before removing its head or dismembering it will be removed and replaced with a requirement to lodge a harvest return before doing so. See section 4.4.5.

Current Regulations clause	Proposed Regulations clause	Description	Drafting change
–	71	Hog Deer Harvest Return	New requirement to make a new ‘harvest return’ within 24 hours of taking a Hog deer, unless there is a reasonable excuse. See section 4.4.5.
64	72	Application for Hog Deer tags	No change.
65	73	Issue of Hog Deer tags	No change.
66	74	Validity of Hog Deer tags	No change.
67	75	Hog Deer tags to be in possession	No change.
68	76	Hog Deer tags must not be sold etc.	No change.
69	77	Hog Deer tags must not be altered, defaced or reproduced	No change.
70	–	Hog Deer carcass to be taken to checking station	This regulation will be removed.
71	78	Hog Deer return forms	No change.
72	79	Specified hunting areas	Two new recognised deer habitats will be included in Schedule 6, namely West Wimmera and Moyne Shire Councils.
–	80	Prohibited entry times	New prohibition on non-authorised people entering specified hunting areas over the opening period of the duck season up until 11.00am
73	81	Prohibited deer hunting areas	No change.
74	82	Areas for hunting Sambar Deer with the use of hounds	No change.
75		Revocation	Provision in the current Regulations to revoke previous regulations.
Schedule 2	Schedule 1	Close Season for game	Minor amendments to Pt 1 and Pt 3 as below. Set a year long close season for Blue-Winged Shoveler.
Sch 2 Pt 1	Sch 1 Pt 1	Deer	Amendments to prevent Hound hunting during the Easter period.

Current Regulations clause	Proposed Regulations clause	Description	Drafting change
Sch 2 Pt 2	Sch1 Pt 2	Indigenous game birds (quail)	No change.
Sch 2 Pt 3	Sch 1 Pt 3	Indigenous game birds (waterfowl)	Amendments to provide that the end of close season is 8 a.m. on the third Wednesday in March in the next year. Set a year long close season for Blue-Winged Shoveler.
Sch 2 Pt 4	Sch 1 Pt 4	Indigenous game birds (other)	No change.
Schedule 3	Schedule 2	Open seasons for game	Minor amendments to Pt 1 and Pt 3 as below. Removed open season for Blue-Winged Shoveler as there is a year long close season.
Sch 3 Pt 1	Sch 2 Pt 1	Deer	Amendment to prevent Hound hunting during the Easter period.
Sch 3 Pt 2	Sch 2 Pt 2	Indigenous game birds (quail)	No change.
Sch 3 Pt 3	Sch 2Pt 3	Indigenous game birds (waterfowl)	Amendment to provide that the beginning of open season is at 8 a.m. on the third Wednesday in March in each year. Removed open season for Blue-Winged Shoveler as there is a year long close season.
Sch 3 Pt 4	Sch 2 Pt 4	Non-Indigenous game birds	No change.
Schedule 4	Schedule 3	Bag limits for game	No change. Removed bag limit for Blue-Winged Shoveler as there is a year long close season.
Schedule 5	Schedule 4	Approved dogs for hunting	Include two new gundog breeds, namely the Wirehaired Slovakian Pointer and Murray River Retriever. See section 4.4.5.
Sch 5 Pt 1	Sch 4 Pt 1	Gundogs	Wirehaired Slovakian Pointer and Murray River Retriever included in the Schedule.
Sch 5 Pt 2	Sch 4 Pt 2	Hounds	No change.
Sch 5 Pt 3	Sch 4 Pt 3	Deer hunting dogs	No change.

Current Regulations clause	Proposed Regulations clause	Description	Drafting change
Schedule 6	Schedule 5	Recognised deer habitat	West Wimmera and Moyne Shire Councils are included in the schedule. See section 4.4.5.
Schedule 7	Schedule 6	Shot which is not toxic shot	No change.
Schedule 8	Schedule 7	Hunting areas	No change.
Schedule 9	Schedule 8	Prohibited deer hunting areas	No change.
Sch 9 Pt 1	Sch 8 Pt 1	Warburton and surrounds	No change.
Sch 9 Pt 2	Sch 8 Pt 2	Rubicon and surrounds	No change.
Sch 9 Pt 3	Sch 8Pt 3	Halls Gap and surrounds	No change.
Sch 9 Pt 4	Sch8 Pt 4	Warburton township	No change.
Sch 9 Pt 5	Sch 8 Pt 5	Mount Timbertop area	No change.
Schedule 10	Schedule 9	Hunting Sambar Deer with the use of hounds	No change.
Sch 10 Pt 1	Sch 9 Pt 1	Eastern Victoria	No change.
Sch 10 Pt 2	Sch 9 Pt 2	Marysville and surrounds	No change.
Sch 10 Pt 3	Sch 9 Pt 3	Jamieson and surrounds	No change
Sch 10 Pt 4	Sch 9 Pt 4	Merrijig and surrounds	No change
Sch 11	Sch 10	Game Birds	No change.