



# Victorian Duck Hunters Association

64 Naples Road

Mentone, VIC 3194

Australia

[admin@vicduckhunters.com.au](mailto:admin@vicduckhunters.com.au)

## **About VDHA;**

VDHA represents its members interests with Government departments and Government to ensure the continuation of hunting in the State of Victoria. Victoria has a long and established history of safe sustainable and responsible hunting of Duck, quail and deer species and has the largest quantity of licence holders for duck and quail hunting in the nation.

VDHA is a recognised stakeholder with government and provides expertise and knowledge from a stakeholders perspective.

# **Regulatory Impact Statement response, Game Regulations 2024-2034**

Prepared by Danny Ryan, Politics and PR officer VDHA

## **Executive Summary;**

Game regulations should serve the hunting community and provide Government regulatory options to manage the resource.

This Game regulations revision for the 2024-2034 time frame provides Government an opportunity to preserve the valuable resource and enhance options for Victorians to partake in recreational hunting with minimal interference or onerous regulations and costs.

It should be a key consideration that effective game management and hunting participation provides significant economic contribution to the State and over regulation has an overall negative effect on participation and that same economic contribution.

Victoria has a significant State Game reserves for waterfowl hunting that doesn't exist in other states or jurisdictions in Australia. Our deer hunting opportunities likewise the best in the Country. The rise of deer hunting participation and numbers of available resource will continue to see deer hunting gain popularity.

Several studies and government initiated reports indicate that hunters are from wide ranging socio economic backgrounds, have higher life satisfaction, lower mental health issues and better general wellness than the average Victorian.

Government has several key developed tools to assist departments in managing hunting, achieving government aims and goals, providing good governance. Key amongst those are the SHAP2, WRAP and the Game management Authority Act 2014. VDHA welcomes the opportunity to contribute to the Game Regulations 2024-2034 process.

VDHA represents its members and the wider hunting community, including those who choose to hunt feral and introduced pest animals, at all levels of Government and liase as a key stakeholder providing expertise and experience with Government Departments.

## **RIS response;**

Section 58 of the Wildlife act specified persons; addition of safe distance, must not encroach or approach a person hunting within 10 metres. Although not in the scope of this RIS it should be noted as an overall concern. In the Wildlife Act re write this should be remade to be 250M.

The entry time for the whole season for non hunters, not just first 5 days at 1100h, it should remain for the duration of the season everyday, this will ensure that hunters have adequate time to hunt in changing conditions and present options to relocate to different areas within this time frame. Penalties; under the act should be increased to 100 penalty units for breaches as present penalties are ineffective and don't pose enough of a deterrent.

Under the ACT the GMA issues licences for Victorians to take and destroy game, there must be a clause available for the GMA to refuse applicants if there is a suspicion that person applying does not intend to hunt. If in the future that person is breaching regulations and laws by protesting hunting then a fine of set amount of 100 penalty units must apply.

## **2.4 Toxic ammunition;**

Toxic projectile; from 2028, is NOT supported, currently legal projectiles require phase out rather than determine an accelerated date, or until ratified science is available, rather than flawed data such as the Lead ingestion by Avian Predators thesis funded by WIRES. Even California who passed a bill on 2013 allowed SIX years to phase out the use of lead projectiles.

Victorian hunters have faced significant challenges acquiring ammunition over the last few years as the World recovers from Covid, this has meant many hunters bought excessive amounts of ammunition as a result. The average deer hunter fires less than 10 shots during the course of a calendar year, many hunters have enough ammunition stocks for twenty years.

Only 8 US States from 51 have made and passed bills legislating the use of lead ammunition, some with exemptions for parcels of land and species-specific exemptions. Victoria regulation makers should take significant steps to further assess this acceptance and regulatory requirements from a vast majority of US States that DO NOT regulate the use of toxic shot types for projectiles and upland game bird hunting. Aside from the FEDERAL mandate for waterfowl, individual States have had the option for 33 years to introduce further regulation of lead shot and only a very small number of US States have done so.

See;

[Lead Ammunition and Fishing Tackle Bans – Congressional Sportsmen's Foundation](#)

Much like the United States the 'science' in Australia is highly contentious, for example; from the reference material referenced from the RIS ;

*'33 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'*

Ironically the named Gippsland 'Hotspot' for deer hunting areas only had two from **three** samples tested indicating elevated lead, the rest of the samples came from all over southeast Australia and specifically the central highlands Ballarat and western districts had a higher percentage of detections of lead in the bone samples. These 62 samples were inspected over the period of 1996-2022, a period where Deer licences soared from 10000 to 35000 and deer harvest rates rose from 41000 in 2012 to 170000 in 2019, a significant increase in carrion and carcasses for all manner of avian species to consume. IF toxic ammunition was indeed responsible then the last 20 years would have seen a dramatic escalation and rise of dead and

dying eagles being presented and found, which is not the case. This is even more pointed when the Victorian Government deer culling numbers are included into the numbers equation.

Overseas results from countries, such as Japan, where there is almost no hunting (and has been the case since 1946) also indicates persistent lead toxicology from Avian predators, similarly the authors of those papers also point to the same lazy conclusions.

There are many sources of lead in the environment, in some areas in a higher percentage than others, residual lead traces from the used of leaded fuel which was not completely phased out until 2002, lead in paint and fishing equipment to begin with just a few.

WIRES, the significant funder of this research, has a history of animal activism and or support, presents that all animals should be saved, is anti-hunting, opposed to any wild animal harvest of any species. WIRES itself rehabilitates injured Wedge-tailed Eagles and feeds them with rabbits sourced from various suppliers that have been SHOT with toxic shot, lead rimfire ammunition or shotguns.

People still illegally shoot, trap and poison Wedge-tailed Eagles which will have influenced the thesis results. It is far too easy (lazy) to write a summary based on inconclusive evidence and surmise that toxic ammunition is responsible without rational and substantiated peer reviewed science. This appears to simply be a view point established by *anti hunting and anti gun* pseudo scientists funded by likewise minded organisations and then presented as science.

This is highly questionable science and should remain so until accepted peer reviewed science is created and ratified, to accept this as science in the first place is flawed. 62 samples with low percentage results over 26 years should be ringing some alarm bells as to the validity of this data. Some of the assumptions and statements made in this report are simply without basis. Given the study states that Wind Turbine strikes killed 43 of the 62 eagles as noted causes of death why are we not seeing Government move to disassemble and remove wind turbines from our Australian landscape? Wind turbines present a far greater risk to Wedge-tailed eagles than any lead ammunition. There is simply no science anywhere near extensive enough to make an assessment, the study indicates older birds had higher recordings of lead concentration, given these birds were still alive when we used leaded fuels then there needs to be a much more complex and additional study carried out. This over cautious precautionary approach to ban lead ammunition will not save one eagle, is without proper peer review or alternate study and rejected.

Additionally;

'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'

This report presents the conclusion that;

*'In this study, we documented, listed the order of visitations and recorded time spent feeding by avian taxa that visited kangaroo and deer carcasses in two regions of Victoria. Our results indicate that the Wedge-tailed Eagle is the avian scavenger most at risk from ingesting fragments of lead bullets from carcasses of shot animals. This species is therefore of the highest*

*priority for further research, though studies on levels of exposure to lead in all species of Australian scavenging raptors and corvids are warranted.'*

There is no reference or details on how the deer or kangaroos were shot, with what calibre rifle, what weight bullets, where in the body where these animals shot, though one would expect professionally shot kangaroos are culled under the same codes as those kangaroos shot for harvesting purposes, no evidence of lead fragmentation or performance study of projectiles, there was no references to whether Eagles or other scavenging birds consumed the heads or head areas of the animals.

There is no references for the deer either; similarly this 'science' seems to replicate many themes from American studies. These American studies conducted in the 80's and 90's conclude that in built up high density farmland areas that the avian predators numbers declined rapidly over the space of two decades. Leaded fuel and farming practices and chemicals changed the landscape rapidly in this time. Many researchers and even scientists working at the World Raptor Centre (Boise, Idaho) recognise that remote populations, where hunting occurred, where the only considered factor was hunting, actually maintained a population of scavenging raptors whilst they perished in other areas. Since the banning of lead projectiles in California in 2019 there has been no documented increase in survival rates of condors in particular. They continue to perish.

Of the avian species tabulated in the paper the Wedge-tailed Eagle is 5-8 times larger than equivalent birds, consumes much more food as a result so it doesn't take much science to work out that a Wedge-tailed eagle would remain eating and consuming a carcass for longer time frames than smaller birds. There is no evidence presented that there Wedge-tailed Eagles suffered any lead poisoning

There is no cost effective 1:1 replacement for lead based projectiles, they are superior in effectiveness given the firearms and tools available to Victorian hunters who can only use Category B firearms to Harvest Deer. There is no widespread access to semi-automatic centrefire rifles that would allow fast follow up shots to allow for inferior ballistics of copper or monolithic non toxic projectiles. For over a century larger bore diameter lead core projectiles propelled at moderate velocities have proven to be the most effective performers to take large and big game worldwide. To remove this effective option that reduces wounding and would require large changes in practices would need further and vigilant revision and attention. Whilst the hunting and firearms industry is investigating and producing some solutions the outright ban of toxic projectiles will have far reaching consequences across a number of areas;

1; reduction in hunters; any over regulation of hunting or hunting equipment always results in a downturn of participants and those who effectively 'buy in' reducing economic benefit and contribution

2; equipment made redundant; proven calibres and rifles will become obsolete as they cannot safely replicate the ballistics' of lead projectiles with non toxic projectiles which require higher velocity and faster twist rate barrels. The financial detriment of this has not been considered.

3; There is no currently available 1:1 lead replacement that is cost effective/similar

4; Poor regulatory outcomes in direct opposition from end users may result in non compliance

5; effective management of shot types as relevant to the environment with consultation with end users is critical to uptake of regulation.

The government has given no such recommendation to the department to regulate the use of lead projectiles as it has done with game bird hunting on public land.

The minimum calibre for deer hunting to be reduced to 6.5mm (.264) ; as the industry may develop new alternatives to traditional lead projectiles may require smaller calibres to drive lighter non toxic projectiles to higher velocities to achieve adequate destabilisation/disruption to the projectile to make it effective. Limiting to larger calibres denies the industry opportunities to develop new products and create alternatives to meet future requirements and goals. Smaller calibres also present an opportunity for better accuracy outcomes in some instances, leading to cleaner ethical harvesting outcomes and animal welfare outcomes. Overseas experiences suggests the effectiveness of non toxic projectiles is still lacking and does not produce peer to peer equivalent results when comparing non toxic to lead projectiles.

Much like lead shot for game bird hunting, hunters cut and trim their meat take from around the projectile entry and or exit points. There are no recorded human lead poisoning case presented in Victoria in any century from the consumption of game harvested with lead projectiles or shot.

For Quail and other game birds, grandfathering firearm types to be exempt; firearms designed and intended for upland/light game hunting differ significantly from heavy waterfowl guns, they are light weight, designed for small game. In many cases existing English made 2.5” chambered guns are not suitable for modern high-pressure ammunition, even less so for steel or non-toxic cartridges which have very high pressures. Pre 1946 is commonly used in reference to categories of age in the firearms industry in terms of modernity, such as handguns collector category for vintage and modern handguns. Exemptions for pre 1946 shotguns and 2.5” chambered shotguns should carry into the regulations as they currently do for Damascus Barrelled shotguns for waterfowl.

Damascus barrels, muzzle loading, sub gauge 28ga and 410ga and pre 1946 shotguns should be exempted from compulsory non-toxic shot. Traditional Owner groups are calling for an exemption on lead shot for game bird hunting, we support Traditional Owner exemptions.

Hunters in Australia have used lead ammunition for centuries. In spite of a lead ban in Victoria and SA in the early 2000s for waterfowl there has been little to no evidence presented that the claims of ‘millions’ of birds will die has ever been a factor in the Australian landscape. There has never been a presented case of anywhere near this quantity, or even 100 waterfowl being poisoned by toxic ammunition and dying in Victorian, or any waterway, in Australia, even with historical deposits of lead that exist in wetlands to this day.

The Victorian public should expect that Government departments make responsible and practical regulations where required based on sound science and judgement. Sound and fair regulation with consideration for historical use should form a part of regulation.

Quail hunting in particular uses lightweight guns designed to be carried for long periods. Many end users consider quail hunting over dogs with a fine shotgun to be the pinnacle of hunting, many of these finer guns are valued in the tens of thousands of dollars, and in some cases hundreds of thousands of dollars, to suggest a firearm like this could be replaced by guns worth 800-1200 dollars demonstrates a clear misunderstanding of the activity to be regulated and the

equipment utilised in it. If the Government has a desire to bypass and disregard this sector of the hunting community without adequate and due compensation it should re-assess this component of the regulation.

Non Toxic shot for quail should have a significant phase in period, 6 years, just as was available for waterfowl. Hunters must be given opportunity to use present stocks of ammunition over a period of time. During Covid many types and styles of ammunition was difficult to find, and still remains so in many examples, this lead to significant stockpiling. Other jurisdictions such as the USA do NOT have toxic shot bans for upland hunting in an overwhelming majority of States.

VDHA tentatively supports non toxic shot for game bird hunting on all public lands, but still questions the outcome and decision making process of the Select Committee enquiry given the 9 person committee produced 5 exception reports to the 4 supporters of the 8 recommendations. The regulation of toxic shot on public land addresses the Select Committee enquiry recommendation and achieves the goals of the enquiry. Traditional shot types should remain for Game Bird hunting on private land and with exempted firearms as above.

Until further science demonstrates the lead ammunition is a contributing and decisive factor in raptor deaths then the move non toxic projectiles or non toxic shot for deer and upland game birds is not supported.

#### **2.4.2**

Protect gamebird populations by prohibiting the use of acoustic electronic calls requires more explanation, the original GMA/Minister managed regulation around electronic Quail callers was/is the main focus of the regulation change however the wording encompasses existing electronic calls often used in waterfowl hunting. The key difference with these callers is;

1. Quail callers function by placing them in a hunting area 24-48 hours prior to hunting and call in quail from the local geographic area.
2. Electronic speaker type duck callers are multi programmed and used during duck hunting as they don't attract ducks into or around the caller while not in use and whilst hunters are not in attendance.
3. The wording should be changed to Quail callers, Electronic Duck callers should be noted as allowed.
4. Electric decoys or movement decoys have been used by Victorian hunters for over a decade and are recognised as a key tool in reducing wounding as should electronic duck callers as their use aligns with key elements of the WRAP.

#### **2.5.2**

Blue Winged Shoveler be removed as a game species is NOT supported and the BWS must be retained as a game bird and managed year by year as per the AHM. The AHM presents a tool to assess and monitor the population of blue wing shoveller year on year. In 2024 there were up to 10 wetlands from 32 that were specifically CLOSED due to high numbers of shoveler, thus denying access to hunting opportunities (in contrast to the RIS statement at 4.4.2). The last

several seasons where shoveller have been off the game list there has been minimal incidences of BWS being shot. BWS make up a small percentage of the population and bag, harvesting them or not harvesting them makes no difference to their population status. As per the Hardhead, work is presently underway to assess and have BWS removed from the 'threatened species' list in Victoria. More study needs to be completed and simply listing BWS as non game is counter productive to sound management and science.

A review of the manner and way in which BWS were 'added' to the 'Threatened species list' should be undertaken, as per hardhead.

### **2.6.1**

Schedule 2 Open season for game;

We advise and propose a 7.30am start for the first five days, 8am remains less suitable than an earlier start time 07.30am that still delivers the aims of the first days in regards to the Departments views. Identifying a game bird at sunrise or soon after is no more difficult than at 8am, the difference however is that in elevated light conditions game birds will be at further distances and not at optimal distances to harvest within the goals of the Wounding reduction Action plan.

Schedule 3 Bag limits for game;

10 ducks be replaced with 'as determined by the AHM', the AHM given its current ultra conservative inputs rarely produces bag limits higher than ten. If the science works one way to limit and reduce bag numbers then it must also increase bag numbers when the conditions dictate, this is TRUE sustainability whilst remaining safe and responsible. The AHM must be further developed and the inputs scrutinised and UPDATED with current data, not data from 1970's (wounding rate).

### **2.6.2**

Improve safety by increasing the number of recognised deer habitats is supported.

### **2.7.1**

The removal of red tape around hog deer checking and reporting is supported.

### **2.7.2**

VDHA RIS Game Regulations 2024-2034



### **2.7.3**

Remove the requirement to sign a licence and removing the requirement to return a cancelled licence upon change of address is supported

### **2.7.4**

Recognised dog breeds for hunting should be listed but with a subclause that the GMA may consider addition breeds and approve them and add them inside the regulation period by publishing in a gazette and on the GMA website list of approved breeds.

### **2.7.5**

The use of deer decoys is supported BUT with significant change to the requirements to attached blaze orange panels to the decoy. A simpler requirement to have the neck area of the decoy in blaze orange is sufficient.

### **2.7.6**

The use of hand held thermal devices for daylight use is also supported. Hand held thermal imaging devices will assist hunters to follow up and track struck deer, it will further enhance safety in identifying animals both game and non game along with identifying humans.

## **6. Fees for hunters**

Financial impact of increased game licence fees;

The Government chooses to over regulate game hunting in the State, expecting the hunting community to pay for the pleasure at even 'break even' is indicative of anti-hunter bias and is seized upon by anti-hunting groups continually without mention of many other sectors of the community or recreation available to Victorians that is similar. There are many options to reduce the costs of regulating and administering game hunting, 5 year licence being the most obvious and readily available option, even a ten year hunting licence system is also achievable. Online services uptake amongst the hunting community is becoming increasingly better and is an avenue to reduce costs. A focus on less administrative resources, a reduction in the fascination of 'internal science gathering' that continues to tell us the same thing repeatedly and a focus on operational in the field resourcing is desirable. A 53% increase is well above CPI and is too big an increase, we are NOT supportive of the increased financial impost. The economic contribution that a rebooted supported hunting policy (SHAP2) will return to the States economy will far outweigh the small impost of co contributed costs for the management and regulation of hunting.

It is important to consider 'anti-hunting' concerns, these can be considered briefly. If anti-hunting Victorians choose not to hunt that is their choice, but their choices should not be imposed on those Victorian's who do choose to hunt. Engagement with anti-hunting stakeholders (6.3.3) should be limited to their opening stances on hunting, which is to ban hunting, they should NOT remain engaged past this point.

We refute any suggestion anti-hunting activist groups are growing or is indeed any indication of increased community awareness. It is recognised that social media and radicalisation of these groups appeals in the short term to some people who engage to a moderate degree mainly via keyboard but rarely in person on wetlands or in hunting areas, the rest of Victorias non hunting community are more concerned with other social issues such as cost of living, roads, hospitals, education and other recreation.

**Option 1 is supported for licence fees; retained at current 50% recovery setting.**

### **Conclusion;**

The Governments support for Safe, Sustainable and responsible hunting must be considered and acted upon in forming the Game Regulations 2024-2034.

True stakeholders concerns and recommendations should be considered and integrated into changes for some aspects of the draft regulations addressed by this Regulatory Impact Statement.