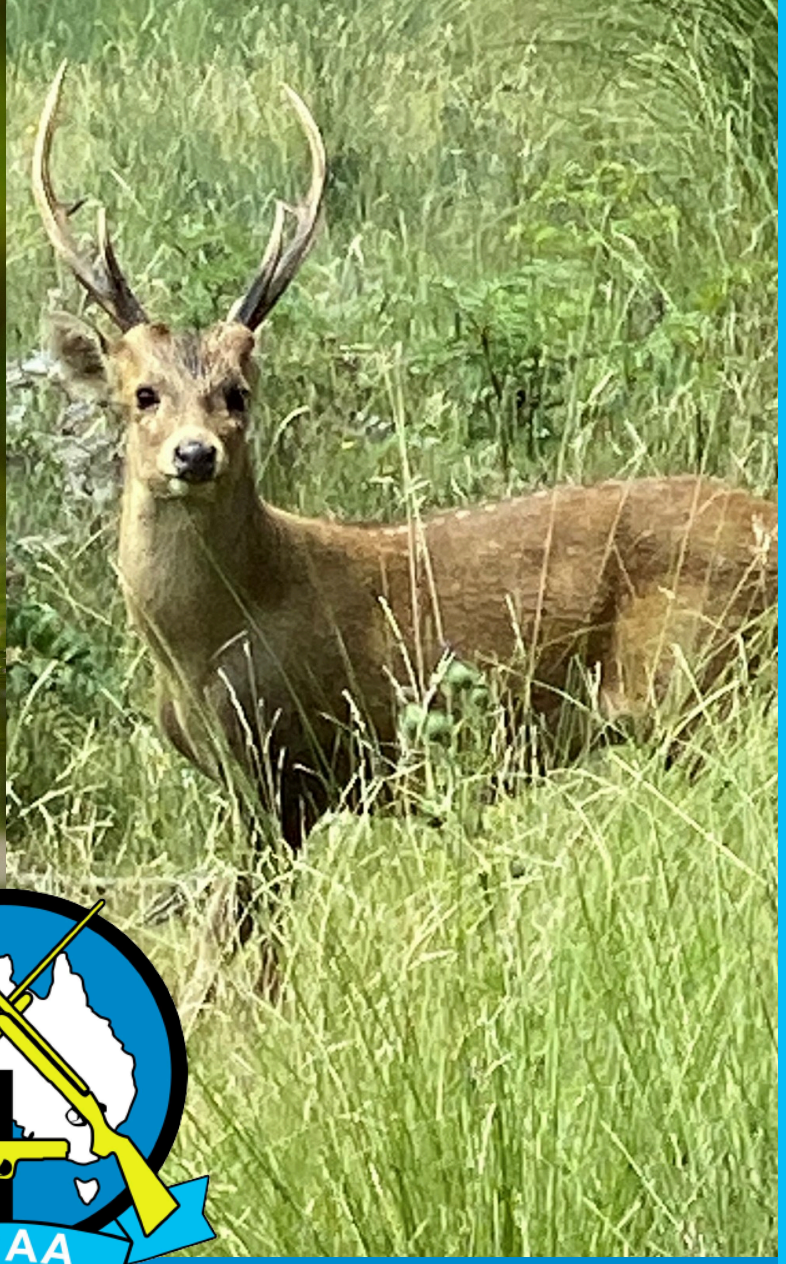

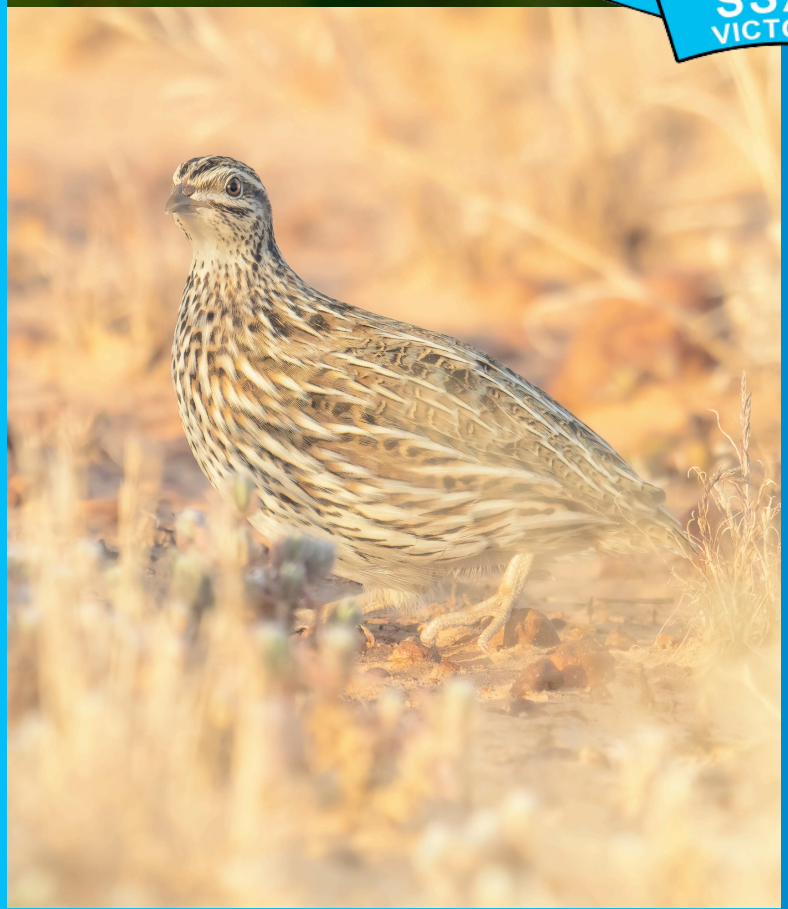

GAME REGULATION REVIEW

Submission from
SSAA Victoria
July 2024

1. Executive Summary

SSAA Victoria takes its leadership role in Victorian hunting and shooting seriously. The Association has conducted a comprehensive review of the Regulatory Impact Statement (RIS) for the Wildlife (Game) Regulations.

The Association is supportive of most of the proposed changes, however, it holds serious concerns about some of the proposals, most notably the proposal to prohibit the use of lead-based projectiles for all game hunting, the lack of a reasonable and structured transition to non-toxic shot for quail hunting, the outright removal of hunting for Australasian (Blue-winged) Shoveler, the prohibition on the use of electronic callers for duck hunting and the ill-conceived drafting of the proposal that was intended to allow the use of artificial water points for hog deer.

Proposal to prohibit the use of lead-based projectiles for all game hunting

Lead is a harmful substance that should be avoided. Acknowledging that simple truth does not overcome the RIS's abject failure to make a credible, let alone compelling, or proportionate case for change.

The published science, which the RIS cited as a rationale, contains serious deficiencies. The RIS also missed counterbalancing considerations, including live questions about the efficacy, accuracy, availability, and affordability of lead-free alternatives.

Proceeding with the proposal of the RIS to set an arbitrary date for a “transition” without a proper examination of impediments to a transition and a contextual and proportionate review of the case for change, would be a failure of public policy. As the RIS correctly identifies, this change would be “one of the most significant changes for game hunting in 20 years”. SSAA Victoria submits that fact is a reason to take pause and get this right, not a reason to rush change on a flimsy rationale, as is being proposed.

The Association is not asking the Government to ignore this issue or to ‘kick the can down the road’ indefinitely. In this submission, SSAA Victoria proposes a robust, proportionate and credible framework with clear terms of reference and reporting timelines to advance discussions and policy on the issue.

Transition to non-toxic shot for quail hunting

The Association is sceptical about the evidence supporting this change. However, it does accept that the government clearly stated this commitment in its response to a report of the Select Committee into Native Bird Hunting. The Association repeats its commendation of the Minister for fashioning a silk purse from that sow's ear and, on that basis, does not oppose this change outright.

The time frame for change proposed by the RIS (effectively immediately) is unnecessarily and unjustifiably rushed.

In this submission, SSAA Victoria sets out the case and provides a proposal for a staged and structured transition over a relatively short timeframe.

Removal of hunting for Australasian (Blue-winged) Shoveler

SSAA Victoria acknowledges that the Australasian (Blue-winged) Shoveler is a listed species under the Flora and Fauna Guarantee Act (FFG) and that listing warrants a different consideration of harvest settings for this species compared to other game waterfowl.

In the context of a move to adaptive harvest management and cognisant of the management of the recreational harvest of FFG fish species, SSAA Victoria proposes that an open season and bag limit for Australasian (Blue-winged) Shoveler be retained in the regulations and that the annual harvest (or exclusion from harvest) be managed by the more granular and nuanced adaptive harvest model.

Prohibition on the use of electronic callers for duck hunting

The RIS provides no rationale for this proposed ban; realistically, there is none. Electronic duck callers appear to have been lumped in with electronic quail callers even though their effect on the behaviour of the quarry is not even vaguely analogous.

In the body of this submission, SSAA Victoria explains the issues in a way that the RIS failed to do.

The Association does not support this proposed ban. It should not proceed.

Artificial water points for Hog Deer

The Association is dismayed at the drafting of this proposed change. What was intended to clarify the legality of land managers providing a stable source of clean, fresh water for game and other wildlife has been mangled to the point that the proposed regulation would create an unjustified disparity between land tenures. It would also create a bizarre and confusing regulatory impediment where one current does not exist. The rationale provided by the RIS completely misunderstands the 'problem' the proposed change is attempting to solve.

The Association proposes that the change be handled by a simple amendment to the definitions section of the regulations or abandoned altogether. Proceeding as proposed by the RIS would be extremely counterproductive.

Other matters in the RIS

SSAA Victoria proposes that any increase in game licence fees be tied to the establishment of a "Recreational Hunting Licence Trust Account". This measure would closely mirror the arrangements for recreational fishing, increase the level of buy-in from game licence holders and return the licensing of game hunting to some level of alignment with its original intent.

The closure of hound hunting over the Easter period, if warranted at all, is too long and imposes restrictions on a particular form of game hunting with no clear counterbalancing public benefit. SSAA Victoria proposes that if the Easter closure is to remain in regulation, it should be limited to the public holiday weekend only.

The proposal to allow hand-held thermal imaging devices for deer hunting during the day is divisive. Traditionalist hunters oppose it primarily on ideological grounds (also raising safety concerns). Whilst SSAA Victoria supports the proposal, the Association urges the government to accompany any eventual implementation of a change with educational material which recognises and, to the extent possible, mitigates the concerns of opponents.

The Association supports the proposal to allow gamebird hunters to use a dog other than a gundog with written permission from the GMA. The Association calls for a relevant policy to be released for this new provision and for the existing provision for deer hunting to provide guidance to hunters while retaining flexibility.

The proposal to fix the current start time at 8 am for the first five days of the duck season is an arbitrary and unnecessarily impactful imposition on hunters. The compliance objective for the change, being able to properly observe activities in the field, could be just as adequately served by setting the opening time for the first five days of the season at sunrise. Such a measure would still impact the amenity and quality of experience for game hunters, but not to the extent that an 8 am open has proven to have done.

SSAA Victoria would support the proposal to enshrine in regulation the recent practice of opening duck season on a Wednesday, with an amendment to the start date to ensure that there is no loss of hunting opportunity.

SSAA Victoria supports the proposal to allow deer decoys but not to impose requirements around orange blaze. The orange blaze requirements are arbitrary, unjustified and are likely to be counterproductive.

SSAA Victoria supports the red-tape removal proposals for Hog Deer check-in, with some minor amendments to strengthen the integrity of the change.

SSAA Victoria does not support including two new local government areas as recognised deer habitat. The designation imposes on the amenity of pest animal hunters, and the RIS fails to provide any rationale to support it.

The RIS fails to offer a rationale for exempting Traditional Owners from the proposed restrictions on lead ammunition and electronic callers. This failure is a potential source of division and misunderstanding and a major disservice to Traditional Owners and other stakeholders. If the government proceeds with these exemptions, it needs to make serious efforts to explain the reasoning behind them.

Proposals not considered in the RIS

SSAA Victoria proposes and supports other changes to the regulations that were not considered in the RIS.

Allowing the use of Black and Tan and Bluetick Coonhounds would increase choice and autonomy for hound hunters without detriment to the game resource or other interests.

Allowing the use of eight hounds in a hound pack, regardless of age, would strengthen the autonomy of hunters and serve a public policy end of limiting dog breeding.

Increasing the height allowance for Harriers would ease a restriction that is unnecessarily tight.

Extending the Hog Deer hunting open season by one month would significantly improve the amenity of public land hunters.

Adopting an “antlered and antlerless” harvest framework for Hog Deer would enhance compliance, increase hunter opportunity, and somewhat address a sub-optimal gender bias in the harvest.

Consultation

A more robust and granular approach to consultation could have avoided or mitigated many of the issues with the RIS identified by SSAA Victoria.

The “drop-in” sessions conducted in May and June 2024 provided a high-level summary of options under consideration but provided scant detail, therefore denying stakeholders the opportunity to test and refine the practicality of the actual proposals in the RIS.

The precis of this consultation in Appendix I of the RIS is, in SSAA Victoria’s view, selective and misleading. The precis makes generalisations that ignore both the diversity and nuance of opinion amongst peak hunting stakeholders. Its inclusion in the RIS has served only to fuel suspicion and to make the Association's efforts at broad and open consultation with its membership and the broader hunting community more difficult.

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2. INTRODUCTION AND BACKGROUND

2.1 About SSAA Victoria

With 44,000 members, the Sporting Shooters Association of Australia (Victoria) (SSAA Victoria) is the largest organisation representing the interests of Victoria's 250,000 recreational shooters and hunters.

The Association operates two metropolitan and a dozen regional facilities and, through its Registered Training Organisation (RTO), is Victoria's largest provider of recreational and occupational hunting and shooting training and accreditation.

2.2 SSAA Victoria's Approach to the RIS

In preparing this submission, SSAA Victoria has assessed each of the proposals against the following basic criteria

1) Does the proposal best serve the game resource?
2) Does the proposal best serve the long-term interests of game hunting?
3) Does the proposal best serve the Victorian community?

The Association has consulted with its membership, its Board of Management and the broader hunting community and has been informed by qualitative and quantitative research, including public opinion polling,[1] [2] internal focus groups[3] and a dedicated online survey[4]. The Association has also met with industry colleagues, including the British Association for Shooting and Conservation (BASC) and consulted scientific literature.

2.2 Game Hunting and its Regulation in Victoria - Historical Context

The management of wild game and the administration of wild game hunting in Victoria has been subject to legislative control and oversight since at least 1862 when the first Victorian *Game Act* passed the Parliament (just six years after its establishment).[5]

The Game (Licences) Bill of 1958 introduced game licences—the scheme aimed to provide revenue to fund game (duck) habitat improvements.

> It is proposed that the licence fee shall be £ 1 per annum. The money derived therefrom is to be devoted, through the Fisheries and Game Department, towards research into and the preservation of duck life.[6]

In 1975, the *Wildlife Act* was introduced, subsuming the *Game Act 1958* and game offences that had previously been a part of the *Crimes Act 1958*.[7]

Game licencing in Victoria was implemented as a result of a unique social contract that prioritised the resource from both a regulatory and revenue perspective and placed the regulated on a level playing field with the regulator regarding resource stewardship. The

[1] The Sexton Marketing Group, *Public attitudes towards firearms-related matters in Australia* (April 2018) Shooting Industry Foundation of Australia (unpublished report).
[2] Community Engagement, *Hunting Opinions Victoria* (21-26 February 2023) SSAA Victoria.
[3] Teh & Co, *Social Licence Focus Group Research* (April 2023) SSAA Victoria.
[4] SSAA Victoria, *Wildlife (Game) Regulation review 2024 – Summary of Survey Results* (July 2024).
[5] Bentley, Arthur R, *An Introduction to the Deer of Australia* (1998) Australian Deer Research Foundation Ltd.
[6] Victoria, *Parliamentary Debates*, Legislative Assembly, 26 November 1958, 2112 (Sir Ewen Cameron, Minister for Health).
[7] ibid

importance and value of this historical context are significant and appear to have been overlooked by this RIS.

2.4 The illusion of balance

There is a temptation for Governments to pursue the illusion of "balance" when making regulations about somewhat controversial fields such as game hunting. To the extent that making these regulations will be a creature of politics, SSAA Victoria urges decision-makers to make a realistic assessment of both the quantitative and qualitative qualities of opinion on either "side" of the discussion. Whilst research shows (unsurprisingly) a higher level of support for hunting amongst licenced firearm owners compared to people who do not own firearms, it also shows that the level of sentiment amongst firearm owners is (again unsurprisingly) markedly more salient compared to amongst people who do not own firearms.[8] There are also markedly more people who are committed to game hunting than who are committed to opposing it.

[8] The Sexton Marketing Group, *Public attitudes towards firearms-related matters in Australia* (April 2018) Shooting Industry Foundation of Australia (unpublished report).

3. SSAA Victoria's Position on changes proposed in the Regulatory Impact Statement

3.1 *New fees*

SSAA Victoria would support an increase in licence fees commensurate with those contemplated in the RIS on the proviso that one fee unit of each licence fee be quarantined for a "Recreational Hunting Licence Trust Account," which is SSAA Victoria's proposal for a dedicated fund to enable positive game management initiatives. This would bring licence fees in line with their normal historical level and, more importantly, their historical intent and in alignment with analogous recreational harvest licences such as the recreational fishing licence.

Tying a portion of the licence fee directly to positive game management initiatives would likely increase the level of 'buy-in' from licensed hunters.

The RIS proposes an increase in game licence fees on the rationale that

> [T]he '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.[9]

This rationale ignores the counterbalancing economic benefits associated with recreational game hunting. It also does not consider the effect that a decade of uncertainty and political interference has had on duck hunting game licence numbers. The two factors are interrelated.

Game hunting contributes $356 million annually to the Victorian economy and supports 3,138 jobs.[10] Game hunters also enjoy greater personal health and wellbeing than the general population.[11] Between 2013 and 2019, duck hunter licence numbers stagnated, while deer hunter licence numbers increased by 65%. Likewise, the economic activity associated with duck hunting decreased sharply.

> Due to more recent dry conditions and reduced numbers of game birds, the duck hunting season in 2019 was condensed and recreational hunting opportunities were reduced. The length of the season was reduced to 65 days from the usual 86 days. Later start times were applied and bag limits were also cut.[12]

The cost analysis in the RIS does not appear to consider any projections for growth in the licensed cohort, despite the reality of sustained growth in deer hunting over the past decade and the removal of the regulatory and policy impositions that have stifled growth in duck hunting[13], and the projected annual population growth in Victoria of 2.22% per annum through to 2031.[14]

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[9] Regulatory Impact Solutions, *Wildlife (Game) Regulations 2024 Regulatory Impact Statement* (July 2024) p48.
[10] RM Consulting Group, *Economic contribution of recreational hunting in Victoria – Final report* (June 2020), Department of Jobs, Precincts and Regions pi.
[11] RM Consulting Group, *Economic contribution of recreational hunting in Victoria – Final report* (June 2020), Department of Jobs, Precincts and Regions p34.
[12] RM Consulting Group, *Economic contribution of recreational hunting in Victoria – Final report* (June 2020), Department of Jobs, Precincts and Regions p31.
[13] Victorian State Government, Victorian Government response to the Legislative Council Select Committee Inquiry into Victoria's Recreational Native Bird Hunting Arrangements Report Recommendations (20 February 2024).
[14] *Victoria in Future 2023 – Population and household projections to 2051* (November 2023), Department of Transport and Planning p12.

3.1.1 Historical context

The licencing regimes associated with game hunting (and angling) in Victoria are the product of a unique social contract whereby hunters came together and requested the imposition of regulation and licensing for the good of the game resource.

> [A] deputation of shooting organization (sic) representatives waited on the Chief Secretary on the 16th October [1958]…Representative persons attended from Ballarat, Shepparton, Wangaratta, Donald, Sale and Yarram, as well as from the metropolitan area…[15]

In 1958, the sum of £ 1 was around 5% of the average weekly wage.[16] The current equivalent game licence fee is in line with this, sitting at around 4.5% of the average weekly wage.[17] The equivalent licence under the highest fee proposed in the RIS would be around 8.5% of the average weekly wage.[18] The department's preferred option in the RIS (option 3) would equate to around 6% of the average weekly wage.[19]

Historically, there has been a significant fluctuation in licence fees; in 1990, a licence cost just $7, or just under 1.5% of the average weekly wage.[20] In 1991, fees increased 255% to $25 (back to around 5% of the average weekly wage).

3.1.2 Recreational Hunting Licence Trust Account

Recreational fishing licence fees are directly deposited into a trust account to improve recreational fishing.[21] SSAA Victoria would support an increase in the licensing fee to 5 units per year, with the additional fee unit to be "siloed" into a new "Recreational Hunting Licence Trust Account". The trust account would be administered by a panel appointed by the Minister for Outdoor Recreation, comprising hunting organisations and government agencies. It would be directly dedicated to funding projects to improve recreational hunting, including research, promotion and facilities. The value of a fee unit (consequently the additional cost per game licence holder) is $16.33 for 2024/25. Based on recent game licence statistics and the current fee unit, this fund would accumulate just under $1,000,000 per year. [22]Acknowledging that establishing the trust account could require amendment of Acts and Regulations, SSAA Victoria recommends that the Government amend legislation to levy an additional fee unit on the baseline game licence to establish and resource the "Recreational Hunting Licence Trust Account". This proposal, and others like it, were given a cursory acknowledgement in the RIS, albeit buried in the footnotes without any proper examination or consideration.[23]

3.1.3 Conclusion

A common complaint levelled against recreational game hunting by anti-hunting activists is that the non-hunting public effectively subsidises the activity. Notwithstanding that this complaint eschews nuance and objectively lacks merit, it is a superficial weakness of game hunting that a more transparent licence fee structure could overcome.

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[15] Victoria, *Parliamentary Debates*, Legislative Assembly, 26 November 1958, 2112 (Sir Ewen Cameron, Minister for Health).
[16] Australia House London, *Wages & Taxation Rates in Australia*, Department of Immigration 1963).
[17] Australian Bureau of Statistics, Average Weekly Earnings, Australia (November 2023).
[18] Australian Bureau of Statistics, Average Weekly Earnings, Australia (November 2023).
[19] Regulatory Impact Solutions, *Wildlife (Game) Regulations 2024 Regulatory Impact Statement* (July 2024) p58.
[20] Victoria, *Parliamentary Debates*, Legislative Assembly, 17 September 1991, 634
[21] *Fisheries Act 1995* s151B.
[22] *Game Licence Statistics – Summary Report 2023* (August 2023), Game Management Authority of Victoria.
[23] Regulatory Impact Solutions, *Wildlife (Game) Regulations 2024 Regulatory Impact Statement* (July 2024) p60 fn61.

SSAA Victoria would support an increase in licence fees commensurate with those contemplated in the RIS on the proviso that one fee unit of each licence fee was quarantined for a "Recreational Hunting Licence Trust Account".

3.2 *Requirement to sign licence and to return a licence*

SSAA Victoria supports this proposal.

These are commonsense administrative changes that reduce 'red tape.'

SSAA Victoria supports these proposals.

3.3 *Requirement to notify the GMA when hounds are transferred*

SSAA Victoria supports this proposal.

Notification using the myGL portal is not onerous, and the register should be as accurate as possible.

SSAA Victoria supports this proposal.

3.4 *Requirement to present a hound for inspection when requested*

SSAA Victoria supports this proposal.

The rationale for this change is reasonable and workable.

SSAA Victoria supports this proposal.

3.5 *Closing the Hound Hunting Season from the Thursday evening (30 mins after sunset) before Easter until the Thursday morning (30 minutes before sunrise) after Easter*

SSAA Victoria does not support this proposed regulation as drafted. SSAA Victoria would support an amended version of the proposed regulation that limited the hunting closure to the public holiday weekend.

This is the status quo position. The RIS restates the policy rationale but does not test it or explore alternative options.[24]

Due to a two-year delay in reviewing the regulations and a quirk in the drafting of the current regulations (stipulating April), the Hound Hunting Season was not closed over Easter in 2024, and the season opened Easter Monday without incident. Whilst this is just one year of experience, it indicates that the closure for Easter might be overly precautionary because it limits hunting opportunities for no actual public benefit.

SSAA Victoria suggests that the closure of the hound hunting season over Easter should be abolished. If it is considered that the closure should remain, it should be reduced to the gazetted Easter public holiday weekend of Good Friday through Easter Monday inclusive.

SSAA Victoria opposes this change as drafted but would support a compromise in which the season is closed only for the public holiday weekend rather than the entire week.

[24] Regulatory Impact Solutions, *Wildlife (Game) Regulations 2024 Regulatory Impact Statement* (July 2024) p36.

3.6 *Abolish open season for Australasian (Blue-winged) Shoveler*

SSAA Victoria does not support this proposed change. The Association acknowledges that the Australasian (Blue-winged) Shoveler is listed under the Flora and Fauna Guarantee Act and that this listing warrants consideration of its harvest, which is different from that of other game waterfowl. The Association proposes a reduced, species-specific bag limit for the Australasian (Blue-winged) Shoveler, consistent with the Victorian government's management of the recreational harvest of similarly listed fish species.

The underlying government rationale for this proposal, as presented in the preface to the RIS, is that the Australasian (Blue-winged) Shoveler (Anas rhynchotis) is listed as threatened under the Flora and Fauna Guarantee Act 1988 (FFG Act).[25] By contrast, the International Union for the Conservation of Nature assesses the population as "stable" and rates it as of "least concern".[26]

3.6.1 FFG listing and its implications

Listing under the FFG Act does not prohibit a managed recreational harvest; however, it does require that.

> The Secretary must prepare an action statement for any listed taxon or community of flora or fauna or potentially threatening process as soon as possible after that taxon, community or process is listed.[27]

The Australasian (Blue-winged) Shoveler was listed as threatened in 2021.[28] To date, no action statement has been prepared for it.[29] The Australasian (Blue-winged) Shoveler is not among the 1,021 items for which action statements are planned to be prepared in 2023-24.[30] Of those 1,021 items, 1,020 are for flora.[31] It is not unreasonable to conclude that the timeframe for preparing an action statement for Australasian (Blue-winged) Shoveler is indeterminate, which is difficult to reconcile with the (admittedly subjective) legislative requirement that one be prepared "as soon as possible."

However, using the stated rationale to prevent all hunting of the species is inconsistent with government practices in other areas. Both Murray Cod (Maccullochella peelii) and Southern Bluefin Tuna (Thunnus maccoyii) are on that same list, yet they are available for recreational anglers to harvest in Victoria.[32]. Murray Cod are ranked at a higher level of concern on the list at "Endangered", while Southern Bluefin Tuna are listed as "Conservation Dependant".[33]

It is also notable that no action statement has been prepared for Murray Cod and that the absence of one does not impede the management of a sustainable recreational harvest.[34]

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[25] Regulatory Impact Solutions, *Wildlife (Game) Regulations 2024 Regulatory Impact Statement* (July 2024) pX.
[26] *The IUCN Red List of Threatened Species 2021*. Australasian Shoveler (Spatula rhynchotis).
[27] Flora and Fauna Guarantee Act 1988 (Vic) s19(1).
[28] Game Management Authority of Victoria, *Fact Sheet – No hunting of Blue-winged shoveler* (2022).
[29] Department of Energy, Environment and Climate Action, *Conserving threatened species – Action Statements* < https://www.environment.vic.gov.au/conserving-threatened-species/action-statements>
[30] Department of Energy, Environment and Climate Action, *Action Statement Preparation List 2023-2024* (2024) p2.
[31] Department of Energy, Environment and Climate Action, Action Statement Preparation List 2023-2024 (2024) p2.
[32] Victorian Fisheries Authority, Tuna (Southern bluefin, yellowfin and big eye) <https://vfa.vic.gov.au/recreational-fishing/recreational-fishing-guide/catch-limits-and-closed-seasons/types-of-fish/marine-and-estuarine-scale-fish/tuna-southern-bluefin-yellowfin-and-big-eye>
https://vfa.vic.gov.au/recreational-fishing/recreational-fishing-guide/catch-limits-and-closed-seasons/types-of-fish/freshwater-scale-fish/murray-cod
[33] Environment Victoria, *Flora and Fauna Guarantee Act threatened species list* (June 2024) <https://www.environment.vic.gov.au/__data/assets/pdf_file/0025/707416/FFG_Threatened_List_June_2024.pdf>
[34] Department of Energy, Environment and Climate Action, *Conserving threatened species – Action Statements* < https://www.environment.vic.gov.au/conserving-threatened-species/action-statements>

3.6.2 IUCN Red List

It is also noted that the IUCN lists Southern Bluefin Tuna at the higher concern level of "Endangered."[35]. In addition to recreational fishing, Southern Bluefin Tuna has an Australian commercial catch limit of 6,930 tonnes for the 2023-24 season.[36]

3.6.3 Historical Approach in Victoria

In the past, Victoria's hunting regulators have managed the recreational harvest of game duck species flexibly without placing blanket prohibitions on their take.

For example, in 2015, the bag was ten birds per day, including a maximum of two Australasian (Blue-winged) Shoveler on the opening day and five birds per day, including a maximum of one Australasian (Blue-winged) Shoveler for the remainder of the season.[37]

The total prohibition on taking Australasian (Blue-winged) Shoveler has only been in place since 2016 and predates the species' listing under the FFG Act, which is the premise for the change advanced by the RIS.

3.6.4 Adaptive Harvest Management

Earlier this year, the Victorian Government committed to implementing Adaptive Harvest Management (AHM) for game duck hunting from 2025.[38] Implementing AHM will be underpinned by important research that ensures that recreational harvest does not occur where it could result in a population-level impact on game ducks.[39] The logical mechanism for managing the harvest (or non-harvest) of game duck species is AHM, not an arbitrary change to regulation based on a dubious rationale.

3.6.5 Conclusion

Good regulation is "effective and proportionate in managing risk".[40] While certain risks are associated with harvesting Australasian (Blue-winged) Shoveler, as there are with harvesting vulnerable fish populations, those risks can be adequately mitigated by imposing bag limits and, potentially, total take and/or possession limits, in the same way they are applied to fish species.

SSAA Victoria fully supports the objective of protecting the species' overall sustainability. However, the Association considers that a continued take, albeit at a low level, is a more proportionate response.

Adaptive Harvest Management,[41] which the Victorian Government has committed to, can define species-specific takes moving forward, as demonstrated in the United States.[42] Australasian

[35] *The IUCN Red List of Threatened Species 2021*. Southern Bluefin Tuna (Thunnus maccyii).
[36] Australian Fisheries Management Authority, Southern Bluefin Tuna <https://www.afma.gov.au/species/southern-bluefin-tuna>
[37] Game Management Authority of Victoria, Historical summary of seaonal arrangements, <https://www.gma.vic.gov.au/hunting/duck/duck-season-considerations/historical-summary-of-seasonal-arrangements>
[38] Victorian State Government, Victorian Government response to the Legislative Council Select Committee Inquiry into Victoria's Recreational Native Bird Hunting Arrangements Report Recommendations (20 February 2024).
[39] Prowse, Thomas, *Conservation and Sustainable Harvest Models for Game Duck Species* (July 2023), Department of Jobs, Skills, Industry and Regions.
[40] Regulatory Impact Solutions, *Wildlife (Game) Regulations 2024 Regulatory Impact Statement* (July 2024) pIX.
[41] David McNabb, *A New Approach to Management of the Sustainable Harvest of Waterfowl* (2018) Advances in Conservation through Sustainable Use of Wildlife, University of Queensland.
[42]U.S. Fish & Wildlife Service, *Adaptive Harvest Management 2023 Hunting Season* <https://www.fws.gov/sites/default/files/documents/adaptive-harvest-management-hunting-season-report-2023.pdf>

(Blue-winged) Shoveler would be appropriate to start that individual species development In Victoria.

The recent de-listing of Hardhead (Aythya australis) from the FFG Act Threatened List[43] shows that simply being listed does not necessarily reflect the actual population status of a species. During the 2024 duck hunting season, eight wetland closures occurred due solely to the presence of Australasian (Blue-winged) Shoveler. An additional three closures included the presence of Australasian (Blue-winged) Shoveler as part of the reason for the closure.[44]

An increasing presence of Australasian (Blue-winged) Shoveler may indicate that the species' position, similar to Hardhead's, is not as dire as thought. The Victorian Game Duck Survey supports that conclusion, showing a population increase and reasonable numbers.[45] The Association encourages further research into the Australasian (Blue-winged) Shoveler to more thoroughly examine population trends, limitations to the species' breeding success, and potential harvest options. Abolishing a season for the species in the proposed regulations is considered to be premature, disproportionate, and inconsistent with government practices in other areas.

Research into the Australasian (Blue-winged) Shoveler persists primarily by virtue of its status as a game duck species.[46] The Freckled Duck (Stictonetta naevosa) is a previously hunted species of duck that was excluded from hunting since 1976 and was removed from the game list in 1989.[47] Despite the Victorian government having an action plan that calls for research into the movements of the Freckled Duck, none has been conducted in the quarter of a century since that plan was prepared.[48] The most detailed knowledge that the community has about the Freckled Duck dates back to the late 1960's.[49] [50]

If the Australasian (Blue-winged) Shoveler remains a huntable game species, the suggested Recreational Hunting Licence Trust Account (*see 3.2.3 of this submission*) could help fund vital research into it.

[43] Environment Victoria https://www.environment.vic.gov.au/__data/assets/pdf_file/0037/699283/Nom-904-Hardhead-FRR-signed.pdf
[44] Game Management Authority of Victoria, *Wetland closures – 2024 duck season* <https://www.gma.vic.gov.au/hunting/duck/wetland-closures-duck-season>
[45] Ramsey, D.S.L and Fanson, B, *Abundance estimates for game ducks in Victoria* (March 2024) Arthur Rylah Institute for Environmental Research – Technical Report Series No.376.
[46] Game Management Authority of Victoria, *Duck Research* (2024) < https://www.gma.vic.gov.au/research/duck-research>
[47] Maxwell C Downes and Ina Watson, *Australian Waterfowl* (1960) Fisheries & Wildlife Department of Victoria.
[48] Department of Sustainability and Environment, *Action Statement – Flora and Fauna Guarantee Act – Freckled Duck* (2000).
[49] HJ Frith, *Waterfowl in Australia* (1967) Angus & Robertson Ltd.p125
[50] S Marchant and PJ Higgins, *Handbook of Australian, New Zealand and Antarctic Birds – Vol 1 Ratites to Ducks, Part B Australian Pelicans to Ducks* (1990) Oxford University Press. P1141.

3.7 *Prohibit the use of toxic shot for all game hunting*

SSAA Victoria does not support this proposal.

The Association accepts that this change is a stated commitment of the Government; however, the proposed regulation as written does not provide a reasonable timeframe for a transition, particularly in the absence of any demonstrated environmental or biological urgency for change.

The transition should be appropriately staged to ensure that an adequate supply is made available and that hunters are properly educated and informed about alternatives.

The Association would support toxic shot being prohibited on public land from 2027 and on private land from 2029.

SSAA Victoria acknowledges that the government has committed to this change as part of its response to the Select Committee Inquiry into Victoria's Recreational Native Bird Hunting Arrangements. The Association notes for the record, however, that no sound scientific rationale for this change is provided, either in the Select Committee Report, the RIS,[51] or the Government response.[52]

The RIS states that

> 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.[53]

No references are provided to support this assertion, which seems, at best, to be hyperbolic and unnuanced. The RIS fails to explore the context of the spatial dispersal of quail hunters (and consequently shot) over the land mass of Victoria. The same quantum could also be expressed as around 1 gram of lead per 151m^2 across Victoria – a similarly meaningless but considerably less alarming way of stating the same thing. The RIS invites a comparison with this situation in the United Kingdom, citing BASC. For context, even if we accept the speculative estimate of 15-20 tonnes of shot per annum in Victoria, that is still less than 0.9% of the lead from similar shooting activities in the United Kingdom (not including Northern Ireland).[54]

The Association is concerned about the precedent set by significant policy changes based on politics rather than facts, data, and evidence. However, the Association would be equally concerned with a Government that walked away from its clearly stated commitments.

SSAA Victoria does not oppose this change outright, subject to the significant reservations stated above. However, the Association does submit that a staged approach to implementation and the provision of common-sense exemptions would be logical and appropriate.

The RIS appears not to have considered a transition or the potential implications of the proposed immediate change.

[51] Regulatory Impact Solutions, *Wildlife (Game) Regulations 2024 Regulatory Impact Statement* (July 2024).
[52] Victorian State Government, Victorian Government response to the Legislative Council Select Committee Inquiry into Victoria's Recreational Native Bird Hunting Arrangements Report Recommendations (20 February 2024).
[53] Regulatory Impact Solutions, *Wildlife (Game) Regulations 2024 Regulatory Impact Statement* (July 2024) p39.
[54] British Association for Shooting and Conservation, *BASC review of the HSE Annex 15 opinion lead ammunition restrictions* (December 2023)

In the United Kingdom, a (voluntary) staged approach is being taken to transition from lead shot for game bird hunting.[55]

Given that the transition in Victoria is driven by politics rather than by a demonstrated environmental or biological need, there is no need to rush it. Consideration should be given to developing quality, locally appropriate material to educate hunters. Concurrent with this, genuine consultation should be conducted with ammunition suppliers to ensure that adequate, appropriate and affordable alternatives are available when a transition does occur.

SSAA Victoria urges the government to commit to developing and resourcing a robust and resourced change management plan for the transition to non-toxic shot. To ensure continuity of supply and an adequate practice to ensure animal welfare concerns associated with the change are met, the transition should be staged to occur over four years at an absolute minimum, for example, the prohibition could come into force on public land effective 1 January 2027 and on private land effective 1 January 2029.

[55] BASC, Countryside Alliance, NGO, SLE, SACS, Game & Wildlife, BGA, CLA, The Moorland Association, *A joint statement on the future of shotgun ammunition for live quarry shooting* (February 2020) < https://basc.org.uk/a-joint-statement-on-the-future-of-shotgun-ammunition-for-live-quarry-shooting/>

3.8 *Prohibit the use of toxic projectiles for all game hunting*

SSAA Victoria does not support this proposal.

The RIS has failed both to establish an evidence-based case for change and, importantly, to identify and consider potential negative consequences of change for animal welfare, hunter amenity and compliance.

The Association proposes that a working group be established with clear terms of reference and reporting timeframes to holistically and objectively examine a potential transition away from lead projectiles for deer hunting and to make recommendations to the Minister.

The RIS acknowledges that banning ammunition with lead would represent "one of the most significant changes for game hunting in 20 years".[56] That being the case, it is alarming that the RIS dedicates just a few paragraphs and even fewer references to examining the rationale for this proposed change.

Whilst it is true that lead is a toxic substance and that lead ammunition can pose risks to both human and wildlife health, the extent to which that risk manifests in a demonstrable way through the recreational hunting of wild deer in Victoria is, on all of the available evidence, indeterminately small.

The RIS also fails to consider, let alone assess, the potential downside risks of any transition to lead-free ammunition. These include the efficacy, availability and affordability of potential alternatives.

There is merit in engaging in a holistic investigation into the issues with a view to assessing and, ideally, mitigating impediments to a transition to lead-free ammunition. Legislating a transition date ahead of such considerations, however, would be arbitrary and potentially counterproductive.

3.8.1 Scientific rationale in RIS

The RIS proposes to phase out lead ammunition for deer hunting by 2029. The primary rationale advanced for this rapid transition in the RIS a paper from the journal *Environmental Pollution*. The RIS does not objectively make a compelling case for change, particularly not for "one of the most significant changes for game hunting in 20 years".[57]

SSAA Victoria has been provided with an advance copy of a highly qualified scientist's submission. The author of that submission has published over one hundred fifty scientific papers and is a peer reviewer and editor of the largest general scientific journal. The author of that submission's independent observations of the rationale provided for this proposed change in the RIS are concerning.

> Jordan Hampton has published a series of papers on the topic [of] lead contamination as a result of shooting. In my opinion, these papers have taken on more of an "activist" stance than a sober reflection of the available data.[58]

The paper referenced in the RIS found an elevated lead level in the bones of Wedge-Tailed Eagles and attributed this to a range of factors, including recreational deer hunting, but,

[56] Regulatory Impact Solutions, *Wildlife (Game) Regulations 2024 Regulatory Impact Statement* (July 2024) p40.
[57] Regulatory Impact Solutions, *Wildlife (Game) Regulations 2024 Regulatory Impact Statement* (July 2024) p40.
[58] Redacted, *Private Submission to the Wildlife (Game) Regulations 2024 consultation* (July 2024) (Unpublished)

importantly, also including shoot to waste aerial deer culling and pig, goat, rabbit and fox culling.[59] The study did not conclude that lead exposure has a population-level impact on Wedge-Tailed Eagles.

> Even though lead poisoning might not be the most important threat facing the species, it is one of the easiest to address, through adoption of lead-free ammunition.[60]

The independent assessment of that paper raises questions about the entire rationale for change presented in the RIS

> This paper clearly tries to link lead in carcasses to lead levels in eagles, but it finds little evidence that lead is a threat at all and provides no evidence that the birds had high levels of lead obtained from carcasses left by shooters, let alone deer shooters.[61]

And

> The conclusion is a particularly egregious case of overinterpretation:
> *"Our results confirm that harmful lead is widespread in wedge-tailed eagles on Mainland Australia. Lead poisoning is an underappreciated threat to populations of this iconic species."*
> Their results do not confirm anything of the sort. There is no evidence of harm…there is no evidence that lead is a threat to the mainland population.[62]

The paper referenced in the RIS draws a correlation between recreational deer hunting (as regulated by the Wildlife (Game) Regulations) and elevated lead levels in wedge-tailed eagles (our emphasis)

> However, elevated levels of exposure were found in 47%, and severe levels in 13% of birds (n = 92), at one site in far-south-eastern mainland Australia (east Gippsland in the state of Victoria), a **'hotspot' for deer hunting** and aerial shooting (Hampton et al., 2021).[63]

When we examined the reference provided in that passage, however (an earlier paper on the same study), it tells a considerably different story (our emphasis)

> Aerial shooting has been increasingly used to control deer in south-eastern mainland Australia in recent years (Dickman and McDonald, 2020; Wintle et al., 2020), and may pose a **particularly important source of ingestible lead fragments** (Hampton et al., 2018), due to animals being **shot-to-waste** (meat is not harvested), **routine use of repeat shooting** (typically 2–4 shots per animal) and **use of highly frangible bullets** (Hampton et al., 2021)[64]

A logical conclusion that could be (and in fact was to a degree) drawn from that analysis is that elevated lead levels observed in Wedge-Tailed Eagles were likely due primarily to aerial shooting, which, unlike recreational deer hunting, is spatially and chronologically concentrated, uses highly frangible bullets (predominantly due to mechanical peculiarities of the semi-automatic rifles used), and uses multiple shots per animal.

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[59] Hampton, Jordan O et al, *Lead Exposure of Mainland Australia's Top Avian Predator* (2023) 332 Environmental pollution (1987) 122004
[60] Hampton, Jordan O et al, *Lead Exposure of Mainland Australia's Top Avian Predator* (2023) 332 Environmental pollution (1987) 122004
[61] Redacted, *Private Submission to the Wildlife (Game) Regulations 2024 consultation* (July 2024) (Unpublished)
[62] Redacted, *Private Submission to the Wildlife (Game) Regulations 2024 consultation* (July 2024) (Unpublished)
[63] Hampton, Jordan O et al, *Lead Exposure of Mainland Australia's Top Avian Predator* (2023) 332 Environmental pollution (1987) 122004
[64] Hampton, Jordan O et al, *Portable X-ray fluorescence for bone lead measurements of Australian eagles* (May 2021) Science of the Total Environment (789).

Comparisons in the RIS between Wedge-Tailed Eagles and species in other countries such as the California Condor are potentially misleading and unhelpful.[65] The California Condor is listed by the International Union for the Conservation of Nature (IUCN) as "critically endangered", with a limited geographic range and an estimated 93 mature individuals remaining in the wild.[66] The Wedge Tailed Eagle, by contrast, is listed by the IUCN as being of "least concern".[67] This is not to diminish the impacts of lead but rather to place them into a proper context and highlight that, to the limited extent that the ingestion of fragments of lead bullets might pose a risk to the Wedge-tailed Eagle, that is not at a population level or of any immediate concern for the species' sustainability.

3.8.2 Change management

Prior to the Danish Government regulating a transition, a published study of Danish hunters' attitudes to non-lead rifle ammunition found that it was

> [L]ikely that the establishment of a negotiated agreement between the Danish government and the hunting community could lead to a further and significant transition from the use of lead to non-lead rifle ammunition based solely on a voluntary approach.[68]

The transition to non-lead shot for duck hunting in Victoria a quarter of a century ago led to confusion and misinformation that persists today. Instead of being provided with quality, evidence-based information about shot/choke combinations, patterning and effective range, the changes were oversimplified for hunters, leading to the use of inappropriate shot and choke combinations by people who followed the regulators' advice. Acknowledgment of this issue and efforts to address it include the Shotgunning Education Program[69] and the development of the Waterfowl Wounding Reduction Action Plan.[70] The issues with an unplanned, ad hoc transition are perhaps best highlighted by the fact that Victoria's hunting regulator (GMA) persists in publishing an inappropriate lethality table for non-toxic shot for game waterfowl, misunderstanding the size of Australian bird species, and providing advice for shots that are dramatically outside of the effective range of the vast majority of waterfowlers.[71]

In the United Kingdom, leading hunting organisations have initiated a voluntary, phased, five-year transition away from lead shot and single-use plastics for live quarry shooting.[72] The peak body, BASC, stages regular "Sustainable Ammunition Events" to support the transition.[73]

A broader proposal to restrict lead ammunition in the United Kingdom has been met with considerable community concern. In a detailed analysis of the proposal, BASC identified similar issues with the evidence base for changes presented by the UK regulator as SSAA Victoria and others have with that presented in the Victorian RIS;

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[65] Regulatory Impact Solutions, *Wildlife (Game) Regulations 2024 Regulatory Impact Statement* (July 2024) p22.
[66] *The IUCN Red List of Threatened Species 2020*. California Condor (Gymnogyps californianus).
[67] *The IUCN Red List of Threatened Species 2020*. Wedge-tailed Eagle (Aquila audax).
[68] Kanstrup, Niels et al, *Non-Lead Rifle Ammunition: Danish Hunters' Attitudes* (2021) 33(1) *Environmental sciences Europe*
[69] Game Management Authority Victoria, *Be a better game bird hunter: Shotgunning Education Program Handbook 2nd edition* (2016).
[70] Game Management Authority Victoria, *Victoria's draft Waterfowl Wounding Reduction Action Plan 2022-2026* (2022) (Unpublished)
[71] Game Management Authority Victoria, *Be a better game bird hunter: Shotgunning Education Program Handbook 2nd edition* (2016) p14.
[72] BASC, Countryside Alliance, NGO, SLE, SACS, Game & Wildlife, BGA, CLA, The Moorland Association, *A joint statement on the future of shotgun ammunition for live quarry shooting* (February 2020) < https://basc.org.uk/a-joint-statement-on-the-future-of-shotgun-ammunition-for-live-quarry-shooting/>
[73] Behan, Terry, *Moving Forward for the Future of Shooting* (April 2024), Online article < https://basc.org.uk/moving-forward-for-the-future-of-shooting/>

> The HSE has been unable to sufficiently quantify the benefits of restricting this use and has not been able to explicitly demonstrate the proportionality of a restriction. Therefore, no restriction should be made or proposed.[74]

And (BASC's emphasis).

> Currently, the proposed restrictions appear to be based on the existence of theoretical pathways of exposure rather than the actual impact because of the exposure. BASC contends that **any restriction on this basis is currently not justified** and is therefore **unnecessary and disproportionate**. If restrictions underpinned by secondary poisoning risk are to be implemented, this would be deemed an over-precautionary measure.[75]

And the regulator in Britain (the Health and Safety Executive) has, appropriately, extended the timelines for its review so that it can properly advise its Minister (the Secretary of State for the Environment, Food and Rural Affairs).[76]

3.8.3 Potential risks associated with lead-free ammunition

Any potential transition to lead-free ammunition is also not without risks or concerns. A peer-reviewed study in the United States reported

> Since the introduction of copper based, lead-free frangible (LFF) ammunition to Air Force small arms firing ranges, instructors have reported symptoms including chest tightness, respiratory irritation, and metallic taste. These symptoms have been reported despite measurements determining that instructor exposure does not exceed established occupational exposure limits (OELs). The disconnect between reported symptoms and exposure limits may be due to a limited understanding of LFF firing byproducts and subsequent health effects.[77]

It should be noted that this study concerned frangible ammunition, which differs in composition from commonly used hunting ammunition.

3.8.4 Efficacy and accuracy of lead-free ammunition

There is limited data available on the efficacy of lead-free ammunition for hunting the primary game deer species in Victoria, sambar deer.[78]

One study has shown promising results, however, its limitations include a relatively small sample size (15 shooters) with 43% of the data coming from just two professional shooters.[79] Most of the shooting events were at a distance of ≤100m, with the number of events at ranges greater than 100m being statistically insignificant.

The study also found that deer shot with lead-free ammunition had increased "flight distance" (ran further when shot before succumbing to their injury) than deer shot with lead-based bullets.

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[74] British Association for Shooting and Conservation, *BASC review of the HSE Annex 15 opinion on lead ammunition restrictions* (December 2003) p5.
[75] British Association for Shooting and Conservation, *BASC review of the HSE Annex 15 opinion on lead ammunition restrictions* (December 2003) p9.
[76] *HSE requests extension to timeline on lead ammunition restrictions* (January 2024), Online article < https://basc.org.uk/hse-requests-extension-to-timeline-on-lead-ammunition-restrictions/>
[77] McNeilly, Ryan J et al, *Exposure to Lead-Free Frangible Firing Emissions Containing Copper and Ultrafine Particulates Leads to Increased Oxidative Stress in Firing Range Instructors* (2022) 19(1) *Particle and fibre toxicology* 36
[78] Moloney P.D. and Flesch J.S, *Estimates of the 2023 deer harvest in Victoria* (July 2024) Game Management Authority of Victoria p1.
[79] Hampton, Jordan O et al, *A comparison of lead-based and lead-free bullets for shooting sambar deer (Cervus unicolor) in Australia* (October 2022) Wildlife Research.

> Lead-free bullets available for shooting large mammals in Australia at the time of our study produced animal welfare outcomes comparable to those produced by commonly used lead-based bullets, but produced a 56% increase in flight distances.[80]

This factor alone warrants closer examination. Particularly in the typically dense vegetation that sambar deer are hunted in, such a marked increase in flight distances could well be the difference between recovering and dispatching a wounded animal or not.[81]

International studies testing different ammunition types (all copper, cup and core and bonded lead) at different ranges into a target of ballistic gelatin moulded around a deer (white-tailed deer) scapula demonstrated marked variations in bullet penetration, expansion and deflection and in hydrostatic shock at various common hunting ranges (140, 300 and 500 yards).[82] This sort of examination, simulating sambar deer across common hunting calibres, would be critical to ensuring that Victoria's transition to lead-free ammunition is viable. That the proponents of this change have apparently not considered, let alone conducted, any examination of this type, should be cause for concern for the Government.

3.8.5 Availability and cost of lead-free ammunition

The additional cost to hunters of transitioning to lead-free ammunition has not been properly considered in the RIS. The cost differential is subject to rudimentary analysis in the appendix that does not seem to be based on realistic pricing assumptions, let alone on the need for hunters to practice their shooting and to sight in their rifles.[83] As the Game Management Authority study found in 2022

> [F]ew lead-free bullet types are currently commercially available in Australia…and even fewer are available in factory-loaded ammunition, i.e. sold as complete cartridges rather than as bullets that require hand-loading…[T]here is also a substantial cost difference between lead-based and lead-free factory-loaded ammunition in Australia…with the latter generally more than twice as expensive. This is likely to act as a barrier for uptake for many recreational deer hunters…[84]

3.8.6 Proposal to establish a working group to give proper consideration to a transition to lead-free ammunition

As correctly identified in the RIS, the issue of lead ammunition in hunting is gaining traction. Contrary to the approach proposed by the RIS, however, of regulating first and sorting out the details later, it would be far more credible for the government to conduct a proper, objective examination of all of the issues before proceeding (if the evidence supports proceeding) with a properly structured and planned transition.

SSAA Victoria proposes abandoning the proposed regulation changes and requesting the government to establish a working group with clear terms of reference and reporting timeframes to examine a potential transition away from lead projectiles for deer hunting and make recommendations to the Minister.

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[80] Hampton, Jordan O et al, *A comparison of lead-based and lead-free bullets for shooting sambar deer (Cervus unicolor) in Australia* (October 2022) Wildlife Research pH.
[81] Harrison, Mike, *Sambar – The Magnificent Deer* (2010) Australian Deer Research Foundation Ltd p190.
[82] Sillars, Jordan, *Testing lead and copper bullets in ballistic gel*, (October 2022) MeatEater < https://www.themeateater.com/hunt/firearm-hunting/video-testing-lead-and-copper-bullets-in-ballistic-gel>
[83] Regulatory Impact Solutions, *Wildlife (Game) Regulations 2024 Regulatory Impact Statement* (July 2024) Appendix G p81.
[84] Hampton, Jordan O et al, *A comparison of lead-based and lead-free bullets for shooting sambar deer (Cervus unicolor) in Australia* (October 2022) Wildlife Research pH.

Any potential change to regulation could then be provided for by a stand-alone amendment. There is a clear precedent for this, being the introduction of non-toxic shot for duck hunting in 2000.[85]

3.8.6.1 Proposed Working Group Structure

The working group would consist of:

An independent Chairperson appointed by the Minister for Outdoor Recreation

1 x Representative nominated by each of the following organisations and agencies

- The Sporting Shooters Association of Australia (Vic)
- The Australian Deer Association
- RSPCA Victoria
- The Game Management Authority of Victoria
- The Arthur Rylah Institute for Environmental Research
- Winchester Australia

Up to 2 x independent members with skills in one of the following fields

- Game management
- Environmental science
- Biological science
- Change management

A secretariat provided by the Department of Jobs, Skills, Industry and Regions (DJSIR)

3.8.6.2 Proposed working group terms of reference

The working group is to examine and report on lead-based and lead-free ammunition in Australia, including (but not limited to)

- The environmental and biological science/evidence base
- The efficacy of lead-free ammunition
    - In different rifle types and calibres
    - At different distances to target
    - On different game deer species
- The availability and likely future availability of suitable non-toxic ammunition
- The cost and likely future cost of suitable non-toxic ammunition
- In the event that the working group considers that a transition to non-toxic ammunition is justified, a roadmap for a staged transition.

The working group is to conduct regular formal consultation with the community throughout its deliberations (not less than at the outset and near the conclusion). It may also commission other qualitative and quantitative research.

3.8.6.3 Proposed working group timeframes

- Established and hold its first meeting by 31 December 2024
- Prepare a research and engagement strategy for the approval of the Minister for Outdoor Recreation by 31 March 2025

[85] *Wildlife (Game) (Amendment) Regulation 2000* (Vic)

- Conduct a preliminary formal consultation with the community by 30 June 2025
- Deliver preliminary/interim report to the Minister for Outdoor Recreation by 31 March 2026
- Deliver final report and recommendations to the Minister for Outdoor Recreation by 31 March 2027

3.8.7 Member and hunter sentiment

SSAA Victoria surveyed members (and other hunters) on this proposed regulatory change.[86]

The views expressed by our survey respondents are likely to be synonymous with the views held by Victorian hunters more broadly.

> *There is a proposal to transition all Victorian deer hunters away from lead projectiles to "non toxic" bullets for deer hunting*
>
> 1) Do you agree with transitioning to "non-toxic" bullets for all deer hunting?

Strongly disagree	Disagree	Neutral	Agree	Strongly agree
991 (45%)	439 (20%)	460 (21%)	226 (10%)	97 (4%)

> 2) If the Government does proceed with a transition to "non-toxic" ammunition, do you agree that the timeframe of 31 December 2028 is long enough to transition?

Strongly disagree	Disagree	Neutral	Agree	Strongly agree
844 (41%)	357 (17%)	377 (18%)	374 (18%)	116 (6%)

[86] SSAA Victoria, *Wildlife (Game) Regulation review 2024 – Summary of Survey Results* (July 2024).

3.9 *Use of hand-held thermal imaging permitted during daytime*

SSAA Victoria supports this proposal.

There are strongly held views both for and against this proposal. If the government does proceed with this proposal the Association urges the government to take on board the concerns and, to the extent that it is possible, develop educational materials to address and mitigate them.

A major development since the Regulations were last properly reviewed in 2012 is the availability, practicality, and affordability of thermal imaging-enabled optics. These devices are currently prohibited from use in the Regulations. The RIS proposes changing this and offers the following rationale;

> 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).[87]

Thermal imaging-enabled optics allow hunters to more easily identify game that may not be discernible to the naked eye or with traditional glass magnification optics. The limitation, however, is that thermal imaging-enabled optics provide users with a "flat" image (similar to a television screen); this does not allow for depth perception. From a target accusation perspective, the depth perception issue is overcome with the use of laser range finders (either integrated or separate). For use in handheld optics (binoculars, monoculars, etc.), this does not present an immediate safety issue; for rifle-mounted optics (scopes), it does, as the lack of depth perception directly inhibits the hunter's ability to make an accurate assessment of the background of their target.[88]

A telescopic rifle scope provides a visual picture that the eye perceives, and the brain interprets. While usually magnified, this vision is in the same format as normal sight and is naturally interpreted. Colours and contrast are obvious. Thermal imagery is not instantly recognisable to the eye and requires different interpretations by the brain. Heat can come from numerous sources and will often only provide a partial target, particularly in vegetation.

The standard of thermal imaging devices varies significantly. While some are very clear and provide excellent definition, others simply show a heat source blob. At this stage, the Association considers the risk of misidentification to be considerable, along with the risk of wounding an animal because of a lack of definition to allow precise bullet placement.

A secondary concern would be the ability to enforce the regulations, particularly in relation to only hunting from half an hour before sunrise until half an hour after sunset, if thermal devices were allowed on firearms.

It should also be noted that the use of thermal devices for the control of problem deer on private property is another matter, as is the coordinated control of deer on public land through government sanctioned programs. Those activities are not governed by the Wildlife (Game) Regulations and are outside the scope of this submission.

[87] Regulatory Impact Solutions, *Wildlife (Game) Regulations 2024 Regulatory Impact Statement* (July 2024) p46.
[88] Juh Chaoyang et al, *Unsupervised depth estimation from Single Thermal Images* (2022), University of California.

The use of hand-held thermal devices can clearly enhance the tracking of wounded (and killed but lost) animals. This benefits animal welfare, resource utilisation (meat recovery), and hunter satisfaction.

SSAA Victoria acknowledges the legitimate application of thermal imaging-enabled rifle scopes in wildlife control operations but opposes their use being allowed for game hunting.

There are competing public policy arguments for and against allowing the use of handheld thermal imaging-enabled optics for game hunting. The use of these optics could improve hunting efficiency, enabling an increased harvest of wild deer in particular. On the other hand, a foundational historical principle of Victoria's game regulations is the concept of "Fair Chase" hunting. The concept of "Fair Chase" dictates that the hunted quarry has a reasonable chance of evading the hunter.[89] Thermal imaging-enabled optics arguably tip the balance further in favour of the hunter. SSAA Victoria acknowledges those concerns. However, the Association asserts that the boundaries of "Fair Chase" are largely determined by a hunter's personal ethics and does not oppose the use of handheld thermal optics for game hunting.

SSAA Victoria surveyed members (and other hunters) on this proposed regulatory change. Supporters of change primarily cited efficiency, equity, and opportunity as reasons for their support. Opponents of change primarily cited fair chase, safety concerns, and concerns about exploitation of the game resource as reasons for their opposition.

The views expressed by our survey respondents are likely to be synonymous with the views held by Victorian hunters more broadly. It appears to be a particularly polarising issue, with very strong views expressed on both sides. Emerging technology has always raised ethical concerns and debate on the appropriateness or otherwise of its use.

Ethics are a particularly personal set of standards that each hunter develops over time, and they will be different for every hunter. SSAA Victoria has a Code of Ethics and a Hunter Code of Conduct that broadly prescribes a set of ethical principles and expected behaviours for its members.[90] Within that broad framework members are free to impose additional voluntary ethical restraints on their own behaviour that they feel are appropriate.

The New Zealand government has recently grappled with the same questions and has made changes to allow the use of handheld thermal devices for public land hunting.[91]

The results of that survey are below (more detail in Appendix I)[92]

> Do you agree with changing the regulations to allow deer hunters to use handheld thermal imaging devices during the day?

Strongly disagree	Disagree	Neutral	Agree	Strongly agree
328 (15%)	189 (9%)	447 (20%)	542 (25%)	706 (32%)

[89] AL Smalley, *The Fair Chase – The epic story of hunting in America* (2019) Oxford University Press.
[90] SSAA Victoria, *Hunting Code of Ethics and Code of Conduct*, < https://ssaavic.com.au/hunting-pest-control/hunter-ethics>
[91] Department of Conservation, *Handheld thermal tech now allowed on public conservation land* (May 2024).
[92] SSAA Victoria, *Wildlife (Game) Regulation review 2024 – Summary of Survey Results* (July 2024).

3.10 *Allow a gamebird hunter to use a dog that it is not a gundog if they have written permission from the GMA*

SSAA Victoria supports this proposal and calls for an accompanying policy to be published.

The inclusion of a subjective provision such of this in the regulations is unusual. Notwithstanding that the RIS fails to provide a rational for this proposal, the Association supports this, particularly given that it mirrors an existing provision for deer hunters, and, that it provides greater amenity for hunters with no detriment to the game resource.

If this regulation is adopted, the Association recommends that the GMA be tasked with developing and publishing a policy and objective criteria for the granting of written permission to give the hunting community and the broader public confidence in the process.

3.11 *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*

SSAA Victoria does not support this proposal.

SSAA Victoria would support a proposal for the start time for the first five days of the season to be changed from "30 minutes before sunrise" to "sunrise".

The change to opening times and the move to a Wednesday opening were in response to illegal hunter behaviour in 2017.[93]

An 8.00 am start time significantly limits hunting opportunity, which is optimal at first light, for no counterbalancing benefit.[94]

To the extent that a delayed start time might aid in enforcement through the easier identification of offenders, that same end could be achieved by moving the start time to sunrise for the first five days of the season only and reverting to 30 minutes before sunrise for the remainder of the open season. SSAA Victoria is aware of a proposition that the start time should be moved on public safety grounds, this proposition is baseless and entirely without merit.

[93] Pegasus Economics, *Assessment of the GMA's compliance and enforcement function* (2017)
[94] Mark Romanack, *Timing your duck hunt…A.M. or P.M.?* (November 2010) Woods N Water News

3.12 *Amendment to provide that the end of the close season is 8 am on the third Wednesday in March in the next year.*

SSAA Victoria would support this proposal if the season start date were amended from the third Wednesday in March, as proposed, to the second Wednesday in March.

The change to opening times and the move to a Wednesday opening were in response to illegal hunter behaviour in 2017.[95] The idea of a Wednesday opening had been discussed for around a quarter of a century before that, with some hunters reportedly expressing support for the idea as early as 1994.[96]

The Association would also prefer to see the regulations stipulate that the opening Wednesday of duck season is the Wednesday before the third Saturday in March, not the third Wednesday in March. This change would ensure that hunters do not lose any hunting opportunity in any given year.

[95] Pegasus Economics, *Assessment of the GMA's compliance and enforcement function* (2017)
[96] Nicole Brady, *Tape claims bias towards shooters* (21 December 1994) The Age

3.13 *Amendment to prohibit the use of electronic quail callers and electronic duck callers*

SSAA Victoria does not support the proposed amendment as written. The proposed amendment shows a fundamental lack of understanding of hunting practices and the different impacts and uses of electronic quail and duck callers.

The Association does support a prohibition on the use of electronic quail callers.

The Association does not support a prohibition on the use of electronic duck callers.

Consistent with its previously stated position[97]SSAA Victoria supports the prohibition of the use of electronic quail callers. However, by including electronic duck callers in the ban, the proposed regulations demonstrate a significant lack of understanding of hunting practices.

The two are used in fundamentally different ways and are not synonymous. The Association opposes any prohibition on the use of electronic duck callers.

The Association does not support the use of quail callers because they congregate quail, which are typically dispersed over a wide area, into a small, localised area. Callers can be placed in the field in advance of hunting to achieve a highly concentrated population in a known location.

> Thus, not only do 'quail callers' have a strong effect on the local abundance of stubble quail in response to active callers, but we demonstrate the ability of the devices to concentrate stubble quail into a very localized area, and over a relatively short time frame (48 hours).[98]

Such artificial concentration of birds is incompatible with the concept of fair chase and risks an overharvest of localised populations.[99].

Harvest theory dictates that if quail callers were used for recreational hunting, either the bag limit or the season length (or both) would need to be adjusted downwards (likely dramatically) to ensure the ongoing sustainability of the game resource.[100]

Electronic duck callers are used by hunters when actively hunting. They are not used in the field before hunting, and hunters would not benefit from doing so as they do not congregate ducks into a small, localised area before the hunter arrives. In the same way as analogue (typically mouth-blown) callers, electronic duck callers can help to attract ducks that the hunter sees into a decoy spread at a range where they can be shot with a much lower chance of wounding.

3.13.1 Consistency with the (Draft) Waterfowl Wounding Reduction Action Plan

The (Draft) Waterfowl Wounding Reduction Action Plan encourages hunters to limit the distance they shoot at, use decoys to bring birds into their effective shooting range and have a retrieval strategy in place.[101] Electronic duck callers are equivalent to mouth-blown duck callers and help achieve a humane harvest under fair chase conditions.

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[97] SSAA Victoria, *Quail Caller Research Raises 'Fair Chase' Questions* (July 2022) < https://ssaavic.com.au/quail-caller-research-raises-fair-chase-questions>
[98] Ray, Mia et al, *Assessing the efficacy of electronic quail callers in attracting stubble quail and non-target predators* (July 2022) PLOS One p8.
[99] Ray, Mia et al, *Assessing the efficacy of electronic quail callers in attracting stubble quail and non-target predators* (July 2022) PLOS One p10.
[100] Aldo Leopold, *Game Management* (1933) The University of Wisconsin Press.
[101] Game Management Authority Victoria, *Victoria's draft Waterfowl Wounding Reduction Action Plan 2022-2026* (2022) (Unpublished)

3.14 *Amendment to allow the use of deer decoys with requirements around orange blaze*

SSAA Victoria would support this proposal without the requirements around orange blaze.

SSAA Victoria supports this proposal, with amendments

Using decoys can bring deer out of thick cover to a more open area where better visibility and prepared shooting lanes can improve precise shot placement. A hunter waiting in an ambush position can set up for a shot in advance with a solid firearm rest. The undisturbed deer can then be assessed, and if the hunter decides it is an animal they wish to take, they can wait for the perfect shot angle to target the animal's vital organs. Such a setup can significantly reduce the likelihood of wounding.

The Association does not support the blaze orange requirement. The RIS does not provide any objective reason for such a requirement. Is the concern that a person carrying the decoy might inadvertently be shot? Or is there a concern that the decoy might be inadvertently shot?

There is no requirement, nor should there be, for hunters or bush users to wear blaze orange. While blaze orange can aid safety by making hunters more visible in some (but by no means all) circumstances, the presence or lack of blaze orange should not be a factor in a person discharging a firearm.[102]

The ten firearm safety rules must be followed at all times, including positively identifying the target. It is potentially counterproductive and ultimately more of a safety risk to start conditioning hunters to expect to see blaze orange. The risk is that where they do not see blaze orange, there is a greater likelihood of assuming what they can see, or partly see, must be a deer that they can shoot.

Decoys come in various forms, including three-dimensional mannequins, either solid (foam) or blow-up (plastic), and two-dimensional pictures that can be erected and staked out. It is considered unlikely that a hunter would carry a bulky three-dimensional decoy for any distance on public land. A decoy being carried would not move in the natural way a deer moves. Similar to recommendations when carrying deer out of the bush, placing high visibility tape or cloth over the decoy could be reccomended but should not be mandated. Carrying a blow-up or picture decoy in a pack poses no risk. The use of decoys on private property carries no risk.

[102] Karl E Bridges, *Behavioural, cognitive and psychophysiological predictors of failure-to-identify hunting incidents* (November 2020) University of Auckland.

3.15 *Amendment to allow the use of artificial water points for Hog Deer on private land*

SSAA Victoria does not support the proposed amendment as written. If the amendment does proceed as written, it will have the reverse effect that is desired and will place a restraint on land managers that does not currently and should not logically apply. The Association's preferred position is that the definitions in Part 1 of the proposed regulations have the following line added.

> ***lure*** does not include artificial or manufactured water points

Failing this, the Association would urge the government to remove the proposed change altogether.

The identified need was to clarify that artificial water points are not a lure for the purposes of the Wildlife (Game) Regulations. This need was made explicit by SSAA Victoria in oral consultation regarding this RIS and was also stated clearly in writing;

> There has been conjecture that the provision of artificial water points for game meets the current definition under this section of the regulations. This interpretation has led to the abandonment of a game management initiative on public land.
>
> The new regulations should be written to explicitly clarify that the provision of permanent artificial water points for wildlife does not constitute a bait or lure for the purposes of the Wildlife (Game) Regulations.[103]

Proposed regulation 55 (3) states that the prohibition on lures (our emphasis)

> [D]oes not apply to a person who hunts, takes or destroys Hog Deer using **a lure consisting of an artificial supply of water** provided on **private land** for **the sole purpose of attracting Hog Deer**...[104]

The RIS provides scant rationale for the proposed regulation as written. The rationale that it does provide is false.

> This has the effect of preventing private landholders from using water points to improve the harvest of hog deer on their land by concentrating hog deer numbers during the hog deer season.[105]

This rationale misunderstands the dominant intent of land managers in providing freshwater points. The Para Park Cooperative Game Reserve is the most significant manager of wild hog deer in Victoria.[106] Para Park manages wildlife on the privately owned Sunday Island in Corner Inlet under a Wildlife Management Plan.[107] The Para Park wildlife plan states the rationale for the provision of freshwater points on Sunday Island.

> Water levels can drop dangerously low during late summer. While hog deer have been known to drink salt water during this period, such activity can lead to kidney damage. Priority should be given to maintaining good quality water for the deer during this critical period.[108]

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[103] SSAA Victoria, *Wildlife (Game) Regulation Review – May 2024*, Unpublished submission to DJSIR (May 2024) p7.
[104] (Draft) Wildlife (Game) Regulations 2024 (Vic) r55 (3).
[105] Regulatory Impact Solutions, *Wildlife (Game) Regulations 2024 Regulatory Impact Statement* (July 2024) p34.
[106] Department of Sustainability and Environment, *Hog deer management strategy: a framework for the management of hog deer in Victoria* (October 2008).
[107] Para Park Cooperative Game Reserve Ltd., Wildlife Management Plan – Hog Deer Section (January 2016).
[108] Para Park Cooperative Game Reserve Ltd., Wildlife Management Plan – Hog Deer Section (January 2016) p6.

The rationale of the RIS also betrays a fundamental misunderstanding of the behaviour of wild hog deer. Hog deer (like all deer species) are crepuscular, being most active during the twilight period. Also, having evolved on the Indian Subcontinent as prey for species including Tigers and Dhole, Hog Deer are a particularly 'flighty' species of deer and tend to avoid the exposure of visiting an open water point during daylight hours.[109]

Land managers' underlying intent in providing freshwater points is wildlife health, not, as the RIS put it, "concentrating Hog Deer numbers during the hog deer season."[110]

The RIS provides no rationale for the proposed regulation's application only to private land. In Appendix I, a passage outlines concerns with the proposed regulation from Traditional Owners.

> They raised concerns about deer in the landscape and queried the provision of water points, with concerns that this might lead it (sic) increased hog deer populations, which Traditional Owners do not support as they are not a native species.[111]

It is not possible (appropriately) from the RIS to be able to test this purported comment in any context. It is important to note that explicitly allowing water points in the regulations would not conceivably place any obligations or expectations on land managers (either private or public) to provide them. It is also of note that opinions about the place of wild deer in the environment are irrelevant and out of scope in the context of the Wildlife (Game) Regulations.

The proposed regulation, as written, misses the point of the identified need for change and, if adopted, would send a signal to public land managers that is the opposite of what was intended. SSAA Victoria does not support the proposed regulation as written and would prefer that either a simple definition of lure be added to regulations to exclude water points or that it be removed altogether rather than proceed into regulation in its current form.

[109] Lwin, Ngwe et al, *Initiating Conservation of a Newly Discovered Population of the Endangered Hog Deer Axis Porcinus in Myanmar* (2018) 52(1) *Oryx* 126
[110] Regulatory Impact Solutions, *Wildlife (Game) Regulations 2024 Regulatory Impact Statement* (July 2024) p34.
[111] Regulatory Impact Solutions, *Wildlife (Game) Regulations 2024 Regulatory Impact Statement* (July 2024) p86.

3.16 *Requirement to make all reasonable efforts to immediately kill a deer that is alive after being struck*

SSAA Victoria supports this proposal.

This is a reasonable preexisting expectation of game hunters.

That requirement is already stated in the Code of Practice for the Welfare of Animals in Hunting[112] and can be enforced under The Prevention of Cruelty to Animals Act (POCTA).[113] That code states;

> 3.5 A hunter must shoot to cause a quick and painless death.
> 3.6 Every animal which is shot must be immediately examined to ensure that it is dead. Every animal which isn't dead on retrieval must be humanely destroyed immediately.
> 3.7 If an animal is wounded and escapes, all reasonable attempts must be made to locate it so it can be killed quickly and humanely before hunting another animal

Having the requirement explicitly stated in the regulations makes sense, though definitions, acceptable methods of dispatch and education around specific legal requirements will be needed.

The upcoming Deer Wounding Reduction Working Group should advise the Minister on appropriate dispatch methods, taking into account safety and animal welfare considerations that must be balanced in widely varying circumstances.

[112] Agriculture Victoria, Code of Practice for the Welfare of Animals in Hunting, <www.agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/pocta-act-1986/victorian-codes-of-practice-for-animal-welfare/code-of-practice-for-the-welfare-of-animals-in-hunting-revision-no-1>

3.17 *Changes to Hog Deer returns, including the abolition of checking stations*

SSAA Victoria would support this proposal with an amendment to require all deer to be photographed and geotagged.

The Association supports this recommendation with additional amendments.

Victoria's hog deer population is highly valued by hunters. The species restricted range, low number of animals and international significance warrant different management to the other deer species in Victoria.

The hog deer checking station system is administratively burdensome and places an impost on successful hunters. Beyond basic harvest data, the information collected at checking stations is not used in the management of hog deer. Various harvest management systems worldwide, including Victoria's commercial macropod management program, use virtual/online tagging and verification processes. The hog deer check-in process should transition from physical checking stations to an online/app-based process that includes physical tagging of the animals and geotagged photographs.

The requirement in proposed regulation 71 (3) (e) should be amended from

> If the Hog Deer was male, a frontal photograph of the Hog Deer which contains both antlers in full and is unobstructed

To

> A profile photograph showing the entire Hog Deer where it was recovered, including the tag attached to one of its hind legs as per r 68 (1), and, if the Hog Deer was male, a frontal photograph of the Hog Deer which contains both antlers in full and is unobstructed.

Whilst the current checking station requirements provide for male deer to be photographed (for trophy identification/compliance purposes), they also provide a safeguard in that all deer taken with hog deer tags are inspected by an agent of the State Government. Requiring that all deer be photographed in situ with the tag attached adds a level of integrity to the virtual check-in process without imposing an unreasonable burden on the hunter, particularly in comparison with the existing checking station requirements.

3.18 *Two new recognised deer habitats will be included in Schedule 6, namely West Wimmera and Moyne Shire Councils*

SSAA Victoria does not support this proposal because the RIS has failed to make the case for change.

The Association does not support this proposal.
The areas are not traditionally recognised deer habitat. The RIS does not provide any compelling evidence for the need for this change. Pest species hunting occurs in those areas, and the RIS has given no indication that potential impacts on those activities have been considered.

3.19 *New prohibition on non-authorised people entering specified hunting areas over the opening period of the duck season up until 11.00 am*

SSAA Victoria supports this change.

The Association does not seek sole access to areas of public land for hunting. As a basic principle, the Association contends that public land should be open to the public to use and that multiple-use activities are appropriate in areas where hunting is carried out.

Unfortunately, the harassment of hunters and the deliberate, dangerous actions of activists have necessitated that they be kept out of specified hunting areas. It is the actions of the activists that have caused restrictions to be placed on the rest of the community. Mitigating this impact is the fact that, despite the claims of anti-hunting activists, most wetlands receive very few visitors at all, let alone in the cooler months of the year when duck hunting is occurring.

Given the significant increase in unlawful behaviour displayed by activists during the 2024 season[114] and the proposed formalised change to an 8.00 am hunting start time for the first five days of the season, it is appropriate to keep those activists away from hunters until 11.00 am. Even if the Government accepts SSAA Victoria's reasoned position that the start time for the first five days should be "sunrise", it is appropriate to leave this public safety provision at 11.00 am given the fact that the cohort that it is aimed at is not subject to licensing or any proposed testing regimes and, therefore, are not expected to be as informed or compliant as a cohort as licensed game hunters are.

3.20 *Include new dog breeds*

SSAA Victoria supports this change.

Effective 1 January 2022, the Murray River Retriever is recognised as a gundog by the Australian National Kennel Council. The Murray is the only gundog whose country of development is Australia, and they are a versatile, all-purpose gundog.[115]

The first Wirehaired Slovakian Pointer came to Australia in 2018, and the breed was recognised by the Australian National Kennel Council that year. The breed is obedient and easy to train and is especially suited to searching and retrieving wounded game.[116]

[114] Game Management Authority of Victoria, *2024 Duck Season Compliance Summary* (2024) < www.gma.vic.gov.au/media-releases/2024/2024-duck-season-compliance-summary>
[115] Dogs Australia Website, *Murray River Retriever Breed Standard*.
[116] Dogs Australia Website, *Wirehaired Slovakian Pointer*.

4. SSAA Victoria's Position on potential regulatory changes not proposed in the Regulatory Impact Statement

4.1 Include new hound breeds

SSAA Victorian would support a change to allow the use of Black and Tan Coonhounds and Bluetick Coonhounds.

There are currently three breeds of scent-trailing hounds recognised for hunting sambar deer in Victoria: the beagle, the harrier and the bloodhound. It is accepted that the requirement is for purebred dogs, which can be assessed for broad conformity to breed standards as outlined by the Australian National Kennel Council (ANKC) in its list of recognised hound breeds (Group 4).

The ANKC lists three other breeds of hound in particular which are of similar type and function to the current permissible breeds, and which would be very well suited for use in scent-trailing sambar deer in the mountains of Eastern Victoria. Those are the Black and Tan Coonhound, the Bluetick Coonhound and the Foxhound.

The Foxhound was previously widely used in Victoria but was phased out in the early 2000s in a decision that remains contested.

Both the Black and Tan Coonhound and the Bluetick Coonhound originated in the United States of America and are known for their ability to cold trail quarry, to voice loudly on scent and to function in heavily timbered country and in cold weather. Both breeds have non-aggressive temperaments. As such, both would be very suitable for hunting sambar in Victoria and allowing their use would give hunters more options and freedom of choice.

4.2 Increase the height allowance for Harriers

SSAA Victorian would support increasing the maximum allowable height for Harriers from 53.5cm to 55.5cm.

The current regulated height restrictions for hounds reflect a preferred show ring height. Distinct from the show ring, where the height of the hound is a mere consideration in judging, in the hunting regulations it presents a hard limit that does not take account of the vagaries of breeding and the influence of factors such as nutrition.

SSAA Victoria is aware of an evidence-based submission from the Victorian Hound Hunters Inc. arguing for a modest increase in the maximum height allowance, and the Association supports such a change.

4.3 Allow eight hounds in a hound pack regardless of age

SSAA Victoria supports the regulations changing from allowing eight hounds, including three hounds under 12 months of age, to allowing eight hounds with no age restrictions.

The current and proposed regulations stipulate the number of scent-trailing hounds that can be used in a pack

> (a) not more than 5 hounds; or
> (b) not more than 8 hounds, of which 3 hounds must be under 12 months of age and being trained to hunt or take Sambar Deer[117]

The RIS does not consider hound pack size, even though changes were proposed during consultation sessions.

Historically, the hound pack size was set at eight hounds, and there were no age restrictions. In the early 2000s, significant changes were imposed on hound hunting in response to concerns about hunters not adequately tracking and recovering hounds. The introduction of tracking collar technology, initially radio telemetry and later the now ubiquitous GPS systems, substantially mitigated these concerns.

Hound pack dynamics are complex and are best assessed and managed by hound owners.[118]

The current regulation likely encourages more regular breeding of hounds than might otherwise occur if pack dynamics were left to the discretion of the hound owners. Such a situation is contrary to the intent of what the Victorian Government has hailed as one of its "landmark" reforms.[119]

SSAA Victoria proposes that the draft regulation be changed from

> (a) not more than 5 hounds; or
> (b) not more than 8 hounds, of which 3 hounds must be under 12 months of age and being trained to hunt or take Sambar Deer

To

> not more than 8 hounds

[117] *DRAFT Wildlife (Game) Regulations 2024* (Vic) s21 (1).
[118] Roberto Bonnani et al, *Age-graded dominance hierarchies and social tolerance in packs of free-ranging dogs* (April 2017) Behavioral Ecology Vol 28 No 4.
[119] Premier of Victoria, *Ending puppy farming once and for all in Victoria* (June 2018) Media Release

4.4 More flexibility for Hog Deer seasons

SSAA Victoria would support extending the Hog Deer open season from April to March and April.

The wild, free-ranging Hog Deer population along the southeastern Victoria coast is arguably the most secure population of wild hog deer in the world.[120] Victoria is also home to the world's only known public land hunting opportunities for wild hog deer.

Most of the annual Victorian hog deer harvest occurs on private land or by hunters drawn in the annual hog deer ballots.

> [A] total of 185 Hog Deer (145 stags and 40 hinds) were recorded in harvest returns. Of these, 28 were from the Snake Island, Boole Poole and Blond Bay Wildlife Reserve balloted hunts (18 stags and 10 hinds). The remainder of the deer were harvested on private property or other public lands open to deer hunting, including State Game Reserves.[121]

Hog deer are a difficult species to hunt, and hunting success is low, particularly compared to more abundant species such as sambar and fallow deer.[122] For Hog Deer hunters, in particular, the opportunity to hunt is more important to their overall satisfaction than the successful harvest rate.

Outside of the hog deer ballot areas, the most favourable public land hunting areas for Hog Deer hunters are six State Game Reserves in coastal Gippsland (Jack Smith Lake, Dowd Morass, Lake Coleman, Heart Morass, Clydebank Morass, Ewing Morass).[123] These reserves are typically used for duck hunting during the open season, which commences in mid-March. Given the propensity of hog deer to react to 'hunting pressure' by shifting their movement habits nocturnal, these areas are of limited practical value to public land Hog Deer hunters during April. Opening the Hog Deer season at the beginning of March would allow Hog Deer hunters to access these reserves for around a fortnight each year before the commencement of the duck hunting season.

Increasing the hog deer open season from one month (April) to two (March and April) would greatly increase the hunting opportunity, particularly on public land, without foreseeably greatly increasing the harvest of Hog Deer.

[120] RJ Mayze and GI Moore, *The Hog Deer* (1990) The Australian Deer Research Foundation Ltd.
[121] Moloney P.D. and Flesch J.S, *Estimates of the 2023 deer harvest in Victoria* (July 2024) Game Management Authority of Victoria p8.
[122] Bentley, Arthur R, *An Introduction to the Deer of Australia* (1998) Australian Deer Research Foundation Ltd p79.
[123] Game Management Authority of Victoria, *Fact Sheet – Hog Deer Hunting in Victoria* (2019).

4.5 Adopting an "antlered and antlerless" harvest for Hog Deer

SSAA Victoria would support a change from "male and female" to "antlered and antlerless" bag limits for Hog Deer.

Widely accepted deer management practices worldwide suggest that a one-to-one sex ratio is desirable in a well-managed deer herd. However, there is a significant male bias in Victoria's annual harvest of hog deer.[124]

Given that hunters are legally limited to only one stag and one hind for the season, they will naturally be reluctant to shoot any deer without antlers. If it is the first deer they take, they "risk" their single stag tag if what they think is a female turns out to be a young male.

Conversely, if they have already taken a stag and only have a female tag left, they must be very conservative in taking an animal. If an animal they take is a young stag, they have committed an offence.

A move from male/female to antlered/antlerless will alleviate concerns about the sex of younger deer and should encourage a broader take and utilisation of every deer taken.[125] While some young stags may be taken, the encouragement to harvest antlerless deer should increase the overall female take.

[124] Moloney P.D. and Flesch J.S, *Estimates of the 2023 deer harvest in Victoria* (July 2024) Game Management Authority of Victoria p8.
[125] Karl Miller and Larry Marchington, *Quality Whitetails* (1995) Stackpole Books.

Appendix I

Wildlife (Game) Regulation Review 2024

Summary of Survey Results
9-16 July 2024

Executive Summary

SSAA Victoria conducted an online survey to gauge hunter sentiment on two contentious issues in preparation for the Association's submission on the Wildlife (Game) Regulations 2024 Regulatory Impact Statement (RIS).

The survey was completed by 2.9% of Victoria's 59,682 Game Licence Holders.

The survey revealed strong opposition to the proposed transition to non-toxic ammunition for deer hunting (75% opposed compared to 14% in favour) coupled with a strong feeling that the proposed timeframes for a transition are inadequate (58% do not believe that the timeframes are adequate compared to 24% that believe that they are).

Additional comments received from survey respondents indicate that the case for change to non-toxic ammunition has not been well made by its proponents. Several comments pointed to perceived deficiencies in the RIS, most notably i) a perceived failure to consider the potential animal welfare implications of diminished accuracy and bullet performance with non-toxic ammunition, ii) matters of equity relating to price and availability of non-toxic hunting bullets, and iii) the flow-on effects that could arise if ammunition is difficult to source or prohibitively expensive. Respondents also stated that the environmental and animal welfare arguments offered in the RIS were unconvincing.

Hunters are more polarised on the issue of allowing handheld thermal devices, with 57% supporting the proposed change and 24% opposing it. The dominant reason that respondents gave for opposition was a philosophical objection based on "fair chase." Other respondents raised concerns that the use of these devices could lead to poor target identification, therefore posing a safety risk.

It is recommended that more work be done on assessing the case for and impediments to change before proceeding with proposals to transition all deer hunting to non-toxic ammunition.

It is recommended that any changes to regulations relating to handheld thermal devices be accompanied by an educational campaign on their proper and safe use in the field.

Methodology

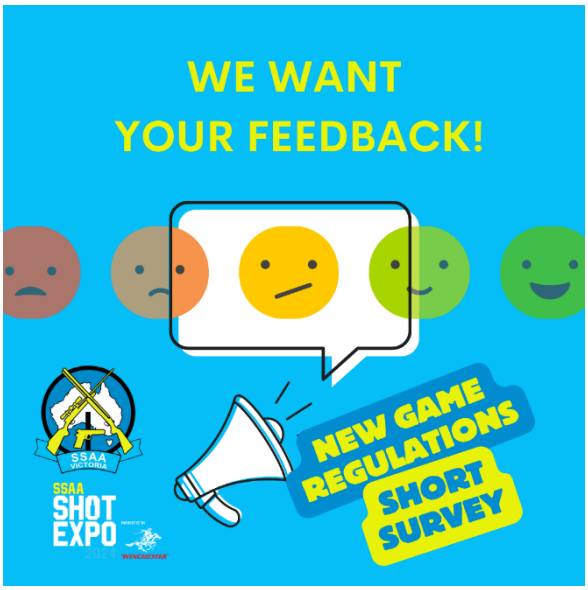
The survey was conducted online via the SSAA Victoria website using the "WP Forms" application in WordPress. The survey was open for one week from 9-16 July. Respondents were self-selected and were recruited via direct email (Mailchimp) to the SSAA Victoria mailing list and via social media (SSAA Victoria Facebook and Instagram accounts).

Survey

Promotional graphics and text

"To help guide SSAA Victoria's submission to the review of the Victorian Game Regulations, we have formulated a short survey to gauge hunter sentiment on the issues of a proposed transition away from lead bullets for deer hunting and to allow handheld thermal devices for deer hunting.

The survey will take about a minute to complete...have at it! https://ssaavic.com.au/wildlife-game-regulation-review.../"



Survey questions

Question 1 – SSAA Victoria membership

Are you a SSAA Victoria member

1) Yes
2) No

Results

1) Yes 2,290 (91%)
2) No 226 (9%)

Question 2 – Game licence status

Are you a Victorian Game Licence Holder (Deer, Duck, Quail)?

Are you a SSAA Victoria member

1) Yes
2) No

Results

1) Yes 1,743 (69%)
2) No 767 (31%)

Question 3 – "Non toxic" ammunition for deer hunting

There is a proposal to transition all Victorian deer hunters away from lead projectiles to "non toxic" bullets for deer hunting

1) Do you agree with transitioning to "non toxic" bullets for all deer hunting?

Strongly disagree	Disagree	Neutral	Agree	Strongly agree
991 (45%)	439 (20%)	460 (21%)	226 (10%)	97 (4%)

2) If the Government does proceed with a transition to "non toxic" ammunition, do you agree that the timeframe of 31 December 2028 is long enough to transition?

Strongly disagree	Disagree	Neutral	Agree	Strongly agree
844 (41%)	357 (17%)	377 (18%)	374 (18%)	116 (6%)

Question 4 – Handheld thermal devices

Do you agree with changing the regulations to allow deer hunters to use handheld thermal imaging devices during the day?

Strongly disagree	Disagree	Neutral	Agree	Strongly agree
328 (15%)	189 (9%)	447 (20%)	542 (25%)	706 (32%)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