



The Wildlife (Game) Regulations 2024 and Regulatory Impact Statement

**Submission of the
Australian Veterinary Association Ltd**

Date: 29 July 2024

The Australian Veterinary Association (AVA)

The Australian Veterinary Association (AVA) appreciates the ability to contribute to discussions that assist in the review of Victoria’s Wildlife Game Regulations and Regulatory Impact Statement, 2024.

Veterinarians, by virtue of their training, skill and knowledge, promote animal welfare at all levels of their activity and interactions with humans or animals to ensure that animals receive adequate care and protection ¹.

The societal responsibility to care and protect animals should be exercised in all the human–animal interactions, including farmed, flock and herd animals, companion animals, and animals used in sport, recreation, entertainment, education and research².

The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia.

The AVA consists of members who come from diverse fields within the veterinary profession. Clinical practitioners work with companion animals, horses, farm animals, such as cattle and sheep, and wildlife. Government veterinarians work with our animal health, animal welfare, public health and quarantine systems while other members work in industry for pharmaceutical and other commercial enterprises. We have members who work in research and teaching in a range of scientific disciplines. Veterinary students are also members of the Association.

¹ AVA Policy: Philosophy on animal welfare and the veterinarian

² AVA Policy: Philosophy on animal welfare and the veterinarian



Summary

The AVA strongly opposes the hunting of terrestrial animals (including deer) and birds purely for sport or recreation³.

Animal welfare impacts from recreational hunting are broad and unacceptable.

Additionally, the hunting of waterfowl using shotguns is opposed, as it often causes unnecessary pain and suffering to the birds⁴.

Victoria remains one of the few states where native bird hunting, and the associated animal welfare impacts, is supported and condoned by law⁵.

Poorly managed animal welfare in modern society risks Victoria's reputation of commitment to basic animal welfare practices.

There is also an environmental impact beyond directly injuring and maiming affected birds and animals, through disruption of other species' habitat and nesting practices, and environmental lead contamination. This may include threatened or keystone species, or those of cultural significance to Aboriginal and Torres Strait Islander peoples.

Hunting can also have public health implications, with human interactions with wildlife and feral animal populations increasing the risk of zoonotic disease transmission and spillover events, particularly if those engaged in recreational activities have limited awareness the principles of zoonotic disease transmission.

Economic justification should not ever supersede society's obligation to uphold humane animal welfare practices and the expected relatively minor impacts on the Victorian economy in banning recreational hunting practices should not challenge Victoria's commitment to good animal welfare standards.

The proposed plan for Victoria's new Animal Care and Protection laws states that "modern animal welfare laws will help maintain community trust in our animal-based industries and sectors".

Adherence to these modern laws is increasingly important for demonstrating to domestic and international trading partners that Victoria's industries are committed to good standards animal welfare practices⁶.

Legislation impacting animal welfare needs to reflect and support the priorities of Victoria's Animal Care and Protection Bill 2023. Under the Wildlife Act 1975 (the Act), the Game Management Authority may license a person to hunt, take or destroy game. Exempting large groups of animals from the protection of modern animal welfare legislation by continuing to allow recreational hunting is, in the opinion of AVA, inconsistent with this stated objective of the Animal Care and Protection Bill 2023.

³ <https://www.ava.com.au/policy-advocacy/policies/hunting-and-fishing/hunting/>

⁴ AVA policy [Waterfowl hunting](#)

⁵ AVA policy [Waterfowl hunting](#)

⁶ VICTORIA'S NEW ANIMAL CARE AND PROTECTION LAWS. Plan © The State of Victoria Department of Jobs, Precincts and Regions 2022



This view is consistent with the clear findings and recommendations of the recent Victorian Parliamentary *Select Committee Inquiry* into this matter.

It is also the Association's view that further investigation is required for the appropriateness of deer being classified 'game'. Being classified as game animal encourages their continued 'protection' and presence in the natural environment with ongoing spill over onto farmland and public places such as roads, causing significant harms rather than effective and human population control.



Discussion

Recreational hunting:

1. Creates unacceptable standards of animal welfare
2. Increases the public health risk of zoonotic disease
3. Is inconsistent with other Australian states and the proposed modernisation of Victorian animal welfare legislation
4. The use of dogs for the hunting of animals is unacceptable
5. Has broad environmental impact
6. Has social impacts and economic risks for Victorian society by risking Victoria's commitment to, and reputation for, good animal welfare practice
7. Classifying deer as 'game'

1. **Creates unacceptable standards of animal welfare.**

Recommendation 1: 'Terrestrial animals including birds should not be hunted purely for sport or recreation'⁷.

Recommendation 2: Animals should not be exempt from the protection of modern animal welfare standards under the Animal Care and Protection Bill 2023

Clear recognition of the sentience of all vertebrate animals, is at the core of the Victorian government's proposed new animal care and protection legislation, regardless of an animal's classification as a native or non-native species.

It is noted that the Wildlife (Game) regulations lie under the Wildlife Act 1975, which lacks a focus on animal welfare and fails to comply with modern animal welfare standards under the Animal Care and Protection Bill 2023.

Under the Wildlife Act 1975 (the Act), the Game Management Authority may license a person to hunt, take or destroy game⁸.

The AVA believes that exempting large groups of animals from the protection of modern animal welfare legislation or exempting acts of cruelty enacted in the course of recreational hunting, negates the commitment of the Victorian government to the progress it has made in animal welfare under the Animal Care and protection Bill 2023.

⁷ <https://www.ava.com.au/policy-advocacy/policies/hunting-and-fishing/hunting/>

⁸ [regulatory-impact-statement-wildlife-game-regulations-2024_ad28.pdf](#) pg 10.



Under Regulation 53 of the Wildlife Act 1975, ‘all reasonable efforts to recover a downed bird immediately after it is struck..., no similar requirement for deer’, where only reasonable efforts to kill a struck deer are required, is an example of the extreme disparity of animal welfare standards under the Wildlife Act 1975 and the Animal Care and Protection Bill 2023⁹.

In particular, persons are partaking in recreational hunting without a required licence and therefore not fulfilling licencing requirements, should be subject to the appropriate penalty under the Animal Care and Protection legislation which includes provisions around animal cruelty.

Cruelty to animals is an offence in all jurisdictions, regardless of their classification as game, native, non-native or invasive¹⁰.

Humans have a responsibility and a duty of care to protect animals – regardless of their native origin. Where a person does not meet his or her obligations to animals in his or her care, animals may suffer¹¹.

Animals can be used to benefit humans if they are humanely treated, but the benefit to people should be balanced with the costs to the animal. Animals should not be used for purposes where unreasonable and unrelieved suffering, injury or distress is likely to be caused.

When humans make use of animals, or alter their natural habitat, environment or behaviours, a level of care should be established that benefits human dignity as rational and compassionate beings¹².

Such care should be humane, which implies empathy with the animal, avoidance of unnecessary stress, injury and suffering and the demonstration of compassion towards a fellow creature¹³.

When considering population control, in general, recreational hunting and commercial harvesting alone have not been effective in managing populations of pest animals or overabundant wildlife in Australia or overseas¹⁴. Formal government feral animal control programs that are regulated and conducted humanely are the appropriate control mechanism¹⁵.

A study in Victoria of recreational hunting reported 14% to 33% of birds were wounded but not retrieved¹⁶.

A similar study from Minnesota USA reported approximately one-third of ducks are injured but manage to escape capture¹⁷.

⁹ regulatory-impact-statement-wildlife-game-regulations-2024_ad28.pdf Pg 24 & 32

¹⁰ <https://www.ava.com.au/policy-advocacy/policies/animal-welfare-principles-and-philosophy/animal-abuse/>

¹¹ AVA policy [AVA Statement of principles – animal welfare and ethics](#)

¹² AVA Policy: [Philosophy on animal welfare and the veterinarian](#)

¹³ AVA Policy: [Philosophy on animal welfare and the veterinarian](#)

¹⁴ <https://www.ava.com.au/policy-advocacy/policies/hunting-and-fishing/hunting/>

¹⁵ <https://www.ava.com.au/policy-advocacy/policies/hunting-and-fishing/hunting/>

¹⁶ Norman FI & Powell DGM (1981) Rates of recovery of bands, harvest patterns and estimates for black duck, chestnut teal, grey teal and mountain duck shot during Victorian open seasons, 1953-77. Australian Wildlife Research 8:659-664.

¹⁷ Szymanski, ML & Afton, AD, 2005, Effects of spinning-wing decoys on flock behaviour and hunting vulnerability of mallards in Minnesota. Wildlife Society Bulletin, Vol 33 No 3, 993-1001.



The limited number of studies that have been conducted which consider the welfare of animals hunted recreationally leaves the opportunity for poor animal welfare practices in this area¹⁸.

Wing, bill and leg fractures are common in surviving birds. If left untreated, wounded birds can suffer from the disabling effects of the injury, including pain and infection, or thirst or starvation if unable to drink or eat. All of these increase the likelihood of being taken by a predator¹⁹.

Clausen et al (2017) note that crippling of hunted birds due to shotgun injury constitutes an ethical and animal-welfare problem and also may affect population dynamics. Mortality due to crippling may not happen immediately after injury and it may take days or weeks of pain and suffering before birds die.

Often only those birds aligned with the central cluster of shotgun pellets will be fatally injured; birds hit at the perimeter of the shotgun volley may receive pellet injury and survive. The hunting of waterfowl using shotguns may result in the non-fatal injury of a proportion of target birds resulting in unacceptable pain and suffering²⁰.

Recommendation 3: The burden of regulatory costs for obligatory treatment placed upon registered veterinarians to treat, euthanise and dispose of injured animals, under the Veterinary Practice Act 1997 needs to be considered in the Regulatory Impact Statement.

Whilst the burden of regulatory costs for hunters has been extensively considered and weighted against other criteria such as human safety and animal welfare, there has been no consideration for the burden of regulatory costs placed upon registered veterinarians who are obligated to attend to pain and suffering of injured animals under the Veterinary Practice Act 1997²¹.

2. Increases the public health risk of zoonotic disease.

Zoonotic diseases are caused by a range of pathogens shared between animals and humans.

These diseases can range from non-clinical illness to life-threatening disease.

¹⁸ <https://rest.neptune-prod.its.unimelb.edu.au/server/api/core/bitstreams/5b5d898f-2ff4-534e-a5ef-d7894e32874a/content>

¹⁹ Shooting of Pest Birds (BIR001) Standard Operating Procedure: <https://pestsmart.org.au/wp-content/uploads/sites/3/2020/06/BIR001-SOP.pdf>

²⁰ [Szymanski, ML & Afton, AD, 2005, Effects of spinning-wing decoys on flock behaviour and hunting vulnerability of mallards in Minnesota. Wildlife Society Bulletin, Vol 33 No 3, 993-1001.](#)

²¹ https://www.vetboard.vic.gov.au/VPRBV/VPRBV_Guidelines/Guideline_03_-_Treatment_obligations.aspx



The increased risk, incidence and emergence of zoonotic diseases occurs through closer physical interactions between animals and humans such as with wildlife and feral animals, increasing the risk of spill-over events²².

Worldwide, there is increased concern about the threat of emerging infectious diseases (EIDs) and their impact on human populations. Most of the EIDs that affect human populations are zoonotic, with a clearly identified animal origin, and the risk, incidence and emergency of these diseases inextricably linked to human behaviours that impact our interaction and physical contact with domestic and wild animals. Beyond the immediate risks to animal and human health, these diseases present a significant threat to global health security.

Recommendation 4: Increased public health risks through closer physical interactions between animals and humans such as with wildlife and feral animals, needs to be considered in the Regulatory Impact Statement.

3. Arrangements in other Australian jurisdictions:

The recreational hunting of native birds is inconsistent with other Australian states and the proposed modernisation of Victorian animal welfare legislation.

For most of the year, native water birds are protected under native wildlife laws across Australia.

Duck hunting is banned in the Australian Capital Territory, New South Wales, Queensland and Western Australia.

In the Northern Territory, South Australia, Tasmania and Victoria, there are declared 'open seasons' in which some species of ducks and other waterfowl are permitted to be shot for sport and recreation²³.

South Australia is also currently holding a Parliamentary inquiry into the practice.

Recommendation 5: There should be consistency in legislation with other Australian States and Territories and the Animal Care and Protection Bill 2023.

4. The use of dogs for hunting of animals is unacceptable.

Dogs should not be used in the hunting of animals, except where they are used purely to locate or flush out animals and as part of a formal government control program (e.g. dogs used in island eradication campaigns to find the last few individuals in a population of feral animals)²⁴.

²² <https://www.ava.com.au/policy-advocacy/policies/professional-practices-for-veterinarians/the-role-of-veterinarians-in-the-management-of-zoonotic-disease/>

²³ AVA policy [Waterfowl hunting](#)

²⁴ <https://www.ava.com.au/policy-advocacy/policies/hunting-and-fishing/hunting/>



Dogs must not be permitted to pursue, corner or attack the animals²⁵.

Dogs used in hunting activities face considerable welfare risks, in addition to risks to health through their exposure to infectious and zoonotic diseases²⁶. If the use of dogs for hunting is permitted, their welfare, care and management, including for the prevention of zoonotic disease transmission must be considered and provided for.

Recommendation 6: Dogs should not be used in the hunting of animals, except where they are used purely to locate or flush out animals and as part of a formal government control program.

Recommendation 7: The welfare and zoonotic disease risk for dogs must be considered if they are used for hunting.

5. Impact on environmental sustainability and amenity

Humans have a responsibility to care for the natural environment and local ecosystems, including Australia's free-living native animals. People should take steps to preserve endangered species and protect native animals from harm and disease where possible²⁷.

Evidence of retained shotgun pellets have been found in around 10% of birds surveyed, even after intensive hunter education campaigns²⁸.

Lead contamination of the environment is also a potential environmental and public health concern²⁹.

A radiographical study in Victoria carried out over almost 20 years reported that between 6% and 19% of trapped live ducks (of mixed species) had embedded shot³⁰.

Shooting for recreational purposes can also result in disruption of other nesting species, such as swans, due to noise and movement disturbance.

²⁵ <https://www.ava.com.au/policy-advocacy/policies/hunting-and-fishing/hunting/>

²⁶ [The Welfare of Pig-Hunting Dogs in Australia](#)

²⁷ AVA policy [AVA Statement of principles – animal welfare and ethics](#)

²⁸ AVA policy [Waterfowl hunting](#)

²⁹ [Whitehead, Peter J. and Tschirner, Kurt \(1991\). Lead shot ingestion and lead poisoning of magpie geese anseranas semipalmata foraging in a Northern Australian hunting reserve. Biological Conservation, 58\(1\):99-118.](#)

³⁰ <https://www.theage.com.au/environment/conservation/fearful-swans-abandon-their-nests-at-start-of-duck-shooting-season-20220318-p5a5yd.html?fbclid=IwAR017aBeiUHqOrAdnj78HS-UUqbFbW6hgpXylMeM7jPHEhuxgL-X4Y3n8Ao>



Recommendation 8: Greater consideration must be given to the broad cost of hunting for environmental sustainability including the further impact on animals.

6. Social and economic impact: risking Victoria’s commitment to good animal welfare practice.

The Victorian government is currently undertaking significant investment by modernising Victoria’s animal welfare laws, which recognise and respect the sentience of all animals. It also acknowledges the importance of animal welfare in modern Victorian society’s behaviour and function and with resulting impact on animals.

“Modern animal welfare laws will help maintain community trust in our animal-based industries and sectors. Modern laws are increasingly important for demonstrating to our trading partners that Victoria’s industries are committed to good animal welfare practices ³¹.

In June 2020 the Department of Jobs, Precincts and Regions produced the “Economic contribution of recreational hunting in Victoria” Final Report³².

Based on this report, the relatively small economic contribution is not justified for the price Victoria will pay for poor animal welfare practices which are in contradictory to the current modernisation of Victorian animal welfare legislation, explicitly recognising animal sentience in these species of animals.

The proposed plan for Victoria’s new Animal Care and Protection laws it states that “modern animal welfare laws will help maintain community trust in our animal-based industries and sectors. Modern laws are increasingly important for demonstrating to our trading partners that Victoria’s industries are committed to good animal welfare practices ³³.

Recommendation 9: Greater consideration must be given to the economic and social cost for Victorian society of exempting animals from the protection of the Animal Care and Protection Bill 2023 standards.

7. Classifying deer as ‘game’

³¹ VICTORIA’S NEW ANIMAL CARE AND PROTECTION LAWS. Plan © The State of Victoria Department of Jobs, Precincts and Regions 2022

³² Economic contribution of recreational hunting in Victoria, Final report, Department of Jobs, Precincts and Regions, June 2020. Economic contribution of recreational hunting in Victoria, Final report, Department of Jobs, Precincts and Regions, June 2020.

³³ VICTORIA’S NEW ANIMAL CARE AND PROTECTION LAWS. Plan © The State of Victoria Department of Jobs, Precincts and Regions 2022



It is believed that deer populations are increasing rapidly in many parts of Victoria. These introduced species are causing significant harm to agriculture and the environment, in addition to creating a significant safety hazard for motorists.

It is the view of the AVA that further investigation is required for assessing deer populations and the appropriateness of deer being classified 'game' under appropriate Victorian legislation. Being classified as game animal encourages their continued 'protection' and presence in the natural environment as the objective of the regulations is to ensure "sustainable game harvests" rather than effective and humane population control, with ongoing spill over onto farmland and public places such as roads, causing significant harms.

In whichever manner that the Victorian government classifies deer in legislation, there must be strong measures in place to ensure they are killed humanely, in accordance with enforceable standards, consistent with the proposed Animal Care and Protection legislation.

Recommendation 10: Further investigation into the classification of deer is required to determine the appropriateness of being considered an invasive pest animal rather than 'game' under appropriate Victorian legislation.



Recommendations

1. Terrestrial animals including birds should not be hunted purely for sport or recreation.
2. No animal should not be exempt from the protection of modern animal welfare standards under the Animal Care and Protection Bill 2023.
3. The burden of regulatory costs for obligatory treatment placed upon registered veterinarians to treat, euthanise and dispose of injured animals, under the Veterinary Practice Act 1997 needs to be considered in the Regulatory Impact Statement.
4. Increased public health risks through increased physical interactions between animals and humans such as with wildlife and feral animals associated with recreational hunting, needs to be considered in the Regulatory Impact Statement.
5. There should be consistency in legislation with other Australian States and Territories and the Animal Care and Protection Bill 2023.
6. Dogs should not be used in the hunting of animals, except where they are used purely to locate or flush out animals and as part of a formal government control program.
7. The welfare and zoonotic disease risk for dogs must be considered if they are used for hunting.
8. Greater consideration must be given to the broad cost of hunting for environmental sustainability including the further impact on animals.
9. Greater consideration must be given to the economic and social cost for Victorian society of exempting animals from the protection of the Animal Care and Protection Bill 2023 standards.
10. Further investigation into the classification of deer is required to determine the appropriateness of being considered an invasive pest animal rather than 'game' under appropriate Victorian legislation.



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