

1. SUPPLEMENTARY RESPONSE

Balancing the right to protest with the right to engage in lawful activities

In its submission, SSAA Victoria made comment about the need to better balance the rights of protesters with those of hunters participating in a lawful recreation. During the public hearing on Friday, 16 June 2023, SSAA Victoria was asked what specific recommendations the Select Committee could make.

Presently, it is an offence for an unauthorised person to enter or remain in a specified hunting area – being a prescribed waterbody and within 25 metres of the water’s edge – during certain hours of the day, during an open season.

Classes of persons deemed ‘authorised’ are: a member of a traditional owner group when that person is hunting; the holder of a longarm firearms licence together with a game licence that allows the hunting of game birds; a police officer or authorised officer; or a person otherwise authorised by the GMA.

In addition, it is an offence for an unauthorised person to approach within 10 metres of a person who is carrying a firearm or actively hunting ducks in specified hunting areas during the duck season.

The Select Committee might recommend amendments to section 58C(1A)(a) of the *Wildlife Act 1975* to clarify that access to a specified hunting area is only permissible “when that person is hunting, taking or destroying game birds”, in line with subsection (1A)(b) concerning traditional owners.

Alternatively, or in addition, the Select Committee might recommend that section 58D of the same Act be amended to increase the 10 metre ‘buffer’. We suggest to 100 metres. SSAA Victoria considers such a recommendation to be a bare minimum change to ensure a reasonable separation of hunters and protestors, to ensure the safety of protestors and minimise the imposition of protestor actions on lawful hunting (including providing for the adherence to legal obligations on hunters, such as the retrieval of downed birds).

Hunters are taught that 30 metres is the maximum distance to shoot to ensure that a swift and humane death is probable. It seems counterintuitive, therefore, that public safety is apparently protected by allowing protestors to approach within 10 metres, often in heavy cover and potentially undetected by a hunter.

In 1997, the High Court held that freedom of political expression was properly subject to proportionate limitations by Victorian law designed to protect human safety (*Levy v Victoria* (“Duck Shooting Case”); [1997] 189 CLR 579).

2. SUPPLEMENTARY RESPONSE

Participation of minors in hunting and relationship to *Firearms Act 1996*

During the course of public hearings on Friday, 16 June 2023, a member of the Select Committee asserted that an exemption exists specifically for duck hunters under the age of 18 to obtain a firearms licence, and further asserted that such a process was in contravention of the National Firearms Agreement (NFA) and may be unlawful.

SSAA Victoria recognises that whilst the NFA does not explicitly provide for jurisdictions to issue a junior licence, it does not prohibit it. The NFA also does not prevent jurisdictions from adopting additional regulations. It is important to note that the NFA has no legal standing in and of itself.

The issuing of junior licences by Victoria Police is explicitly provided for by Division 5 of the *Firearms Act 1996*.

Young people aged between 12 and 17 years of age may apply for a junior firearm licence, after completing the relevant Victorian Firearm Safety Course and satisfying a purpose test.

A junior firearm licence holder may only carry and use firearms under the immediate supervision of an adult with a current firearm licence for the same category of firearm.

Separate to any firearms laws, the *Wildlife (Game) Regulations 2012* provide for a narrow exemption to the requirement to first pass the Waterfowl Identification Test (or the Sambar Deer hunting with Hounds test, as applicable), to allow juniors to experience game hunting before deciding whether to continue.

A Provisional Game Licence is available to juniors once-only for each category of game and is valid only until the end of the calendar year in which it is granted by the GMA.

A young person hunting under a Provisional Game Licence must be under the direct supervision of an adult who holds a valid Game Licence specific to the species being hunted.

After the expiry of a Provisional Game Licence, a junior who wishes to continue hunting must get a full Game Licence and pass the relevant tests before being allowed to go game hunting.

3. SUPPLEMENTARY RESPONSE

Humane dispatch of downed ducks

Conflicting and incorrect assertions were made in relation to appropriate methods of dispatch of downed ducks by members of the Select Committee in their questioning, and witnesses in response, during public hearings on Friday, 16 June 2023.

Responsible duck hunting requires downed ducks to be immediately recovered and dispatched humanely.

In August 2019, the GMA published its *Guidelines for humane dispatch of downed ducks*. This guide notes that “one-handed techniques, such as ‘windmilling’ (swinging the duck by the neck around in an arc/circle), do not consistently result in unconsciousness or death” and tells hunters that “two hands are needed to dispatch a downed duck”.

The Authority provides guidance on three methods of dispatch: swatter loads; cervical dislocation; and pithing.

The guidelines state that “firing a swatter load (if it is safe to do so)” is the “quickest way to dispatch a downed duck... [and is] the preferred method”.

The GMA advises that “extreme caution must be used when using swatter loads and you must ensure that there are no other people, animals or assets in the firing line and be mindful of the potential for ricochet”.

For this reason, the safe use of swatter loads in practice may be limited (e.g., while hunting on private land or sparsely occupied public wetlands).

Specifically, we recommend that the Selected Committee notes that firing a swatter load is considered an acceptable method of dispatch while recognising that this may not be suitable or appropriate in all contexts.