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HUNTING DEER - WARNING

By Steve Lamplough

Laws in Victoria currently prohibit not only the hunting of privately owned deer on private estates/reserves but also it is illegal to BREED or be in POSSESSION of deer for hunting purposes.

Most people have never been sure what the laws are in Victoria regarding the hunting of deer on private game reserves/estates. I recently made a number of enquiries to the DPI and DSE and Rural Law Victoria and found some conflicting information.

Rural Law Victoria stated that, generally speaking, it possible to establish a commercial game "hunting area" on privately owned land in Victoria. However, before such a business could be established and operated, you would need to obtain certain licences and other permissions. Any hunters using the hunting area would also need to be licenced and would need to comply with relevant hunting and firearms laws.

There are two main requirements needed to set up a commercial game hunting area on private land. First, you need to check that the activity is permissible under the planning laws. All Victorian land is subject to a planning scheme, which may restrict the activities that the land may be used for. You should check with the local council to find out whether the land may be used for commercial hunting and, if so, whether you would need a planning permit to do so. A planning permit may also be required for any works on the land.

Secondly, there are restrictions on your ability to keep, breed, buy or sell certain animals. If the business deals with any of the game birds listed in Part A of Schedule 6 to the Wildlife Regulations 2002 (available at www.dms.dpc.vic.gov.au), you would need to obtain a "Wildlife Producer Licence Type 1" from the Department of Sustainability and Environment (DSE). If the business deals with other game, you may also need to obtain a "Specified Wildlife Licence" from the DSE. It would be best to check with the DSE about the licence required for keeping, breeding, buying or selling of the game before proceeding.

Regardless of which licence(s) are required for keeping any game, it is likely that as a condition of the licence, you would need to ensure that all hunting is supervised by you (as holder of the licence) or by the holder of an "Assistant's Licence" from the DSE. Finally, you would need to check with the DSE that game hunting is allowed in your particular area. Some areas of Victoria, for example most of the land around the town or Warburton, are completely closed to all types of hunting, on both private and publicly owned land.

In order to use the game hunting area, as the owner of the private hunting area, you would have to make sure that all the people hunting on the land hold the correct game hunting and firearm licences.

The types of animals that could be hunted would depend on the type of licence held by each hunter, and on the current hunting season. For instance, there is currently no limited season for the hunting of fallow deer on private land, however, other animals, including other species of deer, can only be hunted during the specified open season. The DSE has published the "Victorian Hunting Guide", and this contains details of game licence types, the current hunting seasons, and other information. The guide is available at the DSE website: www.dse.vic.gov.au

The Government reply was completely different and stated the following:

DEER HUNTING ON PRIVATE GAME RESERVES IN VICTORIA

Unfortunately, your proposal to establish a private hunting reserve for captive deer is not permitted in Victoria. The Prevention of Cruelty to Animals Act 1986 prohibits the hunting of deer that are restricted or enclosed in any way. Point 3.1 of the Code of Practice for the Welfare of Animals in Hunting made under this Act specifies that "Hunted animals must at all times be free and unrestricted in the wild". Anyone who breaches this requirement may be prosecuted for offences against the Act.

Further, the possession or breeding of deer for the purposes of hunting is prohibited under regulation 19(1) and (2) of the Wildlife Regulations 2002.

I also recently met a professional hunting guide who is currently being prosecuted by the Victorian Government. He works in numerous states as a guide for his own company, who has mainly American clients. He sold a Red deer hunt in Victoria on a privately owned "game reserve" and acted as a guide. After the hunt the paying client went to register his trophy with Safari Club International and stated on his form the stag was taken on an estate in Victoria. They told him there are no legal estates in Victoria and he complained to the DSE and now not only is the hunting guide in a legal situation with the Victorian government but the deer/property owner is as well.

I have gone back to Rural Law Victoria and asked them for another opinion on their interpretation of the law. I am still waiting for a reply. I intend to follow through with investigating these laws and try to see what can be put in place to amend them. In the meantime be cautious and aware of the Victorian Government laws. Members in other states should make similar enquiries to their local Council as well as their State Government.