

Information for Duck Rescuers during Victoria's duck shooting season: offences and penalties



This fact sheet is for general information purposes and is not legal advice. It provides a brief overview only of this area of the law. If you require legal advice relating to your particular circumstances, you should contact the ADO or your solicitor.

This fact sheet sets out the main offences and penalties that can apply to rescuers of injured wildlife during the Victorian duck shooting season.

Entering declared 'hunting area' wetlands during shooting season

It's an offence under Victorian law to go into wetlands that are declared hunting areas during the hunting season, unless you:

- Hold a 'game licence' [see below] allowing you to hunt game birds (eg duck); and
- Hold a 'longarm' gun licence.

An 'on-the-spot' fixed fine of \$1,185 may be issued for this offence. You should have at least 21 days to pay it. Instead of paying the fine, you can choose to go to court and plead guilty or not guilty to the offence. The maximum penalty you could face in court is \$11,855.

Case: A rescuer received an on-the-spot fine of \$1,154 for entering a specified hunting area before 10am without a game and gun licence during the 2024 shooting season. The rescuer chose to go to court and plead guilty rather than pay the fine. The Court rescinded the fine, gave the rescuer a 6-month good behaviour bond without conviction, and ordered the rescuer to pay \$500 in court costs.

ACT, NSW, and other interstate **gun licences** are recognised as valid gun licences in Victoria.

A **game licence** must be obtained from the Victorian Game Management Authority ("GMA"). To get a game licence, you must pass a '[waterfowl identification test](#)' ("WIT"), which has 22 multiple-choice questions. From 2025 the WIT can be done online. You have 15 minutes to complete all 22 questions. The 'pass' mark is 85% (i.e. 57/66) plus correctly identifying all non-game species.

Ban on entering wetlands without licence: times

The only time you can enter a wetland that's a declared 'hunting area' without holding gun and game licences is between 10am and 2 hours before sunset each day (or, on the last day of the season, 30 minutes after sunset). In addition, from 2025 you must not enter or be in a hunting area before 11am on the first 5 days of the season. A \$1,185 fine may be issued for this offence, or you could choose to face Court (as in the above case study). The maximum penalty the Court could impose is \$11,855.

The ban applies to the water **plus** 25 metres on land from the water's edge.

Shooting times

Shooters can start shooting at **8am** until 30 minutes after sunset for the first 5 days of the season. For the rest of the season shooters can start half an hour before sunrise and continue shooting to half an hour after sunset. Shooters must not shoot at night.

Approaching or obstructing shooters

It's an offence to get closer than 10 metres to a shooter in a hunting area. This doesn't apply to shooters approaching other shooters. A fine of \$1,185 can be issued for this offence, or a maximum penalty of \$11,855 if it goes to court.

It's against the law for a person to 'interfere with, harass, hinder, or obstruct' another person who is lawfully 'hunting or taking game'. There is no 'on-the-spot' fine for this offence. If you're charged and the matter goes to court, a court can impose a maximum penalty of \$11,855.

Making noises

It's against the law to use 'noisy devices' on the wetlands such as loud hailers or whistles (ie devices rescuers want to use to scare ducks away from the shooting). The law does **not** apply to shooters firing a gun or using a fake duck caller while hunting. A court can impose a financial penalty of up to \$1,975.

Case: Five rescuers were charged with using whistles and horns to scare off ducks during the 2011 shooting season. The charges of hindering by using 'annoying equipment' (a whistle) were proved in court. The rescuers were given good behaviour bonds without conviction (no financial penalty). A request by the Victorian Department of Primary Industries for costs of \$18,000 was rejected by the Court.

Wounded live birds

Shooters are required to make 'all reasonable efforts' to recover a shot, or 'downed', duck. 'Reasonable effort' is not defined. The GMA states that a shooter 'must not' continue to shoot other birds if the shooter brings down one bird—but this 'rule' is not in legislation so is merely a guideline.

If a shot duck is alive when recovered, it is an offence if the bird is not killed immediately. This applies to any person (including shooters and rescuers). An 'on-the-spot' fine of \$395 can be issued for this offence, or a maximum penalty of \$3,952 if it goes to court.

Case: A rescuer was charged with not killing a duck they had rescued in the water on the final weekend of the 2011 duck shooting season. In 2012 the charges were dropped and legal costs of over \$8,000 were awarded to the rescuer.

Taking threatened species—dead or alive

Various offences apply to *anyone* (shooters or rescuers) caught taking or possessing threatened wildlife, whether dead or alive. There is no 'on-the-spot' fine for this offence. A court can order a maximum penalty of up to \$47,422 and/or 24 months' imprisonment.

Case: A rescuer found a freckled duck who had been shot and killed on the first morning of the 2016 shooting season. Freckled ducks are a threatened species under Victorian law. After taking the body back to shore, the rescuer was apprehended by officials who said they would consider laying charges for being in possession of threatened wildlife. Several months later the rescuer received an official warning from the Victorian Government. It said that 'next time' the rescuer would face the maximum penalty.

Damaging signs or notices

It's an offence to remove or damage a sign or notice that relates to the hunting season. There is no 'on-the-spot' fine for this offence. A court can impose a maximum penalty of \$9,879.

Name and address

If an authorised officer (including a police officer) reasonably believes you're committing an offence, they can ask for your name and address. It's an offence not to give your name and address, or to give a false name and address. There is no 'on the spot' fine for this offence. A court can impose a maximum penalty of \$3,952. If you're not sure a person is an 'authorised officer', ask to see their identification.

Banning notices

An authorised officer or police officer can ban you from being in hunting areas if the officer reasonably suspects you have illegally entered the area or approached or obstructed shooters. Officers must produce evidence of their identity, unless they are a police officer in uniform. You can be banned for the rest of the duck shooting season. If you later breach a banning notice, the penalty is \$3,952 (for the first breach) and \$11,855 (for a second or subsequent breach).

DISCLAIMER

While all care has been taken in preparing the information on this fact sheet, it is not a substitute for legal advice. For any specific questions we recommend you seek legal advice. The Animal Defenders Office accepts no responsibility for any loss or damage suffered by people relying on the information on this fact sheet.