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Select Committee on Victoria's Recreational Native Bird  
Hunting Arrangements  
Parliament House  
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Via email: [nativebirdhunting@parliament.vic.gov.au](mailto:nativebirdhunting@parliament.vic.gov.au)

8 May 2023

Dear Committee,

### **Submission to Inquiry into Victoria's Recreational Native Bird Hunting Arrangements**

Thank you for your invitation of 30 March 2023 to provide a submission to the Inquiry into Victoria's Recreational Native Bird Hunting Arrangements ('**the Inquiry**') conducted by the Victorian Legislative Council's Select Committee on Victoria's Recreational Native Bird Hunting Arrangements ('**the Committee**').

On 24 February 2023, when the Andrews Labor Government authorised just over a month of maiming, torturing and killing of wild water birds by around 0.34% of the Victorian public<sup>1</sup>, it simultaneously signalled its support for an inquiry by a Legislative Council Committee into what have been termed 'Recreational Native Bird Hunting Arrangements.' Lawyers for Animals Inc. ('**LFA**') expresses its scepticism as to the motive for this Inquiry in the present context, where the overwhelming balance of 30-plus years of:

- progressive legal and ethical argument (including: toward consistency in the rule of law; against animal cruelty; against gun violence; and towards positive social/democratic engagement);
- scientific evidence of environmental and social detriment; and
- predictable economic 'opportunity cost' to eco-tourism (local and international);

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1 The Game Management Authority reported that 23,027 hunters were licenced to hunt ducks as at 30 June 2022 [see: [https://www.gma.vic.gov.au/\\_\\_data/assets/pdf\\_file/0008/902726/Game-Licence-Statistics-Summary-Report-2021-2022-002.pdf](https://www.gma.vic.gov.au/__data/assets/pdf_file/0008/902726/Game-Licence-Statistics-Summary-Report-2021-2022-002.pdf) at p.7], while the population of Victoria was estimated to be around 6,656,300 by September 2022 [see: <https://www.abs.gov.au/statistics/people/population/national-state-and-territory-population/latest-release#states-and-territories>]

has weighed heavily toward a ban on all native water-bird hunting. However, even though evidence and logic have been deliberately ignored by successive Victorian Governments; and only a tiny minority of Victorians either actively participate in or benefit from duck shooting; LFA feels compelled to participate in this Inquiry, rather than forsake it, if only to bear witness to ongoing injustice and further waste of public resources.

This submission is primarily an amalgam of Lawyers for Animals' two previous submissions, as follows:

- 'Submission regarding the 2020 hunting season for indigenous game birds (waterfowl)', sent to Minister for Agriculture Jaclyn Symes and Minister for Energy, Environment and Climate Change Lily D'Ambrosio, on 19 December 2020 - available here: <https://lawyersforanimals.org.au/wp-content/uploads/2020/01/LFA-submn-on-2020-duck-season-19-Dec-2019.pdf> ; and
- Submission regarding 'The Draft Action Plan – Improving the Welfare of Animals in Victoria 2016 – 2021' - specifically: Item 5 among 'Proposals for legislative and/or structural reform': End duck-shooting and the recreational hunting of all native water-birds [which we then noted was: 'POTENTIALLY ACHIEVABLE IN THE SHORT TERM: 2016 – 2018'], 17 October 2016 - available here: <https://lawyersforanimals.org.au/wp-content/uploads/2016/10/LFA-Submission-on-Animal-Welfare-Draft-Action-Plan-17-10-2016-for-publication.pdf>

In this submission 'duck shooting' is used to interchangeably to connote all native water-bird hunting - while acknowledging categorical differences between water-bird species, both target and non-target; endangered, rare and plentiful. In each native species, there is no scientific proof that human hunting of these animals is either necessary or beneficial to 'manage' their numbers or habitat. Human hunting merely interferes with natural cycle of abundance and attrition, which nature is best able to regulate without human interference, in the case of all native wild animal species; including under the extraordinarily adverse pressure of human-induced climate change.

### **Who we are**

Formed in 2005, Lawyers for Animals (“LFA”) is essentially a non-party-political animal law think tank, comprised by a not-for-profit incorporated association, based in Victoria. LFA is run by an executive committee of lawyers and has members in various Australian States and Territories. LFA is staffed entirely by volunteers.

LFA's objectives include:

- alleviating the suffering of animals by engaging with those who create or administer laws in Australia to strengthen legal protections for animals;
- promoting better animal welfare practices among animal-related industries in Australia; and
- undertaking educational activities in an effort to dispel myths and increase awareness relating to animals and the law.

Since April 2013 (subject to two interruptions during the Covid-19 Pandemic) LFA has also worked in partnership with the Fitzroy Legal Service to operate the Animal Law Clinic: a free legal advice service run with the primary objective of improving animal welfare.

## LFA's approach to the Inquiry

LFA is guided by a philosophical commitment to anti-speciesism.

The term 'speciesism' was first coined by British psychologist Richard Ryder in 1973<sup>2</sup>, but gained greater prominence through Professor Peter Singer's 1975 book, *Animal Liberation*<sup>3</sup>. In a nutshell, 'speciesism' connotes the prejudice that most humans feel and practise toward members of other animal species, based on their physical differences, and largely ignoring their physiological, mental and emotional similarities. Speciesism is perhaps more easily understood by reference to two closely related concepts: 'racism' and 'sexism'. When people are 'racist', 'sexist' or 'speciesist', they consider one group - almost always their own - to have superior value, and therefore, superior rights, to another physically distinct group. In all three cases, the underlying physiological, mental and emotional similarities between the groups are ignored, sometimes at a subconscious rather than conscious level.

Since almost all farmed and hunted animals are plant-eating, passive, prey animals - physically and mentally unequipped to challenge the human apex predator - this made them an easy source of high-fat food for our less agriculturally advanced and hence food-challenged ancestors. It is likely that the historical reliance on killing such animals for food encouraged human predatory (or appetitive) instincts towards them, helping to stem empathy, and thus encouraging a greater degree of speciesism by humans toward farmed and hunted animals, than is generally felt and practised toward traditional companion animals, like dogs and cats.

While humans and animals generally differ in both their level and range of intelligence - be it intellectual, emotional, sensory or kinetic - not all humans are more intelligent than animals. But it is not by reason of intelligence, alone, that human or animal life holds value. In discussing this question, British Enlightenment philosopher, abolitionist and legal scholar, Jeremy Bentham, wrote:

*The day has been, I am sad to say in many places it is not yet past, in which the greater part of the species, under the denomination of slaves, have been treated by the law exactly upon the same footing, as, in England for example, the inferior races of animals are still. The day may come when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognised that the number of the legs, the villosity [hairiness] of the skin, or the termination of the os sacrum [the tailbone - where an animal's tail commences] are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason or perhaps the faculty of discourse? But a full-grown horse or dog, is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day or a week or even a month, old. But suppose the case were otherwise, what would it avail? The question is not, Can they reason? nor, Can they talk? but, Can they suffer?<sup>4</sup>*

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<sup>2</sup>Richard Ryder, 'All beings that feel pain deserve human rights', *The Guardian*, 6 August 2005 viewed 02/03/2018 at: <https://www.theguardian.com/uk/2005/aug/06/animalwelfare>

<sup>3</sup> Peter Singer, *Animal liberation: A new ethics for our treatment of animals*, 1975, New York: New York Review

<sup>4</sup>Jeremy Bentham, *Introduction to the Principles of Morals and Legislation*, 1789, chapter 17, footnote

Since there is ample scientific evidence that animals - including birds - experience physical pain and psychological stress in a similar way to humans<sup>5</sup>, as an anti-speciesist organisation, LFA strives to prevent and alleviate the suffering of all sentient animals.

LFA accordingly supports the normative rule that, to the extent animals are under human control or influence, humans are obligated to uphold 'The Five Freedoms'<sup>6</sup> towards them. The Five Freedoms – or basic rights – of animals, interpreted by RSPCA Australia (in italics), are:

1. Freedom from hunger and thirst: *by ready access to fresh water and a diet to maintain full health and vigour.*
2. Freedom from discomfort: *by providing an appropriate environment including shelter and a comfortable resting area.*
3. Freedom from pain, injury or disease: *by prevention through rapid diagnosis and treatment.*
4. Freedom to express normal behaviour: *by providing sufficient space, proper facilities and company of the animal's own kind.*
5. Freedom from fear and distress: *by ensuring conditions and treatment which avoid mental suffering.*<sup>7</sup>

Unlike RSPCA Australia, who promoted The Five Freedoms for many years, yet deny they imply an animal's freedom to live for its natural lifespan (unless compassionate euthanasia is required); LFA acknowledges that an animal's right to life is fundamental to any ability to experience 'The Five Freedoms', and must therefore be implicit within each. Further, LFA accepts as self-evident, that the deliberate killing of any animal in such a way as to render it's flesh edible (hence, without barbiturate overdose) inevitably inflicts both mental suffering and a significant degree of physical pain, and denies 'normal behaviour'. For instance: if you have the mental, emotional and sensory intelligence of a native (migratory) water-bird, and were suddenly frightened into flight and sprayed with shot from a hunter's gun; you will experience anywhere from moments of sheer agony and shock to weeks, months or even years of chronic suffering. Such acts, inflicted on you primarily merely for the 'fun' of the predatory human, will be contrary to your 'Five Freedoms'. Moreover, the killing of animals

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5 For research links and information see: Marc Bekoff 'After 2,500 studies it's time to declare animal sentience proven', 6 September 2013, LiveScience website viewed 8 May 2023 at: <https://www.livescience.com/39481-time-to-declare-animal-sentience.html>

6An early version of 'The Five Freedoms' was enunciated by the UK Government body, the Farm Animal Welfare Council, shortly after its formation in 1979. It drew on conclusions in the 1965 'Report of the Technical Committee to Enquire into the Welfare of Animals kept under Intensive Livestock Husbandry Systems', which was commissioned by the UK Government partly in response to concerns raised by Ruth Harrison's 1964 book 'Animal Machines'. The Five Freedoms are now recognised by animal organisations worldwide, including the World Organisation for Animal Health (better known by its historical acronym: OIE); various Societies for the Prevention of Cruelty to Animals (SPCAs); and various veterinary organisations including the Australian Veterinary Association and the Federation of Veterinarians of Europe.

7 This version of The Five Freedoms is taken from RSPCA Australia's website (accessed 5 March 2022): <https://kb.rspca.org.au/knowledge-base/what-are-the-five-freedoms-of-animal-welfare/#moving-on-from-the-five-freedoms>

A simplified version of The Five Freedoms was adopted by the OIE into their Terrestrial Animal Health Code, Ch.7.1 Introduction to the Recommendations for Animal Welfare, Article 7.1.2.2 (accessed 5 March 2022): [http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre\\_aw\\_introduction.htm](http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre_aw_introduction.htm)

in situations other than genuine euthanasia, effectively denies their 'normal behaviour', including ongoing relationships with their fellow-animal 'family' (or flock), which in turn, impacts on the surviving animals within their family and social group. Bonds between animals, including birds, can be as intense and lifelong as between some humans.

As appointed agents theoretically responsible for enforcing animal cruelty laws in various parts of Australia, any RSPCA would display a direct conflict of interest were they to oppose the killing of non-wild animals by industry, which all Australian Governments sanction and promote. So it is unsurprising that in 2020, RSPCA Australia withdrew its long-term support for 'The Five Freedoms', and instead embraced the 'The Five Domains', which avoid recognising basic animal rights, instead focusing on animals' welfare within an implicitly accepted framework of exploitation and killing. Nevertheless, RSPCA Victoria can be, and is, vocal in its support for a full ban on duck shooting in Victoria.<sup>8</sup>

LFA considers 'The Five Domains' a regressive theory, lacking any rational, philosophical underpinning, and designed by animal industry to delay the recognition of basic animal rights. However, just as human rights for oppressed social groups - for instance: slaves, women and children - inevitably developed out of historic, now archaic (for being grossly insufficient) welfare initiatives, such as the Code Noir or the Married Women's Property Acts - and were ultimately encapsulated in International Treaties<sup>9</sup>; so too, LFA envisages the continued failure of welfare initiatives by governments that are manipulated by animal industry, will eventually lead to the recognition of basic, common rights shared by all sentient beings. This is what 'The Five Freedoms', in bare form, represent. The recognition of basic rights is the only foundation from which genuine fairness and justice may grow, in the long-term, as human rights demonstrate.

LFA is committed to the ideal of alleviating animal suffering by seeking to uphold the basic animal rights expressed in The Five Freedoms. However, LFA is an incrementalist organisation, working to achieve practical benefits for animals at a time when humans - including most politicians - are still largely afflicted by and/or transitioning from speciesism. Therefore, LFA additionally supports legal reforms that will, on balance, improve animal welfare in both the short and long term. It is this principled yet pragmatic approach that guides LFA in its response to the current Inquiry.

### **Historical background to the duck shooting issue<sup>10</sup>**

In 1990, Premier Carmen Lawrence banned recreational duck shooting in Western Australia, stating: *"Our community has reached a stage of enlightenment where it can no longer accept the institutionalised killing of native birds for recreation"*. Her media release further stated:

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8 RSPCA Victoria can and has expressed its strong opposition to native water-bird hunting, wherein no conflict of interest impedes its communications. They note that: '... approximately 87,000 birds will be killed during the 2023 Victorian duck hunting season and up to 35,000 wounded and left to die.' See: <https://rspcavic.org/deep-disappointment-in-duck-hunting-call/> published 24 February 2023

9 For example: the International Convention on Civil and Political Rights (Australia ratified in 1980); and the International Convention on the Rights of the Child (Australia ratified in 1990)

10 LFA is grateful to the Coalition Against Duck Shooting for providing a summary timeline, here: <https://www.duck.org.au/timeline/> from which the references to events and quotes in this section of our submission are drawn.

*'Duck shooting runs counter to the environmental sensitivity to which our community increasingly aspires... There is widespread opposition throughout the community to the cruelty and environmental damage caused by shooters. Evidence from previous seasons shows that injured ducks have been left to die, protected species have been shot and fragile wetlands have been polluted by lead and cartridges.'*

That same year, Victoria's Labor State Conference voted to ban duck shooting. In 1991, the Victoria's Labor Country Caucus also voted to ban duck shooting, but the policy was never implemented. From October 1992 until October 1999, a Liberal/National Government led by Premier Jeff Kennett held office in Victoria.

Lead shot was banned from all South Australian wetlands in 1994 after lead poisoning of protected species had been noted since at least 1987. Lead shot was not banned in Victoria until 2002, despite mounting evidence of lead poisoning since 1988.

In 1995, New South Wales Premier Bob Carr banned duck shooting on account of its cruelty, following recommendations from the NSW Government's Animal Welfare Advisory Committee.

In 1995, 2003, 2007 and 2008 duck shooting seasons in Victoria were cancelled under Labor Premiers Bracks and Brumby. Liberal/National Premiers governed Victoria from December 2010 until December 2014 when Labor Premier Daniel Andrews first took office. For each of the nine years since Premier Andrews' took office, a duck shooting season has proceeded, regardless of environmental conditions.

In February 2021, Mr Andy Meddick, Animal Justice Party Member for Western Victoria, asked the Parliamentary Budget Officer to provide independent advice about the economic and budget impacts of banning game bird hunting in Victoria, as proposed by his *Wildlife Amendment (Protection of Birds) Bill 2019*.

The Parliamentary Budget Officer responded with written advice on 21 May 2021, stating:

*We estimate that banning game bird hunting would, in 2021-22:*

- *reduce gross state product (GSP) by \$10.1 million*
- *reduce employment by 112.8 full time equivalents (FTE).*

However, for reasons unknown, this analysis failed to approximate the monetary value of '[i]ncreased economic activity from alternative uses of former game bird hunting land', such as eco-tourism, which it describes as 'qualitative' rather than quantitative.<sup>11</sup> LFA is left to speculate that the relatively small cost of banning game bird hunting would be easily met and exceeded by a sustained push toward local and international eco-tourism (as extrapolated, below).

### **Recommendations to the Inquiry**

In December 2019, LFA became aware that the Game Management Authority ('GMA') was conducting a last-minute consultation with animal welfare groups, prior to issuing its recommendations to the Ministers concerning the 2020 duck shooting season. LFA elected not to participate in what it feared may be a sham consultation by the GMA, in which rational arguments based on fact and science would be ignored in favour of a pre-

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<sup>11</sup><https://pbo.vic.gov.au/response/1396>

determined outcome: the continuance of duck shooting, albeit with minor modifications to the 2020 hunting period and bag limits, which feigned sustainable management. Despite indications that a slightly more sophisticated approach was emerging at the GMA in the form of more qualified board members in 2019<sup>12</sup> and revisions to its website, its past conduct - characterised by one-eyed promotion of game hunting at the expense of many of its core legislative functions<sup>13</sup> - undermined LFA's confidence in a fair and reasonable outcome arising from any consultation. Instead, LFA chose to bypass the GMA to make a submission directly to the relevant Government Ministers, urging them to exercise their joint powers to revoke Part 3, Schedule 3 to the *Wildlife (Game) Regulations 2012*, which specifies the existing 'open season' for hunting indigenous waterfowl.<sup>14</sup> Further, we recommended that the Ministers collaboratively direct the GMA to avoid engaging in activities which promote hunting - which is not the duty of a publicly funded, statutory regulator - and instead fulfil all of its legislated functions with diligence and impartiality. Not unless the management of Victoria Police were to take up the promotion of gambling and prostitution - is there likely to be a worse example than the (long term) conflict of interest of the GMA. Unfortunately, it would appear that the GMA's advice simply cannot be trusted, at present, to be wholly rational or truthful, in view of their past actions.

LFA recommends the immediate revocation of the current open season for hunting indigenous game birds (waterfowl) in Victoria, and a ban on future native water-bird hunting for the following key reasons:

- It is likely ultra-vires (beyond power) for native water-bird hunting to be authorised for reasons of 'recreation', or for any reason other than those specified in Section 28A of the *The Wildlife Act 1975 (Vic)* - which is the provision empowering the Ministers and GMA to grant authorisations to take wildlife, but only in limited circumstances. One such specified reason is to 'manage' such wildlife. While the relevant Minister and/or GMA may purport to 'manage' native water-birds through their authorisations of duck hunting licences and seasons; this claim is as factually vacant (and therefore, potentially legally invalid) as the 2010 Japanese whalers' claim to be conducting whaling for 'scientific purposes', which the International Court of Justice denied at Australia's request.<sup>15</sup> Native water-birds do not require and do not benefit from 'management' that involves their hunting; just as no other native bird - be it Kookaburra or Blue Wren - requires human 'management' in the form of hunting. Their populations are naturally self-regulating. Indeed, the false rhetoric around 'management' appears to have been abandoned in the present Inquiry, where the genuine primary justification for hunting - 'recreation' by the hunters (effectively, at the expense of nearly all others) - is acknowledged by the terms of reference. A sample of reviewed submissions by hunters to the Inquiry suggests a strong

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12 The GMA's 2019 report: 'Considerations for the 2020 duck season' deals honestly with both the crisis in water-bird numbers - finding that 'existing populations constitute core breeding stock' - and with the dire climatic predictions for the Summer ahead and desperately low water storage levels. However, it appears to reveal bias in stating up-front [at p.2] that the Ministers may 'modify' the existing 2020 season, failing to mention that they may suspend it, altogether, or revoke Part 3 of Schedule 3 of the *Wildlife (Game) Regulations 2012 (Vic)*. With at least two of the GMA's 2019 management - the CEO and one board member - having worked for animal industry bodies (the Victorian Farmers Federation and Field and Game Australia, respectively), but none having worked in animal welfare, the GMA's dominant tilt appeared fixed.

13 It has previously fulfilled its functions to issue game hunting licences pursuant to Section 6(b) and also made repeated recommendations to the Ministers to declare public land open to duck shooting pursuant to Section 6(i)(iii) of the *Game Management Authority Act 2014 (Vic)*.

14 Pursuant to s.86(1) of the *Wildlife Act 1975 (Vic)*

15 For summary of legal arguments used to debunk the false narrative in this comparative whaling matter, see: <https://www.icj-cij.org/case/148>

focus on their perceived loss of recreational opportunity to access nature, unless they can continue to be motivated by perpetrating gun violence and cruelty on harmless native animals. This appears to be an unimaginative, if not absurd, conflation of the positive desire to interact with and socialise in natural environments, with the predatory drive all civilised humans strive to control. Around 99% of Victorians appear to enjoy exposure to nature either without expression of their predatory drive or with re-direction of that drive toward positive activities such as sport, hiking and nature conservation activities.

- The killing of native water-birds presently threatens the viability of numerous native species (including non-target, protected species) at a time when Victoria (and planet Earth) is experiencing its sixth mass-extinction event.<sup>16</sup> The GMA's 2019 report: 'Considerations for the 2020 duck season', referred to hotter and drier climatic conditions persisting, notwithstanding occasional rain bursts in isolated areas; and to a continued and significant long-term decline in abundance, breeding and habitat of indigenous water-birds. In relation to the Summer preceding the 2020 duck shooting season, the GMA acknowledged:

*December to February is likely to be drier than average for most of eastern Australia... Summer (December to February) days are likely to be warmer than average, with probabilities exceeding 80% for approximately two thirds of Australia. This will result in greater rates of evaporation and the drying of shallow, ephemeral wetlands...*

*Excluding 2016, there has been very little large-scale waterbird breeding since 2013 and **the existing populations constitute core breeding stock... Waterbird abundance, breeding and habitat availability are showing long-term declines.** [our emphasis]*

The (highly reputable) Eastern Australian Waterbird Aerial Survey - October 2022 Annual Summary Report<sup>17</sup> states:

*Despite two successive La Niña years three major indices for waterbirds (total abundance, number of species breeding and wetland area index) continued to show significant declines over time. If 1983 & 1984 peak years are omitted then 3 of the 4 major indices still showed significant decline... Long term trends are more informative for predicting population status than year to year fluctuations. ...**Total waterbird abundance in 2022 ... increased significantly from 2021 but still remained well below the long term average: the 11th lowest in 40 years... Most game species of ducks had abundances well below long term averages, in some cases by an order of magnitude; six out of eight species continued to show significant long term declines... Grey Teal declined from the previous year. Australian Wood Duck was the only species above (slightly) the long term average... Some duck species declined in abundance compared to 2021 – Grey Teal, Pink-eared Duck and Hardhead.** [our emphasis]*

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16 Gerardo Ceballos, Paul R. Ehrlich, and Rodolfo Dirzo, 'Biological annihilation via the ongoing sixth mass extinction signalled by vertebrate population losses and declines', Proceedings of the National Academy of Sciences journal (US), 25 July 2017 114 available here: <https://www.pnas.org/content/114/30/E6089>

17 See: <https://www.unsw.edu.au/content/dam/pdfs/unsw-adobe-websites/science/bees/ces/Eastern-Australia-waterbird-aerial-survey-2022-Final.pdf> at pp.2-3



- The shooting of native water-birds for recreational purposes is extremely cruel and unnecessary in any civilised society. The current Victorian Government formally acknowledged the sentience of animals in its Animal Welfare Action Plan, released in January 2018.<sup>18</sup> Scientists tell us that 'birds possess the neurologic components necessary to respond to painful stimuli and they likely perceive pain in a manner similar to mammals.'<sup>19</sup> Shotguns are used to shoot ducks because these graceful creatures are too small and fast-moving a target for rifles to be effective. But sprayed shot is frequently too small and imprecise to cause a swift death. Based on local and international research, RSPCA Australia estimates that 'between 26% and 45% of birds shot will be wounded' - not killed outright and/or retrieved - and 'a proportion of wounded birds will travel some distance before finally succumbing.'<sup>20</sup> Civilised humans have no wish to be complicit in the extraordinary pain likely to be suffered by these gentle, human-shy creatures (and their close family members) as they die prolonged, agonising deaths, or gradually regain sufficient health to survive with embedded shot.
- Clubs for sporting target shooters are available throughout Victoria, and farmed duck-meat or vegan duck<sup>21</sup> - a close, cheaper, healthier and cruelty-free substitute - is widely available for purchase. Hunters are likely to expend a similar amount on weapons, gear and accommodation to that which they might otherwise expend on farmed duck-meat. Hence the core motivation of the duck hunter does not appear to be either free meat or target shooting, but a desire to inflict lethal violence on innocent creatures (unleashing their predatory drive). LFA believes that governments' role is to actively discourage gun culture, violence and animal cruelty, to incrementally achieve a more civilised, peaceful and environmentally aware society, by stemming or positively redirecting appetitive/predatory behaviours, not promoting inter-generational gun violence and animal cruelty.
- The shooting and killing of native water-birds for recreational purposes helps to perpetuate gun access and violence (including family violence, self-harm and suicide). For instance, between 1996 and 2005, the number of Australian households with firearms fell by around 57% following the introduction of tighter gun control laws; this correlated with a 62% decrease in the number of Australian gun deaths (by homicide, suicide or accident) during the same period.<sup>22</sup> The specific link between cruelty to animals and family violence is well established.<sup>23</sup> As at 30 June 2022, Victoria Police reported that there were 905,576 registered firearms attached to 230,260 current firearm licences in Victoria.<sup>24</sup> With a statistical breakdown of the claimed use of these weapons not publicly available, LFA can only speculate as to their purpose, but it seems likely that a substantial proportion are in the hands of those who inflict cruelty on the innocent animals they hunt. It is also noted that this figure has risen substantially since 2019.

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18 See: [http://agriculture.vic.gov.au/\\_\\_data/assets/pdf\\_file/0005/377123/Animal-Welfare-Action-Plan-Dec-2017.pdf](http://agriculture.vic.gov.au/__data/assets/pdf_file/0005/377123/Animal-Welfare-Action-Plan-Dec-2017.pdf) at p.7

19 Abstract of article by Douglas JM, Sanchez-Migallon Guzman D, & Paul-Murphy JR, 'Pain in Birds: The Anatomical and Physiological Basis', Jan 2018, available at: <https://www.ncbi.nlm.nih.gov/pubmed/29146030>

20 See: <https://kb.rspca.org.au/knowledge-base/what-are-the-wounding-rates-associated-with-duck-hunting/>

21 See: <https://www.woolworths.com.au/shop/productdetails/65242/plant-asia-plant-based-roast-duck>

22 Alpers, Philip and Amélie Rossetti. 2016. 'Australia — Gun Facts, Figures and the Law' Sydney School of Public Health, The University of Sydney. GunPolicy.org, 31 August. Accessed 15 December 2019 at: <http://www.gunpolicy.org/firearms/region/australia>

23 See: <https://lucysproject.com/articles-and-links/research-and-stats/>

24 Victoria Police, Annual Report 2021-2022, available here: <file:///C:/Users/Nichola/Downloads/Victoria-Police-Annual-Report-2021-2022.pdf> at p.61

- The continued legality of duck-shooting is highly undemocratic. It preferences the interests of around 0.34% of Victorians who are licensed to hunt ducks, over millions of Victorians who do not hunt ducks<sup>25</sup>, nor benefit in any way from such hunting, the vast majority of whom support a full ban on duck-shooting.<sup>26</sup> It seems the strongest opposition to duck shooting season may now be coming from regional Victorians who experience the opportunity costs, and violence, firsthand.<sup>27</sup>
- Duck-shooting restricts the development of local and international eco-tourism in regional Victoria<sup>28</sup>, while the claimed economic contribution of recreational hunting to Victoria's economy appears to be wildly exaggerated. For instance, a frequently touted estimate of a \$439 million contribution to the Victorian economy by recreational hunters is drawn from a report titled 'Estimating the economic impact of hunting in Victoria in 2013', commissioned by the former Victorian Coalition Government in 2014. LFA wishes to highlight the lack of credence of this figure, which was calculated by extrapolating the self-reported (unsubstantiated) answers of 1,000 game licence holders to a survey, asking them to estimate their own on-trip and off-trip expenditure.

- The figure of \$439 million includes an estimated \$262 million in flow-on – rather than direct – employment. As the report states:

*The total expenditure for hunting game animals was estimated to be \$282 million. When pest hunting by game licence holders is included the estimate is \$417 million. 42% was on off-trip expenditure items and 58% on on-trip expenditure items... There were an estimated 1,115 jobs (full-time equivalent) generated directly by hunting-related expenditure with a further 1,268 jobs stemming from flow-on employment, giving a total employment impact of 2,382 jobs. When pest hunting (by game licence holders) is included, that is, to give the economic impact of all hunting by game licence holders, the direct impact is \$177 million, flow-on impact of \$262 million, with a total impact of \$439 million.<sup>29</sup>*

- Leaving aside how hunting non-game pest animals could contribute \$135 million when such hunting is likely to be undertaken on-farm without any need for a game licensing; the utility and credence of the survey worsens once the method is subjected to scrutiny:

*A list of possible expenditure items related to hunting was created and categorised into on-trip and off-trip expenditure. For items such as vehicles,*

25 These figures are based on there being 25,918 Victorian game licence holders who were entitled to hunt ducks as at 30 June 2018 [figure drawn from: [https://www.gma.vic.gov.au/\\_\\_data/assets/pdf\\_file/0007/481363/Game-Licence-Statistics-Summary-Report-2017-18.pdf](https://www.gma.vic.gov.au/__data/assets/pdf_file/0007/481363/Game-Licence-Statistics-Summary-Report-2017-18.pdf) accessed 15 December 2019] and subtracting that number from Victoria's estimated population of 6,566,200 in March 2019 [figure drawn from: <https://www.abs.gov.au/AUSSTATS/abs@.nsf/mf/3101.0> accessed 15 December 2019] before calculating the relevant percentages.

26 For instance, see November 2007 poll by Roy Morgan Research reporting up to 87% opposition to duck-shooting in Victoria, available here: <http://www.roymorgan.com/findings/finding-4239-201302262309>

27 See poll reference, here: <https://www.theage.com.au/politics/victoria/one-third-back-moves-to-ban-duck-shooting-survey-shows-20210201-p56yh7.html>

28For evidence of the deterrent effect on tourism of duck-shooting, for instance, see: Rod Campbell, Richard Denniss and David Baker, 'Out for a duck - An analysis of the economics of duck hunting in Victoria', Australia Institute, Policy Brief No. 44 December 2012, available here: <http://www.rspcavic.org/documents/Campaigns/duck/RSPCA-Out-for-a-duck-Dec-2012.pdf> pages 6-7

29Department of Environment and Primary Industries (Vic), 'Estimating the economic impact of hunting in Victoria in 2013', 2014, available here: [https://www.gma.vic.gov.au/\\_\\_data/assets/pdf\\_file/0010/481717/Estimating-the-economic.pdf](https://www.gma.vic.gov.au/__data/assets/pdf_file/0010/481717/Estimating-the-economic.pdf) accessed 15 December 2019

*boats, clothing etc. that could be used for other purposes, respondents were asked the proportion of that item used for hunting.*<sup>30</sup>

- LFA contends that this survey method is significantly flawed. For instance: it asks participants to estimate their capital expenditure on significant items such as cars and boats, and then attributes a portion of that value to the recreational hunters' contribution to the Victorian economy, despite the fact that cars and boats would likely be purchased by the survey participants even if they were not used for recreational hunting. In relation to boats, for instance, we note that 86.8% of the hunters surveyed reported that they also participate in fishing.<sup>31</sup> The survey also fails to identify the time-scale over which the estimates of capital expenditure are apportioned – the survey purports to estimate an annual contribution, but cars and boats are not purchased annually, nor is the specialised clothing and equipment used by hunters. It is unclear how the longevity of goods has been factored in – if it has. The indirect employment generated by recreational hunting is also of dubious assistance, given the potential for employment to be generated by other activities – nature tourism, for example – were recreational hunting not dominant in certain areas of the State. The report fails to take account of the opportunity costs generated by recreational hunting, in terms of the greater value which might be derived from alternative income-generating activities, were recreational hunting not permitted. The potential bias of the survey participants towards exaggerating expenditure in order to strengthen the profile of recreational hunting in Victoria, is not factored in. In short, the survey appears to have been undertaken primarily to boost the popularity of recreational hunting with the public at a time when the Victorian Government was under heavy criticism for its failure to ban duck-shooting. The results are heavily compromised by these facts and the GMA is, in turn, compromised by its previous promotion of such flawed data.
- The GMA, despite boosts in public funding, appears to either be unwilling or unable to monitor hunting compliance and bagging rates, even at a limited number of public wetlands.<sup>32</sup>
- Victoria has failed, to date, to take adequate advantage of its natural assets in the form of wetlands, native flora and fauna to attract nature tourists, including birders, to regional Victoria. Duck-shooting also restricts the development of local and international eco-tourism in regional Victoria<sup>33</sup>, while the claimed economic contribution of recreational hunting to Victoria's economy appears to be wildly exaggerated. The small town of Sea Lake is merely the tip of the iceberg for Chinese tourism<sup>34</sup>, should clever marketing reveal the plethora of sites of particular beauty and interest, and the Government act to secure these areas from duck-shooting.

At present there appears to be an Order of the Governor in Council declaring various indigenous waterfowl to be 'game' under Section 28G of the Wildlife Act 1975 (Vic). In order to secure the future viability of native water-bird populations, LFA renews its call

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30 Ibid

31 Ibid

32 See: Regional Victorians Opposed to Duck Shooting, submission made to GMA, 13 December 2019, copied to the Ministers

33 For evidence of the deterrent effect on tourism of duck-shooting, for instance, see: Rod Campbell, Richard Denniss and David Baker, 'Out for a duck – An analysis of the economics of duck hunting in Victoria', Australia Institute, Policy Brief No.44 December 2012.

34 See: <https://www.abc.net.au/news/rural/2016-03-24/sea-lake-chinese-tourism-drought-grain-rural-environment-water/7272248>

(made to the former Minister for Agriculture in its 2016 submission regarding the Animal Welfare Action Plan) that this Order be rescinded; and that in due course there be amendments made to the *Wildlife (Game) Regulations 2012 (Vic)* and *The Code of Practice for the Welfare of Animals in Hunting* to finally condemn the legal shooting of indigenous waterfowl to Victoria's history.

## **Conclusion**

The shooting of native water-birds for recreational purposes is cruel, threatens the viability of native species (including non-target, protected species), and likely perpetuates a culture of animal cruelty, gun access and associated human violence (including family violence, self-harm and suicide). The legality of duck-shooting is also highly undemocratic, as it prioritises the interests of the approximately 0.34% of the Victorians who hold a duck shooting licence over the vast majority who do not hunt and/or who support a ban on duck shooting. Licensed duck shooters - always a small minority - are gradually declining as a proportion of the Victorian population as a whole, as confirmed by GMA estimates.<sup>35</sup>

LFA notes that recreational duck shooting has long been banned in three Australian jurisdictions, namely Western Australian (since 1990), New South Wales (since 1995) and Queensland (since 2005). It is noted that wetland habitat and water systems are deeply interconnected across eastern Australia. This interconnection is clearly manifest in the GMA duck season 2020 paper and in the Eastern Australian Waterbird Aerial Survey - October 2022 Annual Summary Report. It is inconsistent with national priorities in sustainability and co-operation between the Eastern States that Victoria remain anomalous and recalcitrant by continuing to allow duck shooting.

The environmental fragility and threat to water-bird populations is clear and unequivocal as Climate Change continues. LFA strongly urges the Committee to act in the interests of Victorians, Australians and all water-birds and their long-term survival, given the overwhelming stresses that environmental conditions and hunting are placing on their habitat and numbers. RSPCA Vic To avoid accelerating the extinction of Australia's native waterfowl by further depleting potential 'core breeding stock'; and given that dry, hot conditions are predicted to continue impacting bird population in the longer term; LFA strongly recommends an immediate halt to the 2023 duck shooting season and a full ban thereafter. For the Committee to recommend otherwise, in the present environmental circumstances, will indicate cowardice and illogic, if not worse.

The Government and GMA will continue to act ultra vires (in excess of power) pursuant to s.28A of the Wildlife Act 1975 if they do not act to ban all future duck shooting. They can no more continue the pretence of 'managing' water-bird populations by killing them, than the Japanese whalers could maintain the pretence of killing whales for 'scientific purposes'. Management, in the context of the Wildlife Act and its purposes, implies positive intent toward the animals. We note that non-lethal methods of 'management' are utilised in relation to some wildlife found to present issues for farmers on agricultural lands, some of them birds. However, none of these species have traditionally been utilised in European and Asian cuisine. It appears the appetitive instincts of humans have led to distortion of the rule of law in Victoria in relation to duck-shooting, and LFA calls on the Committee to recognise and correct this error.

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35 For Example: Game Management Authority, 'Considerations for the 2020 duck season', 6 December 2019.

LFA thanks the Committee and their advisors for considering this submission. Should there be any queries, please do not hesitate to contact the lead author of this submission via the email, below.

Yours faithfully,

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President

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