



# Victoria Government Gazette

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## Wildlife Act 1975

### WILDLIFE (CONTROL OF DEER ON PUBLIC LAND) ORDER NO. 1/2022

#### Order In Council

The Governor in Council, under section 28G(1) of the **Wildlife Act 1975**, on the recommendation of the Minister for Environment and Climate Action and of the Minister for Agriculture, makes the following Order.

**1. Title**

This Order may be cited as the Wildlife (Control of Deer on Public Land) Order No. 1/2022.

**2. Objective**

The objective of this Order is to authorise classes of person to carry out certain activities in relation to deer and impose conditions under the **Wildlife Act 1975**.

**3. Authorising provision**

This Order is made under section 28G(1) of the **Wildlife Act 1975**.

**4. Commencement**

- (1) The Order comes into operation on the day after the day that it is published in the Government Gazette.
- (2) The Order is in operation for three years unless revoked earlier.

**5. Definitions**

In this Order –

***authorised person*** means a person who is a member of a class of person authorised under Clause 6(1);

***authorised activity*** means an activity authorised under Clause 6(2);

***deer hunting dog*** has the same meaning as in the **Wildlife (Game) Regulations 2012**;

***gundog*** has the same meaning as in the **Wildlife (Game) Regulations 2012**;

***hound*** has the same meaning as in the **Wildlife (Game) Regulations 2012**;

***police officer*** has the same meaning as in the **Victoria Police Act 2013**;

***public land*** has the same meaning as in the **Flora and Fauna Guarantee Act 1988**;

***public land manager*** includes the Secretary as defined in the **Conservation, Forests and Lands Act 1987**; Parks Victoria as defined in the **Parks Victoria Act 2018**; a Council as defined in the **Local Government Act 2020**; a water corporation as defined in the **Water Act 1989**; the Department of Defence of the Commonwealth established under the **Defence Act 1903** of the Commonwealth; an Alpine Resort Management Board established under the **Alpine Resort (Management) Act 1997**; a committee of management appointed under the **Crown Land (Reserves) Act 1978** or the **Forests Act 1958**; VicForests; Hancock Victorian Plantations Pty Ltd (ABN 20 084 801 132), Grand Ridge Plantations Pty Ltd (ABN 56 004 285 705);

***registered veterinary practitioner*** has the same meaning as in the **Veterinary Practice Act 1997**.

**6. Classes of persons authorised to carry out the activities of hunting, taking, destroying, disposing of, possession, processing and sale of deer**

- (1) The following classes of person are authorised to hunt, take, destroy, dispose of, possess, process and sell deer under this Order –
  - (a) a public land manager;
  - (b) an employee of a public land manager in accordance with the terms and conditions of their employment;
  - (c) an agent of a public land manager in accordance with any terms and conditions of the authorisation or other permission of the public land manager;
  - (d) a police officer;
  - (e) an agent of a police officer in accordance with any terms and conditions of the authorisation or other permission of the police officer;
  - (f) a registered veterinary practitioner.
- (2) Subject to Clause 7, a class of person under subclause (1), is authorised to carry out the following activities –
  - (a) the hunting and taking of deer on public land;
  - (b) the destruction, disposal of, possession, processing and sale of deer.

**7. Conditions imposed on the hunting, taking, destroying, disposing of, possession, processing and sale of deer by a class of person authorised under this Order**

- (1) An authorised person must not hunt, take and destroy deer unless the deer is on public land and –
  - (a) causing injury or damage to any building or other property, vineyard, orchard, crops, trees, pastures, grass, habitats or other vegetation, water quality, any taxon or kind of animal (including fish); or
  - (b) posing a risk to the health or safety of any person or class of persons.
- (2) An authorised person must not hunt, take and destroy hog deer unless –
  - (a) the authorised person is a person referred to in Clause 6(1)(a) to (c); and
  - (b) the hog deer are located in a park within the meaning of the **National Parks Act 1975**.
- (3) A person referred in Clause 6(1)(c) or (e) must possess a written permission issued by a public land manager or a police officer that is signed and dated in order to carry out an activity authorised under Clause 6(2).
- (4) An authorised person referred to in subclause (3) must produce a written permission in their possession on the request of an authorised officer within the meaning of the **Conservation, Forests and Lands Act 1987** or a police officer.
- (5) The taking or destroying of deer by aerial shooting from an aircraft must only be undertaken by an authorised person who is a person referred to in Clause 6(1)(a) to (c) and in accordance with the Interagency Aviation Operating Procedure SO 4.06 – Aerial Shooting Operations.
- (6) An authorised person who takes or destroys a deer must do so by the use of any licensed or registered –
  - (a) firearm that meets the specifications contained in Table 1; or
  - (b) captive bolt gun; or
  - (c) tranquilliser gun; or
  - (d) lethal injection.

- (7) If an authorised person takes or destroys a deer by the use of a gun referred to in subclause (6)(b) or (c), the deer must, as soon as reasonably practicable before the deer regains consciousness, be destroyed.
- (8) An authorised person who carries out an activity that injures a deer, must make all reasonable efforts to locate and destroy the injured deer as soon as reasonably practicable.
- (9) An authorised person must make reasonable efforts to locate and destroy young-at-foot or dependent young deer before shooting any adult deer, unless an imminent risk to public safety or damage to property exists.
- (10) An authorised person referred to in Clause 6(1)(a) to (c) may use a dog breed specified in column 1 for the purpose specified in column 2 and limited to the number specified in column 3 of Table 2 to assist with an activity referred to under Clause 6(2).
- (11) An authorised person must control a dog, other than a hound, used to carry out an activity referred to under Clause 6(2).
- (12) An authorised person who is using a dog to assist with the taking and destroying of deer must ensure that the dog does not attack, bite or maim any animal and does not pursue, rush, or chase native wildlife.
- (13) An authorised person who uses a dog to carry out an activity must, if the dog bites or maims wildlife, immediately cease using the dog for any activity referred to under Clause 6(2).
- (14) An authorised person who takes or destroys a deer and stores or transports that deer carcass, must ensure the deer carcass or any part of the carcass is accompanied by a document or a tag, which legibly displays the following information –
  - (a) the name and address of the person or body corporate that destroyed the deer; and
  - (b) the name of the authorised person referred to in Clause 6(1)(a), (b) or (d) on whose behalf a person was acting; and
  - (c) the location at which the deer was destroyed; and
  - (d) the date on which the deer was destroyed.

**Table 1: Firearm types that can be used to take or destroy deer under this Order**

Firearm	Fallow, Chital and Hog deer	Sambar, Rusa and Red deer	Non-game Deer
<b>Centre-fire rifle</b>	a minimum calibre of .243" (6.17 mm) with a minimum projectile weight of 80 grains (5.18 grams).	a minimum calibre of .270" (6.85 mm) with a minimum projectile weight of 130 grains (8.45 grams).	a minimum calibre of .270" (6.85 mm) with a minimum projectile weight of 130 grains (8.45 grams).
<b>Muzzle-loading Rifle</b>	a minimum calibre of .38" (9.65 mm) with a minimum projectile weight of 200 grains (12.96 grams).	a minimum calibre of .45" (11.45 mm) with a minimum projectile weight of 230 grains (14.91 grams).	a minimum calibre of .45" (11.45 mm) with a minimum projectile weight of 230 grains (14.91 grams).
<b>Smooth-bore Firearm</b>	a minimum bore of 20 and a maximum bore of 12, using a single solid projectile with a minimum weight of 245 grains (15.88 grams) and the firearm <b>must</b> be fitted with either: a front <b>and</b> rear <b>iron</b> sight (other than a beaded sight or sights); or a telescopic sight; or a reflex sight.		

**Table 2: Dogs that can be used to assist in the taking or destroying of deer under this Order and conditions of use**

Column 1	Column 2	Column 3
Specified dog breed	Purpose	Limitation on number
Hound wearing a satellite tracking collar to which is securely attached a permanent tag or label on which is legibly printed the full name of the hound owner.	Trailing Sambar Deer only	A shooter operating alone or in a team must not use (a) more than 5 hounds; or (b) not more than 8 hounds, of which 3 hounds must be less than 12 months old and must be used for the purpose of training those hounds to trail Sambar Deer.
Gundog	Locating, pointing or flushing any deer	A shooter operating alone or in a team must not use more than 2 dogs in total (including 2 gundogs, 2 deer hunting dogs, or 1 gundog and 1 deer hunting dog)
Deer hunting dog	Locating or flushing any deer	

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