

## FACT SHEET

# Possession and use of spotlights in recognised deer habitat

The illegal spotlighting of deer is a public safety issue. It is dangerous and can result in firearm-related incidents, including injuries to people, wildlife or damage to property.

It is also unethical and reduces recreational hunting opportunities for law-abiding hunters.

When hunting deer, it is an offence to:

- hunt deer at night (defined as 30 minutes after sunset until 30 minutes before sunrise)
- hunt deer with the use of a spotlight (except for hand-held thermo-imaging devices that are not fitted to the firearm, or a fixture attached to a firearm during the day)

People must not be in **possession of a firearm and spotlight between 30 minutes after sunset until 30 minutes before sunrise in recognised deer habitat.**

However, there are certain situations where deer hunters can be in possession of a firearm and spotlight in a vehicle, where their firearm and ammunition are secured separately in a vehicle and the spotlight is not in use, or, while on foot, their firearm is unloaded, their ammunition is stored in an appropriate case or container and the spotlight is not fitted to the firearm or a fixture attached to the firearm. See below for more details.

The aim is to address illegal spotlighting without impacting on deer hunters genuinely using torches, lanterns or headlamps for safety, domestic or emergency purposes.

### What is a spotlight?

A **spotlight** is defined as any source of artificial light, infrared device, night vision or thermo-imaging device (although hand-held thermo-imaging devices can be used during the day).

Under the regulations, a spotlight does not include:

- a domestic light used for domestic purposes. This could include light such as torches, lanterns and work lights used around camp.
- an emergency light used for emergency purposes - such as hand held torches or headlamps used to navigate out of the bush or 12-volt lights used when working on your vehicle
- a light fitted to your vehicle that complies with the Road Safety (Vehicles) Regulations 2021 – this covers all spotlights and work lights that are fitted on your vehicle in a legal manner.

### Thermo-imaging devices

Under the Wildlife (Game) Regulations 2024, hunters can use a hand-held thermo-imaging device during the day. These devices **must be hand-held** only and cannot be fitted to the firearm, or a fixture attached to the firearm. Thermal rifle scopes must not be used.

Hunters can use the hand-held thermo-imaging device to help locate and identify deer in the field. Hunters must then put aside the thermo-imaging device, ensure that they have positively identified their target and that there are no other people, animals or property/assets in the direction of fire before shooting.

It is unsafe to identify a target by its thermal properties alone; hunters must ensure they positively identify their target and what's behind it and are encouraged to use other tools such as binoculars. A hand-held thermo-imaging device alone is not an acceptable way to identify a target, especially in thick vegetation.

Safe target identification is solely the responsibility of the hunter. If in doubt, don't shoot.



### Possession of a spotlight and firearm when in a vehicle

Hunters travelling in vehicles between 30 minutes after sunset until 30 minutes before sunrise in recognised deer habitat can be in possession of a firearm and spotlight as long as:

- the firearm is unloaded and stored in a securely fastened case or container (e.g. gun bag or gun case) that is stowed in the boot or storage area of a sedan, dual cab or wagon and is not readily accessible by any occupant of the vehicle

- for utes or single cabs, the firearm is unloaded and stored in a securely fastened case or container and stowed in a part of the vehicle not readily accessible by any occupant of the vehicle. The best approach here is to fit a lockable steel box to the tray and store the firearm in there
- any ammunition is stored separately (but **not** in a glove box) and is in a part of the vehicle not readily accessible by any occupant of the vehicle
- any spotlight in or on the vehicle is not in use.

### Possession of spotlight and firearm when on foot

Hunters on foot in recognised deer habitat between 30 minutes after sunset until 30 minutes before sunrise in recognised deer habitat can carry an artificial light (e.g. torch or headlamp) for on-foot navigation purposes as long as:

- the firearm and magazine is unloaded – this means that all cartridges must be removed from the firearm and any magazine
- ammunition is stored in a closed case or container – this could include a backpack or cartridge case
- any artificial light is not fitted to the firearm or fixture attached to the firearm – no spotlight can be fitted to any part of the firearm or a scope or other fitting attached to the firearm.



### Recognised deer habitat

The Wildlife (Game) Regulations 2024 have added two additional local government areas as “recognised deer habitat” - West Wimmera and Moyne Shire Councils - in recognition of the expansion of deer into new areas.

Recognised deer habitat is defined as all areas of Crown land in the following Victorian municipalities:

Alpine Shire Council	Murrindindi Shire Council
Ararat Shire City Council	Northern Grampians Shire Council
Baw Baw Shire Council	Pyrenees Shire Council
Benalla Rural City Council	South Gippsland Shire Council
Cardinia Shire Council	Southern Grampians Shire Council
Colac Otway Shire Council	Strathbogie Shire Council
Corangamite Shire Council	Towong Shire Council
East Gippsland Shire Council	Wangaratta Rural City Council
Glenelg Shire Council	Wellington Shire Council
Horsham Rural City Council	West Wimmera Shire Council
Mansfield Shire Council	Whittlesea City Shire Council
Mitchell Shire Council	Yarra Ranges Shire Council
Moyne Shire Council	

### People exempt from spotlighting laws

Landowners/occupiers or their agents who are using a spotlight for the purposes of controlling pest animals to a distance of 250 metres outside the boundary of their property in recognised deer habitat are exempt. Any person acting in accordance with an Authority to Control Wildlife or other authorisation issued under the *Wildlife Act 1975* that stipulates they can destroy wildlife with the aid of a spotlight are also exempt.

### Penalties

There are multiple offences for people caught spotlighting deer or for being in possession of a spotlight and firearm in recognised deer habitat. Each offence can attract a fine of up to \$3,900 and Firearms and Game Licences may be cancelled. In addition, equipment used in the commission of an offence, such as firearms, spotlights and vehicles, can be seized by Authorised Officers and forfeited by the courts.