

BIOSECURITY ACT 2015

Discussion Paper: Deer

May 2016



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Comments on this paper close on 9 July 2016

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For more information

See: www.dpi.nsw.gov.au/biosecurityact

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (May 2016). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.

Summary

The *Biosecurity Act 2015* will repeal the *Non-Indigenous Animals Act 1987*, *Deer Act 2006*, *Stock Foods Act 1940*, and the *Stock Diseases Act 1923* which together provide a suite of regulatory powers for managing farmed and wild deer in NSW.

Through incorporation of the principle of a shared responsibility between the NSW Government, community and industry for managing the biosecurity risks of deer, the *Biosecurity Act 2015* provides an opportunity to streamline and modernise the way the commercial aspects and biosecurity issues associated with deer are managed in NSW.

Whilst generally it is proposed to implement similar deer management arrangements under the *Biosecurity Act 2015*, specifically it is proposed that farmed and wild deer are managed by way of the **general biosecurity duty**, with specific **regulations** that will prescribe measures to:

- require all livestock owners/managers and occupiers of land carrying farmed deer to have a *Property Identification Code* for the land; and
- prohibit the transport and movement of farmed and wild deer without a Transported Stock Statement or biosecurity permit.

Background

What is the problem?

Deer are not native to Australia and all deer species currently found in Australia are introduced species native to Europe and Asia. Deer farming in NSW is becoming an increasingly important agricultural industry which supplies valuable products to domestic and international markets. However, over time, escapes from deer farms and the deliberate release of deer into the environment have resulted in the development of wild populations of deer within NSW.

Wild deer are a recognised game animal throughout NSW and appropriately licensed recreational hunting of wild deer is regulated by NSW Department of Primary Industries. However, because wild deer populations can grow to a level where they have negative impact on agriculture, the environment and the wider NSW community, it is important for government, industry and the community to work together to minimise, respond to and manage the biosecurity issues that are characteristic of wild deer.

Why is it important?

There is acknowledgement that six species of deer, (Rusa Deer, *Cervus timorensis*, Red Deer, *Cervus elaphus*, Sambar Deer, *Cervus unicolor*, Chital Deer, *Axis axis*, Hog Deer, *Axis porcinus*, and Fallow Deer, *Dama dama*) have established wild populations within NSW. Generally, the negative impacts of wild deer will increase in proportion to population size and abundance. Wild deer can cause damage to vegetation and ecological communities and the NSW Scientific Committee¹ has determined '*Herbivory and environmental degradation caused by feral deer*' to be a key threatening process under the *Threatened Species Conservation Act 1995* (NSW). Wild deer can impact on agricultural enterprises through the fouling of water sources, damage to trees, pasture, fruit and vegetable crops and farming infrastructure. Wild deer can also cause disruption in peri-urban areas and can cause serious safety issues when they stray onto public roads.

What is the outcome we are seeking?

The desired outcome is to provide a legislative framework which can support the deer farming industry and recreational hunting activities whilst minimising the spread of wild deer populations

¹ An independent committee of scientists appointed by the Minister for the Environment to determine threatened species, and key threatening processes.

and effectively managing the negative impacts of wild deer on agricultural industries, the environment and the wider community.

Current management arrangements

The *Deer Act 2006* regulates ownership and control of farmed deer in NSW. The major species of deer farmed commercially in Australia are Red deer, Fallow deer and Rusa deer. Chital deer, Sambar deer and Hog deer are also able to be kept in NSW. However, because additional deer species have the potential to escape captivity, develop wild populations and add to the negative impacts of wild deer in NSW, no other species of deer can be brought into or kept in NSW..

The *Stock Diseases Regulation 2009* requires all livestock owners/managers and occupiers of land that carry deer to have a Property Identification Code under the National Livestock Identification System. This allows for the identification of the animal's property of origin in the event of disease control or residue problems. The National Livestock Identification System is a key Federal and State Government biosecurity strategy to trace meat from paddock to plate and to safeguard domestic and export markets.

In general the control of wild deer involves minimising the impacts of existing wild deer populations, limiting the spread of wild deer populations and preventing the establishment of new populations. It is important to prevent releases of farmed deer into the wild and the *Deer Act 2006*, prohibits the release of deer from captivity. Control methods for wild deer are presently limited to trapping, shooting, exclusion fencing and use of deterrents. It is essential that best practice methods which consider community expectations, animal welfare, non-target impacts and public safety are implemented when controlling wild deer.

The *Game and Feral Animal Control Act 2002* provides for the licenced hunting of wild deer and Ecological Deer Management is promoted by the NSW Department of Primary Industries as a management strategy for wild deer populations.

Proposed management under the NSW Biosecurity Act 2015

The farming of Red deer, Fallow deer, Rusa deer, Chital deer, Sambar deer and Hog deer will continue to be allowed in NSW under the *Biosecurity Act 2015*. However, mandatory **Property Identification Codes** (PIC) for properties where these deer species are held in captivity will be required. For further detail refer to [Discussion Paper: Livestock Identification and Traceability, December 2015](#)). Transport and movement of wild deer will be prohibited without a biosecurity permit authorising the action. Additionally, the transport and movement of farmed deer will continue to require the use of a Transported Stock Statement (TSS).

Dealing with any other species of deer in NSW, will be prohibited. This means that **other species of deer cannot be kept, moved or dealt with in NSW under any circumstances** without an appropriate authority under the *Biosecurity Act 2015*. For further detail refer to: [Discussion Paper: Non-Indigenous Animals](#), December 2015; and the [Supplementary Information Paper: Non-Indigenous Animals](#), May 2016.

It is proposed that biosecurity risks of farmed and wild deer will be managed under the **general biosecurity duty**. The duty will require any person dealing with biosecurity matter (deer) and who knows or ought to know about the biosecurity risks associated with an activity to take measures to prevent, minimise or eliminate the risk as far as reasonably practicable. With respect to deer farming, this duty requires land owners to take adequate measures to reduce the biosecurity risk of their animals, such as taking practical measures to prevent deer escaping from captivity and moving onto neighbouring land, and ensuring that stock are free of disease.

Land occupiers should take all practical measures to minimise the impacts of wild deer by controlling the wild deer on their land and preventing their movement onto neighbouring land. As the duty is outcomes focused, individuals can determine the best way of managing the risks associated with deer. For example, the occupier could discharge his or her duty by complying with control actions outlined in regional pest animal management strategies and best practice

guidelines. These strategies and guidelines will establish the NSW Government's expectations with respect to appropriate management and control approaches.

Hunting of wild deer in NSW will continue to be regulated by NSW Department of Primary Industries in accordance with the *Game and Feral Animal Control Act 2002* and subordinate legislation.

In cases where occupiers of land fail to meet their biosecurity duty, an officer can issue a **biosecurity direction** detailing precisely how they must discharge their duty. An authorised officer may accept a **biosecurity undertaking** from the occupier that could include a proposed plan to minimise the biosecurity impact of farmed or wild deer on their own land and neighbouring land.

If a person fails to comply with a biosecurity direction or a biosecurity undertaking, an authorised officer or other authorised person can enter the premises and undertake the required work. The costs and expenses incurred can then be recovered against the person.

Note: The Natural Resources Commission is currently undertaking a review of pest animal management in NSW (<http://www.nrc.nsw.gov.au/pest-animal-management>). A draft report was released on 31 March 2016, with a final recommendations report scheduled to be presented to the Premier in June 2016. The draft report identifies wild deer as an emerging pest animal problem in NSW, and makes a number of recommendations about management arrangements for wild deer in NSW. The findings and recommendations in the final report will be considered and a Government response to the review will outline future management arrangements for pest animals in NSW. This may affect the proposed management approach for wild deer set out in in this discussion paper.

What do you think?

We value your comments on how we can improve our biosecurity system and look forward to receiving your input into this important process.

Please complete the following survey on 'Deer' at: <https://www.surveymonkey.com/r/deer1>

Alternatively, submit your feedback **by 9 July 2016** via [email](#) or post to:

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For more information about the *Biosecurity Act 2015* and regulatory framework, please visit www.dpi.nsw.gov.au/biosecurityact.