



Biosecurity Act 2015

Discussion Paper: The management of cane toads in NSW

February 2018



Photo: Callum McClean

Submissions on this Paper close on 27 April 2018

Email your submission to:

submissions.biosecuritylegislation@dpi.nsw.gov.au

Post your submission to:

Biosecurity Legislation
NSW Department of Primary Industries
Locked Bag 21
ORANGE NSW 2800

Summary

The *Biosecurity Act 2015* (the Act) provides a regulatory framework for the control of pest animals across NSW. Under the Act, the NSW Department of Primary Industries (DPI) proposes to manage the risks posed by cane toads with the **general biosecurity duty** and regulations to establish a **biosecurity zone**. The objective is to prevent the spread and establishment of cane toads beyond their current distribution in the north east of the state.

The general biosecurity duty requires that any person who deals with cane toads and who knows, or ought reasonably to know, the biosecurity risk posed by their dealings, must ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised. Under the Act 'deal' means actions such as keep, import, release and breed.

The proposed **cane toad biosecurity zone** would include all NSW local government areas (LGA) except:

- Tweed, Byron, Lismore and Ballina LGAs,
- the portion of Richmond Valley and Kyogle LGAs east of the Summerland Way, and
- the portion of Clarence Valley LGA north of the Clarence River and east of the Summerland Way and Pringles Way.

See **Attachment 1** for a map of the proposed cane toad biosecurity zone.

Within the zone, regulatory measures will apply including a **duty to notify** the presence of cane toads, a **requirement to destroy** cane toads and a **prohibition on moving, keeping or releasing** a cane toad.

Background Information

Cane toads (*Rhinella marina*) were introduced into northern Queensland from South America in 1935 as a biological control for the cane beetle, an agricultural pest of sugar cane. Cane toads have since spread west into the Northern Territory and the top end of Western Australia, and south into northern NSW. Their spread in northern NSW was aided by further releases near Byron Bay and Ballina in the 1960s.

Cane toads are now widespread in north-east NSW north of Evans Head, with small isolated populations occurring further south, including at Angourie, Maclean and Brooms Head near Yamba. Cane toads are also approaching the border in north-west NSW via the Murray-Darling and Lake Eyre basins in Queensland.

What is the problem?

Cane toads are toxic at all stages of their life cycle and their ingestion can be lethal to native predators such as quolls, snakes and goannas. Cane toads have been linked to local declines and extinctions of native predators in the Northern Territory and Queensland. They can also affect a wide range of fresh water and terrestrial ecosystems through predation on native species in these environments.

Why is it important?

Given the potential for cane toads to negatively affect native species, 'Invasion and establishment of the Cane Toad' is listed as a key threatening process under the NSW *Biodiversity Conservation Act 2016*. Currently most of NSW is free of cane toads although they have the potential to spread and become established along the NSW coast as far south as Sydney.

What is the outcome we are seeking?

We want to protect NSW from the impacts arising from the spread of cane toads. Our strategy is to limit the spread of cane toads and identify and eradicate new cane toad infestations when they occur beyond their current distribution in the north east of the state.

Current management arrangements

Cane toad management actions in NSW are currently coordinated by the Department of Primary Industries (DPI), Office of Environment and Heritage (OEH), Local Land Services (LLS), Local Government and community groups.

A coordinated cane toad program in the lower Clarence district at the boundary of the current infested area is being carried out by North Coast LLS, Clarence Valley Community in Action Landcare and OEH. The program aims to eradicate cane toad infestations near the NSW towns of Yamba, Brooms Head, Palmers Island, Ashby and Maclean, including the surround national parks. OEH are also taking action within the infested area to protect important biodiversity assets such as threatened species and ecological communities under the Saving our Species program.

When potential new cane toad infestations are reported in other parts of NSW, the initial response and any follow-up surveillance and control is jointly coordinated by DPI, OEH, LLS and Local Councils. Breeding populations of cane toads have previously established at Port Macquarie on the mid north coast and Taren Point in Sydney. The Port Macquarie population was confirmed as eradicated in 2007. Surveillance programs are being undertaken at Taren Point to confirm successful eradication of that population as well.

Information on identification and control of cane toads, including the best practise guideline have also been prepared by OEH [Eradicating cane toads in NSW outside their current range of distribution \(PDF\)](#).

Proposed management under the NSW Biosecurity Act 2015

The risks posed by species such as cane toads will be managed using the [general biosecurity duty](#), which is found in Section 22 of the Act and states:

Any person who deals with biosecurity matter or a carrier and who knows, or ought reasonably to know, the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised.

The Government supports the recommendation from the Natural Resources Commission review of the management of pest animals in NSW, for the establishment of Regional Pest Animal Committees

under the *Local Land Services Act 2013*. These community advisory groups are scheduled to deliver Regional Pest Animal Management Plans (RPAMP) in mid-2018.

The RPAMPs will inform community members of the priority pest species in their region, and provide guidance on the general biosecurity duty and other regulatory requirements for pest animal management. They will also provide examples of how a landholder or other community member can comply with their general biosecurity duty.

The proposed **cane toad biosecurity zone** has been developed in consultation with the NPWS, and aligns with the known distribution of cane toad populations in the region. The zone would include all NSW local government areas (LGA) except:

- Tweed, Byron, Lismore and Ballina LGAs,
- the portion of Richmond Valley and Kyogle LGAs east of the Summerland Way, and
- the portion of Clarence Valley LGA north of the Clarence River and east of the Summerland Way and Pringles Way.

See **Attachment 1** for a map of the proposed cane toad biosecurity zone.

The following regulatory measures would also apply:

- A person must notify the presence of a new cane toad infestation
- The occupier or owner of land within the *cane toad biosecurity zone* must, as far as is reasonably practicable, destroy all cane toads on that land and prevent the spread of cane toads from the land
- A person must not move* a cane toad into or within the *cane toad biosecurity zone*
- A person must not keep* a cane toad in the *cane toad biosecurity zone*
- A person must not release a cane toad in the *cane toad biosecurity zone*.

*Except those animals the subject of an authorisation under the Act (e.g., a permit), the *Exhibited Animals Protection Act 1986* or the *Animal Research Act 1985*.

Where someone fails to meet their cane toad management obligations, an authorised officer may issue a **Biosecurity Direction** detailing precisely what control actions are required and their timeframe. Alternatively, an authorised officer may accept a **Biosecurity Undertaking** from the occupier that includes a proposed plan to control cane toads on their land and prevent their movement onto neighbouring land.

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

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 'The Management of cane toads in NSW' at:

<https://www.surveymonkey.com/r/G596PLW>

Alternatively, submit your feedback by Friday, 27 April 2018 via email at submissions.biosecuritylegislation@dpi.nsw.gov.au or post to:

Biosecurity Legislation
NSW Department of Primary Industries
Locked Bag 21
ORANGE NSW 2800

More information

Please visit www.dpi.nsw.gov.au/biosecurityact

Acknowledgements

NPWS & Local Land Services

For updates go to <http://www.dpi.nsw.gov.au/biosecurity/biosecurity-legislation/bio-leg-other/discussion-papers>

© State of New South Wales through the Department of Industry, Skills and Regional Development, 2018. You may copy, distribute and otherwise freely deal with this publication for any purpose, provided that you attribute the NSW Department of Primary Industries as the owner.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (31 January 2018). 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.

Published by the Department of Primary Industries.

INT17/237693

Attachment 1 – Proposed cane toad biosecurity zone

