



Research Into Deer Genetics and Environment Inc.
Supporting Sustainable Deer Management in Australia

The Chair
Hon Ian Rickuss MP
Agriculture, Resources and Environment Committee
Parliament House
Brisbane Qld 4000

Email: arec@parliament.qld.gov.au

5 January 2014

Dear Ian,

Please find attached our submission on the Biosecurity Bill 2013.

The focus of our submission is its impact on the socially acceptable recreational and guided hunting opportunities and the effective long term management of population, geographic distribution and genetic quality of deer.

The issues around hunting are complex due to the many interrelating subject areas. For example the relationships between invasive species control, inter-governmental relations, weapons licensing, tourism, land management, trespass, food safety to name but a few. Attached is a copy of letter 20 December 2013 from RIDGE discussing some of the issues. RIDGE would like to make an oral submission to expand on these.

Existing documents such as the Feral Deer Strategy will need to be revised and any future subordinate legislation will need to be developed if the Bill is passed. We trust that RIDGE and other stakeholders will be consulted in this important process.

Yours faithfully

Neil Digweed
RIDGE
Secretary

Att: RIDGE Submission Biosecurity Bill 2013
Letter to Hon John McVeigh MP 20 Dec 2013

Submission to the
Agriculture, Resources and Environment Committee
(AREC)
in relation to the
Biosecurity Bill 2013

Submitted by
Research Into Deer Genetics and the Environment Inc. (RIDGE)



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Submission Closing Date : 6 January 2014

Introduction

We support the general idea of local governments taking the major role in management of invasive species because of the wide variation of environments and circumstances across the state. The concept of management at a local government and landowner level allows flexibility to set objectives and strategies to suit local conditions. For example a land owner or council can choose to eliminate or sustainably manage declared invasive species. Hunting and harvesting are tools that can be used to help reduce the population and spread of species. Fee paying hunters can be used to capture the economic value of the animals which allows the landowner to offset land management costs.

However close scrutiny of the *Biosecurity Bill 2013* (the Bill) showed that, perhaps inadvertently, it effectively limits the ability of local authorities and landowners to confidently utilize hunting and harvesting as management tools within their management plans.

Hunters taking animals

In the Bill there is no clear provision for parts of a category 3 dead animal to be distributed or disposed of. For example, will it be legal for a hunter to take the meat, skin, antlers, horns or tusks from the property on which it was taken. This is of fundamental importance to hunters and there is potential to destroy completely the taxidermy businesses reliant on present hunting activities. This uncertainty may also impact on present and future game meat industries but this was not researched in this submission.

The Bill creates confusion whether or not parts of a dead animal are biosecurity matter. Chapter 1 (Preliminary) Part 4 (Interpretation) Section 15(a) provides that biosecurity matter is “a living thing, other than a human or part of a human...” However this seems to be contradicted firstly in the Schedule 5 Dictionary definition of “animal” which includes all animals, “whether live or dead...” Secondly Chapter 2 section 44 (2) regulates dealing with “restricted matter that has been killed”. The regulation of dead animals seems to go beyond the bounds of the Bill established in

section 15. Section 15(a) itself causes confusion whether a *part* of a thing can be considered as “living” for the purposes of the bill. The Schedule 5 Dictionary definition of “feral” mentions “living in a wild state” and provides no guidance in dealing with a feral animal after the point in time it is killed and no longer living.

The lack of certainty about the issue will have adverse outcomes. Landowners and managers, especially government land managers, may take a risk averse approach and prohibit hunters or harvesters from taking the spoils of the activity. This lack of return for effort will discourage hunters, guides, clients, and harvesters being further involved with their recreational or business pursuits. It will also see an end to the many small family based taxidermy businesses throughout the state. The shoot-and-let-lie approach is seen as wasteful. A side issue which demonstrates the peculiar outcomes relates to pest plants. It was reported that a council worker who felled a camphor laurel tree (*Cinnamomum camphora*) told a wood turner that he could not give any lumber to him because camphor laurel was a declared pest species.

The lack of certainty may result in differing interpretations of legislation and policy intent by enforcement agencies and officers responsible for administering it. It would be unfair for any hunter who was charged by an overzealous officer to incur the considerable legal expense of arguing the grey points in a court. The agency would also incur costs. Given that compliance issues are likely to arise in regional rural or remote areas far from George Street and involve government officers and citizens of various education and resources, it is important that the legislation is crystal clear how hunted material may be dealt with. Only when this foundation stone is set can there be confidence in building management and business plans.

See *Biosecurity Bill 2013*

- Definition of “animal” which includes both alive and dead animals. Page 509, 16-17
- Schedule 2 – Invasive Animals category 3 that includes rabbits, feral goats, pigs and deer, Page 431
- Section 43 Distributing or disposing of category 3 restricted material. Page 59, Line 22 - Page 60 line 16

It is submitted that:

The Bill be amended to categorically state that whole or parts of dead invasive mammal species are not biosecurity material (unless carrying or infested with other biosecurity material) and are not subject to restrictions on distribution or disposal.

The Bill be amended to clarify whether embryo, eggs, ovum, semen or other genetic material or reproductive material within the carcass of a killed animal is biosecurity material.

Rusa Deer Status

In the Bill, all Rusa deer are category 3 whereas only *feral* Chital, *feral* Red and *feral* Fallow are. Under the *Land Protection (Stock Route and Pest Management) Act 2002 (LPA)* all these four deer species were/are in the same Class 3 pest declaration. DAFF have advised that a drafting error occurred and “Feral Rusa”, not “Rusa” were supposed to be category 3 invasive animals. (Email DAFF C. Kerwick to R.Fitzsimon 18 December 2013)

An unknown number of currently farmed Rusa will become unlawfully held if this is not remedied.

See *Biosecurity Bill 2013* Schedule 2 Part 2 Restricted Matter – Invasive Biosecurity Matter - Invasive Animals, page 431-432

It is submitted that:

The drafting error in Schedule 2 should be corrected by omitting “Rusa” and inserting “Feral Rusa”

Animal enclosures

In relation to farming or keeping for another purpose: The Bill uses the term “escape proof enclosure”. This term “escape proof” is an absolute term which is unrealistic given the possibility of damage to any built structure from time to time. For example, by cyclone, flood, vandalism, or fire damage.

See *Biosecurity Bill 2013* Schedule - Definition of feral, line 5 page 517

It is submitted that:

For the definition feral – omit “escape proof enclosure”, insert “normally escape proof enclosure”

Weapons licencing.

This issue is not directly related to the current provisions of the Bill but it may be opportune to consider it at this stage before there is any biosecurity emergency.

The Weapons Regulation 1996 Part 2 Section 3 provides that the possession or use of a weapon under a licence is unlawful to the extent that a licence of another class is needed to authorise that possession or use.

Many hunters hold a recreational licence and may therefore commit a weapons offence if using a firearm to carry out of these non-recreational activities:

- Slaughter a livestock animal at the request of the owner
- Euthanize an injured or diseased animal at the request of the owner
- Euthanize an roadside injured animal
- Kill a pest animal caught in a trap
- Paid or unpaid feral animal control work
- Paid or unpaid biosecurity emergency work.

Licence holders generally fear in becoming anyway involved in these activities because even a single minor weapons offence would result in being automatically declared an unfit person and therefore losing their licence for a minimum of 5 years.

Given that recreational shooting and primary production are closely related, i.e. dealing with animals in a rural setting, it would make sense to allow lawfully owned weapons to be used across recreational and primary purposes and for biosecurity and humane purposes.

It is submitted that:

The AREC should consider available options to allow holders of Recreational and Primary Production class weapons licences to be lawfully allowed to participate in biosecurity emergency work in case the need should ever arise.

Bibliography

<https://www.legislation.qld.gov.au/OQPChome.htm>

<https://www.legislation.qld.gov.au/Bills/54PDF/2013/BiosecurityB13.pdf>

<https://www.parliament.qld.gov.au/work-of-committees/committees/AREC/inquiries/current-inquiries/18-Biosecurity>

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WeaponsR96.pdf>

<http://www.theridgegroup.org/>

http://fnqpaf.com.au/assets/paf_meetings/2013_1_Presentation_Strong_deer.pdf

Agriculture, Resources and Environment Committee

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Research Into Deer Genetics and Environment Inc.
Supporting Sustainable Deer Management in Australia

Hon John McVeigh MP
Minister for Agriculture, Fisheries and Forestry
Level 8, Primary Industries Building
80 Ann Street Brisbane Qld 4000

20th December 2013

Dear John,

Re: Reintroduction of the Biosecurity Bill 2013

We have noticed that the Biosecurity Bill was introduced to the 54th Parliament on 19th November 2013.

RIDGE has identified a number of areas which need careful interpretation as they are of considerable concern to Queensland landholders and hunters across the nation. These points have been discussed in view of the proposed Biosecurity Bill and will need verification from your department so that the correct interpretation can be distributed to those concerned.

RIDGE would like a meeting to help understand how the proposed legislation will affect recreational hunting and property management with particular attention to deer.

RIDGE also requests the consideration of safeguards for landowners against trespassers and poachers. In our letter to your department, dated the 3rd May 2013, we suggested principles which could be included into the existing regulatory framework in a self-managing and inexpensive manner. At our meeting with you on the 7th March 2013, we presented the concept of a system which we call "HuntEasy". It is our belief that such a system is now even more vital under the proposed Biosecurity Bill than it was when just associated with the *Land Protection (Pest and Stock Route Management) Act 2002* (the Pest Act 2002). HuntEasy will have the ability to assist with the reduction of illegal activities such as trespass and theft across all species, as it will give a clear system to allow permission for access to landowner's holdings. RIDGE feels that such an approach will bring forward voluntary and enthusiastic support from all landholder and hunter groups, resulting in far better outcomes for all involved.



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RIDGE strongly supports DAFF in efforts to manage biosecurity emergencies. In the advent of the outbreak of either a disease or significant pest there will need to be an ability for the tracking of animal matter (horns, antlers, hides, tusks, bone and tissue) taken by recreational hunters from the point of harvest to point of residence, The HuntEasy initiative is based on the established Property Identification Code (PIC) system, has the flexibility to cover all species, be self-administrating, while at the same time retaining a high degree of transparency and traceability. We would be pleased to provide a presentation about HuntEasy.

The core philosophy of this group is that well managed and regulated herds of introduced animals such as wild deer, kept within historical boundaries, pose few if any threats and those that are present, can be managed and controlled by close monitoring under a cooperative strategy between Government, landholders and hunters.

For this to be possible, there requires a minimum herd level for a designated feral area to be agreed upon so that historical, cultural, economic and environmental values can be preserved. RIDGE seeks an indication from your department that if a sustainable approach can be shown to achieve a practical outcome, it will be given full and careful consideration.

RIDGE notes that as there have been alterations to this Bill since it was first introduced and the time allowed for written submissions closes on the 6th January 2014. It does not allow time for an adequate response to be obtained from industry especially considering the Christmas - New Year holiday period. We request that a minimum two week extension of this submission period be provided.

In the short time available we will continue to bring forward; the issues found arising from the Biosecurity Bill based on real life situations faced by our supporters and present them to your department for discussion and clarification. A short list is attached to this letter now for your attention so that a clear framework of the proposed legislation can be developed.



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In summary, we respectfully request to arrange a meeting with yourself and/or other DAFF senior staff in Brisbane before Friday, 3rd Jan 2014 to discuss matters further.

RIDGE will be forwarding a submission to the Agriculture, Resource and Environment Committee (AREC) as soon as possible prior to the closing date based on the information which has been provide to this point. Inclusions to this submission will be made as other relevant information comes to hand.

RIDGE strongly supports the protection of our rural industries through a comprehensive and practical Biosecurity policy and therefore offers our assistance to this outcome. If you have any questions, please ring or SMS me directly on 0429 688192,

Yours sincerely

Clark McGhie

President

RIDGE Inc.

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CC. Ms Carmel Kerwick, CarmelKerwick@daff.qld.gov.au
Hon Andrew Cripps MP, Nrm@ministerial.qld.gov.au
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Att: Questions relating to the Biosecurity Bill 2013. List 1



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Questions relating to the Biosecurity Bill 2013. List 1.

1. A recreational hunter, takes an Invasive matter animal (deer, goat, pig or rabbit etc) with permission on a landholders property. The Pest Act 2002 and Food Safety Act 2000 allow for game meat (animal matter) to be taken for an *individual's* personal use. (Singular, possessive). Can this person supply this food to his family, girlfriend/boyfriend or others not living in their household: i.e. parents, children?
2. A recreational hunter takes an Invasive species on a hunting trip with a friend. He decides to take the animal matter (horns, bone, skin, antlers or tusks) but does not want the meat (tissue). Can he/she give/supply this meat to his/her hunting partner?
3. A recreational hunter takes an Invasive species on a hunting trip and collects the animal matter (skin, bone, tusks, horns or antlers) but does not want them. Can he/she sell these items or give them to another person?
4. A recreational hunter takes an Invasive species on a hunting trip and collects the animal matter (tissue, bone, velvet antler, skin) for pet food. Can he/she sell these items or give them to another person?
5. A landholder has stopped a vehicle for questioning on their property. The driver of the vehicle claims to be lost. There is dead invasive matter in the back of his vehicle. What can the landholder do if he did not witness a firearm being used?
6. A landholder has found a hunter on his property beside a dead deer (animal matter) but did not see the person kill the deer. They claim to be lost, distressed and claim to know nothing about the animal matter. What can the landholder do?
7. The same question as (6), however the person is carrying a bow and arrow?
8. A landholder has a group of rusa, fallow or chital deer (invasive restricted matter 3,4,6) on his holding which have lived on their freehold land since release from his deer farm 20 yrs before. He has managed them strictly under sustainable principles



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- during this period, keeping overall population densities at a low level and makes an annual return from these animals. Can he continue to sell these deer for a set trophy fee, charged after the deer has been taken and is considered animal matter?
9. A landholder within a historic feral area for deer has wild feral deer on his holding which he keeps in strict control by annual shooting. He has over the threshold number (1) of deer upon his holding. Is he required to register as a Biosecurity entity?
 10. A landholder is maintaining the level of Invasive restricted animals (feral deer) on his holding under a sustainable management plan aimed at preserving a low level of high quality animals. This project has been in operation for 20 years and has documented results however there is no intention of ever eradicating the wild deer. Is this type of control in contravention of the proposed Bill?
 11. If the above are legal activities, under exactly which Act or chain of Acts and regulations can these activities be conducted?
 12. A Landowner/agent/guide charges a client hunter a fee based on the number and type of rabbit, feral deer pig or goat (Category 3 animals) killed. The hunter takes home parts of the dead animal/s. Has the Landowner/agent/guide distributed or disposed of biosecurity matter?
 13. A landowner charges a hunter/culler a fee based on the number and type of rabbit, feral deer pig or goat (Category 3 animals) killed. Has the landowner distributed or disposed of biosecurity matter?
 14. Following on from above, the hunter/culler takes parts of the dead animals away and sells the parts. Has the hunter/culler distributed or disposed of biosecurity matter?
 15. A landowner charges a trapper a fee based on the number and type of feral deer pig or goat (Only those Category 3 animals described as “feral”) trapped. Has the landowner distributed or disposed of biosecurity matter?



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16. Following on from above, the trapper transports the live deer pig or goats from the property in an escape proof vehicle and places them in an escape proof enclosure elsewhere. Has the trapper distributed or disposed of biosecurity matter?

17. Is the express intention of the Biosecurity Bill and associated Feral Deer Strategy 2010-2015 to:

- Reduce deer populations in historic herds to a sustainable level or
- Reduce deer populations in historic areas to the lowest level possible
or
- Eventually achieve eradication of any or all populations
- Other

Further questions relating to leaseholder obligations and restrictions for restricted plant and animal matter, Escape Proof Fence requirements for deer farmers and landholders, with or adjacent to, Environmentally Significant Areas and other topics of concern to our supporters will be forwarded as soon as possible.