



Law Council
OF AUSTRALIA

Legal Practice Section

13 November 2018

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
CANBERRA ACT 2600

By email: ec.sen@aph.gov.au

Dear Committee Secretary

Inquiry into the impact of feral deer, pigs and goats in Australia

1. This submission has been prepared by the Australian Environmental and Planning Law Committee of the Law Council's Legal Practice Section (**the Committee**).¹ The Committee welcomes the opportunity to provide comments on the inquiry into the impact of feral deer, pigs and goats in Australia. Our brief comments are confined to the need for improved management of feral deer to minimise impacts on Australia's biodiversity.
2. We draw the Committee's attention to the 2017 report of the Tasmanian Legislative Council Select Committee on Wild Fallow Deer and associated submissions.² The Final Report provides a good overview of the legislative framework for deer across Australia and is indicative of the different approaches adopted. In particular, deer species are not recognised as pests in several states and are instead managed as a game resource. This status has hindered the implementation of effective population control measures.
3. The habitat range and abundance of feral deer populations is increasing in a number of States, including Tasmania, NSW and Victoria. This increase continues to have significant implications for biodiversity management on public land, including increased damage within areas such as the Tasmanian Wilderness World Heritage Area from overgrazing, browsing, trampling, ring-barking, antler-rubbing, spread of disease, weeds and pathogens and damage to wetlands and streams.
4. The Committee notes the development of Victoria's *Deer Management Strategy*³, recently released for public comment. The draft Strategy recognises the pressure on native fauna and flora created by burgeoning deer populations, particularly in environmentally sensitive areas and public parks.

¹ The Law Council of Australia is a peak national representative body of the Australian legal profession. It represents the Australian legal profession on national and international issues, on federal law and the operation of federal courts and tribunals. The Law Council represents 60,000 Australian lawyers through state and territory bar associations and law societies, as well as Law Firms Australia.

² Available at http://www.parliament.tas.gov.au/ctee/Council/GovAdminA_Deer.htm.

³ Available at <https://engage.vic.gov.au/draft-victorian-deer-management-strategy>. Consultation on the draft Strategy closed on 29 October 2018.

5. Despite the risks to biosecurity, agricultural viability and natural values, rigorous monitoring of the scale or impact of the damage caused by feral deer is rarely undertaken by government agencies.
6. A 2016 CSIRO paper⁴ identified the following knowledge gaps, and noted that research to address those gaps was critical to the development of cost-effective management strategies:
 - identifying long-term changes in plant communities caused by deer;
 - understanding interactions with other fauna;
 - measuring impacts on water quality;
 - assessing economic impacts on agriculture (including as disease vectors);
 - evaluating efficacy of management for mitigating deer impacts; and
 - quantifying changes in distribution and abundance.
7. The Committee strongly supports funding for further research to address these knowledge gaps to inform legislative and policy responses.
8. Both the *Victorian Deer Management Strategy* and the Tasmanian government's response to the Legislative Council report,⁵ continue to promote recreational hunting as a solution to feral deer populations. This approach encourages the maintenance of deer populations as a hunting resource, rather than eradication and control to protect natural values or agricultural resources.
9. The Committee supports managed eradication programs, rather than increased recreational shooting, as the best approach to protecting biodiversity values. Particularly in national parks and reserves, the government should implement clear eradication programs, undertaken in accordance with strict animal welfare guidelines and with the explicit goal of protecting natural values. Conflating pest control with recreational hunting opportunities risks the professionalism of culling activities, consistency of data collection, and the overall success of the management programs.
10. The urgent threat to endangered species in high risk areas is such that ongoing delay is unacceptable. The Committee recommends the following:
 - legislative amendments to allow feral deer to be managed as pest species in all States and Territories;
 - funding for research to address identified knowledge gaps (see above), and to investigate the efficacy of biological and genetic controls;
 - management approaches that identify priority areas for eradication, including areas of high sensitivity for threatened species and existing infestation zones, and allow for less intensive control measures outside key areas;
 - development and implementation of a national threat abatement plan for feral deer, informed by research outcomes. The plan should include management targets and provide for monitoring, regular reporting against those targets, and periodic evaluation of the efficacy of measures adopted;

⁴ Davis et al. 2016. "A systematic review of the impacts and management of introduced deer (family Cervidae) in Australia", *Wildlife Research* 43(6) pp515-532. Available at <https://doi.org/10.1071/WR16148>

⁵ Available at <https://engage.vic.gov.au/draft-victorian-deer-management-strategy>. Consultation on the draft Strategy closed on 29 October 2018.

- amending management plans for national parks and reserves likely to be impacted by increased deer populations to clarify the management responsibilities for population control;
- allocating sufficient resources to enable government agencies to implement rigorous eradication and management programs to control existing feral deer populations and avoid further range extensions into protected areas; and
- implementing stronger risk management approaches to the approval of commercial deer farming operations and related transport arrangements to minimise biosecurity risks. In particular, new operations should not be approved where there is a material risk of escaped deer infesting nearby national parks and reserves.

Contact

10. The Committee would welcome the opportunity to discuss its submission further and to provide additional information in respect of the comments made above. In the first instance, please contact:

- Jess Feehely, Chair, Australian Environmental and Planning Law Committee
T: 03 6223 2770
E: jess.feehely@edotas.org.au
- Robyn Glindemann, Deputy Chair, Australian Environmental and Planning Law Committee
T: 0404 892 934
E: robyn.glindemann@lantegy.com.au

Yours sincerely



Jonathan Smithers
Chief Executive Officer