Cairns Regional Council Prevention and Control Program for Pest Deer
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1. Biosecurity program

1.1 PROGRAM NAME

This prevention and control program (biosecurity program) for Pest Deer (as listed in Table 1), identified as invasive biosecurity matter s48 (1), will be known as the Cairns Regional Council Prevention and Control Program for Pest Deer.

2. Requirement for a prevention and control program

2.1 PURPOSE AND RATIONALE

The Biosecurity Act 2014 (the Act) provides for the establishment of prevention and control programs. Prevention and control programs are directed at any of the following—

(a) preventing the entry, establishment or spread of biosecurity matter in areas that pose a significant biosecurity risk;

(b) managing, reducing or eradicating any biosecurity matter in areas that could pose a significant biosecurity risk.

The objectives of the Cairns Regional Council Prevention and Control Program for Pest Deer (the Program) are:

- preventing the entry, establishment or spread of Pest Deer identified in known infestation areas that pose a significant biosecurity risk as biosecurity matter.

- managing, reducing or eradicating any of Pest Deer identified in known infestation areas that could pose a significant biosecurity risk as biosecurity matter.

- to assist authorised officers in managing identified infestations of Pest Deer notably reinforcing capabilities to take pest management actions with regards to these deer.
• to assist authorised officers in managing infestations of pest deer listed in Table 1.
Table 1. Identified Feral or Pest Deer in the Cairns Regional Council Area

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Species</th>
<th>Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feral Deer (chital, rusa, red &amp; fallow)</td>
<td>Axis Axis, Rusa timorensis/ Cervus timorensis, Cervus elaphus &amp; Dama dama</td>
<td>3,4,6</td>
</tr>
<tr>
<td>Feral Deer (samba and all hybrids)</td>
<td>Cervus unicolor and Cervus unicolor X</td>
<td>2,3,4,5,6</td>
</tr>
</tbody>
</table>

Under the Biosecurity Act 2014 local governments are responsible for ensuring invasive biosecurity matter s48 (1) (a-d) for the local government’s area is being managed in compliance with the Act.

Cairns Regional Council has a Cairns Region Biosecurity Plan 2019-2024 that provides strategic direction for the management of invasive biosecurity matter and other priority pests on all land tenures within the Cairns Regional Council area and has been developed by and for the entire community. The plan has identified species that pose or are likely to pose a significant biosecurity risk to agricultural production and the environment in the Cairns Regional Council area.

Cairns Regional Council has referenced the Queensland Feral Deer Management Strategy 2013-2018 as best management practices for the development and implementation of this program.

The Cairns Regional Council Prevention and Control Program for Pest Deer, has been developed to ensure Council are meeting their legislative requirement’s and have the necessary authorisation to ensure that the outcomes of the Cairns Region Biosecurity Plan 2019-2024 are being implemented.

The Cairns Region Biosecurity Plan 2019-2024:

- Prioritises invasive biosecurity matter and locally declared pests, prevents their spread and introduction, prevents spread of invasive biosecurity matter and animals within the Cairns Regional Council area;
- Identifies the roles and responsibilities of all stakeholders involved and provides direction on priority pest management activities;
- Outlines everyone’s obligations to minimize the impact of biosecurity risks on people, the economy and the environment;
- Clearly identifies resources for effective management of pests and outlines the priorities so that resources are managed efficiently protecting the environment and clearly identify resources needed for effective and effective management of pests;
- Ensures appropriate management of invasive biosecurity matter and improved scope and opportunities for monitoring and valuating the Plan.
- Identifies pest deer as a priority pest animal in the Cairns region.

The program is required so that appropriate actions may be taken by Cairns Regional Council to manage, reduce or eradicate invasive pests that are in areas where invasive biosecurity matter could pose a significant biosecurity risk. This includes being able to respond to new populations of invasive pests or to escapes of invasive pests held under restricted matter permits in certain areas.
Ongoing surveillance for invasive animals that are restricted matter is undertaken under a Cairns Regional Council Invasive Plants and Animals Surveillance Program.

Pest Deer are being targeted due to a Biosecurity QLD wide focus on recently identified associated safety issues with Deer and recent legislative changes giving increased capability to address existing long term issues.

Pest Deer have been identified as a target pest for Council management actions as private residents don’t commonly have capability with regards to large pest animal management, legislative issues surrounding categorisation of livestock vs. pests and cross tenure management difficulties.

2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE THE PURPOSE

The key activities undertaken by the Program include but are not limited to the destruction of invasive biosecurity matter by methods including:

- Ground or aerial use of firearms
- Ground trapping of invasive animals
- Lethal injection of poison to invasive animals.
- Investigation and collection of evidence of instances of non-compliance (refer to Pest Information Notice and Compliance process below).
Pest Information Notice and Compliance Process for Pest Deer

Initial Discovery
- Pest observation made on private land or complaint received

Investigation of Infestation
- Minor infestation
- Infestation of high priority pests such as prohibited matter, large infestations or urgent actions required

Initial Contact
- Contact with pest info and obligations [Notification Letter]
- Notify BQ (if prohibited) and Send Biosecurity Order

Inspection / Review of Works (approx. 21 days)
- Inspect for control actions after reasonable period (21 days)
- Pest Management Action taken and issues resolved
- No Pest Management visible - Send Letter warning of control actions and monetary costs by CRC
- No Action Taken by action date

2nd Action
- Pest Management Action taken and issues resolved
- No Pest Management visible - Send Letter warning of control actions and monetary costs by CRC
- No Action Taken by action date

Reinspection (approx. 42 days)
- Inspect for control actions after reasonable period (21 days)
- Pest Management Action taken and issues resolved
- Limited or No Action taken by action date

3rd Action
- Pest Management Action taken and issues resolved
- No Action Taken by action date
- Time appropriate actions described in biosecurity order and bill landholder

Reinspection (approx. 63 days)
- Pest Management Action taken and issues resolved
- Limited or No Action taken by action date
- Take appropriate actions described in biosecurity order and bill landholder

Compliance Action - Fines / Council Enter and Clears
- Take appropriate actions described in biosecurity order and bill landholder

Cairns Regional Council Prevention and Control Program for Pest Deer under the Biosecurity Act 2014
Document # 5468953
2.3 POWERS OF AUTHORISED OFFICERS

Entry of place

The Act provides that authorised officers appointed under the Act may, at reasonable times, enter a place situated in an area to which a biosecurity program applies, to take any action authorised by the biosecurity program. These activities must be done in a timely and efficient manner to ensure that the measures are as effective as possible. The Program will authorise entry into places to allow these measures to be undertaken.

In accordance with the Act a reasonable attempt will be made to locate an occupier and obtain the occupier’s consent to the entry prior to an authorised officer entering a place to undertake activities under the Program. Nevertheless, an authorised officer may enter the place if:

(a) The authorised officer is unable to locate an occupier after making a reasonable attempt to do so; or
(b) the occupier refuses to consent to the entry.

If after entering a place an authorised officer finds an occupier present or the occupier refuses to consent to the entry—an authorised officer will make reasonable attempts to produce an identity card for inspection and inform the occupier of the reason for entering and the authorisation under the Act to enter without the permission of the occupier. An authorised officer under the Program must make a reasonable attempt to inform the occupier of any steps taken, or to be taken, and if steps have been taken or are to be taken, that it is an offence to do anything that interferes with a step taken or to be taken.

An authorised officer must leave a notice in a conspicuous position and in a reasonably secure way. This notice must state the date and time of entry and information addressing the reason for entry, authorisation to enter a place and the steps undertaken by the authorised officer after entry.

Giving a direction under a prevention and control program

Section 237 of the Act provides that an authorised officer may, at a reasonable time and at a place within an area to which a prevention and control program applies:

- direct an occupier to take reasonable steps, within a stated and reasonable timeframe, to remove or eradicate Biosecurity Matter. These steps must be limited to what is reasonably necessary to achieve the purposes of the program;
- destroy Biosecurity Matter or a carrier of Biosecurity Matter, if that authorised officer believes on reasonable grounds that they pose a significant biosecurity risk.

Failure to comply with a direction

Under section 238 of the Act, occupiers of a place are obligated to comply with an authorised officer’s direction issued under section 237 of the Act, as outlined above.

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1 See section 261 (Power to enter a place under biosecurity program) of the Act.
2 The Act defines an occupier, of a place, generally to include the person who apparently occupies the place (or, if more than 1 person apparently occupies the place, any of the persons); any person at the place who is apparently acting with the authority of a person who apparently occupies the place; or if no-one apparently occupies the place, any person who is an owner of the place.
3 See section 270 (Entry of place under sections 261 and 262) of the Act.
Obligations

The following obligations may be imposed on a person who is an occupier of a place to which the program relates, limited to the extent of requirements in this prevention and control program.

- A person in possession of Biosecurity Matter to which this program relates must allow an authorised person under the Program to destroy the biosecurity matter.

- Maintaining, within reasonable limitations, already existing accesses (such as tracks) or locations (such as boat launching areas) that are required for pest control purposes for this program only.

- Comply with requirements of the prohibited and restricted matter categories for all invasive biosecurity matter in identified infested areas within the Cairns Regional Council Local Government area (Table 1)

- Authorised officers may collect evidence and use evidence of non-compliance with restricted and prohibited matter categories to take further legal action against the occupier and/or owner of the matter.

- Occupiers are to discharge their General Biosecurity Obligation (GBO) in relation to invasive biosecurity matter. If the authorised officer forms the belief that the occupier has not or may not discharge their General Biosecurity Obligation (GBO) then the authorised officer may issue a biosecurity order.

- A person must not interfere with cameras or traps placed to detect invasive biosecurity matter.

In addition to Program specific obligations in the prevention and control program authorisation, under section 238 of the Act, occupiers of a place are obligated to comply with an authorised officer’s direction issued under section 237 of the Act.

General powers of authorised officers

Nothing in the Program or its associated Authorisation limits the powers of authorised officers under Chapter 10 of the Act.

2.4 CONSULTATION

If Cairns Regional Council authorised officers work in collaboration with authorised officers from another pest management associated organisation (i.e. Biosecurity QLD):

- Information sharing of biosecurity risks extents and locations and any documentation and identifying information required to do so, will be expected to be shared between organisations. This will be limited to information that is no more than is required for those purposes and does not include private information of any parties that is reasonably outside of required contact information or occupier/landholder details for pest control/ surveillance.

- Authorisation will be shared between organisations (where appropriate) allowing authorised Officers to work and contribute on each other’s projects.

- This Biosecurity Program sent to Biosecurity Queensland as at the 26th March 2019 for consultation as per Biosecurity Act Requirements.
3. Authorisation of a prevention and control program in the Cairns Regional Council area

AUTHORISATION STATEMENT

The Cairns Regional Council acting pursuant to section 235 of the Biosecurity Act 2014 (the Act), authorises the Prevention and Control Program for invasive biosecurity matter s48(1)(a-d) (the Program) in the Cairns Regional Council Local Government area, on the basis that Council is satisfied that:

- Council is satisfied that the pests listed in the Biosecurity Prevention and Control program, the Cairns Regional Council Prevention and Control Program for Pest Deer, pose a significant biosecurity risk to biosecurity considerations in Queensland; and

- that measures are required to prevent the entry or establishment of these pests and that they pose a significant biosecurity risk in the Cairns Regional Council area;

As passed by Council resolution on this date XXth April 2019.

3.1 BIOSECURITY MATTER

The biosecurity matter to which the Program relates is invasive biosecurity matter s48(1)(a-d).

3.2 PURPOSE OF THE PROGRAM

The objectives of the Cairns Regional Council Prevention and Control Program for Pest Deer (the Program) are:
Feral deer (Rusa, Red, Fallow & Sambar deer)

What is my biosecurity obligation?

Report any suspected sightings of feral deer to council on 1300 69 22 47. All sightings of Sambar deer must be reported to Biosecurity Queensland within 24 hours of the sighting. Other feral deer species should be reported to Council on 1300 69 22 47.

Deer contained within a deer-proof fence (e.g. on farms or in game parks) are not restricted invasive pests. Any deer not actively being farmed within a deer-proof fence is considered feral or wild and subject to control. Report all deer sightings to Council on 1300 69 22 47.

Speak to Council on 1300 69 22 47 for best practice management advice and discuss the range of assistance options available. Landholders should consider various management solutions including fencing and shooting, dependent on their location and capability.

Fencing requirements are enforceable under Local Law No. 2 (Animal Management) s111 (2) (a) Minimum standards for keeping animals and s33 Duty to provide proper enclosure and prevent animal from wandering.
• preventing the entry, establishment or spread of Pest Deer identified in known infestation areas that pose a significant biosecurity risk as biosecurity matter.

• managing, reducing or eradicating any of Pest Deer identified in known infestation areas that could pose a significant biosecurity risk as biosecurity matter.

• to assist authorised officers in managing identified infestations of Pest Deer notably reinforcing capabilities to take management actions with regards to these deer.

• to assist authorised officers in managing infestations of *Cervus unicolor* and *Cervus unicolor x* (Sambar Deer and all hybrids).

Under the Biosecurity Act 2014 local governments are responsible for ensuring *invasive biosecurity matter* s48 (1) (a-d) for the local government’s area is being managed in compliance with the act.

Cairns Regional Council has a Cairns Region Biosecurity Plan 2019-2024 that provides strategic direction for the management of invasive biosecurity matter and other priority pests on all land tenures within the Cairns Regional Council area and has been developed by and for the entire community. The plan has identified species that pose or are likely to pose a significant biosecurity risk to agricultural production and the environment in the Cairns Regional Council area.

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The Cairns Region Biosecurity Plan 2019-2024:

• Prioritises invasive biosecurity matter and locally declared pests, prevents their spread and introduction, prevents spread of invasive biosecurity matter and animals within the Cairns Regional Council area;

• Identifies the roles and responsibilities of all stakeholders involved and provides direction on priority pest management activities;

• Outlines everyone’s obligations to minimize the impact of biosecurity risks on people, the economy and the environment;

• Clearly identifies resources for effective management of pests and outlines the priorities so that resources are managed efficiently protecting the environment and clearly identify resources needed for effective management of pests;

• Ensures appropriate management of invasive biosecurity matter and improved scope and opportunities for monitoring and valuating the Plan.

• Identifies pest deer as a priority pest animal in the Cairns region.

The program is required so that appropriate actions may be taken by Cairns Regional Council to manage, reduce or eradicate invasive pests that are in areas where invasive biosecurity matter could pose a significant biosecurity risk. This includes being able to respond to new populations of invasive pests or to escapes of invasive pests held under restricted matter permits in certain areas.

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Pest Deer are being targeted due to a Biosecurity QLD wide focus on recently identified associated safety issues with Deer and recent legislative changes giving increased capability to address existing long term issues.

Pest Deer have been identified as a target pest for Council management actions as private residents don’t commonly have capability with regards to large pest animal management, legislative issues surrounding categorisation of livestock vs. pests and cross tenure management difficulties.

3.3 AREA AFFECTED BY THE PROGRAM

The Program will apply to the East Russell area (Babinda), White Rock area and Bellenden Kerr areas, aligning with historic and known pest deer infestations.

3.4 POWERS OF AUTHORISED OFFICERS

An authorised officer of the Program appointed under the Biosecurity Act 2014, may enter a place—other than a residence—without a warrant and without the occupier’s consent within the State of Queensland under the Program. An authorised officer can exercise the powers of an authorised officer under the Act in relation to the Program, if the authorised officer is appointed by the chief executive.

An authorised officer may make a requirement (a help requirement) of an occupier of the place or a person at the place to give the authorised officer reasonable help to exercise a general power.

An authorised officer may carry out, or direct another person to carry out, aerial control measures for invasive biosecurity matter. Under the Program these measures include aerial treatment by using an airborne machine, person in an aircraft vehicle (i.e. plane, helicopter), Unmanned Aerial Vehicles (UAVs) in line with legislative requirements for the use of such.

An authorised officer has general powers after entering a place to do any of the following:

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4 The Act defines a residence to mean a premises or a part of a premises that is a residence with the meaning of section 259(2) and 259(3).
5 See section 259 (General powers to enter places) of the Act.
6 See section 261 (Power to enter a place under biosecurity program) of the Act.
7 See section 255 (3) (Powers of particular authorised officers limited) of the Act.
8 See section 297 (Power to require reasonable help) of the Act.
9 See section 296 (General powers) of the Act.
<table>
<thead>
<tr>
<th>General powers in the Act</th>
<th>Measures an authorised officer may take under the Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Search any part of the place</td>
<td>Destroy biosecurity matter or a carrier if the authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk</td>
</tr>
<tr>
<td>Inspect(^{10}), examine(^{11}) or film(^{12}) any part of the place or anything at the place</td>
<td>Direct an occupier of the place to take reasonable steps within a reasonable time to remove or eradicate the biosecurity matter to which the program relates.</td>
</tr>
<tr>
<td>Take for examination a thing, or a sample of or from a thing, at the place</td>
<td>Searching a place to check for the presence or absence of invasive biosecurity matter.</td>
</tr>
<tr>
<td>Place an identifying mark in or on anything at the place</td>
<td>Inspect, examine and film to assist with tracing of carriers to and from a place.</td>
</tr>
<tr>
<td>Place a sign or notice at the place</td>
<td>Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of invasive biosecurity matter.</td>
</tr>
<tr>
<td>Produce an image or writing at the place from an electronic document or, to the extent it is not practicable, take a thing containing an electronic document to another place to produce an image or writing</td>
<td>Identify carriers such as Hay Bales with tags, notices, flags or signs for any purpose consistent with the Program.</td>
</tr>
<tr>
<td>Take to, into or onto the place and use any person, detection animal, equipment and materials the authorised officer reasonably requires for exercising the authorised officer’s powers under this division</td>
<td>Producing a written and/or electronic note(s) to support Program activities.</td>
</tr>
<tr>
<td>Destroy biosecurity matter or a carrier if:</td>
<td>Taking GPS coordinates to ensure accuracy of location details of carriers or invasive biosecurity matter.</td>
</tr>
<tr>
<td>• the authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk; and</td>
<td>Take a document such as Sale/Movement record that is relevant to the objectives of the Program.</td>
</tr>
<tr>
<td>• the owner of the biosecurity matter or carrier consents to its destruction</td>
<td></td>
</tr>
<tr>
<td>Remain at the place for the time necessary to achieve the purpose of the entry</td>
<td></td>
</tr>
<tr>
<td>The authorised officer may take a necessary step to allow the exercise of a general power</td>
<td></td>
</tr>
<tr>
<td>If the authorised officer takes a document from the place to copy it, the authorised officer must copy and return the document to the place as soon as practicable</td>
<td></td>
</tr>
<tr>
<td>If the authorised officer takes from the place an article or device reasonably capable of producing a document from an electronic document to produce the document, the authorised officer must produce the document and return the article or device to the place as soon as practicable.</td>
<td></td>
</tr>
</tbody>
</table>

\(^{10}\) Section 296(5) defines inspect, a thing, to include open the thing and examine its contents.  
\(^{11}\) Section 296(5) defines examine to include analyse, test, account, measure, weigh, grade, gauge and identify.  
\(^{12}\) Section 296(5) defines film to include photograph, videotape and record an image in another way.
Pursuant to section 237 of the Act an authorised officer may also give a direction to an occupier of a place located in the area to which the Program applies to take reasonable steps to:

- remove or eradicate biosecurity matter, as reasonably necessary to achieve the purposes of the Program, or
- destroy biosecurity matter or a carrier of biosecurity matter, if that authorised officer believes on reasonable grounds that they pose a significant biosecurity risk.

A penalty applies for failing to comply with a direction issued under this section.

Directions to authorised persons acting under the program will be limited to their role authorisations, objectives of this program and role objectives as reasonable.

### 3.5 OBLIGATIONS IMPOSED ON A PERSON UNDER THE PROGRAM

The following obligations may be imposed on a person who is an occupier of a place to which the program relates, limited to the extent of requirements in this prevention and control program.

- A person in possession of Biosecurity Matter to which this program relates must allow an authorised person under the Program to destroy the biosecurity matter.
- Maintaining, within reasonable limitations, already existing accesses (such as tracks) or locations (such as boat launching areas) that are required for pest control purposes for this program only.
- Comply with requirements of the prohibited and restricted matter categories for all invasive biosecurity matter in identified infested areas within the Cairns Regional Council Local Government area (Table 1)
- Authorised officers may collect evidence and use evidence of non-compliance with restricted and prohibited matter categories to take further legal action against the occupier and/or owner of the matter.
- Occupiers are to discharge their General Biosecurity Obligation (GBO) in relation to invasive biosecurity matter. If the authorised officer forms the belief that the occupier has not or may not discharge their General Biosecurity Obligation (GBO) then the authorised officer may issue a biosecurity order.
- A person must not interfere with cameras or traps placed to detect invasive biosecurity matter.

In addition to Program specific obligations in the prevention and control program authorisation, under section 238 of the Act, occupiers of a place are obligated to comply with an authorised officer’s direction issued under section 237 of the Act.

### 3.6 COMMENCEMENT AND DURATION OF THE PROGRAM

The Program will begin on XX April 2019 and will continue until XX April 2020. The duration of the program is considered to be reasonably necessary to achieve the Program’s purpose.
3.7 CONSULTATION WITH RELEVANT PARTIES

As required by the Act\textsuperscript{13}, the chief executive officer of Cairns Regional Council has consulted, prior to the authorisation of the Program, with the chief executive, Department of Agriculture.

3.8 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS

As required by the Act\textsuperscript{14}, the chief executive officer of Cairns Regional Council will give public notice of the Program 14 days before the Program starts by:

\begin{itemize}
  \item giving the notice to each government department or government owned corporation responsible for land in the area to which the Program relates; and
  \item publishing the notice on the Cairns Regional Council website: \url{www.cairns.qld.gov.au}
\end{itemize}

From the start of the Program, the Authorisation and the Cairns Regional Council Prevention and Control Program for Pest Deer will be available by arrangement for inspection or purchase \textsuperscript{15} at the Cairns Regional Council public office at: 119-145 Spence Street, Cairns QLD 4870.

\begin{footnotesize}
\textsuperscript{13} See section 239 (Consultation about proposed biosecurity program) of the Act.
\textsuperscript{14} See section 240 (Notice of proposed biosecurity program) of the Act.
\textsuperscript{15} See section 241 (Access to authorisation) of the Act.
\end{footnotesize}