



Review of the

**Tasmanian Nature Conservation (Wildlife) &
(Deer Farming) Regulations 2021**

Submission by the
Invasive Species Council

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About the Invasive Species Council

The Invasive Species Council was formed in 2002 to advocate for stronger laws, policies and programs to keep Australian biodiversity safe from weeds, feral animals, exotic pathogens and other invaders. It is a not-for-profit charitable organisation, funded predominantly by donations from supporters and philanthropic organisations.

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Summary

Given the rapid growth, spread and substantial impact of feral deer in Tasmania and the population projected to be 1 million by 2050, there is no justification for feral deer to remain classified as Partly Protected Wildlife in the Nature Conservation (Wildlife) Regulations 2021. Tasmania is clearly on the cusp (if not already) of an explosion in feral deer numbers and serious control programs need to be instituted. To effectively carry out these programs all bureaucratic hindrances must be removed so land owners and land managers are able to get on with the job of effective control.

It is fanciful to suggest in that in 2021, with the high feral deer population and growth as they are, deer need protecting to provide deer hunting and game opportunities at the expense of the environment, economy and public safety.

The ISC strongly advocates for the Partly Protected Wildlife status of feral deer in Tasmania to be completely removed from the Wildlife Regulations, however we also put forward a number of other options to consider regarding removing the Partly Protected Wildlife status of feral deer. In addition, all deer species need to be proclaimed Restricted Animals to prevent their introduction into Tasmania.

The ISC also welcomes the strengthening of the Draft Nature Conservation (Deer Farming) Regulations 2021, but the ISC believes strongly that to prevent the inevitable spread of deer into satellite populations through deer farm escapes, no new deer farms should be permitted outside the original deer range. The ISC has presented an option for this.

Overview

This submission is a response to the invitation by the Tasmanian Government to provide feedback on the review of the Wildlife (General and Deer farming) Regulations 2010 and the subsequent draft Nature Conservation (Wildlife) Regulations 2021 and Draft Nature Conservation (Deer Farming) Regulations 2021 that have been released for consultation.

The Invasive Species Council (ISC) welcomes the review of Tasmania's Wildlife (General and Deer farming) Regulations 2010. The Regulations are now seriously outdated, reflecting some obsolete principles that protect highly invasive and destructive species such as feral deer. This principle no longer meets the contemporary requirements to effectively manage and protect Tasmania's precious natural and rural landscape.

The ISC recognises that there are a wide range of issues that require review. We support the principles of:

- Recognising the need to protect wildlife at the habitat and landscape scale.
- Recognising the role of Traditional Owners in wildlife traditional use and conservation.
- Stricter control around the issuing of authorities to control indigenous wildlife to avoid their unnecessary destruction and exploitation.
- Regulations and penalties that reflect community attitudes to the seriousness of wildlife crime and the release or introduction of introduced invasive animals.

Given the focus of the ISC is to keep Australian biodiversity safe from weeds, feral animals, exotic pathogens and other invaders we will focus our detailed comments to the association between the draft Nature Conservation (Wildlife) & (Deer Farming) Regulations 2021 and exotic animals, in particular feral deer.

The draft Nature Conservation (Wildlife) Regulations 2021 are protecting feral species that threaten the habitat of native wildlife species, agricultural and tree farming productivity and public safety and amenity.

The Nature Conservation Act 2002 section 3(1) describes Partly Protected Wildlife as “the species of wildlife prescribed by the regulations as partly protected”. There is nothing in the Act that instructs the Wildlife Regulations to prescribe deer as “partly protected” wildlife.

The draft Nature Conservation (Wildlife) Regulations 2021 (the Regulations), Regulation 8, specifies “partly protected wildlife” as the species of wildlife prescribed in Schedule 8 of the regulations.

Schedule 8 then lists European Fallow Deer (*Dama dama*) (that are not farm deer) as “Partly Protected Wildlife”.

Regulation 3 further defines deer as an animal of the species European Fallow Deer that is Partly Protected Wildlife and is not a deer that is in captivity at an authorised farm. The regulations then refer to a number of provisions that strictly regulate the management and control of Partly Protected Wildlife, including feral deer.

This is a hangover from outdated eras that considered deer “wildlife” to be protected as game animals to satisfy the hunting lobby. Now feral deer have evolved from being a resource for the enjoyment of hunters to now being a serious pest.

Impact of feral deer

Feral deer impact on a wide range of environmental, economic and community values. They have invaded areas of outstanding natural values, including the Tasmanian Wilderness World Heritage Area, national parks and other conservation reserves, where they cause significant damage to native vegetation and ecologically fragile areas and as such are an assault on the living Aboriginal cultural landscape of Tasmania. Feral deer are having a significant economic and psychological impact on farmers as many are fighting a losing battle against feral deer as they graze down crops and pastures and destroy infrastructure. They are having a major impact on the viability of tree planting for ecological restoration, forest plantations and carbon farming. Feral deer also invade urban amenity areas causing considerable damage to parks and gardens and are a growing threat to motorists.

The annual cost of the impact of feral deer on the Tasmanian community is estimated to be around 100 million. The Tasmanian Farmers and Graziers Association put the annual cost of feral deer to farmers as being up to \$80 million. Add to that the costs associated with impacts on trees in forest plantations, biodiversity restoration and carbon farming along with vehicle accidents and impacts on parks and gardens. These costs are all borne by landowners and land managers.

There is also the hidden cost of the risk to international and national reputation if feral deer are allowed to continue to be present and impact on high value natural areas such as the Tasmanian Wilderness World Heritage Area and high value agriculture.

Despite this, they continue to be recognised as “Partly Protected Wildlife” under the draft regulations and given due protection, paradoxically under more regulated protection than several indigenous wildlife species.

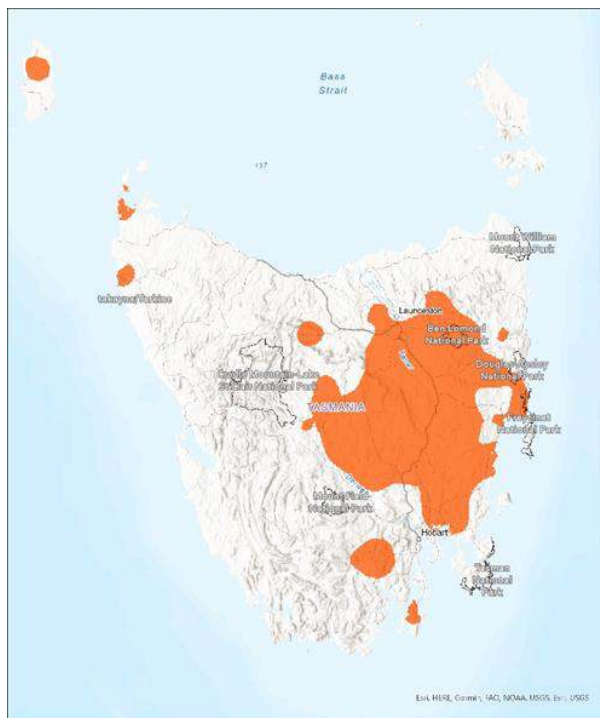
The perverse outcome is that feral deer continue to be Partly Protected Wildlife, yet they threaten the very habitat of many of the native wildlife species and natural landscapes that the Regulations are there to conserve and protect.

There is no justification for feral deer to be Partly Protected Wildlife

Feral deer population growth and spread

Fallow deer were introduced to Tasmania in 1836 to provide a hunting resource. By the 1970s the population had grown to between 7000 and 8000. In 2019, a survey of only part of the area occupied by feral deer identified around 54,000 feral deer. While exact numbers are uncertain, based on the reported 11.5% annual growth rate¹ and despite take from hunting and crop protection, Tasmania's feral deer population now numbers up to 100,000, occupying more than 2 million hectares or 27% of the state. Climate and habitat suitability modelling predicts that 56% of Tasmania could be inhabited by fallow deer and the population will be more than 1 million by 2050.

The maps below show the potential increase in spread of feral deer leading to a likely population of 1 million by 2050 at current annual growth rates. This raises serious questions about why feral deer would remain partly protected in Tasmania in the new Nature Conservation (Wildlife) Regulations 2021.



Current estimate of the distribution of Feral Deer



Potential occupation of fallow deer in Tasmania based on suitable climate and habitat ¹.

1 Cunningham, C., et.al. (2021) Dynamics and predicted distribution of an irrupting 'sleeper' population: fallow deer in Tasmania. ResearchGate. https://www.researchgate.net/publication/351835171_Dynamics_and_predicted_distribution_of_an_irrupting_'sleeper'_population_fallow_deer_in_Tasmania

The management of feral deer in Tasmania is seriously conflicted

As the impact of feral deer on nature and the rural economy and community explodes, fallow deer continue to be recognised as a game resource and as such listed as “Partly Protected Wildlife”.

The Partly Protected Wildlife status of feral deer in the Wildlife Regulations to date reflects an anachronistic and early colonial approach to considering introduced species such as deer “wildlife” to be protected as game. This situation has hindered control and led to significant bureaucratic obstacles preventing landowners and land managers from undertaking effective control of feral deer population, spread and impacts.

The Partly Protected Wildlife status of feral deer not only protects the population but the Regulations actively facilitate population growth and spread by hindering control through the need for property protection permits for limited reasons, closed seasons, limits on controlling antlered deer and ballots for hunting. The valuable time and resources of wildlife officers would be better spent on assisting with deer containment, control, eradication and prevention rather than administering bureaucratic game management processes. It is extremely inefficient and costly to deliberately limit deer control efforts through these regulations - unnecessary red tape!

There are, and will continue to, be plenty of deer for hunting opportunities and these controls are no longer necessary.

When the Wildlife Regulations were last instituted in 2010, the feral deer population in Tasmania was already starting to grow in number and spread. The ten years since has seen a substantial increase in deer numbers and spread. This is despite being regulated through game management and controlled hunting.

If nothing is done, this situation presents a grave outlook. In August this year, the Invasive Species Council in conjunction with the Bob Brown Foundation released a Feral Deer Control Strategy for Tasmania, due to concerns that the Tasmanian Government is doing little to avoid this disaster. The Strategy can be found here:

<https://www.invasives.org.au/publications/feral-deer-control-a-strategy-for-tasmania/>

The draft Nature Conservation (Wildlife) Regulations 2021 need to adapt and respond to these changing circumstances. As the national feral deer herd explodes, it is incongruous to understand why they need to be Partly Protected Wildlife and regulated for hunting.

Feral deer should be declared a pest animal, not protected

Farmers, conservationists, rural landowners, Aboriginal Tasmanians and rural community members are exasperated by the worsening impact of feral deer as demonstrated recently from extensive consultation carried out by the Invasive Species Council in preparation of the Feral Deer Control Strategy for Tasmania.

If the growing impacts of the expanding feral deer population on the environment, economy and safety are to be addressed, it is imperative that the Nature Conservation (Wildlife) Regulations 2021 do not include fallow deer as “Partly Protected Wildlife” in Schedule 8. This will allow feral deer to be managed as a pest under Tasmania’s Biosecurity Act (2019). It will also release significant resources that Game Services Tasmania and others put to implementing the regulations protecting feral deer.

The Australian Senate Report on the Impact of Feral Deer, Pigs and Goats in 2021 recommended that “all Australian jurisdictions make any necessary changes to their existing legislative and regulatory frameworks to ensure that wild deer are treated as an environmental pest; maximise the ability of landholders to control feral deer on their land and maximise the ability of park managers to control feral deer in World Heritage Areas and National Parks.”

Victoria and Tasmania are the only two States in Australia that protect feral deer through legislation. In Victoria, in response to community concern over growing impacts of feral deer, their protection on private land has been removed and the need for public land managers to have a wildlife permit for feral deer control is also being removed and their status under the Wildlife Act is under review. In all other states feral deer are unprotected or classified as pests. This leaves Tasmania isolated in its approach to responding to the population explosion and managing the impacts of feral deer.

Feral deer should also be declared a Restricted Animal.

One positive element to the feral deer problem in Tasmania is there is just one species being fallow deer. On the Australian mainland there are several species of feral deer that have been introduced for game, each with a particular characteristics, impacts, habitat preferences and control difficulties. There have been attempts to introduce other species to Tasmania for hunting. Thankfully this has failed and every attempt must be made to avoid that catastrophe.

The Nature Conservation Act 2002 (sec. 32) provides for the prohibition on, and penalties for, the introduction of certain animals. Restricted Animals are defined under regulation 9 of the Regulations and listed in Schedule 9. Deer must be recognised in Regulation 9 as a “Restricted Animal” and as such listed in Schedule 9 of the Regulations to make it an offence to import any species of deer to Tasmania.

What needs to change in the draft Nature Conservation (Wildlife) Regulations 2021

1. Deer must be no longer be considered Partly Protected Wildlife under the Nature Conservation (Wildlife) Regulations 2021 and as such reference to deer must be removed from Section 3 (Interpretation) of Regulations and European Fallow Deer be removed from Schedule 8 where they are prescribed as partly protected wildlife.
2. All species of deer must be recognised as Restricted Animals under the Nature Conservation Act 2002 (sec 32) to make it a serious offence to import any species of deer to Tasmania. Accordingly, all species of deer are to be listed in Schedule 9 of the Nature Conservation (Wildlife) Regulations 2021 which prescribes species that are Restricted Animals.

If feral deer are to remain partly protected...

Should the Tasmanian Government choose not to take the advice of the Australian Senate enquiry to treat feral deer as a pest, nor take notice of the voices of those farmers, scientists, community members, Aboriginal Tasmanians and nature enthusiasts that despair at the impact of the expanding feral deer herd and let trophy hunting dominate at their expense, there other substantial recommendations for the Regulations.

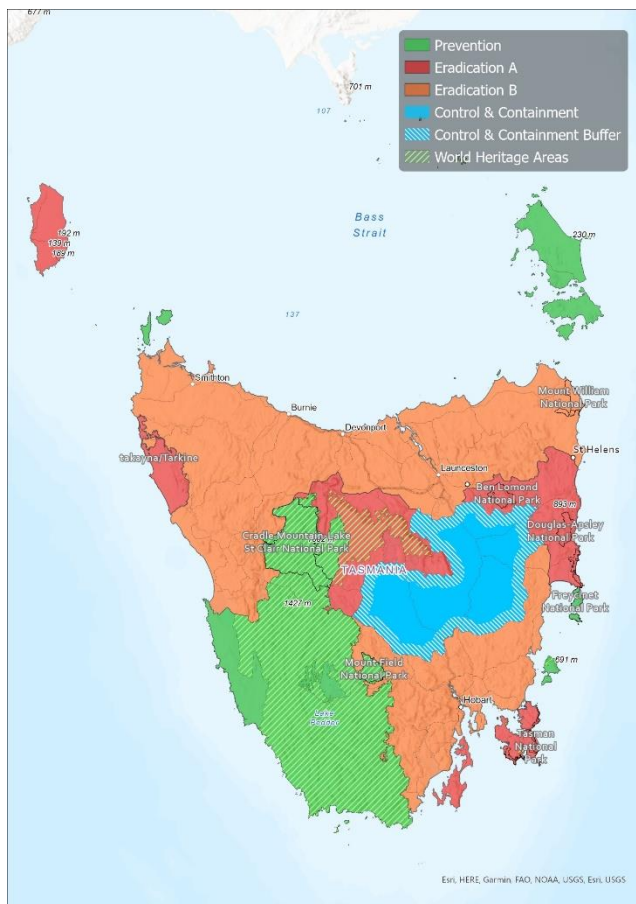
Zoning feral deer status

The Nature Conservation Act 2002 (Sec. 28 (1)) says: The Wildlife Regulations may make differing provisions with respect to different places or parts of the State and with respect to different times, places and circumstances. This allows for feral deer to be partly protected and managed as a game species in only designated parts of the Tasmania.

Option 1: Exclude Private Property and Conservation Reserves

Fallow deer are having a substantial impact on many private properties and forest plantations and are a major threat to biodiversity values in Conservation Reserves such as the Tasmanian Wilderness World Heritage Area and national parks. As has been done in Victoria, the partly protected status of feral deer should at least be removed from private property, gazetted conservation reserves and forestry plantations. Landowners and land managers can take control of the impact of feral deer without being hindered by regulation and social pressures.

Option 2: Establish a deer containment zone where feral deer control is regulated



The Feral Deer Control Strategy for Tasmania (Invasive Species Council) introduces a control and containment zone based around the traditional deer range in the Midlands, where feral deer remain but numbers are controlled and reduced. The Control and Containment Zone is presented here in blue.

The partly protected status of feral deer could remain only in this Containment and Control Zone to support regulated hunting. Feral deer would consequently be unprotected in the remaining area of the State where control is not hindered by regulation as they are prevented from establishing and in time eradicated.

<https://www.invasives.org.au/publications/feral-deer-control-a-strategy-for-tasmania/>

Property Protection Permits

The Invasive Species Council fundamentally believes that landowners should not need a permit to control feral deer on their properties (see Option 1 above), but should that policy persist, the following addition to reasons for a property protection permit is crucial.

Currently under Regulation 34. a property protection permit authorises the holder of the permit to take ...partly protected wildlife, ... for one or more of the following reasons as specified:

(i) to protect crops or stock, or both;

(ii) to protect equipment or infrastructure, or both, used in the production of crops or stock at the location to which the permit relates;

Many private property owners are active in protecting and restoring the natural biodiversity on their properties through ecological restoration works. Feral deer are having a significant impact on these conservation efforts.

The regulation need to add for the purposes of a property protection permit:

(iii) to protect and conserve biodiversity values including conservation, revegetation and ecological restoration works.

This amendment also needs to be made to Regulation 49. Special requirements for grant of certain licences and permits to reflect these additional values and associated environmental costs.

Deer Farming needs better Regulation

Deer farming has been responsible some of the spread of feral deer throughout Tasmania. The rapid decline of commercial deer farming in the 1990s led to some farm deer herds being released or escaping, resulting in herds becoming established in new areas and there has been little if any success eradicating these escapees. Most of these have remained and grown in size and distribution. Deer Farming is currently poorly regulated by the Wildlife (Deer Farming) Regulations (2010) and the ISC welcomes the opportunity to strengthen these regulations.

What needs to change in the draft Nature Conservation (Deer Farming) Regulations 2021

The Invasive Species Council supports the strengthening of the Nature Conservation (Deer Farming) Regulations 2021 that address the following:

- The requirement for tagging and recording farm deer to identify and trace the source of escaped deer. The ISC doesn't support Regulation 11 (2) that provides an exemption from tagging, there should be no reason to avoid tagging farmed deer.
- Develop stronger fencing standards to reduce the risk of deer escapes (can draw on South Australian deer farming protocols) and provide for regular inspection by wildlife officers of approved fences.
- Have conditions that provide for deer farms to be closed down if they pose an ongoing and unacceptable threat of deer escaping.
- Restrict the sale of live farmed deer only to other approved deer farms or abattoirs.
- In the event of a deer farm ceasing to operate and approved sales completed, the residual deer are to be slaughtered.
- Have severe and enforceable penalties in place for escaped deer.

New Deer Farms must only be located in the Traditional Deer Range

An additional and important condition the ISC recommends should be in place to prevent deer escaping and becoming established in areas outside the traditional deer range and creating satellite populations (as has occurred historically):

No new deer farms should be permitted to be established outside the Traditional Deer Range (suggest that be the Containment and Control Zone introduced in the Feral Deer Control Strategy for Tasmania (*Invasive Species Council*) see map above).

Thank you for the opportunity to provide feedback on the review of the Wildlife (General and Deer farming) Regulations 2010 and the subsequent draft Nature Conservation (Wildlife) Regulations 2021 and Draft Nature Conservation (Deer Farming) Regulations 2021.

Should you have any further enquiries please contact Peter Jacobs, Deer Project Officer; Invasive Species Council. Tel: 0487 295198 or peterj@invasives.org.au