



Our ref: CORP F2024/000042
Receipt No: 18841894

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14 February 2024

The Hon Heidi Girolamo MLC
Member of the Legislative Council
Parliament House
ADELAIDE SA 5000

Dear Ms Girolamo

Determination under the *Freedom of Information Act 1991*

I refer to your application made under the *Freedom of Information Act 1991* which was received by the Department of Primary Industries and Regions (PIRSA) on 15 January 2024, seeking access to the following:

“Copies of the email and associated attachments titled 'Re Deer Cull.msg' as noted on Page 3 of Doc 1 of FOI Agency reference CORP F2023/000706 which purports to be the email from the complainant regarding the specific event (25 March 2023)”

Timeframe: 24/03/2023 to 31/08/2023

Accordingly, the following determination has been finalised.

I have located three documents that are captured within the scope of your request.

Determination 1

I have determined that access to the following document is **granted in part**:

Doc No.	Description of document	No. of Pages
1b	Attachment to Document 1 – Agenda Paper – South Australian Pest Animal Aerial Culling Steering Committee – Incident during feral deer culling program	3

The information removed from the above document is pursuant to Clause 4(1)(a) and Clause 6(1) of Schedule 1 of the Freedom of Information Act.

Clause 4(1)(a) states:

“4 - Documents affecting law enforcement and public safety

- (1) A document is an exempt document if it contains matter the disclosure of which could reasonably be expected—
 (a) to endanger the life or physical safety of any person;”

Clause 6(1) states:

“6 - Documents affecting personal affairs

- (1) A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).”

The information removed pursuant to Clause 4(1)(a) and Clause 6(1) consists of the names of individuals and businesses with respect to an incident event which was reported during feral deer aerial shooting control operations.

Pursuant to Clause 4(1)(a), disclosure of the names of individuals and businesses would identify the locations to which an event occurred. Publicising the locations where feral deer could occur could result in illegal hunters accessing properties to illegally hunt the feral deer that are on the properties. In turn, there is a high likelihood that such activity would endanger the life or physical safety of members of the community.

Pursuant to Clause 6(1), the release of this information would be an unreasonable intrusion into the privacy rights of the individuals concerned.

Determination 2

I have determined that access to the following documents is **refused**:

Doc No.	Description of document	No. of Pages
1	Email thread between Limestone Coast Landscape Board, complainant and PIRSA officers dated 27/3/2023 to 5/4/2023 re deer cull	5
1a	Attachment to Document 1 - Email thread between Limestone Coast Landscape Board and complainant dated 27/3/2023 to 2/4/2023 re deer cull	3

Access to the above documents is refused pursuant to Clause 4(1)(a) and Clause 6(1) of Schedule 1 of the Freedom of Information Act.

Document 1 consists of an email thread between a complainant, Landscape Board and PIRSA officers.

Document 1a is an attachment to Document 1 and consists of part of the email thread in Document 1.

Pursuant to Clause 4(1)(a) and Clause 6(1), it has been made clear to PIRSA officers by the complainant that the release of their name is not to be released for concerns for their physical safety.

The term 'personal affairs' has been held to involve 'matters of private concern to an individual' and the 'composite collection of activities personal to the individual concerned'.

Pursuant to Clause 6(1), both documents contain the personal affairs of the complainant.

Consideration was given as to whether the information could be released with exempting the names and identifying details, however, it is considered that a member of the public should be able to correspond with Government without fear of release of the content of their sensitive email communications.

Accordingly, it is considered that disclosure of this information would be an unreasonable intrusion into the privacy rights of the individual concerned.

If you are dissatisfied with this determination, you are entitled to exercise your right of review and appeal as outlined in the attached documentation [Making a Freedom of Information Application | State Records of South Australia \(archives.sa.gov.au\)](#), by completing the "FOI Application Form for Internal Review of a Determination" and returning the completed form to:

Freedom of Information Principal Officer
Department of Primary Industries and Regions
GPO Box 1671
ADELAIDE SA 5001

or via email PIRSA.FOI@sa.gov.au

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your application, and the documents to which you are given access, will be published in PIRSA's disclosure log. A copy of PC045 can be found at http://dpc.sa.gov.au/data/assets/pdf_file/0019/20818/PC045-Disclosure-Log-Policy.pdf

If you disagree with publication, please advise the undersigned in writing within fourteen calendar days from the date of this determination.

Should you require further information or clarification with respect to this matter, please contact Ms Lisa Farley, Senior Freedom of Information Advisor on 8429 0422 or email PIRSA.FOI@sa.gov.au.

Yours sincerely



Michelle Griffiths

**Accredited Freedom of Information Officer
DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONS**

South Australian Pest Animal Aerial Culling Steering Committee	MEETING No:
	LOCATION:
	DATE:
AGENDA PAPER	ITEM:

Incident during feral deer culling program

FOR NOTING

RECOMMENDATIONS

That the Steering Committee:

NOTES that an incident occurred during the feral deer culling program in the Limestone Coast on 25 March 2023 where shooting occurred on land without approval and a recreational hunter was alleged to have been nearby.

KEY ISSUES

1. On 25 March 2023, an incident occurred involving the culling of eight feral deer on a property where some confusion remains about whether a landowner had given consent for the operation to occur.
2. During the incident the helicopter was followed by a private utility vehicle. The pilot moved away from the utility vehicle several times, but it continued to follow the helicopter. The helicopter crew checked on the location of the vehicle to ensure it was not in the vicinity before shooting any feral deer. The continued chasing of the helicopter by the vehicle led to the culling operation being abandoned.
3. During this incident, and unknown to the helicopter crew, a recreational hunter was alleged to have been on the ground and claims to have been frightened when deer were culled about 350 metres away from him. The driver of the utility claims to have been alerting the helicopter to the presence of the recreational hunter.
4. The Department of Primary Industries and Regions (PIRSA) and the Limestone Coast Landscape Board (LCLB) were notified of this incident on 27 March 2023.
5. Clauses 4(1)(a), 6(1) approved, in writing, for aerial shooting operations to be undertaken on their properties and provided a GIS map of their property locations. The mapping included a forest block where the incident occurred, which was also identified as the location where the landowner had apparently not given consent.
6. On 28 March 2023, Mr Nathan Paine, CEO South Australian Forest Products Association advised that the property is still owned by a company in Clauses 4(1)(a), 6(1) but that the property is leased to Clauses 4(1)(a), 6(1) (owned by Clauses 4(1)(a), 6(1)).

7. The Valuer General's records, as of 28 March 2023, lists the property as owned by Clauses 4(1)(a), 6(1) Approval had not been sought from Clauses 4(1)(a), 6(1) for aerial culling operations because maps provided by Clauses 4(1)(a), 6(1) indicated that Clauses 4(1)(a), 6(1) owned the land and approved for it to be included in the program.
8. Clauses 4(1)(a), 6(1) Clauses 4(1)(a), 6(1) discussed this incident with Mr Nathan Paine, CEO South Australian Forest Products Association on 28 March 2023. Mr Paine advised PIRSA staff that Clauses 4(1)(a), 6(1) was not concerned that the helicopter had culled deer on his property.
9. After the incident the hunter advised the apparent landowner/lessee that his nearby cattle were spooked by the helicopter. A review of footage showed that no livestock were spooked during the operation.
10. In response to the incident and in line with the Aerial Shooting Operation Procedures (ASOP), the aerial shooting program was postponed enabling investigation and refinement to the operations.
11. Video footage (both thermal and non-thermal) and associated audio recordings from the helicopter during the incident were reviewed by PIRSA and LCLB staff. The recordings do not show any breaches of safe operating procedures. The video footage from the helicopter, thermal and non-thermal, did not show any people in the area where the operations occurred.
12. The helicopter company has its own Safe Work Method Statement. Review of the relevant procedures indicated that all procedures were followed by the helicopter crew.
13. A review of the Job Safety Analysis (by PIRSA and Department for Environment and Water, DEW) indicated that all procedures were followed.
14. The operational briefing for all personnel involved in the operation outlines "If a person is identified on foot in private scrub, all operations in the area are to cease until the area is cleared". While no person was identified on foot, the procedure was correctly followed when the utility vehicle appeared.
15. A Work Health and Safety (WHS) incident report was lodged by PIRSA; the helicopter personnel also lodged a safety report through their internal company processes.
16. PIRSA and LCLB have since triple-checked the ownership of every property involved in the operation via the Valuer General's database, PIRSA Property Identification Code database, and approvals provided by farms and Forestry SA.

BACKGROUND

17. PIRSA, in collaboration with the Landscape Boards, Forestry SA, SA Water and DEW, is leading the program to eradicate feral deer from South Australia.
18. Written approval is required from the landowner before aerial shooting operations are conducted over their property. Those rules apply for public land, for private forestry companies, and national parks.

19. The TAAC operation in the Limestone Coast commenced on 21 March 2023 and will operate for 3 weeks, covering 200,000 hectares. About 500 feral deer have been controlled since 21 March 2023.

IMPLEMENTATION

20. Operations ceased over ^{Clauses 4(1)(a), 6(1)} properties for the remainder of the aerial culling operation.
21. PIRSA and LCLB have since undertaken an audit to triple-checked the ownership of every property involved in this operation via the Valuer General's database, PIRSA Property Identification Code database, and approvals provided by farms and Forestry SA.
22. Properties have been excluded from the aerial culling operation where ownership or authority could not be confirmed through the audit.

RESOURCE IMPLICATION

Nil.

Sponsored by Nathan Rhodes

PIRSA

March 2023