



Our ref: CORP F2024/000015
Receipt No: 18809785

CORPORATE SERVICES
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Tel 8429 0422
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5 February 2024

Removed for Disclosure Log

Dear

Removed for Disclosure Log

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 8 January 2024, seeking access to the following:

"25 March 2023 - any video, audio and incident logs held regarding helicopter flights conducted by or on behalf of PIRSA operating over the Limestone Coast for eradication on 25 March 2023; and

26 October 2023 - any camera footage and flight logs held regarding helicopter flights conducted by or on behalf of PIRSA operating over the Limestone Coast for eradication on 26 October 2023."

Accordingly, the following determination has been finalised.

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

Please note that PIRSA does not hold any documents that consist of camera footage for 26 October 2023.

Determination 1

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

Doc No.	Description of document	No. of Pages
3	GovSAfety Hazard Report dated 28/3/2023, for event of 25/3/2023	8

The information removed from the above document is pursuant to Clause 4(1)(a), Clause 4(2)(a)(i) and Clause 6(1) of Schedule 1 of the Freedom of Information Act.

The information removed pursuant to Clause 4(1)(a) and Clause 6(1) consists of:

- location details of a hazard event which has been reported during feral deer aerial shooting control operations
- name of officer to whom the event was reported and their email address
- names of individuals
- names of witnesses
- mobile telephone numbers

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.

Releasing the names of individuals, email addresses and mobile telephone numbers would identify the properties to which the events refer.

Exposing the names of the officers and witnesses and their telephone numbers to illegal hunters would pose a safety risk to the individuals concerned. Disclosure of this information would be an unreasonable intrusion into the privacy rights of the individuals concerned.

Clause 4(2)(a)(i) states:

"4—Documents affecting law enforcement and public safety

(2) A document is an exempt document if it contains matter the disclosure of which -

- (a) could reasonably be expected -*
 - (i) to prejudice the investigation of any contravention or possible contravention of the law (including any revenue law) whether generally or in a particular case; and*
- (b) would, on balance, be contrary to the public interest."*

The information removed pursuant to Clause 4(2)(a)(i) consists of details outlining the nature of any investigation into the matter.

In addressing the public interest test for the Clause 4(2)(a)(i) exemption, I have balanced the following factors:

- Meeting the objects of the Act favouring access to documents.
- Ensuring optimal use of public resources.
- High level of interest in the accountability of public office holders.
- The importance of transparency and openness and the interest that the public has in the decision-making processes of Government.
- High level of media and community interest in the matter.

Contrary to the public interest:

- Release of this information is likely to prejudice any investigation into the matter.
- To release such details would provide the public with its own view of the circumstances prior to any investigative outcomes being known.

- It would be inappropriate to disclose information relating to processes leading to any possible wrong-doing, prior to the knowledge of any outcomes.
- A regulator should be able to carry out its legislative functions and investigate matters without fear of the information being prematurely released.
- Should any findings reveal any allegations of wrong-doing, disclosure of this information could reasonably be expected to prejudice the possible contravention of the law.

Having considered the various factors weighing for and against disclosure, I have determined that disclosure of this information would, on balance, be contrary to the public interest.

Determination 2

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

Doc No.	Description of document
1	Video footage dated 25/3/2023
2	Thermal camera video footage dated 25/3/2023

Access to the above documents is refused pursuant to Clause 4(1)(a), Clause 4(2)(a)(i), Clause 7(1)(a) and Clause 7(1)(b) of Schedule 1 of the Freedom of Information Act.

The documents consist of video footage captured from the cockpit of a helicopter and thermal camera footage taken during feral deer aerial shooting control operations.

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;”*

The video/audio footage in both documents shows feral deer on private properties together with latitude and longitude of the properties, clearly identifying the location of the properties.

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.

In addressing the public interest test for the Clause 4(2)(a)(i) exemption, I have balanced the following factors:

- Meeting the objects of the Act favouring access to documents.
- Ensuring optimal use of public resources.
- High level of interest in the accountability of public office holders.

- The importance of transparency and openness and the interest that the public has in the decision-making processes of Government.
- High level of media and community interest in the matter.

Contrary to the public interest:

- The recent age of the information was considered and the continuing relevance of the matters.
- Release of this information is likely to prejudice any investigation into the matter.
- To release such details would provide the public with its own view of the circumstances prior to any investigative outcomes being known.
- It would be inappropriate to disclose information relating to processes leading to any possible wrong-doing, prior to the knowledge of any outcomes.
- A regulator should be able to carry out its legislative functions and investigate matters without fear of the information being prematurely released.
- Should any findings reveal any allegations of wrong-doing, disclosure of this information could reasonably be expected to prejudice the possible contravention of the law.

Having considered the various factors weighing for and against disclosure, I have determined that disclosure of this information would, on balance, be contrary to the public interest.

Clause 7(1)(a) states:

“7—Documents affecting business affairs

(1) A document is an exempt document—

(a) if it contains matter the disclosure of which would disclose trade secrets of any agency or any other person;”

Disclosure of these documents would disclose the trade secrets of a business.

Pursuant to Section 27 of the Freedom of Information Act, consultation was undertaken with Heli Surveys and consent was not provided to release the documents pursuant to Clause 7(1)(a).

I am advised that Heli Surveys is the only company in the world to have developed the thermal imaging camera set-up for aerial culling of feral deer. Other operators have been unable to reproduce the full suite of equipment that makes the camera unique.

The camera set-up is clearly shown in Document 1 and the method of using the camera is clearly evident in Document 2 and, therefore, to disclose the footage would reveal the trade secrets of a company.

Clause 7(1)(b) states:

“7—Documents affecting business affairs

(1) A document is an exempt document—

(b) if it contains matter –

- (i) *consisting of information (other than trade secrets) that has a commercial value to any agency or other person; and*
- (ii) *the disclosure of which –*
 - (A) *could reasonably be expected to destroy or diminish the commercial value of the information; and*
 - (B) *would, on balance, be contrary to the public interest”*

In addressing the public interest test for the Clause 7(1)(b) exemption, I have balanced the following factors:

- Meeting the objects of the Act favouring access to documents.
- Ensuring optimal use of public resources.
- High level of interest in the accountability of public office holders.
- The importance of transparency and openness and the interest that the public has in the decision-making processes of Government.
- High level of media and community interest in the matter.

Contrary to the public interest:

- Pursuant to Section 27 of the Freedom of Information Act, consultation was undertaken with Heli Surveys and consent was not provided to release the documents pursuant to Clause 7(1)(a).
- Protecting the commercial interests of third parties.
- The recent age of the information was considered and the continuing relevance of the matters.
- The information has commercial value to the business as it is valuable for the purposes of carrying on the commercial activity.
- The information is valuable because it is essential to the profitability of a continuing business operation due to the specific requirement of the camera set-up.
- The release of this information would destroy the commercial value of the unique equipment.

Having considered the various factors weighing for and against disclosure, I have determined that disclosure of this information would, on balance, be contrary to the public interest.

Determination 3

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

Doc No.	Description of document	No. of Pages
4	Email from HeliSurveys to LandscapeSA and PIRSA officers dated 26/10/2023 (8.13am) re PIRSA Flight Report for 26/10/2023	2

5	Email from HeliSurveys to LandscapeSA and PIRSA officers dated 26/10/2023 (7.46pm) re PIRSA Flight Report for 26/10/2023	2
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Access to the above documents is refused pursuant to Clause 7(1)(a) and Clause 7(1)(b) of Schedule 1 of the Freedom of Information Act.

The documents contain information which would disclose the trade secrets, and is of commercial value, to a business, Heli Surveys.

Pursuant to Section 27 of the Freedom of Information Act, consultation was undertaken with Heli Surveys and consent was not provided to release the documents pursuant to Clause 7(1)(a) and Clause 7(1)(b).

In addressing Clause 7(1)(a), the documents show the output from its proprietary animal logging mobile application and system. These have been developed by Heli Surveys to give the company a competitive advantage over other operators as a requirement in many tenders for this type of work requires logging and recording of animal dispatches.

Accordingly, the release of these documents would reveal the trade secrets of a company.

In addressing the public interest test for the Clause 7(1)(b) exemption, I have balanced the following factors:

- Meeting the objects of the Act favouring access to documents.
- Ensuring optimal use of public resources.
- High level of interest in the accountability of public office holders.
- The importance of transparency and openness and the interest that the public has in the decision-making processes of Government.
- High level of media and community interest in the matter.

Contrary to the public interest:

- Consultation was undertaken with Heli Surveys and consent was not provided to release the documents.
- Protecting the commercial interests of third parties.
- The recent age of the information was considered and the continuing relevance of the matters.
- The information has commercial value to the business as it is valuable for the purposes of carrying on the commercial activity.
- Disclosure of the documents would damage Heli Surveys' competitive ability when competing for work of a similar nature and is therefore of commercial value to the company.
- The release of this information would reveal the output from Heli Surveys' proprietary animal logging mobile application and system. These have been developed by the company to give it a competitive advantage over other

operators, as a requirement in many tenders for this type of work requires logging and recording of animal dispatches.

- The software and email output is the company's solution to the above requirement.
- The documents demonstrate the company's efficiency and number of hours flown on a day, which also allows other operators to calculate its rates and therefore puts it at a disadvantage when tendering for work against these operators.
- The release of this information would destroy the commercial value of application and system.

Having considered the various factors weighing for and against disclosure, I have determined that disclosure of these documents would, on balance, be contrary to the public interest.

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

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

Event Details

Event Type

Event Type:

☐ Incident ☐ Injury / Illness ☒ Hazard

Event Details

☐ Is this event restricted?

Tick this box if the record is of a sensitive nature or requiring limited access, for example bullying, harassment or cultural safety. This means that only your Agency WHS contact will be notified by email of this record. They will follow up with you accordingly.

Date of Event e.g. DDMMYYYY

25/03/2023

Time of Event e.g.
HH:MM (24hr)

7:10PM

Date Reported e.g. DDMMYYYY

28/03/2023

Time Reported e.g.
HH:MM (24hr)

8:23AM

Reported By:

Employee

Reported By Name:

Clauses 4(1)(a), 6(1)

Contact Number:

Clauses 4(1)(a), 6(1)

Email Address:

Clauses 4(1)(a), 6(1)

Reported To:

Brad Page

Entered By:

Clauses 4(1)(a), 6(1)

Date/Time Entered:

28/03/2023 08:23 AM

Event Location

Where did the Event Occur?

Alternate Workplace

Specific Location:

Clauses 4(1)(a), 6(1)

Address:

Clauses 4(1)(a), 6(1)

Suburb:

COLES

State:

SA

Postcode:

5272

Description of Event

Description of the Event:

PIRSA is undertaking feral deer control operations in the Limestone Coast region, on a project in collaboration with the Limestone Coast Landscape Board. As part of this operation, Thermal Assisted Aerial Culling (which involves a helicopter, aerial marksmen, and a thermal camera operated by a dedicated camera operator) is currently being undertaken across private and public lands, including the extensive plantation forestry in the Green Triangle. Several large plantation companies are participating in the operation, including ^{4(2)(a)(i)}. In order for aerial shooting to take place, landholder agreements must be in place and property ownership checked, before the helicopter can fly and aerial marksman can shoot target animals. Maps are confirmed with the landholders involved. Mapping was coordinated by collaborators at the Limestone Coast Landscape Board in conjunction with forestry managers and private landholders. Mapping was provided on behalf of the plantation forestry companies participating in the aerial shoot by ^{Clause 4(2)(a)(i)} from the ^{Clause 4(2)(a)(i)}. ^{Clause 4(2)(a)(i)}

^{Clause 4(2)(a)(i)}

The property had recently been sold to one ^{Clauses 4(1)(a), 6(1)}. On Monday morning, the PIRSA program manager received a phone call from the ^{Clauses 4(1)(a), 6(1)}. ^{Clauses 4(1)(a), 6(1)} was hunting deer on the property at the time. ^{Clauses 4(1)(a), 6(1)} apparently had permission from the landholder, ^{Clauses 4(1)(a), 6(1)}



Clauses 4(1)(a), 6(1), to shoot on the property, and allegedly was in the immediate area of the helicopter when feral deer were being shot by the aerial team. The following briefing on the events was compiled by Mike STEVENS of the Limestone Coast Landscape Board who is managing the investigation and has been added to by Clauses 4(1)(a), 6(1) the project manager. The attachments referenced are in the emails attached to this report. Shooter location Based on conversation with Clauses 4(1)(a), 6(1) his location was approximately Clauses 4(1)(a), 6(1) Clauses 4(1)(a), 6(1) . Based on the flight path the helicopter's closest point was 339m. The track log aligns with Clauses 4(1)(a), 6(1) timing of 1910hrs. The flight path aligns with the account of Clauses 4(1)(a), 6(1) that the chopper went towards the edge of the bush then circled back in and commenced shooting. Maps are provided in the attached emails. Number of deer shot in the area Within this immediate area, 3 deer were shot. Clauses 4(1)(a), 6(1) account of hearing approximately 80 gun shots would be correct based on the significant numbers of deer removed further east of Clauses 4(1)(a), 6(1) position. These large numbers of deer were shot 3.8km east of Clauses 4(1)(a), 6(1) position. Flight footage and crew recount of events. Flight footage is recorded both by a thermal camera and by a dashboard camera at the back of the helicopter. Footage has been reviewed by pilot Clauses 4(1)(a), 6(1) between 1900hrs and 1920hrs on Saturday 25 March. No people visible in the footage. GPS location of Clauses 4(1)(a), 6(1) position and the flight path. 3 other people were on board the aircraft at the time, all equipped with thermal optics for detecting deer in dense vegetation. Clauses 4(1)(a), 6(1) , all did not see anyone in the area during the shooting operation, until a white Ute appeared, and they moved away from the vehicle. The Ute followed them to several other locations. It is protocol to leave the area when people are present during an active aerial shooting operation and move several hundred meters away. The Ute kept following the helicopter while deer were being engaged, and the pilot noticed each time and kept moving away. No one on board saw anyone else other than who was with the white Ute. Clauses 4(2)(a)(i)

Clause 4(2)(a)(i)

Hazard Details

Hazard Category:

Plant and Equipment

Event Agency

Agency:

Department of Primary Industries and Regions SA

Level 1:

Biosecurity

Level 2:

NRM Biosecurity

Level 3:

NRM Biosecurity

Level 4:

NRM Biosecurity

Level 5:

NRM Biosecurity

Witnesses

Given Name(s)	Family Name	Phone Number	Person Type	
Clauses 4(1)(a), 6(1)	Clauses 4(1)(a), 6(1)	Clauses 4(1)(a), 6(1)	Non Employee	Remove
Clauses 4(1)(a), 6(1)	Clauses 4(1)(a), 6(1)	Clauses 4(1)(a), 6(1)	Non Employee	Remove
Clauses 4(1)(a), 6(1)	Clauses 4(1)(a), 6(1)	Clauses 4(1)(a), 6(1)	Non Employee	Remove
Clauses 4(1)(a), 6(1)	Clauses 4(1)(a), 6(1)	Clauses 4(1)(a), 6(1)	Non Employee	Remove

Immediate Action Taken

Details of Immediate Action Taken, treatment provided and who took the Action:

☐ No Action Taken

After the report was received, immediate cessation of all aerial shooting activities until all maps and properties could be confirmed. All footage has been reviewed

Clauses 4(1)(a), 6(1)

Action Taken By: *

Notifications

Supervisor *

Bradley PAGE

Reviewer *

Nathan RHODES

WHS Consultant *

Robert LYON

Health and Safety Representative:

Additional Notifications:

Lauren NICHOLAS

Additional Notifications:

Nicholas SECOMB

Risk Rating

What level of harm could eventuate?

3. Significant

How likely is this harm to eventuate?

2. Unlikely

Associated Documents and Photos

Drag documents and/or photos from your computer and drop them here to upload them.

File Name	Description
__IMPORTANT UPDATE_ aerial shooting complaints.msg	Briefing on the event from Limestone Coast Landscape Board manager of operations Mike Stevens
Re Deer cull.msg	Email from the complainant regarding the specific event
Event Status Update20230328T0931.pdf	
Event Status Update20230328T1121.pdf	
Event Status Update20230803T1029.pdf	
Event Status Update20230803T1043.pdf	
Event Status Update20230803T1050.pdf	

Investigation

Investigation Details

Investigation Status

Review Completed - Actions Assigned

Status Date/Time

03/08/2023 10:50:29

Date Investigation Commenced

11/04/2023

Investigation Due Date

11/04/2023

Investigators

Lead Investigator *

Bradley PAGE

WHS Consultant *

Robert LYON

Health and Safety Representative Consultation

Has the Health and Safety Representative been consulted?

Yes

Health and Safety Representative Name *

Saody LEE

Consultation Details

Has a Provisional Improvement Notice (PIN) been issued in relation to this event?

No

Has the matter been referred to an External Body for Investigation?

No

Action Taken

What action has been taken to make the area safe?

Grounded helicopter. Reviewed and tightened procedures. Met with impacted parties.

Event Questions

Explain how others in the area have been made aware of the Event

Meetings

Is this the first time the Event has been reported?

Yes

Mechanism of Event

What was the Mechanism of the Event?

N/A (If Incident Category entered relates to a Property Damage, Security Incident where no Injury was sustained)

Proposed Control Measures

Eliminate Risk

☐ Yes ☒ No

Substitute hazard with a safer alternative

☐ Yes ☒ No

Isolate the hazard from people

☒ Yes ☐ No

Reduce the risk through engineering controls

☐ Yes ☒ No

Reduce exposure to hazard through administrative controls

☒ Yes ☐ No

Provide personal protective equipment

☐ Yes ☒ No

No change proposed

☐ Yes ☒ No

Hazard Outcome

Has the hazard been controlled?

Yes

What temporary or permanent control measures have been implemented?

Improved approval process to access land for shooting

Describe what immediate action has been taken

Grounded helicopter. Reviewed and tightened procedures. Met with impacted parties. Improved approval process to access land for shooting

Does the hazard require re-assessment?

No

Residual Risk Assessment

		Consequence (Impact)				
		Insignificant	Minor	Significant	Major	Catastrophic
Likelihood	Almost Certain	Moderate	Moderate	High	Extreme	Extreme
	Likely	Moderate	Moderate	High	High	Extreme
	Possible	Low	Moderate	Moderate	High	High
	Unlikely	Very Low	Low	Moderate	Moderate	High
	Rare	Very Low	Very Low	Low	Moderate	Moderate

Consequence

3. Significant

Likelihood

2. Unlikely

Risk Rating

Moderate

Investigation Completion

Investigation Finding 1

Finding

Improvements made. Approved by SA Aerial Shooting Committee

Have steps been taken to prevent recurrence of the event?

Yes

Entered By

Bradley PAGE

Date Entered

3/08/2023

Corrective Action

Is a Corrective Action required?

No

Describe why no corrective action is required

Improvements made. Approved by SA Aerial Shooting Committee

Feedback to Reporter

Has feedback been provided to person reporting event?

Yes

Date Provided

3/04/2023

Investigation Completion

☒ Investigation Completed

Completed By

Bradley PAGE

Date Completed

3/08/2023

Associated Documents and Photos

Drag documents and/or photos from your computer and drop them here to upload them.

File Name	Description
Processes the Department of Primary Industries and Regions will undertake to confirm land ownership and to add a new property during an aerial cull - paper.docx	

Investigation Review

Investigation Review

Date Reviewed:

3/08/2023

Reviewed By:

Nathan RHODES

Investigation Review:

Endorsement / ready for WHS Consultant review

WHS Consultant Review

WHS Consultant Review

WHS Review Date:

3/08/2023

Have you reviewed the Risk Assessment?:

Yes

Mechanism of Event:

N/A (If Incident Category entered relates to a Property Damage, Security Incider

Has the correct Mechanism of Event been selected?:

Yes

Will the proposed corrective actions satisfactorily control the hazard?:

Yes

Is further investigation required?:

No

Completed By:

Robert LYON

Date Completed:

3/08/2023



Event Closure

Event Closure

Date Event Closed:

3/08/2023

Closed By:

Robert LYON

Closure Comments:

Reopened By:

Date Event Reopened:

File Notes

File Notes

Press the Add File Note button to add a new File Note to this Event

Date	Category - Subject	Description	Confidential
There are currently no File Notes			

Status and Notification History

Status History

Status	Status Date	Changed By
Initial Entry	28/03/2023 9:31:10 AM	Clauses 4(1)(a), 6(1)
Draft	28/03/2023 11:21:29 AM	Clauses 4(1)(a), 6(1)
Draft	3/08/2023 10:29:25 AM	Robert LYON
Event Reported	3/08/2023 10:43:31 AM	Bradley PAGE
Investigation Completed - Under Review	3/08/2023 10:50:27 AM	Nathan RHODES

Notification History

Clauses 4(1)(a), 6(1)
Clauses 4(1)(a), 6(1)
Clauses 4(1)(a), 6(1)
Clauses 4(1)(a), 6(1)

3/08/2023 10:43:33 AM	Event Investigation Completed	robert.lyon3@sa.gov.au	Gov SAfety Notification – Investigation Completed HAZ-2400001677
3/08/2023 10:50:28 AM	Investigation Review Completed	bradley.page@sa.gov.au	Gov SAfety Notification – Investigation Review Completed and Endorsed HAZ-2400001677
3/08/2023 10:50:29 AM	Investigation Review Completed	robert.lyon3@sa.gov.au	Gov SAfety Notification – Investigation Review Completed and Endorsed for WHS Consultant Review HAZ-2400001677