

DEER FARMING ACT AMENDMENT ACT

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Queensland



ANNO TRICESIMO OCTAVO

ELIZABETHAE SECUNDAE REGINAE

No. 21 of 1989

An Act to amend the Deer Farming Act 1985 in certain
particulars

[ASSENTED TO 17TH APRIL, 1989]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title and citation. (1) This Act may be cited as the *Deer Farming Act Amendment Act 1989*.

(2) In this Act the *Deer Farming Act 1985* is referred to as the Principal Act.

(3) The *Deer Farming Act 1985* as amended by this Act may be cited as the *Deer Farming Act 1985-1989*.

2. Amendment of s. 5. Interpretation. Section 5 of the Principal Act is amended by—

(a) inserting before the definition “books” the following definition:—

““approved form” means the form approved by the Minister;”;

(b) omitting the definition “feral area”;

(c) inserting after the definition “licence holder” the following definition:—

““licensed deer farm” means a place in respect of which there has been issued under section 20, and there is currently in force, a licence permitting the farming of deer;”;

(d) in the definition “prescribed species of deer” omitting the words “pursuant to section 8” and substituting the words “by or pursuant to section 8 and the deer progeny resulting from the interbreeding of deer of any of the prescribed species”.

3. Repeal of and new s. 7. Displaced farm deer definition. The Principal Act is amended by repealing section 7 and substituting the following section:—

“**7. Displaced farm deer definition.** In this Act unless the contrary intention appears, the term “displaced farm deer” means a farm deer—

(a) that is not at—

(i) a licensed deer farm;

(ii) an abattoir or slaughter-house licensed under the *Meat Industry Act 1965-1988*;

(iii) a veterinary premises as defined under the *Veterinary Surgeons Act 1936-1986*;

(iv) an agricultural show or exhibition approved by the Chief Inspector of Stock;

or

(v) a place that it is authorized to be at under a permit issued under section 18;

and

- (b) that is not travelling stock within the meaning of the *Stock Act 1915-1987* being travelled under the authority of a permit issued under section 21 of that Act.

The term “displaced” when used with respect to farm deer has a corresponding meaning.”.

4. Amendment of s. 8. Prescribed species of deer. Section 8 of the Principal Act is amended, in subsection (1), by inserting after the words “(*Cervus timorensis*)” the following words:—

“;

- (e) Sambar Deer (*Cervus unicolor*);
(f) Wapiti Deer (*Cervus canadensis*)”.

5. Amendment of s. 9. Appointment of officers and honorary inspectors. Section 9 of the Principal Act is amended, in subsection (2), by omitting the words “*Act 1922-1978*” and substituting the words “*Management and Employment Act 1988*”.

6. Repeal of s. 10. Feral areas. (1) The Principal Act is amended by repealing section 10.

(2) Feral areas constituted under section 10 of the Principal Act prior to its repeal by subsection (1) are hereby abolished.

7. Amendment of s. 13. Earmarking. Section 13 of the Principal Act is amended, in subsection (1), by—

(a) inserting after the words “prescribed species” the words “of deer”;

(b) inserting between paragraphs (a) and paragraph (b) the word “or”;

(c) omitting the expression “; or” where it occurs at the end of paragraph (b) and substituting the expression “.”;

(d) omitting paragraph (c).

8. Repeal of s. 14. Permit to earmark established herds. The Principal Act is amended by repealing section 14.

9. Amendment of s. 16. Displaced farm deer. Section 16 of the Principal Act is amended by—

(a) in subsection (4), adding at the end thereof the following words:—

“It shall not be competent to—

- (a) an honorary inspector to require the sale, destruction or other disposal of farm deer to ensure that it ceases to be displaced;
(b) an inspector to require the sale, destruction or other disposal of farm deer to ensure that it ceases to be

displaced except in accordance with the provisions of section 17.”.

(b) in subsection (7)—

(i) omitting paragraph (a);

(ii) relettering paragraphs (b), (c), (d) and (e) as (a), (b), (c) and (d) respectively.

10. Repeal of and new s. 18. The Principal Act is amended by repealing section 18 and substituting the following section:—

“**18. Displaced farm deer permit.** (1) An inspector may issue to a person a displaced farm deer permit authorizing farm deer to be outside a licensed deer farm.

(2) A person who seeks a permit from an inspector under this section shall supply such information as is prescribed, such further information as the inspector requires and shall pay the prescribed fee (if any).

(3) A displaced farm deer permit issued under this section—

(a) shall be in the approved form;

(b) shall be subject to such terms and conditions as are prescribed and such further terms and conditions as the inspector who issues it thinks fit and specifies therein;

(c) may be altered by an inspector from time to time by specifying therein the alterations;

(d) may be cancelled at any time by an inspector;

(e) may be a permit with respect to particular farm deer or farm deer generally;

(f) may be a permit with respect to a particular occasion or class of occasions.

(4) When an inspector cancels a permit issued under this section, it shall thereupon terminate.”.

11. Amendment of s. 19. Duties with respect to fencing. Section 19 of the Principal Act is amended by—

(a) omitting subsection (2) and substituting the following subsection:—

“(2) Without limiting the power to make regulations conferred by section 44, the regulations may—

(a) exempt a person from the maintenance of fencing in circumstances defined therein;

(b) provide that an exemption from the maintenance of fencing shall be subject to the approval of the Minister;

(c) empower the Minister to impose conditions upon the granting of an approval such as is referred to in paragraph (b) and provide for their enforcement;

(d) provide for the withdrawal of an exemption such as is referred to in paragraph (a), whether upon a breach

of a condition imposed with respect thereto or otherwise.”;

(b) in subsection (3), omitting the words “in subsections (1) and (2)” and substituting the words “in this section”;

(c) in subsection (5)—

(i) omitting the words “or subsection (2)” where they twice occur;

(ii) omitting the words “as the case may be”.

12. Repeal of and new s. 20. The Principal Act is amended by repealing section 20 and substituting the following section:—

“20. Deer farming licences. The Chief Inspector may issue a deer farming licence permitting the farming of deer at a place specified in the licence and may renew, transfer, amend or cancel a licence previously issued.

A licence issued before the commencement of the *Deer Farming Act Amendment Act 1989* and which continues in force thereafter shall be deemed to be issued free of any condition restricting the class of the prescribed species of deer that is permitted to be farmed thereafter under the licence.”.

13. Amendment of s. 21. Applications. Section 21 of the Principal Act is amended by—

(a) in subsection (2), omitting the words “by the prescribed fee (if any)” and substituting the words “by a prescribed document and the prescribed fee, if any such document or fee is prescribed”;

(b) in subsection (3), inserting after the words “grant it.” the following words:—

“For the purpose of considering an application the Chief Inspector may require the applicant to produce to him any further documentation or information that the Chief Inspector considers desirable.”.

14. Amendment of s. 23. Suspension or cancellation. Section 23 of the Principal Act is amended, in subsection (1), by omitting the words “(not exceeding the balance of the period for which it would otherwise be in force)”.

15. Amendment of s. 29. Facilities order. Section 29 of the Principal Act is amended, in subsection (1), by omitting the words “and safely inspected” and substituting the words “inspected by the inspector and ensure the safety of the inspector during the inspection”.

16. Amendment of s. 35. Interference with farm deer. Section 35 of the Principal Act is amended, in subsection (1), by omitting the word “interfers” and substituting the word “interferes”.

17. Amendment of s. 37. Return of licences etc. Section 37 of the Principal Act is amended by omitting the expression “\$10” and substituting the words “1 penalty unit”.

18. Amendment of s. 39. General offence provisions. Section 39 of the Principal Act is amended by—

(a) in subsection (3) omitting the expression “\$1 000” and substituting the words “40 penalty units”;

(b) adding at the end thereof the following words:—

“(4) The liability of a person to a penalty under this section for his failure to comply with a requirement made under this Act by an inspector or honorary inspector shall not be taken to be limited by the person’s liability under this Act to pay to the Crown the amount of any costs, charges or expenses reasonably incurred in connexion with steps taken by an inspector or honorary inspector to remedy the failure.”.

19. Amendment of s. 43. Evidentiary provisions. Section 43 of the Principal Act is amended by—

(a) omitting the expression “(1)” where it occurs before the words “In a proceeding for the purposes of this Act”;

(b) omitting paragraph (e) and substituting the following paragraph:—

“(e) a statement in a complaint of when it was that the commission of an offence against this Act came to the knowledge of the complainant shall be evidence and in the absence of evidence to the contrary, conclusive evidence, of that fact.”.

20. Amendment of First Schedule. Subject matter for regulations. The First Schedule is amended by—

(a) in clause 2—

(i) inserting after paragraph (g) the following paragraph:—

“(h) Prohibitions upon the issuing of licences permitting the farming of deer in areas or on land defined therein;”;

(ii) relettering the existing paragraph (h) as paragraph (i);

(iii) in paragraph (i) as relettered by subparagraph (ii) of this paragraph omitting the expression “.” where it occurs at the end thereof and substituting the expression “,”;

(iv) adding at the end of the clause the following words:—

“(j) Fees payable in connexion with the inspection of deer farms and proposed deer farms.”;

(b) in clause 10—

(i) omitting paragraph (a);

- (ii) omitting the expression “(b)”;
- (c) in clause 13, omitting the expression “\$1 000” and substituting the expression “40 penalty units”.