

Queensland



Subordinate Legislation 1992 No. 46

Deer Farming Act 1985

DEER FARMING REGULATION 1992

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Short title

1. This regulation may be cited as the *Deer Farming Regulation 1992*.

Forms

2.(1) For the purposes of the Act and this regulation, a prescribed form is a form approved by the chief inspector for the purposes specified in the form.

(2) In this regulation a reference to a form by number is a reference to the form that bears that number in Schedule 1.

Fees

3. The fees set out in Schedule 2 are the prescribed fees to be paid for the purposes set out in the Schedule.

Prescribed earmark

4. For the purposes of section 13 of the Act, an earmark must be made—

- (a) by a circular mark or cut not less than 8 millimetres nor more than 12 millimetres in diameter; and
- (b) wholly within—
 - (i) the left ear of a female deer; or
 - (ii) the right ear of a male deer.

Application for displaced farm deer permit

5. For the purposes of section 18(2) of the Act, the following information is the prescribed information to be supplied to an inspector by a person who applies for a displaced farm deer permit—

- (a) the applicant's name and address;
- (b) a description of the farm deer that are to be outside a licensed deer farm;
- (c) the licensed deer farm of origin;
- (d) the reason the permit is required;

- (e) the period for which the permit is required;
- (f) if the reason the permit is required is to allow farm deer to travel from one place to another—
 - (i) the destination of the farm deer;
 - (ii) the person in charge of the farm deer at the destination;
 - (iii) the manner of travel of the farm deer to the destination;
 - (iv) the name of the person in charge of the travel.

Conditions of displaced farm deer permit

6.(1) For the purposes of section 18(3)(b) of the Act, the following are the prescribed terms and conditions of a displaced farm deer permit—

- (a) the holder of the permit must confine the farm deer in an escape proof vehicle or enclosure during the currency of the permit;
- (b) the holder of the permit must ensure that the farm deer are identified to the satisfaction of the chief inspector;
- (c) the holder of the permit must secure the place in which the farm deer are kept by—
 - (i) erecting and maintaining the prescribed fencing; or
 - (ii) erecting and maintaining such other fencing or taking such security measures as are required by the chief inspector;
- (d) the holder of the permit must—
 - (i) castrate the male farm deer; or
 - (ii) de-bud, or remove the antlers of, the farm deer;in accordance with the chief inspector's directions.

(2) Subsection (1)(d) applies only if the chief inspector is of the opinion that it is necessary to ensure the safety of any person who may come in contact with the displaced farm deer.

Confinement of displaced farm deer

7. A person, into whose charge the holder of a displaced farm deer permit releases farm deer, must confine the farm deer in an escape proof vehicle or enclosure while the farm deer remain in the person's charge.

Maximum penalty—40 penalty units.

Prescribed fencing

8.(1) For the purposes of section 19(1) of the Act, the boundaries of a licensed deer farm must, subject to subsection (3), be enclosed to prevent the farm deer moving out of the licensed deer farm by fencing that is erected and maintained—

- (a) to a minimum height of 2.13 metres, unless the chief inspector is of the opinion that the jumping ability of the species of farm deer or the conditions of confinement on the licensed deer farm are such as to require part of the fencing to be of greater height, in which case the minimum height of that part of the fencing is to be 2.45 metres; and
- (b) using line posts—
 - (i) made of hardwood, pressure-treated pine, metal, or any other material approved by the chief inspector as being of adequate strength and durability; and
 - (ii) placed in the ground at a minimum depth of 760 millimetres; and
 - (iii) spaced apart at a maximum distance of 9 metres; and
- (c) using strainer posts—
 - (i) made of hardwood or pressure-treated pine having a minimum diameter of 200 millimetres, metal, or any other material approved by the chief inspector as being of adequate size, strength, and durability; and
 - (ii) placed in the ground at a minimum depth of 900 millimetres; and
- (d) using chain, welded mesh, wire, or any other material approved by the chief inspector as being of adequate strength and durability, that is fixed to the line posts and properly strained.

(2) Subject to subsection (3), the fencing must incorporate gates, sufficient for the efficient operation of the licensed deer farm, that are maintained—

- (a) to the same height and of the same material (or material similar in size, strength, and durability) as mentioned in subsection (1); and
- (b) in the case of gates used for the ingress or egress of deer—not less than 2.45 metres wide.

(3) Fencing erected before 18 April 1989 must be maintained to the height and in the manner approved by the chief inspector, at the time of the issue of the deer farming licence, as being adequate to prevent the farm deer moving out of the licensed deer farm.

Maximum penalty—40 penalty units.

(4) The owner of a licensed deer farm must keep fencing clear of trees, to prevent damage to the fencing by falling trees or branches.

Maximum penalty—40 penalty units.

(5) In this section “**licensed deer farm**” includes that part of a licensed deer farm on which farm deer are farmed.

Prescribed fencing exemption

9.(1) On the application of an owner of a licensed deer farm, the chief inspector may exempt the owner from compliance with section 8 if the chief inspector considers that adequate security exists to prevent the farm deer moving out of the deer farm.

(2) The exemption may be granted subject to such reasonable conditions as the chief inspector determines.

(3) The chief inspector may revoke the exemption if—

- (a) the owner contravenes a condition; or
- (b) the chief inspector considers that adequate security no longer exists on the licensed deer farm to prevent the farm deer moving out of the deer farm.

Warrant

10. For the purposes of section 28 of the Act—

- (a) a complaint to ground the issue of a warrant must be in Form 1; and
- (b) a warrant must be in Form 2.

Repeal

11. The *Deer Farming Regulation 1985* is repealed.

SCHEDULE 1

FORMS

Form 1

Deer Farming Act 1985 (s. 28(2))

Deer Farming Regulation 1992 (s.10)

Complaint to ground issue of warrant

I, 1..... of 2....., Queensland, an
*inspector/*honorary inspector appointed or holding office under the *Deer
Farming Act 1985*, being duly sworn make oath and say as follows—

1. I have reasonable cause to suspect that at the dwelling house situated at
3....., and occupied by
4.....—

*(a) an offence against the Act *has been/*is being/*is likely to be
committed, namely 5.....;

*(b) there is a thing, namely 6....., in relation
to which an offence against the Act *has been/ *is being/*is likely to
be committed;

*(c) there is a thing, namely 6....., in relation
to which I have a power of seizure.

2. The following facts are submitted as grounds on which this complaint
is based 7—

.....
.....
.....
.....
.....
.....
.....

.....

3. I request that a warrant be issued authorising me and other persons acting in aid of me to enter the dwelling house for the purpose of exercising the powers conferred by the Act.

Sworn before me at, the day of 199 ...

Complainant

Justice of the Peace

¹ Insert full name of complainant.

² Insert complainant's address.

³ Insert address of dwelling house.

⁴ Insert name of occupier, if known, but if not known insert "unknown".

⁵ Insert full description and particulars of offence.

⁶ Insert full description of thing.

⁷ Insert facts on which complaint is based.

* Cross out whichever does not apply

Warrant

[illegible]

Given under my hand at, this day of 199 ...

Justice of the Peace

¹ Insert full name of inspector/honorary inspector.

² Insert address of inspector/honorary inspector.

³ Insert full name of Justice of the Peace.

⁴ Insert address of dwelling house.

⁵ Insert name of occupier, if known, but if not known insert “unknown”.

⁶ Insert full description and particulars of offence.

⁷ Insert full description of thing.

⁸ Insert details of power’s conferred by the Act that are authorised to be exercised.

* Cross out whichever does not apply

SCHEDULE 2**FEES**

1	Application for issue of a displaced farm deer permit . . .	\$21.00
2	Application for a deer farming licence or renewal of a deer farm licence	\$21.00

ENDNOTES

1. Made by the Governor in Council on 12 March 1992.
2. Published in the Gazette on 13 March 1992.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Primary Industries.