

TASMANIA

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**NATURE CONSERVATION (DEER FARMING)  
REGULATIONS 2022**

**STATUTORY RULES 2022, No. 37**

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**SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES**

## **NATURE CONSERVATION (DEER FARMING) REGULATIONS 2022**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Nature Conservation Act 2002*.

Dated 20 June 2022.

B. BAKER  
Governor

By Her Excellency's Command,

JO PALMER  
Minister for Primary Industries and Water

### **PART 1 – PRELIMINARY**

#### **1. Short title**

These regulations may be cited as the *Nature Conservation (Deer Farming) Regulations 2022*.

#### **2. Commencement**

These regulations take effect on 1 July 2022.

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**3. Interpretation**

In these regulations –

***Act*** means the *Nature Conservation Act 2002*;

***approved deer farm fence*** means a fence that is approved under regulation 10(1);

***deer farm*** means an area of land where deer are kept for any purpose including, but not limited to, for farming, as a hobby, and as pets;

***deer farm licence*** means a licence granted, and in force, under regulation 5(4) in respect of a deer farm;

***deer farm operator*** means a person who owns, operates, manages or is in day-to-day control of a deer farm;

***deer handling facilities*** means facilities that –

- (a) enable live farm deer to be separated from other live farm deer; and
- (b) allow live farm deer to be restrained in a humane and safe manner; and
- (c) facilitate loading of live farm deer onto or off a vehicle for transport;

***farm deer*** means an animal, of the species European Fallow Deer (*Dama dama*),

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that is, or has been, held in captivity on a deer farm;

***licence holder***, in relation to a deer farm, means the person who holds the deer farm licence in force in respect of the deer farm;

***Secretary*** means Secretary of the Department;

***wildlife officer*** means –

- (a) the Secretary; and
- (b) an inspector as defined in the *Animal Health Act 1995*; and
- (c) an authorised officer as defined in the *Nature Conservation Act 2002*; and
- (d) a person employed in the Department who is appointed by the Secretary to be a wildlife officer.

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**PART 2 – DEER FARM LICENCES**

**4. Requirement to operate deer farm**

A person must not operate a deer farm unless the person –

- (a) holds a deer farm licence to operate the deer farm; or
- (b) is acting in accordance with a deer farm licence in respect of the deer farm.

Penalty: Fine not exceeding 100 penalty units.

**5. Person may apply for licence to operate deer farm**

- (1) A person may apply to the Secretary for a licence to operate a deer farm.
- (2) An application under subregulation (1) –
  - (a) is to be made in writing to the Secretary; and
  - (b) must include the following information in respect of the deer farm or proposed deer farm:
    - (i) the location, or proposed location, of the farm;
    - (ii) full details of the fence used, or to be used, for the purpose of fully enclosing farm deer at the farm;

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- (iii) full details of any deer handling facilities at, or to be constructed at, the farm;
  - (iv) the maximum number of deer, and the sex of the deer, proposed to be kept at the farm;
  - (v) each means of permanent individual animal identification to be used in respect of the deer to be kept at the farm;
  - (vi) the contact details of the applicant;
  - (vii) the identification and contact details of the deer farm operator for the farm if the operator is to be a person other than the applicant;
  - (viii) any other information about the farm that the Secretary may require.
- (3) The Secretary may only grant a licence to operate a deer farm under this regulation if the Secretary is satisfied that –
- (a) the location and operation of the farm or proposed farm, to be operated under the licence, is unlikely to cause a threat to the environment, the community or the property of another person; and

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- (b) the applicant and each proposed deer farm operator in respect of the farm is a fit and proper person; and
  - (c) the fence used, or to be used, at the farm has been approved under regulation 10(1).
- (4) If the Secretary is satisfied of the matters in subregulation (3) in relation to an application under subregulation (1), the Secretary –
  - (a) may grant the applicant a licence to operate a deer farm; and
  - (b) in accordance with regulation 6, may impose conditions on the licence so granted; and
  - (c) is to issue the applicant with the licence in a form determined by the Secretary.
- (5) If the Secretary is not satisfied of the matters in subregulation (3) in relation to an application under subregulation (1), the Secretary is to notify the applicant in writing –
  - (a) that the application has been refused; and
  - (b) of the reasons why the application has been refused; and
  - (c) that the applicant has a right, in accordance with subregulation (6), to have the refusal of the application reviewed.



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- (6) A person who has received a notice under subregulation (5) in respect of an application may apply, to the Magistrates Court (Administrative Appeals Division) under the *Magistrates Court (Administrative Appeals Division) Act 2001*, for a review of the decision to refuse the application.

**6. Licence to operate deer farm may be subject to conditions**

- (1) The Secretary may, at any time the Secretary considers appropriate, impose one or more conditions on a deer farm licence.
- (2) If the Secretary imposes a condition on a deer farm licence under subregulation (1), the Secretary must notify, in writing, the holder of the licence of the condition imposed on the licence.
- (3) Conditions that may be imposed on a deer farm licence under subregulation (1) may include, but are not limited to, one or more of the following:
- (a) a limit on the total number of deer to be kept at the deer farm operated under the licence;
  - (b) a limit on the number of deer of a specified sex to be kept at the deer farm operated under the licence;
  - (c) a requirement for specific deer handling facilities at the deer farm operated under the licence;

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(d) a requirement for all deer, or a specified number or specified sex of deer, that are to be kept at the deer farm to be desexed.

(4) A licence holder, and a deer farm operator, in respect of a deer farm must ensure that each condition imposed on the licence, in respect of the deer farm, is complied with.

Penalty: Fine not exceeding 100 penalty units.

**7. Expiry and renewal of deer farm licence**

(1) A deer farm licence has effect for a period of 5 years unless it is sooner cancelled, revoked or surrendered in accordance with these regulations.

(2) The holder of a deer farm licence may, within the period of one month before the expiry of the licence, apply to the Secretary for a renewal of the licence.

(3) An application under subregulation (2) for the renewal of a deer farm licence –

(a) is to be in writing; and

(b) is to contain the following information in respect of the deer farm operated under the deer farm licence:

(i) the location of the farm;

(ii) the identification and contact details of the deer farm operator for the farm, if the operator is to

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- be a person other than the applicant;
- (iii) the details of any changes made to deer stock, fencing or management of the farm in the time since the licence to be renewed was issued;
  - (iv) such other information that the Secretary requires.
- (4) As soon as practicable after receiving an application under subregulation (2), the Secretary may –
- (a) renew the deer farm licence subject to any conditions, imposed on the licence immediately before its renewal, or imposed, in accordance with regulation 6, on renewal; or
  - (b) refuse to renew the deer farm licence.
- (5) If a person has applied for a renewal of a deer farm licence under subregulation (2) and the application has not been determined before the deer farm licence expires, the licence is taken to continue in force until –
- (a) the application is determined under this regulation; or
  - (b) the application is withdrawn.

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**8. Cancellation or surrender of deer farm licence**

- (1) The Secretary may cancel a deer farm licence by notice in writing to the licence holder.
- (2) The Secretary may cancel a licence under subregulation (1) if –
  - (a) the licence holder has ceased to operate the deer farm under the licence; or
  - (b) the licence holder has, in accordance with regulation 15, abandoned the deer farm in operation under the licence; or
  - (c) the licence holder has failed to comply with a notice given to the holder under regulation 10(3); or
  - (d) the licence holder has been convicted of an offence against the *Animal Welfare Act 1993* and, as a penalty imposed in respect of the conviction, is prohibited from keeping domestic livestock.
- (3) If the licence holder in relation to a deer farm intends to cease to operate the deer farm, the person must inform the Secretary, in writing, of that intention at least 28 days before ceasing to operate the deer farm.

Penalty: Fine not exceeding 100 penalty units.

- (4) A licence that is cancelled or surrendered under this regulation is of no value.
- (5) If a licence is cancelled or surrendered under this regulation, the Secretary may give the holder of

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the licence, or the relevant deer farm operator,  
directions relating to –

- (a) the farm deer kept under the licence,  
including, but not limited to, the  
rehoming or disposal of the deer; or
  - (b) any other matter that the Secretary  
considers appropriate.
- (6) A person to whom a direction is given under  
subregulation (5) must comply with the  
direction.

Penalty: Fine not exceeding 100 penalty units.

- (7) The holder of a licence that has been cancelled  
under subregulation (1) may apply to the  
Magistrates Court (Administrative Appeals  
Division) under the *Magistrates Court*  
*(Administrative Appeals Division) Act 2001* for a  
review of the decision.

**9. Suspension of deer farm licence**

- (1) The Secretary may suspend a deer farm licence,  
by written notice to the licence holder, if the  
Secretary is satisfied that –
- (a) there are grounds for cancelling the  
licence; and
  - (b) in the circumstances, it is more  
appropriate for the licence to be  
suspended.

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- (2) A notice under subregulation (1) in relation to a deer farm licence is to specify –
- (a) that the licence has been suspended; and
  - (b) the grounds for the suspension of the licence; and
  - (c) the date or time at which the suspension takes effect or, if subregulation (4) applies, that the suspension takes effect immediately; and
  - (d) the period of the suspension; and
  - (e) the actions required to be taken, or the conditions or directions that must be complied with, if any, by the licence holder for the suspension to be lifted; and
  - (f) the right of the licence holder to apply for a review of the decision.
- (3) A licence holder who is given a notice under subregulation (1) must comply with the notice.
- Penalty: Fine not exceeding 100 penalty units.
- (4) The suspension of a deer farm licence under this regulation is to take effect immediately, if the Secretary is satisfied that –
- (a) there is a risk to public health or public safety if the licence is not immediately suspended; or

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- (b) there is a risk to farm deer kept under the licence, or to other animals, if the licence is not immediately suspended.
  - (5) A licence that is suspended under this regulation is of no effect for the duration of the suspension.
  - (6) The holder of a licence that has been suspended under subregulation (1) may apply, to the Magistrates Court (Administrative Appeals Division) under the *Magistrates Court (Administrative Appeals Division) Act 2001*, for a review of the decision.

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**PART 3 – OPERATION OF DEER FARMS**

**10. Approval of, and inspection of, deer farm fences**

- (1) The Secretary may approve a fence to be used for the purpose of fully enclosing farm deer on a deer farm.
- (2) A wildlife officer may, at any time, inspect a deer farm to ensure that it is fully enclosed by an approved deer farm fence.
- (3) After inspecting a deer farm under subregulation (2), a wildlife officer may require, by notice in writing, a licence holder in relation to the deer farm to carry out the repairs, modifications or additions specified in the notice, within a period specified in the notice, so that the farm deer will be fully enclosed by an approved deer farm fence, if –
  - (a) the deer farm is not fully enclosed by an approved deer farm fence; or
  - (b) the fence enclosing the deer farm is in such condition that it can no longer be effective for the purpose of fully enclosing farm deer.
- (4) A person must comply with a written notice given to the person under subregulation (3).

Penalty: Fine not exceeding 100 penalty units.

- (5) A person must not interfere with an approved deer farm fence so as to cause, or to be likely to cause, a farm deer to escape.



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Penalty: Fine not exceeding 100 penalty units.

**11. Deer farm operator to keep records and give receipts**

- (1) The licence holder and deer farm operator in relation to a deer farm must ensure that –
- (a) all records, or copies of records, necessary to establish ownership of each farm deer on the deer farm, are kept; and
  - (b) each farm deer on the deer farm is marked or tagged, in a manner approved by the Secretary, to establish ownership of the farm deer.

Penalty: Fine not exceeding 100 penalty units.

- (2) The Secretary may, by notice in writing, exempt a deer farm operator from a requirement under subregulation (1)(b).
- (3) The licence holder and deer farm operator in relation to a deer farm must not dispose of a live farm deer from the deer farm to another person unless the other person is –
- (a) a deer farm operator, or licence holder, in relation to a farm to which a licence under these regulations has been granted and is in force; or
  - (b) the operator of a facility that is authorised under the provisions of the *Primary Produce Safety Act 2011* to process deer.

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Penalty: Fine not exceeding 100 penalty units.

- (4) Before a deer farm operator, or licence holder, disposes of any farm deer or product of farm deer to another person, the deer farm operator, or licence holder, must give the other person a receipt describing –
- (a) the date of disposal; and
  - (b) the farm deer or product of farm deer being disposed of; and
  - (c) the deer farm from which it is being disposed of.

Penalty: Fine not exceeding 100 penalty units.

- (5) Subregulation (4) does not apply to a product of farm deer that is packaged for sale or export.
- (6) A person, other than a deer farm operator or licence holder, must not possess a farm deer, or product of farm deer, unless the person is in possession of a receipt in accordance with subregulation (4) in respect of the farm deer or product of farm deer.

Penalty: Fine not exceeding 100 penalty units.

- (7) A wildlife officer may seize and retain a farm deer, or product of farm deer, in respect of which ownership cannot be established in accordance with this regulation.

**12. Hunting at deer farms**

- (1) A person may only hunt, with the intention of killing, farm deer at a deer farm if –
- (a) the person has the permission, of the licence holder in respect of the deer farm, to hunt farm deer at the farm; and
  - (b) the weapon used to hunt the deer is a rifle –
    - (i) that has a calibre of not less than 6 millimetres; and
    - (ii) that is capable of propelling a projectile with kinetic energy of at least 1350 joules when measured at a distance of 100 metres from the weapon; and
  - (c) the person is lawfully entitled to have possession of, and to fire, the weapon at the time the person is hunting the farm deer; and
  - (d) no dogs are used to assist the person while hunting the farm deer.

Penalty: Fine not exceeding 100 penalty units.

- (2) The Secretary may, by notice in writing to a person, exempt the person from a requirement under subregulation (1)(b).
- (3) For the avoidance of doubt, regulation 11 applies in respect of farm deer hunted, or products of

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farm deer taken from farm deer hunted, under this regulation.

**13. Escape or release of farm deer from deer farm**

- (1) A person must not cause or permit, or do an act or thing which is likely to cause or permit –
- (a) a farm deer to escape from a deer farm; or
  - (b) a farm deer to be released from a deer farm.

Penalty: Fine not exceeding 100 penalty units.

- (2) As soon as practicable after becoming aware that a farm deer has escaped, or been released, from a deer farm, the licence holder and deer farm operator in respect of the farm must ensure that –
- (a) the Secretary is notified of the escape or release; and
  - (b) all reasonable steps are taken to –
    - (i) recover the escaped or released farm deer; or
    - (ii) if the deer is unable to be recovered, destroy the escaped or released farm deer.

Penalty: Fine not exceeding 100 penalty units.

- (3) A farm deer is forfeited to the Crown if the farm deer –

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- (a) has escaped or been released from a deer farm; and
    - (b) is not recovered within the 48-hour period after the Secretary is first notified under subregulation (2)(a) of the escape or release of the farm deer.
  - (4) A deer farm operator, or licence holder, in respect of a deer farm may apply in writing to the Secretary for an extension of the period specified in subregulation (3)(b) in respect of a farm deer that has escaped, or been released, from the farm.
  - (5) On receiving an application under subregulation (4) in respect of a farm deer that has escaped, or been released, from a deer farm, the Secretary may –
    - (a) extend the period specified in subregulation (3)(b) in relation to the farm deer for the period that the Secretary considers appropriate in the circumstances; or
    - (b) refuse to grant the extension.
  - (6) Subregulations (4) and (5) do not apply in relation to a farm deer, that has escaped or been released from a deer farm, in respect of which ownership cannot be established in accordance with regulation 11(1).

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**14. Recovery or destruction of escaped or released farm deer**

- (1) As soon as a wildlife officer is aware that a farm deer has escaped or been released from a deer farm, the wildlife officer is to –
  - (a) take the steps that the wildlife officer considers necessary to facilitate the recovery of the escaped or released farm deer; or
  - (b) destroy the escaped or released farm deer, if –
    - (i) the wildlife officer is of the opinion that the deer poses a threat to the environment, the community or the property of another person; or
    - (ii) the owner of the escaped or released farm deer consents to its destruction.
- (2) A wildlife officer may give a written notice to a licence holder, or a deer farm operator, in respect of a deer farm, specifying actions that must be taken to facilitate one or more of the following:
  - (a) the recovery of a farm deer that has escaped, or been released, from the deer farm;
  - (b) the destruction of a farm deer that has escaped, or been released, from the deer farm;

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(c) the prevention of a further escape or release of farm deer from the deer farm.

- (3) A person who is given a written notice under subregulation (2) must comply with the written notice.

Penalty: Fine not exceeding 100 penalty units.

- (4) A licence holder is liable to pay to the Crown the costs, charges and expenses reasonably incurred by a wildlife officer in the recovery or destruction of, or an attempt to recover or destroy, farm deer that have escaped, or been released, from the deer farm operated under the licence.
- (5) The Crown is not liable to pay compensation in respect of an escaped, or released, farm deer that has been destroyed under this regulation.

**15. Abandonment of deer farm or former deer farm**

- (1) A licence holder must not, while farm deer remain at the deer farm operated under the licence, abandon the deer farm.

Penalty: Fine not exceeding 100 penalty units.

- (2) For the purposes of subregulation (1), a licence holder is taken to have abandoned a deer farm operated under the licence if –
- (a) the holder transfers the title of the property, on which the deer farm is located, without giving the Secretary at least 28 days' notice of the transfer; or

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- (b) the holder –
    - (i) is leasing the property on which the deer farm is located; and
    - (ii) transfers his or her lease of that property without giving the Secretary at least 28 days' notice of the transfer; or
  - (c) the holder leases the property, on which the deer farm is located, to another person without giving the Secretary at least 28 days' notice of the lease; or
  - (d) the Secretary is satisfied that the holder is no longer ensuring that the day-to-day needs, and operations, of the deer farm are occurring.
- (3) If the person who held the deer farm licence in respect of a deer farm ceases to hold that licence, the person must not, while farm deer remain at the deer farm operated under that licence, abandon the deer farm.
- Penalty: Fine not exceeding 100 penalty units.
- (4) For the purposes of subregulation (3), a person is taken to have abandoned the deer farm operated under the licence if –
- (a) the person does not renew his or her deer farm licence while farm deer remain at the deer farm; or



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- (b) the deer farm licence held by the person is cancelled under these regulations and the person does not comply with any requirements of the Secretary in respect of the farm deer at the deer farm operated under the cancelled licence.

**PART 4 – MISCELLANEOUS**

**16. Infringement notice offences**

For the purposes of section 62 of the Act –

- (a) an offence against a regulation specified in Schedule 1 is a prescribed offence in respect of which an infringement notice may be issued; and
- (b) the penalty specified in that Schedule opposite the offence is the applicable penalty for the prescribed offence.

**17. Multiple offenders in respect of offences**

- (1) This regulation applies if a provision of these regulations provides (expressly or impliedly) that 2 or more persons are liable for an offence.
- (2) Proceedings for an offence may be taken against all or any of the persons liable for the offence.
- (3) Proceedings for an offence may be taken against any of the persons liable for the offence –
  - (a) regardless of whether or not proceedings have been commenced against any of the other persons liable for the offence; and
  - (b) if proceedings have been commenced against any of the other persons liable for the offence, regardless of whether or not the proceedings have been concluded; and

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- (c) if proceedings have been concluded against any of the other persons liable for the offence, regardless of the outcome of the proceedings.
- (4) If 2 or more persons are liable for an offence in respect of an obligation to take an action, it is a defence in respect of proceedings for that offence if a defendant proves, on reasonable grounds, that he or she had reason to believe that another person had taken that action.

**18. Savings and transitional provisions**

- (1) In this regulation –

***commencement day*** means the day on which these regulations take effect;

***deer farmer*** has the same meaning as in the superseded regulations;

***former approval***, in relation to a deer farm, means a written notice, given under regulation 4(3) of the superseded regulations, in respect of the deer farm;

***superseded regulations*** means the *Wildlife (Deer Farming) Regulations 2010* or the *Wildlife (Deer Farming) Regulations 2021*.

- (2) A former approval in relation to a deer farm that was, immediately before the commencement day, in force under the superseded regulations is taken to be a deer farm licence issued under

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these regulations, on the same terms and conditions, in respect of the deer farm until the first of the following occurs:

- (a) a deer farm licence is issued under these regulations in respect of the deer farm;
  - (b) the deer farm licence taken to be in force by virtue of this regulation expires, or is cancelled or surrendered, under these regulations;
  - (c) the period of 12 months after the commencement day expires.
- (3) The following applies, on and after the commencement day, in respect of a deer farm licence that is taken to be in force in respect of a deer farm by virtue of subregulation (2):
  - (a) the deer farmer for the deer farm, immediately before the commencement day, is taken to be the licence holder in respect of the deer farm while the licence is so in force;
  - (b) a fence on the deer farm that, immediately before the commencement day, was an approved deer farm fence is taken to be an approved deer farm fence under these regulations.
- (4) A record made, or receipt issued, under the superseded regulations is taken, on and after the commencement day, to be a record made, or receipt issued, under these regulations.

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| <b>SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES</b> |                  |                      |
|--------------------------------------------------|------------------|----------------------|
|                                                  |                  | <b>Regulation 16</b> |
|                                                  |                  | <b>Penalty units</b> |
| 1.                                               | Regulation 4     | 4                    |
| 2.                                               | Regulation 6(4)  | 4                    |
| 3.                                               | Regulation 8(3)  | 4                    |
| 4.                                               | Regulation 8(6)  | 4                    |
| 5.                                               | Regulation 9(3)  | 4                    |
| 6.                                               | Regulation 10(4) | 4                    |
| 7.                                               | Regulation 10(5) | 4                    |
| 8.                                               | Regulation 11(1) | 4                    |
| 9.                                               | Regulation 11(3) | 4                    |
| 10.                                              | Regulation 11(4) | 4                    |
| 11.                                              | Regulation 11(6) | 4                    |
| 12.                                              | Regulation 12(1) | 4                    |
| 13.                                              | Regulation 13(1) | 4                    |
| 14.                                              | Regulation 13(2) | 4                    |
| 15.                                              | Regulation 14(3) | 4                    |
| 16.                                              | Regulation 15(1) | 4                    |
| 17.                                              | Regulation 15(3) | 4                    |

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Notified in the *Gazette* on 29 June 2022.

These regulations are administered in the Department of Natural Resources and Environment Tasmania.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations prescribe, for the purposes of the *Nature Conservation Act 2002* –

- (a) the process of obtaining and renewing a deer farm licence; and
- (b) the requirements in respect of the operation of a deer farm under that Act; and
- (c) other matters relating to deer farms and farm deer.