

SOUTH AUSTRALIA

**DEER KEEPERS ACT, 1987**

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## **DEER KEEPERS ACT, 1987**

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Deer Keepers Act, 1987, No. 52 of 1987  
[Assented to 30 April 1987]<sup>1</sup>

<sup>1</sup> Came into operation 1 September 1987: *Gaz.* 20 August 1987, p. 516.

**An Act to establish a compensation fund and to provide for the payment of compensation from the fund for the destruction of diseased deer; and for other purposes.**

The Parliament of South Australia enacts as follows:

**Short title**

1. This Act may be cited as the *Deer Keepers Act, 1987*.

**Commencement**

2. This Act will come into operation on a day to be fixed by proclamation.

**Interpretation**

3. In this Act—

"the Chief Inspector" means the Chief Inspector under the *Stock Diseases Act, 1934*:

"the Committee" means the Deer Compensation Fund Advisory Committee:

"deer" means an animal of the family *Cervidae*:

"deer farm" means any place (not being an abattoir or saleyard) in which deer are kept:

"inspector" means an inspector under the *Stock Diseases Act, 1934*.

**Registration**

4. (1) All deer farms must be registered.

(2) An application for registration of a deer farm—

(a) must be made in writing to the Chief Inspector;

(b) must accurately describe the location of the farm in respect of which registration is sought;

(c) must contain any other information required by the regulations;

and

(d) must be accompanied by the appropriate registration fee fixed by, or calculated in accordance with, the regulations.

(3) On receipt of due application for registration of a deer farm, the Chief Inspector must register the farm.

(4) Registration may be granted on conditions, and those conditions varied or revoked, in accordance with the regulations.

(5) Registration will be granted for a term of 12 months but in the case of an initial application registration may be granted for a lesser period (to be stated in the certificate of registration) determined by the Chief Inspector.

3.

(6) On registering a deer farm, the Chief Inspector will issue a certificate of registration.

(7) A person who pays a registration fee and who is not the owner of the deer kept on the farm in respect of which the fee is paid may recover the fee from the owner as a debt.

#### **Offences**

**5.** (1) A person shall not keep deer except at a deer farm registered under this Act.

Penalty: \$2 000.

(2) A person shall not keep deer at a deer farm in contravention of a condition of registration of the farm.

Penalty: \$1 000.

(3) A person shall not take deer from a registered deer farm unless the deer have been tagged or marked in a manner approved by the Chief Inspector.

Penalty: \$500.

#### **The compensation fund**

**6.** (1) The registration fees paid under this Act will be paid into a compensation fund established for the purposes of this Act.

(2) Costs certified by the Treasurer as having been incurred in the administration of this Act will be met from the fund.

(3) The Minister may, with the Treasurer's approval, borrow money for the purposes of the fund and, in that event, liabilities incurred in respect of the borrowing will be met from the fund.

(4) The Minister may invest money that is not immediately required for the purposes of this Act in a manner approved by the Treasurer and any interest or accretions arising from the investment will be paid into the fund.

#### **Entitlement to compensation**

**7.** (1) The owner of any deer destroyed under the *Stock Diseases Act, 1934*, as a result of or in connection with a prescribed disease is entitled to compensation from the fund in accordance with the regulations.

(2) The right to compensation conferred by subsection (1) extends to deer destroyed before the commencement of this Act but after the 1st day of August, 1986.

#### **Allocation from the fund for the general benefit of the deer industry**

**8.** Where, in the opinion of the Minister, the amount standing to the credit of the fund on 30 June in any year exceeds the prospective liabilities of the fund for the following 12 months, the Minister may direct that the excess be allocated to such programmes for the benefit of the deer industry in the State as the Minister thinks fit.

#### **Deer Compensation Fund Advisory Committee**

**9.** (1) There will be a committee entitled the "Deer Compensation Fund Advisory Committee".

4.

(2) The Committee will consist of five members appointed by the Minister, of whom—

(a) one (the Chairman) will be the Chief Inspector;

(b) three will be persons who, in the opinion of the Minister, are suitable persons to represent the interests of those engaged in the deer industry in this State;

and

(c) one (the secretary) will be a person holding a position in the Department of Agriculture.

(3) A member of the Committee will hold office on such terms and conditions as may be specified in the instrument of appointment.

(4) A member of the Committee is entitled to receive such allowances and expenses as the Minister may determine.

(5) Subject to the regulations, the Committee will determine its own procedure.

#### **Functions of the Committee**

**10.** The functions of the Committee are—

(a) to advise the Minister in relation to the management of the fund;

(b) to make recommendations to the Minister in relation to the allocation of any surplus;

and

(c) to investigate and report to the Minister on any matter referred by the Minister to the Committee for advice.

#### **Inspector's powers**

**11.** (1) For any purpose related to the administration or enforcement of this Act, an inspector may—

(a) at any reasonable time enter and inspect any land, premises, vehicle or place;

(b) seize and retain anything that affords evidence of an offence against this Act;

(c) require a person to answer questions put by the inspector;

(d) require a person who keeps deer to produce the certificate of registration for the deer farm at which the deer are kept.

(2) In the exercise of powers under this Act an inspector may be assisted by such persons as may be necessary or desirable in the circumstances.

(3) A person is not obligated to answer a question put by an inspector if the answer would tend to incriminate him or her of an offence.

5.

(4) A person shall not, without reasonable excuse—

- (a) hinder or obstruct an inspector, or any person assisting an inspector, in the exercise of a power conferred by this Act;
- (b) refuse or fail to comply with a requirement of an inspector under this Act.

Penalty: \$1 000.

**Summary offences**

12. The offences constituted by this Act are summary offences.

**Regulations**

13. (1) The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.

(2) In particular, the regulations may exempt (either absolutely or subject to conditions or limitations) a specified deer farm or class of deer farms or a specified person or class of persons from compliance with this Act or any specified provision of this Act.