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**ANIMAL FARMING (REGISTRATION) ACT 1994**

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**No. 11 of 1994**

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SCHEDULE 1

AMENDMENTS OF WILDLIFE REGULATIONS 1971

**ANIMAL FARMING (REGISTRATION) ACT 1994**

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**No. 11 of 1994**

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**AN ACT to regulate the farming of prescribed wildlife and other prescribed animals and for related purposes**

**[Royal Assent 17 March 1994]**

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**PART 1****PRELIMINARY****Short title**

**1**—This Act may be cited as the *Animal Farming (Registration) Act 1994*.

**Commencement**

2—The provisions of this Act commence on a day or days to be proclaimed.

**Interpretation**

3—In this Act, unless the contrary intention appears—

“**animal**” means—

(a) any non-human mammal or any bird, amphibian, fish, reptile, arthropod, mollusc or other member of the animal kingdom; and

(b) any egg of an animal referred to in paragraph (a);

“**animal farmer**” means a person who farms or proposes to farm prescribed animals;

“**farm**” means breed, hatch or raise an animal for any one or more of the following purposes:—

(a) the sale or other disposal of the animal while it is alive;

(b) the slaughtering and sale or other disposal of the slaughtered animal;

(c) the harvesting of the animal or the products of the animal and the sale or other disposal of the harvested animal or products;

“**officer**” means a person referred to in section 17;

“**prescribed animal**” means an animal which is a member of a class or species of animal prescribed by the regulations to be prescribed animals;

“**product**” means—

(a) the whole or part of an animal carcass or any animal; or

(b) any thing that is produced by an animal; or

(c) any thing that is derived from an animal or animal carcass, whether or not in combination with any other thing;

“**registered animal farmer**” means a person who holds a current registration certificate;

“**registration certificate**” means a certificate of registration issued under section 10;

“**regulations**” means the regulations made and in force under section 31;

“**residence**” means any building or part of a building that is ordinarily used for residential purposes;

“**Secretary**” means the Secretary of the Department;

“**specified premises**” means the premises specified in a registration certificate as the premises in which the prescribed animal specified in the certificate may be farmed.

### **Act binds Crown**

4—This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

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## **PART 2**

### **PROHIBITIONS ON FARMING OR KEEPING PRESCRIBED ANIMALS**

#### **Prohibitions on farming or keeping prescribed animals**

5—(1) A person must not farm prescribed animals except as authorized by a registration certificate.

Penalty: Fine not exceeding 100 penalty units.

(2) A person must not keep a prescribed animal on any premises except where—

- (a) the prescribed animal is being farmed on specified premises; or
- (b) the Secretary has approved, in writing, the keeping of the prescribed animal on the premises where it is being kept; or

- (c) the prescribed animal has been injured or is sick and is being kept by or on the direction of a registered veterinary surgeon, within the meaning of the *Veterinary Surgeons Act 1987*, for the purposes of treating its injury or sickness.

Penalty: Fine not exceeding 100 penalty units.

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### PART 3

#### REGISTRATION OF PRESCRIBED ANIMAL FARMERS

##### Application for registration

6—(1) A person who proposes to farm prescribed animals may apply to the Secretary for registration.

(2) An application—

- (a) is to be in a form approved by the Secretary; and  
(b) is to be accompanied by the prescribed fee, if any.

(3) On receipt of an application, the Secretary may require the applicant to provide such information and documents as the Secretary considers relevant to the application.

##### Grant of registration

7—(1) On receipt of an application under section 6, the Secretary may grant or refuse to grant registration of the animal farmer.

(2) In determining whether to grant registration, the Secretary must consider—

- (a) whether the applicant is a fit and proper person to farm prescribed animals; and  
(b) the suitability of the area and premises in which the applicant proposes to farm prescribed animals; and  
(c) such other matters that the Secretary considers relevant.

(3) The Secretary may grant registration—

- (a) for a period not exceeding 5 years; and  
(b) subject to the conditions specified in the registration certificate.

- (4) The Secretary must notify the applicant, in writing—
- (a) of the decision made under subsection (1); and
  - (b) if the Secretary has refused to grant registration, of the reasons for that refusal.

### **Registration subject to conditions**

- 8—(1) The registration of an animal farmer is subject to—
- (a) any conditions specified in the registration certificate; and
  - (b) any conditions prescribed in the regulations.
- (2) Without limiting the conditions to which registration may be subject, those conditions may include conditions—
- (a) relating to the fencing to be used; and
  - (b) requiring the measures to be taken to prevent the escape of prescribed animals from specified premises; and
  - (c) relating to the identification of prescribed animals; and
  - (d) relating to the records and returns to be kept and provided to the Secretary; and
  - (e) relating to the disposal of prescribed animals and their products.
- (3) The Secretary may at any time alter the conditions specified in a registration certificate by doing any one or more of the following:—
- (a) adding a further condition;
  - (b) varying a condition;
  - (c) omitting a condition.
- (4) If the Secretary alters the conditions specified in a registration certificate, the Secretary must notify the registered animal farmer in writing of—
- (a) the alteration; and
  - (b) the day on which the alteration takes effect, being a day not earlier than 21 days after the notice is forwarded or provided to the registered animal farmer; and
  - (c) the reasons for the alteration.

(5) The Secretary, in writing, may require a registered animal farmer to surrender a registration certificate for the purpose of altering the conditions specified in it.

(6) A registered animal farmer must comply with a requirement given under subsection (4).

Penalty: Fine not exceeding 50 penalty units.

(7) Before specifying any conditions in a registration certificate, or altering any such conditions, the Secretary must consult with the Director of National Parks and Wildlife.

(8) A condition specified in a registration certificate, or the alteration of such a condition, has effect notwithstanding any failure of the Secretary to comply with subsection (7).

### **Exemption from registration condition**

**9—(1)** Notwithstanding section 8, the Secretary may exempt a registered animal farmer, by notice in writing provided to the registered animal farmer, from having to comply with a condition (whether specified in the registration certificate or prescribed in the regulations) to which the registration is subject.

(2) Before exempting a registered animal farmer from having to comply with a condition to which the registration is subject, the Secretary must consult with the Director of National Parks and Wildlife.

(3) An exemption has effect—

(a) for the period specified in the notice referred to in subsection (1) or until the exemption is revoked under subsection (4), whichever first occurs; and

(b) subject to the conditions specified in that notice; and

(c) notwithstanding any failure of the Secretary to comply with subsection (2).

(4) If the Secretary has reasonable grounds for believing that a registered animal farmer has not complied, or is not complying, with a condition to which an exemption is subject, the Secretary may revoke the exemption by notice in writing provided to the registered animal farmer.

(5) The revocation of an exemption takes effect on the day specified in the notice referred to in subsection (4).



**Issue of registration certificate**

**10**—After granting registration under section 7 and on receipt of the prescribed fee, if any, the Secretary must issue a certificate of registration to the person granted registration.

**Authority and period of registration**

**11**—(1) In this section, “**expiry day**” means the day specified in a registration certificate as the day on which the period of registration ends.

(2) The registration of an animal farmer authorizes the animal farmer to farm prescribed animals of the class or species specified in the registration certificate in specified premises in accordance with the conditions to which the registration is subject while the registration is in force.

(3) The registration of an animal farmer comes into force—

(a) on the day the registration certificate is issued to the animal farmer; or

(b) if a later day is specified in the registration certificate, on that later day; or

(c) if the registration is granted on receipt of an application referred to in section 12, on the day after the expiry day.

(4) The registration of an animal farmer ceases to be in force—

(a) on the expiry day; or

(b) if the registration is cancelled before the expiry day, on the day on which the cancellation takes effect.

**Re-applying for registration**

**12—(1)** In this section, “**expiry day**” means the day specified in a registration certificate as the day on which the period of registration ends.

(2) A registered animal farmer may apply for registration—

(a) in accordance with section 6; and

(b) within the period of 90 days before the expiry day.

(3) If, after receiving an application referred to in subsection (2), the application has not been withdrawn and the Secretary has not granted or refused to grant registration on or before the expiry day, the registration of the applicant animal farmer is taken to continue in force until—

(a) the Secretary has granted registration; or

(b) the day the refusal of the Secretary to grant registration takes effect; or

(c) the application is withdrawn.

(4) A refusal of the Secretary to grant registration on receipt of an application referred to in subsection (2) takes effect on a day specified in the notice notifying the applicant animal farmer of that refusal, being a day not less than 90 days after the notice is received by the applicant.

**Surrender of registration certificate**

**13—(1)** A registered animal farmer may surrender a registration by forwarding to the Secretary—

(a) the registration certificate; and

(b) a notice, in writing, requesting the Secretary to cancel the registration.

(2) On receipt of a registration certificate and a notice requesting the cancellation of registration, the Secretary must cancel the registration.

(3) If the Secretary has cancelled the registration of an animal farmer under subsection (2), the Secretary may—

- (a) give directions to the animal farmer whose registration is cancelled in relation to the disposal of the prescribed animals held in the premises specified in the surrendered registration certificate; and
- (b) arrange for the disposal of those prescribed animals.

(4) If the Secretary arranges for the disposal of a prescribed animal under subsection (3) (b), the animal farmer who requested cancellation of his or her registration is liable to pay all reasonable costs related to that disposal.

(5) If the Secretary arranges for the disposal of a prescribed animal under subsection (3) (b), any proceeds obtained from that disposal are to be distributed as follows:—

- (a) an amount determined by the Secretary to meet the expenses incurred in arranging for the disposal and disposing of the prescribed animal is to be paid into the Consolidated Fund;
- (b) the remainder of the proceeds are to be paid to the owner of the prescribed animal.

### **Cancellation of registration**

14—(1) The Secretary may cancel the registration of an animal farmer if—

- (a) the animal farmer has committed an offence against this Act or the regulations; or
- (b) the animal farmer has committed an offence against any law in relation to an animal; or
- (c) the animal farmer has failed to comply with a condition to which the registration is subject.

(2) If the Secretary is considering cancelling the registration of an animal farmer, the Secretary must notify the animal farmer, in writing, that he or she is considering that cancellation.

(3) An animal farmer who receives a notice under subsection (2) is entitled to make submissions to the Secretary within 14 days after the receipt of that notice.

(4) The Secretary must not cancel the registration of an animal farmer until the period specified in subsection (3) has ended.

(5) If the Secretary cancels the registration of an animal farmer, the Secretary must cause the animal farmer to be notified, in writing, of the cancellation and the reasons for the cancellation.

(6) The cancellation of the registration of an animal farmer takes effect on the day specified in the notice referred to in subsection (5).

(7) If the Secretary has cancelled the registration of an animal farmer, the Secretary may—

(a) give directions to the animal farmer in relation to the disposal of the prescribed animals kept by the animal farmer; and

(b) arrange for the disposal of those prescribed animals.

(8) If the Secretary arranges for the disposal of a prescribed animal under subsection (7) (b), the animal farmer is liable to pay all reasonable costs related to that disposal.

(9) If the Secretary arranges for the disposal of a prescribed animal under subsection (7) (b), any proceeds obtained from that disposal are to be distributed as follows:—

(a) an amount determined by the Secretary to meet the expenses incurred in arranging for the disposal and disposing of the prescribed animal is to be paid into the Consolidated Fund;

(b) the remainder of the proceeds are to be paid to the owner of the prescribed animal.

(10) If the Secretary has cancelled the registration of an animal farmer, the Secretary may require any person having possession of the registration certificate to surrender it to the Secretary.

(11) A person must comply with a requirement to surrender a registration certificate made under subsection (10).

Penalty: Fine not exceeding 5 penalty units.

**Appeals**

**15—(1)** A person who has been refused registration may appeal to a magistrate within 14 days after receiving the notice referred to in section 7 (4).

(2) If the conditions to which a registration is subject are altered under section 8 (3), the registered animal farmer may appeal to a magistrate within 14 days after receiving the notice referred to in section 8 (6).

(3) If a registration is cancelled, the animal farmer concerned may appeal to a magistrate within 14 days after receiving the notice referred to in section 14 (5).

(4) At the hearing of an appeal, the magistrate may—

(a) dismiss the appeal and determine the day on which the determination of the Secretary which gave rise to the appeal takes effect; or

(b) uphold the appeal and direct the Secretary to reconsider—

(i) the application for registration; or

(ii) the alteration of the conditions to which a registration is subject; or

(iii) the cancellation of a registration.

(5) The Secretary must comply with a direction given under subsection (4) (b).

(6) In reconsidering a matter in accordance with a direction given under subsection (4) (b), this Act applies to the matter, the animal farmer concerned and the registration as if the Secretary had not made the decision to refuse to grant the registration, alter the conditions to which the registration is subject or cancel the registration which gave rise to the appeal.

(7) Notwithstanding subsection (6), an animal farmer is not entitled to institute an appeal under this section in respect of the decision of the Secretary to refuse to grant registration, alter the conditions to which a registration is subject or cancel a registration if that decision is made on a reconsideration of a matter by the Secretary in accordance with a direction given under subsection (4) (b).

- (8) If an appeal is instituted and dismissed, the determination of the Secretary that gave rise to the appeal—
- (a) takes effect on the day specified by the magistrate dismissing the appeal; and
  - (b) is of no effect until that day.
- (9) If an appeal is instituted and upheld—
- (a) the determination of the Secretary that gave rise to the appeal is of no effect; and
  - (b) where that determination was a refusal to grant a further registration to an animal farmer who, immediately before the making of the determination, was a registered animal farmer, the Secretary is taken, for the purposes of section 12 (3), to have neither granted nor refused to grant the further registration.
- (10) Subject to this section, an appeal is to be instituted, heard and determined as prescribed.

### **Register**

**16—(1)** The Secretary must keep a register of registered animal farmers which identifies the class or species of prescribed animals farmed by the registered animal farmers.

(2) The Secretary must make the register available for inspection by any person during normal business hours.

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## **PART 4**

### **OFFICERS**

#### **Officers**

**17—**The following persons are officers for the purposes of this Act:—

- (a) the Secretary;
- (b) the chief inspector and other inspectors appointed under section 4 of the *Stock Act 1932*;
- (c) any other person employed in the Department and appointed by the Secretary to be an officer.

**Powers of officers**

**18—(1)** An officer and such assistants as the officer considers necessary may do any or all of the following at any reasonable time and without warrant:—

- (a) for the purposes of inspecting specified premises and any prescribed animals on specified premises and after first identifying himself or herself as an officer to the registered animal farmer or a person apparently in charge of specified premises, other than a residence, enter and remain in those specified premises;
- (b) if the officer has reason to believe an offence under this Act has been, or is being, committed and after first identifying himself or herself as an officer to a person apparently in charge of premises, other than a residence, enter and remain in those premises, using such force as may be necessary;
- (c) inspect any prescribed animal in premises legally entered or in a vehicle that is on premises legally entered;
- (d) if the officer has reason to believe an offence under this Act has been, or is being, committed, open or break open and search anything in premises legally entered in which a prescribed animal or any other thing that is relevant to that offence may be kept or hidden;
- (e) seize, or give directions in relation to, any animal in respect of which the officer has reason to believe an offence under this Act has been, or is being, committed;
- (f) in premises legally entered, search for, examine, take possession of, make copies of or take extracts from any document or other record that appears to indicate that an offence under this Act has been, or is being, committed;
- (g) require an animal farmer or any person employed in premises legally entered to provide his or her name and address when required to do so by the officer;

- (h) require an animal farmer to muster and pen any or all prescribed animals in legally entered premises at such time as will not cause harm or distress to the prescribed animals;
- (i) if the officer has reason to believe that a person has possession of any document or other record which is relevant to a matter under this Act, require the person to provide the document or record, or a copy of the document or record, as directed.

(2) A requirement under subsection (1) (i) may direct that the document, record or copy of the document or record is to be delivered—

- (a) at a specified place; and
- (b) to the Secretary or any other officer; and
- (c) at, by or within a specified time; and
- (d) in person, by certified mail or in another specified manner.

(3) A registered animal farmer must comply with a direction given under subsection (1) (e).

Penalty: Fine not exceeding 50 penalty units.

(4) If any document or record is obtained by an officer under this section, that document or record, evidence of that document or record or evidence of the obtaining of that document or record is not admissible against any person in any civil or criminal proceedings, other than proceedings for an offence under this Act.

(5) On the application of an officer, a magistrate or justice may issue a warrant to the officer named in the warrant if the magistrate or justice is satisfied that there are reasonable grounds for believing it necessary for an officer to enter a residence for the purpose of performing his or her functions under this Act.

(6) An officer named in the warrant and any person assisting that officer may—

- (a) enter and remain in the residence, using force if necessary; and
- (b) perform his or her functions and exercise his or her powers in or in relation to the residence.



(7) A warrant is to—

- (a) be in a form approved by the Secretary; and
- (b) specify the residence in respect of which it is made.

(8) A warrant has effect for a period of one month after the day on which it is granted.

### **Possession of document, &c., by Secretary**

19—(1) If an officer has taken or required possession of any document or other record, the Secretary may retain that document or other record for so long as is necessary for the purposes of this Act.

(2) A person otherwise entitled to possession of a document or other record retained by the Secretary is entitled to be provided with a copy of it, certified by the Secretary to be a true copy, as soon as practicable after the person requests a copy.

(3) A certified copy of a document or other record referred to in subsection (2) is to be received in all courts and elsewhere as evidence of the matters contained in the copy as if it were the original.

### **Seizure of prescribed animal**

20—(1) If a prescribed animal is seized from an animal farmer by an officer, the officer must notify that person, in writing, of that seizure as soon as is practicable.

(2) The Secretary may retain a prescribed animal seized by an officer for the purposes of this Act for—

- (a) the period of 60 days after the notice referred to in subsection (1) is provided or posted to the animal farmer; or
- (b) if proceedings for an offence in respect of the animal are instituted during that period, until the proceedings (including any appeal in relation to the proceedings) are ended.

(3) The Secretary may authorize the release of a prescribed animal seized by an officer to a registered animal farmer on such conditions, if any, as the Secretary considers appropriate, including a condition as to the giving of security.

(4) A person must not, without the permission of the Secretary—

- (a) remove a prescribed animal from the possession of the Secretary; or
- (b) in any way interfere with a prescribed animal that is in the possession of the Secretary.

Penalty: Fine not exceeding 50 penalty units.

(5) If a prescribed animal has been seized by an officer, the Secretary may do, or order the animal farmer from whom it was seized to do, all things necessary for the safe and healthy maintenance of the animal.

(6) An animal farmer from whom a prescribed animal was seized is liable to pay all costs related to the maintenance of the animal by the Secretary if the animal farmer is convicted of an offence under this Act in relation to that animal.

### **Obstruction of officer, &c.**

21—(1) A person must not—

- (a) assault, resist, impede or obstruct an officer who is performing a function or exercising a power under this Act or a person assisting that officer; or
- (b) use threatening, abusive or insulting language to that officer or that person assisting that officer; or
- (c) fail to provide his or her name and address when required to do so by that officer; or
- (d) fail to provide a document or other record in his or her possession or control or at his or her disposal when required to do so by that officer; or
- (e) fail to muster and pen any prescribed animals when required to do so by that officer; or
- (f) impersonate an officer.

Penalty: Fine not exceeding 50 penalty units.

(2) On convicting a person of an offence under subsection (1) (d), in addition to imposing a penalty the Court may order that person to provide the document or other record.

(3) On convicting a person of an offence under subsection (1) (e), in addition to imposing a penalty the Court may order that person to comply with the requirement to muster and pen any prescribed animals.

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## PART 5

### MISCELLANEOUS

#### Escape of prescribed animal

22—(1) In this section, “**escaped prescribed animal**” means a prescribed animal which has escaped from specified premises whether or not the property rights of the registered animal farmer or any other person have been extinguished under subsection (8).

(2) If a prescribed animal escapes from specified premises, the registered animal farmer or person-in-charge of the specified premises must—

- (a) notify the nearest officer or the Secretary immediately; and
- (b) take all reasonable steps to recover the prescribed animal.

(3) An officer may require a registered animal farmer to take the action specified in the requirement for one or more of the following purposes:—

- (a) the recovery of the escaped prescribed animal;
- (b) the prevention of the escape of the recovered or another prescribed animal;
- (c) the destruction of the escaped prescribed animal.

Penalty: Fine not exceeding 100 penalty units.

(4) The Secretary or an officer may take such steps as he or she considers necessary to recover or destroy an escaped prescribed animal.

(5) The Secretary or an officer must not destroy, or require a registered animal farmer to destroy, an escaped prescribed animal within the period specified in subsection (8) or extended under subsection (9) except where the Secretary is of the opinion that—

(a) it is necessary for the escaped prescribed animal to be destroyed to prevent a risk to the public or the environment; or

(b) the owner of the escaped prescribed animal consents.

(6) A registered animal farmer is liable to pay to the Crown the amount of the costs, charges and expenses reasonably incurred by the Secretary or an officer in taking steps to recover or destroy an escaped prescribed animal.

(7) The Crown is not liable to pay compensation in respect of an escaped prescribed animal that has been destroyed by, or as required by, the Secretary or an officer.

(8) If a registered animal farmer has not recovered an escaped prescribed animal within a period of 48 hours after he or she or the person-in-charge of the specified premises first becomes aware of the escape, all property rights of the registered animal farmer or any other person in relation to the escaped prescribed animal are extinguished at the end of that period.

(9) On the written application of a registered animal farmer or any other person with property rights in an escaped prescribed animal, the Secretary may extend the period referred to in subsection (8).

### **Offences relating to escape of prescribed animal**

**23—A person must not—**

(a) cause or permit a prescribed animal to escape from specified premises; or

(b) interfere with a fence, gate, cage or structure or do any other thing so as to cause or permit a prescribed animal to escape from specified premises.

Penalty: Fine not exceeding 100 penalty units.

**Offence to kill or injure prescribed animal**

**24—(1)** A person must not unlawfully kill or injure a prescribed animal that is being farmed in accordance with this Act.

Penalty: Fine not exceeding 100 penalty units.

(2) It is a defence to a charge for an offence under subsection (1) for the defendant to prove, on the balance of probabilities, that he or she had just cause or excuse for killing or injuring the prescribed animal.

**False or misleading information**

**25—**A person must not make, or cause to be made, a statement or representation that the person knows or believes to be false or misleading in a material particular when—

- (a) making an application under this Act; or
- (b) providing his or her name and address or any document, return or record under this Act; or
- (c) keeping any record under this Act.

Penalty: Fine not exceeding 50 penalty units.

**Offence by body corporate**

**26—**If an offence under this Act is proved to have been committed with the consent or connivance of, or attributable to any neglect on the part of—

- (a) any director of a body corporate; or
- (b) any other person concerned in the management of the body corporate; or
- (c) any person who was purporting to act in any such capacity—

that director or person, as well as the body corporate, is guilty of the offence and is liable to a penalty not exceeding that prescribed for the offence.

### **Evidence**

27—(1) The Secretary may sign a certificate certifying any one or more of the following matters:—

- (a) that a person was or was not a registered animal farmer at the time specified in the certificate;
- (b) that a registered animal farmer was or was not authorized by the registration to farm a particular class or species of prescribed animal at the time specified in the certificate;
- (c) that any provision set out in the certificate was a condition specified in a registration certificate to which the registration was subject at the time specified in the certificate.

(2) A certificate purporting to be signed by the Secretary certifying any matter specified in subsection (1) is admissible in any proceedings and is evidence of the matters so certified.

### **Immunity**

28—(1) The Secretary, an officer or any other person does not incur any personal liability in respect of any act done or omitted in good faith—

- (a) in the performance or exercise, or the purported performance or exercise, of any function or power under this Act; or
- (b) in the administration or execution, or the purported administration or execution, of this Act.

(2) Subject to subsection (3), a civil liability that would, but for subsection (1), lie against a person lies against the Crown.

(3) No action lies against the Crown in right of Tasmania, the Secretary, an officer or any other person in relation to any opinion, registration or exemption given, granted or refused, or purportedly given, granted or refused, under this Act.

### **Delegation**

29—The Secretary may, in writing, delegate any of the Secretary's functions or powers under this Act, other than this power of delegation, to an officer or an employee, within the meaning of the *Tasmanian State Service Act 1984*.

**Property in certain prescribed animals**

30—(1) In this section—

“**commencement day**” means the day on which this section commences;

“**domesticated wildlife**” means an animal that—

- (a) before the commencement day, was wildlife that had been taken by a person under a wildlife taking permit; and
- (b) immediately before the commencement day, was being farmed under a wildlife possession permit or a game farm licence; and
- (c) on the commencement day, becomes a prescribed animal;

“**game farm licence**” has the same meaning as in the *Wildlife Regulations 1971* as in force immediately before the commencement day;

“**wildlife**” has the same meaning as in the *National Parks and Wildlife Act 1970*;

“**wildlife taking permit**” means a permit granted under section 35 (1) of the *National Parks and Wildlife Act 1970*;

“**wildlife possession permit**” means a permit granted under section 35 (4) of the *National Parks and Wildlife Act 1970*.

(2) On the taking in accordance with a wildlife taking permit of a prescribed animal which is wildlife for the purposes of farming that animal as authorized by registration granted under this Act—

- (a) the prescribed animal becomes the property of the registered animal farmer; and
- (b) the property rights of the registered animal farmer in the prescribed animal are the same as the property rights of an owner of a domestic animal.

(3) Domesticated wildlife is taken to have become the property of the person who took it under a wildlife taking permit on the day on which it was so taken and the property rights of that person in that domesticated wildlife are the same as the property rights of an owner of a domestic animal.

**Regulations**

31—(1) Subject to subsection (2), the Governor may make regulations for the purposes of this Act.

(2) Except on the joint recommendation of the Secretary and the Director of National Parks and Wildlife, regulations may not be made—

(a) prescribing a member of a class or species of animal to be a prescribed animal; or

(b) prescribing, amending or removing a condition to which the registration of an animal farmer is subject.

(3) Before recommending the making of a regulation referred to in subsection (2), the Secretary must consult with such animal farmers or representatives of animal farmers as the Secretary considers appropriate.

(4) Any of the regulations may apply differently according to matters or limitations, whether as to time, circumstance or otherwise, specified in the regulations.

(5) The regulations may—

(a) provide that a contravention of, or failure to comply with, any of the regulations is an offence; and

(b) in respect of such an offence, provide for the imposition of a fine not exceeding 5 penalty units and, in the case of a continuing offence, a further fine not exceeding 0.5 penalty unit for each day during which the offence continues.

(6) The regulations may adopt, either wholly or partly and with or without modification and either specifically or by reference, any of the standards, rules, codes or specifications of a body or organization specified in the regulations, whether the standards, rules, codes or specifications are published or issued before or after the commencement of this Act.

(7) In subsection (6), “standards”, “rules”, “codes” or “specifications” means standards, rules, codes or specifications as amended from time to time, whether the amendment is published or issued before or after the commencement of this Act.



(8) In subsection (7), “**amended**” includes—

- (a) amended by omitting matter; and
- (b) amended by inserting additional matter; and
- (c) amended by omitting matter and substituting other matter.

(9) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or the commencement of regulations.

(10) A provision referred to in subsection (9) may take effect on and from the day on which this Act commences or a later day.

### Consequential amendments

**32—**(1) Section 31 (1) of the *National Parks and Wildlife Act 1970* is amended as follows:—

- (a) by omitting “cat,” from paragraph (a) and substituting “cat; or”;
- (b) by omitting “1959,” from paragraph (c) and substituting “1959; or”;
- (c) by inserting after paragraph (c) the following paragraph:—
  - (d) an animal that is being farmed under and in accordance with the *Animal Farming (Registration) Act 1994* or that has been so farmed and is legally in the possession of any person—

(2) The *Wildlife Regulations 1971* are amended in the manner specified in Schedule 1.

### Transitional

**33—**(1) In this section—

“**commencement day**” means the day on which this section commences;

“**game farm licence**” has the same meaning as in the *Wildlife Regulations 1971* as in force immediately before the commencement day;

“wildlife” has the same meaning as in the *National Parks and Wildlife Act 1970*;

“wildlife possession permit” means a permit granted under section 35 (4) of the *National Parks and Wildlife Act 1970*.

(2) If—

- (a) immediately before the commencement day, a person is farming a class or species of animal under a wildlife possession permit or game farm licence; and
- (b) on the commencement day, that animal becomes a prescribed animal—

for the period of 6 months commencing on the commencement day that person is taken to be a registered animal farmer authorized under this Act to farm that class or species of animal on the premises on which the animals are being farmed subject to any conditions to which the permit or game farm licence are subject.

(3) On the commencement day, a wildlife possession permit granted for the purpose of allowing a person to farm a prescribed animal, or a game farm licence in respect of a class or species of animal which is a prescribed animal, is taken to have been revoked.

### **Administration of Act**

**34**—Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990*—

- (a) the administration of this Act is assigned to the Minister for Primary Industry and Fisheries; and
  - (b) the Department responsible to the Minister for Primary Industry and Fisheries in relation to the administration of this Act is the Department of Primary Industry and Fisheries.
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**SCHEDULE 1**

Section 32 (2)

**AMENDMENTS OF WILDLIFE REGULATIONS 1971**

(Statutory Rules 1971, No. 241)

1. Regulation 2(1)—  
Omit the definitions of “game farm” or “farm”, “game farm animal”, “game farm bird” and “game farm licence”.
2. Regulation 2A—  
Omit the regulation.
3. Regulation 4 (3)—  
Omit “or regulation 4A”.
4. Regulation 4A—  
Omit the regulation.
5. Division 3 of Part 2—  
Omit the Division.
6. Schedule 3—  
(a) Omit the heading to Part 4 and substitute the following heading:—

**PART 4—OTHER LICENCES**

- (b) Omit Part 5.
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*[Second reading presentation speech made in:—  
House of Assembly on 15 February 1994  
Legislative Council on 22 February 1994]*

