



Queensland

Biosecurity Bill 2011



Queensland

Biosecurity Bill 2011

Contents

		Page
Chapter 1	Preliminary	
Part 1	Introduction	
1	Short title	32
2	Commencement	32
Part 2	Purposes of Act and achieving the purposes	
3	Purposes of Act	32
4	How purposes are primarily achieved	33
Part 3	Application and operation of Act	
5	Scope of Act generally	34
6	Act binds all persons	35
7	General application of Act to ships	35
8	Relationship with particular Acts	35
9	Contravention of this Act does not create civil cause of action	36
10	Act does not affect other rights or remedies	36
11	Community involvement in administration of Act	37
Part 4	Interpretation	
Division 1	Dictionary	
12	Definitions	37
Division 2	Key concepts and definitions	
13	What is a biosecurity event	37
14	What is biosecurity matter	38
15	What is a biosecurity risk	39
16	What is a carrier	39
17	What is a contaminant	39
18	What is prohibited matter	40
19	Prohibited matter criteria	40
20	What is restricted matter	41

Contents

21	Restricted matter criteria	41
Chapter 2	Significant obligations and offences	
Part 1	General biosecurity obligation	
22	What is a general biosecurity obligation	41
23	General biosecurity obligation offence provision	43
24	Effect of regulation for discharge of general biosecurity obligation	43
25	Effect of code of practice for discharge of general biosecurity obligation	44
26	Aggravated offences—significant damage to health and safety of people or to the economy or environment	44
27	Defence of due diligence	45
Part 2	Prohibited matter	
Division 1	Establishing what is prohibited matter	
28	Basic prohibited matter declaration provision	47
29	Prohibited matter regulation	47
30	Chief executive may make emergency prohibited matter declaration	48
31	Matters for inclusion in emergency prohibited matter declaration	50
32	Effect and duration of emergency prohibited matter declaration	51
33	Requirement for both prohibited matter regulation and emergency prohibited matter declaration to classify new prohibited matter	51
34	Up-to-date listing of all prohibited matter to be available on the department's website	51
Division 2	Obligations relating to prohibited matter	
35	Reporting presence of prohibited matter	51
36	Dealing with prohibited matter	53
Part 3	Restricted matter	
Division 1	Establishing what is restricted matter	
37	Basic restricted matter declaration provision	54
38	Restricted matter regulation	54
39	Requirement for restricted matter regulation to classify new restricted matter	55
40	Up-to-date listing of all restricted matter to be available on the department's website	55
Division 2	Obligations relating to restricted matter	
41	Reporting presence of category 1 or 2 restricted matter	55
42	Releasing or disposing of category 7 restricted matter	57

43	Requirement to kill or dispose of category 8 restricted matter . . .	58
44	Offences about other categories of restricted matter	59
Part 4	Other offences	
45	Designated animals feeding on animal matter	60
46	Notifiable incidents	61
Chapter 3	Matters relating to local governments	
Part 1	Provisions about functions and obligations of local governments	
47	Main function of local government	63
48	When State and local government act in partnership.	64
49	Minister may direct local government to perform function or obligation	64
50	Chief executive may act to perform local government's functions	65
51	Minister may ask for particular information from local government	66
Part 2	Biosecurity plans for local government areas	
Division 1	Requirement for biosecurity plans	
52	Local governments to have biosecurity plan	66
Division 2	Making and implementing biosecurity plans	
53	Preparing draft plan	67
54	Notice of draft plan and consideration of public submissions. . . .	68
55	Chief executive to consider draft plan.	68
56	Adopting plan	69
57	Duration of plan	69
58	Implementing plan	69
Division 3	Reviewing, amending and inspecting biosecurity plans	
59	Reviewing a biosecurity plan	70
60	Amending plan	70
61	Plan to be available for inspection	71
Division 4	Miscellaneous	
62	Local governments acting concurrently for biosecurity plan.	71
Part 3	Land Protection Fund	
63	Continuation of Land Protection Fund	72
64	Purpose and administration of fund	72
65	Payments from fund	73
66	Consultation with local government about activities.	74

Contents

67	Minister may require local government to make annual payment	74
68	Minister must give local government report about activities	75
Chapter 4	Codes of practice, guidelines and particular agreements	
Part 1	Codes of practice	
69	Making codes of practice	76
70	Consultation about codes of practice	77
71	Tabling and inspection of documents adopted in codes of practice	78
Part 2	Guidelines	
72	Chief executive may make guidelines.	79
73	Availability of guidelines	80
74	Obligation to have regard to guidelines	80
Part 3	Particular agreements between State and other entities	
Division 1	Intergovernmental agreements	
75	Intergovernmental agreement for recognising biosecurity certificates	81
Division 2	Government and industry agreements	
76	Entering into government and industry agreements.	81
77	Content of government and industry agreement	82
Division 3	Compliance agreements	
Subdivision 1	Preliminary	
78	Entering into compliance agreements	84
Subdivision 2	Applications for compliance agreements	
79	Requirements for application	85
80	Consideration of application	87
81	Criteria for deciding application	87
82	Inquiry about application	87
83	Suitability of applicant to enter into compliance agreement	88
84	Decision on application	88
85	Failure to decide application.	90
Subdivision 3	Suspension and cancellation of compliance agreements	
86	Grounds for suspension or cancellation	91
87	Show cause notice	91
88	Representations about show cause notice.	92
89	Ending show cause process without further action	92
90	Suspension or cancellation	93

91	Immediate suspension of compliance agreement	94
92	Return of suspended or cancelled compliance agreement	95
Subdivision 4	Provisions about compliance agreements	
93	Effect of compliance agreement if holding compliance certificate	95
94	Complying with compliance agreement	96
95	False statements and false advertising	96
Chapter 5	Managing biosecurity emergencies and risks	
Part 1	Biosecurity emergencies	
Division 1	Preliminary	
96	Relationship to other Acts	97
97	Other Acts not affected	97
98	Powers under this part and powers under other Acts	98
Division 2	Declaring a biosecurity emergency	
99	Chief executive may make biosecurity emergency order	98
100	Matters for inclusion in biosecurity emergency order	100
101	Effect and duration of biosecurity emergency order	103
Division 3	Enforcement of biosecurity emergency order	
102	Compliance with biosecurity emergency order	104
103	Power to stop vehicles	104
104	Inspection of stopped vehicle	105
105	Additional powers of inspector for place within a biosecurity emergency area	107
106	Requirement to answer question or give information	109
Division 4	Biosecurity emergency order permits	
107	Biosecurity emergency order permit	111
108	Offences relating to biosecurity emergency order permits	112
Division 5	Reports about biosecurity emergencies	
109	Tabling of report	113
Part 2	Movement control orders	
110	Chief executive may make movement control order	114
111	Matters for inclusion in movement control order	116
112	Compliance with movement control order	119
113	Effect of movement control order	119
Part 3	Biosecurity zone regulatory provisions	
114	Regulation may include provisions for biosecurity zones	120
115	Matters for inclusion in biosecurity zone regulatory provisions	121

Contents

116	Effect of biosecurity zone regulatory provisions	123
Part 4	Biosecurity instrument permits	
117	Definition	124
118	Biosecurity instrument permit	124
119	Offences relating to biosecurity instrument permits	126
Chapter 6	Registration of biosecurity entities and designated animal identification	
Part 1	Preliminary	
120	What is a designated animal	127
121	What is a specified animal	128
122	What is designated biosecurity matter	128
123	What is the threshold number of designated animals	128
124	What is the threshold amount of designated biosecurity matter.	129
125	Who keeps a designated animal	129
126	Who holds designated biosecurity matter	130
127	What is a registrable biosecurity entity	130
128	What is a biosecurity circumstance	131
129	Who is the occupier of a place	131
Part 2	Registration and related requirements	
Division 1	Registration of registrable biosecurity entities	
130	Registrable biosecurity entity must apply for registration	132
131	Approval for registrable biosecurity entity to remain unregistered	133
132	Application for registration before becoming a registrable biosecurity entity	134
133	Application requirements for registration of registrable biosecurity entity	135
134	Registration of biosecurity entity	136
135	Inquiry about application for registration relating to bees	137
136	Suitability of person for registration relating to bees	138
137	Failure to decide application for registration relating to bees	139
138	Chief executive may register person without application	139
139	Allocation of PICs	140
140	Registered biosecurity entity may apply for deregistration	141
141	Registered biosecurity entity to be given proof of registration	142
142	No transfer of registration	142
143	Term of registration	142
144	Renewal of registration	142

Division 2	Special provisions relating to the keeping of bees	
145	Prohibition on keeping of bees without registration	143
146	Additional information for application for registration	144
147	Allocation of HIN.	144
148	Display of information about registered biosecurity entity	145
149	Conditions for the keeping of bees	145
150	Application for renewal	146
151	Inquiry about application	147
152	Failure to decide application	147
153	Registration continues pending decision about renewal	148
Division 3	Restricted places	
154	Inclusion of restricted places in biosecurity register	149
155	Compliance with restricted place restrictions	150
156	Removal of restricted place from biosecurity register	150
157	Application for removal of restricted place from biosecurity register	150
158	Chief executive may seek further information or documents	151
159	Decision on application	152
Division 4	NLIS administrator	
160	Power to disclose designated information to approved NLIS administrator	153
Division 5	The biosecurity register	
161	Chief executive's obligation to keep register	153
162	Information required to be kept for registered biosecurity entities	154
163	Requirement for change notice	154
164	Correction and updating of biosecurity register for registered biosecurity entities	155
165	Public access to biosecurity register	155
Part 3	Specified animal identification and tracing system	
Division 1	Approved devices	
166	Meaning of approved device	157
167	Meaning of fit	157
168	Chief executive may approve different devices for different animals or circumstances	157
169	Meaning of suitable approved device	158
170	Only suitable approved device to be fitted	159

Contents

Division 2	Approved device requirement and travel approvals	
171	Approved device requirement.	159
172	Exemptions from approved device requirement.	159
173	Obtaining a travel approval.	161
Division 3	Receiving specified animals	
174	Meaning of moving from another place	162
175	Receiver requirement to advise NLIS administrator.	162
176	Stated information for s 175—approved device that includes microchip	165
177	Stated information for s 175—approved device that does not include microchip	167
178	Stated information for s 175—specified animal received at transit facility	168
179	Receiver requirement to advise inspector	168
Division 4	Movement records	
180	Movement record requirement	169
181	Appropriate form of movement record	171
182	Relaxation of movement record requirement for multiple conveyances	172
183	Other matters about movement record requirement	173
184	Receiving designated animal	173
185	Show organiser to record designated animal movements	175
Division 5	Miscellaneous	
186	Supply of device for use as an approved device	176
187	Restriction on applying or removing approved device	178
188	Restrictions on altering, defacing or destroying approved device	179
189	Requirement to destroy removed approved device	180
190	Approval to use different PIC for approved device for specified animal	181
191	False, misleading or incomplete movement record	181
Part 4	Miscellaneous	
192	Special provision about regulations	182
193	Evidentiary aids for biosecurity register and NLIS database	182
194	Person must not give false or misleading information to NLIS administrator.	183
Chapter 7	Prohibited matter and restricted matter permits	
Part 1	Preliminary	
195	Issue of prohibited and restricted matter permits.	183

196	What is a prohibited matter permit	183
197	What is a restricted matter permit	183
198	Types of prohibited matter permits	184
199	Types of restricted matter permits	184
200	What is a permit plan for prohibited or restricted matter	184
Part 2	Permit applications	
201	Applying for permit	185
202	Inquiry about application	186
203	Suitability of person to hold permit	186
Part 3	Deciding application	
204	Consideration of application	187
205	Decision on application	187
206	Failure to decide application	188
207	Criteria for decision	188
208	Particular matters for scientific research (prohibited matter) permit	189
Part 4	Term and conditions of permits	
209	Term of permit	190
210	Conditions of permit decided by the chief executive.	190
211	Other conditions applying to a permit.	191
Part 5	Renewal of permits	
212	Application for renewal	191
213	Inquiry about application	192
214	Failure to decide application.	192
215	Permit continues pending decision about renewal	193
216	Direction to dispose of prohibited or restricted matter when permit cancelled	194
Part 6	Transfer of permit	
217	Transfer of permit	194
Part 7	Register of prohibited matter and restricted matter permits	
218	Register of permits	196
Chapter 8	Programs for surveillance, prevention and control	
Part 1	Preliminary	
219	Types of biosecurity programs	197
220	What is a surveillance program	197
221	What is a prevention and control program	198

Contents

Part 2	Authorising biosecurity programs	
222	Authorising and carrying out biosecurity program	198
223	What program authorisation must state	200
224	Taking action under biosecurity program	201
225	Failure to comply with direction	203
Part 3	Consultation and notification	
226	Consultation about proposed biosecurity program	204
227	Notice of proposed biosecurity program	204
228	Access to authorisation	206
Part 4	Steps taken under biosecurity program	
229	Notification of steps taken or to be taken under biosecurity program	206
230	Person must not interfere with steps taken or to be taken	207
Part 5	Enforcement matters for biosecurity programs	
231	Biosecurity orders	208
Chapter 9	Inspectors and authorised persons	
Part 1	General matters about inspectors and authorised persons	
Division 1	Appointment of inspectors	
232	Appointment and qualifications	209
233	Appointment conditions and limit on powers	209
234	When office ends	210
235	Resignation	210
Division 2	Appointment of authorised persons	
236	Appointment and qualifications	211
237	Appointment conditions and limit on powers	212
238	When office ends	212
239	Resignation	212
Division 3	Special provision for appointments of police officers and TORUM authorised officers	
240	Purpose of division	213
241	Regulation may appoint prescribed class of police officer	213
242	Appointment of police officer as inspector for biosecurity emergency	214
243	Appointment of authorised officer or accredited person under TORUM as authorised person for biosecurity emergency	215
Division 4	Identity cards	
244	Issue of identity card	216

245	Production or display of identity card	216
246	Return of identity card	217
Division 5	General matters about authorised officers	
247	Powers generally	217
248	Powers of particular authorised persons limited to local government area	217
249	Functions of authorised officers	218
Division 6	Miscellaneous provisions	
250	References to exercise of powers	218
251	Reference to document includes reference to reproductions from electronic document	219
Part 2	Entry to places by authorised officers	
Division 1	Power to enter	
252	General power to enter places	219
253	Power to enter place to ascertain if biosecurity risk exists	221
254	Power to enter place under biosecurity program	221
255	Power to enter place to check compliance with biosecurity order	221
256	Power to enter place to take steps if biosecurity order not complied with	222
257	Power to enter place to take action required under direction	222
Division 2	Entry by consent	
258	Application of div 2	223
259	Incidental entry to ask for access	223
260	Matters authorised officer must tell occupier	224
261	Consent acknowledgement	224
Division 3	Entry for particular purposes	
262	Entry of place under s 253	225
263	Entry of place under ss 254 and 255	226
264	Entry of place under ss 256 and 257	227
Division 4	Entry under warrant	
Subdivision 1	Obtaining warrant	
265	Application for warrant	228
266	Issue of warrant	228
267	Electronic application	230
268	Additional procedure if electronic application	231
269	Defect in relation to a warrant.	232

Contents

Subdivision 2	Entry procedure	
270	Entry procedure	233
Part 3	Emergency powers of inspectors	
271	Application of pt 3.	234
272	Power and procedure for entry	234
273	Power in relation to activity or biosecurity matter	234
274	How power may be exercised.	235
275	Requirement to give chief executive notice	236
276	Duration of emergency powers.	236
277	Failure to comply with inspector's directions in emergency	236
278	Inspector's powers not affected	237
Part 4	Other authorised officers' powers and related matters	
Division 1	Stopping or moving vehicles	
279	Application of div 1	237
280	Power to stop or move	237
281	Identification requirements if vehicle moving	238
282	Failure to comply with direction	238
Division 2	Stopping or moving travelling animals	
283	Application of div 2	239
284	Power to stop or move	239
285	Identification requirements if animal travelling on stock route	240
286	Failure to comply with direction	241
Division 3	General powers of authorised officers after entering places	
287	Application of div 3	241
288	General powers	242
289	Power to require reasonable help.	244
290	Offence to contravene help requirement	244
Division 4	Seizure by authorised officers and forfeiture	
Subdivision 1	Power to seize	
291	Seizing evidence at a place that may be entered without consent or warrant	245
292	Seizing evidence at a place that may be entered only with consent or warrant	245
293	Seizure of property subject to security	246
Subdivision 2	Powers to support seizure	
294	Requirement of person in control of thing to be seized	246

295	Offence to contravene seizure requirement	247
296	Power to secure seized thing	247
297	Offence to contravene other seizure requirement	248
298	Offence to interfere	248
Subdivision 3	Safeguards for seized things	
299	Receipt and information notice for seized thing	248
300	Access to seized thing	249
301	Return of seized thing	250
Subdivision 4	Forfeiture	
302	Forfeiture by administrator decision	251
303	Forfeiture by chief executive decision	252
304	Information notice for forfeiture decision	253
305	Forfeiture on conviction	254
306	Procedure and powers for making forfeiture order	254
Subdivision 5	Dealing with property forfeited or transferred to relevant entity or the State	
307	When thing becomes property of relevant entity	255
308	When thing becomes property of the State or local government	255
309	How property may be dealt with	255
310	Power of destruction	256
Division 5	Disposal orders	
311	Disposal order	256
Division 6	Power to remove or reduce biosecurity risk under a warrant	
312	Power to remove or reduce biosecurity risk after entering place	257
Division 7	Other information-obtaining powers of authorised officers	
313	Power to require name and address	258
314	Offence to contravene personal details requirement	259
315	Power to require production of documents	259
316	Offence to contravene document production requirement	260
317	Offence to contravene document certification requirement	261
318	Power to require information	262
319	Offence to contravene information requirement	262
Part 5	Miscellaneous provisions relating to authorised officers	
Division 1	Damage	
320	Duty to avoid inconvenience and minimise damage	263
321	Notice of damage	263

Contents

Division 2	Compensation	
322	Compensation	264
Division 3	Other offences relating to authorised officers	
323	Giving authorised officer false or misleading information	266
324	Obstructing authorised officer	266
325	Impersonating authorised officer or accredited certifier	267
Division 4	Other provisions	
326	Evidential immunity for individuals complying with particular requirements	267
Chapter 10	Compensation for loss or damage from biosecurity response	
Part 1	Introduction	
327	What is a biosecurity response	268
328	What is loss or damage arising out of a biosecurity response	269
329	What is property	269
330	What is notional value or notional reduction in value of property	269
331	What is a compensation scheme and what is scheme compensation	270
332	Sources of compensation available under this chapter	271
Part 2	Scheme compensation	
333	Operation of scheme compensation	271
Part 3	Statutory compensation	
334	Operation of statutory compensation	272
335	How scheme compensation affects entitlement to statutory compensation	272
336	Other limitations applying to entitlement to statutory compensation	273
337	No compensation for consequential loss	275
Part 4	Claiming statutory compensation	
338	Application for statutory compensation	276
339	Further information may be required	276
340	Day for making and advising of decision	276
Chapter 11	Evidence, legal proceedings and reviews	
Part 1	Evidence	
341	Application of pt 1	278
342	Appointments and authority	278
343	Signatures	278

344	Evidentiary aids	279
Part 2	Legal proceedings	
345	Offences under this Act	280
346	Allegations of false or misleading information or document	282
347	Recovery of costs of investigation	282
348	Responsibility for acts or omissions of representative	283
349	Executive officers must ensure corporation complies with Act	284
350	Fines payable to local government	285
Part 3	Reviews	
Division 1	Internal reviews	
351	Internal review process	285
352	Who may apply for internal review	285
353	Requirements for making application	286
354	Stay of operation of original decision	286
355	Internal review	287
356	Notice of internal review decision	288
Division 2	External reviews by QCAT	
357	Who may apply for external review	289
Division 3	Appeals	
358	Who may appeal	289
359	Procedure for an appeal to the court	289
360	Stay of operation of internal review decision	290
361	Powers of court on appeal	290
362	Effect of decision of court on appeal	291
Chapter 12	Biosecurity orders and injunctions	
Part 1	Biosecurity orders	
Division 1	General matters about biosecurity orders	
363	Giving biosecurity order	291
364	Matters that must be included in biosecurity order	292
365	What biosecurity order may require	294
366	Requirements for giving biosecurity order	294
367	Compliance with biosecurity order	295
368	Approval for particular biosecurity order	295
369	Register of biosecurity orders	295

Contents

Division 2	Recovery of costs and expenses	
370	Recovery of costs of taking steps under biosecurity order or action under direction	296
371	Cost under biosecurity order a charge over land	297
Division 3	Recovery of costs from other persons	
372	Recipient may apply for contribution	298
373	Notice of hearing of cost recovery order must be given	299
374	When court may make cost recovery order	299
Part 2	Injunctions	
375	Application of pt 2.	300
376	Who may apply for an injunction	300
377	District Court's powers	301
378	Terms of injunction	301
379	Undertakings as to damages or costs	302
Chapter 13	Accredited certifiers	
Part 1	Interpretation	
380	Definitions for ch 13	302
Part 2	Purpose and operation of biosecurity certificates and the accreditation system	
381	What is a biosecurity certificate	303
382	Purpose and operation of acceptable biosecurity certificates . . .	304
383	Purpose and operation of accreditation system	305
384	Giving biosecurity certificates.	305
Part 3	Accreditation of inspector or authorised person	
385	Application of part limited to authorised officers appointed by chief executive	306
386	Accreditation of inspectors	306
387	Accreditation of authorised persons appointed by chief executive	307
388	Fees	307
Part 4	Accreditation by application	
389	Application for accreditation	307
390	Additional application requirements for ICA scheme	308
391	Consideration of application	309
392	Criteria for granting accreditation	309
393	Inquiry about application	309
394	Suitability of person for accreditation	310
395	Decision on application	311

396	Failure to decide application	311
397	Term of accreditation	311
398	Form of accreditation	312
399	Limitation on further application after refusal or cancellation of accreditation	312
400	Accreditation conditions	312
401	Register	313
Part 5	Renewal of accreditations	
402	Application for renewal	314
403	Inquiry about application	314
404	Failure to decide application	315
405	Accreditation continues pending decision about renewal	315
Part 6	Offences about accreditation	
406	Contravention of accreditation conditions	316
407	Offences about certification	316
408	Unauthorised alteration of biosecurity certificate	317
Part 7	Keeping of accreditation related records	
409	Keeping of biosecurity certificate by accredited certifier or receiver	318
Chapter 14	Auditors and auditing	
Part 1	Auditors	
Division 1	Functions and approval of auditors	
Subdivision 1	Functions	
410	Auditor's functions	319
Subdivision 2	Approval of inspector or authorised person as auditor	
411	Application of subdivision limited to authorised officers appointed by chief executive	320
412	Approval of inspectors as auditors	320
413	Approval of authorised persons as auditors	321
Subdivision 3	Approval as auditor by application	
414	Application for approval as auditor	321
415	Consideration of application	321
416	Criteria for granting application	321
417	Inquiry about application	322
418	Suitability of person to be an auditor	322
419	Decision on application	323
420	Failure to decide application	323

Contents

Division 2	Term and conditions of approval	
421	Term of approval	324
422	Conditions of approval	324
423	Auditor to comply with conditions of approval	325
Division 3	Renewal of approvals	
424	Application for renewal	325
425	Inquiry about application	326
426	Failure to decide application	326
427	Approval continues pending decision about renewal	327
Division 4	General provisions	
428	Applications—general	327
429	Form of approval	328
430	Register	328
Part 2	Auditing	
Division 1	Preliminary	
431	Purpose of pt 2	329
Division 2	Auditing for compliance agreements	
432	Audit of applicant's business for entering into compliance agreement	329
433	Compliance audits	330
434	Check audit	330
435	Nonconformance audit	330
Division 3	Auditing for accreditation	
436	Compliance audits	331
437	Check audit	331
438	Nonconformance audit	331
Part 3	Auditors' reports and responsibilities	
Division 1	Compliance agreement reports	
439	Report about audit for entering into compliance agreement	332
440	Report about audit for compliance or nonconformance audit. . . .	333
Division 2	Accreditation reports	
441	Report about audit for grant of accreditation	334
442	Report about audit for compliance or nonconformance audit. . . .	335
Division 3	Responsibilities	
443	Auditor's responsibility to inform chief executive	337

Part 4	Offences	
444	Obstructing auditor	337
445	Impersonating auditor	338
Chapter 15	Common amendment, suspension and cancellation provisions for particular authorities	
Part 1	Interpretation	
446	Definitions	338
Part 2	Amending conditions of relevant authority on application	
447	Application by holder of relevant authority to amend conditions	339
448	Inquiry about application	340
449	Failure to decide application	340
Part 3	Cancellation, suspension and amendment by chief executive	
450	Cancellation and suspension—grounds	341
451	Amendment of relevant authority	342
452	Cancellation, suspension or amendment by chief executive—show cause notice	342
453	Representations about show cause notice	343
454	Ending show cause process without further action	343
455	Cancellation, suspension or amendment	344
456	Immediate suspension of relevant authority	344
Part 4	Miscellaneous	
457	Amendment of relevant authority without show cause notice	346
458	Cancellation of relevant authority without show cause notice	347
459	Return of cancelled, suspended or amended relevant authority	347
Chapter 16	Invasive animal barrier fencing	
Part 1	The barrier fence board	
Division 1	Establishment	
460	Establishment of barrier fence board	348
461	Legal status	348
462	Application of other Acts	349
463	Board's function	349
464	Board's powers	350
465	Minister may give direction to board	350
Division 2	Board directors	
466	Control of board	350
467	Role of directors	351

Contents

468	Number and appointment.	351
469	Chairperson	351
470	Nominating local government groups.	351
471	Appointment of directors other than chairperson	352
472	Qualifications for directorship	353
473	Term of appointment.	354
474	Termination of appointment	354
475	Vacation of office	354
476	Disclosure of interests	355
477	Director to act in board's interest	356
Division 3	Business and meetings	
478	Conduct of business.	356
479	Times and places of meetings	356
480	Quorum	356
481	Presiding at meetings.	357
482	Conduct of meetings	357
483	Minutes.	357
484	Fees and allowances	358
Division 4	Financial matters	
485	Estimate of board's operational costs.	358
486	Approval for carrying out board's operations	358
Division 5	Board employees	
487	Board may employ or engage persons.	359
488	Powers of board employees generally	359
489	Issue of identity card	360
490	Production or display of identity card	360
491	Return of identity card	360
492	Incidental entry to ask for access.	361
493	Matters board employee must tell occupier	361
494	Obstructing board employee	361
495	Impersonating board employee	362
Division 6	Miscellaneous	
496	Delegation	362
497	Annual report	362

Part 2	The barrier fence	
Division 1	Identification	
498	Identification of the barrier fence	363
Division 2	Maintaining the barrier fence	
499	Building gates and grids in barrier fence	363
500	Maintaining barrier fence	364
501	Power to enter a place	364
502	Agreement to make opening in barrier fence	365
503	Duty to avoid inconvenience and minimise damage.	365
504	Notice of damage	366
505	Compensation	367
506	Directing restoration of barrier fence	368
Division 3	Offences about the barrier fence	
507	Damaging, or making openings in, the barrier fence	368
508	Obstructing inspection or maintenance of barrier fence.	369
509	Closing gates	369
Chapter 17	Miscellaneous	
510	Inconsistencies in scientific name or common name for relevant biosecurity matter.	369
511	Confidentiality of information	370
512	Delegation by chief executive	371
513	Protecting officials from liability	372
514	Public officials for Police Powers and Responsibilities Act	373
515	When regulatory impact statement not required	373
516	Limitation of review.	374
517	Service of documents.	376
518	Application of Acts to local governments	376
519	Review of Act	376
520	Approval of forms	377
521	Regulation-making power.	377
Chapter 18	Repeal, savings and transitional provisions	
Part 1	Repeal of Acts	
522	Repeal of Acts	377
Part 2	Savings and transitional provisions	
Division 1	Purposes, definitions and general approach	
523	Main purposes of pt 2.	378

Contents

524	Definitions for pt 2.	378
525	Document, action, obligation or protection under previous provision of repealed Act	379
526	Things continued in force under repealed Act	380
527	Terminology in things mentioned in s 525(1)	381
528	Period stated in previous provision.	381
529	Period or date stated in document given under previous provision	381
530	Action happening before commencement may be relevant to proceeding for particular acts or omissions	382
531	Acts Interpretation Act 1954, s 20 not limited.	383
Division 2	Transitional provisions relating to particular provisions of repealed Acts	
Subdivision 1	Examples for chapter 2	
532	Examples for ch 2 of documents under s 525	383
533	Example for ch 2 of actions under s 525	383
534	Examples for ch 2 of obligations under s 525.	383
535	Example for ch 2 of protections under s 525	384
Subdivision 2	Examples for chapter 3	
536	Examples for ch 3 of documents under s 525	384
537	Examples for ch 3 of actions under s 525	384
538	Examples for ch 3 of obligations under s 525.	385
539	Example for ch 3 of protections under s 525	385
Subdivision 3	Examples for chapter 4	
540	Examples for ch 4 of documents under s 525	386
541	Example for ch 4 of actions under s 525	386
542	Example for ch 4 of obligations under s 525	386
Subdivision 4	Examples for chapter 5	
543	Examples for ch 5 of documents under s 525	387
544	Examples for ch 5 of actions under s 525	387
545	Examples for ch 5 of obligations under s 525.	388
546	Examples for ch 5 of protections under s 525	388
Subdivision 5	Examples for chapter 6	
547	Example for ch 6 of documents under s 525	389
548	Examples for ch 6 of actions under s 525	389
549	Examples for ch 6 of obligations under s 525.	389
550	Example for ch 6 of protections under s 525	389

Subdivision 6	Examples for chapter 7	
551	Examples for ch 7 of documents under s 525	390
552	Examples for ch 7 of actions under s 525	390
553	Examples for ch 7 of obligations under s 525.	391
554	Examples for ch 7 of protections under s 525	391
Subdivision 7	Examples for chapter 8	
555	Examples for ch 8 of documents under s 525	391
556	Example for ch 8 of actions under s 525	392
557	Examples for ch 8 of obligations under s 525.	392
Subdivision 8	Examples for chapter 9	
558	Examples for ch 9 of documents under s 525	392
559	Examples for ch 9 of actions under s 525	393
560	Examples for ch 9 of obligations under s 525.	394
561	Examples for ch 9 of protections under s 525	395
Subdivision 9	Examples for chapter 10	
562	Examples for ch 10 of documents under s 525	396
563	Examples for ch 10 of actions under s 525	396
564	Example for ch 10 of obligations under s 525	397
565	Examples for ch 10 of protections under s 525	397
Subdivision 10	Examples for chapter 11	
566	Examples for ch 11 of documents under s 525	397
567	Examples for ch 11 of actions under s 525	398
568	Examples for ch 11 of obligations under s 525.	398
569	Examples for ch 11 of protections under s 525	398
Subdivision 11	Examples for chapter 12	
570	Examples for ch 12 of documents under s 525	399
571	Examples for ch 12 of actions under s 525	399
572	Examples for ch 12 of obligations under s 525.	400
573	Example for ch 12 of protections under s 525	400
Subdivision 12	Examples for chapter 13	
574	Examples for ch 13 of documents under s 525	400
575	Examples for ch 13 of actions under s 525	401
576	Examples for ch 13 of obligations under s 525.	401
Subdivision 13	Examples for chapter 15	
577	Example for ch 15 of documents under s 525	402
578	Example for ch 15 of actions under s 525	402

Contents

579	Examples for ch 15 of obligations under s 525	402
580	Example for ch 15 of protections under s 525	402
Subdivision 14	Examples for chapter 17	
581	Example for ch 17 of documents under s 525	403
582	Example for ch 17 of actions under s 525	403
583	Examples for ch 17 of obligations under s 525	403
584	Examples for ch 17 of protections under s 525	403
Division 3	Transitional provisions relating to repealed Acts—general matters	
585	Div 3 prevails over div 2	404
586	Existing inspectors	404
587	Existing inspectors under Chemical Usage (Agricultural and Veterinary) Control Act 1988	405
588	Existing authorised persons	405
589	Existing forest officers	406
590	Existing applications	406
591	Existing permits	406
592	Existing exemptions	407
593	Declarations, directions, notices, orders and requests made by the Minister or chief executive	407
594	Existing directions, notices and orders given by inspectors or authorised persons	408
595	Existing approvals and other authorities	409
596	Continuing obligation to give a person notice of existence of a fact	409
597	Proceedings for recovery of costs and charges	410
598	Proceedings for payment of compensation	410
599	Existing guidelines	410
600	Record-keeping requirements	411
601	Warrants	411
602	Offences	411
603	Protection of officials from liability continues	412
604	Reviews and appeals	413
605	References in Acts and documents	413
Division 4	Transitional provisions about particular matters for repealed provisions of Acts	
Subdivision 1	Preliminary	
606	Div 4 prevails over divs 2 and 3	414

607	Definitions for div 4	414
Subdivision 2	Transitional provisions for Agricultural Standards Act 1994	
608	Standards about agriculture	415
609	Persons appointed as analysts	415
610	Destruction of agricultural requirement	415
Subdivision 3	Transitional provisions for Apiaries Act 1982	
611	Delayed application of ch 6, pt 2 to registered beekeepers	416
612	Permit granted under repealed Act, s 8	416
613	Applications for permits, and existing permits, to bring bees or hives into Queensland	416
614	Classification of apiaries certificates	417
615	Encroachment of apiary class A upon another apiary	417
616	Permit to establish apiary—repealed Act, s 13(2)	417
617	Continuing obligation to give chief executive notice of sale of apiary or part of apiary	418
618	Marking or branding of hives	418
619	Lodging returns and furnishing lists under the repealed Act, s 27	418
Subdivision 4	Transitional provisions for Chemical Usage (Agricultural and Veterinary) Control Act 1988	
620	Notice to recall particular prescribed substances	419
621	Notifying contaminants	420
622	Dealing with prescribed substances relating to contaminants	420
623	Approvals relating to contaminants	421
624	Destruction of things relating to contaminants	422
Subdivision 5	Transitional provisions for Diseases in Timber Act 1975	
625	Notice given to occupier or owner after declaration of infected area	422
Subdivision 6	Transitional provisions for Exotic Diseases in Animals Act 1981	
626	Infected premises	423
627	Notifications of restricted areas	424
628	Existing licences for restricted movements	424
Subdivision 7	Transitional provisions for Fisheries Act 1994	
629	Declared disease relating to contaminant	425
630	Declared disease relating to residue other than contaminant	426
631	Declared quarantine area relating to contaminant	426
632	Declared quarantine area relating to residue other than contaminant	427

Contents

633	Emergency disease or quarantine declaration relating to contaminant	428
634	Emergency disease or quarantine declaration relating to residue other than contaminant.	429
Subdivision 8	Transitional provisions for Land Protection (Pest Management) Act 2002	
635	Existing pest management plans	431
636	Preparing, reviewing, renewing and amending pest management plans	431
637	Existing emergency pest notices	432
638	Existing agreement to make opening in declared pest fence	433
639	Notice directing restoration of declared pest fence	433
640	Pest control notices	434
641	Register of pest control and entry notices	434
642	Emergency quarantine notices.	434
643	Dissolution of pest operational boards	435
644	Existing employees of pest operational boards	436
645	Authorised persons appointed by pest operational board	437
646	Existing pest survey programs	438
Subdivision 9	Transitional provisions for Plant Protection Act 1989	
647	Existing pest declarations.	439
648	Declarations of pest quarantine areas	439
649	Undertaking instead of declaration of pest quarantine area. . . .	441
650	Approved plant declarations.	442
651	Keeping of business documents.	442
652	Existing pest surveillance programs.	443
653	Intergovernmental agreements and assurance certificates	443
654	Governmental and industry cost sharing agreements	444
Subdivision 10	Transitional provisions for Stock Act 1915	
655	Stock Diseases Compensation and Stock Improvement Fund. . .	444
656	Certificates of health for stock	445
657	Existing emergency disease notices	445
658	Notifications of infected and declared areas.	446
659	Quarantine and undertakings.	446
660	Registration of registrable places and PICs	447
661	Existing approvals for particular places to remain unregistered. .	449
662	Approved tags	449

663	Existing warranties implied on sale of stock	449
664	Travel permits	450
665	Approvals for particular types of stock movement	451
666	Miscellaneous approvals given by chief inspector	451
667	Disease eradication programs	452
668	Agreements in relation to disease eradication programs	452
Division 5	Regulation-making power for transitional purposes	
669	Transitional regulation-making power	452
Chapter 19	Amendment of Acts	
Part 1	Amendment of Chemical Usage (Agricultural and Veterinary) Control Act 1988	
670	Act amended	453
671	Amendment of s 6 (Maximum residue limit)	453
672	Replacement of s 15 (Chemical residues to be notified)	454
15	General requirement to report chemical residues in relevant thing	454
15A	Requirement for particular persons to report chemical residues in relation to trade species animals	455
673	Amendment of s 16 (Agricultural produce etc. containing chemical residues not to be used etc.)	456
674	Amendment of s 17 (Approval to use etc. agricultural produce etc. or cultivate plants on land)	457
675	Amendment of s 18 (Destruction of agricultural produce etc. at direction of chief executive)	458
676	Insertion of new s 19A	459
19A	Deciding chemical residue status in relation to registered biosecurity entity	460
677	Amendment of s 20 (Powers of inspectors)	461
678	Amendment of s 25 (Obstruction of inspector)	462
679	Amendment of s 26 (Tampering with seals, samples, etc.)	462
680	Amendment of s 34 (Evidence, etc.)	463
681	Amendment of s 38 (Regulation-making power)	463
682	Amendment of schedule (Dictionary)	464
Part 2	Amendment of Fisheries Act 1994	
683	Act amended	465
684	Amendment of s 3A (How particular purposes are to be primarily achieved)	465
685	Amendment of s 8 (Meaning of marine plant)	465

Contents

686	Amendment of s 20 (Chief executive's functions)	466
687	Amendment of pt 5, div 5, hdg (Noxious and non-indigenous fisheries resources and aquaculture fish)	466
688	Omission of s 89 (Noxious fisheries resources not to be possessed, released etc.)	466
689	Amendment of s 92 (Duty of person who takes or possesses noxious or non-indigenous fisheries resources)	466
690	Amendment of s 93 (Recovery of costs of removing noxious fisheries resources etc.)	466
691	Omission of pt 5, div 6 (Diseased fisheries resources)	467
692	Amendment of s 108 (Order for taking and removing, or destroying, noxious, non-indigenous or diseased fisheries resources or aquaculture fish)	467
693	Amendment of s 109 (Order to stop or delay escape of noxious, non-indigenous or diseased fisheries resources or aquaculture fish)	467
694	Amendment of s 145 (Entry to places)	467
695	Amendment of s 159 (Inspector may dispose of fisheries resources taken unlawfully)	468
696	Amendment of schedule (Dictionary)	468
Part 3	Amendment of other Acts	
697	Acts amended in sch 3	469
Schedule 1	Prohibited matter	470
Schedule 2	Restricted matter and categories	489
Schedule 3	Acts amended	496
	Amendment of this Act	496
	Animal Care and Protection Act 2001	496
	Brands Act 1915	497
	Cape York Peninsula Heritage Act 2007	497
	Disaster Management Act 2003	498
	Environmental Protection Act 1994	498
	Judicial Review Act 1991	499
	Land Act 1994	499
	Police Powers and Responsibilities Act 2000	500
	Public Health Act 2005	500
	Public Interest Disclosure Act 2010	501
	Public Safety Preservation Act 1986	502
	Vegetation Management Act 1999	503
	Veterinary Surgeons Act 1936	503

Contents

	Water Act 2000	504
Schedule 4	Dictionary	506

2011

A Bill

for

An Act to provide for a flexible and responsive biosecurity framework to prevent or minimise adverse effects of exotic or endemic pests and diseases and contaminants on human health, social amenity, the economy and the environment, to repeal the *Agricultural Standards Act 1994*, the *Apiaries Act 1982*, the *Diseases in Timber Act 1975*, the *Exotic Diseases in Animals Act 1981*, the *Land Protection (Pest Management) Act 2002*, the *Plant Protection Act 1989* and the *Stock Act 1915*, to amend the *Chemical Usage (Agricultural and Veterinary) Control Act 1988* and the *Fisheries Act 1994*, and to make minor and consequential amendments of the Acts mentioned in schedule 3

[s 1]

The Parliament of Queensland enacts—	1
Chapter 1 Preliminary	2
Part 1 Introduction	3
1 Short title	4
This Act may be cited as the <i>Biosecurity Act 2011</i> .	5
2 Commencement	6
This Act commences on a day to be fixed by proclamation.	7
Part 2 Purposes of Act and achieving the purposes	8 9
3 Purposes of Act	10
(1) The main purposes of this Act are as follows—	11
(a) to provide a framework for an effective biosecurity system for Queensland that—	12 13
(i) helps to minimise biosecurity risks; and	14
(ii) facilitates responding to impacts on a biosecurity consideration, including responding to biosecurity events, in a timely and effective way;	15 16 17
(b) to ensure the safety and quality of animal feed, fertilisers and other agricultural inputs;	18 19

[s 4]

-
- (c) to help align responses to biosecurity risks in the State with national and international obligations and requirements for accessing markets for animal and plant produce, including live animals and plants. 1 2 3 4
 - (2) It is also a purpose of this Act to manage risks associated with the following— 5 6
 - (a) emerging, endemic and exotic pests and diseases that impact on— 7 8
 - (i) plant and animal industries, including agriculture, aquaculture, horticulture, fisheries and forestry industries; or 9 10 11
 - (ii) the built environment; or 12
 - (iii) companion or leisure animals; or 13
 - (iv) biodiversity and the natural environment; or 14
 - (v) tourism, lifestyle and pleasure industries; or 15
 - (vi) infrastructure and service industries, including power, communication, shipping and water supplies; 16 17 18
 - (b) the transfer of diseases from animals to humans and from humans to animals; 19 20
 - (c) biological, chemical and physical contaminants in carriers. 21 22
 - (3) In this section— 23

built environment means the environment, but having particular regard to the qualities and characteristics of locations, places and areas arising out of the existence of buildings and other examples of human activity. 24 25 26 27

4 How purposes are primarily achieved 28

The purposes of this Act are to be achieved primarily by— 29

- (a) imposing a general obligation on persons to prevent or minimise the impact of biosecurity risks on human 30 31

- | | | |
|---------------|---|----|
| Part 3 | Application and operation of Act | 23 |
| | | 24 |

5 Scope of Act generally 25

This Act includes within its scope—

- (a) acts and omissions on or in land and waters of the State 27
in relation to biosecurity matter that may pose a 28
biosecurity risk; and 29

	(b) any dealing with prohibited matter, restricted matter or carriers that may pose a biosecurity risk.	1 2
6	Act binds all persons	3
	(1) This Act binds all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.	4 5 6
	(2) However, the Commonwealth or a State can not be prosecuted for an offence against this Act.	7 8
7	General application of Act to ships	9
	(1) This section states the application of this Act to ships in Queensland waters and ships in waters beyond the outer limit of Queensland waters (<i>other waters</i>).	10 11 12
	(2) This Act applies to—	13
	(a) a ship in Queensland waters; and	14
	(b) to the extent this Act applies in other waters, including, for example, under the <i>Crimes at Sea Act 2001</i> —a ship in other waters if the ship is travelling from a place in Queensland to another place in Queensland.	15 16 17 18
	(3) This Act does not apply to—	19
	(a) a ship in other waters if the ship is travelling from a place outside of Queensland to another place outside of Queensland; or	20 21 22
	(b) a ship of the Australian Defence Force or of a defence force of another country.	23 24
8	Relationship with particular Acts	25
	(1) This Act is in addition to, and does not limit, any other Act.	26
	(2) If this Act is inconsistent with an Act as follows, that Act prevails, but only to the extent of the inconsistency—	27 28

[s 9]

(a)	<i>Biological Control Act 1987;</i>	1
(b)	<i>Food Act 2006;</i>	2
(c)	<i>Food Production (Safety) Act 2000;</i>	3
(d)	<i>Gene Technology Act 2001;</i>	4
(e)	<i>Public Health Act 2005.</i>	5
(3)	Subject to subsection (4), this Act does not affect the application of a relevant Act.	6 7
(4)	A person who does an act authorised under chapter 5, part 1 or 2 or an inspector, a person directed by an inspector or a person authorised by an inspector who takes steps under chapter 9, part 3 is taken not to commit an offence under a relevant Act only because of doing the act or taking the steps.	8 9 10 11 12
(5)	The <i>Neighbourhood Disputes Resolution Act 2011</i> , chapter 2 does not apply in relation to a declared pest fence.	13 14
(6)	In this section—	15
	<i>relevant Act</i> means any of the following—	16
(a)	<i>Fisheries Act 1994;</i>	17
(b)	<i>Forestry Act 1959;</i>	18
(c)	<i>Nature Conservation Act 1992;</i>	19
(d)	<i>Vegetation Management Act 1999.</i>	20
9	Contravention of this Act does not create civil cause of action	21 22
	No provision of this Act creates a civil cause of action based on a contravention of the provision.	23 24
10	Act does not affect other rights or remedies	25
(1)	This Act does not affect or limit a civil right or remedy that exists apart from this Act, whether at common law or otherwise.	26 27 28

(2)	Without limiting subsection (1), compliance with this Act does not necessarily show that a civil obligation that exists apart from this Act has been satisfied or has not been breached.	1 2 3 4
11	Community involvement in administration of Act	5
	This Act is to be administered, as far as practicable, in consultation with, and having regard to the views and interests of, public sector entities, local governments, industry, Aborigines and Torres Strait Islanders under Aboriginal tradition and Island custom, interested groups and persons and the community generally.	6 7 8 9 10 11
Part 4	Interpretation	12
Division 1	Dictionary	13
12	Definitions	14
	The dictionary in schedule 4 defines particular words used in this Act.	15 16
Division 2	Key concepts and definitions	17
13	What is a <i>biosecurity event</i>	18
	A <i>biosecurity event</i> is an event comprising something that—	19
	(a) has happened, is happening or may happen; and	20
	(b) has had, is having or may have a significant adverse effect on a biosecurity consideration; and	21 22

[s 14]

(c)	was or is being caused by, or may be or may have been caused by, biosecurity matter.	1 2
	<i>Examples—</i>	3
1	A horse has died and it has been confirmed that the death was caused by the Hendra virus infection. This may have a significant adverse effect on human health.	4 5 6
2	There has been a suspected outbreak of foot and mouth disease in another State that may spread to the State and may have a significant adverse effect on the economy.	7 8 9
14	What is <i>biosecurity matter</i>	10
(1)	<i>Biosecurity matter</i> is—	11
(a)	any living thing, other than a human or part of a human; or	12 13
(b)	a prion, or other thing prescribed under a regulation, that can cause disease in—	14 15
(i)	an animal; or	16
(ii)	a human, by the transmission of the prion or other thing from an animal to the human; or	17 18
(c)	a disease; or	19
(d)	a contaminant.	20
(2)	If biosecurity matter has a life cycle, a reference in this Act to the biosecurity matter includes a reference to the biosecurity matter at each stage of its life cycle.	21 22 23
	<i>Examples of stages of the life cycle for particular biosecurity matter—</i>	24
	egg, larva, pupa, adult	25
(3)	If schedule 1 or 2, a prohibited matter regulation, a restricted matter regulation, a biosecurity zone regulatory provision or a movement control order states a common name for biosecurity matter, it is sufficient in a provision of this Act to refer to the biosecurity matter by the common name.	26 27 28 29 30

15	What is a <i>biosecurity risk</i>	1
	A <i>biosecurity risk</i> is a risk of any adverse effect on a biosecurity consideration caused by, or likely to be caused by—	2
	(a) biosecurity matter; or	3
	(b) dealing with biosecurity matter or a carrier; or	4
	(c) carrying out an activity relating to biosecurity matter or a carrier.	5
16	What is a <i>carrier</i>	6
	(1) A <i>carrier</i> is any animal or plant, or part of any animal or plant, or any other thing—	7
	(a) capable of moving biosecurity matter attached to, or contained in, the animal, plant or other thing from a place to another place; or	8
	(b) containing biosecurity matter that may attach to or enter another animal or plant, or part of another animal or plant, or another thing.	9
	(2) In this section—	10
	<i>thing</i> —	11
	(a) means a thing, whether alive, dead or inanimate; and	12
	(b) includes a human.	13
17	What is a <i>contaminant</i>	14
	(1) A <i>contaminant</i> is anything that may be harmful to animal or plant health or pose a risk of any adverse effect on a biosecurity consideration.	15
	(2) The presence of a <i>contaminant</i> in a carrier may be harmful to any animal or plant, or part of an animal or plant, that the carrier attaches to or enters.	16

[s 18]

(3)	The presence of a contaminant in a carrier may be caused by—	1 2
(a)	manufacturing, packaging, packing, preparing, processing, producing, storing, treating or transporting the carrier; or	3 4 5
(b)	environmental contamination of the carrier.	6
	<i>Examples of a contaminant—</i>	7
	• pathogenic bacteria in irrigation water	8
	• environmental contaminants, including dioxins and residual organochlorine pesticides and nanoparticles	9 10
	• heavy metals in fertilisers and animal feed	11
	• waste from industrial and mining activities, including waste containing asbestos, heavy metals or radioactive material	12 13
	• weed seeds	14
18	What is <i>prohibited matter</i>	15
	<i>Prohibited matter</i> is biosecurity matter that, for the time being, is established as prohibited matter under chapter 2.	16 17
19	Prohibited matter criteria	18
	Biosecurity matter satisfies the prohibited matter criteria if—	19
(a)	the biosecurity matter is not currently present or known to be present in the State; and	20 21
(b)	there are reasonable grounds to believe that if it did enter the State or part of the State the biosecurity matter may have a significant adverse effect on a biosecurity consideration.	22 23 24 25
	<i>Example of significant adverse effect on a biosecurity consideration—</i>	26
	The entry of particular biosecurity matter into the State may have a significant adverse effect on the economy if, for the purposes of trade in or market access for a product, there were to be imposed a requirement to prove that the product is free from the biosecurity matter.	27 28 29 30

20	What is <i>restricted matter</i>	1
(1)	<i>Restricted matter</i> is biosecurity matter that, for the time being, is established as restricted matter under chapter 2.	2 3
(2)	Restricted matter has the category number or numbers assigned to it in schedule 2 or in the restricted matter regulation that, under chapter 2, provides for its establishment as restricted matter.	4 5 6 7
(3)	A reference in this Act to restricted matter of a particular category number is a reference to restricted matter that is assigned that category number in schedule 2 or the restricted matter regulation.	8 9 10 11
21	Restricted matter criteria	12
	Biosecurity matter satisfies the restricted matter criteria if—	13
(a)	the biosecurity matter is currently present in the State; and	14 15
(b)	there are reasonable grounds to believe that, if restrictions under this Act are not imposed on the biosecurity matter to reduce, control or contain it, it may have an adverse effect on a biosecurity consideration.	16 17 18 19
Chapter 2	Significant obligations and offences	20 21
Part 1	General biosecurity obligation	22
22	What is a <i>general biosecurity obligation</i>	23
(1)	This section applies to a person who deals with biosecurity matter or a carrier, or carries out an activity, if the person knows or ought reasonably to know that the biosecurity	24 25 26

[s 22]

- | | |
|---|----------------------------|
| matter, carrier or activity poses or is likely to pose a biosecurity risk. | 1
2 |
| (2) The person has an obligation (a <i>general biosecurity obligation</i>) to take all reasonable and practical measures to prevent or minimise the biosecurity risk. | 3
4
5 |
| (3) Also, the person has an obligation (also a <i>general biosecurity obligation</i>)— | 6
7 |
| (a) to prevent or minimise adverse effects on a biosecurity consideration of the person's dealing with the biosecurity matter or carrier or carrying out the activity; and | 8
9
10
11 |
| (b) to minimise the likelihood of causing a biosecurity event, or to limit the consequences of a biosecurity event caused, by dealing with the biosecurity matter or carrier or carrying out the activity; and | 12
13
14
15 |
| (c) not to do or omit to do something if the person knows or ought reasonably to know that doing or omitting to do the thing may exacerbate the adverse effects, or potential adverse effects, of the biosecurity matter, carrier or activity on a biosecurity consideration. | 16
17
18
19
20 |
| <i>Examples of things that may exacerbate the adverse effects, or potential adverse effects, of biosecurity matter, a carrier or an activity—</i> | 21
22 |
| • failing to isolate an infected animal from a herd | 23 |
| • failing to wash footwear before leaving a property on which anthrax is present | 24
25 |
| • inappropriately disposing of leaf litter containing a plant virus or disease | 26
27 |
| • failing to take reasonable steps to reduce contaminants in plants and animals, including, for example, by allowing designated animals (not including bees) to graze on land contaminated with heavy metals or by using water that may contain a contaminant to irrigate crops | 28
29
30
31
32 |
| • failing to manage the impact of invasive plants and animals on a person's land | 33
34 |

23	General biosecurity obligation offence provision	1
(1)	A person on whom a general biosecurity obligation is imposed must discharge the obligation.	2
	Maximum penalty—	3
		4
(a)	if the offence is an aggravated offence—3000 penalty units or 3 years imprisonment; or	5
		6
(b)	if the offence is not an aggravated offence—	7
	(i) for a breach in relation to prohibited matter—1000 penalty units or 1 year’s imprisonment; or	8
		9
	(ii) for a breach in relation to restricted matter—750 penalty units or 6 months imprisonment; or	10
		11
	(iii) otherwise—500 penalty units.	12
(2)	If the offence is not an aggravated offence, it is a defence for the person to show that the person had a reasonable excuse for failing to discharge the obligation.	13
		14
		15
24	Effect of regulation for discharge of general biosecurity obligation	16
		17
(1)	This section applies if a provision of a regulation (<i>regulation provision</i>) is identified in the regulation as a provision that prescribes a way of discharging a person’s general biosecurity obligation.	18
		19
		20
		21
(2)	Unless otherwise stated in the regulation, the regulation provision does not prescribe all that a person to whom the provision applies must do, or must not do, to discharge the general biosecurity obligation.	22
		23
		24
		25
(3)	However, for applying the general biosecurity obligation offence provision, the person fails to discharge the general biosecurity obligation if the person contravenes the regulation provision.	26
		27
		28
		29

[s 25]

25	Effect of code of practice for discharge of general biosecurity obligation	1 2
(1)	This section applies if a code of practice states a way of discharging a person's general biosecurity obligation.	3 4
(2)	Unless otherwise stated in the code of practice, the code of practice does not state all that a person to whom the code of practice applies must do, or must not do, to discharge the person's general biosecurity obligation.	5 6 7 8
(3)	However, for applying the general biosecurity obligation offence provision, the person fails to discharge the general biosecurity obligation if the person—	9 10 11
(a)	contravenes, or otherwise acts inconsistently with, the code of practice; and	12 13
(b)	does not follow a way that is as effective as, or more effective than, the code of practice for discharging the general biosecurity obligation.	14 15 16
(4)	Also, for applying the general biosecurity obligation offence provision, if a regulation requires a person to comply with the whole or a stated part of a code of practice to discharge the person's biosecurity obligation, the person fails to discharge the general biosecurity obligation if the person contravenes, or otherwise acts inconsistently with, the code of practice or stated part.	17 18 19 20 21 22 23
26	Aggravated offences—significant damage to health and safety of people or to the economy or environment	24 25
(1)	An offence is an <i>aggravated offence</i> if the commission of the offence causes significant damage, or is likely to cause significant damage, to the health and safety of people or to the economy or the environment.	26 27 28 29
(2)	To prove an aggravated offence, the prosecution must prove that the person who committed the offence—	30 31

-
- | | |
|--|-------------|
| (a) intended the person's conduct to cause significant damage to the health and safety of people or to the economy or the environment; or | 1
2
3 |
| (b) was reckless as to whether the conduct would cause significant damage to the health and safety of people or to the economy or the environment. | 4
5
6 |

27 Defence of due diligence 7

- | | |
|---|--------------------------------|
| (1) In a proceeding for an offence against the general biosecurity obligation offence provision, it is a defence for a person to prove that the person took all reasonable precautions and exercised proper diligence to prevent the commission of the offence by the person or by another person under the person's control. | 8
9
10
11
12
13 |
| (2) Without limiting the ways in which a person proves the matter stated in subsection (1), a person proves the matter if the person proves that— | 14
15
16 |
| (a) the conduct alleged to constitute the offence was due to— | 17
18 |
| (i) an act or default of another person; or | 19 |
| (ii) reliance on information supplied by another person; and | 20
21 |
| (b) the person made all reasonable enquiries about— | 22 |
| (i) whether any animal, plant or other thing was the carrier of prohibited matter or restricted matter the subject of the offence alleged; and | 23
24
25 |
| (ii) any necessary treatments that may be required for any carrier of any biosecurity matter to rid the carrier of the biosecurity matter; and | 26
27
28 |
| (c) any of the following applied— | 29 |
| (i) the person carried out all checks on the health of any biosecurity matter or carrier of any biosecurity matter as were reasonable in all the circumstances; | 30
31
32 |

[s 27]

- (ii) if another person carried out checks on the health of any biosecurity matter or carrier of any biosecurity matter, it was reasonable in all the circumstances to rely on the checks carried out by the other person;

Example—
checks carried out by a veterinary surgeon
 - (iii) it was reasonable in all the circumstances to rely on checks carried out by another person who supplied any biosecurity matter or carrier of any biosecurity matter to the person; and
 - (d) the person took the precautions that were reasonable in all the circumstances to prevent the spread of any biosecurity matter.
- (3) Also, without limiting the ways in which a person proves the matter stated in subsection (1) or (2)(c)(i), a person proves the matter if the person proves that—
 - (a) if a regulation prescribes a way in which a person's general biosecurity obligation can be discharged to prevent or minimise a biosecurity risk posed by the relevant biosecurity matter or carrier of the biosecurity matter—the person followed the prescribed way; or
 - (b) if a code of practice states a way in which a person's general biosecurity obligation can be discharged to prevent or minimise a biosecurity risk posed by the relevant biosecurity matter or carrier of the biosecurity matter—the person adopted and followed the stated way.
- (4) This section is not intended to exclude the operation of the Criminal Code, section 24.
- (5) In subsection (2)(a) and (c)—
 - another person*** does not include a following person—
 - (a) an employee or agent of the defendant;

- | | | |
|--|--|--------|
| | (b) in the case of a defendant that is a body corporate, a director, employee or agent of the defendant. | 1
2 |
|--|--|--------|

Part 2	Prohibited matter	3
---------------	--------------------------	---

Division 1	Establishing what is prohibited matter	4 5
-------------------	---	--------

- | | | |
|-----------|---|----------------------|
| 28 | Basic prohibited matter declaration provision | 6 |
| | (1) Biosecurity matter mentioned in schedule 1 is prohibited matter. | 7
8 |
| | (2) However, the operation of subsection (1) may be affected by a prohibited matter regulation or an emergency prohibited matter declaration. | 9
10
11 |
| 29 | Prohibited matter regulation | 12 |
| | (1) A regulation (a <i>prohibited matter regulation</i>) may— | 13 |
| | (a) declare that particular biosecurity matter not mentioned in schedule 1 is prohibited matter; or | 14
15 |
| | (b) declare that particular biosecurity matter mentioned in schedule 1, or declared to be prohibited matter under an emergency prohibited matter declaration, is no longer prohibited matter. | 16
17
18
19 |
| | (2) The Minister may recommend to the Governor in Council the making of a regulation under subsection (1)(a) only if the Minister is satisfied that— | 20
21
22 |
| | (a) the biosecurity matter satisfies the prohibited matter criteria as provided for in section 19; and | 23
24 |
| | (b) prompt action is required to declare the biosecurity matter to be prohibited matter. | 25
26 |

[s 30]

- (3) The Minister may recommend to the Governor in Council the making of a regulation under subsection (1)(b) only if the Minister is satisfied that—
 - (a) 1 or more of the following applies—
 - (i) the biosecurity matter is no longer contained and can not be eradicated;
 - (ii) the biosecurity matter has spread and is in a large area of the State;
 - (iii) the rate of spread of the biosecurity matter means that it is likely to spread over a large area of the State;
 - (iv) for some other reason, it is no longer practical, or it is otherwise no longer appropriate, for the biosecurity matter to be subject to the provisions of this Act relating to prohibited matter; and
 - (b) prompt action is required to declare the biosecurity matter not to be prohibited matter.
- (4) A prohibited matter regulation that declares biosecurity matter mentioned in schedule 1 no longer to be prohibited matter may also declare the biosecurity matter to be restricted matter.

30 Chief executive may make emergency prohibited matter declaration

- (1) The chief executive may, by notice signed by the chief executive (an *emergency prohibited matter declaration*)—
 - (a) declare any of the following to be prohibited matter—
 - (i) biosecurity matter not mentioned in schedule 1;
 - (ii) biosecurity matter declared under a prohibited matter regulation no longer to be prohibited matter;or

Note—

Subsection (1)(a)(ii) allows biosecurity matter that is included in schedule 1, but that a prohibited matter

[s 30]

-
- | | |
|--|----|
| regulation has declared to be no longer prohibited matter, | 1 |
| to be urgently re-established as prohibited matter. | 2 |
| (b) declare that particular biosecurity matter mentioned in | 3 |
| schedule 1, or declared to be prohibited matter, under a | 4 |
| prohibited matter regulation, is no longer prohibited | 5 |
| matter. | 6 |
| (2) The chief executive may make an emergency prohibited | 7 |
| matter declaration under subsection (1)(a) only if the chief | 8 |
| executive is satisfied that— | 9 |
| (a) the biosecurity matter satisfies the prohibited matter | 10 |
| criteria as provided for in section 19; and | 11 |
| (b) urgent action is required to declare the biosecurity | 12 |
| matter to be prohibited matter. | 13 |
| (3) The chief executive may make an emergency prohibited | 14 |
| matter declaration under subsection (1)(b) only if the chief | 15 |
| executive is satisfied that— | 16 |
| (a) 1 or more of the following applies— | 17 |
| (i) the biosecurity matter is no longer contained and | 18 |
| can not be eradicated; | 19 |
| (ii) the biosecurity matter has spread and is in a large | 20 |
| area of the State; | 21 |
| (iii) the rate of spread of the biosecurity matter means | 22 |
| that it is likely to spread over a large area of the | 23 |
| State; | 24 |
| (iv) for some other reason, it is no longer practical, or it | 25 |
| is otherwise no longer appropriate, for the | 26 |
| biosecurity matter to be subject to the provisions of | 27 |
| this Act relating to prohibited matter; and | 28 |
| (b) urgent action is required to declare the biosecurity | 29 |
| matter not to be prohibited matter. | 30 |
| (4) The chief executive must publish an emergency prohibited | 31 |
| matter declaration in full on the department's website | 32 |
| contemporaneously with the making of the declaration, or, if | 33 |
-

[s 31]

	that is not practicable, with the least practicable delay after the declaration is made.	1 2
(5)	As soon as practicable after making an emergency prohibited matter declaration, the chief executive must—	3 4
(a)	publish in the gazette a notice of the making of the declaration, the day the declaration started, a description of the biosecurity matter the subject of the declaration and the places where a copy of the declaration may be obtained; and	5 6 7 8 9
(b)	take all reasonable steps to ensure that persons likely to be directly affected by the declaration are made aware of the making of the declaration, including, for example, by some or all of the following—	10 11 12 13
(i)	advertising in newspapers, on radio and on television;	14 15
(ii)	electronically using emails and text messages;	16
(iii)	automated telephoning.	17
(6)	An emergency prohibited matter declaration is not invalid only because of a failure of the chief executive to comply with subsection (4) or (5).	18 19 20
31	Matters for inclusion in emergency prohibited matter declaration	21 22
	An emergency prohibited matter declaration must include provisions that state—	23 24
(a)	a description of the biosecurity matter the subject of the declaration; and	25 26
(b)	when the declaration starts; and	27
(c)	when the declaration expires if it is not sooner revoked.	28

32	Effect and duration of emergency prohibited matter declaration	1 2
(1)	An emergency prohibited matter declaration has effect from when it is made.	3 4
(2)	Unless it is sooner revoked, an emergency prohibited matter declaration stays in force until the earlier of the following to happen—	5 6 7
(a)	3 months elapse after publication of the gazette notice;	8
(b)	a prohibited matter regulation comes into force that deals with the biosecurity matter the subject of the emergency prohibited matter declaration.	9 10 11
33	Requirement for both prohibited matter regulation and emergency prohibited matter declaration to classify new prohibited matter	12 13 14
	A prohibited matter regulation or emergency prohibited matter declaration that declares biosecurity matter to be prohibited matter must also declare in which part of schedule 1 the prohibited matter may be taken to be included.	15 16 17 18
34	Up-to-date listing of all prohibited matter to be available on the department's website	19 20
	The Minister must keep on the department's website an up-to-date list of all biosecurity matter that is for the time being prohibited matter.	21 22 23
Division 2	Obligations relating to prohibited matter	24 25
35	Reporting presence of prohibited matter	26
(1)	This section applies to a person if the person becomes aware of the presence of biosecurity matter that is prohibited matter,	27 28

[s 35]

- hr/>
- or that the person believes or ought reasonably to believe is prohibited matter—
- (a) at a place of which the person is an occupier; or
- (b) in the person’s possession or under the person’s control; or
- (c) in or on a carrier at a place of which the person is an occupier; or
- (d) in or on a carrier in the person’s possession or under the person’s control.
- (2) If the person is not aware that any inspector has been advised, or has otherwise become aware, of the presence of the biosecurity matter, the person must advise an inspector of the presence of the biosecurity matter as soon as reasonably practicable, but not more than 24 hours, after becoming aware as mentioned in subsection (1).
- Maximum penalty—1000 penalty units or 1 year’s imprisonment.
- (3) However, the person is not required to advise an inspector under subsection (2) if—
- (a) the biosecurity matter is in the possession of a person, or is otherwise under a person’s control, under a prohibited matter permit; or
- (b) the biosecurity matter is in the lawful possession of a person, or is otherwise under a person’s lawful control, under another Act or a law of the Commonwealth.
- (4) Also, the person is not required to advise an inspector under subsection (2) if the person becomes aware, before the person would otherwise be required to advise an inspector under the subsection, that advice of the presence of the biosecurity matter has been given to an inspector by another person.
- Example—*
- A person would not be required to advise an inspector of the presence of prohibited matter in 1 of the person’s animals if the veterinary surgeon

who diagnosed the presence of the prohibited matter advised an inspector about it as soon as the diagnosis was made.

- (5) The person must not take any action reasonably likely to exacerbate, and must take any action reasonably likely to minimise, the biosecurity risk posed by the prohibited matter.

Maximum penalty—1500 penalty units or 1 year's imprisonment.

36 Dealing with prohibited matter

- (1) A person must not deal with prohibited matter.

Maximum penalty—1000 penalty units or 1 year's imprisonment.

- (2) A person does not commit an offence against subsection (1) only because the person advises an inspector under this part about the discovery of prohibited matter.

- (3) Subsection (1) does not apply to a dealing with prohibited matter—

- (a) that is—

- (i) authorised under a prohibited matter permit; or
- (ii) for the purposes of its seizure under chapter 9 as evidence of the commission of an offence; or
- (iii) authorised under another Act or a law of the Commonwealth; or

- (b) for which the person has a lawful excuse other than under paragraph (a); or

- (c) for which the person has a reasonable excuse.

[s 37]

Part 3	Restricted matter	1
Division 1	Establishing what is restricted matter	2 3
37	Basic restricted matter declaration provision	4
(1)	Biosecurity matter mentioned in schedule 2 is restricted matter.	5 6
(2)	However, the operation of subsection (1) may be affected by—	7 8
(a)	a restricted matter regulation; or	9
(b)	a prohibited matter regulation, but only in the way mentioned in part 2, division 1.	10 11
38	Restricted matter regulation	12
(1)	A regulation (a <i>restricted matter regulation</i>) may—	13
(a)	declare that particular biosecurity matter not mentioned in schedule 2 is restricted matter; or	14 15
(b)	declare that particular biosecurity matter mentioned in schedule 2 is no longer restricted matter.	16 17
(2)	The Minister may recommend to the Governor in Council the making of a regulation under subsection (1)(a) only if the Minister is satisfied that—	18 19 20
(a)	the biosecurity matter may pose a biosecurity risk; and	21
(b)	the biosecurity matter satisfies the restricted matter criteria as provided for in section 21; and	22 23
(c)	prompt action is required to declare the biosecurity matter to be restricted matter.	24 25

(3)	The Minister may recommend to the Governor in Council the making of a regulation under subsection (1)(b) only if the Minister is satisfied that—	1 2 3
(a)	it is no longer practical, or it is otherwise no longer appropriate, for biosecurity matter to be the subject of the provisions of this Act relating to restricted matter; and	4 5 6 7
(b)	prompt action is required to declare the biosecurity matter not to be restricted matter.	8 9
39	Requirement for restricted matter regulation to classify new restricted matter	10 11
	A restricted matter regulation that declares biosecurity matter to be restricted matter—	12 13
(a)	must also declare in which particular provisions of schedule 2 the restricted matter may be taken to be included; and	14 15 16
(b)	must assign a category number or category numbers to the restricted matter.	17 18
40	Up-to-date listing of all restricted matter to be available on the department's website	19 20
	The Minister must keep on the department's website an up-to-date list of all biosecurity matter that is for the time being restricted matter.	21 22 23
Division 2	Obligations relating to restricted matter	24 25
41	Reporting presence of category 1 or 2 restricted matter	26
(1)	This section applies to a person if the person becomes aware of the presence of biosecurity matter that is relevant restricted	27 28

[s 41]

- | | |
|--|----------------------------------|
| matter, or that the person believes or ought reasonably to believe is relevant restricted matter— | 1
2 |
| (a) at a place of which the person is an occupier; or | 3 |
| (b) in the person's possession or under the person's control; or | 4
5 |
| (c) in or on a carrier at a place of which the person is an occupier; or | 6
7 |
| (d) in or on a carrier in the person's possession or under the person's control. | 8
9 |
| (2) If the person is not aware that any appropriate authorised officer has been advised, or has otherwise become aware, of the presence of the biosecurity matter, the person must advise an appropriate authorised officer of the presence of the biosecurity matter as soon as practicable, but not more than 24 hours, after becoming aware as mentioned in subsection (1). | 10
11
12
13
14
15 |
| Maximum penalty— | 16 |
| (a) for a breach in relation to category 1 restricted matter—750 penalty units or 6 months imprisonment; or | 17
18 |
| (b) for a breach in relation to category 2 restricted matter—200 penalty units. | 19
20 |
| (3) However, the person is not required to advise an appropriate authorised officer under subsection (2) if— | 21
22 |
| (a) the biosecurity matter is in the possession of a person, or is otherwise under a person's control, under a restricted matter permit; or | 23
24
25 |
| (b) the biosecurity matter is in the lawful possession of a person, or is otherwise under a person's lawful control, under another Act or a law of the Commonwealth. | 26
27
28 |
| (4) Also, the person is not required to advise an appropriate authorised officer under subsection (2) if the person becomes aware, before the person would otherwise be required to advise an appropriate authorised officer under the subsection, | 29
30
31
32 |

that advice of the presence of the biosecurity matter has been
given to an appropriate authorised officer by another person.

Example—

A person would not be required to advise an appropriate authorised officer of the presence of restricted matter in 1 of the person's animals if the veterinary surgeon who diagnosed the presence of the restricted matter advised an appropriate authorised officer about it as soon as the diagnosis was made.

- (5) The person must not take any action reasonably likely to exacerbate, and must take any action reasonably likely to minimise, the biosecurity risk posed by the restricted matter.

Maximum penalty—750 penalty units.

- (6) In this section—

appropriate authorised officer means—

- (a) if the biosecurity matter is or ought reasonably be believed to be category 1 restricted matter—an inspector; or
- (b) if the biosecurity matter is or ought reasonably be believed to be category 2 restricted matter—an authorised person appointed by the chief executive.

relevant restricted matter means category 1 or category 2 restricted matter.

42 Releasing or disposing of category 7 restricted matter

- (1) A person who has category 7 restricted matter in the person's possession or under the person's control must not release into the environment, or otherwise dispose of, the restricted matter unless the release or disposal is—

- (a) performed in the way prescribed under a regulation; or
- (b) authorised under a restricted matter permit; or
- (c) performed by an authorised officer in the performance of the authorised officer's functions under this Act.

Maximum penalty—500 penalty units.

[s 43]

- (2) A person who has anything infested with category 7 restricted matter in the person's possession or under the person's control must not release the thing into the environment, or otherwise dispose of the thing unless the release or disposal is—
 - (a) performed in the way prescribed under a regulation; or
 - (b) authorised under a restricted matter permit; or
 - (c) performed by an authorised officer in the performance of the authorised officer's functions under this Act.Maximum penalty—500 penalty units.

43 Requirement to kill or dispose of category 8 restricted matter

- (1) A person who has category 8 restricted matter in the person's possession or under the person's control must kill the restricted matter.
Maximum penalty—500 penalty units.

Note—

A guideline could apply under chapter 4 about ways to humanely kill, and appropriately dispose of, noxious fish.

- (2) A person who has anything infested with, or that is a carrier of, category 8 restricted matter in the person's possession or under the person's control must dispose of the thing in the way prescribed under a regulation.
Maximum penalty—500 penalty units.

- (3) A person does not commit an offence against subsection (1) if—
 - (a) the restricted matter is in the possession of a person, or is otherwise under a person's control, under a restricted matter permit; or
 - (b) the restricted matter is in the lawful possession of a person, or is otherwise under a person's lawful control, under another Act or a law of the Commonwealth.

(4)	A person does not commit an offence against subsection (2) if—	1 2
(a)	the thing is in the possession of a person, or is otherwise under a person's control, under a restricted matter permit; or	3 4 5
(b)	the thing is in the lawful possession of a person, or is otherwise under a person's lawful control, under another Act or a law of the Commonwealth.	6 7 8
44	Offences about other categories of restricted matter	9
(1)	A person must not do any of the following—	10
(a)	give or distribute to another person, whether by gift or sale, category 3 restricted matter;	11 12
(b)	engage in trade in category 3 restricted matter;	13
(c)	move, or cause or allow to be moved, category 4 restricted matter;	14 15
(d)	keep in the person's possession or under the person's control category 5 restricted matter;	16 17
(e)	give food to category 6 restricted matter.	18
	Maximum penalty—500 penalty units.	19
(2)	A person does not commit an offence against subsection (1) if the person's action is authorised under—	20 21
(a)	a restricted matter permit; or	22
(b)	another Act or a law of the Commonwealth.	23
(3)	A person does not commit an offence against subsection (1)(c), (d) or (e) if the person's action in relation to the restricted matter is for the purposes of the restricted matter's seizure under chapter 9 as evidence of the commission of an offence.	24 25 26 27 28
(4)	A person does not commit an offence under subsection (1)(c) if the moving of the category 4 restricted matter is for the purposes of its identification by—	29 30 31

[s 45]

- | | | |
|-----|---|----------------------|
| (a) | for restricted matter that is an animal—Queensland Museum; or | 1
2 |
| (b) | for restricted matter that is a plant—Queensland Herbarium. | 3
4 |
| (5) | A person does not commit an offence under subsection (1)(d) if the keeping of the category 5 restricted matter is for the purposes of its identification by— | 5
6
7 |
| (a) | for restricted matter that is an animal—Queensland Museum; or | 8
9 |
| (b) | for restricted matter that is a plant—Queensland Herbarium. | 10
11 |
| (6) | A person does not commit an offence under subsection (1)(e) if the feeding is under the direction of a local government and is carried out in preparation for, or in the course of, baiting the category 6 restricted matter. | 12
13
14
15 |

Part 4 Other offences 16

- | | | |
|-----------|--|----------------------|
| 45 | Designated animals feeding on animal matter | 17 |
| (1) | A person must not feed animal matter to a designated animal.
Maximum penalty—400 penalty units. | 18
19 |
| (2) | A person does not commit an offence against subsection (1) only because the person— | 20
21 |
| (a) | feeds animal matter that is meal to a designated animal, other than a ruminant; or | 22
23 |
| (b) | feeds animal matter to a designated animal in relation to the lawful use of the designated animal for scientific purposes under the <i>Animal Care and Protection Act 2001</i> , chapter 4; or | 24
25
26
27 |

(c)	uses animal matter in a poisoned bait for killing a feral pig.	1 2
(3)	A person must take all reasonable steps to ensure a designated animal does not feed on animal matter.	3 4
	Maximum penalty—400 penalty units.	5
(4)	A person does not commit an offence against subsection (3) only because the person—	6 7
(a)	allows a designated animal, other than a ruminant, to feed on animal matter that is meal; or	8 9
(b)	allows a designated animal to feed on animal matter in relation to the lawful use of the designated animal for scientific purposes under the <i>Animal Care and Protection Act 2001</i> , chapter 4; or	10 11 12 13
(c)	uses animal matter in a poisoned bait for killing a feral pig.	14 15
(5)	This section does not apply to the feeding of bees.	16
46	Notifiable incidents	17
(1)	This section applies to a person if—	18
(a)	the person becomes aware that an incident has happened; and	19 20
(b)	the person believes that the incident is a notifiable incident, or ought reasonably to believe that the incident is a notifiable incident; and	21 22 23
(c)	the person has no grounds to believe that an inspector has already been made aware of the happening of the incident.	24 25 26
(2)	The person must, unless the person has a reasonable excuse—	27
(a)	advise an inspector of the incident in accordance with the requirements stated in this section; and	28 29
(b)	otherwise comply with the requirements of this section in relation to the incident.	30 31

[s 46]

-
- Maximum penalty—1000 penalty units. 1
- (3) If practicable, the advice must be given to an inspector having 2
administrative responsibility in the area where the incident 3
happened. 4
- (4) The advice must be given— 5
- (a) without delay, whether in the approved form or in 6
another way, including, for example, in person or by 7
telephone, or by email or another electronic means; and 8
- (b) state enough particulars to identify the incident, its 9
nature and its location. 10
- (5) The advice must be accompanied, or be followed as soon as 11
practicable, by any documents that reasonably relate to the 12
incident, including, for example, an analyst's report of 13
analysis showing the results of testing. 14
- (6) The person must not take any action reasonably likely to 15
exacerbate, and must take any action reasonably likely to 16
minimise, the biosecurity risk posed by any biosecurity matter 17
or carrier the subject of the incident. 18
- Example—* 19
- The person must as far as practicable keep an infected animal, carcass or 20
animal product separate from animals, carcasses or animal products that 21
are not infected. 22
- (7) In this section— 23
- incident*** includes event. 24
- notifiable incident*** means— 25
- (a) a biosecurity event; or 26
- (b) without limiting paragraph (a), the happening of any of 27
the following— 28
- (i) the appearance of blisters on the mouths or feet of 29
designated animals; 30
- (ii) an abnormally high mortality rate or morbidity rate 31
in plants or in designated animals; 32
-

	(iii) a sudden and unexplained fall in production relating to plants or designated animals;	1 2
	(iv) the presence of a contaminant in a carrier in an amount more than the maximum acceptable level prescribed under a regulation for the carrier;	3 4 5
	(v) the appearance of other symptoms or conditions prescribed under a regulation that may indicate the presence of biosecurity matter which may cause adverse effects on a biosecurity consideration.	6 7 8 9
Chapter 3	Matters relating to local governments	10 11
Part 1	Provisions about functions and obligations of local governments	12 13 14
47	Main function of local government	15
	(1) The main function under this Act of each local government is to ensure that invasive animals and plants (<i>invasive biosecurity matter</i> for the local government's area), whether or not they are prohibited matter or restricted matter, are managed within the local government's area in compliance with this Act.	16 17 18 19 20 21
	(2) Without limiting the Local Government Act, section 28(1) or the City of Brisbane Act, section 29, a local government's local law may provide for the management, in its local government area, of its area's invasive biosecurity matter.	22 23 24 25

[s 48]

48	When State and local government act in partnership	1
	The chief executive and the chief executive officer of a local government may agree that the State and local government act in a coordinated way to respond to a biosecurity event in the local government's area associated with its area's invasive biosecurity matter.	2 3 4 5 6
	<i>Example—</i>	7
	The chief executive makes a biosecurity emergency order in response to a biosecurity event and the biosecurity emergency area for the biosecurity emergency order is in a local government's area. The biosecurity matter associated with the biosecurity event is prohibited matter that is invasive biosecurity matter for the local government's area. The role of a local government in managing the prohibited matter may consist only of providing authorised persons appointed by the local government to respond to the biosecurity event.	8 9 10 11 12 13 14 15
	<i>Note—</i>	16
	The State and a local government may enter into a government and industry agreement to respond to a biosecurity event.	17 18
49	Minister may direct local government to perform function or obligation	19 20
(1)	This section applies if the Minister reasonably believes a local government is not performing any of its functions or obligations under this Act.	21 22 23
	<i>Example of a local government not performing its functions or obligations—</i>	24 25
	a local government not taking reasonable steps to manage invasive biosecurity matter for its local government area	26 27
(2)	The Minister may, by notice (local government compliance notice) given to the local government, direct it to perform the function or obligation.	28 29 30
(3)	However, before giving the local government compliance notice, the Minister must consult with the local government and consider the local government's views about the performance of the function or obligation.	31 32 33 34
(4)	The notice must state the following—	35

(a)	the function or obligation the Minister believes the local government is not performing;	1 2
(b)	what action the Minister requires the local government to take to perform the function or obligation;	3 4
(c)	the day by which the stated action must be taken.	5
(5)	The local government must comply with the notice.	6
 50	 Chief executive may act to perform local government's functions	 7 8
(1)	This section applies if a local government has been given a local government compliance notice and the chief executive is satisfied the local government has not achieved substantial compliance with the notice.	9 10 11 12
(2)	This section also applies if a local government has been given a local government compliance notice and the chief executive and the local government agree that the local government can not achieve substantial compliance with the notice.	13 14 15 16
(3)	The chief executive may by gazette notice—	17
(a)	state any function or obligation mentioned in the notice that the local government has not complied with; and	18 19
(b)	declare that, for a stated period, the function or obligation is given to the chief executive; and	20 21
(c)	state that the chief executive proposes to perform the function or obligation; and	22 23
(d)	state what action the chief executive proposes to take to perform the function or obligation.	24 25
(4)	The chief executive may perform the function or obligation, and take the stated action.	26 27
(5)	The chief executive, in performing the function or obligation or taking the action, has the powers of the local government before the gazette notice was made in relation to the function, obligation or action.	28 29 30 31

[s 51]

- (6) The costs reasonably incurred by the chief executive in performing or taking action for a function or obligation of a local government are a debt payable by the local government to the State. 1
2
3
4

51 Minister may ask for particular information from local government 5
6

- (1) The Minister may, by notice given to a local government, ask the local government to give the Minister a written report about any function performed or power exercised, or required to be performed or exercised, by the local government under this Act. 7
8
9
10
11

Example— 12

a report on the outcomes of consultation for developing or amending a biosecurity plan 13
14

- (2) The local government must comply with the request. 15

Part 2 Biosecurity plans for local government areas 16
17

Division 1 Requirement for biosecurity plans 18

52 Local governments to have biosecurity plan 19

- (1) A local government must have a biosecurity plan for invasive biosecurity matter for its local government area. 20
21
- (2) The plan may include provision for each of the following— 22
- (a) achievable objectives under the plan; 23
 - (b) strategies, activities and responsibilities for achieving the objectives; 24
25

-
- | | |
|---|-------------|
| (c) strategies to inform the local community about the content of the plan and achievement of its objectives; | 1
2 |
| (d) monitoring implementation of the plan and evaluating its effectiveness; | 3
4 |
| (e) other matters the local government considers appropriate for management of invasive biosecurity matter for its local government area. | 5
6
7 |

Division 2	Making and implementing biosecurity plans	8 9
-------------------	--	--------

- | | | |
|-----------|-----------------------------|----|
| 53 | Preparing draft plan | 10 |
|-----------|-----------------------------|----|
- | | |
|---|----------------------|
| (1) A local government must establish a working group to advise the local government about preparing a draft biosecurity plan. | 11
12 |
| (2) The working group may include a representative of the department and any State entity that controls land the local government considers appropriate for preparing the plan. | 13
14
15 |
| (3) If asked by the local government, the chief executive must nominate an individual as its representative on the working group. | 16
17
18 |
| (4) The individual must have the qualifications or experience to advise the local government about preparing its draft biosecurity plan. | 19
20
21 |
| (5) In preparing the draft biosecurity plan, the local government must have regard to— | 22
23 |
| (a) the purposes of this Act; and | 24 |
| (b) the interests of its local community, including, for example, the interests of landholders, Aboriginal and Torres Strait Islander peoples, industry groups and members of the public. | 25
26
27
28 |

[s 54]

54	Notice of draft plan and consideration of public submissions	1 2
(1)	The local government must give public notice when its draft biosecurity plan has been prepared.	3 4
(2)	The notice must—	5
(a)	be published in a newspaper circulating generally in the local government's area; and	6 7
(b)	state the draft biosecurity plan is available for inspection, free of charge, at the local government's public office; and	8 9 10
(c)	invite the public to inspect the draft plan and make written submissions about it to the local government within 28 days after the notice is published (the <i>submission period</i>).	11 12 13 14
(3)	The local government must—	15
(a)	make the draft biosecurity plan available for public inspection in written form, free of charge, in the submission period; and	16 17 18
(b)	consider any written submissions made to it under subsection (2)(c).	19 20
55	Chief executive to consider draft plan	21
(1)	The local government must give its draft biosecurity plan to the chief executive—	22 23
(a)	within 60 days after the submission period ends; and	24
(b)	at least 3 months before the local government's existing biosecurity plan, if any, ceases to have effect.	25 26
(2)	The chief executive must consider whether the draft plan—	27
(a)	complies with the purposes of this Act; and	28
(b)	provides for the management of invasive biosecurity matter for the local government's area.	29 30

(3)	The chief executive must, within 3 months after receiving the draft plan—	1 2
(a)	if the chief executive is satisfied about the matters mentioned in subsection (2)—advise the local government that it may, by resolution, adopt the biosecurity plan; or	3 4 5 6
(b)	if the chief executive is not satisfied about the matters mentioned in subsection (2)—advise the local government about how the draft plan may be amended and resubmitted to the chief executive.	7 8 9 10
(4)	The chief executive is taken to have advised the local government that it may, by resolution, adopt the biosecurity plan if, within the 3-month period, the chief executive does not advise the local government under subsection (3).	11 12 13 14
56	Adopting plan	15
	If the chief executive advises, or is taken to have advised, the local government under section 55(3)(a) or (4) that it may, by resolution, adopt the biosecurity plan, the local government must adopt the plan.	16 17 18 19
57	Duration of plan	20
(1)	A local government's biosecurity plan has effect for the period, of no more than 5 years, stated in it.	21 22
(2)	However, if the local government renews the plan before the end of the stated period, the plan ceases to have effect immediately before the new plan commences.	23 24 25
58	Implementing plan	26
	The local government must, as far as practicable, implement its biosecurity plan.	27 28

[s 59]

Division 3	Reviewing, amending and inspecting biosecurity plans	1 2
59	Reviewing a biosecurity plan	3
(1)	The local government may review its biosecurity plan when the chief executive officer of the local government considers it appropriate.	4 5 6
(2)	However, the local government must review the effectiveness of its biosecurity plan at least once each year.	7 8
(3)	The local government may consult with any State entity that controls land the local government considers appropriate for reviewing its biosecurity plan.	9 10 11
(4)	The local government must, as soon as practicable after completing the review, give the chief executive a copy of the review.	12 13 14
60	Amending plan	15
(1)	This section applies if a local government proposes to amend its biosecurity plan.	16 17
(2)	The local government must give a copy of the draft amendment to the chief executive.	18 19
(3)	The chief executive must consider whether the local government's biosecurity plan, as proposed to be amended—	20 21
(a)	complies with the purposes of this Act; and	22
(b)	provides for the management of invasive biosecurity matter for the local government's area.	23 24
(4)	The chief executive must, within 3 months after receiving the draft amendment, advise the local government—	25 26
(a)	if the chief executive is not satisfied of the matters mentioned in subsection (3)—about how the draft amendment may be adjusted; or	27 28 29

	(b) otherwise—that the local government may, by resolution, adopt the amendment of the plan.	1 2
	(5) The chief executive is taken to have advised the local government that it may, by resolution, adopt the amendment of the plan if, within the 3-month period, the chief executive does not advise the local government under subsection (4).	3 4 5 6
61	Plan to be available for inspection	7
	(1) Each local government must keep a copy of its biosecurity plan available for inspection, free of charge, by members of the public at the local government’s public office.	8 9 10
	(2) The plan may be made available in written or electronic form.	11
Division 4	Miscellaneous	12
62	Local governments acting concurrently for biosecurity plan	13 14
	(1) This part, in requiring each local government to have a biosecurity plan, does not stop 2 or more local governments from acting concurrently to propose and adopt the same biosecurity plan for each of the local governments or to subsequently amend the plan.	15 16 17 18 19
	(2) Each local government whose biosecurity plan is identical with the biosecurity plan of another local government must implement the plan in its own local government area to the extent the plan relates to that area.	20 21 22 23

[s 63]

Part 3 **Land Protection Fund** 1

63 **Continuation of Land Protection Fund** 2

The Land Protection Fund (the *fund*) established under the 3
repealed *Land Protection (Pest Management) Act 2002* is 4
continued in existence. 5

64 **Purpose and administration of fund** 6

- (1) The purpose of the fund is to record amounts received for, and 7
paid from, the fund to provide for activities that help local 8
governments meet their responsibilities under this chapter. 9
- (2) Activities that help a local government meet its 10
responsibilities under this chapter include, for example, the 11
following— 12
- (a) research about managing invasive biosecurity matter for 13
the local government's area; 14
 - (b) educational or training programs about invasive 15
biosecurity matter for the local government's area; 16
 - (c) management within the local government's area in 17
compliance with this Act of invasive biosecurity matter 18
for its area; 19
 - (d) the maintenance by the barrier fence board of any parts 20
of the barrier fence included in, or that benefits, the local 21
government's area; 22
 - (e) other activities prescribed under a regulation that help 23
local governments meet their responsibilities under this 24
Act relating to invasive biosecurity matter for its area. 25
- (3) Accounts for the fund must be kept as part of the departmental 26
accounts of the department. 27
- (4) However, amounts received for the fund may be deposited in 28
a departmental financial institution account of the department 29
with other moneys of the department. 30

-
- (5) Amounts received for the fund include the following— 1
- (a) amounts made available by the chief executive for the 2
fund; 3
 - (b) amounts given to the chief executive by another entity 4
for this Act; 5
 - (c) the proceeds of the sale or hire of any buildings, 6
equipment or machinery acquired by the Minister or 7
chief executive in relation to a matter under this chapter; 8
 - (d) the amount of any costs incurred and recovered by the 9
chief executive in relation to a matter under this chapter; 10
 - (e) the amount of any payment required by the Minister 11
under section 67; 12
 - (f) other amounts received under this Act and prescribed 13
under a regulation. 14
- (6) In this section— 15
- departmental accounts*, of the department, means the 16
accounts of the department established under the *Financial* 17
Accountability Act 2009, section 69(1). 18
- departmental financial institution accounts*, of the 19
department, means the accounts of the department established 20
under the *Financial Accountability Act 2009*, section 83(1). 21
- other moneys*, of the department, means all moneys of the 22
department other than amounts received for the fund. 23

- 65 Payments from fund** 24
- Amounts are payable from the fund only for paying the 25
following— 26
- (a) expenses incurred by the chief executive; 27
 - (b) amounts necessary for the operations of the barrier 28
fence board; 29
 - (c) an amount authorised by the chief executive under this 30
Act as payable from the fund; 31

[s 66]

	(d) other amounts required or permitted by this Act to be paid out of the fund.	1 2
66	Consultation with local government about activities	3
	Before paying an amount from the fund for services to be provided by the chief executive for activities that help a local government to meet its responsibilities under this Act, the chief executive must consult with the local government and consider the local government's views about the suitability and priority of the activities.	4 5 6 7 8 9
67	Minister may require local government to make annual payment	10 11
	(1) The Minister may, by notice, require a local government to pay an amount for a financial year to the chief executive for services provided or to be provided by the chief executive or the barrier fence board for activities in its area that help the local government meet the local government's responsibilities relating to invasive biosecurity matter for its area.	12 13 14 15 16 17
	(2) The amount must not be more than the maximum amount prescribed under a regulation for the local government.	18 19
	(3) In recommending the maximum amount, the Minister must have regard to the nature and extent of the services provided or to be provided by the chief executive or the barrier fence board in the local government's area, including, for example—	20 21 22 23 24
	(a) any of the following services—	25
	(i) research about prevention and control techniques for invasive biosecurity matter for its area;	26 27
	(ii) public education;	28
	(iii) planning and mapping services;	29
	(iv) training and technical advice for individuals and groups;	30 31

(v) strategic and preventative control of plagues of locusts and other invasive biosecurity matter for its area; or	1 2 3
(b) whether land in the area may benefit from action taken by the chief executive or the barrier fence board, including, for example, action taken under a biosecurity program, a movement control order or a biosecurity emergency order or action to keep in good order any part of the barrier fence included in, or that benefits, the local government's area.	4 5 6 7 8 9 10
(4) The notice must state the period in which the amount required under the notice must be paid.	11 12
(5) The local government must pay the amount to the chief executive in the stated period.	13 14
 68 Minister must give local government report about activities	 15 16
The Minister must give each local government required under section 67 to pay the chief executive an amount for a financial year a written report for the year on the outcomes of services provided under this Act by the chief executive for activities in the local government's area.	17 18 19 20 21

[s 69]

Chapter 4	Codes of practice, guidelines and particular agreements	1 2 3
Part 1	Codes of practice	4
69	Making codes of practice	5
(1)	A regulation may make codes of practice about matters relating to biosecurity.	6 7
(2)	Without limiting subsection (1), a code of practice may be made about any of the following—	8 9
(a)	ways of minimising biosecurity risks associated with—	10
(i)	agricultural activities; or	11
(ii)	animal husbandry activities; or	12
(iii)	land use practices that may spread invasive animals and plants; or	13 14
(iv)	dealing with carriers, including, for example, appropriate ways to treat infected or potentially infected carriers; or	15 16 17
(v)	manufacturing processes for animal feed;	18
	<i>Example of animal feed—</i>	19
	feed for ruminants	20
(b)	managing invasive animals and plants and their impacts;	21
(c)	implementing best practice in maintaining hygiene and standards of cleanliness of plant nurseries and places where designated animals are kept to protect the plants and designated animals from the likelihood of disease and to prevent the spread of disease;	22 23 24 25 26
(d)	ways to prevent, control and stop the spread of biosecurity matter by a carrier, including—	27 28

(i)	procedures for disinfecting, cleaning and treating carriers; and	1 2
(ii)	isolation of carriers introduced into the State from another State or moved from a part of the State to another part of the State; and	3 4 5
(iii)	programs for disease eradication or vaccination; and	6 7
(iv)	management of cattle ticks; and	8
(v)	management of a thing that may cause or tend to cause the spread of disease;	9 10
(e)	the carrying out of any process, or the use of particular technologies, in an industry or another activity;	11 12
(f)	requirements for the content and labelling of animal feed, fertilisers and other agricultural inputs.	13 14
	<i>Example of an agricultural input that may require labelling—</i>	15
	a bag of seed for sowing that may contain weed seeds	16
70	Consultation about codes of practice	17
(1)	Before the making of a code of practice under this part is recommended to the Governor in Council, the chief executive must consult with relevant entities.	18 19 20
(2)	Subsection (1) does not apply to the adopted provisions of a code of practice.	21 22
(3)	A failure to consult under subsection (1) does not affect the validity of the code of practice.	23 24
(4)	In this section—	25
	<i>relevant entities</i> means local governments and other entities the chief executive considers appropriate, including entities from any of the following groups if the chief executive considers the entities to have an interest in matters relating to biosecurity—	26 27 28 29 30
(a)	community groups;	31

[s 71]

	(b) professional and industry associations;	1
	(c) educational institutions;	2
	(d) natural resource management bodies.	3
71	Tabling and inspection of documents adopted in codes of practice	4 5
(1)	This section applies if—	6
(a)	a regulation that makes a code of practice adopts, applies or incorporates the whole or a stated part of another document (the <i>adopted provisions</i>); and	7 8 9
(b)	the adopted provisions are not part of, or attached to, the regulation.	10 11
(2)	The Minister must, within 14 sitting days after the regulation is gazetted, table a copy of the adopted provisions in the Legislative Assembly.	12 13 14
(3)	If the adopted provisions are amended, the Minister must, within 14 sitting days after the amendment is made, table a copy of the provisions as amended in the Legislative Assembly.	15 16 17 18
(4)	The chief executive must keep a copy of the adopted provisions, as in force from time to time, available for inspection, free of charge, by members of the public at—	19 20 21
(a)	the department's head office; and	22
(b)	other places the chief executive considers appropriate.	23
(5)	The adopted provisions may be made available in written or electronic form.	24 25
(6)	A failure to comply with subsection (2), (3) or (4) does not invalidate or otherwise affect the regulation.	26 27

Part 2	Guidelines	1
72	Chief executive may make guidelines	2
(1)	The chief executive may make guidelines to provide guidance to persons about—	3
		4
(a)	matters relating to the administration of this Act; and	5
(b)	ways of discharging the general biosecurity obligation; and	6
		7
(c)	complying with other requirements imposed under this Act.	8
		9
(2)	Without limiting subsection (1), a guideline may be about the following matters—	10
		11
(a)	the operation of provisions of this Act about monitoring and enforcement;	12
		13
(b)	ways of complying with requirements imposed under this Act in relation to restricted matter, including, for example, the following—	14
		15
		16
(i)	steps an occupier of land may take to manage invasive plants and their impact on the land and adjoining land;	17
		18
		19
(ii)	ways to avoid moving fire ants in or on soil;	20
(iii)	ways to humanely kill, and appropriately dispose of, noxious fish;	21
		22
(c)	on-farm procedures for keeping and caring for horses;	23
(d)	raising designated animals on land for the domestic needs of the occupants of the land.	24
		25
(3)	The chief executive may make a guideline by adopting another entity's guideline with or without changes.	26
		27
(4)	Before making a guideline, the chief executive must take reasonable steps to allow entities the chief executive considers	28
		29

[s 73]

may have an interest in the proposed guideline to give the
chief executive written submissions about it.

Example—

The chief executive might publish a notice in a newspaper circulating in
the area in which interested entities reside seeking submissions about a
proposed guideline.

- (5) A failure to allow the entities to give the chief executive
written submissions about the proposed guideline does not
affect the validity of it.

73 Availability of guidelines

- (1) The chief executive must keep a copy of each guideline, as in
force from time to time, available for inspection, free of
charge, by local governments and members of the public at—
(a) the department’s head office; and
(b) other places the chief executive considers appropriate.
(2) Also, the chief executive must publish each guideline, as in
force from time to time, on the department’s website.

74 Obligation to have regard to guidelines

- (1) The contents of a guideline may be taken into account when
considering whether a person has or has not discharged the
person’s general biosecurity obligation or otherwise complied
with a provision of this Act.
(2) However, it must not be presumed that a person who has
failed to follow a guideline has breached the person’s general
biosecurity obligation or otherwise failed to comply with a
provision of this Act.

Part 3	Particular agreements between State and other entities	1 2
Division 1	Intergovernmental agreements	3
75	Intergovernmental agreement for recognising biosecurity certificates	4 5
	An agreement (an <i>intergovernmental agreement</i>) entered into by the Minister or the chief executive, for the State, with the Commonwealth or another State may—	6 7 8
	(a) provide for recognition by Queensland of biosecurity certificates given under a law of the Commonwealth or other State that is a corresponding law to this Act; and	9 10 11
	(b) provide for recognition by the Commonwealth or another State of biosecurity certificates given under this Act by accredited certifiers; and	12 13 14
	(c) impose audit, inspection or other requirements on a party to the agreement to ensure the integrity and mutual recognition of certificates mentioned in paragraphs (a) and (b); and	15 16 17 18
	(d) provide for another matter necessary or convenient to achieve the purposes of this Act.	19 20
Division 2	Government and industry agreements	21 22
76	Entering into government and industry agreements	23
	(1) The Minister or the chief executive may, for the State, enter into an agreement (a <i>government and industry agreement</i>)—	24 25
	(a) to help achieve the purposes of this Act; and	26

[s 77]

- (b) that is between the State and any 1 or more of the following—
 - (i) 1 or more other jurisdictions;
 - (ii) 1 or more local governments;
 - (iii) 1 or more industry bodies;
 - (iv) 1 or more natural resource management bodies.
- (2) The agreement may be directed at—
 - (a) ensuring a coordinated process for either of the following—
 - (i) responding to a biosecurity event;
 - (ii) sharing, between the parties, the costs related to a biosecurity event; or
 - (b) providing for another matter necessary or convenient to achieve the purposes of this Act.
- (3) In this section—

industry body means a body considered by the participants in a particular industry to be the national or State representative of the industry.

other jurisdiction means the Commonwealth or another State.

77 Content of government and industry agreement

- (1) A government and industry agreement may provide for the following—
 - (a) measures the parties to the agreement must undertake for—
 - (i) preparing for a biosecurity event; or
 - (ii) preventing, controlling or responding to a biosecurity event; or
 - (iii) undertaking surveillance for biosecurity matter; or
 - (iv) recovering from a biosecurity event; or

(v) ongoing management of biosecurity matter that caused a biosecurity event;	1 2
(b) the whole or partial reimbursement of costs incurred, or losses suffered, by a person in complying with an implemented response to a biosecurity event;	3 4 5
<i>Examples of costs that may be incurred by a person in complying with an implemented response—</i>	6 7
<ul style="list-style-type: none"> • costs of eradicating or controlling biosecurity matter • costs of undertaking a measure to prevent the introduction, reintroduction or spread of biosecurity matter 	8 9 10
<i>Examples of losses that may be suffered by a person in complying with an implemented response—</i>	11 12
<ul style="list-style-type: none"> • the value of animals or plants owned by the person that are destroyed to eradicate or control biosecurity matter or to prevent the introduction, reintroduction or spread of biosecurity matter • the value of production that is foregone because land owned by the person must be left fallow to prevent the introduction, reintroduction or spread of biosecurity matter 	13 14 15 16 17 18 19
(c) sharing, between the parties to the agreement, of any of the following costs incurred by a party to the agreement—	20 21 22
(i) costs of an implemented response to a biosecurity event, including, for example, labour costs, operating expenses and capital expenditure;	23 24 25
(ii) costs of reimbursing persons for costs incurred, or losses suffered, by them in complying with the implemented response;	26 27 28
(d) restrictions applying to cost sharing under the agreement;	29 30
<i>Examples of restrictions that may apply to cost sharing under the agreement—</i>	31 32
<ul style="list-style-type: none"> • only a stated maximum amount is eligible for cost sharing under the agreement 	33 34

[s 78]

•	only the stated types of costs are eligible for cost sharing under the agreement	1 2
(e)	anything else necessary or convenient for the matters mentioned in paragraphs (a) to (d).	3 4
(2)	Subsection (1)(c) does not limit the types of costs that may be subject to cost sharing under the agreement.	5 6
(3)	In this section—	7
	<i>implemented response</i> , to a biosecurity event, means a response set out in a government and industry agreement that states how the parties to the agreement will respond to the biosecurity event.	8 9 10 11
Division 3	Compliance agreements	12
Subdivision 1	Preliminary	13
78	Entering into compliance agreements	14
(1)	The chief executive may, for the State, enter into an agreement (a <i>compliance agreement</i>) that—	15 16
(a)	helps achieve the purposes of this Act; and	17
(b)	is between the State and a person (the <i>other party</i>); and	18
(c)	provides for—	19
(i)	the application of particular procedures relating to biosecurity matter that must be carried out by the other party; and	20 21 22
(ii)	the records the other party must keep to show compliance with the procedures; and	23 24
(iii)	the supervision, monitoring and testing of the other party's compliance with the procedures.	25 26

-
- (2) A compliance agreement may provide that, in the circumstances and to the extent stated in the agreement, the chief executive may give the other party notice—

 - (a) cancelling or amending the agreement; or
 - (b) suspending the operation of the agreement—
 - (i) for a stated period; or
 - (ii) until the happening of a stated event.

1

2

3

4

5

6

7
 - (3) An inspector may give the other party notice of the application of particular procedures that are additional to the procedures contained in the compliance agreement.

8

9

10
 - (4) However, the inspector may give notice under subsection (3) only if the inspector is acting under chapter 9, part 3.

11

12
 - (5) If the inspector gives notice under subsection (3), the procedures stated in the notice are taken to be procedures in the compliance agreement.

13

14

15
 - (6) Also, a compliance agreement is of no effect to the extent it purports to authorise an act or omission that is contrary to a biosecurity emergency order, a biosecurity zone regulatory provision or a movement control order.

16

17

18

19

Subdivision 2 **Applications for compliance agreements** 20 21

- ### **79** **Requirements for application** 22
- (1) A person may apply to the chief executive in the approved form to enter into a compliance agreement with the State.

23

24
 - (2) The application must state each of the following—

 - (a) the details about the applicant that are prescribed under a regulation;
 - (b) a brief description of the nature of the business the applicant conducts, including details of any biosecurity

25

26

27

28

29

[s 79]

- | | | |
|------|--|----|
| | matter or carrier the business deals with, or activity | 1 |
| | carried out by the business, (the <i>biosecurity risk matter</i>) | 2 |
| | that may pose a biosecurity risk; | 3 |
| (c) | the biosecurity risks that are reasonably likely to be | 4 |
| | associated with the biosecurity risk matter; | 5 |
| (d) | the measures proposed to prevent or manage exposure to | 6 |
| | the biosecurity risks and to help achieve the purposes of | 7 |
| | this Act, including measures— | 8 |
| (i) | to minimise the likelihood of the applicant's | 9 |
| | dealing with biosecurity risk matter causing a | 10 |
| | biosecurity event; or | 11 |
| (ii) | to limit the consequences of a biosecurity event | 12 |
| | caused by the applicant's dealing with biosecurity | 13 |
| | risk matter; | 14 |
| | <i>Examples—</i> | 15 |
| | • hygiene or disinfection practices | 16 |
| | • staff training | 17 |
| | • operating procedures for plant and equipment used in the | 18 |
| | applicant's business | 19 |
| | • the implementation of quality assurance measures to ensure | 20 |
| | the biosecurity risks associated with the biosecurity risk | 21 |
| | matter are identified, monitored and controlled | 22 |
| (e) | when assessment of the proposed measures mentioned | 23 |
| | in paragraph (d) will be carried out and the way the | 24 |
| | measures will be assessed; | 25 |
| (f) | whether the applicant proposes complying with a | 26 |
| | recognised way of managing the biosecurity risks for the | 27 |
| | applicant's business, including, for example, an | 28 |
| | Australian standard or a code of practice; | 29 |
| (g) | if the applicant or, if the applicant is a corporation or an | 30 |
| | incorporated association, if an executive officer of the | 31 |
| | corporation or a member of the association's | 32 |
| | management committee has a conviction for a relevant | 33 |
| | biosecurity offence, other than a spent | 34 |

	conviction—details of the offence and the circumstances of its commission;	1 2
	(h) other information prescribed under a regulation relating to control of the biosecurity risks.	3 4
	(3) The application must be accompanied by the fee prescribed under a regulation.	5 6
80	Consideration of application	7
	The chief executive must consider the application and decide to grant, or refuse to grant, the application.	8 9
81	Criteria for deciding application	10
	(1) The chief executive may grant the application only if satisfied—	11 12
	(a) the measures proposed to prevent or manage exposure to the biosecurity risks are suitable for the biosecurity risk matter; and	13 14 15
	(b) the audit carried out under section 432 shows—	16
	(i) the applicant's business has implemented procedures that provide a way for preventing or managing exposure to all biosecurity risks relating to the biosecurity risk matter; and	17 18 19 20
	(ii) the applicant can comply with the requirements of the compliance agreement.	21 22
	(2) Further, in deciding whether or not to grant the application, the chief executive must consider whether the applicant is a suitable person to enter into a compliance agreement.	23 24 25
82	Inquiry about application	26
	(1) Before deciding the application, the chief executive—	27
	(a) may make inquiries to decide the suitability of the applicant to enter into a compliance agreement; and	28 29

[s 83]

- (b) may, by notice given to the applicant, require the applicant to give the chief executive, within the reasonable period of at least 30 days stated in the notice, further information or a document the chief executive reasonably requires to decide the application.
- (2) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with a requirement under subsection (1)(b).
- (3) A notice under subsection (1)(b) must be given to the applicant within 30 days after the chief executive receives the application.
- (4) The information or document under subsection (1)(b) must, if the notice requires, be verified by statutory declaration.

83 Suitability of applicant to enter into compliance agreement

In considering whether an applicant is a suitable person to enter into a compliance agreement, the chief executive must have regard to whether the applicant or, if the applicant is a corporation or an incorporated association, an executive officer of the corporation or a member of the association's management committee—

- (a) has a conviction for a relevant biosecurity offence, other than a spent conviction; or
- (b) has previously entered into a compliance agreement that the chief executive has suspended or cancelled under subdivision 3.

84 Decision on application

- (1) If the chief executive decides to grant the application, the chief executive must—
 - (a) decide the provisions of the compliance agreement; and

-
- | | | |
|-----|--|----------------------|
| (b) | give the applicant an information notice for the decision that includes the proposed provisions; and | 1
2 |
| (c) | on behalf of the State, enter into a compliance agreement with the applicant. | 3
4 |
| (2) | Without limiting section 78, the provisions of a compliance agreement may include any of the following— | 5
6 |
| (a) | that the applicant must comply with a document, including, for example, an Australian standard or a code of practice, in conducting the applicant's business; | 7
8
9 |
| (b) | particular procedures relating to biosecurity matter that must be carried out by the applicant under the agreement; | 10
11
12 |
| (c) | the records the applicant must keep to show compliance with the procedures; | 13
14 |
| (d) | agreed procedures for the supervision, monitoring and testing of the applicant's compliance with the procedures; | 15
16
17 |
| (e) | the performance outcomes for the procedures; | 18 |
| (f) | circumstances in which the agreement can be cancelled or suspended; | 19
20 |
| (g) | circumstances in which the agreement can be amended; | 21 |
| (h) | the way and the intervals in which the applicant is required to report on the applicant's compliance with the agreement and any other matter stated in the agreement; | 22
23
24 |
| (i) | the information, or documents, relating to the applicant's business that the applicant may be required to give the chief executive; | 25
26
27 |
| (j) | the day that the agreement takes effect; | 28 |
| (k) | any other conditions the chief executive considers necessary or desirable to ensure the biosecurity risks that are reasonably likely to be associated with the biosecurity risk matter are prevented or managed. | 29
30
31
32 |
-

[s 85]

- | | | |
|-----|--|-------------|
| (3) | A compliance agreement must state its term that is not more than 5 years after the agreement takes effect. | 1
2 |
| | <i>Note—</i> | 3 |
| | See sections 78 and 90 for when the chief executive may cancel a compliance agreement. | 4
5 |
| (4) | If the chief executive decides to refuse the application, the chief executive must as soon as practicable give the applicant an information notice for the decision. | 6
7
8 |

85	Failure to decide application	9
-----------	--------------------------------------	---

- | | | |
|-----|---|----------------------|
| (1) | Subject to subsections (2) and (3), if the chief executive fails to decide the application within 30 days after its receipt, the failure is taken to be a decision by the chief executive to refuse to grant the application. | 10
11
12
13 |
| (2) | Subsection (3) applies if— | 14 |
| | (a) a person has made an application to enter into a compliance agreement; and | 15
16 |
| | (b) the chief executive has, under section 82(1), required the applicant to give the chief executive further information or a document. | 17
18
19 |
| (3) | The chief executive is taken to have refused to grant the application if the chief executive does not decide the application within 30 days after the chief executive receives the further information or document. | 20
21
22
23 |
| (4) | If the application is taken to be refused under this section, the applicant is entitled to be given an information notice by the chief executive for the decision. | 24
25
26 |

Subdivision 3	Suspension and cancellation of compliance agreements	1 2
86	Grounds for suspension or cancellation	3
(1)	Each of the following is a ground for suspending or cancelling a compliance agreement—	4 5
(a)	the other party to the agreement is not, or is no longer, a suitable person to be a party to the agreement;	6 7
(b)	the other party is convicted of an offence against section 94;	8 9
(c)	the chief executive reasonably believes the other party has not complied, or is not complying, with the agreement;	10 11 12
(d)	a compliance audit of the other party's business identifies a noncompliance with the agreement and the noncompliance is likely to cause a significant biosecurity risk;	13 14 15 16
(e)	the chief executive entered into the agreement in reliance on a materially false or misleading representation or declaration of the other party;	17 18 19
(f)	a ground for cancelling or suspending the agreement has arisen under section 84(2)(f).	20 21
(2)	For forming a belief that the ground mentioned in subsection (1)(a) exists, the chief executive may have regard to the matters to which the chief executive may have regard in deciding whether an applicant for entering into a compliance agreement is a suitable person to enter into the agreement.	22 23 24 25 26
87	Show cause notice	27
(1)	This section applies if the chief executive believes a ground exists to suspend or cancel the compliance agreement.	28 29

[s 88]

- (2) The chief executive must give the other party to the agreement a notice under this section (a *show cause notice*). 1
2
- (3) The show cause notice must state the following— 3
 - (a) the action the chief executive proposes taking under this subdivision (the *proposed action*); 4
5
 - (b) the grounds for the proposed action; 6
 - (c) an outline of the facts and circumstances forming the basis for the grounds; 7
8
 - (d) if the proposed action is suspension of the agreement—the proposed suspension period; 9
10
 - (e) that the other party may, within a stated period (the *show cause period*), make written representations to the chief executive to show why the proposed action should not be taken. 11
12
13
14
- (4) The show cause period must end at least 28 days after the other party is given the show cause notice. 15
16

88 Representations about show cause notice 17

- (1) The other party to the compliance agreement may make written representations about the show cause notice to the chief executive in the show cause period. 18
19
20
- (2) The chief executive must consider all representations (the *accepted representations*) for the show cause notice made under subsection (1). 21
22
23

89 Ending show cause process without further action 24

If, after considering the accepted representations for the show cause notice, the chief executive no longer believes a ground exists to suspend or cancel the compliance agreement, the chief executive— 25
26
27
28

- (a) must not take any further action about the show cause notice; and 29
30

-
- | | | |
|-----|--|---|
| (b) | must give the other party to the agreement a notice that | 1 |
| | no further action is to be taken about the show cause | 2 |
| | notice. | 3 |

90	Suspension or cancellation	4
-----------	-----------------------------------	---

- | | | |
|-----|--|----|
| (1) | This section applies if— | 5 |
| | (a) there are no accepted representations for the show cause | 6 |
| | notice; or | 7 |
| | (b) after considering the accepted representations for the | 8 |
| | show cause notice, the chief executive— | 9 |
| | (i) still believes a ground exists to suspend or cancel | 10 |
| | the compliance agreement; and | 11 |
| | (ii) believes suspension or cancellation of the | 12 |
| | agreement is warranted. | 13 |
| (2) | The chief executive may— | 14 |
| | (a) if the proposed action was to suspend the | 15 |
| | agreement—suspend the agreement for not longer than | 16 |
| | the proposed suspension period; or | 17 |
| | (b) if the proposed action was to cancel the | 18 |
| | agreement—cancel the agreement or suspend it for a | 19 |
| | period. | 20 |
| (3) | If the chief executive decides to take action under subsection | 21 |
| | (2), the chief executive must as soon as practicable give the | 22 |
| | other party to the agreement an information notice for the | 23 |
| | decision. | 24 |
| (4) | The decision takes effect on the later of the following— | 25 |
| | (a) the day the information notice is given to the other | 26 |
| | party; | 27 |
| | (b) the day stated in the information notice for that purpose. | 28 |

[s 91]

91	Immediate suspension of compliance agreement	1
(1)	The chief executive may suspend the compliance agreement immediately if the chief executive believes—	2 3
(a)	a ground exists to suspend or cancel the agreement; and	4
(b)	it is necessary to suspend the agreement immediately because there is an immediate and serious biosecurity risk.	5 6 7
(2)	The suspension—	8
(a)	can be effected only by the chief executive giving an information notice to the other party to the agreement about the decision to suspend the agreement, together with a show cause notice; and	9 10 11 12
(b)	operates immediately the notices are given to the other party; and	13 14
(c)	continues to operate until the earliest of the following happens—	15 16
(i)	the chief executive cancels the remaining period of the suspension;	17 18
(ii)	the show cause notice is finally dealt with;	19
(iii)	56 days have passed since the notices were given to the other party.	20 21
(3)	Subsection (4) applies if—	22
(a)	a suspension under this section stops because—	23
(i)	the chief executive cancels the remaining period of the suspension; or	24 25
(ii)	the show cause notice is finally dealt with by a decision being made not to suspend or cancel the agreement; or	26 27 28
(iii)	56 days have passed since the notices mentioned in subsection (2)(a) were given to the other party; and	29 30
(b)	the other party has returned the agreement to the chief executive under section 92.	31 32

(4)	The chief executive must as soon as practicable give the agreement to the other party.	1 2
92	Return of suspended or cancelled compliance agreement	3
(1)	This section applies if the chief executive has suspended or cancelled a compliance agreement and given an information notice for the decision to the other party to the agreement.	4 5 6
(2)	The other party must return the compliance agreement to the chief executive within 14 days after the decision takes effect unless the other party has a reasonable excuse.	7 8 9
	Maximum penalty—40 penalty units.	10
(3)	If the compliance agreement has been suspended and the agreement has been returned to the chief executive, the chief executive must return the agreement to the other party at the end of the suspension period.	11 12 13 14
(4)	The chief executive is not required to return the compliance agreement if the agreement is cancelled.	15 16
Subdivision 4	Provisions about compliance agreements	17 18
93	Effect of compliance agreement if holding compliance certificate	19 20
(1)	This section applies if—	21
(a)	the biosecurity risk matter stated in a compliance agreement is the dealing with a particular biosecurity matter or carrier; and	22 23 24
(b)	the other party to the agreement holds a certificate (a <i>compliance certificate</i>), issued by a person authorised under the agreement to give the certificate, stating that the measures proposed for preventing or managing exposure to all biosecurity risks relating to the biosecurity risk matter have been carried out.	25 26 27 28 29 30

[s 94]

- (2) An authorised officer may, in exercising powers under this Act relating to the biosecurity risk matter, accept and, without further checking, rely and act on the compliance certificate. 1
2
3

Example— 4

An authorised officer may release to the other party to a compliance agreement biosecurity matter or a carrier that has been seized under chapter 9, part 4, division 4 if the other party holds a compliance certificate for the biosecurity matter or carrier. 5
6
7
8

94 Complying with compliance agreement 9

- (1) A person who has entered into a compliance agreement with the State must comply with the agreement unless the person has a lawful or reasonable excuse. 10
11
12

Maximum penalty—600 penalty units. 13

- (2) In a proceeding for an offence against subsection (1), it is a defence for the person to prove that the person took all reasonable steps to comply with the compliance agreement. 14
15
16

95 False statements and false advertising 17

A person (the *first person*) who has not entered into a compliance agreement must not— 18
19

- (a) state, either orally or in writing, anything to another person that is likely to induce the person to believe the first person has entered into a compliance agreement; or 20
21
22
- (b) publish, or cause to be published, an advertisement stating or implying the first person has entered into a compliance agreement. 23
24
25

Maximum penalty—100 penalty units. 26

Chapter 5	Managing biosecurity emergencies and risks	1
		2
Part 1	Biosecurity emergencies	3
Division 1	Preliminary	4
96	Relationship to other Acts	5
(1)	Nothing in this part prevents a person from declaring a disaster situation or another emergency under another Act (<i>another declaration</i>).	6 7 8
(2)	However, the existence of another declaration does not prevent the declaration of a biosecurity emergency under this part.	9 10 11
	<i>Examples of other Acts—</i>	12
	• <i>Disaster Management Act 2003</i>	13
	• <i>Public Health Act 2005</i>	14
	• <i>Public Safety Preservation Act 1986</i>	15
(3)	In this section—	16
	<i>disaster situation</i> means a disaster situation declared under the <i>Disaster Management Act 2003</i> .	17 18
97	Other Acts not affected	19
	This part is in addition to, and does not limit—	20
(a)	the <i>Disaster Management Act 2003</i> ; or	21
(b)	the <i>Public Health Act 2005</i> , chapter 8; or	22
(c)	the <i>Public Safety Preservation Act 1986</i> , part 3.	23

[s 98]

98	Powers under this part and powers under other Acts	1
	The powers under this part are in addition to and do not limit the powers a person has under another provision of this Act or another Act.	2 3 4
	<i>Examples of powers a person may have under another provision of this Act or another Act—</i>	5 6
	<ul style="list-style-type: none"> the chief executive's power to make a movement control order under part 2 a police officer's general power of entry under the <i>Police Powers and Responsibilities Act 2000</i>, section 19 	7 8 9 10
Division 2	Declaring a biosecurity emergency	11
99	Chief executive may make biosecurity emergency order	12
	(1) The chief executive may, by notice signed by the chief executive and published on the department's website, make an order (a <i>biosecurity emergency order</i>) for responding to a biosecurity event.	13 14 15 16
	<i>Examples—</i>	17
	1 A biosecurity emergency order might be addressed at something that is currently happening. Accordingly, a biosecurity emergency order might be made because there is in progress an outbreak in horses of equine influenza that has been positively diagnosed on a number of properties in the biosecurity emergency area.	18 19 20 21 22
	2 A biosecurity emergency order might be addressed at something that may happen. Accordingly, a biosecurity emergency order might be made because a significant number of chickens have been found dead on a poultry farm in the biosecurity emergency area. The deaths could be the result of heat exhaustion. However, tests being urgently undertaken have not yet ruled out the possibility that the deaths have been caused by biosecurity matter, for example avian influenza.	23 24 25 26 27 28 29 30
	(2) As soon as practicable after making a biosecurity emergency order, the chief executive must—	31 32

-
- | | |
|--|----------------------------------|
| (a) publish in the gazette a notice of the making of the order, the order's subject matter generally and the places where a copy of the order may be obtained; and | 1
2
3 |
| (b) take all reasonable steps to ensure that persons likely to be directly affected by the order are made aware of the making of the order, including, for example, by some or all of the following— | 4
5
6
7 |
| (i) advertising in newspapers, on radio and on television; | 8
9 |
| (ii) electronically using emails and text messages; | 10 |
| <i>Example—</i> | 11 |
| sms messaging in the biosecurity emergency area | 12 |
| (iii) automated telephoning. | 13 |
| (3) A biosecurity emergency order must be primarily directed at taking emergency action to isolate the biosecurity emergency area identified in the order, to stop the spread of any biosecurity matter associated with the biosecurity event and, if practicable, to eradicate the biosecurity matter. | 14
15
16
17
18 |
| (4) The chief executive may make a biosecurity emergency order only if the chief executive is satisfied on reasonable grounds, having regard to the seriousness or potential seriousness of the biosecurity event and the extent of its impact or likely impact, that an emergency response as provided for in the order is necessary. | 19
20
21
22
23
24 |
| <i>Examples—</i> | 25 |
| 1 The chief executive may decide that a biosecurity emergency order is necessary to mitigate the adverse effects of a biosecurity event, including limiting its area of impact. | 26
27
28 |
| 2 The chief executive may decide a biosecurity emergency order is necessary to ensure that a biosecurity event does not take place at all. | 29
30
31 |
| (5) However, before making a biosecurity emergency order, the chief executive must consult with the Minister and, if the biosecurity event has or is likely to have a significant impact | 32
33
34 |
-

[s 100]

on human health, must also consult with the chief health officer.	1 2
(6) If it has not been practicable to consult with the Minister or the chief health officer under subsection (5), the chief executive must consult as soon as practicable after the making of the biosecurity emergency order.	3 4 5 6
(7) A biosecurity emergency order is not invalid only because of a failure of the chief executive to comply with subsection (2), (5) or (6).	7 8 9
(8) To remove any doubt, it is declared that subsections (2) to (6) also apply for the amendment or revocation of a biosecurity emergency order, to the greatest practicable extent.	10 11 12
100 Matters for inclusion in biosecurity emergency order	13
(1) A biosecurity emergency order must include provisions that state—	14 15
(a) the nature and apparent extent of the biosecurity emergency the subject of the order; and	16 17
(b) the area to which the order primarily relates (the <i>biosecurity emergency area</i> for the biosecurity emergency order); and	18 19 20
(c) the duties and obligations imposed on—	21
(i) occupiers of any place within the biosecurity emergency area or a part of the area; and	22 23
(ii) other persons in or in the vicinity of the biosecurity emergency area or a part of the area; and	24 25
(d) when the order expires if it is not sooner revoked; and	26
(e) any conditions relating to the conduct of the response to the biosecurity emergency.	27 28
(2) Without limiting subsection (1), a biosecurity emergency order may include any of the following—	29 30

[s 100]

-
- | | |
|--|----------------------------|
| (a) a requirement for a person to publish warnings, in a form approved by the chief executive, that particular biosecurity matter or a carrier has had, is having or may have a significant adverse effect on a biosecurity consideration; | 1
2
3
4
5 |
| (b) a prohibition on dealing with biosecurity matter or a carrier; | 6
7 |
| (c) a prohibition or restriction on the movement of biosecurity matter or of a carrier— | 8
9 |
| (i) into the State; or | 10 |
| (ii) into or out of the biosecurity emergency area; or | 11 |
| (iii) into an area adjacent to the biosecurity emergency area, whether or not the movement is out of the biosecurity emergency area; or | 12
13
14 |
| (iv) out of an area adjacent to the biosecurity emergency area, whether or not the movement is into the biosecurity emergency area; or | 15
16
17 |
| (v) within the biosecurity emergency area; | 18 |
| (d) conditions that must be complied with for movement of a type mentioned in paragraph (c); | 19
20 |
| (e) requirements for the completion of a movement of a type mentioned in paragraph (c) if the movement is already in progress when the order is made; | 21
22
23 |
| <i>Example—</i> | 24 |
| The biosecurity emergency order might require persons to stay where they are, to finish a journey or to return home. | 25
26 |
| (f) actions required to be taken by a person that are reasonably necessary or desirable to prevent the introduction, establishment or spread of biosecurity matter the subject of the order or to otherwise control or eradicate the biosecurity matter; | 27
28
29
30
31 |
| (g) requirements for a person (the <i>relevant person</i>), including, for example, an owner of land within the | 32
33 |
-

[s 100]

-
- | | |
|--|----|
| biosecurity emergency area or a person who is in | 1 |
| possession or control of a carrier within the biosecurity | 2 |
| emergency area— | 3 |
| (i) to treat or destroy biosecurity matter (including | 4 |
| biosecurity matter in water) or a carrier; or | 5 |
| (ii) to allow any treatment, destruction, disposal, | 6 |
| transport, decontamination or vaccination required | 7 |
| under the order to be performed by, or under the | 8 |
| direction of, an inspector and at the expense of the | 9 |
| relevant person; | 10 |
| (h) a direction that biosecurity matter or a carrier that has | 11 |
| been consigned to another person, distributed to another | 12 |
| person for sale or sold to another person be recalled in | 13 |
| the way, and within the period, stated in the order; | 14 |
| (i) requirements for notifying an inspector about the | 15 |
| presence of particular biosecurity matter; | 16 |
| (j) a direction that biosecurity matter or a carrier intended | 17 |
| to be used for human or animal consumption or plant | 18 |
| production be impounded, isolated or destroyed or | 19 |
| otherwise disposed of in the way stated in the order; | 20 |
| (k) an absolute prohibition on the carrying out of an activity | 21 |
| in relation to biosecurity matter or a carrier; | 22 |
| (l) a prohibition on the carrying out of an activity in | 23 |
| relation to biosecurity matter or a carrier other than in | 24 |
| compliance with conditions stated in the order; | 25 |
| (m) requirements for, and conditions applying to, the taking | 26 |
| and analysis of samples of biosecurity matter or of a | 27 |
| carrier; | 28 |
| (n) methods that must be followed for analysis of samples | 29 |
| of biosecurity matter or of a carrier, required to be taken | 30 |
| and analysed under the order. | 31 |
| (3) Also, a biosecurity emergency order may— | 32 |

(a)	establish checkpoints (<i>biosecurity emergency checkpoints</i>) within or near the biosecurity emergency area for the order; and	1 2 3
(b)	include objective criteria to apply for the stopping and checking of vehicles at the biosecurity emergency checkpoints.	4 5 6
(4)	Without limiting the ways in which a biosecurity emergency area may be identified, the area may be identified by reference to any of the following—	7 8 9
(a)	an area outlined on a map;	10
(b)	coordinates located using global positioning systems;	11
(c)	real property descriptions;	12
(d)	local government area boundaries or boundaries of divisions within a local government's area;	13 14
(e)	electoral boundaries applying for State or Commonwealth elections;	15 16
(f)	geographical features, including, for example, roads and rivers.	17 18
101	Effect and duration of biosecurity emergency order	19
(1)	A biosecurity emergency order has effect from when it is made, or from a later time provided for in the order.	20 21
(2)	Unless it is sooner revoked, a biosecurity emergency order stays in force until 21 days after the order is made.	22 23
(3)	Without limiting the chief executive's power to revoke a biosecurity emergency order, a movement control order may revoke a biosecurity emergency order.	24 25 26
(4)	If a biosecurity emergency order is inconsistent with biosecurity zone regulatory provisions, a movement control order or a code of practice, the biosecurity emergency order prevails to the extent of the inconsistency.	27 28 29 30

[s 102]

- (5) A permit or other authorisation given under an Act other than 1
for the purpose of responding to a biosecurity event is of no 2
effect, while a biosecurity emergency order is in force, to the 3
extent it is inconsistent with the biosecurity emergency order. 4

Example for subsection (5)— 5

A permit to travel designated animals along a stock route given under 6
legislation relating to the control and management of stock routes would 7
not be effective to authorise travel that is prohibited under a biosecurity 8
emergency order while the order is in force. 9

Division 3 Enforcement of biosecurity 10 **emergency order 11**

102 Compliance with biosecurity emergency order 12

- (1) A person to whom a biosecurity emergency order applies 13
must comply with the order. 14
Maximum penalty—2000 penalty units or 2 years 15
imprisonment. 16
- (2) A person does not commit an offence under subsection (1) if 17
the person— 18
- (a) did not know, and ought not reasonably to have known, 19
of the existence of the order; or 20
- (b) has a reasonable excuse for not complying with the 21
order. 22

103 Power to stop vehicles 23

- (1) An inspector who is also a police officer, or an authorised 24
transport officer, may require the person in control of a 25
vehicle to stop the vehicle at a biosecurity emergency 26
checkpoint, having regard to the objective criteria applying for 27
the stopping and checking of vehicles at the checkpoint. 28
- (2) An inspector who is also a police officer may require the 29
person in control of a vehicle to stop the vehicle other than at 30

[s 104]

a biosecurity emergency checkpoint if the inspector suspects on reasonable grounds that—	1 2
(a) the vehicle may be being moved in contravention of a biosecurity emergency order; or	3 4
(b) the vehicle may be being used to carry biosecurity matter or a carrier in contravention of a biosecurity emergency order.	5 6 7
(3) A requirement may be made under subsection (1) or (2) in a way prescribed under a regulation.	8 9
<i>Example—</i>	10
A regulation might make provision for the display at a biosecurity emergency checkpoint or other stopping point of signs that can be easily read and understood by the person in control of a vehicle.	11 12 13
(4) A person must comply with a requirement under subsection (1) or (2) unless the person has a reasonable excuse.	14 15
Maximum penalty—	16
(a) for a failure to stop a vehicle at a biosecurity emergency checkpoint—500 penalty units; or	17 18
(b) for a failure to stop a vehicle other than at a biosecurity emergency checkpoint—100 penalty units.	19 20
(5) A regulation may impose restrictions on the stopping of vehicles by authorised transport officers.	21 22
104 Inspection of stopped vehicle	23
(1) This section applies to a vehicle that has been stopped under this division by—	24 25
(a) an inspector who is also a police officer; or	26
(b) an authorised transport officer.	27
(2) An inspector, or an authorised person acting under the direction of an inspector, may inspect the vehicle to the extent necessary to ensure the vehicle is not carrying biosecurity	28 29 30

[s 104]

-
- | | |
|---|----|
| matter or a carrier in contravention of the biosecurity emergency order. | 1 |
| | 2 |
| (3) Also, the inspector or authorised person acting under the direction of an inspector may— | 3 |
| | 4 |
| (a) take reasonable steps, including by giving directions to any person, to restrict biosecurity matter or a carrier to within an isolated area; or | 5 |
| | 6 |
| | 7 |
| (b) give a direction to a person to do any of the following— | 8 |
| (i) stay within an isolated area identified by the inspector or authorised person, or at another stated place, as directed by the inspector or authorised person; | 9 |
| | 10 |
| | 11 |
| | 12 |
| (ii) take biosecurity matter or a carrier to a stated place; | 13 |
| | 14 |
| (iii) answer a question, or produce a biosecurity emergency order permit, if giving the direction to answer the question or produce the permit is reasonably necessary to help the inspector or authorised person to assess whether the biosecurity emergency order is being effectively enforced and whether any further emergency action needs to be taken in relation to the biosecurity emergency the subject of the order; | 15 |
| | 16 |
| | 17 |
| | 18 |
| | 19 |
| | 20 |
| | 21 |
| | 22 |
| | 23 |
| (iv) move, or move a vehicle, biosecurity matter or a carrier, into, out of, within or around a stated place. | 24 |
| | 25 |
| (4) A person to whom a direction is given under subsection (3) must comply with the direction unless the person has a reasonable excuse. | 26 |
| | 27 |
| | 28 |
| Maximum penalty—1000 penalty units or 1 year's imprisonment. | 29 |
| | 30 |
| (5) Unless an authorised officer otherwise directs, a person must not move the vehicle from where it was stopped until an inspector, or an authorised person acting under the direction of an inspector has— | 31 |
| | 32 |
| | 33 |
| | 34 |
-

[s 105]

-
- (a) inspected the vehicle as provided for in subsection (2);
and
1
2
 - (b) given approval for the vehicle to leave the place where it
was stopped.
3
4
 - Maximum penalty—1000 penalty units or 1 year’s
imprisonment.
5
6
 - (6) An inspector or authorised person is not stopped from
exercising a non-emergency power in relation to a vehicle, or
any person or thing in or on a vehicle, only because the
vehicle was stopped under this division.
7
8
9
10
 - Note—*
11
 - A police officer who is an inspector only for the purposes of provisions
of this part would not be able to exercise non-emergency powers.
12
13
 - (7) For this section, it is not necessary for an authorised person to
be acting under the direct supervision of an inspector in order
for the person to be acting under the direction of the inspector.
14
15
16
 - (8) In this section—
17
 - non-emergency power* means a power an inspector or
authorised person has under this Act other than under this
part.
18
19
20

- 105 Additional powers of inspector for place within a
biosecurity emergency area**
21
22
- (1) Without limiting the powers of an inspector otherwise
provided for in this Act, an inspector, or an authorised person
acting under the direction of an inspector, may, in relation to
any place within a biosecurity emergency area for a
biosecurity emergency order, and to the extent reasonably
necessary for managing the biosecurity emergency the subject
of the order, do any of the following—
23
24
25
26
27
28
29
- (a) enter and re-enter the place with or without consent;
30
- (b) if the place is private property, inspect any vehicle at the
place;
31
32

[s 105]

-
- | | | |
|-----|--|------------------|
| (c) | establish an area on or over the place to isolate biosecurity matter or a carrier; | 1
2 |
| (d) | give a direction restricting a person, biosecurity matter or a carrier to within an isolated area established under paragraph (c), or direct a person to stay at or in another stated place; | 3
4
5
6 |
| (e) | direct a person to move biosecurity matter or a carrier from the place to another place; | 7
8 |
| (f) | direct a person at the place to answer questions about the place or anything that has happened at the place; | 9
10 |
| (g) | demolish, or direct a person at the place to demolish, any structure or other property at the place, including, for example, an outbuilding, cage, pen or yard; | 11
12
13 |
| (h) | clean or disinfect, or direct a person at the place to clean or disinfect, the place or any structure or thing at the place; | 14
15
16 |
| (i) | destroy, dispose of, vaccinate or treat, or direct a person at the place to destroy, dispose of, vaccinate or treat, biosecurity matter or a carrier at the place; | 17
18
19 |
| (j) | direct the movement of a person, biosecurity matter, a carrier or a vehicle into, out of, within or around the place; | 20
21
22 |
| (k) | remove biosecurity matter or a carrier from the place; | 23 |
| (l) | make, or direct a person at the place to make, equipment at the place inoperable; | 24
25 |
| | <i>Example—</i> | 26 |
| | dismantle the equipment or take away a component of the equipment | 27
28 |
| (m) | direct the occupier of the place to give the inspector or authorised person, or another authorised person, any information or document; | 29
30
31 |
| (n) | take any other action reasonably necessary for managing the biosecurity emergency. | 32
33 |
-

(2)	Subsection (1) does not authorise the entry of a residence.	1
(3)	An inspector or authorised person may exercise a power under subsection (1) only to the extent reasonably necessary for, and only for the purposes of, fulfilling the purpose and ensuring the effectiveness of the biosecurity emergency order.	2 3 4 5
(4)	Subject to subsection (2), an inspector or authorised person may exercise a power under subsection (1) with the help, and using the force, that is necessary and reasonable in the circumstances.	6 7 8 9
(5)	A person to whom a direction is given under subsection (1) must comply with the direction unless the person has a reasonable excuse.	10 11 12
	Maximum penalty—1000 penalty units or 1 year's imprisonment.	13 14
(6)	For this section, a place is private property if it is not a place—	15 16
	(a) that is open to, or used by, the public; or	17
	(b) that the public is entitled to use.	18
(7)	A structure or other property may be demolished, or be directed to be demolished, under subsection (1)(g) only with the written approval of the chief executive.	19 20 21
(8)	The <i>Sustainable Planning Act 2009</i> , section 575 does not apply to a person who demolishes a building under subsection (1)(g).	22 23 24
(9)	This section applies to an inspector who is also a police officer, and where appointment as an inspector is made by the chief executive under chapter 9, part 1, division 3, for the purposes of a biosecurity emergency order, only to the extent provided for in the notice providing for the appointment.	25 26 27 28 29
106	Requirement to answer question or give information	30
(1)	It is a reasonable excuse for an individual to fail to answer a question or give information or a document, as directed by an	31 32

[s 106]

inspector under this division, on the basis that complying with the direction might tend to incriminate the individual or make the individual liable to a penalty.

Note—

This section refers only to an individual on the basis that the privilege to which the section refers applies only to individuals.

- (2) However, it is not a reasonable excuse for an individual to fail to give a required document, as directed by an inspector under this division, on the basis that complying with the direction might tend to incriminate the individual or make the individual liable to a penalty.

Note—

This section refers only to an individual on the basis that the privilege to which the section refers applies only to individuals.

- (3) Subsections (4) and (5) apply in relation to any of the following (***primary evidence***)—

- (a) any required document for an individual produced or given by an individual to an inspector under this part in response to a direction given by an inspector under this part;
- (b) the fact of the production or giving as mentioned in paragraph (a).

- (4) The following is not admissible in evidence against an individual in any civil or criminal proceeding—

- (a) primary evidence;
- (b) any document, information or other thing obtained as a direct or indirect result of primary evidence (***derived evidence***).

- (5) Subsection (4) does not prevent primary evidence or derived evidence being admitted in evidence in criminal proceedings about the falsity or misleading nature of the primary evidence.

- (6) In this section—

inspector includes an authorised person acting under the direction of an inspector. 1
2

required document, for an individual, means a document that 3
has been issued to the person, or that the individual is required 4
to keep, under this Act. 5

Division 4 Biosecurity emergency order permits 6 7

107 Biosecurity emergency order permit 8

- (1) This section applies to a person who is subject to the operation of a biosecurity emergency order. 9
10
- (2) The person may apply to an inspector for a permit (a *biosecurity emergency order permit*) authorising the person to perform an activity, or not to perform an activity, other than in compliance with the biosecurity emergency order. 11
12
13
14
- (3) The inspector may grant the biosecurity emergency order permit only if the inspector is satisfied in the circumstances that granting the permit— 15
16
17
 - (a) will not exacerbate the adverse effects or the possible adverse effects of the biosecurity emergency the subject of the biosecurity emergency order; and 18
19
20
 - (b) will not otherwise be detrimental to the effectiveness of the biosecurity emergency order. 21
22

Example of circumstance in which a permit might be granted— 23

A person who has taken appropriate measures to clean or disinfect machinery may be granted a biosecurity emergency order permit to move the machinery to another place within, or outside, the biosecurity emergency area for the order. 24
25
26
27

- (4) A biosecurity emergency order permit may be granted on conditions the inspector considers necessary to ensure the matters stated in subsection (3). 28
29
30

[s 108]

- | | | |
|-----|---|--|
| (5) | A person who does not comply with a biosecurity emergency order does not commit the offence of failing to comply with the order if the noncompliance is authorised by a biosecurity emergency order permit. | 1
2
3
4 |
| (6) | A biosecurity emergency order permit may authorise a person to perform or not to perform— | 5
6 |
| | (a) a stated activity; or | 7 |
| | (b) activities of a stated description. | 8 |
| (7) | An inspector may at any time, by notice given to the holder of a biosecurity emergency order permit, to preserve the intended purpose and effect of the biosecurity emergency order— | 9
10
11
12 |
| | (a) change the conditions of the permit; or | 13 |
| | (b) cancel the permit. | 14 |
| (8) | An inspector who refuses to grant a biosecurity emergency order permit to a person, grants a biosecurity emergency order permit to a person on conditions, amends the conditions of a person's biosecurity emergency order permit or cancels a person's biosecurity emergency order permit, must give the person an information notice for the decision to refuse to grant, grant on conditions, amend or cancel. | 15
16
17
18
19
20
21 |
| (9) | This section does not apply to an inspector who is also a police officer. | 22
23 |

108 Offences relating to biosecurity emergency order permits 24

- | | | |
|-----|--|----------------|
| (1) | A person who holds a biosecurity emergency order permit must comply with the conditions of the permit unless the person has a reasonable excuse. | 25
26
27 |
| | Maximum penalty—1000 penalty units or 1 year's imprisonment. | 28
29 |
| (2) | A person who holds a biosecurity emergency order permit must, while acting, or purportedly acting, under the authority | 30
31 |

-
- | | |
|--|------------------|
| of the permit, carry the permit with the person unless the person has a reasonable excuse. | 1
2 |
| Maximum penalty—100 penalty units. | 3 |
| (3) A person who holds a biosecurity emergency order permit must, if asked to do so by an authorised officer, and unless the person has a reasonable excuse, produce it to the authorised officer for the authorised officer’s inspection— | 4
5
6
7 |
| (a) if the person is at the time of the request acting, or purportedly acting, under the authority of the permit—immediately; or | 8
9
10 |
| (b) otherwise—within the shortest practicable time after the request is made. | 11
12 |
| Maximum penalty—100 penalty units. | 13 |

Division 5	Reports about biosecurity emergencies	14 15
-------------------	--	----------

- | | | |
|------------|--------------------------|----|
| 109 | Tabling of report | 16 |
|------------|--------------------------|----|
- | | |
|---|----------------------|
| (1) The Minister must table in the Legislative Assembly a report about a biosecurity emergency the subject of a biosecurity emergency order within 6 months after the biosecurity emergency ends. | 17
18
19
20 |
| (2) The report about the biosecurity emergency must state the following— | 21
22 |
| (a) the subject matter, nature and extent of the biosecurity emergency; | 23
24 |
| (b) when and why the biosecurity emergency order was made, when it took effect and when it expired or was revoked; | 25
26
27 |
| (c) the biosecurity emergency area for the biosecurity emergency order; | 28
29 |

- | | | |
|-----|---|---|
| (d) | the duties and obligations, for the movement of | 1 |
| | biosecurity matter or carriers, imposed on— | 2 |
| | (i) occupiers of any place within the biosecurity | 3 |
| | emergency area or a part of the area; and | 4 |
| | (ii) other persons in or in the vicinity of the biosecurity | 5 |
| | emergency area or a part of the area; | 6 |
| (e) | any conditions relating to the conduct of the response to | 7 |
| | the biosecurity emergency; | 8 |
| (f) | any other matter the Minister considers appropriate. | 9 |

-
- (3) The chief executive may make a movement control order only if the chief executive is satisfied on reasonable grounds that the controlled biosecurity matter under the order poses a biosecurity risk of enough seriousness, and that the risk is high enough, to justify the making of the order. 1
- (4) A movement control order may exclude stated persons, or persons of a particular class, from its operation. 2
- Example—* 3
- A movement control order might exclude from its operation a person who has entered into a compliance agreement with the chief executive in relation to controlled biosecurity matter or who is undertaking an industry approved quality assurance program for managing controlled biosecurity matter. 4
- (5) As soon as practicable after making a movement control order, the chief executive must— 5
- (a) publish in the gazette a notice of the making of the movement control order, the order's subject matter generally and the places where a copy of the order may be obtained; and 6
- (b) take all reasonable steps to ensure that persons likely to be directly affected by the order are made aware of the making of the order, including, for example, by some or all of the following— 7
- (i) advertising in newspapers, on radio and on television; 8
- (ii) electronically using emails or text messages; 9
- Example—* 10
- sms messaging in an area to which the movement control order relates 11
- (iii) automated telephoning. 12
- (6) A movement control order is not invalid only because of a failure of the chief executive to comply with subsection (5). 13
- (7) A movement control order may be preventative in nature in relation to controlled biosecurity matter even if, when the 14

[s 111]

- order is made, there is no evidence of the controlled
biosecurity matter in an area the subject of the order.
- Example—*
- If a disease is evident in a place outside the State but not within the
State, a movement control order could nevertheless be directed at
stopping the disease from entering the State.
- (8) Unless it is sooner revoked, a movement control order stays in
force until 3 months have elapsed after the order is made.
- (9) Without limiting the chief executive's power to revoke a
movement control order—
- (a) if a movement control order is inconsistent with
biosecurity zone regulatory provisions, the biosecurity
zone regulatory provisions prevail to the extent of the
inconsistency; and
- (b) a regulation may revoke a movement control order.
- (10) To remove any doubt, it is declared that subsections (2) to (5)
also apply for the amendment or revocation of a movement
control order, to the greatest practicable extent.
- (11) In this section—
- manage*, biosecurity matter, includes—
- (a) prevent its transmission or spread; and
- (b) address the biosecurity risk posed by it.
- restrict* includes allow on conditions.

- 111 Matters for inclusion in movement control order**
- (1) Without limiting the matters that may be included in a
movement control order, a movement control order must
include details of each of the following—
- (a) why the movement control order is being made;
- (b) what the movement control order is intended to achieve;
- (c) the areas to which the movement control order relates;

[s 111]

-
- (d) the controlled biosecurity matter for the order, and any other biosecurity matter to which the movement control order relates; 1
2
3
 - (e) any carrier, including a carrier of a particular type, to which the movement control order relates; 4
5
 - (f) the prohibitions and restrictions that must be complied with by persons to whom the order applies. 6
7
 - (2) Without limiting the ways in which an area the subject of a movement control order may be identified, the area may be identified by reference to any of the following— 8
9
10
 - (a) an area outlined on a map; 11
 - (b) coordinates located using global positioning systems; 12
 - (c) real property descriptions; 13
 - (d) local government area boundaries or boundaries of divisions within a local government's area; 14
15
 - (e) electoral boundaries applying for State or Commonwealth elections; 16
17
 - (f) geographical features, including, for example, roads or rivers. 18
19
 - (3) Without limiting how a movement control order may prohibit or restrict the movement of biosecurity matter, including controlled biosecurity matter, or of a carrier, a movement control order may— 20
21
22
23
 - (a) prohibit or restrict the movement of biosecurity matter or a carrier— 24
25
 - (i) into or out of the State; or 26
 - (ii) into, out of or within a stated area of the State; or 27
 - (iii) into an area adjacent to a stated area of the State, as mentioned in subparagraph (ii), whether or not the movement is out of the stated area; or 28
29
30
-

[s 111]

- (iv) out of an area adjacent to a stated area of the State,
as mentioned in subparagraph (ii), whether or not
the movement is into the stated area; or
- (b) impose conditions that must be complied with for
movement of a type mentioned in paragraph (a); or
- (c) give directions reasonably necessary or desirable to
manage, reduce or eradicate controlled biosecurity
matter, including directions regulating—
 - (i) the taking to or removal from a stated area, or the
isolating or impounding in a stated area, of any
stated biosecurity matter or carrier, including any
fodder, grain, gravel, soil, designated animal,
machinery or vehicle; or
 - (ii) what a person may or may not do on land within a
stated area; or
- (d) impose requirements on a person (the *relevant
person*)—
 - (i) to inspect or test any biosecurity matter or a
carrier; or
 - (ii) to treat or destroy biosecurity matter (including
controlled biosecurity matter and biosecurity
matter in water) or a carrier; or
 - (iii) to clean or disinfect any place, including any
structure or thing at a place; or
 - (iv) for any inspection, testing, treatment, destruction,
disposal, transport, decontamination, cleaning,
disinfection or vaccination required under the
order to be performed—
 - (A) by, or under the direction of, an authorised
officer; and
 - (B) at the expense of the relevant person; or
 - (v) to notify an inspector about—

	(A) the presence of controlled biosecurity matter; or	1 2
	(B) if the person reasonably suspects the presence of controlled biosecurity matter—the suspected presence of the biosecurity matter.	3 4 5 6
112	Compliance with movement control order	7
	(1) A person to whom a movement control order applies must comply with the order.	8 9
	Maximum penalty—2000 penalty units or 1 year’s imprisonment.	10 11
	(2) A person who fails to comply with subsection (1) does not commit an offence under the subsection if the person—	12 13
	(a) did not know, and ought not reasonably to have known, of the existence of the order; or	14 15
	(b) has a reasonable excuse for not complying with the order.	16 17
	<i>Note—</i>	18
	See also section 118(5).	19
113	Effect of movement control order	20
	A permit or other authorisation given under an Act other than for the purpose of managing, reducing or eradicating biosecurity matter is of no effect, while a movement control order is in force, to the extent it is inconsistent with the movement control order.	21 22 23 24 25
	<i>Example—</i>	26
	A permit to travel designated animals along a stock route given under legislation relating to the control and management of stock routes would not be effective to authorise travel that is prohibited under a movement control order while the order is in force.	27 28 29 30

[s 114]

Part 3	Biosecurity zone regulatory provisions	1 2
114	Regulation may include provisions for biosecurity zones	3
(1)	A regulation may include provisions (<i>biosecurity zone regulatory provisions</i>) that—	4 5
(a)	establish the whole or a part of the State as a biosecurity zone for stated biosecurity matter (<i>regulated biosecurity matter</i> for the biosecurity zone regulatory provisions) that may have an adverse effect on a biosecurity consideration; and	6 7 8 9 10
(b)	include arrangements for managing, reducing or eradicating regulated biosecurity matter in relation to the biosecurity zone or areas outside the biosecurity zone.	11 12 13 14
	<i>Examples—</i>	15
1	Biosecurity zone regulatory provisions might identify a particular variety of plant as regulated biosecurity matter for the provisions and restrict the movement and cultivation of plants of that variety within particular areas of the State to reduce the risk of the introduction and spread of diseases.	16 17 18 19 20
2	Biosecurity zone regulatory provisions might identify a particular type of tick as regulated biosecurity matter for the provisions and restrict the movement of susceptible animal species between particular areas where the ticks exist and particular areas where the ticks do not exist.	21 22 23 24 25
(2)	Biosecurity zone regulatory provisions may be directed at managing, reducing or eradicating regulated biosecurity matter over an extended period of time or indefinitely.	26 27 28
(3)	Biosecurity zone regulatory provisions may exclude stated persons, or persons of a particular class, from their operation.	29 30
	<i>Examples—</i>	31
1	Biosecurity zone regulatory provisions might exclude from their operation a person who has entered into a compliance agreement with the chief executive in relation to regulated biosecurity matter.	32 33 34

[s 115]

2	Biosecurity zone regulatory provisions might exclude from their operation a person who is undertaking an industry approved quality assurance program for managing regulated biosecurity matter.	1 2 3
(4)	The chief executive must ensure that biosecurity zone regulatory provisions are published in full on the department's website as soon as practicable after they are gazetted.	4 5 6
(5)	A regulation is not invalid only because of a failure of the chief executive to comply with subsection (4).	7 8
(6)	In this section—	9
	<i>manage</i> , biosecurity matter, includes—	10
(a)	prevent its transmission or spread; and	11
(b)	address the biosecurity risk posed by it.	12
115	Matters for inclusion in biosecurity zone regulatory provisions	13 14
(1)	Without limiting what may be included in biosecurity zone regulatory provisions, biosecurity zone regulatory provisions may—	15 16 17
(a)	prohibit or regulate dealing with biosecurity matter, including regulated biosecurity matter, or a carrier; or	18 19
	<i>Example—</i>	20
	prohibit or regulate the planting of a particular variety of plant	21
(b)	direct the eradication, in the way stated, of biosecurity matter, including regulated biosecurity matter, or of a carrier; or	22 23 24
	<i>Example—</i>	25
	Biosecurity zone regulatory provisions might direct the eradication of crop residues that may harbour regulated biosecurity matter.	26 27 28
(c)	authorise the chief executive, by notice signed by the chief executive and published on the department's website, to provide for either or both of the following—	29 30 31

[s 115]

-
- | | | |
|------|---|-----------------------|
| (i) | the establishment of particular areas within the biosecurity zone; | 1
2 |
| (ii) | the application, in relation to areas mentioned in subparagraph (i), or areas otherwise established under the biosecurity zone regulatory provisions, of lesser restrictions than would otherwise apply under the biosecurity zone regulatory provisions; | 3
4
5
6
7 |
| | or | 8 |
| (d) | prohibit, regulate or require the movement of biosecurity matter, including regulated biosecurity matter, or a carrier, into, out of or within the biosecurity zone; or | 9
10
11
12 |
| | <i>Example—</i> | 13 |
| | Biosecurity zone regulatory provisions might include a prohibition on bringing designated animals or animal pathogens, of a type identified in the biosecurity zone regulatory provisions, into the biosecurity zone. | 14
15
16
17 |
| (e) | prohibit, regulate or require the application of measures to prevent the introduction, establishment or spread of regulated biosecurity matter or otherwise to control the regulated biosecurity matter; or | 18
19
20
21 |
| | <i>Example—</i> | 22 |
| | Biosecurity zone regulatory provisions might include a requirement that susceptible animal species be treated for regulated biosecurity matter in the form of ticks before the susceptible animal species are taken out of the biosecurity zone. | 23
24
25
26 |
| (f) | require that any biosecurity matter, including regulated biosecurity matter, or a carrier be subjected to inspection or testing; or | 27
28
29 |
| | <i>Example—</i> | 30 |
| | Biosecurity zone regulatory provisions might include a requirement that soil be inspected for the presence or absence of regulated biosecurity matter in the form of fire ants before being brought into the biosecurity zone. | 31
32
33
34 |
| (g) | include notification requirements for regulated biosecurity matter; or | 35
36 |
-

-
- (h) require the keeping and inspection of records about the movement, in the course of the carrying on of business, of biosecurity matter, including regulated biosecurity matter, or of a carrier, into, out of or within the biosecurity zone.
1
2
3
4
5
 - (2) Without limiting the ways in which a biosecurity zone or another area may be identified, the zone or area may be identified by reference to any of the following—
6
7
8

 - (a) an area outlined on a map;
9
 - (b) coordinates located using global positioning systems;
10
 - (c) real property descriptions;
11
 - (d) local government area boundaries or boundaries of divisions within a local government's area;
12
13
 - (e) electoral boundaries applying for State or Commonwealth elections;
14
15
 - (f) geographical features, including, for example, roads and rivers.
16
17
 - (3) A notice by the chief executive under subsection (1)(c) can not impose restrictions greater than those otherwise applying under the biosecurity zone regulatory provisions.
18
19
20

116 **Effect of biosecurity zone regulatory provisions** 21

A permit or other authorisation given under an Act other than for the purpose of managing, reducing or eradicating regulated biosecurity matter in relation to a biosecurity zone or areas outside a biosecurity zone is of no effect, while biosecurity zone regulatory provisions are in force, to the extent it is inconsistent with the provisions.

Example—

A permit to travel designated animals along a stock route given under legislation relating to the control and management of stock routes would not be effective to authorise travel that is prohibited under biosecurity zone regulatory provisions while the provisions are in force.

[s 117]

Part 4	Biosecurity instrument permits	1
117	Definition	2
	In this part—	3
	<i>biosecurity instrument</i> means a movement control order or biosecurity zone regulatory provisions.	4 5
118	Biosecurity instrument permit	6
(1)	This section applies to a person who is subject to the operation of a biosecurity instrument.	7 8
(2)	The person may apply to an inspector for a permit (a <i>biosecurity instrument permit</i>) authorising the person to perform an activity, or not to perform an activity, other than in compliance with the biosecurity instrument.	9 10 11 12
	<i>Example—</i>	13
	A person might apply to an inspector for a permit authorising the person to move animals that are carriers of regulated biosecurity matter under biosecurity zone regulatory provisions to a place outside the biosecurity zone for the provisions, even though the movement is otherwise prohibited under the provisions.	14 15 16 17 18
(3)	The inspector may grant the biosecurity instrument permit only if the inspector is satisfied in the circumstances that granting the permit—	19 20 21
(a)	will not increase the level of the biosecurity risk posed by the regulated or controlled biosecurity matter; and	22 23
(b)	will not otherwise be detrimental to the effectiveness of the biosecurity instrument.	24 25
	<i>Examples of circumstances in which a permit might be granted—</i>	26
1	A person who has taken appropriate measures to treat animals that are carriers for a disease that is controlled biosecurity matter under a movement control order might be granted a biosecurity instrument permit to move the animals into an area the subject of the movement control order.	27 28 29 30 31

-
- 2 A person who has entered into a compliance agreement with the
chief executive to manage biosecurity matter, but who is not
otherwise excluded from the operation of biosecurity zone
regulatory provisions relating to that biosecurity matter, might be
granted a biosecurity instrument permit not to comply with a
requirement included in the biosecurity zone regulatory provisions.
- (4) A biosecurity instrument permit may be granted on conditions
the inspector considers necessary to ensure the matters stated
in subsection (3).
- (5) A person who does not comply with a biosecurity instrument
does not commit the offence of failing to comply with the
instrument if the noncompliance is authorised by a biosecurity
instrument permit granted under this part.
- (6) A biosecurity instrument permit may authorise a person to
perform or not to perform—
- (a) a stated activity; or
- (b) activities of a stated description.
- (7) An inspector may at any time, by notice given to the holder of
a biosecurity instrument permit, to preserve the intended
purpose and effect of the biosecurity instrument—
- (a) change the conditions of the permit; or
- (b) cancel the permit.
- (8) An inspector who refuses to grant a biosecurity instrument
permit to a person, grants a biosecurity instrument permit to a
person on conditions, amends the conditions of a person's
biosecurity instrument permit or cancels a person's
biosecurity instrument permit must give the person an
information notice for the decision to refuse to grant, grant on
conditions, amend or cancel.
- (9) A biosecurity instrument permit can not authorise a person to
perform an activity, or not to perform an activity, other than in
compliance with a biosecurity emergency order.

[s 119]

119	Offences relating to biosecurity instrument permits	1
(1)	A person who holds a biosecurity instrument permit must	2
	comply with the conditions of the permit unless the person has	3
	a reasonable excuse.	4
	Maximum penalty—2000 penalty units or 1 year’s	5
	imprisonment.	6
(2)	A person who holds a biosecurity instrument permit must,	7
	while acting, or purportedly acting, under the authority of the	8
	permit, carry the permit with the person unless the person has	9
	a reasonable excuse.	10
	Maximum penalty—100 penalty units.	11
(3)	A person who holds a biosecurity instrument permit must, if	12
	asked to do so by an authorised officer, and unless the person	13
	has a reasonable excuse, produce it to the authorised officer	14
	for the authorised officer’s inspection—	15
(a)	if the person is at the time of the request acting, or	16
	purportedly acting, under the authority of the	17
	permit—immediately; or	18
(b)	otherwise—within the shortest practicable time after the	19
	request is made.	20
	Maximum penalty—100 penalty units.	21

Chapter 6	Registration of biosecurity entities and designated animal identification	1
		2
		3
Part 1	Preliminary	4
120	What is a <i>designated animal</i>	5
	<i>A designated animal is—</i>	6
	(a) an animal that is a member of any of the following groups of animals—	7
		8
	(i) cattle;	9
	(ii) sheep;	10
	(iii) goats;	11
	(iv) pigs;	12
	(v) bison;	13
	(vi) buffalo;	14
	(vii) deer;	15
	(viii) the family <i>Camelidae</i> ;	16
	<i>Examples of members of the family Camelidae—</i>	17
	alpacas, Arabian camels, llamas	18
	(ix) the family <i>Equidae</i> ;	19
	<i>Examples of members of the family Equidae—</i>	20
	horses, ponies, donkeys, mules, zebras	21
	(x) captive birds;	22
	(xi) bees; or	23
	(b) an animal prescribed under a regulation as a designated animal (a <i>prescribed designated animal</i>).	24
		25

[s 121]

121	What is a <i>specified animal</i>	1
	A <i>specified animal</i> is—	2
	(a) an animal that is a designated animal because it is a member of any of the following groups of animals—	3
	(i) cattle;	4
	(ii) sheep;	5
	(iii) goats;	6
	(iv) pigs;	7
	(v) bison;	8
	(vi) buffalo;	9
	(vii) alpacas;	10
	(viii) llamas; or	11
	(b) a designated animal prescribed under a regulation as a specified animal.	12
		13
		14
122	What is <i>designated biosecurity matter</i>	15
	(1) <i>Designated biosecurity matter</i> is biosecurity matter prescribed under a regulation as designated biosecurity matter.	16
	(2) Biosecurity matter that is a designated animal, a prion, a disease or a contaminant can not be prescribed under subsection (1) as designated biosecurity matter.	17
		18
		19
		20
123	What is the <i>threshold number</i> of designated animals	21
	The <i>threshold number</i> , of designated animals other than bees, is—	22
		23
	(a) for designated animals other than prescribed designated animals—	24
		25
	(i) for designated animals other than captive birds—1; or	26
		27
	(ii) for captive birds—100; or	28

[s 124]

	(b) for prescribed designated animals—	1
	(i) the threshold number prescribed under a regulation; or	2 3
	(ii) if no number is prescribed—1.	4
124	What is the <i>threshold amount</i> of designated biosecurity matter	5 6
	The <i>threshold amount</i> , of designated biosecurity matter, is the amount prescribed under a regulation as the threshold amount for the designated biosecurity matter.	7 8 9
125	Who <i>keeps</i> a designated animal	10
	(1) A person <i>keeps</i> a designated animal if the person effectively has responsibility for the care and control of the animal, whether or not the care and control is exercised through an agent or employee of the person.	11 12 13 14
	(2) However, if at any time it is not reasonably practicable to identify who is the keeper of a designated animal under subsection (1), the person who at law has title to the animal is the person who <i>keeps</i> the animal.	15 16 17 18
	(3) Each of subsections (4) and (5) identifies a person who, in addition to the person who, under subsection (1) or (2), keeps a designated animal, could also be a keeper of the animal.	19 20 21
	(4) A person (the <i>relevant person</i>) <i>keeps</i> a designated animal (other than a bee) if—	22 23
	(a) the animal is located at a holding facility; and	24
	(b) the relevant person has final responsibility for the operation of the holding facility whether or not the operation of the facility is carried out through an agent or employee of the relevant person.	25 26 27 28
	(5) A person (also the <i>relevant person</i>) <i>keeps</i> a designated animal (other than a bee) if—	29 30

[s 126]

- (a) the animal is being travelled on a stock route, or is on a reserve for the travelling of designated animals in association with their being travelled on a stock route; and 1
- (b) the relevant person has final responsibility for the travelling of the animal on the stock route, whether or not the travelling of the animal is carried out through an agent or employee of the relevant person. 2

126 Who *holds* designated biosecurity matter 9

- (1) A person *holds* designated biosecurity matter if the person is effectively in day-to-day control of the biosecurity matter, whether or not that control is exercised personally or through an agent or employee. 10
- (2) However, if at any time it is not reasonably practicable to identify who is the holder of designated biosecurity matter under subsection (1), the person who at law has title to the biosecurity matter is the person who *holds* the biosecurity matter. 11

127 What is a *registrable biosecurity entity* 19

- (1) A person is a *registrable biosecurity entity* if the person— 20
 - (a) keeps the threshold number or more of designated animals other than bees; or 21
 - (b) holds the threshold amount or more of designated biosecurity matter; or 22
 - (c) keeps designated animals that are bees. 23
- (2) For subsection (1), it does not matter whether the keeping or holding happens at 1 place or 2 or more places in the State. 24
- (3) However, for identifying a registrable biosecurity entity, 2 or more persons could, taken together, be a registrable biosecurity entity even though 1 of those persons, acting separately, could be a separate registrable biosecurity entity. 25

Example for subsection (3)—

Persons A and B, acting in partnership, keep pigs. A and B together are a registrable biosecurity entity for the keeping of those pigs. Additionally, person A, acting alone and outside of the partnership, keeps other pigs. Person A is a separate registrable biosecurity entity for the keeping of the other pigs.

128 What is a *biosecurity circumstance*

A biosecurity circumstance is—

- (a) the keeping of designated animals; or
- (b) the holding of designated biosecurity matter.

129 Who is the *occupier* of a place

- (1) The *occupier* of a place is the person who, whether or not the owner of the place, is the person who is effectively in day-to-day control of the place, whether or not that control is exercised through an agent or employee.
- (2) However, if at any time it is not reasonably practicable to decide who is the occupier of a place under subsection (1), the person who is the owner of the place is also the *occupier* of the place.

[s 130]

Part 2	Registration and related requirements	1 2
Division 1	Registration of registrable biosecurity entities	3 4
130	Registrable biosecurity entity must apply for registration	5
(1)	A registrable biosecurity entity must, in compliance with this part, and unless the person has a reasonable excuse, apply for registration under this part unless the chief executive has given a registration exemption for the entity.	6 7 8 9
	Maximum penalty—100 penalty units.	10
(2)	The obligation under subsection (1) to apply for registration commences immediately a person becomes a registrable biosecurity entity, and must be complied with within 14 days after the obligation commences or within any longer period approved by the chief executive under this section.	11 12 13 14 15
(3)	If a person is a registrable biosecurity entity because of each of 2 or more biosecurity circumstances, the person must apply for registration for each of the circumstances.	16 17 18
	<i>Example—</i>	19
	A corporation keeps 30 cattle and 20 pigs and holds more than the threshold amount of designated biosecurity matter, therefore providing 3 biosecurity circumstances because of which the corporation is a registrable biosecurity entity. The corporation must apply for registration under this part for each of the 3 circumstances.	20 21 22 23 24
(4)	However, the entity may combine the applications in the 1 application document.	25 26
(5)	An entity may apply to the chief executive to approve a longer period for applying for registration.	27 28
(6)	An application under subsection (5) must be made in the approved form.	29 30
(7)	The chief executive may decide the application by—	31

-
- | | | |
|------------|---|----------------------|
| (a) | approving the longer period applied for; or | 1 |
| (b) | approving a period less than that applied for; or | 2 |
| (c) | approving a longer period on conditions; or | 3 |
| (d) | refusing to approve a longer period. | 4 |
| (8) | If the chief executive acts under subsection (7)(b), (c) or (d), the chief executive must give the entity an information notice for the decision on the application. | 5
6
7 |
| 131 | Approval for registrable biosecurity entity to remain unregistered | 8
9 |
| (1) | A registrable biosecurity entity may apply to the chief executive for exemption (a <i>registration exemption</i> for the entity) from the requirement that the entity apply for registration under this part. | 10
11
12
13 |
| (2) | The application must be in the approved form. | 14 |
| (3) | The approval may be given only if the chief executive is satisfied— | 15
16 |
| (a) | generally—that no biosecurity circumstance applying to the entity poses a biosecurity risk; and | 17
18 |
| (b) | to the extent the registration exemption applied for relates to the entity’s keeping of designated animals other than captive birds or bees—that— | 19
20
21 |
| (i) | the designated animals are pets or are for personal consumption; and | 22
23 |
| (ii) | the number of the designated animals kept by the entity is no more than 2; and | 24
25 |
| (iii) | the keeping of the designated animals by the entity is otherwise lawful; and | 26
27 |
| (c) | to the extent the registration exemption applied for relates to the entity’s keeping of bees—that— | 28
29 |
| (i) | the bees are in a hive brought into the State from another State; and | 30
31 |
-

[s 132]

- (ii) the bees have been in the State for not more than a total of 90 days in the immediately preceding 12 months; and
 - (iii) the keeping of the bees complies with the requirements that would apply under the law of the other State if the bees were being kept in that State.
 - (4) If the chief executive decides to refuse the application, the chief executive must give the applicant an information notice for the decision to refuse the application.

132 **Application for registration before becoming a registrable biosecurity entity**

- (1) A person who is not a registrable biosecurity entity for a biosecurity circumstance, but reasonably expects to become a registrable biosecurity entity for the circumstance, may apply for registration under this part as if the person were a registrable biosecurity entity for the circumstance.
- (2) Subsection (3) applies if, on a day (the *relevant day*)—
 - (a) a person expects, or ought reasonably to expect, that the person will, for an event period, be a registrable biosecurity entity for a biosecurity circumstance; and
 - (b) the person is not a registered biosecurity entity for the biosecurity circumstance for the event period.
- (3) The person must, as required under subsection (4) and unless the person has a reasonable excuse, apply for registration under this part for the biosecurity circumstance as if the person were a registrable biosecurity entity for the circumstance.

Maximum penalty—100 penalty units.

Example of a person to whom subsection (3) might apply—

A person operates a place as a cattle saleyard on an occasional basis, but the person does not hold a current registration under this part for the keeping of cattle at the saleyard. However, the person is planning to hold a sale at the saleyard for 2 days, starting in 30 days. The person is about to advertise the sale and fully expects the sale to proceed as planned.

[s 133]

-
- (4) The application must be made as soon as reasonably practicable but, unless it is not reasonably practicable, must be made before the commencement of the event period.
1
2
3
 - (5) In this section—
4
 - event period* means a period, of not more than 14 days—
5
 - (a) starting after the relevant day; and
6
 - (b) ending before the end of the 90 days immediately following the relevant day.
7
8

133 **Application requirements for registration of registrable biosecurity entity** 9 10

An application for the registration of a registrable biosecurity entity must—
11
12

- (a) be in the approved form; and
13
- (b) be made to the chief executive by the entity; and
14
- (c) state all of the following details (the *designated details* for the entity)—
15
16
- (i) to the extent reasonably practicable, the real property description, address, local government area and any name, of each place (each a *designated place*) where the keeping of designated animals or the holding of designated biosecurity matter happens or may happen;
17
18
19
20
21
22
- (ii) the name, address and contact details of the entity;
23
- (iii) if the applicant is not the occupier of a designated place—the name, address and contact details of the occupier of the place;
24
25
26
- (iv) whether the occupier of any designated place is also the owner of the designated place, and if not, the name, address and contact details of the owner of the designated place;
27
28
29
30

[s 134]

- (v) to the extent the application relates to the keeping of designated animals other than bees—the approximate numbers of each type of designated animal; 1 2 3 4
- (vi) to the extent the application relates to the holding of designated biosecurity matter—the approximate area of the land on which the biosecurity matter is held, and any other matters about the land prescribed under a regulation; and 5 6 7 8 9
- (d) include any information of which the applicant is aware that could help the chief executive decide— 10 11
 - (i) the biosecurity risk status details for the proposed registered biosecurity entity; and 12 13
 - (ii) whether any place the subject of the application should be declared a restricted place; and 14 15
- (e) be accompanied by the fee prescribed under a regulation; and 16 17
- (f) be accompanied by evidence the chief executive reasonably requires that the person identified in the application as the registrable biosecurity entity is the appropriate person to make the application. 18 19 20 21

134 Registration of biosecurity entity 22

- (1) On receiving from a person an application for registration, other than an application for the keeping of bees, the chief executive must consider the application and if it complies with the requirements for an application, must as soon as practicable— 23 24 25 26 27
 - (a) register the person as a registered biosecurity entity in the biosecurity register; and 28 29
 - (b) decide the biosecurity risk status details for the entity; and 30 31
 - (c) advise the person of the registration; and 32

[s 135]

-
- | | | |
|--|--|----------------------|
| (d) | give the person an information notice for the chief executive's decision about the registration details, including the entity's biosecurity risk status details. | 1
2
3 |
| (2) | On receiving from a person an application for registration for the keeping of bees, the chief executive must consider the application and as soon as practicable— | 4
5
6 |
| (a) | decide whether to grant, grant with conditions or refuse the application; and | 7
8 |
| (b) | if the application is granted— | 9 |
| (i) | register the person as a registered biosecurity entity in the biosecurity register; and | 10
11 |
| (ii) | decide the biosecurity risk status details for the entity; and | 12
13 |
| (iii) | advise the person of the registration; and | 14 |
| (iv) | give the person an information notice for the chief executive's decision about the registration details, including the entity's biosecurity risk status details; and | 15
16
17
18 |
| (c) | if the application is refused, or the chief executive imposes conditions on the registration, give the person an information notice for the decision to refuse or impose conditions. | 19
20
21
22 |
| 135 Inquiry about application for registration relating to bees | | 23 |
| (1) | Before deciding an application for registration for the keeping of bees, the chief executive— | 24
25 |
| (a) | may make inquiries to decide the suitability of the applicant to obtain registration under this part for the keeping of bees; and | 26
27
28 |
| (b) | may, by notice given to the applicant, require the applicant to give the chief executive within the reasonable period of at least 30 days stated in the notice, | 29
30
31 |
-

[s 136]

	further information or a document the chief executive reasonably requires to decide the application.	1 2
(2)	The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with a requirement under subsection (1)(b).	3 4 5
(3)	A notice under subsection (1)(b) must be given to the applicant within 30 days after the chief executive receives the application.	6 7 8
(4)	The information or document under subsection (1)(b) must, if the notice requires, be verified by statutory declaration.	9 10
136	Suitability of person for registration relating to bees	11
	In deciding whether the applicant is a suitable person to obtain registration under this part for the keeping of bees, the chief executive may have regard to the following—	12 13 14
(a)	whether the applicant has been refused registration under this Act or corresponding registration under a repealed Act or a corresponding law to this Act;	15 16 17
(b)	whether the applicant held registration under this Act or corresponding registration under a repealed Act or a corresponding law to this Act, that was suspended or cancelled;	18 19 20 21
(c)	whether the applicant or, if the applicant is a corporation or an incorporated association, whether an executive officer of the corporation or a member of the association's management committee has a conviction for a relevant biosecurity offence, other than a spent conviction;	22 23 24 25 26 27
(d)	any other matter the chief executive considers relevant to the person's ability to deal with bees under the registration applied for, including the applicant's capacity to comply with any conditions of the registration.	28 29 30 31 32

-
- 137 Failure to decide application for registration relating to bees** 1
2
- (1) Subject to subsections (2) and (3), if the chief executive fails 3
to decide an application for registration for the keeping of 4
bees within 30 days after its receipt, the failure is taken to be a 5
decision by the chief executive to refuse to grant the 6
application. 7
- (2) Subsection (3) applies if— 8
- (a) a person has made an application for registration for the 9
keeping of bees; and 10
- (b) the chief executive has, under section 135(1), required 11
the applicant to give the chief executive further 12
information or a document. 13
- (3) The chief executive is taken to have refused to grant the 14
application if the chief executive does not decide the 15
application within 30 days after the chief executive receives 16
the further information or document. 17
- (4) If the application is taken to be refused under this section, the 18
applicant is entitled to be given an information notice by the 19
chief executive for the decision. 20
- 138 Chief executive may register person without application** 21
- (1) This section applies if the chief executive considers a person 22
is, or is likely to become, a registrable biosecurity entity. 23
- (2) The chief executive may register the person under this part— 24
- (a) even though the person has not applied for registration; 25
and 26
- (b) even if the person can be expected to be a registrable 27
biosecurity entity only on a temporary basis. 28
- (3) However, before registering the person under this part, the 29
chief executive must— 30
- (a) give the person a notice stating— 31
-

[s 139]

- (i) that the chief executive proposes to register the person because the person is, or is likely to become, a registrable biosecurity entity; and
 - (ii) a reasonable period within which the person may make written submissions to the chief executive about whether the person is, or is likely to become, a registrable biosecurity entity; and
 - (b) consider any written submission made by the person within the stated period.
- (4) On registering the person as a registered biosecurity entity in the biosecurity register, the chief executive must—
 - (a) decide the biosecurity risk status details for the entity; and
 - (b) advise the person of the registration; and
 - (c) give the person an information notice for—
 - (i) the chief executive’s decision to register the person without having received an application for registration; and
 - (ii) the chief executive’s decision about the registration details, including the entity’s biosecurity risk status details.

139 Allocation of PICs

- (1) This section applies if the chief executive registers a person as a registered biosecurity entity under this part for the person’s keeping of designated animals (other than bees).
- (2) The chief executive must allocate a property identification code (a *PIC*) to any designated place the subject of the registration unless a PIC has already been allocated to the place because of another registration under this part.
- (3) The chief executive may give a registered biosecurity entity a PIC other than for a designated place, and include the PIC in

[s 140]

	the biosecurity register, if the chief executive is satisfied it is necessary for the integrity of the NLIS.	1 2
(4)	The chief executive must take any action the chief executive considers appropriate, including by cancelling or replacing a PIC and amending the biosecurity register accordingly, to ensure to the greatest practicable extent that any 1 place the details of which are recorded in the register has only 1 PIC that is unique to that place.	3 4 5 6 7 8
(5)	If the chief executive takes any action under subsection (4) that affects the registration details of a registered biosecurity entity, the chief executive must give the entity an information notice for the decision to take the action.	9 10 11 12
(6)	Subject to other requirements of this chapter relating to PICs, a PIC may take any form the chief executive considers appropriate.	13 14 15
140	Registered biosecurity entity may apply for deregistration	16 17
(1)	If a person that is a registered biosecurity entity ceases to be a registrable biosecurity entity for a biosecurity circumstance, the person may apply to the chief executive for the person's deregistration as a registered biosecurity entity for the circumstance.	18 19 20 21 22
(2)	The application must be in the approved form.	23
(3)	The chief executive must remove the person from the biosecurity register if satisfied the person is no longer a registrable biosecurity entity for the biosecurity circumstance.	24 25 26
(4)	Otherwise, the chief executive must refuse the application.	27
(5)	If the chief executive decides to refuse the application, the chief executive must give the applicant for deregistration an information notice for the decision to refuse.	28 29 30

[s 141]

141	Registered biosecurity entity to be given proof of registration	1 2
(1)	The chief executive may give a registered biosecurity entity proof of the entity's registration in the form approved by the chief executive.	3 4 5
(2)	The chief executive must give a registered biosecurity entity proof of registration as mentioned in subsection (1) if the entity asks for it.	6 7 8
142	No transfer of registration	9
	A registered biosecurity entity's registration can not be transferred.	10 11
143	Term of registration	12
(1)	The term of the registration of a registered biosecurity entity is the term decided by the chief executive, having regard to the circumstances of the entity, but must not be more than 3 years.	13 14 15
(2)	If the term of a registration is made up of 2 or more separate periods, the separate periods must be within a period of not more than 3 years.	16 17 18
	<i>Example for subsection (2)—</i>	19
	An agricultural show society becomes registered as a registered biosecurity entity for the keeping of various designated animals for a 2-week period at the same time each year. The term of the registration could not be more than 3 of those 2-week periods.	20 21 22 23
144	Renewal of registration	24
(1)	When the term of a registration as a registered biosecurity entity ends, the chief executive must renew the registration unless the chief executive has been otherwise advised by the entity.	25 26 27 28
(2)	Subsection (1) does not stop the chief executive from at any time requiring a registered biosecurity entity to give the chief executive information the chief executive reasonably requires	29 30 31

for confirming the continuing accuracy of any aspect of the
entity's registration details. 1 2

- (3) A registered biosecurity entity must comply with a
requirement made to the entity under subsection (2) unless the
entity has a reasonable excuse. 3 4 5

Maximum penalty—100 penalty units. 6

- (4) This section does not apply to a registration to the extent it
relates to the keeping of bees. 7 8

Division 2 Special provisions relating to the 9

keeping of bees 10

145 Prohibition on keeping of bees without registration 11

- (1) A person must not keep bees unless— 12
- (a) the bees are kept in a hive; and 13
- (b) the person is a registered biosecurity entity for the 14
keeping of the bees. 15

Maximum penalty—50 penalty units. 16

- (2) A person does not commit an offence under subsection (1)(b) 17
if— 18
- (a) the person has applied for registration under this part for 19
the keeping of the bees, and— 20
- (i) the application has not been decided; or 21
- (ii) the application has been decided, but all reviews 22
and appeals available because of the decision are 23
not completed; or 24
- (b) the chief executive has given the person a registration 25
exemption for the keeping of the bees. 26

[s 146]

- 146 Additional information for application for registration** 1
- If a registrable biosecurity entity applies for registration under 2
this part for the keeping of bees, the application must also 3
state— 4
- (a) whether the registrable biosecurity entity or, if the entity 5
is a corporation, whether any executive officer of the 6
entity has a conviction for a relevant biosecurity offence, 7
other than a spent conviction; and 8
 - (b) if an offence is disclosed under paragraph (a), enough 9
detail about the circumstances of the offence to allow 10
the chief executive to decide whether it is appropriate to 11
register the entity as a registered biosecurity entity for 12
the keeping of bees. 13
- 147 Allocation of HIN** 14
- (1) If the chief executive registers a registrable biosecurity entity 15
under this part for the entity's keeping of bees, the chief 16
executive must allocate a hive identification number (a **HIN**) 17
to the entity for the entity's hives. 18
 - (2) The chief executive must take any action the chief executive 19
considers appropriate, including by cancelling or replacing a 20
HIN and amending the biosecurity register accordingly, to 21
ensure to the greatest practicable extent that a registered 22
biosecurity entity has only 1 HIN that is unique to the entity's 23
hives. 24
 - (3) If the chief executive takes any action under subsection (2) 25
that affects the registration details of a registered biosecurity 26
entity, the chief executive must give the entity an information 27
notice for the decision to take the action. 28
 - (4) A HIN may take any form the chief executive considers 29
appropriate. 30
 - (5) A registered biosecurity entity that has a HIN allocated to it 31
by the chief executive must ensure that the hives the entity 32
uses for the keeping of bees are marked or branded with the 33

HIN, in the way prescribed under a regulation, to the following extent—	1 2
(a) for each group of 50 hives—at least 1 hive in the group must be marked or branded;	3 4
(b) subject to paragraph (a), for any group of less than 50 hives—at least 1 hive in the group must be marked or branded.	5 6 7
Maximum penalty—50 penalty units.	8
148 Display of information about registered biosecurity entity	9
(1) This section applies if hives that a registered biosecurity entity uses for the keeping of bees are located other than on land that is or that is adjacent to land that is residential land of the entity.	10 11 12 13
(2) The entity must, on 1 of the hives, or in a conspicuous place within the hives, display a notice that complies with the requirements, and contains the information relating to the entity's registration under this part, prescribed under a regulation.	14 15 16 17 18
Maximum penalty—20 penalty units.	19
(3) In this section—	20
<i>residential land</i> , of a registered biosecurity entity, means land on which is located the usual place of residence of—	21 22
(a) the entity; or	23
(b) an executive officer, agent or employee of the entity.	24
149 Conditions for the keeping of bees	25
(1) The registration of a registrable biosecurity entity under this part for the keeping of bees is subject to the following conditions—	26 27 28

[s 150]

- (a) a condition that the entity must comply with the requirements of any code of practice made under this Act for the keeping of bees;
 - (b) other reasonable conditions imposed by the chief executive, directed at minimising biosecurity risk and ensuring that the entity complies with its general biosecurity obligations under this Act.
- (2) The chief executive may impose conditions mentioned in subsection (1)(b) on the initial registration, and may impose further conditions, or remove or amend conditions—
 - (a) on any renewal of the registration; and
 - (b) on any amendment of the registration; and
 - (c) at any other time the chief executive considers appropriate, having regard to the entity's biosecurity obligation as it applies from time to time.
- (3) If the conditions of a registered biosecurity entity's registration are added to or amended under subsection (2), the chief executive must give the entity an information notice for the decision to add to or amend the conditions.

150 Application for renewal

- (1) A registered biosecurity entity may apply to the chief executive for renewal of the entity's registration under this part for the keeping of bees.
- (2) The application must—
 - (a) be made within 60 days before the registration ends; and
 - (b) be in the approved form; and
 - (c) be accompanied by the fee prescribed under a regulation.
- (3) The chief executive must consider the application and decide to renew, or refuse to renew, the registration.

[s 151]

-
- (4) In deciding the application, the chief executive may have regard to—
1
2
 - (a) matters to which the chief executive may have regard in deciding appropriateness or suitability for registration under this Act for the keeping of bees; and
3
4
5
 - (b) the results of inspections to monitor the entity's compliance with this Act in the term of the current registration.
6
7
8
 - (5) If the chief executive decides to refuse to renew the registration, the chief executive must as soon as practicable give the registered biosecurity entity an information notice for the decision.
9
10
11
12

151 Inquiry about application 13

- (1) Before deciding an application under section 150, the chief executive may, by notice given to the applicant, require the applicant to give the chief executive, within the reasonable period of at least 30 days stated in the notice, further information or a document the chief executive reasonably requires to decide the application.
14
15
16
17
18
19
- (2) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with the requirement.
20
21
22
- (3) A notice under subsection (1) must be given to the applicant within 30 days after the chief executive receives the application.
23
24
25
- (4) The information or document under subsection (1) must, if the notice requires, be verified by statutory declaration.
26
27

152 Failure to decide application 28

- (1) Subject to subsections (2) and (3), if the chief executive fails to decide an application for renewal of a registered biosecurity entity's registration under this part for the keeping of bees within 30 days after its receipt, the failure is taken to be a
29
30
31
32

[s 153]

decision by the chief executive to refuse to grant the application. 1
2

(2) Subsection (3) applies if— 3

(a) a registered biosecurity entity has made an application 4
for renewal of the entity's registration under this part for 5
the keeping of bees; and 6

(b) the chief executive has, under section 151(1), required 7
the applicant to give the chief executive further 8
information or a document. 9

(3) The chief executive is taken to have refused to grant the 10
application if the chief executive does not decide the 11
application within 30 days after the chief executive receives 12
the further information or document. 13

(4) If the application is taken to be refused under this section, the 14
applicant is entitled to be given an information notice by the 15
chief executive for the decision. 16

153 Registration continues pending decision about renewal 17

(1) If a registered biosecurity entity applies for renewal of the 18
entity's registration under this part for the keeping of bees, the 19
registration is taken to continue in force from the day it would, 20
apart from this section, have ended until the application is 21
decided or, under this part, taken to have been decided or is 22
taken to have been withdrawn. 23

(2) However, if the chief executive decides to refuse to renew the 24
registration, or is taken to refuse to renew the registration, the 25
registration continues in force until the information notice for 26
the decision is given to the applicant. 27

(3) Subsection (1) does not apply if the registration is earlier 28
suspended or cancelled. 29

Division 3	Restricted places	1
154	Inclusion of restricted places in biosecurity register	2
(1)	This section applies if the chief executive is satisfied on reasonable grounds that a particular place could pose a biosecurity risk.	3 4 5
	<i>Example—</i>	6
	Because of the presence of contaminants consisting of heavy metals in soil at a place, plants grown at the place could contain unacceptable levels of the contaminants which could enter the food chain.	7 8 9
(2)	The chief executive may—	10
(a)	by an appropriate entry in the biosecurity register—	11
(i)	declare the place to be a restricted place; and	12
(ii)	declare how use of the place is to be restricted; and	13
(b)	give each of the following an information notice for the chief executive's decision to make the entry and declarations under paragraph (a)—	14 15 16
(i)	the occupier of the place;	17
(ii)	the owner of the place;	18
(iii)	any entity that is, or is reasonably expected to become, a registered biosecurity entity and for whom the place is, or is reasonably expected to be, for the entity's registration, a designated place.	19 20 21 22
(3)	For subsection (1), it does not matter whether the place is or is not a designated place for an entity's registration as a registered biosecurity entity.	23 24 25
(4)	However, the chief executive may, in deciding whether to declare a place to be a restricted place, have regard to the biosecurity risk status details registered or to be registered for the entity in the biosecurity register.	26 27 28 29

[s 155]

155	Compliance with restricted place restrictions	1
(1)	While a place is a restricted place, a person must not perform any activity in relation to the place that contravenes any restriction recorded in the biosecurity register about how the place is to be used.	2 3 4 5
	Maximum penalty—800 penalty units.	6
(2)	A person does not commit an offence under subsection (1) for the performance of an activity if the person—	7 8
(a)	did not know, and ought not reasonably to have known, of the existence of the restriction; or	9 10
(b)	has a reasonable excuse for the performance of the activity.	11 12
156	Removal of restricted place from biosecurity register	13
(1)	The chief executive may end the declaration of a place as a restricted place by removing from the biosecurity register the entry about the place declaring it to be a restricted place.	14 15 16
(2)	The chief executive may remove the entry from the biosecurity register only if the chief executive is satisfied on reasonable grounds that the place no longer poses a biosecurity risk.	17 18 19 20
(3)	The removal of an entry under subsections (1) and (2) may happen—	21 22
(a)	on the chief executive's own initiative; or	23
(b)	after consideration of an application under this part for removal of the entry.	24 25
157	Application for removal of restricted place from biosecurity register	26 27
(1)	A person may apply to the chief executive for the removal of the entry for a restricted place from the biosecurity register.	28 29

[s 158]

-
- | | |
|--|----------------------------------|
| (2) To make an application under subsection (1), the applicant must be— | 1
2 |
| (a) the occupier of the place; or | 3 |
| (b) the owner of the place; or | 4 |
| (c) any entity that is, or is reasonably expected to become, a registered biosecurity entity and for whom the place is, or is reasonably expected to be, for the entity's registration, a designated place. | 5
6
7
8 |
| (3) The application must— | 9 |
| (a) be in the approved form; and | 10 |
| (b) be accompanied by the fee prescribed under a regulation; and | 11
12 |
| (c) outline the steps taken to ensure that the place no longer poses a biosecurity risk; and | 13
14 |
| (d) include evidence, including, for example, reports prepared by suitably qualified persons, supporting the conclusion that the place no longer poses a biosecurity risk. | 15
16
17
18 |
| 158 Chief executive may seek further information or documents | 19
20 |
| (1) The chief executive may, by notice to an applicant for the removal of the entry for a restricted place from the biosecurity register, require the applicant to give the chief executive, within a stated reasonable period, further information or a document the chief executive reasonably requires to decide the application. | 21
22
23
24
25
26 |
| (2) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with the requirement. | 27
28
29 |

[s 159]

159	Decision on application	1
(1)	Subject to any requirement for further information or documents, the chief executive must consider an application for the removal of the entry for a restricted place from the biosecurity register, and decide whether to—	2 3 4 5
	(a) grant the application; or	6
	(b) refuse the application.	7
(2)	If the chief executive decides to refuse the application, the chief executive must give the applicant an information notice for the decision.	8 9 10
(3)	The chief executive is taken to have refused the application if the chief executive does not decide the application within the decision period.	11 12 13
(4)	If the application is refused under subsection (3), the applicant is entitled to be given by the chief executive an information notice for the decision.	14 15 16
(5)	If the chief executive decides to grant the application, the chief executive must—	17 18
	(a) advise the applicant of the decision; and	19
	(b) as soon as practicable, remove the entry from the biosecurity register; and	20 21
	(c) advise the applicant when the entry is removed from the biosecurity register.	22 23
(6)	In this section—	24
	<i>decision period</i> means—	25
	(a) 30 days after the application for removal of the entry is made; or	26 27
	(b) if the chief executive asks for further information or a document to decide the application, the sum of the following days after the application is made—	28 29 30
	(i) 30 days;	31

[s 160]

- | | |
|---|---|
| (ii) the number of days from the day the chief | 1 |
| executive asks for the further information or | 2 |
| documents to the day the chief executive receives | 3 |
| the further information or documents. | 4 |

Division 4	NLIS administrator	5
-------------------	---------------------------	---

- | | | |
|------------|--|----------------------------|
| 160 | Power to disclose designated information to approved NLIS administrator | 6
7 |
| | (1) The chief executive may, by gazette notice, approve an entity as the administrator of the NLIS database (the <i>approved NLIS administrator</i>). | 8
9
10 |
| | (2) The chief executive may, on the chief executive's own initiative, give the approved NLIS administrator any registered information about a registered biosecurity entity to the extent the information is relevant to specified animals kept by the entity. | 11
12
13
14
15 |
| | (3) The information may be given subject to conditions the chief executive considers appropriate, including, for example, a condition that the approved NLIS administrator gives, and continues to give, the chief executive access to information in the NLIS database. | 16
17
18
19
20 |

Division 5	The biosecurity register	21
-------------------	---------------------------------	----

- | | | |
|------------|---|----------------|
| 161 | Chief executive's obligation to keep register | 22 |
| | The chief executive must keep a register of registered biosecurity entities and restricted places (the <i>biosecurity register</i>). | 23
24
25 |

[s 162]

162	Information required to be kept for registered biosecurity entities	1 2
(1)	The biosecurity register must include, for each registered biosecurity entity in relation to each biosecurity circumstance for which the entity is a registered biosecurity entity, all of the following details (the <i>registration details</i>)—	3 4 5 6
(a)	the designated details for the entity;	7
(b)	any PIC that applies to the entity's registration;	8
(c)	any HIN allocated for the entity's registration;	9
(d)	the types of products made as a result of the keeping of designated animals or holding of designated biosecurity matter to which the registration relates;	10 11 12
(e)	to the extent known to the chief executive—the biosecurity risk status details for the entity;	13 14
(f)	if the registration relates to the keeping of bees—	15
(i)	the names of any codes of practice made under this Act for the keeping of bees; and	16 17
(ii)	any conditions imposed by the chief executive on the registration.	18 19
(2)	The chief executive may record other information the chief executive considers appropriate about a registered biosecurity entity.	20 21 22
163	Requirement for change notice	23
	If a registered biosecurity entity becomes aware of a change that affects or may affect the accuracy of the entity's designated details, the entity must, as soon as practicable, give the chief executive notice of the change (a <i>change notice</i>).	24 25 26 27
	Maximum penalty—50 penalty units.	28

[s 164]

-
- 164 Correction and updating of biosecurity register for registered biosecurity entities** 1
2
- (1) The chief executive may correct the designated details for a registered biosecurity entity if satisfied that— 3
4
- (a) the designated details are incorrect as registered; or 5
- (b) the correction is necessary to ensure the traceability of designated animals or designated biosecurity matter. 6
7
- (2) The correction may be made at the chief executive's own initiative, at the registered biosecurity entity's request, or because of a change notice. 8
9
10
- (3) If a correction is made at the chief executive's own initiative, and without a registered biosecurity entity's request or consent and not because of a change notice, the chief executive must give the entity an information notice for the decision to make the correction. 11
12
13
14
15
- (4) If the chief executive is given a change notice, the chief executive must refuse to correct the designated details in compliance with the change notice to the extent the chief executive is satisfied that, in the circumstances, a further application for registration under this part should be made. 16
17
18
19
20
- (5) In this section— 21
- correct* includes amend, and for a PIC or HIN, cancelling and replacing it. 22
23
- 165 Public access to biosecurity register** 24
- (1) The chief executive must— 25
- (a) keep the biosecurity register open for inspection by members of the public, by appointment or by the giving of reasonable written or oral notice, at the department's offices the chief executive considers appropriate; and 26
27
28
29
- (b) allow a person, on payment of a fee approved by the chief executive, to take extracts from the register; and 30
31
-

[s 165]

-
- | | | |
|------|--|----------------------------|
| (c) | give a person, on payment of a fee approved by the chief executive, a copy of the register. | 1
2 |
| (2) | However, a person (the <i>applicant</i>) is not entitled to receive the biosecurity risk status details for a registered biosecurity entity unless— | 3
4
5 |
| (a) | the applicant is an occupier of a restricted place and the biosecurity risk status details relate to the place's declaration as a restricted place; or | 6
7
8 |
| (b) | the applicant is the approved NLIS administrator; or | 9 |
| (c) | the applicant is carrying out functions under an Act administered by the department or under a law of another State or the Commonwealth that provides for the same or similar matters as an Act administered by the department; or | 10
11
12
13
14 |
| (d) | the registered biosecurity entity consents in writing; or | 15 |
| (e) | disclosing the information is expressly permitted or required under this Act or another Act; or | 16
17 |
| (f) | the chief executive is satisfied disclosing the information to the applicant in the circumstances will contribute to— | 18
19
20 |
| (i) | the traceability of designated animals or designated biosecurity matter or of disease; or | 21
22 |
| (ii) | compliance with a standard, identified under a regulation, relating to market access or reporting or product integrity; or | 23
24
25 |
| (g) | the chief executive is satisfied disclosing the information to the applicant in the circumstances is essential for the administration of a program, identified under a regulation, relating to animal health control or accreditation. | 26
27
28
29
30 |
| (3) | A fee approved under subsection (1) must not be more than the actual cost of allowing the taking of the extract or giving the copy. | 31
32
33 |
-

Part 3	Specified animal identification and tracing system	1 2
Division 1	Approved devices	3
166	Meaning of <i>approved device</i>	4
	An <i>approved device</i> is a tag or other identifying device or mark that—	5 6
	(a) may be fitted to a specified animal for use in distinguishing the specified animal from all other animals; and	7 8 9
	(b) complies with the technical requirements decided by the chief executive as applying to tags or other identifying devices or marks to be fitted to specified animals.	10 11 12
167	Meaning of <i>fit</i>	13
	For this part—	14
	<i>fit</i> , to an animal, other than in relation to a tag, includes the following—	15 16
	(a) brand or tattoo the animal;	17
	(b) insert into the animal.	18
168	Chief executive may approve different devices for different animals or circumstances	19 20
	(1) The chief executive may decide different specifications for approved devices to be fitted to different specified animals.	21 22
	(2) The specifications may state technical requirements for a device and may also provide for any of the following—	23 24
	(a) the type of specified animal to which the device may be fitted;	25 26

[s 169]

- (b) the circumstances that must apply to a specified animal before the device may be fitted to the animal; 1
2
 - (c) the purposes for which the device may be fitted to a specified animal. 3
4
- (3) The chief executive must publish on the department's website information about approved devices, including details of specifications for approved devices, other than information the chief executive considers to be too specific to be generally useful. 5
6
7
8
9
- Example—* 10
 - The chief executive may consider information about an approved device to be too specific to be generally useful if the specifications decided by the chief executive for the device include circumstances for fitting the device that are unique to a very limited group of specified animals. 11
12
13
14
- (4) In deciding specifications for approved devices in the form of tags, the chief executive must to the greatest practicable extent comply with the provisions of any code of practice made under this Act and applying to approved devices in the form of tags, including, for example, provisions about the following— 15
16
17
18
19
 - (a) types of tags; 20
 - (b) the purposes of different types of tags; 21
 - (c) the positioning of tags fitted to specified animals; 22
 - (d) conditions for the re-use, recycling and destruction of tags. 23
24

169 Meaning of *suitable approved device* 25

An approved device is a *suitable approved device* for a specified animal if it is suitable to be fitted to the animal having regard to the specifications decided by the chief executive for the device. 26
27
28
29

170	Only suitable approved device to be fitted	1
(1)	A person must not fit an approved device to a specified animal if the device is not a suitable approved device for the animal.	2
	Maximum penalty—100 penalty units.	3
(2)	A person does not commit an offence under subsection (1) if the person—	4
(a)	did not know, and ought not reasonably to have known, that the device was not a suitable approved device; or	5
(b)	has a reasonable excuse for fitting the device.	6
Division 2	Approved device requirement and travel approvals	10
		11
171	Approved device requirement	12
(1)	This section applies to a person if—	13
(a)	the person is a registrable biosecurity entity; and	14
(b)	the biosecurity circumstance for which the person is a registrable biosecurity entity is or includes the keeping of a specified animal at a place (the <i>place of origin</i>).	15
(2)	The person must ensure that, if the specified animal is moved from the place of origin, the animal is fitted with a suitable approved device for the animal unless the person has a reasonable excuse.	16
	Maximum penalty—100 penalty units.	17
(3)	Subsection (2) applies even if the person is not a registered biosecurity entity for the keeping of the specified animal.	18
		19
		20
		21
172	Exemptions from approved device requirement	22
	A person does not commit an offence against the approved device requirement in relation to the movement of a specified animal if—	23
		24
		25
		26
		27
		28

[s 172]

-
- | | | |
|-------|--|----------------------------|
| (a) | all of the following apply— | 1 |
| (i) | the movement of the specified animal is to a place that is a neighbouring place to the place of origin; | 2
3 |
| (ii) | the movement is for ordinary animal management purposes only; | 4
5 |
| | <i>Examples of ordinary animal management purposes—</i> | 6 |
| | dipping, branding and vaccinating | 7 |
| (iii) | the person intends that the specified animal be returned to the place of origin within 48 hours after arriving at the neighbouring place; or | 8
9
10 |
| (b) | the lack of the fitted suitable approved device applies only for the first part of the movement, and the first part of the movement is to a place— | 11
12
13 |
| (i) | that is a neighbouring place to the place of origin; and | 14
15 |
| (ii) | that is a place where the approved device can be fitted; or | 16
17 |
| | <i>Example—</i> | 18 |
| | The neighbouring place, unlike the place of origin, is equipped with appropriate facilities for fitting the approved device. | 19
20 |
| (c) | for a specified animal that is a feral goat—the movement of the animal is direct from the place of origin to a place that has been allocated a PIC, and the movement otherwise complies with the movement requirements prescribed under a regulation; or | 21
22
23
24
25 |
| (d) | for a specified animal that is a goat or pig—the movement of the animal is direct to or from a sporting event; or | 26
27
28 |
| | <i>Examples of a sporting event—</i> | 29 |
| | billy goat race, pig race | 30 |
| (e) | the person holds an approval (a travel approval) for the movement, and all conditions of the travel approval are complied with. | 31
32
33 |
-

173	Obtaining a travel approval	1
(1)	A person may apply to the chief executive for a travel approval for the movement of a specified animal.	2 3
(2)	The application must be in the approved form.	4
(3)	The approved form must include requirements for—	5
	(a) stating the proposed period for the movement; and	6
	(b) identifying the specified animal the subject of the application; and	7 8
	(c) demonstrating how, if the travel approval is granted, the specified animal can be traced under the NLIS.	9 10
(4)	The chief executive may grant the travel approval only if the chief executive is satisfied that—	11 12
	(a) the specified animal can be traced under the NLIS; and	13
	(b) the movement does not pose a biosecurity risk.	14
(5)	The chief executive may ask the applicant for further information or documents to decide the application.	15 16
(6)	The chief executive must, within the decision period, grant the travel approval, with or without conditions, or refuse the travel approval.	17 18 19
(7)	If the chief executive decides to grant the travel approval without conditions, the chief executive must give the applicant a written travel approval.	20 21 22
(8)	If the chief executive decides to grant the travel approval on conditions, the chief executive must give the applicant—	23 24
	(a) a written travel approval that includes the conditions; and	25 26
	(b) an information notice for the decision to grant the approval on the conditions.	27 28
(9)	If the chief executive decides to refuse to grant the travel approval, the chief executive must give the applicant an information notice for the decision to refuse.	29 30 31

[s 174]

(10)	If the chief executive fails to decide the application within the decision period, the failure is taken to be a decision by the chief executive to refuse to grant the application.	1 2 3
(11)	If the application is taken to be refused under subsection (10), the applicant is entitled to be given an information notice by the chief executive for the decision.	4 5 6
(12)	In this section—	7
	<i>decision period</i> means—	8
(a)	30 days after the application is made; or	9
(b)	if the chief executive asks for further information or a document to decide the application, the sum of the following days after the application is made—	10 11 12
(i)	30 days;	13
(ii)	the number of days from the day the chief executive asks for the further information or documents to the day the chief executive receives the further information or documents.	14 15 16 17
Division 3	Receiving specified animals	18
174	Meaning of moving from another place	19
	A reference in this division to a person taking delivery at a place of an animal that has been moved to the place from another place includes a reference to an animal that has been moved to the place where delivery is taken on a movement that did not involve its delivery to any other person.	20 21 22 23 24
	<i>Example—</i>	25
	An animal is moved along stock routes and is returned to the place where it started.	26 27
175	Receiver requirement to advise NLIS administrator	28
(1)	This section applies if—	29

-
- (a) a person (the *receiver*) takes delivery at a place of a specified animal that has been moved to the place from another place; and
 - (b) under the approved device requirement, the specified animal was required, for the movement, to be fitted with an approved device; and
 - (c) on the taking of delivery of the specified animal, the receiver is, or becomes, a registrable biosecurity entity for the keeping of the animal.
- (2) If the receiver takes delivery of the specified animal at a meat processing facility and the animal is expected to be slaughtered within 5 days after its arrival at the facility, the receiver must, unless the receiver has a reasonable excuse, within 48 hours after the slaughter of the animal, give the NLIS administrator the stated information.
- Maximum penalty—100 penalty units.
- (3) If the receiver takes delivery of the specified animal at a meat processing facility and the animal is not expected to be slaughtered within 5 days after its arrival at the facility, the receiver must, unless the receiver has a reasonable excuse, within 48 hours after the arrival of the animal at the facility, give the NLIS administrator the stated information.
- Maximum penalty—100 penalty units.
- (4) If the receiver takes delivery of the specified animal other than at a meat processing facility, the receiver must, unless the receiver has a reasonable excuse, within 48 hours after taking delivery of the specified animal, give the NLIS administrator the stated information.
- Maximum penalty—100 penalty units.
- (5) Despite subsection (4), if on the taking of delivery of the specified animal, the receiver becomes a registrable biosecurity entity for the keeping of the animal but has not yet obtained registration under part 2, the period of 48 hours mentioned in the subsection does not start until the receiver has obtained the registration.

[s 175]

-
- (6) Subsections (2) to (4) apply whether or not the specified animal was, for the movement, fitted with an approved device.

1
2
 - (7) The receiver is not required to comply with subsection (4) to the extent the receiver takes delivery of the specified animal in the receiver's capacity as—

 - (a) an owner or occupier of a place on which the specified animal is agisted if the owner or occupier is not the owner of the animal; or
 - (b) a conveyor or drover of the specified animal; or
 - (c) the purchaser of the specified animal from a saleyard.

3
4
5
6
7
8
9
10
 - (8) Subsection (9) applies if—

 - (a) the specified animal received is a head of cattle; and
 - (b) the specified animal is fitted with an approved device that includes a microchip; and
 - (c) the receiver takes delivery of the specified animal in the receiver's capacity as an entity that organises or otherwise holds an event that is an agricultural show.

11
12
13
14
15
16
17
 - (9) The receiver must comply with subsection (4) only to the extent of giving the NLIS administrator the following information within 48 hours after taking delivery of the specified animal—

 - (a) either the PIC and the serial number of the device or the RFID number of the microchip;
 - (b) the serial number of any movement record relating to the movement of the specified animal;
 - (c) the PIC of the place for the holding of the agricultural show;
 - (d) the date of arrival of the specified animal at the place for the holding of the agricultural show.

18
19
20
21
22
23
24
25
26
27
28
29
 - (10) If under subsection (7) the receiver is not required to comply with subsection (4), the responsible person must, within 48 hours after the receiver takes delivery of the specified animal,

30
31
32

-
- | | |
|---|------------------|
| give the NLIS administrator the stated information unless the responsible person has a reasonable excuse. | 1
2 |
| Maximum penalty—100 penalty units. | 3 |
| (11) The receiver or responsible person has a reasonable excuse under subsection (2), (3), (4) or (10) if a person selling, conveying or driving the specified animal has already advised the NLIS administrator of the stated information. | 4
5
6
7 |
| (12) In this section— | 8 |
| <i>responsible person</i> means the person who at law has title to the specified animal, or who otherwise has final responsibility for the specified animal. | 9
10
11 |
| 176 Stated information for s 175—approved device that includes microchip | 12
13 |
| (1) For section 175(2), if the specified animal is fitted with an approved device that includes a microchip, the stated information is all of the following— | 14
15
16 |
| (a) either— | 17 |
| (i) the PIC and the serial number of the device; or | 18 |
| (ii) the RFID number of the microchip; | 19 |
| (b) the PIC of the place where the specified animal was most recently kept; | 20
21 |
| (c) the PIC of the meat processing facility; | 22 |
| (d) the date the animal was slaughtered; | 23 |
| (e) the unique serial number of any movement record relating to the movement of the specified animal; | 24
25 |
| (f) any other information prescribed under a regulation. | 26 |
| (2) For section 175(3), if the specified animal is fitted with an approved device that includes a microchip, the stated information is all of the following— | 27
28
29 |
| (a) either— | 30 |
-

[s 176]

-
- | | |
|---|----------------|
| (i) the PIC and the serial number of the device; or | 1 |
| (ii) the RFID number of the microchip; | 2 |
| (b) the PIC of the place where the specified animal was most recently kept; | 3
4 |
| (c) the PIC of the meat processing facility; | 5 |
| (d) the date the animal was received at the meat processing facility; | 6
7 |
| (e) the unique serial number of any movement record relating to the movement of the specified animal; | 8
9 |
| (f) any other information prescribed under a regulation. | 10 |
| (3) For section 175(4), if the specified animal is fitted with an approved device that includes a microchip, the stated information is all of the following— | 11
12
13 |
| (a) either— | 14 |
| (i) the PIC and the serial number of the device; or | 15 |
| (ii) the RFID number of the microchip; | 16 |
| (b) the PIC of the place where the specified animal was most recently kept; | 17
18 |
| (c) the unique serial number of any movement record relating to the movement of the specified animal; | 19
20 |
| (d) if the place where the receiver is keeping the specified animal is a specified animal feedlot, a saleyard or a live export holding and has a PIC—the PIC; | 21
22
23 |
| (e) the date the receiver took delivery at the place of the specified animal; | 24
25 |
| (f) if the specified animal has been moved to another place and the other place has a PIC—the PIC; | 26
27 |
| (g) any other information prescribed under a regulation. | 28 |
| (4) Subsection (3) does not apply if the place of delivery of the specified animal is a designated animal transit facility. | 29
30 |

[s 177]

177	Stated information for s 175—approved device that does not include microchip	1 2
(1)	For section 175(2), (3) and (4), if the specified animal is fitted with an approved device that does not include a microchip, the stated information is all of the following—	3 4 5
(a)	the species of the specified animal or, if the specified animal is part of a group of specified animals all of which are being moved to the same place, the species of the specified animals in the group, including the number of animals of each species;	6 7 8 9 10
(b)	when the specified animal arrived at the place where the receiver took delivery;	11 12
(c)	the PIC of the place where the receiver took delivery, and—	13 14
(i)	if the specified animal is at a saleyard—the serial number of the device; or	15 16
(ii)	otherwise—the serial number of the device, if printed on the device;	17 18
(d)	the PIC of the place where the specified animal was most recently kept;	19 20
(e)	the unique serial number of any movement record relating to the movement of the specified animal;	21 22
(f)	if the place where the receiver is keeping the specified animal is a meat processing facility, a cattle feedlot, a saleyard or a live export holding and has a PIC—the PIC;	23 24 25 26
(g)	any other information about PICs recorded in any movement record mentioned in paragraph (e);	27 28
(h)	any other information prescribed under a regulation.	29
(2)	This section does not apply if the place of delivery of the specified animal is a designated animal transit facility.	30 31

[s 178]

178	Stated information for s 175—specified animal received at transit facility	1 2
	For section 175(4), if the place of delivery of the specified animal is a designated animal transit facility, the stated information includes all of the following—	3 4 5
	(a) the species of the specified animal or, if the specified animal is part of a group of specified animals, the species of the specified animals in the group, including the number of animals of each species;	6 7 8 9
	(b) when the specified animal arrived at the designated animal transit facility;	10 11
	(c) the PIC of the place where the specified animal was most recently kept;	12 13
	(d) the unique serial number of any movement record relating to the movement of the specified animal;	14 15
	(e) any other information prescribed under a regulation.	16
179	Receiver requirement to advise inspector	17
	(1) This section applies if—	18
	(a) a person (the <i>relevant person</i>) takes delivery at a place of a specified animal that has been moved from another place; and	19 20 21
	(b) because of the approved device requirement, the specified animal should have been fitted with a suitable approved device at some time before the relevant person took delivery; and	22 23 24 25
	(c) the specified animal is not fitted with a suitable approved device.	26 27
	(2) The relevant person must, within 24 hours after taking delivery of the specified animal, and unless the relevant person has a reasonable excuse, advise an inspector of the circumstances mentioned in subsection (1).	28 29 30 31
	Maximum penalty—100 penalty units.	32

-
- (3) The relevant person must comply with all reasonable directions the inspector gives the relevant person for ensuring appropriate identification of the specified animal unless the relevant person has a reasonable excuse.

Maximum penalty—100 penalty units.

1

2

3

4

5
 - (4) Without limiting subsection (3), reasonable directions may include a direction for the relevant person to fit the specified animal with an approved device.

6

7

8
 - (5) A person is not required to comply with subsection (2) to the extent the person takes delivery of the specified animal in the person's capacity as a conveyor or drover of the specified animal.

9

10

11

12
 - (6) It is not a reasonable excuse for the relevant person to fail to comply with subsection (2) or (3) that the relevant person is not a registered biosecurity entity for the keeping of the specified animal.

13

14

15

16

Division 4 **Movement records** 17

180 **Movement record requirement** 18

- (1) This section applies to a person (the *relevant person*) who is a registrable biosecurity entity for the keeping of a designated animal, whether or not the person is also a registered biosecurity entity for the keeping of the animal.

19

20

21

22
- (2) The relevant person must ensure that, if the animal is moved from the place where the animal is kept—

23

24
- (a) there is created, before the movement starts, a record of the proposed movement (the *movement record*) in the appropriate form; and

25

26

27
- (b) if the animal is a specified animal, or if a biosecurity emergency order, movement control order or biosecurity zone regulatory provision provides that this section applies to the movement—any person who is the

28

29

30

31

[s 180]

- conveyor or drover of the animal for the purposes of the movement has, in the conveyor's or drover's possession, before the movement starts, a copy of the movement record. 1
2
3
4
- Maximum penalty—200 penalty units. 5
- (3) The relevant person is not required to comply with subsection (2) if— 6
7
- (a) the movement of the animal is to or from a place that is a neighbouring place to the place where the movement starts; and 8
9
10
- (b) the movement is for ordinary stock management purposes, other than for the purpose of collecting or returning the animal because it has strayed; and 11
12
13
- (c) the movement does not require a biosecurity instrument permit. 14
15
- (4) Subsection (5) applies to the conveyor or drover of an animal for a movement if, under this section— 16
17
- (a) a movement record is required for the movement; and 18
- (b) the relevant person is required to ensure that the conveyor or drover has, in the conveyor's or drover's possession, before the movement starts, a copy of the movement record. 19
20
21
22
- (5) The conveyor or drover must not proceed for the purposes of the movement if the conveyor or drover does not have, in the conveyor's or drover's possession, before the movement starts, a copy of the movement record. 23
24
25
26
- Maximum penalty—200 penalty units. 27
- (6) A single movement record may be created for the same proposed movement of 2 or more animals to which this section applies. 28
29
30
- (7) A person who fails to comply with subsection (2) or (5) does not commit an offence under the subsection if the person has a reasonable excuse for the failure to comply. 31
32
33

181	Appropriate form of movement record	1
(1)	For the movement record requirement, a movement record	2
	that relates to the movement of a designated animal other than	3
	a specified animal is in the appropriate form if it is a	4
	document that clearly sets out the following information and	5
	is signed by the person completing the record—	6
(a)	details sufficient to identify the place from which the	7
	designated animal is being moved;	8
(b)	where the designated animal is being moved to, and the	9
	name and address of the person who is to receive the	10
	animal;	11
(c)	the proposed date of the movement of the designated	12
	animal;	13
(d)	the species and breed of the designated animal;	14
(e)	details of any identification mark on the designated	15
	animal;	16
(f)	any illness the designated animal is known to be	17
	suffering, or any illness the person who created the	18
	movement record reasonably suspects the designated	19
	animal may be suffering;	20
(g)	other information prescribed under a regulation.	21
(2)	For the movement record requirement, a movement record	22
	that relates to the movement of a specified animal is in the	23
	appropriate form if it is in the form of—	24
(a)	a waybill in the approved form; or	25
(b)	either of the following as may be appropriate in the	26
	circumstances—	27
(i)	a document known as a national vendor declaration	28
	waybill;	29
(ii)	a waybill or other document completed under a law	30
	of another State, if the waybill or other document	31
	is in substantial conformity with the approved form	32
	mentioned in paragraph (a); or	33

[s 182]

-
- (c) a document prescribed under a regulation. 1
 - (3) Also, to be in the appropriate form a movement record must— 2
 - (a) bear a serial number that is unique for the movement 3
 - record; and 4
 - (b) if it relates to the movement of a designated animal that 5
 - is a specified animal—advise— 6
 - (i) the PIC shown on any approved device fitted to the 7
 - specified animal; and 8
 - (ii) the PIC shown on any approved device previously 9
 - fitted to the specified animal but that is no longer 10
 - fitted to the animal. 11
 - 182 Relaxation of movement record requirement for multiple conveyances** 12
 - (1) Nothing in this division is intended to stop 2 or more specified 14
 - animals being included in the 1 movement record if all the 15
 - specified animals are conveyed between the same places at the 16
 - same time. 17
 - (2) However, subject to subsections (3) to (6), specified animals 18
 - may be conveyed under a single movement record even 19
 - though there are 2 or more conveyances. 20
 - (3) All the specified animals must leave the same starting point 21
 - within a period of 24 hours. 22
 - (4) The driver of each vehicle conveying any of the specified 23
 - animals must carry a certificate signed by a person required or 24
 - authorised to create the movement record. 25
 - (5) The certificate must— 26
 - (a) state the number of specified animals on the vehicle; and 27
 - (b) identify the movement record relating to the movement 28
 - of all the specified animals; and 29
 - (c) state the start and end points for the movement that are 30
 - to appear on the movement record. 31
-

-
- (6) The movement record must be completed before the last of the specified animals leave the starting point for the movement.

183 Other matters about movement record requirement

- (1) This section applies to a person (the *relevant person*) who is required under the movement record requirement to ensure a movement record is created.
- (2) The relevant person must, unless the person has a reasonable excuse—
- (a) if the designated animal is a specified animal—keep a copy of the movement record for 5 years after the movement started; or
 - (b) otherwise—keep the movement record for 2 years after the movement started.
- Maximum penalty—200 penalty units.
- (3) The relevant person must, at any time in the period that applies under subsection (2), unless the person has a reasonable excuse, produce the copy or record to an inspector for inspection if the inspector asks to see it.
- Maximum penalty—200 penalty units.

184 Receiving designated animal

- (1) Subsections (2) and (3) apply if—
- (a) a designated animal is moved from 1 place to another; and
 - (b) under this division, a movement record is required to be completed for the movement; and
 - (c) the relevant person under the movement record requirement is required to ensure that a conveyor or drover of the animal has, in the conveyor's or drover's possession, a copy of the movement record.

[s 184]

- (2) A person must not accept delivery of the animal, or, if the movement record requirement is relaxed under section 182, must not accept delivery of the animals, at the completion of the movement, unless the person also takes delivery of a copy of the movement record. 1
2
3
4
5
Maximum penalty—200 penalty units. 6
- (3) A person who takes delivery of a copy of a movement record as required under subsection (2) must keep the copy for 5 years after the movement started. 7
8
9
Maximum penalty—200 penalty units. 10
- (4) Subsection (5) applies if— 11
- (a) a designated animal is moved from 1 place to another; 12
and 13
- (b) under this division, a movement record is required to be created for the movement; and 14
15
- (c) the relevant person under the movement record requirement is not required to ensure that a conveyor or drover of the animal has, in the conveyor's or drover's possession, a copy of the movement record. 16
17
18
19
- (5) A person who accepts delivery of the animal at the end of the movement must create, and keep for 2 years after the movement started, a record complying with subsection (6). 20
21
22
Maximum penalty—200 penalty units. 23
- (6) The record must show the following— 24
- (a) details sufficient to identify the place from which the designated animal was moved; 25
26
- (b) where the animal was moved to, and the name and address of the person who received the animal; 27
28
- (c) when the movement of the animal happened; 29
- (d) the species and breed of the animal; 30
- (e) details of any identification mark on the animal; 31

(f)	any illness the animal is known to be suffering, or any illness the person creating the record reasonably suspects the animal may be suffering;	1 2 3
(g)	other information prescribed under a regulation.	4
(7)	A person required to keep the copy of a movement record for a period under subsection (3), or a record for a period under subsection (5), must, at any time in the period, produce the copy or record to an inspector for inspection if the inspector asks to see it.	5 6 7 8 9
	Maximum penalty—200 penalty units.	10
(8)	A person who fails to comply subsection (2), (3), (5) or (7) does not commit an offence under the subsection if the person has a reasonable excuse for the failure to comply.	11 12 13
(9)	A person is not required to comply with subsection (5) if the person accepts delivery of the animal in the person's capacity as a person having responsibility for the organisation and operation of an agricultural show and is required under section 185 to keep a record in relation to the animal.	14 15 16 17 18
185	Show organiser to record designated animal movements	19
(1)	A person (the <i>relevant person</i>) having responsibility for the organisation and operation of an agricultural show must keep, for 2 years after a designated animal arrives at the agricultural show, a record in the approved form of the relevant information for the designated animal.	20 21 22 23 24
	Maximum penalty—200 penalty units.	25
(2)	For subsection (1), the relevant information for a designated animal is the following—	26 27
(a)	where the designated animal came from;	28
(b)	when the designated animal arrived at the agricultural show;	29 30
(c)	when the designated animal left the agricultural show;	31
(d)	any identifying marks on the designated animal;	32

[s 186]

- (e) for a designated animal that participated in an event at the agricultural show—the date of the event; 1
2
 - (f) the name and address of the person who was the owner of the designated animal when the animal arrived at the agricultural show (the *original owner*); 3
4
5
 - (g) the total number of designated animals the original owner caused to be present at the agricultural show; 6
7
 - (h) the name and address of the person who was the owner of the designated animal when the animal left the agricultural show. 8
9
10
 - (3) The relevant person is required to comply with subsection (1) whether or not the person is a registrable biosecurity entity for the keeping of the designated animal, and whether or not the person is required to comply with the movement record requirement for any movement of the designated animal. 11
12
13
14
15
 - (4) A person who fails to comply with subsection (1) does not commit an offence under the subsection if the person has a reasonable excuse for the failure to comply. 16
17
18
 - (5) This section applies to a designated animal that is caused to be present at the agricultural show at any time for the purpose, whether or not the purpose is fulfilled, of being exhibited at the show or of participating in an event at the show. 19
20
21
22

Division 5 Miscellaneous 23

186 Supply of device for use as an approved device 24

- (1) A person must not supply to another person a device of any kind for use as an approved device if the person knows, or ought reasonably to know, the device is not an approved device. 25
26
27
28
- Maximum penalty—200 penalty units. 29

-
- (2) A person (the *supplier*) must not supply to another person (the *purchaser*), other than the State, a device of any kind for use as an approved device unless—
- (a) the purchaser has first given the supplier a written order for the supply of the device; and
 - (b) there is recorded on the device the PIC of the place where there is to be kept the specified animal to which the device is to be fitted.
- Maximum penalty—200 penalty units.
- (3) A person (also the *purchaser*) must not receive from another person (also the *supplier*) a device of any kind for use as an approved device unless—
- (a) the purchaser has first given the supplier a written order for the supply of the device; and
 - (b) there is recorded on the device the PIC of the place where there is to be kept the specified animal to which the device is to be fitted.
- Maximum penalty—200 penalty units.
- (4) A person (also the *supplier*) who supplies to another person (also the *purchaser*), other than the State, a device of any kind for use as an approved device must—
- (a) make a record of the following information—
 - (i) the name and address of the purchaser;
 - (ii) the day the device was supplied to the purchaser;
 - (iii) any PIC recorded on or shown by the relevant device;
 - (iv) if other devices were supplied to the purchaser in the 1 transaction—how many devices were supplied in total;
 - (v) if the written order for the supply of the device has an expiry date—the expiry date; and
 - (b) keep the record for 5 years after the date of supply; and
-

[s 187]

- (c) at any time in the 5 years mentioned in paragraph (b),
unless the supplier has a reasonable excuse, produce the
record to an inspector for inspection if the inspector asks
to see it.

Maximum penalty—200 penalty units.

187 Restriction on applying or removing approved device

- (1) A person must not fit an approved device (the *new approved device*) to a specified animal that is already fitted with an approved device (the *existing approved device*) that is in the form of a tag unless—

- (a) the existing approved device is first removed from the specified animal as authorised under this section; or

- (b) under the specifications decided by the chief executive for the new approved device, the new approved device is a suitable approved device for fitting to the specified animal despite the fitting of the existing approved device.

Maximum penalty—100 penalty units.

- (2) A person may remove from a specified animal an approved device fitted to the animal and in the form of a tag if—

- (a) an inspector authorises the removal; or

- (b) the device is malfunctioning and needs to be replaced; or

- (c) under the specifications for the device as decided by the chief executive, the device is no longer a suitable approved device for the specified animal, and a suitable approved device for the animal is to be fitted to the animal; or

- (d) the removal is part of the process of slaughtering the specified animal at a meat processing facility; or

- (e) the specified animal is dead and the animal's owner removes the tag; or

<p>(f) the removal of the device is authorised under a regulation.</p> <p>(3) A person must not remove from a specified animal an approved device fitted to the animal and in the form of a tag unless the removal is authorised under subsection (2).</p> <p>Maximum penalty—100 penalty units.</p> <p>(4) Subsection (5) applies to a person if—</p> <p style="padding-left: 20px;">(a) the person removes an approved device (also the <i>existing approved device</i>) from a specified animal under subsection (2)(a), (b) or (c); and</p> <p style="padding-left: 20px;">(b) a suitable approved device for the specified animal (also the <i>new approved device</i>) is fitted to the animal in its place.</p> <p>(5) The person must, within 48 hours after removing the existing approved device, advise the NLIS administrator of—</p> <p style="padding-left: 20px;">(a) the serial number of the new approved device; and</p> <p style="padding-left: 20px;">(b) if the existing approved device includes a microchip—the RFID number of the microchip; and</p> <p style="padding-left: 20px;">(c) the PIC of the place where there is kept the specified animal to which the device is to be fitted.</p> <p>Maximum penalty—100 penalty units.</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p>
<p>188 Restrictions on altering, defacing or destroying approved device</p> <p>(1) A person must not alter or deface an approved device or allow an approved device to be altered or defaced, unless—</p> <p style="padding-left: 20px;">(a) the alteration or defacing happens because of the removal of the device from a specified animal; and</p> <p style="padding-left: 20px;">(b) the removal is permitted or required under this Act.</p> <p>Maximum penalty—200 penalty units.</p>	<p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p>

[s 189]

- (2) A person must not destroy an approved device or allow an approved device to be destroyed, unless—
 - (a) the destruction happens because of the removal of the device from a specified animal and the removal is permitted or required under this Act; or
 - (b) the destruction—
 - (i) happens before the device is fitted to any specified animal; or
 - (ii) is otherwise permitted or required under this Act.
- Maximum penalty—200 penalty units.
- (3) A person does not commit an offence under subsection (1) if the person has a reasonable excuse for performing or allowing the alteration or defacement.
 - (4) In this section—
alter, an approved device, includes, for an approved device that is in the form of an electronic tag, doing anything that causes the device to malfunction.

- 189 Requirement to destroy removed approved device**
- (1) This section applies if a person, as permitted or required under this Act, removes from a specified animal an approved device fitted to the animal.
 - (2) The person must, as soon as reasonably practicable after the removal, destroy the approved device.
Maximum penalty—100 penalty units.
 - (3) However, if the specifications decided by the chief executive for the approved device allow for the recycling or re-use of the device, the person does not commit an offence under subsection (2) if the person, within a reasonable period, takes steps to recycle or re-use the device in compliance with any requirements stated in the specifications.

[s 190]

-
- | | | |
|------------|---|----------------------------------|
| (4) | If, having regard to subsection (3) the approved device is not destroyed as otherwise required under subsection (2), the person must, until the approved device is recycled or re-used, take reasonable steps to ensure the device is kept secure against theft. | 1
2
3
4
5 |
| | Maximum penalty—100 penalty units. | 6 |
| 190 | Approval to use different PIC for approved device for specified animal | 7
8 |
| (1) | A registered biosecurity entity for the keeping of specified animals, other than the operator of a saleyard, may apply to the chief executive for approval for the approved devices that are to be fitted to the animals to have recorded on them the PIC of a place other than the place where the specified animals are kept. | 9
10
11
12
13
14 |
| (2) | The application must be written and state the serial numbers of the approved devices. | 15
16 |
| (3) | The chief executive must advise the applicant of the chief executive's decision on the application, and if the chief executive decides to refuse the application, the chief executive must give the applicant an information notice for the decision. | 17
18
19
20 |
| 191 | False, misleading or incomplete movement record | 21 |
| | A person who is required under the movement record requirement to ensure a movement record is created must, unless the person has a reasonable excuse, ensure the movement record does not contain information that the person knows or ought reasonably to know is false, misleading or incomplete in a material particular. | 22
23
24
25
26
27 |
| | Maximum penalty—200 penalty units. | 28 |

[s 192]

Part 4	Miscellaneous	1
192	Special provision about regulations	2
(1)	A regulation under this Act may make special provision for—	3
(a)	reporting on and recording of the movements of designated animals to or from saleyards, designated animal transit facilities, meat processing facilities or live export holdings; and	4 5 6 7
(b)	reporting on the slaughter of designated animals at meat processing facilities; and	8 9
(c)	other obligations of saleyards, designated animal transit facilities, meat processing facilities or live export holdings in relation to the movement of designated animals, including requirements for the fitting or removal of approved devices.	10 11 12 13 14
(2)	Without limiting subsection (1), a regulation under this section may impose obligations on selling agents and on the operators of saleyards, designated animal transit facilities, meat processing facilities and live export holdings.	15 16 17 18
(3)	In this section—	19
	<i>selling agent</i> means a person appropriately licensed under the laws of the State to sell or otherwise deal with designated animals as an agent.	20 21 22
193	Evidentiary aids for biosecurity register and NLIS database	23 24
(1)	This section applies to a proceeding under or relating to this Act.	25 26
(2)	A certificate purporting to be signed by the chief executive stating that a stated document is a copy of all or part of any of the following on a stated day or during a stated period, is evidence of the matters stated in the document on the day or during the period—	27 28 29 30 31

	(a) the biosecurity register, or an extract from it;	1
	(b) the NLIS database.	2
194	Person must not give false or misleading information to NLIS administrator	3 4
	A person who under this Act is required to give information to the NLIS administrator must not, unless the person has a reasonable excuse, give the NLIS administrator information that the person knows or ought reasonably to know is false or misleading in a material particular.	5 6 7 8 9
	Maximum penalty—1000 penalty units or 1 year's imprisonment.	10 11
Chapter 7	Prohibited matter and restricted matter permits	12 13
Part 1	Preliminary	14
195	Issue of prohibited and restricted matter permits	15
	The chief executive may issue prohibited matter permits and restricted matter permits under this chapter.	16 17
196	What is a <i>prohibited matter permit</i>	18
	A <i>prohibited matter permit</i> is a permit that authorises stated dealings with stated prohibited matter.	19 20
197	What is a <i>restricted matter permit</i>	21
	A <i>restricted matter permit</i> is a permit that authorises stated dealings with stated restricted matter.	22 23

[s 198]

198	Types of prohibited matter permits	1
	The only types of prohibited matter permits that the chief executive may issue are—	2
		3
	(a) a scientific research (prohibited matter) permit; or	4
	(b) another type of prohibited matter permit prescribed under a regulation.	5
		6
199	Types of restricted matter permits	7
	The only types of restricted matter permits that the chief executive may issue are the following—	8
		9
	(a) a biological control permit;	10
	(b) a commercial use permit;	11
	(c) a scientific research (restricted matter) permit;	12
	(d) another type of restricted matter permit prescribed under a regulation.	13
		14
200	What is a <i>permit plan</i> for prohibited or restricted matter	15
(1)	A <i>permit plan</i> , for prohibited matter or restricted matter, is a plan given to the chief executive by the applicant for a prohibited matter or restricted matter permit about how the applicant proposes to deal with the prohibited or restricted matter the subject of the proposed permit.	16
		17
		18
		19
		20
(2)	A permit plan for prohibited or restricted matter must—	21
	(a) identify potential biosecurity risks likely to arise because of the proposed dealing with the prohibited or restricted matter under the permit; and	22
		23
		24
	(b) state the ways in which the applicant for the permit intends to minimise the biosecurity risks; and	25
		26
	(c) contain other information, relating to the control of biosecurity risks, prescribed under a regulation.	27
		28

-
- (3) Also, if a permit plan relates to restricted matter, and the restricted matter would, in the absence of the proposed permit, be required to be disposed of or destroyed, the permit plan must state how the restricted matter is to be disposed of or destroyed before the term of the permit ends.

Part 2 Permit applications

- 201 Applying for permit**
- (1) A person may apply to the chief executive for a prohibited matter permit or restricted matter permit.
- (2) The application must—
- (a) be in the approved form; and
 - (b) be accompanied by—
 - (i) a permit plan for the prohibited matter or restricted matter under the proposed permit; and
 - (ii) the application fee prescribed under a regulation.
- (3) Also, if the application is for a scientific research (prohibited matter) permit, there must be included with the application—
- (a) a document showing that the proposed dealings with prohibited matter will be conducted in a facility that has been approved, certified or registered to perform the dealings by an authority prescribed under a regulation; and
 - (b) a detailed research proposal.
- (4) The applicant may withdraw the application at any time before the permit is issued.
- (5) The application fee that accompanied the application is not refundable if the applicant withdraws the application, or if the application is taken to be withdrawn under this chapter.

[s 202]

- (6) However, the chief executive may waive payment of the application fee if the chief executive is satisfied of the following—
 - (a) the proposed dealings with prohibited or restricted matter are aimed at controlling or eradicating the matter;
 - (b) the applicant will not derive any financial benefit from the dealings;
 - (c) the chief executive will be advised of the progress and outcomes of the dealings.

202 Inquiry about application

- (1) Before deciding the application, the chief executive—
 - (a) may make inquiries to decide the suitability of the applicant to hold the prohibited matter or restricted matter permit; and
 - (b) may, by notice given to the applicant, require the applicant to give the chief executive within the reasonable period of at least 30 days stated in the notice, further information or a document the chief executive reasonably requires to decide the application.
- (2) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with a requirement under subsection (1)(b).
- (3) A notice under subsection (1)(b) must be given to the applicant within 30 days after the chief executive receives the application.
- (4) The information or document under subsection (1)(b) must, if the notice requires, be verified by statutory declaration.

203 Suitability of person to hold permit

In deciding whether the applicant is a suitable person to hold the prohibited matter or restricted matter permit, the chief executive may have regard to the following—

[s 204]

-
- | | |
|---|---------------------------------|
| (a) whether the applicant has been refused a prohibited matter or restricted matter permit under this Act or a similar permit under a repealed Act or a corresponding law to this Act; | 1
2
3
4 |
| (b) whether the applicant held a prohibited matter or restricted matter permit under this Act or a similar permit under a repealed Act or a corresponding law to this Act, that was suspended or cancelled; | 5
6
7
8 |
| (c) whether the applicant or, if the applicant is a corporation or an incorporated association, whether an executive officer of the corporation or a member of the association's management committee has a conviction for a relevant biosecurity offence, other than a spent conviction; | 9
10
11
12
13
14 |
| (d) any other matter the chief executive considers relevant to the person's ability to deal with prohibited or restricted matter under the permit applied for, including the applicant's capacity to comply with any conditions of the permit. | 15
16
17
18
19 |

Part 3 **Deciding application** 20

204 **Consideration of application** 21

The chief executive must consider the application and grant, grant with conditions or refuse to grant the application.	22 23
--	----------

205 **Decision on application** 24

- | | |
|---|----------------|
| (1) If the chief executive decides to grant the application, the chief executive must issue the permit to the applicant. | 25
26 |
| (2) If the chief executive refuses to grant the application, or agrees to grant the application on conditions other than those applied for, the chief executive must as soon as practicable | 27
28
29 |

[s 206]

give the applicant an information notice for the decision to
refuse or to grant on conditions. 1
2

206 Failure to decide application 3

- (1) Subject to subsections (2) and (3), if the chief executive fails
to decide the application within 30 days after its receipt, the
failure is taken to be a decision by the chief executive to
refuse to grant the application. 4
5
6
7
- (2) Subsection (3) applies if— 8
- (a) a person has made an application for a prohibited matter
permit or restricted matter permit; and 9
10
- (b) the chief executive has, under section 202(1)(b),
required the applicant to give the chief executive further
information or a document. 11
12
13
- (3) The chief executive is taken to have refused to grant the
application if the chief executive does not decide the
application within 30 days after the chief executive receives
the further information or document. 14
15
16
17
- (4) If the application is taken to be refused under this section, the
applicant is entitled to be given an information notice by the
chief executive for the decision. 18
19
20

207 Criteria for decision 21

- (1) The chief executive may grant the application only if satisfied
of all of the following— 22
23
- (a) the applicant is a suitable person to hold the prohibited
matter or restricted matter permit; 24
25
- (b) potential biosecurity risks posed by the proposed
dealings with prohibited matter or restricted matter
under the permit can be managed under the permit plan
for the application in a way that has appropriate regard
to biosecurity considerations. 26
27
28
29
30

-
- (2) Also, if the application is for a scientific research (prohibited matter) permit, the chief executive must be satisfied that the proposed dealings with the prohibited matter will be conducted in a facility that has been approved, certified or registered to perform the dealings by an authority prescribed under a regulation. 1
2
3
4
5
6
- 208 Particular matters for scientific research (prohibited matter) permit 7
8**
- (1) In deciding an application for a scientific research (prohibited matter) permit, the chief executive must have regard to the following— 9
10
11
- (a) any standards, codes of practice or guidelines identified under a regulation; 12
13
- Example—* 14
- A regulation might identify an Australian Standard regarding engineering requirements for laboratories or a code of practice regarding calibrations and testing in laboratories. 15
16
17
- (b) the likelihood of any significant advances in scientific knowledge being gained because of the research to be conducted under the permit; 18
19
20
- (c) other matters relevant to the conduct of scientific research conducted under a prohibited matter permit and prescribed under a regulation. 21
22
23
- (2) Subsection (1) does not limit the matters to which the chief executive may have regard in deciding whether to issue a scientific research (prohibited matter) permit. 24
25
26

Part 4	Term and conditions of permits	1
209	Term of permit	2
	A prohibited matter or restricted matter permit remains in force, unless sooner suspended or cancelled, for the term of not more than 3 years decided by the chief executive and stated in the permit.	3 4 5 6
210	Conditions of permit decided by the chief executive	7
(1)	A prohibited matter or restricted matter permit is subject to the conditions decided by the chief executive in deciding to grant the application for the permit.	8 9 10
(2)	The conditions must be those the chief executive considers appropriate, having regard to—	11 12
(a)	the prohibited matter or restricted matter to which the permit applies; and	13 14
(b)	the nature of the proposed dealings with the prohibited or restricted matter under the permit.	15 16
(3)	Without limiting subsection (2), conditions may be about any of the following—	17 18
(a)	the required level of containment for the prohibited or restricted matter to which the permit applies;	19 20
(b)	the scope of the permitted dealings with the prohibited or restricted matter;	21 22
(c)	disposal of the prohibited or restricted matter;	23
(d)	record-keeping requirements;	24
(e)	reporting requirements;	25
(f)	whether the permit can be transferred.	26
(4)	The conditions decided by the chief executive must be included in the permit when the permit is issued or renewed.	27 28

211	Other conditions applying to a permit	1
(1)	It is a condition of a prohibited matter or restricted matter permit that the holder of the permit must allow an authorised officer to enter premises where the dealings under the permit are being undertaken to monitor—	2
		3
		4
		5
	(a) the dealings; and	6
	(b) the holder's compliance with the permit and this Act in relation to the dealings.	7
		8
(2)	A prohibited matter or restricted matter permit is also subject to any conditions prescribed under a regulation and applying to the permit.	9
		10
		11
(3)	In this section—	12
	<i>premises</i> does not include a place where a person resides.	13

Part 5	Renewal of permits	14
---------------	---------------------------	-----------

212	Application for renewal	15
(1)	The holder of a prohibited matter or restricted matter permit may apply to the chief executive for renewal of the permit.	16
		17
(2)	The application must—	18
	(a) be made within 60 days before the term of the permit ends; and	19
		20
	(b) be in the approved form; and	21
	(c) be accompanied by the fee prescribed under a regulation.	22
		23
(3)	However, the chief executive may waive payment of the fee if the chief executive is satisfied of the matters mentioned in section 201(6)(a) to (c).	24
		25
		26

[s 213]

- (4) The chief executive must consider the application and decide to renew, or refuse to renew, the permit. 1
2
- (5) In deciding the application, the chief executive may have regard to the matters to which the chief executive may have regard in deciding whether an applicant for a prohibited matter or restricted matter permit is a suitable person to hold a prohibited matter or restricted matter permit. 3
4
5
6
7
- (6) If the chief executive decides to refuse to renew the permit, or to impose conditions on the approval under section 210, the chief executive must as soon as practicable give the applicant an information notice for the decision. 8
9
10
11
- (7) A permit may be renewed by the issuing of another permit to replace it. 12
13

213 Inquiry about application 14

- (1) Before deciding an application under this part for renewal of a person's prohibited matter or restricted matter permit, the chief executive may, by notice given to the applicant, require the applicant to give the chief executive, within the reasonable period of at least 30 days stated in the notice, further information or a document the chief executive reasonably requires to decide the application. 15
16
17
18
19
20
21
- (2) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with the requirement. 22
23
24
- (3) A notice under subsection (1) must be given to the applicant within 30 days after the chief executive receives the application. 25
26
27
- (4) The information or document under subsection (1) must, if the notice requires, be verified by statutory declaration. 28
29

214 Failure to decide application 30

- (1) Subject to subsections (2) and (3), if the chief executive fails to decide the application within 30 days after its receipt, the 31
32

[s 215]

failure is taken to be a decision by the chief executive to
refuse to grant the application. 1 2

(2) Subsection (3) applies if— 3

(a) a person has made an application for renewal of the
person's prohibited matter or restricted matter permit;
and 4 5 6

(b) the chief executive has, under section 213(1), required
the applicant to give the chief executive further
information or a document. 7 8 9

(3) The chief executive is taken to have refused to grant the
application if the chief executive does not decide the
application within 30 days after the chief executive receives
the further information or document. 10 11 12 13

(4) If the application is taken to be refused under this section, the
applicant is entitled to be given an information notice by the
chief executive for the decision. 14 15 16

215 Permit continues pending decision about renewal 17

(1) If the holder of a prohibited matter or restricted matter permit
applies for renewal of the permit under this part, the permit is
taken to continue in force from the day it would, apart from
this section, have ended until the application is decided or,
under this part, taken to have been decided or is taken to have
been withdrawn. 18 19 20 21 22 23

(2) Despite subsection (1), if the chief executive decides to refuse
to renew the permit, or is taken to refuse to renew the permit,
the permit continues in force until the information notice for
the decision is given to the applicant. 24 25 26 27

(3) Subsection (1) does not apply if the permit is earlier
suspended or cancelled. 28 29

[s 216]

216	Direction to dispose of prohibited or restricted matter when permit cancelled	1 2
(1)	This section applies if—	3
(a)	the chief executive cancels a prohibited matter or restricted matter permit; and	4 5
(b)	the holder of the permit is in possession of prohibited or restricted matter to which the permit relates.	6 7
(2)	The chief executive may, by notice given to the holder, direct the holder to dispose of the prohibited or restricted matter in the way and by the reasonable date stated in the notice.	8 9 10
(3)	The permit holder must comply with the notice unless the holder has a reasonable excuse.	11 12
	Maximum penalty—1000 penalty units or 1 year's imprisonment.	13 14
(4)	Compensation is not payable for the disposal.	15

Part 6	Transfer of permit	16
---------------	---------------------------	----

217	Transfer of permit	17
(1)	The holder of a prohibited matter or restricted matter permit and a proposed transferee of the permit may jointly apply to the chief executive in the approved form, accompanied by the prescribed fee, for the transfer of the permit to the proposed transferee.	18 19 20 21 22
(2)	An application may not be made under subsection (1) if a condition of the permit provides that the permit is not transferable.	23 24 25
(3)	Whether or not a condition as mentioned in subsection (2) applies to the permit, if the holder of a prohibited matter or restricted matter permit dies, the personal representative of the deceased holder may apply to the chief executive in the	26 27 28 29

-
- approved form for the transfer of the permit to the personal
representative as transferee. 1 2
- (4) The chief executive may transfer a permit on an application 3
under subsection (1) or (3) only if the chief executive is 4
satisfied that there will not, as a result of the transfer, be any 5
substantial change in— 6
- (a) the persons principally involved in dealing with 7
prohibited matter or restricted matter under the permit; 8
and 9
- (b) the dealings with the prohibited matter or restricted 10
matter to which the permit relates. 11
- Example—* 12
- The chief executive might agree to a transfer of a prohibited matter 13
permit in association with the sale of a business as a going concern. 14
- (5) Also, the chief executive must be satisfied that the 15
transferee— 16
- (a) is a suitable person to hold the permit; and 17
- (b) has the capacity to ensure that conditions of the permit 18
are complied with. 19
- (6) To decide if the transferee is a suitable person to hold the 20
permit, the chief executive may have regard to the matters 21
mentioned in section 203. 22
- (7) A permit may be transferred by the issuing of another permit 23
to replace it. 24

[s 218]

Part 7	Register of prohibited matter and restricted matter permits	1 2
218	Register of permits	3
(1)	The chief executive must keep a register of prohibited matter and restricted matter permits.	4 5
(2)	The register must contain the following particulars for each permit—	6 7
(a)	the name of the permit holder;	8
(b)	the term of the permit and its expiry date;	9
(c)	the type of permit;	10
(d)	other information the chief executive considers appropriate.	11 12
(3)	The register may be kept in the way the chief executive considers appropriate, including, for example, in an electronic form.	13 14 15
(4)	A person may, on payment of the fee prescribed under a regulation, inspect the register at the department's head office when the office is open to the public.	16 17 18
(5)	On application by a person and payment of the fee prescribed under a regulation, the person may buy a copy of all or part of the information held in the register.	19 20 21

Chapter 8	Programs for surveillance, prevention and control	1 2
Part 1	Preliminary	3
219	Types of biosecurity programs	4
	<i>A biosecurity program</i> is—	5
	(a) a surveillance program; or	6
	(b) a prevention and control program.	7
220	What is a <i>surveillance program</i>	8
	<i>A surveillance program</i> is a program directed at any of the following—	9 10
	(a) monitoring compliance with this Act in relation to a particular matter to which this Act applies;	11 12
	<i>Examples—</i>	13
	• monitoring compliance with a code of practice for animal husbandry activities in feedlots in south-east Queensland	14 15
	• monitoring compliance with a biosecurity zone regulatory provision requiring the keeping of records about movement of soil in a biosecurity zone for fire ants	16 17 18
	• monitoring compliance with the conditions of prohibited matter permits held by persons in north-east Queensland	19 20
	(b) confirming the presence, or finding out the extent of the presence, in the State or the parts of the State to which the program applies, of the biosecurity matter to which the program relates;	21 22 23 24
	(c) confirming the absence, in the State or the parts of the State to which the program applies, of the biosecurity matter to which the program relates;	25 26 27

[s 221]

- | | | |
|-----|---|---|
| (d) | monitoring the effects of measures taken in response to a biosecurity risk; | 1 |
| | | 2 |
| (e) | monitoring compliance with requirements about prohibited matter or restricted matter; | 3 |
| | | 4 |
| (f) | monitoring levels of biosecurity matter or levels of biosecurity matter in a carrier. | 5 |
| | | 6 |
| | <i>Example—</i> | 7 |
| | monitoring levels of contaminants in animal feed | 8 |

- | | | |
|------------|--|----|
| 221 | What is a <i>prevention and control program</i> | 9 |
| | A <i>prevention and control program</i> is a program directed at any of the following— | 10 |
| | | 11 |
| | (a) preventing the entry, establishment or spread of biosecurity matter in an area that poses a significant biosecurity risk; | 12 |
| | | 13 |
| | | 14 |
| | (b) managing, controlling or eradicating any biosecurity matter that could, if existing control measures are inadequate, pose a significant biosecurity risk in an area. | 15 |
| | | 16 |
| | | 17 |

Part 2	Authorising biosecurity programs	18
		19

- | | | |
|------------|--|----|
| 222 | Authorising and carrying out biosecurity program | 20 |
| | (1) Any of the following may authorise and carry out a biosecurity program (a <i>program authorisation</i>)— | 21 |
| | | 22 |
| | (a) the chief executive; | 23 |
| | (b) a local government; | 24 |
| | (c) the chief executive and 1 or more local governments, if the chief executive officer of each local government agrees; | 25 |
| | | 26 |
| | | 27 |

-
- | | |
|--|----------------------------|
| (d) 2 or more local governments, if the chief executive officer of each local government agrees. | 1
2 |
| (2) A program authorisation must be authorised— | 3 |
| (a) for a program authorisation made by the chief executive—in writing; or | 4
5 |
| (b) for a program authorisation made by a local government—by a resolution of the local government. | 6
7 |
| (3) However, a program authorisation for a prevention and control program may be made only if the chief executive or the local government is satisfied— | 8
9
10 |
| (a) there is, or is likely to be, prohibited matter in an area; or | 11
12 |
| (b) there is in an area any biosecurity matter that poses or is likely to pose a significant biosecurity risk; or | 13
14 |
| <i>Examples of biosecurity matter that pose or are likely to pose a significant biosecurity risk—</i> | 15
16 |
| • a colony of red imported fire ants | 17 |
| • a plague of locusts | 18 |
| • an infestation of water mimosa | 19 |
| (c) measures are required to prevent the entry or establishment in an area of biosecurity matter that poses or is likely to pose a significant biosecurity risk; or | 20
21
22 |
| (d) after consultation with an industry group or community (each an <i>interested entity</i>), that measures carried out jointly with the interested entity are required to control biosecurity matter in an area that would have a significant effect on members of the interested entity. | 23
24
25
26
27 |
| (4) The chief executive must ensure that each authorised officer who is proposed by the chief executive to act under a biosecurity program is informed of the contents of the program authorisation for the program. | 28
29
30
31 |
| (5) The chief executive officer of the local government must ensure that each authorised person who is proposed by the | 32
33 |
-

[s 223]

chief executive officer to act under the biosecurity program is 1
informed of the contents of the program authorisation for the 2
program. 3

- (6) A program authorisation given by a local government may 4
relate only to places in the local government's area. 5

223 What program authorisation must state 6

- (1) A program authorisation for a biosecurity program must state 7
each of the following— 8
- (a) the biosecurity matter to which the program relates; 9
 - (b) the purpose of the program; 10
 - (c) when the program starts; 11
 - (d) the period over which the program is to be carried out; 12
 - (e) for a biosecurity program that is a surveillance 13
program— 14
 - (i) if the program is directed at monitoring 15
compliance with this Act— 16
 - (A) objective criteria for selecting places to be 17
entered and inspected; and 18
 - (B) a description of the area in which the places 19
are situated; or 20
 - (ii) if the program is directed at deciding the presence 21
or extent of the spread of biosecurity matter— 22
 - (A) the parts of the State to which it applies; and 23
 - (B) if the program only applies to a particular 24
type of place in the State or a part of the 25
State—a description of the type; 26
 - (f) for a biosecurity program that is a prevention and 27
control program— 28
 - (i) the nature and extent of the program, including— 29
 - (A) the parts of the State to which it applies; and 30

-
- (B) if the program only applies to a particular type of place in the State or a part of the State—a description of the type; and
- (ii) if a particular type of place is to be entered and inspected—a description of the type;
- (g) the powers an authorised officer may exercise under the program, including the extent to which an authorised officer is to act under the program and the measures an authorised officer may take under the program;
- Examples of a measure an authorised officer may take under a surveillance program—*
- sampling manufactured animal feed for the presence of animal matter or contaminants
 - taking samples from cattle to decide the presence or absence of Johne’s disease
- (h) the extent to which authorised persons may be directed to act under the program;
- (i) the obligations that may be imposed upon a person who is an occupier of a place to which the program applies.
- Examples of an obligation for paragraph (i)—*
- 1 A person may be required under a program authorisation for a surveillance program to move a herd of cattle from an inaccessible area of the person’s property to allow an authorised officer to monitor the herd for signs of disease.
 - 2 A person may be required under a program authorisation for a prevention and control program to inoculate a herd of cattle on the person’s property to prevent disease in the cattle.
- (2) The period over which a biosecurity program is to be carried out must be limited to the period reasonably necessary for achieving the program’s purpose.

224 Taking action under biosecurity program

- (1) An authorised program person may, at any reasonable time and at a place situated in an area to which a surveillance

[s 224]

- hr/>
- program applies, exercise the authorised officer's powers
stated in the program authorisation for the program. 1 2
- (2) Subsection (3) applies if a program authorisation for a
surveillance program is given by the chief executive. 3 4
- (3) An authorised program person may, at any reasonable time
and at a place situated in an area to which the surveillance
program applies— 5 6 7
- (a) observe and monitor procedures for using biosecurity
matter; 8 9
- Example—* 10
- monitor a manufacturer mixing animal feed 11
- (b) monitor the movement of the biosecurity matter to
which the program relates and of the carriers of the
biosecurity matter; 12 13 14
- (c) lay baits and set lures or traps. 15
- (4) An authorised program person may, at any reasonable time
and at a place situated in an area to which a prevention and
control program applies— 16 17 18
- (a) take reasonable steps to manage, control, eradicate or
prevent the occurrence or recurrence of the biosecurity
matter to which the program relates, including by the
use of herbicides, pesticides, vaccines or antibiotics; or 19 20 21 22
- (b) direct an occupier of a place to which the program
applies to take reasonable steps within a reasonable
period to remove or eradicate the biosecurity matter. 23 24 25
- (5) When giving the direction under subsection (4)(b), the
authorised program person must give the occupier an offence
warning for the direction. 26 27 28
- (6) Despite subsections (1), (3) and (4), actions taken under a
biosecurity program must be limited to those that are
reasonably necessary for achieving the program's purpose. 29 30 31
- (7) This section does not limit the powers of an authorised officer
under chapter 9. 32 33

<i>Note—</i>	1
See the following provisions in chapter 9 about powers of authorised officers—	2 3
<ul style="list-style-type: none"> • part 2 for the power to enter places • part 4 for the general powers that can be exercised after entering places. 	4 5 6
(8) In this section—	7
<i>authorised program person</i> , for a biosecurity program, means—	8 9
(a) if the chief executive authorises a biosecurity program under section 222(1)(a)—an inspector, or an authorised person acting under the direction of an inspector; or	10 11 12
(b) if a local government authorises a biosecurity program under section 222(1)(b)—an authorised person appointed by the local government; or	13 14 15
(c) if the chief executive and 1 or more local governments authorise a biosecurity program under section 222(1)(c)—	16 17 18
<ul style="list-style-type: none"> (i) an inspector, or an authorised person acting under the direction of an inspector; or (ii) an authorised person appointed by the local government or, if more than 1 local government authorises the program, any of the local governments; or 	19 20 21 22 23 24
(d) if 2 or more local governments authorise a biosecurity program under section 222(1)(d)—an authorised person appointed by any of the local governments.	25 26 27
 225 Failure to comply with direction	 28
(1) An occupier of a place must comply with a direction under section 224 unless the occupier has a reasonable excuse.	29 30
Maximum penalty—50 penalty units.	31

[s 226]

- | | | |
|-----|---|--------|
| (2) | A person does not commit an offence against subsection (1) if the person is not given an offence warning for the direction. | 1
2 |
|-----|---|--------|

Part 3	Consultation and notification	3
---------------	--------------------------------------	---

226	Consultation about proposed biosecurity program	4
------------	--	---

- | | | |
|-----|--|-------------|
| (1) | The chief executive must, before authorising a biosecurity program, consult as far as practicable with the local government for the area to which the program applies. | 5
6
7 |
| (2) | A local government must, before authorising a biosecurity program, consult as far as practicable with the chief executive. | 8
9 |

227	Notice of proposed biosecurity program	10
------------	---	----

- | | | |
|------|--|----------------------|
| (1) | At least 14 days before a biosecurity program starts, the chief executive or, if the local government authorised the program, the chief executive officer of the local government must give notice of the program. | 11
12
13
14 |
| (2) | The notice must— | 15 |
| (a) | be given to each State entity that controls land in the area to which the biosecurity program relates, including by electronic means; and | 16
17
18 |
| | <i>Examples—</i> | 19 |
| | by post, telephone, email | 20 |
| (b) | be published on— | 21 |
| (i) | if the chief executive authorised the biosecurity program—the department’s website; or | 22
23 |
| (ii) | if the local government authorised the biosecurity program—the local government’s website. | 24
25 |
| (3) | The notice also may— | 26 |

-
- (a) be published—1

 - (i) in a newspaper circulating generally in the area to which the biosecurity program applies; or2
3
 - (ii) if there is no newspaper circulating generally in the area to which the biosecurity program applies—in a circular distributed by the local government for the area to its residents; or4
5
6
7
 - (iii) by radio or television in the area to which the biosecurity program applies; or8
9
 - (b) be given to each owner of land in the area to which the biosecurity program applies, including, for example, by electronic means.10
11
12
 - Examples—*13

by post, telephone, email, sms messaging14
 - (4) However, failure to publish the notice under subsection (3)(a), or to give the notice to a person under subsection (3)(b), does not affect the validity of the biosecurity program.15
16
17
 - (5) The notice must state each of the following—18

 - (a) the purpose and scope of the biosecurity program;19
 - (b) when the biosecurity program starts;20
 - (c) the period over which the biosecurity program is to be carried out;21
22
 - (d) if the biosecurity program is authorised by the chief executive—23
24

 - (i) that a copy of the program authorisation for the program is available for inspection or purchase at the department's head office and regional offices, if any, in the area to which the program applies until the end of the program; and25
26
27
28
29
 - (ii) the price of a copy of the program;30
 - (e) if the biosecurity program is authorised by a local government—31
32
-

[s 228]

	(i) the name of the local government; and	1
	(ii) that a copy of the program authorisation for the program is available for inspection or purchase at the local government's public office until the end of the program; and	2 3 4 5
	(iii) the price of a copy of the program.	6
(6)	The price of a copy of the program authorisation for a biosecurity program must be no more than the cost of having the copy available for purchase, and, if the copy is posted to the purchaser, the postage cost.	7 8 9 10
228	Access to authorisation	11
	From the start of a biosecurity program until the end of the program, copies of the program authorisation for the program must be available for inspection or purchase at—	12 13 14
	(a) if the program is authorised by the chief executive—the department's head office and the department's regional offices, if any, in the area to which the program applies; and	15 16 17 18
	(b) if the program is authorised by a local government—the local government's public office.	19 20
Part 4	Steps taken under biosecurity program	21 22
229	Notification of steps taken or to be taken under biosecurity program	23 24
	An authorised officer must, before exercising the authorised officer's powers under a biosecurity program at a place—	25 26
	(a) if an occupier of the place is present at the place, inform the occupier of the following—	27 28

<ul style="list-style-type: none"> (i) the purpose of the biosecurity program; (ii) any steps taken, or to be taken, under the program to manage, control, eradicate or prevent the occurrence or recurrence of the biosecurity matter to which the program relates; (iii) if steps have been taken, or are to be taken—that it is an offence to do anything that interferes with a step taken or to be taken; or (b) if an occupier of the place is not present at the place, leave a notice at the place in a reasonably secure way and in a conspicuous position stating— <ul style="list-style-type: none"> (i) the purpose of the biosecurity program; and (ii) any steps taken, or to be taken, under the biosecurity program to manage, control, eradicate or prevent the occurrence or recurrence of the biosecurity matter to which the program relates; and (iii) if steps have been taken, or are to be taken—that it is an offence to do anything that interferes with a step taken or to be taken; and (iv) the name and contact details of the authorised officer. 	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22
<p>230 Person must not interfere with steps taken or to be taken</p> <p>A person must not, unless the person has a reasonable excuse, do anything that interferes with—</p> <ul style="list-style-type: none"> (a) anything done by an authorised officer in taking a step under a biosecurity program; or (b) anything proposed to be done by an authorised officer in taking a step under a biosecurity program. <p>Maximum penalty—100 penalty units.</p>	23 24 25 26 27 28 29 30

[s 231]

Part 5	Enforcement matters for biosecurity programs	1 2
231	Biosecurity orders	3
(1)	This section applies if—	4
(a)	the chief executive or a local government has authorised a biosecurity program; and	5 6
(b)	an inspector or authorised person acting under the biosecurity program reasonably suspects that a thing at a place to which the program applies may pose a biosecurity risk; and	7 8 9 10
(c)	the inspector or authorised person is appointed for chapter 12.	11 12
(2)	The inspector or authorised person may give an occupier of the place a biosecurity order even though the biosecurity order is not for the prevention, control, management or eradication of the biosecurity matter to which the biosecurity program relates.	13 14 15 16 17

Chapter 9	Inspectors and authorised persons	1
		2
Part 1	General matters about inspectors and authorised persons	3
		4
		5
Division 1	Appointment of inspectors	6
232	Appointment and qualifications	7
(1)	The chief executive may, by instrument in writing, appoint any of the following persons as inspectors—	8
		9
(a)	a public service employee;	10
(b)	an employee of the Commonwealth or another State whose employment ordinarily involves matters about biosecurity;	11
		12
		13
(c)	a person who performs functions related to matters about biosecurity under a law of another country;	14
		15
(d)	a veterinary surgeon under the <i>Veterinary Surgeons Act 1936</i> ;	16
		17
(e)	other persons or members of a class of persons prescribed under a regulation.	18
		19
(2)	However, the chief executive may appoint a person as an inspector only if the chief executive is satisfied the person is qualified for appointment because the person has the necessary expertise or experience.	20
		21
		22
		23
233	Appointment conditions and limit on powers	24
(1)	An inspector holds office on any conditions stated in—	25
(a)	the inspector's instrument of appointment; or	26

[s 234]

(b)	a signed notice given to the inspector; or	1
(c)	a regulation.	2
(2)	The instrument of appointment, a signed notice given to the inspector or a regulation may limit the inspector's powers.	3 4
(3)	In this section—	5
	<i>signed notice</i> means a notice signed by the chief executive.	6
234	When office ends	7
(1)	The office of a person as an inspector ends if any of the following happens—	8 9
(a)	the term of office stated in a condition of office ends;	10
(b)	under another condition of office, the office ends;	11
(c)	the inspector's resignation under section 235 takes effect.	12 13
(2)	Subsection (1) does not limit the ways the office of a person as an inspector ends.	14 15
(3)	In this section—	16
	<i>condition of office</i> means a condition under which the inspector holds office.	17 18
235	Resignation	19
(1)	An inspector may resign by signed notice given to the chief executive.	20 21
(2)	However, if holding office as an inspector is a condition of the inspector holding another office, the inspector may not resign as an inspector without resigning from the other office.	22 23 24

Division 2	Appointment of authorised persons	1
236	Appointment and qualifications	2
(1)	The chief executive may, by instrument in writing, appoint any of the following persons as an authorised person—	3 4
(a)	a public service employee;	5
(b)	a person or member of a class of persons prescribed under a regulation.	6 7
(2)	The chief executive officer of a local government may appoint any of the following persons as an authorised person for the local government and its area—	8 9 10
(a)	an employee of the local government;	11
(b)	if another local government consents—an employee of the other local government;	12 13
(c)	another person under contract to the local government.	14
(3)	The chief executive officers of 2 or more local governments may appoint an employee of, or another person under contract to, 1 of the local governments to be an authorised person for the local governments' areas.	15 16 17 18
(4)	However, the chief executive or a chief executive officer may appoint a person as an authorised person only if the chief executive or the chief executive officer is satisfied the person is qualified for appointment because the person has the necessary expertise or experience.	19 20 21 22 23
(5)	Subsection (6) applies to an authorised person appointed by the chief executive officer of a local government or by the chief executive officers of 2 or more local governments.	24 25 26
(6)	The person may exercise the powers of an authorised person under this Act in the local government area or local governments' areas, but only in relation to invasive biosecurity matter for its area or their areas.	27 28 29 30

[s 237]

237	Appointment conditions and limit on powers	1
(1)	An authorised person holds office on any conditions stated in—	2 3
(a)	the authorised person’s instrument of appointment; or	4
(b)	a signed notice given to the authorised person; or	5
(c)	a regulation.	6
(2)	The instrument of appointment, a signed notice given to the authorised person or a regulation may limit the authorised person’s powers.	7 8 9
(3)	In this section—	10
	<i>signed notice</i> means a notice signed by the administering executive.	11 12
238	When office ends	13
(1)	The office of a person as an authorised person ends if any of the following happens—	14 15
(a)	the term of office stated in a condition of office ends;	16
(b)	under another condition of office, the office ends;	17
(c)	the authorised person’s resignation under section 239 takes effect.	18 19
(2)	Subsection (1) does not limit the ways the office of a person as an authorised person ends.	20 21
(3)	In this section—	22
	<i>condition of office</i> means a condition under which the authorised person holds office.	23 24
239	Resignation	25
(1)	An authorised person may resign by signed notice given to the administering executive.	26 27

- (2) For subsection (1), if a person is appointed as an authorised person by 2 or more chief executive officers, the person may resign by signed notice given to 1 of the chief executives.
- (3) However, if holding office as an authorised person is a condition of the authorised person holding another office, the authorised person may not resign as an authorised person without resigning from the other office.

Division 3 Special provision for appointments of police officers and TORUM authorised officers

240 Purpose of division

- (1) The purpose of this division is to make special provision for—
 - (a) the appointment of police officers as inspectors under this Act; and
 - (b) the appointment, as authorised persons under this Act, of persons appointed under TORUM as authorised officers or accredited persons.
- (2) This division does not limit any power the chief executive may have—
 - (a) under division 1, to appoint, subject to the *Police Powers and Responsibilities Act 2000*, section 13, a police officer as an inspector under this Act; or
 - (b) under division 2, to appoint an authorised officer or accredited person under TORUM as an authorised person under this Act.

241 Regulation may appoint prescribed class of police officer

- (1) A regulation under this Act may provide that each police officer of a class described in the regulation is an inspector under this Act.

[s 242]

Example of regulation—

A regulation may declare that each police officer who is for the time
being a member of the unit of the police service known as the stock
investigation squad is an inspector under this Act.

- (2) A police officer of the class described in the regulation is an
inspector under this Act without further appointment.
- (3) A regulation under subsection (1) does not limit the operation
of the *Police Powers and Responsibilities Act 2000*, section 14
in relation to the exercise by a police officer of the powers of
an inspector under this Act.
- (4) However, subsection (3) does not prevent a regulation under
subsection (1) from also limiting an inspector's exercise of
powers under this Act.

**242 Appointment of police officer as inspector for biosecurity
emergency**

- (1) This section applies for the purposes of a biosecurity
emergency order.
- (2) The chief executive may by notice signed by the chief
executive and published on the department's website provide
that each police officer of a class described in the notice is an
inspector under this Act for the purposes of implementation of
the biosecurity emergency order.
- (3) A police officer of the class described in the notice is an
inspector under this Act without further appointment, but—
 - (a) only while the biosecurity emergency order is in force or
for a shorter period stated in the notice; and
 - (b) only for the purposes of the biosecurity emergency
provisions identified in the notice.
- (4) Subsection (3) does not limit what may be contained in the
notice.
- (5) A notice under subsection (2) does not limit the operation of
the *Police Powers and Responsibilities Act 2000*, section 14 in

	relation to the exercise by a police officer of the powers of an inspector under the biosecurity emergency provisions.	1 2
(6)	Before the chief executive makes a notice under subsection (2), the chief executive must consult with the commissioner of the police service about the contents of the proposed notice.	3 4 5
243	Appointment of authorised officer or accredited person under TORUM as authorised person for biosecurity emergency	6 7 8
(1)	This section applies for the purposes of a biosecurity emergency order.	9 10
(2)	The chief executive may by notice signed by the chief executive and published on the department's website provide that each person, other than a police officer, holding appointment as an authorised officer or accredited person under TORUM, chapter 3, part 2, and who is of a class described in the notice, is an authorised person under this Act for the purposes of implementation of the biosecurity emergency order.	11 12 13 14 15 16 17 18
(3)	Each person, other than a police officer, who holds appointment as an authorised officer or accredited person under TORUM, chapter 3, part 2 and who is of the class described in the notice is an authorised person under this Act without further appointment, but—	19 20 21 22 23
(a)	only while the biosecurity emergency order is in force or for a shorter period stated in the notice; and	24 25
(b)	only for the purposes of the biosecurity emergency provisions identified in the notice.	26 27
(4)	Subsection (3) does not limit what may be contained in the notice.	28 29
(5)	Before the chief executive makes a notice under subsection (2), the chief executive must consult with the chief executive under TORUM about the contents of the proposed notice.	30 31 32

[s 244]

Division 4	Identity cards	1
244	Issue of identity card	2
(1)	The administering executive must issue an identity card to each authorised officer.	3 4
(2)	The identity card must—	5
(a)	contain a recent photo of the authorised officer; and	6
(b)	contain a copy of the authorised officer's signature; and	7
(c)	identify the authorised officer as an inspector or authorised person under this Act; and	8 9
(d)	state an expiry date for the card.	10
(3)	However, the administering executive is not required to issue an identity card to a person appointed as an authorised officer if—	11 12 13
(a)	the person has been appointed under division 1, 2 or 3; and	14 15
(b)	it is not practicable, in the circumstances, to issue the identity card because the person is required to implement an immediate response to a biosecurity emergency order.	16 17 18 19
(4)	Also, the identity card issued to the person because of the office ordinarily held by the person, or an identity card that the person otherwise holds, is taken to be the identity card issued to the person as an authorised officer provided the identity card contains the information mentioned in subsection (2)(a), (b) and (d).	20 21 22 23 24 25
(5)	This section does not prevent the issue of a single identity card to a person for this Act and other purposes.	26 27
245	Production or display of identity card	28
(1)	In exercising a power in relation to a person in the person's presence, an authorised officer must—	29 30

	(a) produce the authorised officer's identity card for the person's inspection before exercising the power; or	1 2
	(b) have the identity card displayed so it is clearly visible to the person when exercising the power.	3 4
	(2) However, if it is not practicable to comply with subsection (1), the authorised officer must produce the identity card for the person's inspection at the first reasonable opportunity.	5 6 7
	(3) For subsection (1), an authorised officer does not exercise a power in relation to a person only because the authorised officer has entered a place as mentioned in section 252.	8 9 10
246	Return of identity card	11
	If the office of a person as an authorised officer ends, the person must return the person's identity card to the chief executive within 21 days after the office ends unless the person has a reasonable excuse.	12 13 14 15
	Maximum penalty—20 penalty units.	16
Division 5	General matters about authorised officers	17 18
247	Powers generally	19
	(1) An authorised officer has the powers given under this Act.	20
	(2) In exercising the powers, the authorised officer is subject to the directions of the administering executive.	21 22
248	Powers of particular authorised persons limited to local government area	23 24
	(1) An authorised person appointed by the chief executive officer of a local government under section 236(2) may exercise a power under this Act only in relation to the local government and its area.	25 26 27 28

[s 249]

- | | | |
|-----|---|------------------|
| (2) | An authorised person appointed by the chief executive officers of 2 or more local governments under section 236(3) may exercise a power under this Act only in relation to the local governments and their areas. | 1
2
3
4 |
|-----|---|------------------|

249	Functions of authorised officers	5
------------	---	----------

- | | | |
|-----|---|----------------|
| (1) | An authorised officer has the following functions— | 6 |
| (a) | to investigate, monitor and enforce compliance with this Act; | 7
8 |
| (b) | to investigate or monitor whether an occasion has arisen for the exercise of powers under this Act; | 9
10 |
| (c) | to facilitate the exercise of powers under this Act; | 11 |
| (d) | to help achieve the purposes of this Act by providing advice and information on how the purposes may be achieved. | 12
13
14 |
| (2) | Subject to this Act, an authorised officer may exercise the powers under this Act for the purpose of these functions. | 15
16 |

Division 6	Miscellaneous provisions	17
-------------------	---------------------------------	-----------

250	References to exercise of powers	18
------------	---	-----------

- | | | |
|-----|--|----------------|
| | If— | 19 |
| (a) | a provision of this chapter refers to the exercise of a power by an authorised officer; and | 20
21 |
| (b) | there is no reference to a specific power; | 22 |
| | the reference is to the exercise of all or any authorised officers' powers under this chapter or a warrant, to the extent the powers are relevant. | 23
24
25 |

251	Reference to document includes reference to reproductions from electronic document	1 2
	A reference in this chapter to a document includes a reference to an image or writing—	3 4
	(a) produced from an electronic document; or	5
	(b) not yet produced, but reasonably capable of being produced, from an electronic document, with or without the aid of another article or device.	6 7 8
 Part 2	 Entry to places by authorised officers	 9 10
 Division 1	 Power to enter	 11
 252	 General power to enter places	 12
	(1) An authorised officer may enter a place if—	13
	(a) an occupier of the place consents under division 2 to the entry and section 260 has been complied with for the occupier; or	14 15 16
	(b) it is a public place and the entry is made when it is open to the public; or	17 18
	(c) the entry is authorised under a warrant and, if there is an occupier of the place, section 270 has been complied with for the occupier; or	19 20 21
	(d) it is a place of business that is regulated under this Act and is—	22 23
	(i) open for carrying on the business; or	24
	(ii) otherwise open for entry; or	25

[s 252]

-
- | | |
|--|----------------------|
| (iii) required under this Act to be open for inspection
by an authorised officer; or | 1
2 |
| (e) the entry is authorised under section 253, 254, 255, 256
or 257. | 3
4 |
| (2) For subsection (1)(d) and (e), entry to a place does not include
entry to a part of the place where a person resides (a
residence) without the person's consent or a warrant. | 5
6
7 |
| (3) The following do not form part of a residence— | 8 |
| (a) a carport, other than a carport to which access is
restricted; | 9
10 |
| (b) the area of a verandah or deck to which access is not
restricted and no provision is made to restrict access; | 11
12 |
| (c) the area underneath the residence to which access is not
restricted and no provision is made to restrict access; | 13
14 |
| (d) any other external part of the residence, including, for
example, the residence's gutters; | 15
16 |
| (e) land around the residence. | 17 |
| (4) If the power to enter arose only because an occupier of the
place consented to the entry, the power is subject to any
conditions of the consent and ceases if the consent is
withdrawn. | 18
19
20
21 |
| (5) If the power to enter is under a warrant, the power is subject to
the terms of the warrant. | 22
23 |
| (6) The consent may provide consent for re-entry and is subject to
the conditions of consent. | 24
25 |
| (7) If the power to re-enter is under a warrant, the re-entry is
subject to the terms of the warrant. | 26
27 |
| (8) In this section— | 28 |
| regulated under this Act , for a place of business, means— | 29 |
| (a) the person who carries on business at the place holds, or
is required to hold, an authority under this Act to carry
on the business or a particular aspect of the business; or | 30
31
32 |

	(b) the place of business is, or is required to be, mentioned in an authority under this Act.	1 2
253	Power to enter place to ascertain if biosecurity risk exists	3
	(1) This section applies if an authorised officer reasonably believes there may be a biosecurity risk at a place.	4 5
	(2) The authorised officer may, at reasonable times, enter the place to find out whether there is a biosecurity risk at the place.	6 7 8
	<i>Notes—</i>	9
	1 See, however, the restrictions on entry under section 252(2).	10
	2 See section 262 for the procedure for entry under this section.	11
254	Power to enter place under biosecurity program	12
	(1) This section applies if there is a biosecurity program for a place.	13 14
	(2) An authorised officer may, at reasonable times, enter the place to take action under the biosecurity program.	15 16
	<i>Notes—</i>	17
	1 See, however, the restrictions on entry under section 252(2).	18
	2 See section 263 for the procedure for entry under this section.	19
255	Power to enter place to check compliance with biosecurity order	20 21
	(1) This section applies if a person has been given a biosecurity order for a biosecurity risk at a place.	22 23
	(2) An authorised officer may, at reasonable times, enter the place to check whether the order has been complied with.	24 25
	<i>Notes—</i>	26
	1 See, however, the restrictions on entry under section 252(2).	27
	2 See section 263 for the procedure for entry under this section.	28

[s 256]

256	Power to enter place to take steps if biosecurity order not complied with	1 2
(1)	This section applies if—	3
(a)	a person has been given a biosecurity order for a biosecurity risk at a place or because a biosecurity risk may happen at a place; and	4 5 6
(b)	the biosecurity order requires the person to take steps at the place to remove or reduce the biosecurity risk or prevent the biosecurity risk from recurring; and	7 8 9
(c)	the person has failed to take the steps as required by the order.	10 11
(2)	The issuing authority by its employees or agents, or an authorised officer, may at reasonable times enter the place to take the steps stated in the order.	12 13 14
	<i>Notes—</i>	15
1	See, however, the restrictions on entry under section 252(2).	16
2	See section 264 for the procedure for entry under this section.	17
257	Power to enter place to take action required under direction	18 19
(1)	This section applies if—	20
(a)	an authorised officer gives a person a direction under this Act other than under a biosecurity order; and	21 22
	<i>Example of a direction under this Act—</i>	23
	a direction under a biosecurity program, a biosecurity emergency order or a movement control order	24 25
(b)	the person fails to take the action required under the direction.	26 27
(2)	The issuing authority by its employees or agents, or an authorised officer, may at reasonable times enter the place the subject of the direction and take the action at the place that is required under the direction.	28 29 30 31

Notes—

- | | |
|--|------------------|
| | 1 |
| 1 See, however, the restrictions on entry under section 252(2). | 2 |
| 2 See section 264 for the procedure for entry under this section. | 3 |
| (3) Subsection (4) applies if the direction is given under a biosecurity program. | 4
5 |
| (4) Before taking the action, the issuing authority must give the occupier of the place and, if the occupier is not the owner of the place, the owner of the place reasonable notice of the following— | 6
7
8
9 |
| (a) that the issuing authority by its employees or agents, or an authorised officer, intends to enter the place; | 10
11 |
| (b) the reason for entering the place; | 12 |
| (c) that the person mentioned in paragraph (a) is authorised under this Act to enter the place without the permission of the occupier. | 13
14
15 |

Division 2	Entry by consent	16
-------------------	-------------------------	----

258 Application of div 2		17
---------------------------------	--	----

This division applies if an authorised officer intends to ask an occupier of a place to consent to the authorised officer or another authorised officer entering the place under section 252(1)(a).	18 19 20 21
---	----------------------

259 Incidental entry to ask for access		22
---	--	----

For the purpose of asking the occupier for the consent, the authorised officer may, without the occupier's consent or a warrant—	23 24 25
--	----------------

- | | |
|--|----------|
| (a) enter land around premises at the place to an extent that is reasonable to contact the occupier; or | 26
27 |
| (b) enter part of the place the authorised officer reasonably considers members of the public ordinarily are allowed | 28
29 |

[s 260]

	to enter when they wish to contact an occupier of the place.	1 2
260	Matters authorised officer must tell occupier	3
	Before asking for the consent, the authorised officer must give a reasonable explanation to the occupier—	4 5
	(a) about the purpose of the entry, including the powers intended to be exercised; and	6 7
	(b) that the occupier is not required to consent; and	8
	(c) that the consent may be given subject to conditions and may be withdrawn at any time.	9 10
261	Consent acknowledgement	11
	(1) If the consent is given, the authorised officer may ask the occupier to sign an acknowledgement of the consent.	12 13
	(2) The acknowledgement must state—	14
	(a) the purpose of the entry, including the powers intended to be exercised; and	15 16
	(b) the following has been explained to the occupier—	17
	(i) the purpose of the entry, including the powers intended to be exercised;	18 19
	(ii) that the occupier is not required to consent; and	20
	(c) the occupier gives the authorised officer or another authorised officer consent to enter the place and exercise the powers; and	21 22 23
	(d) the time and day the consent was given; and	24
	(e) any conditions of the consent.	25
	(3) If the occupier signs the acknowledgement, the authorised officer must immediately give a copy to the occupier.	26 27

[s 262]

-
- | | |
|--|-------------|
| (4) However, if it is impractical for the authorised officer to give the occupier a copy of the acknowledgement immediately, the authorised officer must give the copy as soon as practicable. | 1
2
3 |
| (5) If— | 4 |
| (a) an issue arises in a proceeding about whether the occupier consented to the entry; and | 5
6 |
| (b) an acknowledgement complying with subsection (2) for the entry is not produced in evidence; | 7
8 |
| the onus of proof is on the person relying on the lawfulness of the entry to prove the occupier consented. | 9
10 |

Division 3 **Entry for particular purposes** 11

262 Entry of place under s 253 12

- | | |
|---|----------------------|
| (1) This section applies to an authorised officer intending to enter a place under section 253. | 13
14 |
| (2) The authorised officer must, before entering the place, make a reasonable attempt to locate an occupier and obtain the occupier's consent to the entry. | 15
16
17 |
| <i>Note—</i> | 18 |
| See division 2. | 19 |
| (3) If the occupier refuses consent to enter, the authorised officer must not enter the place unless the entry is under a warrant. | 20
21 |
| (4) If the authorised officer is unable to locate an occupier after making a reasonable attempt to do so, the authorised officer may enter the place. | 22
23
24 |
| (5) If the authorised officer enters the place after being unable to locate an occupier, the authorised officer must leave a notice in a conspicuous position and in a reasonably secure way stating the date, time and purpose of the entry. | 25
26
27
28 |

[s 263]

263	Entry of place under ss 254 and 255	1
(1)	This section applies to an authorised officer intending to enter a place under section 254 or 255.	2 3
(2)	The authorised officer must, before entering the place, make a reasonable attempt to locate an occupier and obtain the occupier's consent to the entry.	4 5 6
	<i>Note—</i>	7
	See division 2.	8
(3)	If the authorised officer is unable to locate an occupier after making a reasonable attempt to do so, the authorised officer may enter the place.	9 10 11
(4)	If the authorised officer enters the place after being unable to locate an occupier, the authorised officer must leave a notice in a conspicuous position and in a reasonably secure way stating the date, time and purpose of the entry.	12 13 14 15
(5)	Subsection (6) applies if the authorised officer enters the place and an occupier is present at the place.	16 17
(6)	The authorised officer must immediately after entering the place—	18 19
(a)	produce the authorised officer's identity card for the occupier's inspection; and	20 21
(b)	inform the occupier—	22
(i)	of the reason for entering the place; and	23
(ii)	that the authorised officer is authorised under this Act to enter the place without the permission of the occupier.	24 25 26
	<i>Note—</i>	27
	See, however, the restrictions on entry under section 252(2).	28 29

264	Entry of place under ss 256 and 257	1
(1)	This section applies to the issuing authority by its employees or agents, or an authorised officer, intending to enter a place under section 256 or 257.	2 3 4
(2)	The person must, before entering the place, make a reasonable attempt to locate an occupier and obtain the occupier's consent to the entry.	5 6 7
	<i>Note—</i>	8
	See division 2.	9
(3)	If the person is unable to locate an occupier after making a reasonable attempt to do so, the person may enter the place.	10 11
(4)	If the person enters the place after being unable to locate an occupier, the person must leave a notice in a conspicuous position and in a reasonably secure way stating the date, time and purpose of the entry.	12 13 14 15
(5)	Subsection (6) applies if the person enters the place and an occupier is present at the place.	16 17
(6)	The person must immediately after entering the place—	18
(a)	either—	19
(i)	if the person is an employee or agent of the issuing authority—produce the issuing authority's written authority to enter the place, and sufficient evidence to identify the person as a person who may enter under the authority, for the occupier's inspection; or	20 21 22 23 24 25
(ii)	if the person is an authorised officer—produce the authorised officer's identity card for the occupier's inspection; and	26 27 28
(b)	inform the occupier—	29
(i)	of the reason for entering the place; and	30

[s 265]

- (ii) that the person is authorised under this Act to enter the place without the permission of the occupier. 1
2

Note— 3

See, however, the restrictions on entry under section 252(2). 4
5

Division 4 Entry under warrant 6

Subdivision 1 Obtaining warrant 7

265 Application for warrant 8

- (1) An authorised officer may apply to a magistrate for a warrant for a place. 9
10
- (2) The authorised officer must prepare a written application that states the grounds on which the warrant is sought. 11
12
- (3) The written application must be sworn. 13
- (4) The magistrate may refuse to consider the application until the authorised officer gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires. 14
15
16
17

Example— 18

The magistrate may require additional information supporting the application to be given by statutory declaration. 19
20

266 Issue of warrant 21

- (1) The magistrate may issue a warrant for the place only under subsection (2) or (3). 22
23
- (2) The magistrate may issue a warrant for the place if the magistrate is satisfied there are reasonable grounds for suspecting that— 24
25
26

-
- (a) there is at the place, or will be at the place within the next 7 days, a particular thing or activity that may provide evidence of an offence against this Act; or
 - (b) there is a biosecurity risk at the place.
 - (3) Also, the magistrate may issue a warrant for the place for the purpose of the authorised officer's performance of the function mentioned in section 249(1)(a) or (b) at the place if—
 - (a) the place is a place mentioned in section 252(1)(b) or (d) or a place to which section 252(1)(e) applies; and
 - (b) the magistrate is satisfied it is reasonably necessary that the inspector should have access to the place for the purpose of effectively performing the function at the place.

Example for paragraph (b)—

The magistrate may be satisfied under paragraph (b) if the inspector has made a reasonable attempt to perform the function at the place without a warrant, but because of obstruction has been unsuccessful.
 - (4) The warrant must state—
 - (a) the place to which the warrant applies; and
 - (b) that a stated authorised officer or any authorised officer may, with necessary and reasonable help and force—
 - (i) enter the place and any other place necessary for entry to the place; and
 - (ii) exercise the authorised officer's powers; and
 - (c) particulars of the offence, biosecurity risk or other circumstances that the magistrate considers appropriate; and
 - (d) if the warrant is issued under subsection (2), the name of the person suspected of having committed the offence or who caused the biosecurity risk or allowed the biosecurity risk to continue, unless the name is unknown
-

[s 267]

-
- or the magistrate considers it inappropriate to state the name; and
 - (e) the evidence that may be seized under the warrant; and
 - (f) whether the authorised officer may exercise powers under section 312; and
 - (g) if the authorised officer may exercise powers under section 312, the person, if any, who is to pay the costs incurred by the authorised officer in exercising the powers; and
 - (h) the hours of the day or night when the place may be entered; and
 - (i) the magistrate's name; and
 - (j) the day and time of the warrant's issue; and
 - (k) except for a warrant allowing for re-entry of the place, the day, within 14 days after the warrant's issue, the warrant ends.
- (5) If the warrant relates to a biosecurity risk, the warrant may also state that an authorised officer may re-enter the place to check compliance with a biosecurity order issued as a result of the authorised officer's entry of the place under the warrant.
 - (6) To the extent that the warrant allows for re-entry of the place, it ends on the earlier of the following days—
 - (a) the day that is 7 days after the end of the period stated in the biosecurity order for completing the steps stated in the order;
 - (b) the day stated in the warrant.

267 Electronic application

- (1) An application under section 265 may be made by phone, fax, email, radio, videoconferencing or another form of electronic communication if the authorised officer reasonably considers it necessary because of—

(a)	urgent circumstances; or	1
(b)	other special circumstances, including, for example, the authorised officer's remote location.	2 3
(2)	The application—	4
(a)	may not be made before the authorised officer prepares the written application under section 265(2); but	5 6
(b)	may be made before the written application is sworn.	7
268	Additional procedure if electronic application	8
(1)	For an application made under section 267, the magistrate may issue the warrant (the <i>original warrant</i>) only if the magistrate is satisfied—	9 10 11
(a)	it was necessary to make the application under section 267; and	12 13
(b)	the way the application was made under section 267 was appropriate.	14 15
(2)	After the magistrate issues the original warrant—	16
(a)	if there is a reasonably practicable way of immediately giving a copy of the warrant to the authorised officer, including, for example, by sending a copy by fax or email, the magistrate must immediately give a copy of the warrant to the authorised officer; or	17 18 19 20 21
(b)	otherwise—	22
(i)	the magistrate must tell the authorised officer the information mentioned in section 266(4); and	23 24
(ii)	the authorised officer must complete a form of warrant including by writing on it the information mentioned in section 266(4) provided by the magistrate.	25 26 27 28
(3)	The copy of the warrant mentioned in subsection (2)(a), or the form of warrant completed under subsection (2)(b) (in either	29 30

[s 269]

- case the ***duplicate warrant***), is a duplicate of, and as effectual
as, the original warrant.
- (4) The authorised officer must, at the first reasonable
opportunity, send to the magistrate—
- (a) the written application complying with section 265(2)
and (3); and
- (b) if the authorised officer completed a form of warrant
under subsection (2)(b)—the completed form of
warrant.
- (5) The magistrate must keep the original warrant and, on
receiving the documents under subsection (4)—
- (a) attach the documents to the original warrant; and
- (b) give the original warrant and documents to the clerk of
the court of the relevant magistrates court.
- (6) Despite subsection (3), if—
- (a) an issue arises in a proceeding about whether an
exercise of a power was authorised by a warrant issued
under this section; and
- (b) the original warrant is not produced in evidence;
- the onus of proof is on the person relying on the lawfulness of
the exercise of the power to prove a warrant authorised the
exercise of the power.
- (7) This section does not limit section 265.
- (8) In this section—
- relevant magistrates court***, in relation to a magistrate, means
the Magistrates Court that the magistrate constitutes under the
Magistrates Act 1991.

- 269 Defect in relation to a warrant**
- (1) A warrant is not invalidated by a defect in—
- (a) the warrant; or

-
- (b) compliance with sections 265 to 267;
1

unless the defect affects the substance of the warrant in a
2

material particular.
3
 - (2) In this section—
4

warrant includes a duplicate warrant mentioned in section
5

268(3).
6

Subdivision 2 Entry procedure 7

- 270 Entry procedure** 8
- (1) This section applies if an authorised officer is intending to
9

enter a place under a warrant issued under this division.
10
 - (2) Before entering the place, the authorised officer must do or
11

make a reasonable attempt to do the following things—
12

 - (a) identify himself or herself to a person who is an
13

occupier of the place and is present by producing the
14

authorised officer's identity card or another document
15

evidencing the appointment;
16
 - (b) give the person a copy of the warrant;
17
 - (c) tell the person the authorised officer is permitted by the
18

warrant to enter the place;
19
 - (d) give the person an opportunity to allow the authorised
20

officer immediate entry to the place without using force.
21
 - (3) However, the authorised officer need not comply with
22

subsection (2) if the authorised officer believes on reasonable
23

grounds that immediate entry to the place without compliance
24

is required to ensure the execution of the warrant is not
25

frustrated.
26
 - (4) In this section—
27

warrant includes a duplicate warrant mentioned in section
28

268(3).
29

[s 271]

Part 3	Emergency powers of inspectors	1 2
271	Application of pt 3	3
	This part applies if an inspector is satisfied on reasonable grounds—	4 5
	(a) an activity is being carried out or there is biosecurity matter at a place, other than a place, or part of a place, used for residential purposes; and	6 7 8
	(b) it is necessary to exercise powers under this part to avoid an imminent and significant biosecurity risk from the activity or biosecurity matter.	9 10 11
272	Power and procedure for entry	12
	(1) The inspector may, without a warrant or the consent of the occupier of the place, enter the place.	13 14
	(2) Before entering the place, the inspector must do or make a reasonable attempt to do the following things—	15 16
	(a) comply with section 245(1);	17
	(b) tell the occupier the inspector is permitted under this Act to enter the place.	18 19
	(3) However, the inspector need not comply with subsection (2) if the inspector reasonably believes that immediate entry to the place is required to avoid an imminent and significant biosecurity risk.	20 21 22 23
273	Power in relation to activity or biosecurity matter	24
	(1) The inspector may in relation to the activity or biosecurity matter mentioned in section 271, and to the extent reasonably necessary for managing the activity or matter—	25 26 27
	(a) direct a person at the place to take stated reasonable steps within a stated reasonable period; or	28 29

(b) take reasonable steps; or	1
(c) authorise another person to take reasonable steps.	2
(2) Without limiting subsection (1), reasonable steps may include steps requiring any person—	3 4
(a) to remain at the place or not to enter the place; and	5
(b) to clean or disinfect the place, a structure or another thing; and	6 7
(c) to destroy the biosecurity matter or remove the biosecurity matter to another place to destroy it; and	8 9
(d) to destroy a carrier of the biosecurity matter or remove the carrier to another place to destroy it; and	10 11
(e) to dispose of the biosecurity matter other than by destroying it; and	12 13
(f) to do something that assists with a step mentioned in paragraphs (b) to (e); and	14 15
(g) to stop doing something that may interfere with a step mentioned in paragraphs (b) to (e).	16 17
(3) The direction may be given orally or by notice.	18
(4) However, if the direction is given orally, the inspector must as soon as practicable confirm the direction by notice given to the person.	19 20 21
(5) If the inspector takes the steps, the inspector also may exercise any of the powers of an inspector under this chapter.	22 23
 274 How power may be exercised	 24
(1) The inspector may exercise the powers mentioned in sections 272(1) and 273(1)(b) and (5) (the <i>emergency powers</i>) with the help, and using the force, that is necessary and reasonable in the circumstances.	25 26 27 28
(2) In exercising or attempting to exercise emergency powers, an inspector must take all reasonable steps to ensure the inspector causes as little inconvenience to any person at the	29 30 31

[s 275]

	place, and does as little damage, as is practicable in the circumstances.	1 2
(3)	If an inspector authorises a person to take steps under section 273(1)(c)—	3 4
(a)	the person may exercise the powers mentioned in section 273(5); and	5 6
(b)	the inspector must inform the person—	7
	(i) of the steps the person is authorised to take; and	8
	(ii) of the person’s powers under this part.	9
275	Requirement to give chief executive notice	10
	An inspector exercising powers under this part must as soon as practicable after exercising the powers give the chief executive notice of the fact.	11 12 13
276	Duration of emergency powers	14
	An inspector exercising powers under this part may exercise the powers only until the earlier of the following—	15 16
(a)	the imminent and significant biosecurity risk from the activity being carried out, or from the biosecurity matter, at a place has been avoided;	17 18 19
(b)	96 hours after the inspector first exercises the powers.	20
277	Failure to comply with inspector’s directions in emergency	21 22
	A person to whom a direction is given under 273(1)(a) must comply with the direction, unless the person has a reasonable excuse.	23 24 25
	Maximum penalty—2000 penalty units.	26

278	Inspector's powers not affected	1
	This part does not limit any power an inspector has apart from the part.	2 3
Part 4	Other authorised officers' powers and related matters	4 5
Division 1	Stopping or moving vehicles	6
279	Application of div 1	7
	This division applies if an authorised officer reasonably suspects, or is aware, that—	8 9
	(a) a thing in or on a vehicle may provide evidence of the commission of an offence against this Act; or	10 11
	(b) a vehicle, or a thing in or on the vehicle, may pose a biosecurity risk.	12 13
280	Power to stop or move	14
	(1) If the vehicle is moving, the authorised officer may, to exercise his or her powers, signal or otherwise direct the person in control of the vehicle to stop the vehicle and to bring the vehicle to, and keep it at, a convenient place within a reasonable distance to allow the authorised officer to exercise the powers.	15 16 17 18 19 20
	(2) If the vehicle is stopped, the authorised officer may direct the person in control of the vehicle—	21 22
	(a) not to move it until the authorised officer has exercised the authorised officer's powers; or	23 24

[s 281]

(b)	to move the vehicle to, and keep it at, a stated reasonable place to allow the authorised officer to exercise the powers.	1 2 3
(3)	When giving the direction under subsection (2), the authorised officer must give the person in control an offence warning for the direction.	4 5 6
281	Identification requirements if vehicle moving	7
(1)	This section applies if the authorised officer proposes to give a direction under section 280(1) and the vehicle is moving.	8 9
(2)	The authorised officer must clearly identify himself or herself as an authorised officer exercising the authorised officer's powers.	10 11 12
	<i>Examples—</i>	13
1	If the authorised officer is in a moving vehicle, he or she may use a loud hailer to identify himself or herself as an authorised officer exercising powers.	14 15 16
2	If the authorised officer is standing at the side of the road, he or she may use a sign to identify himself or herself as an authorised officer exercising powers.	17 18 19
(3)	When the vehicle stops, the authorised officer must—	20
(a)	have with him or her the authorised officer's identity card; and	21 22
(b)	immediately produce the identity card for the inspection of the person in control of the vehicle.	23 24
(4)	Subsection (3) applies despite section 245.	25
282	Failure to comply with direction	26
(1)	The person in control of the vehicle must comply with a direction under section 280 unless the person has a reasonable excuse.	27 28 29
	Maximum penalty—50 penalty units.	30

-
- | | |
|---|-------------|
| (2) It is a reasonable excuse for the person not to comply with a direction if— | 1
2 |
| (a) the vehicle was moving and the authorised officer did not comply with section 281; or | 3
4 |
| (b) to comply immediately would have endangered someone else or caused loss or damage to property, and the person complies as soon as it is practicable to do so. | 5
6
7 |
| (3) Subsection (2) does not limit subsection (1). | 8 |
| (4) A person does not commit an offence against subsection (1) if— | 9
10 |
| (a) the direction the person fails to comply with is given under section 280(2); and | 11
12 |
| (b) the person is not given an offence warning for the direction. | 13
14 |

Division 2	Stopping or moving travelling animals	15 16
-------------------	--	----------

283	Application of div 2	17
------------	-----------------------------	----

This division applies if an inspector reasonably suspects, or is aware, that an animal travelling on a stock route, or on a reserve for the travelling of animals in association with being travelled on a stock route, may pose a biosecurity risk.	18 19 20 21
--	----------------------

284	Power to stop or move	22
------------	------------------------------	----

- | | |
|---|----------------|
| (1) If the animal is travelling on the stock route, the inspector may, to exercise his or her powers, signal or otherwise direct the person driving the animal— | 23
24
25 |
| (a) to stop the animal; and | 26 |
| (b) either— | 27 |

[s 285]

(i)	to drive the animal to, and keep it at, a convenient place within a reasonable distance to allow the inspector to exercise the powers; or	1 2 3
(ii)	to return the animal to the place where the animal is kept to allow the inspector to exercise the powers.	4 5 6
(2)	If the animal is on a reserve for travelling stock, the inspector may direct the person in control of the animal—	7 8
(a)	not to move it until the inspector has exercised the inspector's powers; or	9 10
(b)	to drive the animal to, and keep it at, a stated reasonable place to allow the inspector to exercise the powers; or	11 12
(c)	to return the animal to the place where the animal is kept to allow the inspector to exercise the powers.	13 14
(3)	When giving the direction under subsection (2), the inspector must give the person in control an offence warning for the direction.	15 16 17
285	Identification requirements if animal travelling on stock route	18 19
(1)	This section applies if the inspector proposes to give a direction under section 284(1) and the animal is travelling on the stock route.	20 21 22
(2)	The inspector must clearly identify himself or herself to the person driving the animal as an inspector exercising the inspector's powers.	23 24 25
(3)	When the person driving the animal stops the animal, the inspector must—	26 27
(a)	have with him or her the inspector's identity card; and	28
(b)	immediately produce the identity card for the inspection of the person driving the animal.	29 30
(4)	Subsection (3) applies despite section 245.	31

286	Failure to comply with direction	1
(1)	The person driving the animal or in control of the animal must comply with a direction under section 284 unless the person has a reasonable excuse.	2 3 4
	Maximum penalty—50 penalty units.	5
(2)	It is a reasonable excuse for the person not to comply with a direction if—	6 7
(a)	the animal was travelling on the stock route and the inspector did not comply with section 285; or	8 9
(b)	to comply immediately would have endangered someone else or caused loss or damage to property, and the person complies as soon as it is practicable to do so.	10 11 12
(3)	Subsection (2) does not limit subsection (1).	13
(4)	A person does not commit an offence against subsection (1) if—	14 15
(a)	the direction the person fails to comply with is given under section 284(2); and	16 17
(b)	the person is not given an offence warning for the direction.	18 19
Division 3	General powers of authorised officers after entering places	20 21
287	Application of div 3	22
(1)	The powers under this division may be exercised if an authorised officer enters a place under—	23 24
(a)	section 252(1)(a); or	25
(b)	section 252(1)(c); or	26
(c)	section 252(1)(d); or	27
(d)	section 253; or	28

[s 288]

- (e) section 254; or 1
- (f) section 255; or 2
- (g) section 256; or 3
- (h) section 257; or 4
- (i) part 3; or 5
- (j) chapter 5. 6
- (2) However, if the authorised officer enters under section 7
252(1)(a) or (c), the powers under this division are subject to 8
any conditions of the consent or terms of the warrant. 9

288 General powers 10

- (1) The authorised officer may do any of the following (each a *general power*)— 11
12
 - (a) search any part of the place; 13
 - (b) inspect, examine or film any part of the place or 14
anything at the place; 15
 - (c) take for examination a thing, or a sample of or from a 16
thing, at the place; 17
 - (d) place an identifying mark in or on anything at the place; 18
Example— 19
insert a microchip in a horse's neck to indicate that the horse has 20
equine influenza 21
 - (e) place a sign or notice at the place; 22
Example of a sign or notice— 23
a notice stating the area is subject to a biosecurity emergency 24
order 25
 - (f) produce an image or writing at the place from an 26
electronic document or, to the extent it is not 27
practicable, take a thing containing an electronic 28
document to another place to produce an image or 29
writing; 30

-
- | | |
|--|----------------------------|
| (g) take to, into or onto the place and use any person, equipment and materials the authorised officer reasonably requires for exercising the authorised officer's powers under this division; | 1
2
3
4 |
| (h) for a prevention and control program—destroy the biosecurity matter to which the program relates, or a carrier of the biosecurity matter, if the authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk; | 5
6
7
8
9 |
| (i) destroy biosecurity matter or a carrier if— | 10 |
| (i) the authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk; and | 11
12
13 |
| (ii) the owner of the biosecurity matter or carrier consents to its destruction; | 14
15 |
| (j) remain at the place for the time necessary to achieve the purpose of the entry. | 16
17 |
| (2) The authorised officer may take a necessary step to allow the exercise of a general power. | 18
19 |
| (3) If the authorised officer takes a document from the place to copy it, the authorised officer must copy and return the document to the place as soon as practicable. | 20
21
22 |
| (4) If the authorised officer takes from the place an article or device reasonably capable of producing a document from an electronic document to produce the document, the authorised officer must produce the document and return the article or device to the place as soon as practicable. | 23
24
25
26
27 |
| (5) In this section— | 28 |
| <i>examine</i> includes analyse, test, account, measure, weigh, grade, gauge and identify. | 29
30 |
| <i>film</i> includes photograph, videotape and record an image in another way. | 31
32 |
-

[s 289]

inspect, a thing, includes open the thing and examine its contents. 1
2

289 Power to require reasonable help 3

- (1) The authorised officer may make a requirement (a *help requirement*) of an occupier of the place or a person at the place to give the authorised officer reasonable help to exercise a general power, including, for example, to produce a document or to give information. 4
5
6
7
8
- (2) When making the help requirement, the authorised officer must give the person an offence warning for the requirement. 9
10

290 Offence to contravene help requirement 11

- (1) A person of whom a help requirement has been made must comply with the requirement unless the person has a reasonable excuse. 12
13
14
Maximum penalty—50 penalty units. 15
- (2) It is a reasonable excuse for an individual not to comply with a help requirement if complying might tend to incriminate the individual or expose the individual to a penalty. 16
17
18
- (3) However, subsection (2) does not apply if a document or information the subject of the help requirement is required to be held or kept by the defendant under this Act. 19
20
21

Note— 22

See, however, section 326. 23

Division 4	Seizure by authorised officers and forfeiture	1 2
Subdivision 1	Power to seize	3
291	Seizing evidence at a place that may be entered without consent or warrant	4 5
(1)	An authorised officer who enters a place the authorised officer may enter under this Act without the consent of an occupier of the place and without a warrant under section 266(2) may seize a thing at the place if the authorised officer reasonably believes the thing is evidence of an offence against this Act.	6 7 8 9 10
(2)	Subsection (1) applies even if the entry is under a warrant issued under section 266(3).	11 12
292	Seizing evidence at a place that may be entered only with consent or warrant	13 14
(1)	This section applies if—	15
(a)	an authorised officer is authorised to enter a place only with the consent of an occupier of the place or a warrant; and	16 17 18
(b)	the authorised officer enters the place after obtaining the consent or under a warrant issued under section 266(2).	19 20
(2)	If the authorised officer enters the place with the occupier's consent, the authorised officer may seize a thing at the place only if—	21 22 23
(a)	the authorised officer reasonably believes the thing is evidence of an offence against this Act; and	24 25
(b)	seizure of the thing is consistent with the purpose of entry as explained to the occupier when asking for the occupier's consent.	26 27 28

[s 293]

- (3) If the authorised officer enters the place under a warrant issued under section 266(2), the authorised officer may seize the evidence for which the warrant was issued. 1
2
3
- (4) The authorised officer also may seize anything else at the place if the authorised officer reasonably believes— 4
5
 - (a) the thing is evidence of an offence against this Act; and 6
 - (b) the seizure is necessary to prevent the thing being— 7
 - (i) hidden, lost or destroyed; or 8
 - (ii) used to continue, or repeat, the offence. 9
- (5) The authorised officer may also seize a thing at the place if the authorised officer reasonably believes it has just been used in committing an offence against this Act. 10
11
12

293 Seizure of property subject to security 13

- (1) An authorised officer may seize a thing, and exercise powers relating to the thing, despite a lien or other security over it claimed by another person. 14
15
16
- (2) However, the seizure does not affect the other person's claim to the lien or other security against a person other than the authorised officer or a person acting for the officer. 17
18
19

Subdivision 2 Powers to support seizure 20

294 Requirement of person in control of thing to be seized 21

- (1) To enable a thing to be seized, an authorised officer may require the person in control of it— 22
23
 - (a) to take it to a stated reasonable place by a stated reasonable time; and 24
25
 - (b) if necessary, to remain in control of it at the stated place for a stated reasonable time. 26
27
- (2) The requirement— 28

(a)	must be made by notice; or	1
(b)	if for any reason it is not practicable to give a notice, may be made orally and confirmed by notice as soon as practicable.	2 3 4
295	Offence to contravene seizure requirement	5
	A person of whom a requirement is made under section 294 must comply with the requirement unless the person has a reasonable excuse.	6 7 8
	Maximum penalty—100 penalty units.	9
296	Power to secure seized thing	10
(1)	Having seized a thing under this division, an authorised officer may—	11 12
(a)	leave it at the place where it was seized (the <i>place of seizure</i>) and take reasonable action to restrict access to it; or	13 14 15
(b)	move it from the place of seizure.	16
(2)	For subsection (1)(a), the authorised officer may, for example—	17 18
(a)	seal the thing, or the entrance to the place of seizure, and mark the thing or place to show access to the thing or place is restricted; or	19 20 21
(b)	for equipment—make it inoperable; or	22
	<i>Example—</i>	23
	make it inoperable by dismantling it or removing a component without which the equipment can not be used	24 25
(c)	require a person the authorised officer reasonably believes is in control of the place or thing to do an act mentioned in paragraph (a) or (b) or anything else an inspector could do under subsection (1)(a).	26 27 28 29

[s 297]

297	Offence to contravene other seizure requirement	1
	A person must comply with a requirement made of the person under section 296(2)(c) unless the person has a reasonable excuse.	2 3 4
	Maximum penalty—100 penalty units.	5
298	Offence to interfere	6
(1)	If access to a seized thing is restricted under section 296, a person must not tamper with the thing or with anything used to restrict access to the thing without—	7 8 9
(a)	an authorised officer's approval; or	10
(b)	a reasonable excuse.	11
	Maximum penalty—100 penalty units.	12
(2)	If access to a place is restricted under section 296, a person must not enter the place in contravention of the restriction or tamper with anything used to restrict access to the place without—	13 14 15 16
(a)	an authorised officer's approval; or	17
(b)	a reasonable excuse.	18
	Maximum penalty—100 penalty units.	19
Subdivision 3	Safeguards for seized things	20
299	Receipt and information notice for seized thing	21
(1)	This section applies if an authorised officer seizes anything under this division unless—	22 23
(a)	the authorised officer reasonably believes there is no-one apparently in possession of the thing or the thing has been abandoned; or	24 25 26

[s 300]

-
- (b) because of the condition, nature and value of the thing it would be unreasonable to require the authorised officer to comply with this section. 1
2
3
 - (2) The authorised officer must, as soon as practicable after seizing the thing, give an owner or person in control of the thing before it was seized— 4
5
6
 - (a) a receipt for the thing that generally describes the thing and its condition; and 7
8
 - (b) an information notice for the decision to seize it. 9
 - (3) However, if an owner or person from whom the thing is seized is not present when it is seized, the receipt and information notice may be given by leaving them in a conspicuous position and in a reasonably secure way at the place at which the thing is seized. 10
11
12
13
14
 - (4) The receipt and information notice may— 15
 - (a) be given in the same document; and 16
 - (b) relate to more than 1 seized thing. 17
 - (5) The authorised officer may delay giving the receipt and information notice if the authorised officer reasonably suspects giving them may frustrate or otherwise hinder an investigation by the authorised officer under this Act. 18
19
20
21
 - (6) However, the delay may be only for so long as the authorised officer continues to have the reasonable suspicion and remains in the vicinity of the place at which the thing was seized to keep it under observation. 22
23
24
25

300 Access to seized thing 26

- (1) Until a seized thing is forfeited or returned, the authorised officer who seized the thing must allow an owner of the thing— 27
28
29
 - (a) to inspect it at any reasonable time and from time to time; and 30
31
 - (b) if it is a document—to copy it. 32

[s 301]

- (2) Subsection (1) does not apply if it is impracticable or would be unreasonable to allow the inspection or copying. 1 2
- (3) The inspection or copying must be allowed free of charge. 3

301 Return of seized thing 4

- (1) This section applies if a seized thing has some intrinsic value and is not— 5 6
 - (a) forfeited or transferred under subdivision 4 or 5; or 7
 - (b) subject to a disposal order under division 5. 8
- (2) The authorised officer must return the seized thing to an owner— 9 10
 - (a) for a thing seized under section 291 or 292— 11
 - (i) generally—at the end of 6 months after the seizure; 12 or 13
 - (ii) if a proceeding for an offence involving the thing is started within the 6 months, at the end of the proceeding and any appeal from the proceeding; or 14 15 16
 - (b) for a thing seized under section 312, if— 17
 - (i) the thing ceases to be a biosecurity risk; or 18
 - (ii) the authorised officer is satisfied the return of the thing is unlikely to result in the recurrence of the biosecurity risk in relation to which it was seized. 19 20 21
- (3) Despite subsection (2), if the thing was seized as evidence, the authorised officer must return the thing seized to an owner as soon as practicable after the authorised officer is satisfied— 22 23 24
 - (a) its continued retention as evidence is no longer required; and 25 26
 - (b) its continued retention is not necessary to prevent it being used to continue, or repeat, an offence against this Act; and 27 28 29
 - (c) it is lawful for the owner to possess it. 30

-
- | | |
|---|--------|
| (4) Nothing in this section affects a lien or other security over the seized thing. | 1
2 |
|---|--------|

Subdivision 4 Forfeiture	3
--------------------------------------	---

302 Forfeiture by administrator decision	4
--	---

- | | |
|---|----------------------|
| (1) The administrator for a relevant entity may decide a seized thing is forfeited to the relevant entity for the seized thing if an authorised officer— | 5
6
7 |
| (a) after making reasonable inquiries, can not find an owner; or | 8
9 |
| (b) after making reasonable efforts, can not return it to an owner; or | 10
11 |
| (c) for a thing seized under section 312— | 12 |
| (i) reasonably considers that, because of the thing's inherent nature or condition, the return of the thing is likely to result in a recurrence of the biosecurity risk in relation to which the thing was seized; or | 13
14
15
16 |
| (ii) at the end of 6 months, reasonably believes that the return of the thing is likely to result in a recurrence of the biosecurity risk in relation to which the thing was seized; or | 17
18
19
20 |
| (d) reasonably believes it is necessary to keep the thing to prevent it being used to commit the offence for which it was seized. | 21
22
23 |
| (2) However, the authorised officer is not required to— | 24 |
| (a) make inquiries if it would be unreasonable to make inquiries to find an owner; or | 25
26 |
| (b) make efforts if it would be unreasonable to make efforts to return the thing to an owner. | 27
28 |
| <i>Example for paragraph (b)—</i> | 29 |
| the owner of the thing has migrated to another country | 30 |

[s 303]

(3)	Regard must be had to the thing's condition, nature and value in deciding—	1 2
(a)	whether it is reasonable to make inquiries or efforts; and	3
(b)	if inquiries or efforts are made—what inquiries or efforts, including the period over which they are made, are reasonable.	4 5 6
(4)	The administrator for a relevant entity is—	7
(a)	if the relevant entity is the State—the chief executive; or	8
(b)	if the relevant entity is a local government—the chief executive officer of the local government.	9 10
(5)	The relevant entity for a seized thing is—	11
(a)	if the thing was seized by an authorised officer appointed by the chief executive—the State; or	12 13
(b)	if the thing was seized by an authorised officer appointed by the chief executive officer of a local government—the local government; or	14 15 16
(c)	if the thing was seized by an authorised officer appointed by 2 or more chief executive officers—the local government for whom the authorised officer was performing his or her functions at the time the thing was seized.	17 18 19 20 21
303	Forfeiture by chief executive decision	22
	The chief executive may decide a seized thing is forfeited to the State if—	23 24
(a)	all of the following apply—	25
(i)	an inspector believes a seized thing can be changed to make it comply with this Act;	26 27
	<i>Example of a seized thing—</i>	28
	a bag of seed for sowing containing weed seeds that can be separated and removed from the seed	29 30

-
- (ii) the inspector requires an owner of the thing to do what is reasonable within a stated reasonable time to make it comply; 1
2
3
 - (iii) the owner does not comply with the requirement; 4
or 5
 - (b) an inspector believes, on reasonable grounds— 6
 - (i) a seized thing can not be changed to make it comply with this Act; and 7
8
Example of a seized thing— 9
 a bag of seed for sowing containing weed seeds that can 10
 not be separated and removed from the seed 11
 - (ii) it is necessary to retain it to prevent its use in committing an offence against this Act. 12
13

304 Information notice for forfeiture decision 14

- (1) This section applies if— 15
 - (a) the administrator for the relevant entity decides under section 302(1) to forfeit a thing; or 16
17
 - (b) the chief executive decides under section 303 to forfeit a thing. 18
19
- (2) The administrator or chief executive must as soon as practicable give a person who owned the thing immediately before the forfeiture (the *former owner*) an information notice for the decision. 20
21
22
23
- (3) If the seized thing is forfeited under section 302(1)(a) or (b), the information notice may be given by leaving it at the place where the thing was seized, in a conspicuous position and in a reasonably secure way. 24
25
26
27
- (4) The information notice must state that the former owner may apply for a stay of the decision if he or she appeals against the decision. 28
29
30
- (5) However, subsections (1) to (3) do not apply if— 31

[s 305]

- (a) the decision was made under section 302(1)(a) or (b);
and 1
2
- (b) the place where the thing was seized is— 3
 - (i) a public place; or 4
 - (ii) a place where the notice is unlikely to be read by
the former owner. 5
6

305 Forfeiture on conviction 7

- (1) On the conviction of a person for an offence against this Act,
the court may order the forfeiture to the State or a local
government of— 8
9
10
 - (a) anything used to commit the offence; or 11
 - (b) anything else the subject of the offence. 12
- (2) The court may make the order— 13
 - (a) whether or not the thing has been seized; and 14
 - (b) if the thing has been seized—whether or not the thing
has been returned to the former owner of the thing. 15
16
- (3) The court may make any order to enforce the forfeiture it
considers appropriate. 17
18
- (4) This section does not limit the court's powers under another
law. 19
20

306 Procedure and powers for making forfeiture order 21

- (1) A forfeiture order may be made on a conviction on the court's
initiative or on an application by the prosecution. 22
23
- (2) In deciding whether to make a forfeiture order for a thing, the
court— 24
25
 - (a) may require notice to be given to anyone the court
considers appropriate, including, for example, any
person who may have any property in the thing; and 26
27
28

[s 307]

	(b) must hear any submissions that any person claiming to have any property in the thing may wish to make.	1 2
Subdivision 5	Dealing with property forfeited or transferred to relevant entity or the State	3 4 5
307	When thing becomes property of relevant entity	6
	A thing becomes the property of the relevant entity for the thing if the thing is forfeited to the relevant entity under section 302(1).	7 8 9
308	When thing becomes property of the State or local government	10 11
	(1) A thing becomes the property of the State if—	12
	(a) the chief executive decides the thing is forfeited to the State under section 303; or	13 14
	(b) the thing is forfeited to the State under section 305; or	15
	(c) the owner of the thing and the State agree, in writing, to the transfer of the ownership of the thing to the State.	16 17
	(2) A thing becomes the property of a local government if the thing is forfeited to the local government under section 305.	18 19
	<i>Note—</i>	20
	A thing may also become the property of the State or a local government under section 307.	21 22
309	How property may be dealt with	23
	(1) This section applies if—	24
	(a) under section 307, a thing becomes the property of the relevant entity for the thing; or	25 26

[s 310]

(b)	under section 308, a thing becomes the property of the State or a local government.	1 2
(2)	The administrator for the relevant entity, the chief executive or the chief executive officer (each the <i>administering executive</i>) may deal with the thing as the administering executive considers appropriate, including, for example, by destroying it or giving it away.	3 4 5 6 7
(3)	The administering executive must not deal with the thing in a way that could prejudice the outcome of an appeal against the forfeiture under this Act.	8 9 10
(4)	If the administering executive sells the thing, the administering executive may, after deducting the costs of the sale, return the proceeds of the sale to the former owner of the thing.	11 12 13 14
(5)	This section is subject to any disposal order made for the thing.	15 16
310	Power of destruction	17
	An authorised officer may destroy a thing seized under this division if—	18 19
(a)	the thing consists wholly or partly of contaminated or decomposed matter; or	20 21
(b)	the authorised officer reasonably believes the thing poses an immediate biosecurity risk.	22 23
Division 5	Disposal orders	24
311	Disposal order	25
(1)	This section applies if a person is convicted of an offence against this Act.	26 27

[s 312]

-
- | | |
|---|----------------|
| (2) The court may make an order (a <i>disposal order</i>), on its own initiative or on an application by the prosecution, for the disposal of any of the following things owned by the person— | 1
2
3 |
| (a) anything that was the subject of, or used to commit, the offence; | 4
5 |
| (b) another thing the court considers is likely to be used by the person or another person in committing a further offence against this Act. | 6
7
8 |
| (3) The court may make a disposal order for a thing— | 9 |
| (a) whether or not it has been seized under this Act; and | 10 |
| (b) if the thing has been seized—whether or not it has been returned to the former owner. | 11
12 |
| (4) In deciding whether to make a disposal order for a thing, the court— | 13
14 |
| (a) may require notice to be given to anyone the court considers appropriate, including, for example, any person who may have any property in the thing; and | 15
16
17 |
| (b) must hear any submissions that any person claiming to have any property in the thing may wish to make. | 18
19 |
| (5) The court may make any order to enforce the disposal order that it considers appropriate. | 20
21 |
| (6) This section does not limit the court's powers under another law. | 22
23 |

Division 6	Power to remove or reduce biosecurity risk under a warrant	24 25
-------------------	---	----------

312	Power to remove or reduce biosecurity risk after entering place	26 27
(1) This section applies if—		28

[s 313]

- (a) an authorised officer enters a place after obtaining a warrant; and 1
2
 - (b) the warrant authorises the authorised officer to exercise powers in relation to a biosecurity risk. 3
4
 - (2) The authorised officer may take the steps necessary in the 5
circumstances to remove or reduce the biosecurity risk stated 6
in the warrant, or to prevent the biosecurity risk from 7
recurring, including seizing a thing. 8

Division 7 Other information-obtaining powers 9 of authorised officers 10

313 Power to require name and address 11

- (1) This section applies if an authorised officer— 12
 - (a) finds a person committing an offence against this Act; or 13
 - (b) finds a person in circumstances that lead the authorised 14
officer to reasonably suspect the person— 15
 - (i) has just committed an offence against this Act; or 16
 - (ii) is responsible for a biosecurity risk; or 17
 - (c) has information that leads the authorised officer to 18
reasonably suspect a person— 19
 - (i) has just committed an offence against this Act; or 20
 - (ii) is responsible for a biosecurity risk. 21
- (2) The authorised officer may require the person to state the 22
person's name and residential address. 23
- (3) The authorised officer may also require the person to give 24
evidence of the correctness of the stated name or address if, in 25
the circumstances, it would be reasonable to expect the person 26
to— 27

[s 314]

(a)	be in possession of evidence of the correctness of the stated name or address; or	1 2
(b)	otherwise be able to give the evidence.	3
(4)	When making a personal details requirement, the authorised officer must give the person an offence warning for the requirement.	4 5 6
(5)	A requirement under this section is a <i>personal details requirement</i> .	7 8
314	Offence to contravene personal details requirement	9
(1)	A person of whom a personal details requirement is made must comply with the requirement unless the person has a reasonable excuse.	10 11 12
	Maximum penalty—50 penalty units.	13
(2)	A person may not be convicted of an offence under subsection (1) unless the person is found guilty of the offence, or the court decides the person is responsible for the biosecurity risk, in relation to which the personal details requirement was made.	14 15 16 17 18
315	Power to require production of documents	19
(1)	An authorised officer may require a person to make available for inspection by an authorised officer, or produce to the authorised officer for inspection, at a reasonable time and place nominated by the authorised officer—	20 21 22 23
(a)	a document issued to the person under this Act; or	24
(b)	a document required to be kept by the person under this Act; or	25 26
(c)	if a document or information required to be kept by the person under this Act is stored or recorded by means of a device—a document that is a clear written reproduction of the stored or recorded document or information.	27 28 29 30 31

[s 316]

(2)	A requirement under subsection (1) is a <i>document production requirement</i> .	1 2
(3)	For an electronic document, compliance with the document production requirement requires the making available or production of a clear written reproduction of the electronic document.	3 4 5 6
(4)	The authorised officer may keep the document to copy it.	7
(5)	If the authorised officer copies the document, or an entry in the document, the authorised officer may require the person responsible for keeping the document to certify the copy as a true copy of the document or entry.	8 9 10 11
(6)	A requirement under subsection (5) is a <i>document certification requirement</i> .	12 13
(7)	The authorised officer must return the document to the person as soon as practicable after copying it.	14 15
(8)	However, if a document certification requirement is made of a person, the authorised officer may keep the document until the person complies with the requirement.	16 17 18
316	Offence to contravene document production requirement	19
(1)	A person of whom a document production requirement is made must comply with the requirement unless the person has a reasonable excuse.	20 21 22
	Maximum penalty—50 penalty units.	23
(2)	It is not a reasonable excuse for a person to fail to comply with a document production requirement on the basis that complying with the requirement might tend to incriminate the person or expose the person to a penalty.	24 25 26 27
	<i>Note—</i>	28
	See, however, section 326.	29
(3)	The authorised officer must inform the person, in a way that is reasonable in the circumstances—	30 31

[s 317]

- (a) that the person must comply with the document production requirement even though complying might tend to incriminate the person or expose the person to a penalty; and
1
2
3
4
- (b) that, under section 326, there is a limited immunity against the future use of the information or document given in compliance with the requirement.
5
6
7
- (4) If the person fails to comply with the document production requirement when the authorised officer has failed to comply with subsection (3), the person can not be convicted of the offence against subsection (1).
8
9
10
11
- (5) If a court convicts a person of an offence against subsection (1), the court may, as well as imposing a penalty for the offence, order the person to comply with the document production requirement.
12
13
14
15

317 Offence to contravene document certification requirement

16
17

- (1) A person of whom a document certification requirement has been made must comply with the requirement unless the person has a reasonable excuse.
18
19
20

Maximum penalty—50 penalty units.
- (2) It is not a reasonable excuse for a person to fail to comply with a document certification requirement on the basis that complying with the requirement might tend to incriminate the person or expose the person to a penalty.
22
23
24
25
- Note—*

See, however, section 326.

26
27
- (3) The authorised officer must inform the person, in a way that is reasonable in the circumstances—
28
29

 - (a) that the person must comply with the document certification requirement even though complying might tend to incriminate the person or expose the person to a penalty; and
30
31
32
33

[s 318]

- (b) that, under section 326, there is a limited immunity
against the future use of the information or document
given in compliance with the requirement.
- (4) If the person fails to comply with the document certification
requirement when the authorised officer has failed to comply
with subsection (3), the person can not be convicted of the
offence against subsection (1).

318 Power to require information

- (1) This section applies if an authorised officer reasonably
believes—
 - (a) an offence against this Act has been committed; and
 - (b) a person may be able to give information about the
offence.
- (2) The authorised officer may, by notice given to the person,
require the person to give the authorised officer information
about the offence at a stated reasonable time and place.
- (3) A requirement under subsection (2) is an *information
requirement*.
- (4) For information that is an electronic document, compliance
with the information requirement requires the giving of a clear
image or written version of the electronic document.
- (5) In this section—
information includes a document.

319 Offence to contravene information requirement

- (1) A person of whom an information requirement is made must
comply with the requirement unless the person has a
reasonable excuse.
Maximum penalty—50 penalty units.
- (2) It is a reasonable excuse for an individual not to give the
information if giving the information might tend to

incriminate the individual or expose the individual to a
penalty. 1
2

Part 5 Miscellaneous provisions 3 **relating to authorised officers** 4

Division 1 Damage 5

320 Duty to avoid inconvenience and minimise damage 6

In exercising a power, an authorised officer must take all
reasonable steps to cause as little inconvenience, and do as
little damage, as possible. 7
8
9

Note— 10

See also section 322. 11

321 Notice of damage 12

(1) This section applies if— 13

(a) an authorised officer damages something when
exercising, or purporting to exercise a power under this
Act, other than chapter 10; or 14
15
16

(b) a person (the *assistant*) acting under the direction or
authority of an authorised officer damages something. 17
18

(2) However, this section does not apply to damage the authorised
officer reasonably considers is trivial or if the authorised
officer reasonably believes— 19
20
21

(a) there is no-one apparently in possession of the thing; or 22

(b) the thing has been abandoned. 23

[s 322]

- (3) The authorised officer must give notice of the damage to the person who appears to the authorised officer to be an owner, or person in control, of the thing. 1
2
3
- (4) However, if for any reason it is not practicable to comply with subsection (3), the authorised officer must— 4
5
 - (a) leave the notice at the place where the damage happened; and 6
7
 - (b) ensure it is left in a conspicuous position and in a reasonably secure way. 8
9
- (5) The authorised officer may delay complying with subsection (3) or (4) if the authorised officer reasonably suspects complying with the subsection may frustrate or otherwise hinder the performance of the authorised officer's functions. 10
11
12
13
- (6) The delay may be only for so long as the authorised officer continues to have the reasonable suspicion and remains in the vicinity of the place. 14
15
16
- (7) If the authorised officer believes the damage was caused by a latent defect in the thing or other circumstances beyond the control of the authorised officer or the assistant, the authorised officer may state the belief in the notice. 17
18
19
20
- (8) The notice must state— 21
 - (a) particulars of the damage; and 22
 - (b) that the person who suffered the damage may claim compensation under section 322. 23
24

Division 2 Compensation 25

322 Compensation 26

- (1) A person may claim compensation from the following if the person incurs loss because of the exercise, or purported exercise, of a power by an authorised officer including a loss 27
28
29

-
- | | |
|--|----------------|
| arising from compliance with a requirement made of the person under this Act, other than chapter 10— | 1
2 |
| (a) if the authorised officer was appointed by the chief executive—the State; | 3
4 |
| (b) if the authorised officer was appointed by the chief executive officer of a local government—the local government; | 5
6
7 |
| (c) if the authorised officer was appointed by 2 or more chief executive officers—the local government for whom the authorised officer was exercising the power. | 8
9
10 |
| (2) However, subsection (1)(a) applies only to loss arising from an accidental, negligent or unlawful act or omission. | 11
12 |
| (3) Also, subsection (1) does not include loss arising from a lawful seizure or a lawful forfeiture. | 13
14 |
| (4) The compensation may be claimed and ordered in a proceeding— | 15
16 |
| (a) brought in a court with jurisdiction for the recovery of the amount of compensation claimed; or | 17
18 |
| (b) for an alleged offence against this Act the investigation of which gave rise to the claim for compensation. | 19
20 |
| (5) A court may order the payment of compensation only if it is satisfied it is just to make the order in the circumstances of the particular case. | 21
22
23 |
| (6) In considering whether it is just to order compensation, the court must have regard to any relevant biosecurity offence committed by the claimant. | 24
25
26 |
| (7) A regulation may prescribe other matters that may, or must, be taken into account by the court when considering whether it is just to order compensation. | 27
28
29 |
| (8) Section 320 does not provide for a statutory right of compensation other than is provided by this section. | 30
31 |
-

[s 323]

- (9) In this section— 1
 - exercise*, of a power, by an authorised officer includes— 2
 - (a) the exercise of a power for the authorised officer; and 3
 - (b) the purported exercise of a power by or for the 4
authorised officer. 5
 - loss* includes costs and damage. 6

Division 3 Other offences relating to 7

authorised officers 8

323 Giving authorised officer false or misleading information 9

- (1) A person must not, in relation to the administration of this 10
Act, give an authorised officer or an accredited certifier 11
information, or a document containing information, that the 12
person knows is false or misleading in a material particular. 13
Maximum penalty—200 penalty units. 14
- (2) Subsection (1) applies to information or a document given in 15
relation to the administration of this Act whether or not the 16
information or document was given in response to a specific 17
power under this Act. 18

324 Obstructing authorised officer 19

- (1) A person must not obstruct an authorised officer, or someone 20
helping an authorised officer, exercising a power under this 21
Act unless the person has a reasonable excuse. 22
Maximum penalty—100 penalty units. 23
- (2) If a person has obstructed an authorised officer, or someone 24
helping an authorised officer, and the authorised officer 25
decides to proceed with the exercise of the power, the 26
authorised officer must warn the person that— 27

[s 325]

	(a) it is an offence to cause an obstruction unless the person has a reasonable excuse; and	1 2
	(b) the authorised officer considers the person's conduct an obstruction.	3 4
325	Impersonating authorised officer or accredited certifier	5
	A person must not impersonate an authorised officer or an accredited certifier.	6 7
	Maximum penalty—100 penalty units.	8
Division 4	Other provisions	9
326	Evidential immunity for individuals complying with particular requirements	10 11
	(1) Subsection (2) applies if an individual gives or produces information or a document to an authorised officer under section 289, 315 or 318.	12 13 14
	(2) Evidence of the information or document, and other evidence directly or indirectly derived from the information or document, is not admissible against the individual in any proceeding to the extent it tends to incriminate the individual, or expose the individual to a penalty, in the proceeding.	15 16 17 18 19
	(3) Subsection (2) does not apply to a proceeding about the false or misleading nature of the information or anything in the document or in which the false or misleading nature of the information or document is relevant evidence.	20 21 22 23

[s 327]

Chapter 10 Compensation for loss or 1
damage from biosecurity 2
response 3

Part 1 Introduction 4

327 What is a *biosecurity response* 5

(1) A *biosecurity response* is any lawful action taken— 6

- (a) by the chief executive or an authorised officer, including 7
a person acting under the authority of the chief executive 8
or an authorised officer, if the action is authorised to be 9
taken under this Act; or 10

Example of biosecurity response by an inspector for paragraph 11
(a)— 12

an inspector demolishing an outbuilding at a place within a 13
biosecurity emergency area 14

- (b) by another person as directed or otherwise required by 15
the chief executive or an authorised officer, including by 16
a person acting under the authority of the chief executive 17
or an authorised officer, if the direction or requirement 18
is authorised to be given or made under this Act. 19

Example of biosecurity response for paragraph (b)— 20

the owner of an animal acting under the direction of an inspector 21
to destroy the animal at a place within a biosecurity emergency 22
area 23

(2) A *biosecurity response* does not include— 24

- (a) any action taken under chapter 12 (*Biosecurity orders and* 25
injunctions), including, for example, action taken under a 26
biosecurity order, or under an order of a magistrate or an 27
injunction, under that chapter; or 28

- (b) anything that happens by accident or as a result of 29
negligence. 30

(3)	In this section—	1
	<i>authorised officer</i> does not include an authorised person	2
	whose appointment under this Act as an authorised person is	3
	by the chief executive officer of a local government.	4
328	What is loss or damage arising out of a biosecurity response	5
		6
	In this chapter, a reference to loss or damage arising out of a	7
	biosecurity response is a reference to loss or damage only if—	8
	(a) it is lawfully caused under this Act; and	9
	(b) the causing of the loss or damage constitutes all or part	10
	of a biosecurity response.	11
	<i>Note—</i>	12
	If loss or damage happens in the course of a biosecurity response but is	13
	not lawfully caused under this Act, for example because it involves a	14
	negligent act, compensation may nevertheless be available under the	15
	investigation and enforcement provisions or under the general law.	16
329	What is <i>property</i>	17
(1)	In this chapter, a reference to <i>property</i> , in the context of loss	18
	of it or damage to it, is a reference to something that is	19
	capable of being in the ownership of a person and is capable	20
	of being physically destroyed or physically damaged.	21
(2)	Without limiting subsection (1), <i>property</i> may include any	22
	animal or plant.	23
330	What is <i>notional value</i> or <i>notional reduction in value</i> of property	24
		25
(1)	The <i>notional value</i> of property that is the subject of loss is the	26
	amount that would have been received for the property if, at	27
	the place where it was destroyed, it had been sold under a	28
	lawful direction immediately before it was destroyed.	29

[s 331]

- (2) The *notional reduction in value* of property that is the subject of damage is the difference between the following amounts—
- (a) the amount that would have been received for the property if, at the place where it was damaged, it had been sold under a lawful direction immediately before it was damaged;
- (b) the amount that would have been received for the property if, at the place where it was damaged, it had been sold under a lawful direction immediately after it was damaged.
- (3) For this chapter, property is taken to be the subject of damage rather than loss if, despite its being destroyed, what remains of it still has some commercial value.
- (4) In this section—
- sold under a lawful direction*, in relation to property, means sold at the highest price reasonably obtainable, but under the lawful direction of a person who is required to agree to, and to complete, the sale of the property without delay and without reference to whether the owner of the property would be a willing seller at the price obtained.
- 331 What is a *compensation scheme* and what is *scheme compensation***
- (1) A *compensation scheme* is a government and industry agreement that includes provision for the payment of compensation for loss or damage arising out of a biosecurity response.
- Example of agreement—*
- The Emergency Plant Pest Response Deed is a formal agreement between Plant Health Australia, the Commonwealth, all the States and territories and particular plant industry bodies establishing, on a basis of cost sharing, a scheme for the management and funding of responses to emergency plant pest incidents, and includes provision for compensation in the form of reimbursement costs for growers who suffer loss or damage as contemplated in the agreement.

(2)	Compensation provided for under a compensation scheme (<i>scheme compensation</i>) may be, but need not be, limited to compensation for loss of or damage to property.	1 2 3
332	Sources of compensation available under this chapter	4
(1)	This chapter deals with the provision of 2 different types of compensation for loss or damage arising out of biosecurity responses.	5 6 7
(2)	Firstly, scheme compensation may be payable for loss or damage.	8 9
(3)	Secondly, compensation for loss of or damage to property may be payable by the State in the absence of scheme compensation being payable for the loss or damage.	10 11 12

Part 2 **Scheme compensation** 13

333	Operation of scheme compensation	14
(1)	This section applies if—	15
(a)	a person suffers loss or damage arising out of a biosecurity response; and	16 17
(b)	a compensation scheme provides for compensation for the loss or damage; and	18 19
(c)	the person has, in compliance with the scheme, applied to the chief executive for compensation for the loss or damage.	20 21 22
(2)	The chief executive must take all reasonable steps, to the extent of the State's obligations under the scheme, to ensure that the person receives compensation for the loss or damage in accordance with the person's entitlement to compensation under the scheme.	23 24 25 26 27

Part 3	Statutory compensation	1
334	Operation of statutory compensation	2
(1)	Subject to this chapter, a person who suffers loss of or damage to property arising out of a biosecurity response is entitled to compensation (<i>statutory compensation</i>) for the loss or damage to the extent provided for in this chapter.	3 4 5 6
	<i>Examples of loss of or damage to property—</i>	7
	• the destruction of a person’s animal by an inspector during a biosecurity emergency	8 9
	• the partial demolition of a person’s outbuilding by an inspector during a biosecurity emergency	10 11
(2)	To receive the statutory compensation, the person must apply to the chief executive for the compensation under this chapter.	12 13
335	How scheme compensation affects entitlement to statutory compensation	14 15
(1)	Statutory compensation is not payable to a person for loss of or damage to property suffered by the person if a compensation scheme provides for compensation for the person’s loss or damage.	16 17 18 19
(2)	Subsection (1) applies even if, in the person’s particular circumstances, scheme compensation is not actually payable to the person because the person has failed to comply with a requirement of the compensation scheme relating to eligibility for payment.	20 21 22 23 24
	<i>Example for subsection (2)—</i>	25
	During a biosecurity emergency involving a virus outbreak, an infected crop is destroyed by an inspector. A compensation scheme provides for reimbursement of a crop’s owner for the crop loss in circumstances of the loss. However, the scheme requires that, to be eligible to be paid compensation under the scheme, the crop owner must make an annual payment, in the nature of a premium, to a fund established under the scheme. The crop owner has not made an annual payment by the due date for its payment. Because of that, the person is ineligible for	26 27 28 29 30 31 32 33

[s 336]

payment under the compensation scheme and, because of the existence
of the scheme, is not entitled to statutory compensation under this
chapter.

336 Other limitations applying to entitlement to statutory compensation

(1) Statutory compensation is not payable to a person who suffers
loss of or damage to property arising out of a biosecurity
response—

(a) to the extent that the conduct of the person contributed
to the loss or damage; or

(b) if the loss or damage would have happened in any event
regardless of the happening of the biosecurity response;
or

(c) if the biosecurity response was directed at addressing
the risk posed by the existence of biosecurity matter and
the property was infested or infected with the
biosecurity matter when the loss or damage happened;
or

(d) if the biosecurity response was directed at addressing
the risk posed by the existence of biosecurity matter that
is a contaminant and the contaminant was present in the
property in an amount more than the maximum
acceptable level prescribed under a regulation for the
property when the loss or damage happened; or

(e) if the biosecurity response was directed at addressing
the risk posed by the existence of biosecurity matter and
when the loss or damage happened, the property was
likely to have become infested or infected with the
biosecurity matter; or

(f) if—

(i) the biosecurity response was directed at addressing
the risk posed by the existence of biosecurity
matter; and

[s 336]

-
- (ii) before the loss or damage happened, the property became infested or infected with the biosecurity matter; and
 - (iii) the property was no longer infested or infected when the loss or damage happened, whether or not this was known at the time of the loss or damage; or
 - Example of damage in the context of paragraph (f)—*
 - damage caused to an animal by the taking of a sample to find out whether an infection is still present
 - (g) if—
 - (i) the biosecurity response was directed at addressing the risk posed by the existence of biosecurity matter; and
 - (ii) the biosecurity response was necessary because of an act or omission of the owner of the property or of a person acting under the owner's express or implied authority; and
 - (iii) the act or omission caused or contributed to, or was likely to cause or contribute to, the spread of the biosecurity matter; or
 - (h) if—
 - (i) the biosecurity response was directed at addressing the risk posed by the existence of biosecurity matter; and
 - (ii) the biosecurity response was necessary because of an act or omission of the owner of the property or of a person acting under the owner's express or implied authority; and
 - (iii) the owner of the property is found guilty of an offence under this Act constituted completely or partly by the act or omission; or
 - (i) to the extent that the loss or damage is recovered or recoverable by the person under a policy of insurance.
-

[s 337]

- (2) For subsection (1)(e), the chief executive may decide on and publish on the department's website a methodology for calculating whether property was likely to become infested or infected.

337 No compensation for consequential loss

- (1) Statutory compensation for the loss of property is limited to an amount equal to the notional value of the property.
- (2) Statutory compensation for damage to property is limited to an amount equal to the notional reduction in value of the property.
- (3) In particular, compensation for loss of or damage to property does not include compensation for loss flowing as a direct or indirect consequence of the loss or damage.
- (4) Without limiting subsection (3), compensation for loss of or damage to property does not include compensation for any of the following—
 - (a) any loss of anticipated or actual revenue or profits;
 - (b) loss of use of equipment;
 - (c) business interruption, or a failure to realise anticipated savings;
 - (d) loss of data;
 - (e) downtime costs or wasted overheads;
 - (f) loss of goodwill or business opportunity;
 - (g) loss or damage suffered because of a breach of contract.
- (5) Also, compensation for loss of or damage to property does not include compensation in the form of, or that is in the nature of or is analogous to, any of the following—
 - (a) reimbursement of additional expenses incurred;
 - (b) punitive or exemplary damages;

(c) special damages, or damages for indirect loss or damage of any nature whatsoever.

Part 4	Claiming statutory compensation	3
		4

(1)	If a person suffers loss or damage and the person is entitled to statutory compensation for the loss or damage, the person may apply to the chief executive for the statutory compensation.	6 7 8 9
(2)	The application must be made in the approved form.	10
(3)	The application must be received by the chief executive within 90 days after the date the loss or damage happens.	11 12

- (1) The chief executive may ask the applicant for further information reasonably required by the chief executive to assess an application for statutory compensation.
- (2) The applicant must give the chief executive the information asked for within the reasonable period the chief executive requires.

(1) The chief executive must give an applicant for statutory compensation the chief executive's decision on the application—

(a) if the applicant and the chief executive agree on a day by which the chief executive will give the applicant the chief executive's decision—by the day agreed; or

-
- | | | |
|-----|---|--------------------------------|
| (b) | if paragraph (a) does not apply, but the chief executive asks the applicant for further information to decide the application—within 60 days after the chief executive receives the further information; or | 1
2
3
4 |
| (c) | if neither paragraph (a) nor paragraph (b) applies—within 60 days after the chief executive receives the application. | 5
6
7 |
| (2) | Despite subsection (1), the chief executive may, by notice given to the applicant, extend the period for making and advising a decision on the application by a further 60 days if the chief executive considers that the extension is justified because of the complexity of matters required to be considered in reaching the decision. | 8
9
10
11
12
13 |
| (3) | When the chief executive makes a decision on the application, it must be given to the applicant in the form of an information notice. | 14
15
16 |
| (4) | If the decision is that the applicant is entitled to be paid compensation, the information notice must include the amount decided. | 17
18
19 |
| (5) | If the chief executive fails to give the applicant notice of the decision by the day required under subsection (1) or (2)— | 20
21 |
| (a) | the chief executive is taken to have decided that the applicant is not entitled to any statutory compensation for the loss or damage the subject of the application; and | 22
23
24 |
| (b) | the applicant is entitled to receive an information notice for the decision under paragraph (a). | 25
26 |

[s 341]

Chapter 11	Evidence, legal proceedings and reviews	1
		2
Part 1	Evidence	3
341	Application of pt 1	4
	This part applies to a proceeding under this Act.	5
342	Appointments and authority	6
	The following must be presumed unless a party to the proceeding, by reasonable notice, requires proof of it—	7
		8
	(a) the chief executive’s appointment;	9
	(b) a chief executive officer’s appointment;	10
	(c) an authorised officer’s appointment;	11
	(d) an auditor’s appointment;	12
	(e) an accredited certifier’s accreditation;	13
	(f) the authority of any of the chief executive, a local government, a chief executive officer, an authorised officer, an auditor or an accredited certifier to do anything under this Act.	14
		15
		16
		17
343	Signatures	18
	A signature purporting to be the signature of the chief executive, a chief executive officer, an authorised officer or an accredited certifier is evidence of the signature it purports to be.	19
		20
		21
		22

344	Evidentiary aids	1
(1)	A certificate purporting to be signed by the chief executive, or a chief executive officer, stating any of the following matters is evidence of the matter—	2 3 4
(a)	a stated document is 1 of the following things made, given, issued or kept under this Act—	5 6
(i)	an appointment, approval or decision;	7
(ii)	a notice, direction or requirement;	8
(iii)	a permit;	9
(iv)	a record or an extract from a record;	10
(v)	a code of practice;	11
(b)	a stated document is another document kept under this Act;	12 13
(c)	a stated document is a copy of, or an extract for a part of, a thing mentioned in paragraph (a) or (b);	14 15
(d)	on a stated day, or during a stated period, a stated person was or was not the holder of a permit;	16 17
(e)	on a stated day, or during a stated period, a permit—	18
(i)	was or was not in force; or	19
(ii)	was or was not subject to a stated condition;	20
(f)	on a stated day a permit was suspended for a stated period, surrendered or cancelled;	21 22
(g)	on a stated day, or during a stated period, a stated appointment, including a person's appointment as an authorised officer, was or was not in force for a stated person or thing;	23 24 25 26
(h)	on a stated day—	27
(i)	a stated person was given a stated notice or direction under this Act; or	28 29
(ii)	a stated requirement under this Act was made of a stated person; or	30 31

[s 345]

- (iii) a stated amount is payable under this Act by a stated person. 1
2
- (2) In a complaint starting a proceeding, a statement that the 3
matter came to the complainant's knowledge on a stated day is 4
evidence of when the matter came to the complainant's 5
knowledge. 6
- (3) In a proceeding in which the State or a local government 7
applies under section 347 to recover costs incurred by the 8
State or local government, a certificate by the chief executive 9
for the State or the chief executive officer of the local 10
government stating that stated costs were incurred and the 11
way in which, and purpose for which, they were incurred is 12
evidence of the matters stated. 13
- (4) In this section— 14
permit means— 15
 - (a) a prohibited matter permit; or 16
 - (b) a restricted matter permit. 17

Part 2 Legal proceedings 18

345 Offences under this Act 19

- (1) An offence against this Act that has a penalty of more than 2
years imprisonment is an indictable offence that is a 20
misdemeanour. 21
22
- (2) Any other offence against this Act is a summary offence. 23
- (3) A proceeding for an indictable offence may be taken, at the 24
prosecution's election— 25
 - (a) by way of summary proceedings under the *Justices Act* 26
1886; or 27
 - (b) on indictment. 28

-
- (4) A magistrate must not hear an indictable offence summarily if—

 - (a) at the start of the hearing, the defendant asks that the charge be prosecuted on indictment; or
 - (b) the magistrate considers that the charge should be prosecuted on indictment.

1

2

3

4

5

6
 - (5) If subsection (4) applies—

 - (a) the magistrate must proceed by way of an examination of witnesses for an indictable offence; and
 - (b) a plea of the person charged at the start of the proceeding must be disregarded; and
 - (c) evidence brought in the proceeding before the magistrate decided to act under subsection (4) is taken to be evidence in the proceeding for the committal of the person for trial or sentence; and
 - (d) before committing the person for trial or sentence, the magistrate must make a statement to the person as required by the *Justices Act 1886*, section 104(2)(b).

7

8

9

10

11

12

13

14

15

16

17

18
 - (6) The maximum term of imprisonment that may be summarily imposed for an indictable offence is 2 years imprisonment.

19

20
 - (7) A proceeding must be before a magistrate if it is a proceeding—

 - (a) for the summary conviction of a person on a charge for an indictable offence; or
 - (b) for an examination of witnesses for a charge for an indictable offence.

21

22

23

24

25

26
 - (8) However, if a proceeding for an indictable offence is brought before a justice who is not a magistrate, jurisdiction is limited to taking or making a procedural action or order within the meaning of the *Justices of the Peace and Commissioners for Declarations Act 1991*.

27

28

29

30

31

[s 346]

- (9) Proceedings for an offence against this Act that are to be heard in a summary way under the *Justices Act 1886* must start within—
 - (a) 1 year after the commission of the offence; or
 - (b) 1 year after the commission of the offence comes to the complainant’s knowledge, but within 2 years after the commission of the offence.

346 Allegations of false or misleading information or document

In any proceeding for an offence against this Act defined as involving false or misleading information, or a false or misleading document, it is enough for a charge to state that the information or document was ‘false or misleading’ to the person’s knowledge, without specifying which.

347 Recovery of costs of investigation

- (1) This section applies if—
 - (a) a court convicts a person of an offence against this Act; and
 - (b) the State or a local government applies to the court for an order against the person for the payment of the costs the State or the local government has incurred in taking a thing or doing something else during the investigation of the offence; and
 - (c) the court finds the State or local government has reasonably incurred the costs.
- (2) The court may order the person to pay the State or local government an amount equal to the costs if it is satisfied it would be just to make the order in the circumstances of the particular case.
- (3) This section does not limit the court’s powers under the *Penalties and Sentences Act 1992* or another law.

(4)	An application to a court under this section, and any order made by the court on the application, is a judgment in the court's civil jurisdiction.	1 2 3
(5)	Any issue is to be decided on the balance of probabilities.	4
348	Responsibility for acts or omissions of representative	5
(1)	This section applies in a proceeding for an offence against this Act.	6 7
(2)	If it is relevant to prove a person's state of mind about a particular act or omission, it is enough to show—	8 9
(a)	the act was done or omitted to be done by a representative of the person within the scope of the representative's actual or apparent authority; and	10 11 12
(b)	the representative had the state of mind.	13
(3)	An act done or omitted to be done for a person by a representative of the person within the scope of the representative's actual or apparent authority is taken to have been done or omitted to be done also by the person, unless the person proves the person could not, by the exercise of reasonable diligence, have prevented the act or omission.	14 15 16 17 18 19
(4)	In this section—	20
	<i>representative</i> means—	21
(a)	for a corporation—an executive officer, employee or agent of the corporation; or	22 23
(b)	for an individual—an employee or agent of the individual.	24 25
	<i>state of mind</i> of a person includes—	26
(a)	the person's knowledge, intention, opinion, belief or purpose; and	27 28
(b)	the person's reasons for the intention, opinion, belief or purpose.	29 30

[s 349]

349	Executive officers must ensure corporation complies with Act	1 2
(1)	The executive officers of a corporation must ensure the corporation complies with each prescribed provision of this Act.	3 4 5
(2)	If a corporation commits an offence against a prescribed provision of this Act, each of the corporation's executive officers also commits an offence, namely, the offence of failing to ensure the corporation complies with the prescribed provision.	6 7 8 9 10
	Maximum penalty—the penalty for the contravention of the prescribed provision by an individual.	11 12
(3)	Evidence that the corporation has been convicted of an offence against a prescribed provision of this Act is evidence that each of the executive officers committed the offence of failing to ensure the corporation complies with the prescribed provision.	13 14 15 16 17
(4)	However, it is a defence for an executive officer to prove—	18
(a)	if the officer was in a position to influence the conduct of the corporation in relation to the offence, the officer exercised reasonable diligence to ensure the corporation complied with the prescribed provision; or	19 20 21 22
(b)	the officer was not in a position to influence the conduct of the corporation in relation to the offence.	23 24
(5)	In this section—	25
	<i>prescribed provision</i> , of this Act, means any of the following provisions—	26 27
(a)	section 23;	28
(b)	chapter 2, part 3, division 2;	29
(c)	section 102;	30
(d)	section 108(1);	31
(e)	section 112;	32

(f)	section 119(1);	1
(g)	section 175;	2
(h)	section 180;	3
(i)	section 183;	4
(j)	section 194.	5
350	Fines payable to local government	6
(1)	This section applies if—	7
(a)	a proceeding for an offence about a matter is taken by a local government; and	8 9
(b)	a court imposes a fine for the offence.	10
(2)	The fine must be paid to the local government.	11

Part 3 **Reviews** 12

Division 1 **Internal reviews** 13

351 **Internal review process** 14

Every external review of a decision to which an information notice relates must be in the first instance by way of an application for internal review. 15
16
17

352 **Who may apply for internal review** 18

The following persons may apply to the issuing authority for an information notice for an internal review of the decision (an *internal review application*) to which it relates— 19
20
21

- (a) a person who has been given, or is entitled to be given, the information notice for the decision; 22
23

[s 353]

- (b) for a decision to seize or forfeit a thing—a person in control of the thing. 1
2

353 Requirements for making application 3

- (1) An internal review application must be— 4
 - (a) in the approved form; and 5
 - (b) supported by enough information to enable the issuing authority to decide the application; and 6
7
 - (c) made within 14 days after the applicant is given the information notice for the decision the subject of the application. 8
9
10
- (2) However, the issuing authority may, at any time, extend the time for making an internal review application. 11
12

354 Stay of operation of original decision 13

- (1) An internal review application does not stay the decision the subject of the application (the *original decision*). 14
15
- (2) However, the applicant may immediately apply for a stay of the original decision to the relevant body. 16
17
- (3) The relevant body may stay the original decision to secure the effectiveness of the internal review and a later appeal to the court or external review by QCAT. 18
19
20
- (4) The stay— 21
 - (a) may be given on conditions the relevant body considers appropriate; and 22
23
 - (b) operates for the period fixed by the relevant body; and 24
 - (c) may be amended or revoked by the relevant body. 25
- (5) The period of the stay must not extend past the time when the chief executive makes an internal review decision about the original decision and any later period the relevant body allows 26
27
28

[s 355]

-
- | | |
|---|----------|
| the applicant to enable the applicant to appeal against, or
apply for an external review of, the internal review decision. | 1
2 |
| (6) An internal review application affects the original decision, or
carrying out of the decision, only if the decision is stayed. | 3
4 |
| (7) In this section— | 5 |
| <i>relevant body</i> means— | 6 |
| (a) for an original decision to seize or forfeit a thing—the
court; or | 7
8 |
| (b) for another original decision—QCAT. | 9 |
| 355 Internal review | 10 |
| (1) The issuing authority must, within 20 days after receiving an
internal review application made under section 353— | 11
12 |
| (a) conduct an internal review of the original decision; and | 13 |
| (b) make a decision (the <i>internal review decision</i>) to— | 14 |
| (i) confirm the original decision; or | 15 |
| (ii) amend the original decision; or | 16 |
| (iii) substitute another decision for the original
decision. | 17
18 |
| (2) The application must not be dealt with by— | 19 |
| (a) the person who made the original decision; or | 20 |
| (b) a person in a less senior office than the person who
made the original decision. | 21
22 |
| (3) Subsection (2)— | 23 |
| (a) applies despite the <i>Acts Interpretation Act 1954</i> , section
27A; and | 24
25 |
| (b) does not apply to an original decision made by the chief
executive or a chief executive officer personally. | 26
27 |
-

[s 356]

- (4) If the internal review decision confirms the original decision, for the purpose of an appeal or external review, the original decision is taken to be the internal review decision. 1
2
3
- (5) If the internal review decision amends the original decision, for the purpose of an appeal or external review, the original decision as amended is taken to be the internal review decision. 4
5
6
7

356 Notice of internal review decision 8

- (1) The issuing authority must, within 10 days after making an internal review decision, give the applicant notice of the decision. 9
10
11
- (2) If the internal review decision is not the decision sought by the applicant, the notice must— 12
13
 - (a) for an original decision to seize or forfeit a thing—state the following— 14
15
 - (i) the day the notice is given to the applicant (the *review notice day*); 16
17
 - (ii) the reasons for the decision; 18
 - (iii) that the applicant may, within 28 days after the notice is given, appeal against the decision to the court; 19
20
21
 - (iv) how to appeal; 22
 - (v) that the applicant may apply to the court for a stay of the decision; or 23
24
 - (b) for another decision—be accompanied by a QCAT information notice for the decision. 25
26
- (3) If the issuing authority does not give the notice within the 10 days, the issuing authority is taken to have made an internal review decision confirming the original decision. 27
28
29
- (4) In this section— 30

[s 357]

QCAT information notice means a notice complying with the QCAT Act, section 157(2). 1
2

Division 2 External reviews by QCAT 3

357 Who may apply for external review 4

A person given, or entitled to be given, a QCAT information notice under section 356 for an internal review decision may apply, as provided under the QCAT Act, to QCAT for an external review of the decision. 5
6
7
8

Note— 9

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the internal review decision, either on application by a person or on its own initiative. 10
11
12

Division 3 Appeals 13

358 Who may appeal 14

A person who has applied for an internal review of an original decision to seize or forfeit a thing and is dissatisfied with the internal review decision may appeal to the court against the decision. 15
16
17
18

359 Procedure for an appeal to the court 19

- (1) An appeal is started by filing notice of appeal with the clerk of the court. 20
21
- (2) A copy of the notice must be served on the issuing authority. 22
- (3) The notice of appeal must be filed within 28 days after the appellant receives notice of the internal review decision appealed against. 23
24
25
- (4) However, the court may, at any time, extend the time for filing the notice of appeal. 26
27

[s 360]

- (5) The notice of appeal must state fully the grounds of the appeal. 1
2

360 Stay of operation of internal review decision 3

- (1) The court may grant a stay of the operation of an internal review decision appealed against to secure the effectiveness of the appeal. 4
5
6
- (2) A stay— 7
- (a) may be granted on conditions the court considers appropriate; and 8
9
- (b) operates for the period fixed by the court; and 10
- (c) may be amended or revoked by the court. 11
- (3) The period of a stay stated by the court must not extend past the time when the court decides the appeal. 12
13
- (4) An appeal against a decision affects the decision, or the carrying out of the decision, only if the decision is stayed. 14
15

361 Powers of court on appeal 16

- (1) In deciding an appeal, the court— 17
- (a) has the same powers as the issuing authority in making the internal review decision appealed against; and 18
19
- (b) is not bound by the rules of evidence; and 20
- (c) must comply with natural justice. 21
- (2) An appeal is by way of rehearing. 22
- (3) The court may— 23
- (a) confirm the internal review decision; or 24
- (b) set aside the internal review decision and substitute another decision; or 25
26

	(c) set aside the internal review decision and return the matter to the issuing authority with directions the court considers appropriate.	1 2 3
362	Effect of decision of court on appeal	4
	(1) If the court acts to set aside the internal review decision and return the matter to the issuing authority with directions the court considers appropriate, and the issuing authority makes a new decision, the new decision is not subject to review or appeal under this part.	5 6 7 8 9
	(2) If the court substitutes another decision, the substituted decision is taken to be the decision of the issuing authority, and the issuing authority may give effect to the decision as if the decision were the original decision of the issuing authority and no application for review or appeal had been made.	10 11 12 13 14
Chapter 12	Biosecurity orders and injunctions	15 16
Part 1	Biosecurity orders	17
Division 1	General matters about biosecurity orders	18 19
363	Giving biosecurity order	20
	(1) If an authorised officer reasonably believes that a person has failed, or may fail, to discharge the person's general biosecurity obligation at a place, the authorised officer may give the person (the <i>recipient</i>) an order (a <i>biosecurity order</i>).	21 22 23 24

[s 364]

- (2) The authorised officer may give the person the biosecurity order regardless of the circumstances in which the authorised officer forms the belief. 1
2
3

Example— 4

Under a biosecurity emergency order, an authorised officer enters a place in the biosecurity emergency area for the order. The biosecurity matter the subject of the order is Mexican feather grass. The authorised officer notices that there is an invasive animal that is prohibited matter at the place. The authorised officer may give the occupier of the place a biosecurity order for the invasive animal. 5
6
7
8
9
10

- (3) A biosecurity order must be directed at ensuring the recipient discharges his or her general biosecurity obligation at the place, and may in particular be directed at ensuring the recipient discharges the general biosecurity obligation for particular biosecurity matter. 11
12
13
14
15

- (4) The biosecurity order may state that an authorised officer proposes, at a stated time or at stated intervals, to enter any of the following where biosecurity matter or a carrier, the subject of the order, is kept to check compliance with the order— 16
17
18
19

- (a) the place; 20
(b) a vehicle of which the recipient is the person in control; 21
(c) another place of which the recipient is the occupier. 22

Note— 23

See section 263 for the procedure for entry to check compliance with a biosecurity order. 24
25

- (5) The biosecurity order may state how the recipient may show that the stated action has been taken. 26
27

364 Matters that must be included in biosecurity order 28

- (1) A biosecurity order must state each of the following— 29
(a) the name and address of the recipient, or any other identifying information about the recipient that the authorised officer can reasonably obtain; 30
31
32

-
- (b) if the authorised officer reasonably believes the recipient has failed to discharge the recipient’s general biosecurity obligation—the way in which the recipient has failed to discharge the recipient’s general biosecurity obligation;

1
2
3
4
5
 - (c) the place where the recipient failed, or may fail, to discharge the recipient’s general biosecurity obligation;

6
7
 - (d) the action the recipient must take at the place to prevent or reduce the biosecurity risk arising from the recipient’s failure, or possible failure, to discharge the recipient’s general biosecurity obligation;

8
9
10
11
 - (e) the period within which the action must be taken;

12
 - (f) the action, if any, the recipient must take to show the recipient is complying with the biosecurity order and the period within which the action must be taken;

13
14
15
 - Example—*

photos, taken before, during and after treatment, of land infested with restricted matter

16
17
18
 - (g) the name of the authorised officer;

19
 - (h) the name, address and contact details of the issuing authority for the biosecurity order;

20
21
 - (i) that it is an offence for the recipient not to comply with the order unless the recipient has a reasonable excuse.

22
23
 - (2) The period stated under subsection (1)(e) must be reasonable having regard to the biosecurity risk arising from the recipient’s failure, or possible failure, to discharge his or her general biosecurity obligation.

24
25
26
27
 - (3) The biosecurity order must also set out, or state the effect of, sections 255 and 256.

28
29

[s 365]

- 365 What biosecurity order may require** 1
- Without limiting sections 363 and 364, the biosecurity order 2
may require the recipient to do any of the following at the 3
place— 4
- (a) treat in a stated way, or refrain from treating, a carrier of 5
biosecurity matter to control the biosecurity matter or to 6
lessen the risk of the spread of the biosecurity matter; 7
 - (b) dispose of biosecurity matter or a carrier in a stated way, 8
including by burning or burying it or by depositing it at 9
a place where waste is deposited or disposed of; 10
 - (c) destroy, or cause the destruction of, biosecurity matter 11
or a carrier at the place in a stated way; 12
 - (d) control or eradicate biosecurity matter in a stated way; 13
 - (e) clean or disinfect the place, or part of the place, a person 14
at the place or anything on the person or a carrier at the 15
place in a stated way; 16
 - (f) stop using the place or part of the place, for a stated 17
purpose or a stated period, or until stated action is taken; 18
 - (g) remove biosecurity matter or a carrier from the place to 19
another place and destroy, or cause the destruction of, 20
the biosecurity matter or the carrier at the other place in 21
a stated way; 22
 - (h) prohibit, or restrict in a stated way, the removal of 23
biosecurity matter or a carrier; 24
 - (i) remove biosecurity matter or a carrier from the State or 25
part of the State in a stated way. 26
- 366 Requirements for giving biosecurity order** 27
- (1) A biosecurity order must be in writing. 28
 - (2) However, a biosecurity order may be given orally if— 29
 - (a) for any reason it is not practicable to immediately give 30
the direction in writing; and 31

[s 367]

- (b) the authorised officer giving the biosecurity order gives the recipient a warning that, without reasonable excuse, it is an offence for the recipient not to comply with the order.
- (3) If the biosecurity order is given orally, the authorised officer must confirm the direction by also giving it in writing as soon as practicable after giving it orally.

367 Compliance with biosecurity order

The recipient of a biosecurity order must comply with the order unless the recipient has a reasonable excuse.

Maximum penalty—800 penalty units.

Note—

If a recipient fails to comply with a biosecurity order, the issuing authority for the order may take action under chapter 9, for example under section 256. Other action may be taken under this Act, for example, under part 2 of this chapter.

368 Approval for particular biosecurity order

- (1) This section applies to a biosecurity order to be given to a person by an authorised person appointed by the chief executive officer of a local government if, in the opinion of the authorised person or chief executive officer, taking the action as mentioned in the biosecurity order, within the period stated in the order, would be likely to stop a business carried on by the person.
- (2) Before the biosecurity order is given, the order must be approved by the chief executive officer.

369 Register of biosecurity orders

- (1) The administering executive of an authorised officer must keep a register of all biosecurity orders given by the authorised officer.

[s 370]

- (2) The register must contain the following particulars for each biosecurity order—
 - (a) the real property description of the land to which it relates;
 - (b) the local government area in which the land is situated;
 - (c) the day the order was given;
 - (d) information about biosecurity matter or any other thing to which the order relates;
 - (e) the action required to be taken under the order;
 - (f) the period stated in the order for taking the action;
 - (g) other information prescribed under a regulation.
- (3) The register may be kept in the way the administering executive considers appropriate, including, for example, in an electronic form.
- (4) A person may, on payment of the fee prescribed under a regulation, inspect the register at a following place when the place is open to the public—
 - (a) for the register kept by the chief executive—the department’s head office;
 - (b) for the register kept by a chief executive officer—the local government’s principal place of business.
- (5) On application by a person and payment of the fee prescribed under a regulation, the person may buy a copy of all or part of the information held in the register.

Division 2 Recovery of costs and expenses

370 Recovery of costs of taking steps under biosecurity order or action under direction

- (1) The issuing authority for a biosecurity order may recover the amount that the issuing authority properly and reasonably

-
- | | |
|---|---------------|
| incurs in taking the steps under section 256 or the action under section 257 as a debt due to the issuing authority and payable by the person who failed to take the action. | 1
2
3 |
| (2) The issuing authority must give the person notice of the amount of the debt. | 4
5 |
| (3) For subsection (1), the amount becomes payable 30 days after the issuing authority gives the person notice details of the amount of the debt. | 6
7
8 |
| (4) If the issuing authority is a local government, the amount payable to the local government is, for the purposes of recovery, taken to be rates owing to the local government. | 9
10
11 |

371 Cost under biosecurity order a charge over land 12

- | | |
|--|----------------------------|
| (1) This section applies if an amount, including any interest on the amount, (the <i>unpaid amount</i>) is payable to a local government by the recipient under a biosecurity order relating to a failure to discharge a general biosecurity obligation on land owned by the recipient. | 13
14
15
16
17 |
| (2) The unpaid amount is a charge on the land. | 18 |
| (3) The local government may register the charge over the land by lodging the following documents with the registrar of titles— | 19
20
21 |
| (a) a request to register the charge over the land, in the appropriate form; | 22
23 |
| (b) a certificate signed by the local government’s chief executive officer stating there is a charge over the land under this section. | 24
25
26 |
| (4) After the charge is registered over the land, the charge has priority over all other encumbrances over the land other than— | 27
28
29 |
| (a) encumbrances in favour of the State or a government entity; and | 30
31 |
| (b) rates payable to the local government. | 32 |

[s 372]

- (5) If the unpaid amount is paid, the local government must lodge the following documents with the registrar of titles—
 - (a) a request to release the charge over the land, in the appropriate form;
 - (b) a certificate signed by the local government’s chief executive officer stating the unpaid amount has been paid.
- (6) This section does not limit any other remedy the local government has to recover the unpaid amount.

Division 3 Recovery of costs from other persons

372 Recipient may apply for contribution

- (1) This section applies if the recipient of a biosecurity order has complied with the order and considers another person (the *third party*), whether or not the State, is wholly or partly responsible for the failure to discharge the general biosecurity obligation the subject of the order.
- (2) The recipient may apply to a court for an order (a *cost recovery order*) that the third party reimburse the recipient for part or all of the costs of complying with the biosecurity order.
- (3) The application must—
 - (a) be sworn; and
 - (b) state the grounds on which the application is made; and
 - (c) state the name of the third party; and
 - (d) state the amount sought from the third party; and
 - (e) be accompanied by a copy of the biosecurity order.

- (4) The court may refuse to consider the application until the applicant gives the court all the information the court requires about the application in the way the court requires.

Example—

The court may require additional information supporting the application be given by statutory declaration.

373 Notice of hearing of cost recovery order must be given

- (1) The third party to whom the application relates must be given a notice at least 14 days before the day the application is to be heard.

- (2) The notice—

(a) must be accompanied by a copy of the application; and

(b) must state—

(i) the time when and the place where the application is to be heard; and

(ii) that the third party may appear at the hearing and be heard on the application; and

(iii) that, if the third party does not appear, the application may be decided in the absence of the third party.

- (3) If the third party appears at the time and place stated in the notice, the third party is entitled to be heard on the application.

- (4) If the third party does not appear at the time and place stated in the notice, the application may be decided in the absence of the third party.

374 When court may make cost recovery order

A court may make a cost recovery order against the third party if it is satisfied—

(a) a biosecurity order was given to a person; and

377	District Court's powers	1
(1)	On considering the application for an injunction, the District Court may grant an injunction—	2 3
(a)	restraining the person from engaging in the conduct; and	4
(b)	if in the court's opinion it is desirable to do so, requiring the person to do anything.	5 6
(2)	The power of the court to grant an injunction restraining a person from engaging in conduct may be exercised—	7 8
(a)	whether or not it appears to the court that the person intends to engage again, or to continue to engage, in the conduct; and	9 10 11
(b)	whether or not the person has previously engaged in the conduct.	12 13
(3)	The power of the court to grant an injunction requiring a person to do an act or thing may be exercised—	14 15
(a)	whether or not it appears to the court that the person intends to fail again, or to continue to fail, to do the act or thing; and	16 17 18
(b)	whether or not the person has previously failed to do the act or thing.	19 20
(4)	An interim injunction may be granted under this part until the application is finally decided.	21 22
(5)	The District Court may rescind or vary an injunction at any time.	23 24
(6)	The powers conferred on the District Court under this part are in addition to, and do not limit, any other powers of the court.	25 26
378	Terms of injunction	27
(1)	The District Court may grant an injunction in the terms the court considers appropriate.	28 29

[s 379]

(2)	Without limiting subsection (1), an injunction may be granted restraining a person from carrying on a business or carrying out another activity—	1 2 3
(a)	for a stated period; or	4
(b)	except on stated terms and conditions.	5
(3)	Also, the court may grant an injunction requiring a person to take stated action, including action to disclose information or publish advertisements, to remedy any adverse consequences of the person’s conduct.	6 7 8 9
379	Undertakings as to damages or costs	10
	If the chief executive or a chief executive officer applies for an injunction under this part, no undertaking as to damages or costs may be required to be made.	11 12 13
Chapter 13	Accredited certifiers	14
Part 1	Interpretation	15
380	Definitions for ch 13	16
	In this chapter—	17
	<i>ICA scheme</i> means the national scheme, based on an intergovernmental agreement, that provides for the operational procedures known generally as Interstate Certification Assurance.	18 19 20 21
	<i>ICA system</i> , of an applicant, means the processes, equipment, personnel and resources developed for use by the applicant for complying with the requirements of each operational procedure identified in the application.	22 23 24 25

-
- relevant accreditation offence* means any of the following offences—
- (a) an offence against this Act;
 - (b) an offence against a repealed Act;
 - (c) an offence involving the supply or use of a chemical for agricultural purposes, including an offence against a law relating to the supply or use of agricultural chemical products, as defined under the Agvet Code of Queensland applying under the *Agricultural and Veterinary Chemicals (Queensland) Act 1994*;
 - (d) an offence against a law applying, or that applied, in the Commonwealth, another State or a foreign country if the offence substantially corresponds to an offence mentioned in paragraph (a), (b) or (c).

Part 2 **Purpose and operation of biosecurity certificates and the accreditation system** 15 16 17

- 381 What is a *biosecurity certificate***
- A *biosecurity certificate* is a certificate about whether stated biosecurity matter or another stated thing, including, for example, a carrier of prohibited matter or restricted matter—
- (a) is free of any stated prohibited matter or restricted matter; or
 - (b) is free of any stated regulated biosecurity matter; or
 - (c) is, for the purposes of a law that is a corresponding law to this Act, free of any stated biosecurity matter; or
 - (d) is in a stated condition; or
 - (e) is from a stated area; or

[s 382]

- (f) has been the subject of a stated treatment; or 1
- (g) meets stated requirements, including, for example, that 2
it complies with requirements for certification as stated 3
in an accreditation. 4

382 Purpose and operation of acceptable biosecurity 5 certificates 6

- (1) An acceptable biosecurity certificate is intended to provide a 7
convenient basis on which a person may be taken to comply 8
with, or may be exempted from, particular requirements of 9
this Act or of a corresponding law to this Act about prohibited 10
or restricted matter or about biosecurity matter that may pose 11
a risk to a biosecurity consideration. 12
- (2) Subsection (3) applies if— 13
 - (a) an accredited certifier, in compliance with this Act, 14
gives a biosecurity certificate for biosecurity matter or 15
another stated thing (an *acceptable biosecurity* 16
certificate); or 17
 - (b) an interstate officer, in compliance with a corresponding 18
law to this Act, gives a biosecurity certificate, however 19
called, for biosecurity matter or another stated thing, 20
and there is an intergovernmental agreement that 21
provides for recognition in Queensland of the certificate 22
(also an *acceptable biosecurity certificate*); or 23
 - (c) an interstate officer, in compliance with a corresponding 24
law to this Act, gives a certificate that is, or is in the 25
nature of, a biosecurity certificate, however called, for 26
biosecurity matter or another stated thing (also an 27
acceptable biosecurity certificate). 28
- (3) If the acceptable biosecurity certificate makes a statement 29
about the existence of a fact, an authorised officer may accept 30
and, without further checking, rely and act on the acceptable 31
biosecurity certificate. 32

Example—

An authorised officer's functions include carrying out an inspection of a carrier of biosecurity matter. An acceptable biosecurity certificate has been given for the biosecurity matter stating that the measures stated for preventing or managing exposure to biosecurity risks relating to the biosecurity matter have been carried out. The authorised officer is not required to carry out the inspection of the carrier.

(4) In this section—

interstate officer means a person who holds a position, however called, equivalent to an authorised officer in a department of the Commonwealth or of another State that deals with the same matters as this Act or a provision of this Act under a corresponding law to this Act.

383 Purpose and operation of accreditation system

The purpose of the accreditation system under this chapter is to allow for persons to gain accreditation for the purposes of giving biosecurity certificates under this Act.

384 Giving biosecurity certificates

(1) An accredited certifier may refuse to give a person a biosecurity certificate if the accredited certifier has not, to the accredited certifier's reasonable satisfaction, done any of the following in relation to anything intended to be the subject of the certificate—

- (a) inspect, test or treat the thing;
- (b) take samples of the thing;
- (c) supervise the treatment or grading of the thing;
- (d) examine materials or equipment used to treat or grade the thing;
- (e) do anything else the accredited certifier reasonably considers necessary or beneficial for the purposes of giving the biosecurity certificate.

[s 385]

(2)	A biosecurity certificate may be given under this Act personally by an accredited certifier or, if accreditation conditions permit, by another person acting under the direction of the accredited certifier.	1 2 3 4
(3)	Subject to accreditation conditions and to this Act, an accredited certifier may give a biosecurity certificate in relation to the person's own biosecurity matter or other thing or another person's biosecurity matter or other thing.	5 6 7 8
Part 3	Accreditation of inspector or authorised person	9 10
385	Application of part limited to authorised officers appointed by chief executive	11 12
(1)	This part applies to an inspector only if the inspector was appointed by the chief executive under chapter 9, part 1, division 1.	13 14 15
(2)	This part applies to an authorised person only if the authorised person was appointed by the chief executive under chapter 9, part 1, division 2.	16 17 18
386	Accreditation of inspectors	19
	An inspector is an accredited certifier subject to any conditions, including limitations—	20 21
(a)	included in the inspector's instrument of appointment as an inspector; or	22 23
(b)	as advised to the inspector from time to time by the chief executive.	24 25

[s 387]

387	Accreditation of authorised persons appointed by chief executive	1 2
(1)	A person appointed as an authorised person by the chief executive is an accredited certifier if—	3 4
(a)	the authorised person's accreditation is provided for in the authorised person's instrument of appointment or in any advice given to the authorised person by the chief executive at any time after appointment; and	5 6 7 8
(b)	the chief executive has not withdrawn the accreditation by advice given to the authorised person.	9 10
(2)	The authorised person's accreditation is subject to any conditions, including limitations—	11 12
(a)	included in the authorised person's instrument of appointment as an authorised person; or	13 14
(b)	as advised to the authorised person from time to time by the chief executive.	15 16
388	Fees	17
	A regulation may provide for the fees payable for the giving of a biosecurity certificate by an authorised officer who is also an accredited certifier.	18 19 20

Part 4 **Accreditation by application** 21

389	Application for accreditation	22
(1)	A person may apply to the chief executive for the grant of an accreditation.	23 24
(2)	An application for accreditation must—	25
(a)	be made in the approved form; and	26

[s 390]

- (b) be accompanied by the fee prescribed under a regulation.
 - (3) If the applicant or, if the applicant is a corporation or an incorporated association, if an executive officer of the corporation or a member of the association's management committee has a conviction for a relevant accreditation offence, other than a spent conviction, the application must include details of the offence and the circumstances of its commission.
 - (4) Subsection (3) does not limit the information that may be required under the approved form.
 - (5) A person who applies to the chief executive for a grant of an accreditation must not, in making the application, give the chief executive information that the person knows or ought reasonably to know is false or misleading in a material particular.
- Maximum penalty—200 penalty units.

390 Additional application requirements for ICA scheme

- If the grant of accreditation is for the purposes of the applicant's participation in the ICA scheme, the application must—
- (a) identify the operational procedures provided for under the scheme and that are directly relevant to the proposed grant of accreditation; and
 - (b) include details of the applicant's ICA system relevant to each operational procedure; and
 - (c) identify the biosecurity matter to be covered by the accreditation; and
 - (d) if relevant to the accreditation, identify the chemicals to be covered by the accreditation and include evidence that the applicant is suitably authorised to deal with the chemicals.

391	Consideration of application	1
	The chief executive must consider the application and decide to—	2 3
	(a) grant the accreditation applied for or another accreditation; or	4 5
	(b) grant the accreditation on conditions; or	6
	(c) refuse to grant the accreditation.	7
392	Criteria for granting accreditation	8
(1)	The chief executive may grant accreditation only if satisfied the applicant—	9 10
	(a) has the necessary expertise or experience to perform the functions of an accredited certifier; and	11 12
	(b) is a suitable person to be an accredited certifier.	13
(2)	Subsections (3) and (4) apply if the grant of accreditation is for the purposes of the applicant's participation in the ICA scheme.	14 15 16
(3)	The chief executive must ensure that an audit is conducted of each of the applicant's ICA systems, or proposed ICA systems, relevant to the application, and must have regard to the results of the audit in deciding whether to grant accreditation.	17 18 19 20 21
(4)	Without limiting subsection (3), the chief executive must have regard to whether each ICA system or proposed ICA system satisfies the requirements of any operational procedure to which the system is directed.	22 23 24 25
393	Inquiry about application	26
(1)	Before deciding the application, the chief executive—	27
	(a) may make inquiries to decide the suitability of the applicant to be an accredited certifier; and	28 29

[s 394]

- (b) may, by notice given to the applicant, require the applicant to give the chief executive within the reasonable period of at least 30 days stated in the notice, further information or a document the chief executive reasonably requires to decide the application.
- (2) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with a requirement under subsection (1)(b).
- (3) A notice under subsection (1)(b) must be given to the applicant within 30 days after the chief executive receives the application.
- (4) The information or document under subsection (1)(b) must, if the notice requires, be verified by statutory declaration.

394 Suitability of person for accreditation

In deciding whether the applicant is a suitable person for accreditation, the chief executive may have regard to the following—

- (a) whether the applicant has been refused an accreditation under this Act or a similar accreditation under a repealed Act or a corresponding law to this Act;
- (b) whether the applicant held an accreditation under this Act or a similar accreditation under a repealed Act or a corresponding law to this Act, that was suspended or cancelled;
- (c) whether the applicant or, if the applicant is a corporation or an incorporated association, whether an executive officer of the corporation or a member of the association's management committee has a conviction for a relevant accreditation offence, other than a spent conviction;
- (d) any other matter the chief executive considers relevant to the person's ability to perform the functions of an accredited certifier.

395	Decision on application	1
(1)	If the chief executive decides to grant the accreditation, the chief executive must give the accreditation to the applicant.	2 3
(2)	If the chief executive decides to refuse to grant the accreditation, or to impose conditions on the accreditation under section 400(1), the chief executive must as soon as practicable give the applicant an information notice for the decision.	4 5 6 7 8
396	Failure to decide application	9
(1)	Subject to subsections (2) and (3), if the chief executive fails to decide the application within 30 days after its receipt, the failure is taken to be a decision by the chief executive to refuse to grant the application.	10 11 12 13
(2)	Subsection (3) applies if—	14
(a)	a person has made an application for an accreditation; and	15 16
(b)	the chief executive has, under section 393(1)(b), required the applicant to give the chief executive further information or a document.	17 18 19
(3)	The chief executive is taken to have refused to grant the accreditation if the chief executive does not decide the application within 30 days after the chief executive receives the further information or document.	20 21 22 23
(4)	If the application is taken to be refused under this section, the applicant is entitled to be given an information notice by the chief executive for the decision.	24 25 26
397	Term of accreditation	27
	Unless sooner cancelled or suspended, an accreditation remains in force for the period, of not more than 3 years, decided by the chief executive and stated in the accreditation.	28 29 30

[s 398]

398	Form of accreditation	1
	An accreditation may be given in a way the chief executive considers appropriate.	2 3
	<i>Example—</i>	4
	The chief executive may give an accreditation in the form of a certificate, or an agreement or arrangement with the accredited certifier.	5 6
399	Limitation on further application after refusal or cancellation of accreditation	7 8
(1)	If the chief executive refuses to grant accreditation to an applicant under this chapter, the applicant may not apply again for accreditation within the 6 months immediately following the decision to refuse.	9 10 11 12
(2)	If the chief executive cancels an accreditation under chapter 15, the holder of the accreditation may not apply again for accreditation within the 6 months immediately following the decision to cancel the accreditation.	13 14 15 16
400	Accreditation conditions	17
(1)	The chief executive may grant an accreditation on conditions (<i>accreditation conditions</i>).	18 19
(2)	A condition may provide for any of the following—	20
(a)	the particular type of biosecurity certificate the accredited certifier may give;	21 22
(b)	conditions on which a biosecurity certificate may be given;	23 24
(c)	other restrictions on the use of the accreditation;	25
(d)	security for the performance of the conditions by the accredited certifier and the enforcement of the security, even if there is a penalty or liability under this Act;	26 27 28
(e)	payment to the chief executive by the accredited certifier of the reasonable costs stated in the conditions for ensuring that the conditions are complied with;	29 30 31

-
- | | | |
|-----|---|---------|
| (f) | records required to be kept by the accredited certifier; | 1 |
| (g) | auditing of the accredited certifier's activities as an accredited certifier; | 2
3 |
| (h) | providing information to the chief executive as and when required by the chief executive; | 4
5 |
| (i) | another matter prescribed under a regulation. | 6 |
| (3) | Subsection (2) does not limit conditions that may be imposed by the chief executive. | 7
8 |
| (4) | The chief executive may impose conditions when the accreditation is issued or renewed. | 9
10 |
| (5) | In this section— | 11 |
| | <i>security</i> includes mortgage, bond, insurance and surety. | 12 |

401 Register

- | | | |
|-----|---|----------------|
| (1) | The chief executive must keep a register of accredited certifiers. | 13
14
15 |
| (2) | The register must contain the following particulars for each accredited certifier— | 16
17 |
| (a) | the accredited certifier's name and contact details; | 18 |
| (b) | the accreditation conditions imposed on the accredited certifier's accreditation; | 19
20 |
| (c) | the term of the accreditation. | 21 |
| (3) | The register may be kept in the form, including electronic form, the chief executive considers appropriate. | 22
23 |
| (4) | The chief executive must publish the register on the department's website. | 24
25 |

[s 402]

Part 5	Renewal of accreditations	1
402	Application for renewal	2
(1)	An accredited certifier may apply to the chief executive for renewal of the person's accreditation.	3 4
(2)	The application must—	5
(a)	be made within 60 days before the term of the accreditation ends; and	6 7
(b)	be made in the approved form; and	8
(c)	be accompanied by the fee prescribed under a regulation.	9 10
(3)	The chief executive must consider the application and decide to renew, or refuse to renew, the accreditation.	11 12
(4)	In deciding the application, the chief executive may have regard to the matters to which the chief executive may have regard in deciding whether an applicant for an accreditation is a suitable person to be an accredited certifier.	13 14 15 16
(5)	If the chief executive decides to refuse to renew the accreditation, or to impose conditions on the accreditation, the chief executive must as soon as practicable give the applicant an information notice for the decision.	17 18 19 20
(6)	An accreditation may be renewed by issuing another accreditation to replace it.	21 22
403	Inquiry about application	23
(1)	Before deciding an application under this part for renewal of a person's accreditation, the chief executive may, by notice given to the applicant, require the applicant to give the chief executive, within the reasonable period of at least 30 days stated in the notice, further information or a document the chief executive reasonably requires to decide the application.	24 25 26 27 28 29

[s 404]

-
- | | | |
|-----|---|---|
| (2) | The applicant is taken to have withdrawn the application if, | 1 |
| | within the stated period, the applicant does not comply with | 2 |
| | the requirement. | 3 |
| (3) | A notice under subsection (1) must be given to the applicant | 4 |
| | within 30 days after the chief executive receives the | 5 |
| | application. | 6 |
| (4) | The information or document under subsection (1) must, if the | 7 |
| | notice requires, be verified by statutory declaration. | 8 |

404	Failure to decide application	9
------------	--------------------------------------	----------

- | | | |
|-----|---|----|
| (1) | Subject to subsections (2) and (3), if the chief executive fails | 10 |
| | to decide the application within 30 days after its receipt, the | 11 |
| | failure is taken to be a decision by the chief executive to | 12 |
| | refuse to grant the application. | 13 |
| (2) | Subsection (3) applies if— | 14 |
| | (a) a person has made an application for renewal of the | 15 |
| | person's accreditation; and | 16 |
| | (b) the chief executive has, under section 403(1), required | 17 |
| | the applicant to give the chief executive further | 18 |
| | information or a document. | 19 |
| (3) | The chief executive is taken to have refused to grant the | 20 |
| | application if the chief executive does not decide the | 21 |
| | application within 30 days after the chief executive receives | 22 |
| | the further information or document. | 23 |
| (4) | If the application is taken to be refused under this section, the | 24 |
| | applicant is entitled to be given an information notice by the | 25 |
| | chief executive for the decision. | 26 |

405	Accreditation continues pending decision about renewal	27
------------	---	-----------

- | | | |
|-----|--|----|
| (1) | If an accredited certifier applies for renewal of an | 28 |
| | accreditation under this part, the accreditation is taken to | 29 |
| | continue in force from the day it would, apart from this | 30 |
| | section, have ended until the application is decided or, under | 31 |

[s 408]

-
- | | | |
|-----|---|--------|
| (b) | the representation is made— | 1 |
| | (i) for the sale or movement of the biosecurity matter or thing; or | 2
3 |
| | (ii) to an authorised officer. | 4 |
| | Maximum penalty—1000 penalty units. | 5 |

408	Unauthorised alteration of biosecurity certificate	6
------------	---	---

- | | | |
|--|---|----------------------|
| | A person (the <i>relevant person</i>) must not alter, or allow another person to alter, a biosecurity certificate unless— | 7
8 |
| | (a) the alteration is made under the written authorisation of the accredited certifier who gave the certificate; or | 9
10 |
| | (b) all of the following apply— | 11 |
| | (i) the biosecurity certificate relates to the consignment of animals or other biosecurity matter from 1 place to another; | 12
13
14 |
| | (ii) the alteration is for the purposes of the splitting of the consignment into 2 or more separate consignments; | 15
16
17 |
| | (iii) the relevant person is the holder of an accreditation that allows for the relevant person to split consignments of the type the subject of the biosecurity certificate. | 18
19
20
21 |
| | Maximum penalty—200 penalty units. | 22 |

[s 409]

Part 7	Keeping of accreditation related records	1
		2
409	Keeping of biosecurity certificate by accredited certifier or receiver	3
		4
(1)	An accredited certifier who creates a biosecurity certificate for use by the accredited certifier or another person must keep the original or a true copy of the certificate, together with a record of the details of the use of the certificate as prescribed under a regulation, for the required period for the certificate.	5
		6
		7
		8
		9
	Maximum penalty—200 penalty units.	10
(2)	During the required period for a biosecurity certificate, the accredited certifier who created the certificate must, if asked by an authorised officer or a relevant auditor to produce the certificate for inspection, produce the certificate for the authorised officer's or relevant auditor's inspection, unless the accredited certifier has a reasonable excuse.	11
		12
		13
		14
		15
		16
	Maximum penalty—100 penalty units.	17
(3)	Subsections (4) and (5) apply to a person (the <i>receiver</i>) who receives an acceptable biosecurity certificate for use by the receiver.	18
		19
		20
(4)	The receiver must, during the required period for the certificate, keep the certificate under the receiver's control.	21
		22
	Maximum penalty—200 penalty units.	23
(5)	During the required period for the certificate, the receiver must, if asked by an authorised officer to produce the certificate for inspection, produce the certificate for the authorised officer's inspection, unless the receiver has a reasonable excuse.	24
		25
		26
		27
		28
	Maximum penalty—100 penalty units.	29
(6)	In this section—	30
	<i>relevant auditor</i> , in relation to the production of a biosecurity certificate, means an auditor who is conducting an audit that is	31
		32

-
- authorised under this Act and to which the certificate is relevant. 1
2
- required period*, for a certificate mentioned in this section, 3
means— 4
- (a) if the certificate is created for the purposes of its use in 5
the ICA scheme—the period of 1 year starting when the 6
certificate is created; or 7
- (b) otherwise—the period of 5 years starting when the 8
certificate is created. 9

Chapter 14 Auditors and auditing 10

Part 1 Auditors 11

Division 1 Functions and approval of auditors 12

Subdivision 1 Functions 13

410 Auditor's functions 14

The functions of an auditor are as follows— 15

- (a) to advise the chief executive about the capacity of 16
persons applying to enter into compliance agreements to 17
comply with the agreements; 18
- (b) to conduct audits of the businesses of the other parties to 19
compliance agreements; 20
- (c) to conduct audits of applicants' ICA systems, or 21
proposed ICA systems, relevant to applications for 22
grants of accreditation under chapter 13; 23

[s 411]

- | | | |
|-----|--|-------------|
| (d) | to conduct audits of accredited certifiers' activities as accredited certifiers; | 1
2 |
| (e) | to prepare, under sections 439 to 442, reports of audits conducted by the auditor; | 3
4 |
| (f) | to give the chief executive information requested by the chief executive about audits conducted by the auditor; | 5
6 |
| (g) | any other function prescribed under a regulation about auditing in relation to compliance agreements or accreditation. | 7
8
9 |

Subdivision 2	Approval of inspector or authorised person as auditor	10 11
----------------------	--	----------

411	Application of subdivision limited to authorised officers appointed by chief executive	12 13
------------	---	----------

- | | | |
|-----|--|----------------|
| (1) | This subdivision applies to an inspector only if the inspector was appointed by the chief executive under chapter 9, part 1, division 1. | 14
15
16 |
| (2) | This subdivision applies to an authorised person only if the authorised person was appointed by the chief executive under chapter 9, part 1, division 2. | 17
18
19 |

412	Approval of inspectors as auditors	20
------------	---	----

- | | | |
|-----|--|----------|
| | An inspector is an auditor subject to any conditions, including limitations— | 21
22 |
| (a) | included in the inspector's instrument of appointment as an inspector; or | 23
24 |
| (b) | as advised to the inspector from time to time by the chief executive. | 25
26 |

413	Approval of authorised persons as auditors	1
(1)	An authorised person is an auditor if—	2
(a)	the authorised person's approval as an auditor is provided for in the authorised person's instrument of appointment or in any advice given to the authorised person by the chief executive at any time after appointment; and	3 4 5 6 7
(b)	the chief executive has not withdrawn the approval by advice given to the authorised person.	8 9
(2)	An authorised person's approval as an auditor is subject to any conditions, including limitations—	10 11
(a)	included in the authorised person's instrument of appointment as an authorised person; or	12 13
(b)	as advised to the authorised person from time to time by the chief executive.	14 15
Subdivision 3	Approval as auditor by application	16
414	Application for approval as auditor	17
(1)	An individual may apply to the chief executive for an approval as an auditor.	18 19
(2)	The application must comply with section 428.	20
415	Consideration of application	21
	The chief executive must consider the application and decide to grant, or refuse to grant, the application.	22 23
416	Criteria for granting application	24
	The chief executive may grant the application only if satisfied the applicant—	25 26

[s 417]

- (a) has the necessary expertise or experience to perform the functions of an auditor; and 1 2
- (b) is a suitable person to be an auditor. 3

417 Inquiry about application 4

- (1) Before deciding the application, the chief executive— 5
 - (a) may make inquiries to decide the suitability of the applicant to be an auditor; and 6 7
 - (b) may, by notice given to the applicant, require the applicant to give the chief executive within the reasonable period of at least 30 days stated in the notice, further information or a document the chief executive reasonably requires to decide the application. 8 9 10 11 12
- (2) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with a requirement under subsection (1)(b). 13 14 15
- (3) A notice under subsection (1)(b) must be given to the applicant within 30 days after the chief executive receives the application. 16 17 18
- (4) The information or document under subsection (1)(b) must, if the notice requires, be verified by statutory declaration. 19 20

418 Suitability of person to be an auditor 21

- In deciding whether the applicant is a suitable person to be an auditor, the chief executive may have regard to— 22 23
- (a) whether the applicant has been refused an approval or other authority as an auditor under this Act or a corresponding law; or 24 25 26
 - (b) whether the applicant held an approval or other authority as an auditor under this Act or a corresponding law that was suspended or cancelled; or 27 28 29

-
- (c) another matter the chief executive considers relevant to the person's ability to perform the functions of an auditor. 1
2
3

419 Decision on application 4

- (1) If the chief executive decides to grant the application, the chief executive must issue the approval to the applicant. 5
6
- (2) If the chief executive decides to refuse to grant the application, or to impose conditions on the approval under section 422(1)(b), the chief executive must as soon as practicable give the applicant an information notice for the decision. 7
8
9
10
11

420 Failure to decide application 12

- (1) Subject to subsections (2) and (3), if the chief executive fails to decide the application within 30 days after its receipt, the failure is taken to be a decision by the chief executive to refuse to grant the application. 13
14
15
16
- (2) Subsection (3) applies if— 17
- (a) a person has made an application for an approval; and 18
- (b) the chief executive has, under section 417(1)(b), required the applicant to give the chief executive further information or a document. 19
20
21
- (3) The chief executive is taken to have refused to grant the application if the chief executive does not decide the application within 30 days after the chief executive receives the further information or document. 22
23
24
25
- (4) If the application is taken to be refused under this section, the applicant is entitled to be given an information notice by the chief executive for the decision. 26
27
28

Division 2	Term and conditions of approval	1
421	Term of approval	2
	An approval remains in force, unless sooner cancelled or suspended, for the term of not more than 3 years decided by the chief executive and stated in the approval.	3 4 5
422	Conditions of approval	6
(1)	An auditor's approval is subject to the following conditions—	7
(a)	the auditor must give the chief executive notice of any direct or indirect financial or other interest the auditor has in the following that could conflict with the proper performance of the auditor's functions—	8 9 10 11
(i)	the business of the other party to a compliance agreement;	12 13
(ii)	the business of an accredited certifier who participates in the ICA scheme;	14 15
(b)	other reasonable conditions the chief executive considers appropriate for the proper conduct of an audit and that are stated in the approval or of which the auditor is notified under subsection (3).	16 17 18 19
(2)	A notice under subsection (1)(a) must be given to the chief executive immediately after the auditor becomes aware of the interest.	20 21 22
(3)	A condition may be imposed under subsection (1)(b)—	23
(a)	when the approval is issued or renewed; or	24
(b)	at another time if the chief executive considers it necessary to impose the condition to ensure an audit under this Act is conducted appropriately.	25 26 27
(4)	If the chief executive decides to impose conditions on the approval under subsection (3)(b), the chief executive must as	28 29

soon as practicable give the auditor an information notice for
the decision. 1
2

423 Auditor to comply with conditions of approval 3

- (1) An auditor must not contravene a condition of the auditor's
approval unless the auditor has a reasonable excuse. 4
5
Maximum penalty—100 penalty units. 6
- (2) The penalty under subsection (1) may be imposed whether or
not the approval is suspended or cancelled because of the
contravention. 7
8
9

Division 3 Renewal of approvals 10

424 Application for renewal 11

- (1) An auditor may apply to the chief executive for renewal of the
auditor's approval. 12
13
- (2) The application must— 14
 - (a) be made within 60 days before the term of the approval
ends; and 15
16
 - (b) comply with section 428. 17
- (3) The chief executive must consider the application and decide
to renew, or refuse to renew, the approval. 18
19
- (4) In deciding the application, the chief executive may have
regard to the matters to which the chief executive may have
regard in deciding whether an applicant for an approval is a
suitable person to be an auditor. 20
21
22
23
- (5) If the chief executive decides to refuse to renew the approval,
or to impose conditions on the approval under section
422(1)(b), the chief executive must as soon as practicable give
the auditor an information notice for the decision. 24
25
26
27

[s 425]

(6)	An approval may be renewed by issuing another approval to replace it.	1 2
425	Inquiry about application	3
(1)	Before deciding an application under section 424, the chief executive may, by notice given to the applicant, require the applicant to give the chief executive within the reasonable period of at least 30 days stated in the notice, further information or a document the chief executive reasonably requires to decide the application.	4 5 6 7 8 9
(2)	The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with the requirement.	10 11 12
(3)	A notice under subsection (1) must be given to the applicant within 30 days after the chief executive receives the application.	13 14 15
(4)	The information or document under subsection (1) must, if the notice requires, be verified by statutory declaration.	16 17
426	Failure to decide application	18
(1)	Subject to subsections (2) and (3), if the chief executive fails to decide the application within 30 days after its receipt, the failure is taken to be a decision by the chief executive to refuse to grant the application.	19 20 21 22
(2)	Subsection (3) applies if—	23
(a)	an auditor has made an application for renewal of the auditor's approval; and	24 25
(b)	the chief executive has, under section 425(1), required the auditor to give the chief executive further information or a document.	26 27 28
(3)	The chief executive is taken to have refused to grant the application if the chief executive does not decide the	29 30

[s 427]

application within 30 days after the chief executive receives the further information or document.	1 2
(4) If the application is taken to be refused under this section, the auditor is entitled to be given an information notice by the chief executive for the decision.	3 4 5
427 Approval continues pending decision about renewal	6
(1) If an auditor applies for renewal of an approval under section 424, the approval is taken to continue in force from the day it would, apart from this section, have ended until the application is decided or, under this part, taken to have been decided or is taken to have been withdrawn.	7 8 9 10 11
(2) However, if the chief executive decides to refuse to renew the approval, or is taken to refuse to renew the approval, the approval continues in force until the information notice for the decision is given to the applicant.	12 13 14 15
(3) Subsection (1) does not apply if the approval is earlier suspended or cancelled.	16 17
Division 4 General provisions	18
428 Applications—general	19
(1) This section applies to an application for—	20
(a) an approval as an auditor under section 414; or	21
(b) renewal of an approval under section 424; or	22
(c) an amendment of the conditions of an approval under section 447.	23 24
(2) The application must—	25
(a) be in the approved form; and	26
(b) be accompanied by the fee prescribed under a regulation.	27 28

[s 429]

- (3) The approved form of an application mentioned in subsection 1
(1)(a) must make provision for stating details of the 2
applicant's direct or indirect financial or other interests, if any, 3
in the following that could conflict with the proper 4
performance of an auditor's functions— 5
 - (a) the business of the other party to a compliance 6
agreement; 7
 - (b) the business of an accredited certifier who participates 8
in the ICA scheme. 9

429 Form of approval 10

An approval must— 11

- (a) be in the approved form; and 12
- (b) state the following particulars— 13
 - (i) the auditor's name and contact details; 14
 - (ii) the conditions of the approval imposed under 15
section 422(1)(b); 16
 - (iii) the term of the approval. 17

430 Register 18

- (1) The chief executive must keep a register of auditors. 19
- (2) The register must contain the following particulars for each 20
auditor— 21
 - (a) the auditor's name and contact details; 22
 - (b) the conditions of the approval imposed under section 23
422(1)(b); 24
 - (c) the term of the approval. 25
- (3) The register may be kept in the form, including electronic 26
form, the chief executive considers appropriate. 27
- (4) The chief executive must publish the register on the 28
department's website. 29

Part 2	Auditing	1
Division 1	Preliminary	2
431	Purpose of pt 2	3
	The purpose of this part is to provide for—	4
	(a) auditing of compliance agreements and accreditations; and	5 6
	(b) monitoring the conduct of audits of compliance agreements and accreditations; and	7 8
	(c) reporting the results of audits.	9
Division 2	Auditing for compliance agreements	10 11
432	Audit of applicant's business for entering into compliance agreement	12 13
	(1) This section applies to a person applying to enter into a compliance agreement.	14 15
	(2) The chief executive must audit the applicant's business to ensure that—	16 17
	(a) the applicant has implemented procedures for the applicant's business that provide a way for preventing or managing exposure to all biosecurity risks relating to the biosecurity risk matter for the business; and	18 19 20 21
	(b) the applicant can comply with the requirements of the compliance agreement.	22 23

[s 433]

433	Compliance audits	1
(1)	The other party to a compliance agreement must, unless the other party has a reasonable excuse, have a compliance audit of the other party's business conducted—	2 3 4
(a)	within 6 months after the other party enters into the compliance agreement; and	5 6
(b)	after the first compliance audit mentioned in paragraph (a), at intervals of no more than 6 months.	7 8
	Maximum penalty—100 penalty units.	9
(2)	The chief executive may conduct additional audits of the other party's business if—	10 11
(a)	the chief executive reasonably suspects the business does not conform with the requirements of the compliance agreement; or	12 13 14
(b)	a noncompliance with the compliance agreement was identified at a previous compliance audit.	15 16
434	Check audit	17
	The chief executive may conduct a check audit of the business of the other party to a compliance agreement if the chief executive considers it appropriate to conduct the audit.	18 19 20
435	Nonconformance audit	21
(1)	This section applies if—	22
(a)	the chief executive receives under section 440, in a period of 1 year, at least 3 audit reports in relation to audits of the business of the other party to a particular compliance agreement; and	23 24 25 26
(b)	each report shows the other party has not remedied a particular noncompliance in relation to the business.	27 28

-
- (2) The chief executive may conduct a nonconformance audit of the business. 1
2
- (3) The nonconformance audit may be conducted by an auditor. 3

Division 3 Auditing for accreditation 4

436 Compliance audits 5

- (1) An accredited certifier must, unless the accredited certifier has a reasonable excuse, have a compliance audit of the accredited certifier's activities as an accredited certifier conducted— 6
7
8
- (a) within 6 months after the accredited certifier is granted accreditation; and 9
10
- (b) after the first compliance audit mentioned in paragraph (a), at the intervals required under the accreditation conditions for the accreditation. 11
12
13
- Maximum penalty—100 penalty units. 14
- (2) The chief executive may conduct additional audits of the accredited certifier's activities if— 15
16
- (a) the chief executive reasonably suspects the activities do not comply with the accreditation; or 17
18
- (b) a noncompliance with the accreditation was identified at a previous compliance audit. 19
20

437 Check audit 21

The chief executive may conduct a check audit of the accredited certifier's activities as an accredited certifier if the chief executive considers it appropriate to conduct the audit. 22
23
24

438 Nonconformance audit 25

- (1) This section applies if— 26

[s 439]

- (a) the chief executive receives under section 442, in a period of 1 year, at least 3 audit reports in relation to audits of an accredited certifier's activities as an accredited certifier; and
- (b) each report shows the accredited certifier has not remedied a particular noncompliance in relation to the accredited certifier's activities.
- (2) The chief executive may conduct a nonconformance audit of the accredited certifier's activities.
- (3) The nonconformance audit may be conducted by an auditor.

Part 3 Auditors' reports and responsibilities

Division 1 Compliance agreement reports

439 Report about audit for entering into compliance agreement

- (1) An auditor must, within 14 days after completing an audit of the business of a person applying to enter into a compliance agreement, give a report about the audit to the following unless the auditor has a reasonable excuse—
 - (a) the applicant;
 - (b) the chief executive.Maximum penalty—100 penalty units.
- (2) The report must include all of the following information—
 - (a) the auditor's name;
 - (b) the days the audit started and ended, and the time spent conducting the audit;

[s 440]

-
- | | |
|---|---------------------------|
| (c) the address of, or other information sufficient to identify, the place at which the audit was conducted; | 1
2 |
| (d) details of the activities audited; | 3 |
| (e) whether, in the auditor's opinion, the applicant has or has not implemented procedures for the applicant's business that provide a way for preventing or managing exposure to all biosecurity risks relating to the biosecurity risk matter for the business; | 4
5
6
7
8 |
| (f) the reasons that the auditor considers the applicant has or has not implemented procedures for the applicant's business that provide a way for preventing or managing exposure to all biosecurity risks relating to the biosecurity risk matter for the business; | 9
10
11
12
13 |
| (g) whether, in the auditor's opinion, the applicant has or does not have the capacity to comply with the requirements of the compliance agreement; | 14
15
16 |
| (h) the reasons that the auditor considers the applicant has or does not have the capacity to comply with the requirements of the compliance agreement; | 17
18
19 |
| (i) other information prescribed under a regulation. | 20 |

440	Report about audit for compliance or nonconformance audit	21 22
------------	--	----------

- | | |
|--|----------------------------|
| (1) An auditor must, within 14 days after completing a compliance or nonconformance audit of the business of the other party to a compliance agreement, give a report about the audit to the following unless the auditor has a reasonable excuse— | 23
24
25
26
27 |
| (a) the other party; | 28 |
| (b) the chief executive. | 29 |
| Maximum penalty—100 penalty units. | 30 |
| (2) The report must include all of the following information— | 31 |
| (a) the auditor's name; | 32 |

[s 441]

-
- | | |
|--|----------------|
| (b) the days the audit started and ended, and the time spent conducting the audit; | 1
2 |
| (c) the address of, or other information sufficient to identify, the place at which the audit was conducted; | 3
4 |
| (d) details of the activities audited; | 5 |
| (e) whether, in the auditor's opinion, the business complies or does not comply with the compliance agreement; | 6
7 |
| (f) the reasons that the auditor considers the activities comply or do not comply with the compliance agreement; | 8
9
10 |
| (g) if the activities do not comply with the compliance agreement—details of action taken, or proposed to be taken, to remedy the noncompliance; | 11
12
13 |
| (h) whether, in the auditor's opinion— | 14 |
| (i) an auditor needs to conduct a nonconformance audit of the business in relation to any noncompliance identified in the audit; or | 15
16
17 |
| (ii) the frequency of compliance audits for the business should be changed, and if so, the reasons that the auditor considers the frequency should be changed; | 18
19
20 |
| (i) other information prescribed under a regulation. | 21 |

Division 2 Accreditation reports 22

441 Report about audit for grant of accreditation 23

- | | |
|--|----------------------------|
| (1) An auditor must, within 14 days after completing an audit of the applicant's ICA systems, or proposed ICA systems, relevant to an application for a grant of accreditation, give a report about the audit to the following unless the auditor has a reasonable excuse— | 24
25
26
27
28 |
| (a) the applicant; | 29 |
| (b) the chief executive. | 30 |

[s 442]

Maximum penalty—100 penalty units.	1
(2) The report must include all of the following information—	2
(a) the auditor's name;	3
(b) the days the audit started and ended, and the time spent conducting the audit;	4 5
(c) the address of, or other information sufficient to identify, the place at which the audit was conducted;	6 7
(d) details of the applicant's ICA systems, or proposed ICA systems, audited;	8 9
(e) whether, in the auditor's opinion, each ICA system or proposed ICA system satisfies the requirements of any operational procedure to which the system is directed;	10 11 12
(f) the reasons that the auditor considers each ICA system or proposed ICA system satisfies or does not satisfy the requirements of any operational procedure to which the system is directed;	13 14 15 16
(g) other information prescribed under a regulation.	17
 442 Report about audit for compliance or nonconformance audit	 18 19
(1) An auditor must, within 14 days after completing a compliance or nonconformance audit of an accredited certifier's activities as an accredited certifier, give a report about the audit to the following unless the auditor has a reasonable excuse—	20 21 22 23 24
(a) the accredited certifier;	25
(b) the chief executive.	26
Maximum penalty—100 penalty units.	27
(2) The report must include all of the following information—	28
(a) the auditor's name;	29

[s 442]

- | | | |
|-----|---|----------------------|
| (b) | the days the audit started and ended, and the time spent conducting the audit; | 1
2 |
| (c) | the address of, or other information sufficient to identify, the place at which the audit was conducted; | 3
4 |
| (d) | details of the activities audited; | 5 |
| (e) | whether, in the auditor's opinion, the activities comply or do not comply with the accreditation; | 6
7 |
| (f) | the reasons that the auditor considers the activities comply or do not comply with the accreditation; | 8
9 |
| (g) | if the activities do not comply with the accreditation—details of action taken, or proposed to be taken, to remedy the noncompliance; | 10
11
12 |
| (h) | if the accredited certifier participates in the ICA scheme— | 13
14 |
| | (i) whether, in the auditor's opinion, each of the accredited certifier's ICA systems satisfies the requirements of any operational procedure to which the system is directed; and | 15
16
17
18 |
| | (ii) the reasons that the auditor considers each of the accredited certifier's ICA systems satisfies or does not satisfy the requirements of any operational procedure to which the system is directed; | 19
20
21
22 |
| (i) | whether, in the auditor's opinion— | 23 |
| | (i) an auditor needs to conduct a nonconformance audit of the activities in relation to any noncompliance identified in the audit; or | 24
25
26 |
| | (ii) the frequency of compliance audits for the activities should be changed, and if so, the reasons that the auditor considers the frequency should be changed; | 27
28
29
30 |
| (j) | other information prescribed under a regulation. | 31 |

Division 3	Responsibilities	1
443	Auditor's responsibility to inform chief executive	2
(1)	This section applies if, in conducting a compliance or nonconformance audit of the business of the other party to a compliance agreement or of an accredited certifier's activities as an accredited certifier, an auditor forms a reasonable belief that—	3 4 5 6 7
(a)	a person has contravened, or is contravening, this Act; and	8 9
(b)	the contravention poses an imminent and serious biosecurity risk.	10 11
(2)	The auditor must give details of the facts and circumstances giving rise to the belief to the chief executive.	12 13
(3)	The auditor must give the details to the chief executive as soon as practicable, and in any case not more than 24 hours, after forming the belief.	14 15 16
	Maximum penalty—500 penalty units.	17
(4)	If the auditor complies with subsection (3) by giving the chief executive the details orally, the auditor must, within 24 hours after giving the details orally, give the chief executive notice of the details.	18 19 20 21
	Maximum penalty—500 penalty units.	22
Part 4	Offences	23
444	Obstructing auditor	24
(1)	A person must not obstruct an auditor in the conduct of an audit, unless the person has a reasonable excuse.	25 26
	Maximum penalty—100 penalty units.	27

(2)	If a person has obstructed an auditor and the auditor decides to proceed with the conduct of the audit, the auditor must warn the person that—	1 2 3
(a)	it is an offence to obstruct the auditor unless the person has a reasonable excuse; and	4 5
(b)	the auditor considers the person’s conduct an obstruction.	6 7
445	Impersonating auditor	8
	A person must not pretend to be an auditor.	9
	Maximum penalty—100 penalty units.	10
Chapter 15	Common amendment, suspension and cancellation provisions for particular authorities	11 12 13 14
Part 1	Interpretation	15
446	Definitions	16
	In this chapter—	17
	<i>beekeeper registration</i> means a biosecurity entity’s registration under chapter 6, part 2 for the keeping of bees.	18 19
	<i>relevant authority</i> means—	20
(a)	a prohibited matter permit; or	21
(b)	a restricted matter permit; or	22
(c)	an accreditation; or	23

- | | | |
|--|-------------------------------|---|
| | (d) an auditor's approval; or | 1 |
| | (e) a beekeeper registration. | 2 |

Part 2	Amending conditions of relevant authority on application	3 4 5
---------------	---	-------------

- | | | |
|------------|--|----------------------|
| 447 | Application by holder of relevant authority to amend
conditions | 6
7 |
| | (1) The holder of a relevant authority may apply to the chief
executive to amend the conditions of the authority. | 8
9 |
| | (2) The application must— | 10 |
| | (a) be in the approved form; and | 11 |
| | (b) be accompanied by the fee prescribed under a
regulation. | 12
13 |
| | (3) However, if the relevant authority is a prohibited matter or
restricted matter permit, the chief executive may waive
payment of the fee if the chief executive is satisfied of the
matters mentioned in section 201(6)(a) to (c). | 14
15
16
17 |
| | (4) The chief executive must consider the application and decide
to amend, or refuse to amend, the conditions of the authority. | 18
19 |
| | (5) If the chief executive decides to refuse to amend the
conditions of the authority, the chief executive must as soon
as practicable give the applicant an information notice for the
decision. | 20
21
22
23 |
| | (6) If the chief executive decides to amend the conditions of the
authority, the chief executive must as soon as practicable
issue to the applicant another relevant authority showing the
amendment. | 24
25
26
27 |

- 448 Inquiry about application** 1
- (1) Before deciding the application, the chief executive may, by 2
notice given to the applicant, require the applicant to give the 3
chief executive within the reasonable period of at least 30 4
days stated in the notice, further information or a document 5
the chief executive reasonably requires to decide the 6
application. 7
- (2) The applicant is taken to have withdrawn the application if, 8
within the stated period, the applicant does not comply with 9
the requirement. 10
- (3) A notice under subsection (1) must be given to the applicant 11
within 30 days after the chief executive receives the 12
application. 13
- (4) The information or document under subsection (1) must, if the 14
notice requires, be verified by statutory declaration. 15
- 449 Failure to decide application** 16
- (1) Subject to subsections (2) and (3), if the chief executive fails 17
to decide the application within 30 days after its receipt, the 18
failure is taken to be a decision by the chief executive to 19
refuse to amend the relevant authority. 20
- (2) Subsection (3) applies if— 21
- (a) the holder of a relevant authority has made an 22
application to amend the conditions of the authority; and 23
- (b) the chief executive has, under this part, required the 24
applicant to give the chief executive further information 25
or a document. 26
- (3) The chief executive is taken to have refused to amend the 27
authority if the chief executive does not decide the application 28
within 30 days after the chief executive receives the further 29
information or document verified, if required, by statutory 30
declaration. 31

- | | | |
|--|---|---|
| | (4) If the application is taken to be refused under this section, the | 1 |
| | applicant is entitled to be given an information notice by the | 2 |
| | chief executive for the decision. | 3 |

Part 3	Cancellation, suspension and	4
	amendment by chief executive	5

450	Cancellation and suspension—grounds	6
------------	--	---

- | | | |
|--|--|----|
| | (1) Each of the following is a ground for cancelling or suspending | 7 |
| | a relevant authority— | 8 |
| | (a) the authority was obtained by materially incorrect or | 9 |
| | misleading information or documents or by a mistake; | 10 |
| | (b) the holder of the authority has not paid a fee or other | 11 |
| | amount payable to the chief executive in relation to the | 12 |
| | authority; | 13 |
| | (c) the holder of the authority has contravened a condition | 14 |
| | of the authority, whether the condition is included in the | 15 |
| | authority or is otherwise imposed under this Act; | 16 |
| | (d) the holder of the authority has committed— | 17 |
| | (i) if the authority is a prohibited matter or restricted | 18 |
| | matter permit—a relevant biosecurity offence; or | 19 |
| | (ii) if the authority is an accreditation—a relevant | 20 |
| | accreditation offence; or | 21 |
| | (iii) if the authority is a beekeeper registration—an | 22 |
| | offence against this Act; | 23 |
| | (e) if the authority is a prohibited matter or restricted matter | 24 |
| | permit or an accreditation—the chief executive becomes | 25 |
| | aware that the holder of the authority held a similar | 26 |
| | authority, however called, in another jurisdiction within | 27 |
| | the last 2 years and that authority was cancelled; | 28 |

	(f) if the authority is an auditor's approval—	1
	(i) the auditor is not, or is no longer, a suitable person to be an auditor; or	2 3
	(ii) the auditor does not have the necessary expertise or experience to perform the auditor's functions; or	4 5
	(iii) the audits conducted by the auditor have not been conducted honestly, fairly or diligently.	6 7
(2)	For forming a belief that the ground mentioned in subsection (1)(f)(i) exists, the chief executive may have regard to the matters to which the chief executive may have regard in deciding whether the person is a suitable person to be an auditor.	8 9 10 11 12
(3)	In this section—	13
	<i>holder</i> , of a relevant authority that is a prohibited matter or restricted matter permit or an accreditation, includes, if the holder is a corporation, a related entity of the holder under the Corporations Act, section 9.	14 15 16 17
451	Amendment of relevant authority	18
	If the chief executive believes a relevant authority should be amended, the chief executive may amend the authority under this part.	19 20 21
452	Cancellation, suspension or amendment by chief executive—show cause notice	22 23
(1)	If the chief executive believes a ground exists to cancel or suspend a relevant authority (the <i>proposed action</i>), or if the chief executive proposes to amend a relevant authority (also the <i>proposed action</i>), the chief executive must give the holder of the authority notice under this section (a <i>show cause notice</i>).	24 25 26 27 28 29
(2)	The show cause notice must state each of the following—	30
	(a) the proposed action;	31

(b)	the ground for the proposed action;	1
(c)	an outline of the facts and circumstances forming the basis for the ground;	2 3
(d)	if the proposed action is to suspend the authority—the proposed suspension period;	4 5
(e)	if the proposed action is to amend the authority—the proposed amendment;	6 7
(f)	that the holder may, within a stated period (the <i>show cause period</i>), make written representations to the chief executive to show why the proposed action should not be taken.	8 9 10 11
(3)	The show cause period must end at least 28 days after the holder is given the show cause notice.	12 13
453	Representations about show cause notice	14
(1)	The holder of the relevant authority may make written representations about the show cause notice to the chief executive in the show cause period.	15 16 17
(2)	The chief executive must consider all representations (the <i>accepted representations</i>) made under subsection (1).	18 19
454	Ending show cause process without further action	20
	If, after considering the accepted representations, the chief executive no longer believes a ground exists to take the proposed action, the chief executive—	21 22 23
(a)	must take no further action about the show cause notice; and	24 25
(b)	must give the holder of the relevant authority notice that no further action is to be taken about the show cause notice.	26 27 28

455	Cancellation, suspension or amendment	1
(1)	This section applies if—	2
(a)	there are no accepted representations for the show cause notice; or	3 4
(b)	after considering the accepted representations for the show cause notice, the chief executive—	5 6
(i)	still believes a ground exists to cancel, suspend or amend the relevant authority; and	7 8
(ii)	believes a cancellation, suspension or amendment of the relevant authority is warranted.	9 10
(2)	The chief executive may—	11
(a)	if the proposed action was to cancel the authority—cancel the authority, suspend the authority for a period or amend the authority; or	12 13 14
(b)	if the proposed action was to suspend the authority—suspend the authority for no longer than the proposed suspension period or amend the authority; or	15 16 17
(c)	if the proposed action was to amend the authority—amend the authority.	18 19
(3)	If the chief executive acts under subsection (2), the chief executive must as soon as practicable give an information notice for the decision to the holder of the relevant authority.	20 21 22
(4)	The decision takes effect on the later of the following—	23
(a)	the day the information notice is given to the holder;	24
(b)	the day stated in the information notice for that purpose.	25
456	Immediate suspension of relevant authority	26
(1)	The chief executive may suspend a relevant authority immediately if the chief executive believes—	27 28
(a)	a ground exists to cancel or suspend the authority; and	29

- (b) it is necessary to suspend the authority immediately because of a relevant reason. 1
2
- (2) The suspension— 3
 - (a) can be effected only by the chief executive giving an information notice for the decision to the holder, together with a show cause notice; and 4
5
6
 - (b) operates immediately the notices are given to the holder; and 7
8
 - (c) continues to operate until the earliest of the following happens— 9
10
 - (i) the chief executive cancels the remaining period of suspension; 11
12
 - (ii) the show cause notice is finally dealt with; 13
 - (iii) 56 days have passed since the notices were given to the holder. 14
15
- (3) Subsection (4) applies if— 16
 - (a) a suspension under this section stops because— 17
 - (i) the chief executive cancels the remaining period of suspension; or 18
19
 - (ii) the show cause notice is finally dealt with by a decision being made not to cancel or suspend the relevant authority; or 20
21
22
 - (iii) 56 days have passed since the notices mentioned in subsection (2)(a) were given to the holder; and 23
24
 - (b) the holder has returned the relevant authority to the chief executive as required under this part. 25
26
- (4) The chief executive must as soon as practicable give the relevant authority to the holder. 27
28
- (5) In this section— 29

relevant reason means— 30

- (a) for a prohibited matter or restricted matter permit—there would be an immediate and serious risk to public health or safety if the holder of the permit were to continue to deal with prohibited matter or restricted matter; or
- (b) for an accreditation—there would be—
- (i) an immediate and serious risk to public health or safety if the holder of the accreditation were to continue to give biosecurity certificates; or
- (ii) an immediate and serious risk to the trade in a particular commodity if the holder of the accreditation were to continue to give biosecurity certificates; or
- (c) for an auditor’s approval—there would be an immediate and serious risk to public health or safety if the holder of the approval were to continue to conduct audits; or
- (d) for a beekeeper registration—there would be an immediate and serious risk to public health and safety if the holder of the registration were to continue to keep bees.

Part 4 Miscellaneous 21

457	Amendment of relevant authority without show cause notice	22 23
-----	--	----------

- (1) The procedures otherwise required to be followed under this chapter for the amendment of a relevant authority are not required to be followed if—
- (a) the chief executive proposes to amend the relevant authority only—
- (i) for a formal or clerical reason; or

	(ii) in another way that does not adversely affect the interests of the holder of the authority; or	1 2
	(b) the holder of the relevant authority asks the chief executive to amend the authority other than by formal application under part 2 and the chief executive proposes to give effect to the request.	3 4 5 6
	(2) The chief executive may amend the relevant authority by notice given to the holder.	7 8
458	Cancellation of relevant authority without show cause notice	9 10
	(1) The procedures otherwise required to be followed under this chapter for the cancellation of a relevant authority are not required to be followed if the holder of the relevant authority asks the chief executive to cancel the authority and the chief executive proposes to give effect to the request.	11 12 13 14 15
	(2) The chief executive may cancel the relevant authority by notice given to the holder.	16 17
459	Return of cancelled, suspended or amended relevant authority	18 19
	(1) This section applies if the chief executive cancels, suspends or amends a relevant authority under this chapter.	20 21
	(2) The chief executive may, by notice given to the holder of the authority, require the holder to return the document evidencing the authority to the chief executive within 14 days, or a later stated time.	22 23 24 25
	(3) The holder must comply with the notice, unless the holder has a reasonable excuse for not complying with it.	26 27
	Maximum penalty—40 penalty units.	28
	(4) If the document for a suspended relevant authority has been returned to the chief executive, the chief executive must	29 30

[s 460]

- return the document to the holder of the relevant authority at
the end of the suspension period. 1
2
- (5) If the document for an amended relevant authority has been 3
returned to the chief executive, the chief executive must 4
return the document to the holder of the relevant authority 5
after amending it. 6
- (6) However, the amendment of a relevant authority does not 7
depend on the document for the authority being returned to 8
the chief executive by the holder of the authority or by the 9
chief executive to the holder of the authority. 10
- (7) The chief executive is not required to return the document for 11
a relevant authority that is cancelled. 12

Chapter 16 Invasive animal barrier 13
fencing 14

Part 1 The barrier fence board 15

Division 1 Establishment 16

460 Establishment of barrier fence board 17
The Invasive Animals Barrier Fence Board is established. 18

461 Legal status 19
(1) The barrier fence board— 20
 (a) is a body corporate; and 21
 (b) has a seal; and 22
 (c) may sue and be sued in its corporate name. 23

(2)	The barrier fence board represents the State.	1
(3)	Without limiting subsection (2), the barrier fence board has all the privileges and immunities of the State.	2 3
462	Application of other Acts	4
(1)	The barrier fence board is a statutory body under—	5
(a)	the <i>Financial Accountability Act 2009</i> ; and	6
(b)	the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	7
(2)	The <i>Statutory Bodies Financial Arrangements Act 1982</i> , part 2B sets out the way in which the barrier fence board’s powers under this Act are affected by that Act.	8 9 10
463	Board’s function	11
(1)	The barrier fence board’s function is to keep the barrier fence in good order, and to ensure it is maintained as an effective barrier against, depending on its form of construction in any particular place—	12 13 14 15
(a)	dingoes and dogs, other than domestic dogs; or	16
(b)	European rabbits, whether domestic or wild breeds.	17
(2)	Without limiting subsection (1), the barrier fence board’s function includes—	18 19
(a)	regularly inspecting the barrier fence; and	20
(b)	repairing the barrier fence; and	21
(c)	replacing damaged sections of the fence that can not be repaired; and	22 23
(d)	clearing obstructions from on or near the barrier fence to ensure the fence’s integrity as a barrier.	24 25

[s 464]

464	Board's powers	1
(1)	The barrier fence board has the powers of an individual and may for example do any of the following—	2
(a)	enter into contracts;	3
(b)	acquire, hold, deal with and dispose of property;	4
(c)	appoint and act through agents and attorneys;	5
(d)	charge, and fix terms, for goods, services and information it supplies;	6
(e)	employ staff and engage consultants;	7
(f)	do anything else necessary or convenient to be done in performing its function.	8
(2)	Without limiting subsection (1), the barrier fence board has the powers given to it under this Act.	9
465	Minister may give direction to board	10
(1)	The Minister may give the barrier fence board a written direction about the performance of the board's function or the exercise of its powers if satisfied it is necessary to give the direction in the public interest.	11
(2)	The board must comply with the direction.	12
(3)	Before giving the direction, the Minister must consult with the board.	13
(4)	The Minister must gazette a copy of the direction within 21 days after the direction is given.	14
Division 2	Board directors	15
466	Control of board	16
	The directors of the barrier fence board control the board.	17

467	Role of directors	1
(1)	The directors of the barrier fence board are responsible for the way the board performs its function and exercises its powers.	2 3
(2)	Without limiting subsection (1), it is the role of the directors of the barrier fence board to ensure the board performs its function in an appropriate, effective and efficient way.	4 5 6
468	Number and appointment	7
	The barrier fence board has 7 directors, made up of the chairperson and 6 other directors.	8 9
469	Chairperson	10
(1)	The director who is also the chairperson of the barrier fence board is the person appointed by the Minister as the chairperson of the board.	11 12 13
(2)	A person is not qualified to be the chairperson of the barrier fence board if the person is—	14 15
(a)	a councillor, including the mayor, of a local government; or	16 17
(b)	a member of the Legislative Assembly; or	18
(c)	employed by the State or a local government.	19
(3)	Before appointing a person as chairperson of the barrier fence board, the Minister must consult with each entity the Minister reasonably considers has, either directly or through its members, an interest in the maintenance of the barrier fence and the operation of the barrier fence board.	20 21 22 23 24
	<i>Examples of entities the Minister might consult—</i>	25
	Local Government Association of Queensland, AgForce, Queensland Farmers Federation	26 27
470	Nominating local government groups	28
(1)	There are 3 nominating groups of local governments.	29

[s 471]

- (2) The first group is the group of local governments, generally in the western area of the State, and prescribed under a regulation, whose local government areas benefit from, or include, any part of the barrier fence (the *western nominating group of local governments*). 1
2
3
4
5
- (3) The second group is the group of local governments, generally in the central area of the State, and prescribed under a regulation, whose local government areas benefit from, or include, any part of the barrier fence (the *central nominating group of local governments*). 6
7
8
9
10
- (4) The third group is the group of local governments, generally in the southern area of the State, and prescribed under a regulation, whose local government areas benefit from, or include, any part of the barrier fence (the *southern nominating group of local governments*). 11
12
13
14
15

471 Appointment of directors other than chairperson 16

- (1) This section states the requirements for the appointment of the directors of the barrier fence board other than the chairperson. 17
18
- (2) One director is the person appointed by the Minister on the nomination of the western nominating group of local governments. 19
20
21
- (3) One director is the person appointed by the Minister on the nomination of the central nominating group of local governments. 22
23
24
- (4) One director is the person appointed by the Minister on the nomination of the southern nominating group of local governments. 25
26
27
- (5) One director is a person who— 28
 - (a) is appointed by the Minister on the nomination of the chief executive; and 29
30
 - (b) is a person employed by the State. 31
- (6) Two directors are persons who— 32

[s 472]

-
- (a) are appointed by the Minister on the basis that they have, in the opinion of the Minister, the necessary experience or expertise to be directors of the board; and
 - (b) are not, in either case—
 - (i) a councillor, including the mayor, of a local government; or
 - (ii) a member of the Legislative Assembly; or
 - (iii) employed by the State or a local government.
 - (7) It is a further requirement that 2 of the directors, not including the chairperson or the director mentioned in subsection (5), have substantial involvement in a primary production enterprise.
 - (8) In this section—
 - primary production enterprise* means a business—
 - (a) that involves primary production, including any of the agricultural, apicultural, aquacultural, commercial wild-catch fishing, forestry, grazing and horticultural industries; and
 - (b) for which an entity holds an Australian Business Number.

472 Qualifications for directorship

A person is not qualified to be, or to continue as, a director of the barrier fence board if the person—

- (a) is an insolvent under administration within the meaning of the Corporations Act, section 9; or
 - (b) is, or has been, convicted of—
 - (i) an indictable offence, whether on indictment or summarily; or
 - (ii) an offence against this Act.

[s 473]

473	Term of appointment	1
(1)	Subject to subsections (2) and (3), a director of the barrier fence board is appointed for the term, of no more than 3 years, stated in the director's instrument of appointment.	2 3 4
(2)	The director continues holding office after the director's term of office ends until the director's successor is appointed.	5 6
(3)	If a person is appointed to fill a casual vacancy in the office of a director, the person is appointed only for the remainder of the director's term of office.	7 8 9
474	Termination of appointment	10
	The Minister may remove a person from office as a director of the barrier fence board if—	11 12
(a)	the director ceases to be qualified to be a director or is absent from 3 consecutive meetings of the board without the board's leave and without reasonable excuse; or	13 14 15
(b)	the Minister is satisfied the director—	16
(i)	is incapable of performing the duties of a director because of physical or mental incapacity; or	17 18
(ii)	performed the director's duties carelessly, incompetently or inefficiently; or	19 20
(iii)	has committed misconduct of a kind that could justify dismissal from the public service if the director were a public service officer.	21 22 23
475	Vacation of office	24
	The office of a director of the barrier fence board becomes vacant if the director—	25 26
(a)	dies; or	27
(b)	resigns by signed notice of resignation given to the board; or	28 29
(c)	is removed from office under this part.	30

476 Disclosure of interests

- (1) This section applies to a director of the barrier fence board if—
- (a) the director has a direct or indirect financial or personal interest in a matter being considered, or about to be considered, by the board; and
 - (b) the interest could conflict with the proper performance of the director's duties about the consideration of the matter.
- (2) As soon as practicable after the relevant facts come to the director's knowledge, the director must disclose the nature of the interest to a meeting of the barrier fence board.
- Maximum penalty—20 penalty units.
- (3) The disclosure must be recorded in the board's minutes.
- (4) Unless the board otherwise decides, the director must not—
- (a) be present when the board considers the matter; or
 - (b) take part in a decision of the board on the matter.
- Maximum penalty—20 penalty units.
- (5) The director must not be present when the board is considering its decision under subsection (4).
- Maximum penalty—20 penalty units.
- (6) Another director who also has a direct or indirect financial or personal interest in the matter must not—
- (a) be present when the board is considering its decision under subsection (4); or
 - (b) take part in making the decision.
- Maximum penalty—20 penalty units.
- (7) In this section—
- financial or personal interest*, for a person nominated by an entity for appointment as a director, does not include an

[s 477]

interest the person has in common with members of the entity represented by the person.	1 2
477 Director to act in board's interest	3
A director of the barrier fence board must act in the best interests of the board.	4 5
Division 3 Business and meetings	6
478 Conduct of business	7
Subject to this division, the barrier fence board may conduct its business, including its meetings, in the way it considers appropriate.	8 9 10
479 Times and places of meetings	11
(1) The barrier fence board must hold—	12
(a) its first meeting at the time and place decided by the chief executive; and	13 14
(b) at least 1 meeting a year.	15
(2) The barrier fence board's chairperson—	16
(a) may call a board meeting at any time; and	17
(b) must call a meeting if asked by at least one-half of the directors comprising the board or, if the number is not a whole number, the next highest whole number of directors.	18 19 20 21
480 Quorum	22
A quorum for the barrier fence board is the number of directors equal to one-half of the number of directors of the board plus 1 or, if the number is not a whole number, the next highest whole number.	23 24 25 26

481	Presiding at meetings	1
(1)	The chairperson of the barrier fence board must preside at all meetings at which the chairperson is present.	2 3
(2)	If the chairperson is absent, the director chosen by the directors present must preside.	4 5
482	Conduct of meetings	6
(1)	A question at a barrier fence board meeting is decided by a majority of the votes of the directors of the board present and voting.	7 8 9
(2)	Each director present has a vote on each question to be decided and, if the votes are equal, the chairperson has a casting vote.	10 11 12
(3)	A director present at the meeting who abstains from voting is taken to have voted for the negative.	13 14
(4)	The barrier fence board may allow its directors to take part in its meetings by using any technology that reasonably allows directors to hear and take part in discussions as they happen.	15 16 17
	<i>Example of use of technology—</i>	18
	teleconferencing	19
(5)	A director who takes part in a barrier fence board meeting under subsection (4) is taken to be present at the meeting.	20 21
(6)	A resolution is validly made by the barrier fence board, even if it is not passed at a board meeting, if—	22 23
(a)	a majority of the board's directors gives written agreement to the resolution; and	24 25
(b)	notice of the resolution is given under procedures approved by the board.	26 27
483	Minutes	28
	The barrier fence board must keep—	29

[s 484]

- (a) minutes of its proceedings; and 1
- (b) a record of its resolutions. 2

484 Fees and allowances 3

A director of the barrier fence board is entitled to be paid the fees and allowances approved by the Minister. 4
5

Division 4 Financial matters 6

485 Estimate of board's operational costs 7

- (1) The barrier fence board must, for each financial year, prepare and give to the Minister a written estimate of its operational costs for the year. 8
9
10
- (2) The estimate must be given to the Minister 2 months before the start of the financial year to which the estimate relates. 11
12
- (3) The estimate must be accompanied by a written statement stating— 13
14
 - (a) details, including a works program, for the items to which the costs relate; and 15
16
 - (b) an amount for each item. 17

486 Approval for carrying out board's operations 18

- (1) The barrier fence board may carry out a works program or do other things involving expenditure by it in a financial year only if the works or other things have been approved by the Minister for the financial year. 19
20
21
22
- Example of other things—* 23
 - acquisition of land, machinery, equipment or materials 24
- (2) In deciding whether to approve the works program or other things, the Minister must have regard to— 25
26

[s 487]

-
- | | | |
|--|---|--------|
| | (a) the board's function; and | 1 |
| | (b) the expenditure involved in carrying out the works program or doing the other things. | 2
3 |

Division 5	Board employees	4
-------------------	------------------------	---

487	Board may employ or engage persons	5
------------	---	---

- | | | |
|--|--|---------------|
| | (1) The barrier fence board may employ, or otherwise engage the services of, persons (each a <i>board employee</i>) to help the board perform its function. | 6
7
8 |
| | (2) The board may employ or engage a person only if the board is satisfied the person has the necessary experience or expertise for the purpose for which the person is employed or engaged. | 9
10
11 |

488	Powers of board employees generally	12
------------	--	----

- | | | |
|--|---|----------------|
| | (1) A board employee has the powers given to the person by delegation from the barrier fence board. | 13
14 |
| | (2) In exercising the powers, the board employee is subject to the directions of the barrier fence board. | 15
16 |
| | (3) However, powers that a board employee may be permitted to exercise in relation to a person must be limited to— | 17
18 |
| | (a) entry on the person's land to perform work for the barrier fence board necessary for the proper maintenance of the barrier fence; and | 19
20
21 |
| | (b) properly maintaining a section of the barrier fence located on the person's land; and | 22
23 |
| | (c) giving the person a notice to remedy damage to the barrier fence for which the person is responsible. | 24
25 |

[s 489]

489	Issue of identity card	1
(1)	The barrier fence board must issue an identity card to each board employee.	2 3
(2)	The identity card must—	4
(a)	contain a recent photo of the board employee; and	5
(b)	contain a copy of the board employee's signature; and	6
(c)	identify the board employee as a board employee under this Act; and	7 8
(d)	state an expiry date for the card.	9
(3)	This section does not prevent the issue of a single identity card to a person for this Act and other purposes.	10 11
490	Production or display of identity card	12
(1)	In exercising a power of the barrier fence board in relation to a person in the person's presence, a board employee must—	13 14
(a)	produce the board employee's identity card for the person's inspection before exercising the power; or	15 16
(b)	have the identity card displayed so it is clearly visible to the person when exercising the power.	17 18
(2)	However, if it is not practicable to comply with subsection (1), the board employee must produce the identity card for the person's inspection at the first reasonable opportunity.	19 20 21
491	Return of identity card	22
	If the employment of a person as a board employee ends, the person must return the person's identity card to the chief executive within 21 days after the employment ends unless the person has a reasonable excuse.	23 24 25 26
	Maximum penalty—20 penalty units.	27

492	Incidental entry to ask for access	1
	For the purpose of asking the occupier of a place for consent to enter the place on behalf of the barrier fence board, a board employee may—	2
		3
		4
	(a) enter land around premises at the place to an extent that is reasonable to contact the occupier; or	5
		6
	(b) enter part of the place the board employee reasonably considers members of the public ordinarily are allowed to enter when they wish to contact an occupier of the place.	7
		8
		9
		10
493	Matters board employee must tell occupier	11
	Before asking the occupier of a place for consent to enter a place on behalf of the barrier fence board, a board employee must give a reasonable explanation to the occupier—	12
		13
		14
	(a) about the purpose of the entry, including the powers of the board intended to be exercised; and	15
		16
	(b) that the occupier is not required to consent; and	17
	(c) that the consent may be given subject to conditions and may be withdrawn at any time.	18
		19
494	Obstructing board employee	20
	(1) A person must not obstruct a board employee, or someone helping a board employee, exercising a power under this Act unless the person has a reasonable excuse.	21
		22
		23
	Maximum penalty—100 penalty units.	24
	(2) If a person has obstructed a board employee, or someone helping a board employee, and the board employee decides to proceed with the exercise of the power, the board employee must warn the person that—	25
		26
		27
		28
	(a) it is an offence to cause an obstruction unless the person has a reasonable excuse; and	29
		30

[s 495]

(b)	the board employee considers the person's conduct an obstruction.	1 2
495	Impersonating board employee	3
	A person must not impersonate a board employee.	4
	Maximum penalty—100 penalty units.	5
Division 6	Miscellaneous	6
496	Delegation	7
(1)	The barrier fence board may delegate its function to an appropriately qualified person.	8 9
(2)	In this section—	10
	<i>appropriately qualified</i> includes having the qualifications, experience or standing appropriate for the function.	11 12
	<i>function</i> includes powers.	13
497	Annual report	14
(1)	As soon as practicable after the end of each financial year, the barrier fence board must prepare and give to the Minister a written report about the board's operation during the year.	15 16 17
(2)	As soon as practicable after receiving the report, the Minister must table a copy of it in the Legislative Assembly.	18 19

Part 2	The barrier fence	1
Division 1	Identification	2
498	Identification of the barrier fence	3
(1)	The Invasive Animals Barrier Fence is made up of the sections of fencing built along the declared building lines.	4 5
(2)	The chief executive may create new versions of the relevant maps to more accurately show the location of the barrier fence or of any adjustment of the fence as agreed between the barrier fence board and the chief executive.	6 7 8 9
(3)	The relevant maps may, without charge, be accessed electronically, or inspected at the department's head office during business hours.	10 11 12
(4)	In this section—	13
	<i>declared building lines</i> means the following lines—	14
(a)	the lines, representing approximately 2500km of fencing, shown on the relevant maps as 'wild dog barrier fence';	15 16 17
(b)	the line, representing approximately 555km of fencing, shown on the relevant maps as 'rabbit fence'.	18 19
	<i>relevant maps</i> means the maps named as DF01 and DF02 held by the department.	20 21
Division 2	Maintaining the barrier fence	22
499	Building gates and grids in barrier fence	23
(1)	This section applies if the barrier fence—	24
(a)	intersects the land of a person; and	25

[s 500]

- (b) unreasonably hinders movement by a person or by designated animals from a part of the land to another part. 1
2
3
- (2) The barrier fence board must build and pay for a gate or grid in the fence to allow the movement. 4
5

500 Maintaining barrier fence 6

For keeping the barrier fence in good order, the barrier fence board may— 7
8

- (a) clear the fence line of vegetation or any other obstruction to a distance of no more than 20m either side of the fence; and 9
10
11
- (b) enter onto a place to clear the fence line under paragraph (a), or to inspect the fence or repair or otherwise maintain it. 12
13
14

501 Power to enter a place 15

- (1) This section applies if the barrier fence board needs to enter a place to— 16
17
 - (a) inspect or maintain the barrier fence, including to inspect or maintain a gate or grid in the fence; or 18
19
 - (b) clear the fence line. 20
- (2) Before entering the place, the board must— 21
 - (a) obtain the occupier's consent to the entry; or 22
 - (b) give the occupier written notice of— 23
 - (i) the intended entry; and 24
 - (ii) the purpose of the entry; and 25
 - (iii) the likely dates and times of entry. 26
- (3) If the board is satisfied it is impracticable to give the notice under subsection (2)(b), it is sufficient compliance with the subsection if the board— 27
28
29

[s 502]

- (a) publishes the notice in a newspaper circulating generally in the area in which the place is situated; or
 - (b) places the notice conspicuously on the place.
- (4) Notice under this section must be given at least 7 days before the intended entry.
- (5) However, if the board needs to enter the land in urgent circumstances, the board need only give the occupier the notice that is reasonably practicable in the circumstances.

502 Agreement to make opening in barrier fence

- (1) The barrier fence board may enter into an agreement with another person about making an opening in a section of the barrier fence for a particular purpose and period.
- Examples of purpose—*
- to build a road or lay a gas pipeline through the fence
 - to pass through the fence to gain access to land for mineral exploration
- (2) The agreement must be subject to conditions that, as far as reasonably practicable, ensure the movement of a relevant animal from 1 side of the fence to the other is prevented while the fence is opened.
- (3) In this section—
- relevant animal*** means an animal of the type whose movement the section of the barrier fence is intended to be a barrier.

503 Duty to avoid inconvenience and minimise damage

In exercising a power of the barrier fence board, a board employee must take all reasonable steps to cause as little inconvenience, and do as little damage, as possible.

Note—

See also section 505.

[s 504]

504	Notice of damage	1
(1)	This section applies if—	2
(a)	a board employee damages something when exercising, or purporting to exercise a power of the barrier fence board; or	3 4 5
(b)	a person (the <i>assistant</i>) acting under the direction or authority of a board employee damages something.	6 7
(2)	However, this section does not apply to damage the board employee reasonably considers is trivial or if the board employee reasonably believes—	8 9 10
(a)	there is no-one apparently in possession of the thing; or	11
(b)	the thing has been abandoned.	12
(3)	The board employee must give notice of the damage to the person who appears to the board employee to be an owner, or person in control, of the thing.	13 14 15
(4)	However, if for any reason it is not practicable to comply with subsection (3), the board employee must—	16 17
(a)	leave the notice at the place where the damage happened; and	18 19
(b)	ensure it is left in a conspicuous position and in a reasonably secure way.	20 21
(5)	If the board employee believes the damage was caused by a latent defect in the thing or other circumstances beyond the control of the board employee or the assistant, the board employee may state the belief in the notice.	22 23 24 25
(6)	The notice must state—	26
(a)	particulars of the damage; and	27
(b)	that the person who suffered the damage may claim compensation under this division.	28 29
(7)	In this section—	30

damage does not include damage to vegetation cleared for barrier fence maintenance purposes as authorised under this division.

505 Compensation

- (1) A person may claim compensation from the barrier fence board if the person incurs loss because of the exercise, or purported exercise, of a power by a board employee.
- (2) However, subsection (1) applies only to loss arising from an accidental, negligent or unlawful act or omission.
- (3) The compensation may be claimed and ordered in a proceeding—
 - (a) brought in a court with jurisdiction for the recovery of the amount of compensation claimed; or
 - (b) for an alleged offence against this Act the investigation of which gave rise to the claim for compensation.
- (4) A court may order the payment of compensation only if it is satisfied it is just to make the order in the circumstances of the particular case.
- (5) In considering whether it is just to order compensation, the court must have regard to any relevant biosecurity offence committed by the claimant.
- (6) A regulation may prescribe other matters that may, or must, be taken into account by the court when considering whether it is just to order compensation.
- (7) The requirement under this division that a board employee, in exercising a power of the board, must take all reasonable steps to cause as little inconvenience, and do as little damage, as possible does not provide a statutory right of compensation other than is provided by this section.
- (8) In this section—

exercise, of a power, by a board employee includes—

 - (a) the exercise of a power for the board employee; and

[s 506]

	(b) the purported exercise of a power by or for the board employee.	1 2
	<i>loss</i> includes costs and damage.	3
506	Directing restoration of barrier fence	4
(1)	This section applies if the barrier fence board reasonably believes a person has unlawfully damaged, or made an opening in, the barrier fence.	5 6 7
(2)	The board may, by written notice given to the person, require the person, by the reasonable date stated in the notice, to restore the barrier fence to the condition it was in before the fence was damaged or opened.	8 9 10 11
(3)	The notice must be accompanied by, or include, an information notice about the board's decision to make the requirement.	12 13 14
(4)	If the person does not comply with the notice, the board may—	15 16
	(a) carry out the restoration; and	17
	(b) recover from the person the board's reasonable costs of carrying out the restoration.	18 19
Division 3	Offences about the barrier fence	20
507	Damaging, or making openings in, the barrier fence	21
	A person must not, without reasonable excuse—	22
	(a) damage the barrier fence; or	23
	(b) make an opening in the barrier fence, other than under an agreement under this part about making the opening.	24 25
	Maximum penalty—50 penalty units.	26

508	Obstructing inspection or maintenance of barrier fence	1
	A person must not, without reasonable excuse, build a structure, excavate land or carry out another activity near the barrier fence if the structure, excavation or carrying out of the activity is likely to obstruct the inspection or maintenance of the fence.	2 3 4 5 6
	Maximum penalty—50 penalty units.	7
509	Closing gates	8
	A person must close a gate in the barrier fence immediately after using the gate, unless the person has a reasonable excuse.	9 10
	Maximum penalty—50 penalty units.	11

Chapter 17 Miscellaneous 12

510	Inconsistencies in scientific name or common name for relevant biosecurity matter	13 14
(1)	This section applies if an authoritative document refers to relevant biosecurity matter by a scientific name or common name that varies in a minor way from the scientific name or common name given to the relevant biosecurity matter under this Act.	15 16 17 18 19
(2)	The relevant biosecurity matter mentioned in the authoritative document is taken to be the same relevant biosecurity matter under this Act.	20 21 22
(3)	In this section—	23
	<i>authoritative document</i> means a document, including a scientific journal, that lists the scientific name or common name of prohibited matter or restricted matter.	24 25 26
	<i>relevant biosecurity matter</i> means any of the following—	27
(a)	prohibited matter;	28

[s 511]

- (b) restricted matter; 1
- (c) controlled biosecurity matter; 2
- (d) regulated biosecurity matter. 3

511 Confidentiality of information 4

- (1) This section applies to a person who is, or was— 5
 - (a) the chief executive; or 6
 - (b) a chief executive officer; or 7
 - (c) an inspector; or 8
 - (d) an authorised person; or 9
 - (e) a director of the barrier fence board or a board 10
employee; or 11
 - (f) another person involved in administering this Act or a 12
repealed Act, including, for example, an officer or 13
employee of the department or an employee of a local 14
government. 15
- (2) The person must not disclose confidential information gained 16
by the person in administering or performing a function under 17
this Act or a repealed Act. 18
Maximum penalty—50 penalty units. 19
- (3) However, the person may disclose confidential information 20
if— 21
 - (a) the disclosure is for a purpose under this Act; or 22
 - (b) the disclosure is for the purpose of minimising 23
biosecurity risks in the State or another State and the 24
disclosure is to any of the following— 25
 - (i) the State; 26
 - (ii) a department; 27
 - (iii) an entity, established under an Act, that deals with 28
matters relating to biosecurity; 29
 - (iv) a local government; 30

[s 512]

-
- (v) the Commonwealth or another State, or an entity of the Commonwealth or another State; or
 - (c) the disclosure is with the consent of the person to whom the information relates; or
 - (d) the disclosure is otherwise required or permitted by law.
- (4) In this section—
- confidential information*** means information, other than information that is publicly available—
- (a) about a person's personal affairs or reputation; or
 - (b) that would be likely to damage the commercial activities of a person to whom the information relates.

512 Delegation by chief executive

- (1) The chief executive may delegate the chief executive's functions under this Act to an appropriately qualified public service employee.
- (2) Subsection (1) does not apply to the following functions of the chief executive—
 - (a) making an emergency prohibited matter declaration;
 - (b) making a biosecurity emergency order;
 - (c) making a movement control order;
 - (d) acting under the authority of biosecurity zone regulatory provisions to provide for either or both of the following—
 - (i) the establishment of particular areas within a biosecurity zone;
 - (ii) the application, in relation to areas mentioned in subparagraph (i), or areas otherwise established under the biosecurity zone regulatory provisions, of lesser restrictions than would otherwise apply under the biosecurity zone regulatory provisions;

[s 513]

- (e) authorising a surveillance program or a prevention and control program. 1
2
- (3) In this section— 3
- appropriately qualified*, for a public service employee to whom a function may be delegated, includes having the qualifications, experience or standing appropriate for the function. 4
5
6
7
- Example of standing for a public service employee—* 8
- the employee's classification or level in a department or agency 9
- functions* includes powers. 10

513 Protecting officials from liability 11

- (1) An official does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act. 12
13
14
- (2) If subsection (1) prevents a civil liability attaching to an official, the liability attaches instead to— 15
16
- (a) if the official is the chief executive officer of a local government, an authorised person appointed by the chief executive officer of a local government or a person acting under the direction of an authorised person appointed by the chief executive officer of a local government—the local government; or 17
18
19
20
21
22
- (b) otherwise—the State. 23
- (3) For this section, it does not matter what is the form of appointment or employment of a person who is a public service officer or public service employee. 24
25
26
- (4) In this section— 27
- civil liability* includes liability for the payment of costs ordered to be paid in a proceeding for an offence against this Act. 28
29
30
- official* means— 31
- (a) the Minister; or 32

	(b) the chief executive; or	1
	(c) a chief executive officer; or	2
	(d) an authorised officer; or	3
	(e) a person acting under the direction of an authorised officer; or	4 5
	(f) a director of the barrier fence board; or	6
	(g) a board employee; or	7
	(h) a person acting under the direction of a board employee; or	8 9
	(i) a public service officer or public service employee, including a public service officer or public service employee acting as an auditor or accredited certifier under this Act.	10 11 12 13
514	Public officials for Police Powers and Responsibilities Act	14 15
	The following persons are declared to be public officials for the <i>Police Powers and Responsibilities Act 2000</i> —	16 17
	(a) the chief executive;	18
	(b) a chief executive officer;	19
	(c) an authorised officer;	20
	(d) a director of the barrier fence board;	21
	(e) a board employee.	22
515	When regulatory impact statement not required	23
	(1) This section applies despite the <i>Statutory Instruments Act 1992</i> , section 43.	24 25
	(2) A regulatory impact statement need not be prepared for proposed subordinate legislation if the proposed legislation provides, or to the extent it provides, only for—	26 27 28

[s 516]

- (a) the declaration of particular biosecurity matter as prohibited matter; or 1
2
- (b) the declaration of particular biosecurity matter 3
mentioned in schedule 1, or declared to be prohibited 4
matter under an emergency prohibited matter 5
declaration, no longer to be prohibited matter. 6

516 Limitation of review 7

- (1) Unless there is a determination by the Supreme Court that the 8
chief executive's decision to make a biosecurity response 9
instrument is affected by jurisdictional error, a relevant 10
matter— 11
 - (a) is final and conclusive; and 12
 - (b) can not be challenged, appealed against, reviewed, 13
quashed, set aside or called into question in another way, 14
under the *Judicial Review Act 1991* or otherwise 15
(whether by the Supreme Court, another court, a tribunal 16
or another entity); and 17
 - (c) is not subject to any writ or order of the Supreme Court, 18
another court, a tribunal or another entity on any ground. 19
- (2) Without limiting subsection (1), a person may not bring a 20
proceeding for an injunction, or for any writ, declaration or 21
other order, to stop or otherwise restrain the performance of a 22
relevant act. 23
- (3) This section does not stop a person from bringing a 24
proceeding to recover damages for loss or damage caused 25
by— 26
 - (a) a negligent act or omission in the performance of an act; 27
or 28
 - (b) an unlawful act. 29
- (4) Subsection (5) applies if the Supreme Court makes a 30
determination of jurisdictional error as mentioned in 31
subsection (1). 32

-
- (5) Without limiting what the court may take into account in deciding whether to make an order, or the terms of any order it may make, the court may take into account any of the following—
- (a) the ability of the court to assess the level of the biosecurity risk at which the biosecurity response instrument is directed;
 - (b) the effect that an order of the court would have on preventing the impact on a biosecurity consideration of a biosecurity risk;
 - (c) the urgency of the matter the subject of the biosecurity response instrument;
 - (d) the desirability of the court delaying the issue of an order that would prevent implementation of the chief executive's decision for a period sufficient to allow the emergency nature of the circumstances to abate.
- (6) In this section—
- biosecurity response instrument*** means an emergency prohibited matter declaration, a biosecurity emergency order or a movement control order.
- decision*** includes—
- (a) conduct engaged in to make a decision; and
 - (b) conduct related to making a decision; and
 - (c) failure to make a decision.
- relevant act*** means an act directed or authorised, or purportedly directed or authorised, under a biosecurity response instrument as made or purportedly made.
- relevant matter*** means—
- (a) the chief executive's decision to make a biosecurity response instrument; or
 - (b) the making or purported making of a biosecurity response instrument; or

[s 517]

- (c) a biosecurity response instrument as made or purportedly made; or 1 2
- (d) the performance or purported performance of a relevant act; or 3 4
- (e) an obligation to perform a relevant act. 5

517 Service of documents 6

- (1) If a document is required or permitted under this Act to be given to a person, the document may be given to the person by facsimile transmission directed and sent to— 7 8 9
 - (a) the last transmission number given to the giver of the document by the person as the facsimile transmission number for service of documents on the person; or 10 11 12
 - (b) the facsimile transmission number operated— 13
 - (i) at the address of the person last known to the giver of the document; or 14 15
 - (ii) if the person is a corporation, at the corporation's registered office under the Corporations Act; or 16 17
 - (iii) if the person is an incorporated association, at the association's nominated address under the *Associations Incorporation Act 1981*. 18 19 20
- (2) A document given under subsection (1) is taken to have been given on the day the document is transmitted. 21 22

518 Application of Acts to local governments 23

This Act and, for the purposes of this Act, other Acts apply to a local government in the same way as they apply to a body corporate. 24 25 26

519 Review of Act 27

The Minister must review the efficacy and efficiency of this Act within 5 years after its commencement. 28 29

520	Approval of forms	1
	The chief executive may approve forms for use under this Act.	2
521	Regulation-making power	3
(1)	The Governor in Council may make regulations under this Act.	4 5
(2)	A regulation may be made about the following—	6
(a)	fees payable under this Act;	7
(b)	ways in which a person's general biosecurity obligation can be discharged to prevent or minimise a biosecurity risk;	8 9 10
(c)	measures to prevent or control the spread of biosecurity matter;	11 12
(d)	ways of destroying, demolishing or disposing of biosecurity matter or a carrier;	13 14
(e)	maximum acceptable levels of contaminants in carriers;	15
(f)	imposing a penalty of no more than 20 penalty units for contravention of a provision of a regulation.	16 17
Chapter 18	Repeal, savings and transitional provisions	18 19
Part 1	Repeal of Acts	20
522	Repeal of Acts	21
	The following Acts are repealed—	22
(a)	Agricultural Standards Act 1994, No. 79;	23

[s 523]

	(b) Apiaries Act 1982, No. 29;	1
	(c) Diseases in Timber Act 1975, No. 49;	2
	(d) Exotic Diseases in Animals Act 1981, No. 13;	3
	(e) Land Protection (Pest Management) Act 2002, No. 12;	4
	(f) Plant Protection Act 1989, No. 14;	5
	(g) Stock Act 1915, 6 Geo 5, No. 16.	6
Part 2	Savings and transitional provisions	7 8
Division 1	Purposes, definitions and general approach	9 10
523	Main purposes of pt 2	11
	The main purposes of this part are—	12
	(a) to provide for provisions of this Act that are substantially the same as repealed provisions of a repealed Act to be dealt with as replacements of the repealed provisions; and	13 14 15 16
	(b) without limiting paragraph (a), if a matter was dealt with in a repealed Act, by providing for something to be dealt with under the repealed Act, to provide for the continuation of the matters under this Act; and	17 18 19 20
	(c) to provide for matters that were not dealt with in a repealed Act that are dealt with under this Act.	21 22
524	Definitions for pt 2	23
	In this part—	24

	<i>commencement</i> means the day this section commences.	1
	<i>corresponding provision</i> , for a previous provision of a repealed Act, means a provision of this Act that is substantially the same as or equivalent to the previous provision of the repealed Act.	2 3 4 5
	<i>made</i> includes given and issued.	6
	<i>obligation</i> includes duty.	7
	<i>previous</i> , for a stated provision of a repealed Act that includes a number, means the provision of the repealed Act with that number immediately before the commencement.	8 9 10
	<i>previous provision</i> , of a repealed Act, means a provision of the repealed Act, as in force immediately before the commencement.	11 12 13
	<i>protection</i> includes a statement to the effect of any of the following—	14 15
	(a) that there is no liability;	16
	(b) that there is no invalidity;	17
	(c) that a person has an entitlement.	18
525	Document, action, obligation or protection under previous provision of repealed Act	19 20
	(1) This section applies to any of the following—	21
	(a) a document made or kept under a previous provision of a repealed Act if the document continued to have effect or was in force immediately before the commencement;	22 23 24
	(b) an action done under a previous provision of a repealed Act if the action continued to have effect immediately before the commencement;	25 26 27
	(c) an entity's obligation under a previous provision of a repealed Act if the obligation applied to the entity immediately before the commencement;	28 29 30

[s 526]

- (d) an entity's protection under a previous provision of a repealed Act that applied to the entity immediately before the commencement. 1
2
3
 - (2) Subject to a specific provision of this Act in relation to the document, action, obligation or protection, if there is a corresponding provision for the previous provision, the document, action, obligation or protection— 4
5
6
7
 - (a) continues in force or to have effect according to its terms; and 8
9
 - (b) may be taken to have been made, kept or done under the corresponding provision. 10
11
 - (3) Subsection (2)(b) applies whether or not the previous provision refers to the document, action, obligation or protection by reference to a provision of the repealed Act. 12
13
14
- Note—* 15
- Other provisions of this part include examples of the operation of this section. 16
17

- 526 Things continued in force under repealed Act** 18
- (1) This section applies to a thing (the *thing*) that happened under an Act other than a repealed Act but that, under a previous provision of a repealed Act, continued to have effect. 19
20
21
 - (2) If the thing is in effect immediately before the commencement, the thing continues to have effect under this Act. 22
23
24
 - (3) Matters in relation to the thing are to be done under this Act unless a previous provision of a repealed Act provides otherwise, and for that purpose, the provision continues to have effect. 25
26
27
28
 - (4) This section does not limit section 525 or another provision of this part about the thing. 29
30

527	Terminology in things mentioned in s 525(1)	1
(1)	This section applies to a document (the <i>relevant document</i>) that is—	2
		3
(a)	a document mentioned in section 525(1); or	4
(b)	evidence of a document, action, obligation or protection mentioned in section 525(1).	5
		6
(2)	A reference in the relevant document to a document, action, obligation or protection mentioned in section 525(1) is to be read, if the context permits and with the necessary changes to terminology, as if the document, action, obligation or protection were made, kept, done or otherwise provided for under this Act.	7
		8
		9
		10
		11
		12
	<i>Example for subsection (2)—</i>	13
	An instrument of appointment given under a repealed Act by the chief executive to an inspector limiting the powers of the inspector is to be read as if the instrument limited the powers of the inspector under this Act.	14
		15
		16
		17
528	Period stated in previous provision	18
(1)	This section applies if, in a previous provision of a repealed Act, there is a period for doing something, and the period for doing the thing started but did not finish before the commencement.	19
		20
		21
		22
(2)	If there is a corresponding provision to the previous provision of the repealed Act and both the corresponding provision and the previous provision provide for the same period, the period for doing the thing continues to have started from when the period started under the previous provision but ends under the corresponding provision.	23
		24
		25
		26
		27
		28
529	Period or date stated in document given under previous provision	29
		30
(1)	This section applies if—	31

[s 530]

- (a) a previous provision of a repealed Act provided for a document to be made under it; and
 - (b) there is a corresponding provision to the previous provision; and
 - (c) under the previous provision and before the commencement, a document was given to a person, whether or not the person had received the document before the commencement.
- Example for paragraph (c)—*
 - a notice under the *Land Protection (Pest Management) Act 2002*, previous section 270, that states a period within which a person who is in control of a thing to be seized must take the thing to a place stated in the notice
- (2) If the document stated a period for doing something—
 - (a) the stated period continues to apply for doing the thing; and
 - (b) the period continues to have started from when the period started under the previous provision of the repealed Act.
- (3) If the document stated a day before which, or by which, a thing is to be done (however expressed), the thing must be done by the stated day.

- 530 Action happening before commencement may be relevant to proceeding for particular acts or omissions**
- (1) An action mentioned in section 525(1)(b) is not precluded from having relevance to a proceeding relating to a contravention of a provision of this Act involving an act or omission that happened after the commencement.
 - (2) This section does not limit the *Acts Interpretation Act 1954*, section 20C.
 - (3) In this section—
contravention includes an alleged contravention.

531	Acts Interpretation Act 1954, s 20 not limited	1
	This chapter does not limit the <i>Acts Interpretation Act 1954</i> , section 20.	2 3
Division 2	Transitional provisions relating to particular provisions of repealed Acts	4 5 6
Subdivision 1	Examples for chapter 2	7
532	Examples for ch 2 of documents under s 525	8
	For the operation of chapter 2, the following are examples of a document mentioned in section 525(1)(a) for matters dealt with under a repealed Act—	9 10 11
	(a) a regulation declaring a pest to be a serious pest under the <i>Plant Protection Act 1989</i> , previous section 6P(1);	12 13
	(b) a gazette notice under the <i>Plant Protection Act 1989</i> , previous section 6P(2).	14 15
533	Example for ch 2 of actions under s 525	16
	For the operation of chapter 2, declaring a pest to be a serious pest under the <i>Plant Protection Act 1989</i> , previous section 6P is an example of an action mentioned in section 525(1)(b) for matters dealt with under a repealed Act.	17 18 19 20
534	Examples for ch 2 of obligations under s 525	21
	For the operation of chapter 2, an obligation under a previous provision of a repealed Act to report the presence of a disease mentioned in schedule 1 is an example of an obligation mentioned in section 525(1)(c) for matters dealt with under a repealed Act.	22 23 24 25 26

[s 535]

<i>Examples of previous provisions—</i>	1
• the <i>Diseases in Timber Act 1975</i> , previous section 10	2
• the <i>Exotic Diseases in Animals Act 1981</i> , previous section 8	3
535 Example for ch 2 of protections under s 525	4
For the operation of chapter 2, the statement that a person	5
does not commit an offence of feeding a declared pest animal	6
in particular circumstances under the <i>Land Protection (Pest</i>	7
<i>Management) Act 2002</i> , previous section 40(2), is an example	8
of a protection mentioned in section 525(1)(d) for matters	9
dealt with under a repealed Act.	10
 Subdivision 2 Examples for chapter 3	 11
536 Examples for ch 3 of documents under s 525	12
For the operation of chapter 3, the following are examples of a	13
document mentioned in section 525(1)(a) for matters dealt	14
with under a repealed Act—	15
(a) a pest management plan under the <i>Land Protection (Pest</i>	16
<i>Management) Act 2002</i> , previous section 25;	17
(b) a notice under the <i>Land Protection (Pest Management)</i>	18
<i>Act 2002</i> , previous section 184, directing a local	19
government to take action.	20
 537 Examples for ch 3 of actions under s 525	 21
For the operation of chapter 3, the following are examples of	22
an action mentioned in section 525(1)(b) for matters dealt	23
with under a repealed Act—	24
(a) a direction under the <i>Land Protection (Pest</i>	25
<i>Management) Act 2002</i> , previous section 184 by the	26
Minister to a local government for the local government	27

	to perform a function or obligation under the repealed Act;	1
		2
	(b) the performance of a function by the chief executive under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 185.	3
		4
		5
538	Examples for ch 3 of obligations under s 525	6
	For the operation of chapter 3, the following are examples of an obligation mentioned in section 525(1)(c) for matters dealt with under a repealed Act—	7
		8
		9
	(a) a requirement under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 25 for a local government to have a plan for managing particular pests in its local government area;	10
		11
		12
		13
	(b) a requirement under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 27 for a local government to establish a working group to advise the local government about preparing a draft plan;	14
		15
		16
		17
	(c) a requirement under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 35 to make a pest management plan under that Act available for inspection;	18
		19
		20
		21
	(d) a requirement under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 187, for a local government to make annual payments.	22
		23
		24
539	Example for ch 3 of protections under s 525	25
	For the operation of chapter 3, an entitlement under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 28, to make submissions about a draft plan is an example of a protection mentioned in section 525(1)(d) for matters dealt with under a repealed Act.	26
		27
		28
		29
		30

[s 540]

Subdivision 3	Examples for chapter 4	1
540	Examples for ch 4 of documents under s 525	2
	For the operation of chapter 4, the following are examples of a document mentioned in section 525(1)(a) for matters dealt with under a repealed Act—	3 4 5
	(a) a guideline under a previous provision of a repealed Act;	6
	<i>Examples of previous provisions—</i>	7
	• the <i>Land Protection (Pest Management) Act 2002</i> , previous section 15	8 9
	• the <i>Stock Act 1915</i> , previous section 21E	10
	(b) an intergovernmental agreement under the <i>Plant Protection Act 1989</i> , previous section 21L.	11 12
541	Example for ch 4 of actions under s 525	13
	For the operation of chapter 4, entering into an agreement under the <i>Plant Protection Act 1989</i> , previous section 21L is an example of an action mentioned in section 525(1)(b) for matters dealt with under a repealed Act.	14 15 16 17
542	Example for ch 4 of obligations under s 525	18
	For the operation of chapter 4, a requirement under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 16 to make a guideline available for inspection is an example of an obligation mentioned in section 525(1)(c) for matters dealt with under a repealed Act.	19 20 21 22 23

Subdivision 4	Examples for chapter 5	1
543	Examples for ch 5 of documents under s 525	2
	For the operation of chapter 5, the following are examples of a document mentioned in section 525(1)(a) for matters dealt with under a repealed Act—	3 4 5
	(a) a notice under the <i>Plant Protection Act 1989</i> , previous section 8 prohibiting the introduction of a particular pest into the State;	6 7 8
	(b) a notice that an area is in quarantine under a previous provision of a repealed Act;	9 10
	<i>Examples of previous provisions—</i>	11
	• the <i>Exotic Diseases in Animals Act 1981</i> , previous section 9	12
	• the <i>Plant Protection Act 1989</i> , previous section 11	13
	(c) a notice under a previous provision of a repealed Act imposing duties or obligations on owners or occupiers of land.	14 15 16
	<i>Examples of previous provisions—</i>	17
	• the <i>Exotic Diseases in Animals Act 1981</i> , previous section 10A	18 19
	• the <i>Plant Protection Act 1989</i> , previous section 11	20
544	Examples for ch 5 of actions under s 525	21
	For the operation of chapter 5, the following are examples of an action mentioned in section 525(1)(b) for matters dealt with under a repealed Act—	22 23 24
	(a) the notification of an area under the <i>Exotic Diseases in Animals Act 1981</i> , previous section 18 to be a control area for an exotic disease within the meaning of that Act;	25 26 27 28
	(b) the giving of a direction under the <i>Plant Protection Act 1989</i> , previous section 13;	29 30

[s 545]

(c)	the giving or producing of a document under the <i>Plant Protection Act 1989</i> , previous section 11E.	1 2
545	Examples for ch 5 of obligations under s 525	3
	For the operation of chapter 5, the following are examples of an obligation mentioned in section 525(1)(c) for matters dealt with under a repealed Act—	4 5 6
(a)	an obligation under a previous provision of a repealed Act to comply with a notice prohibiting or restricting movement of a particular thing;	7 8 9
	<i>Examples of previous provisions—</i>	10
	• the <i>Exotic Diseases in Animals Act 1981</i> , previous section 10A	11 12
	• the <i>Plant Protection Act 1989</i> , previous section 11	13
(b)	an obligation under a previous provision of a repealed Act to carry out stated activities in a particular area.	14 15
	<i>Examples of previous provisions—</i>	16
	• the <i>Exotic Diseases in Animals Act 1981</i> , previous section 12	17 18
	• the <i>Plant Protection Act 1989</i> , previous section 11	19
546	Examples for ch 5 of protections under s 525	20
	For the operation of chapter 5, the following are examples of a protection mentioned in section 525(1)(d) for matters dealt with under a repealed Act—	21 22 23
(a)	a protection under the <i>Plant Protection Act 1989</i> , previous section 13 of a reasonable excuse for noncompliance with a direction;	24 25 26
(b)	a protection under the <i>Plant Protection Act 1989</i> , previous section 11F that evidence derived from a document given by the individual is not admissible in evidence against the individual in any civil or criminal proceeding.	27 28 29 30 31

Subdivision 5	Examples for chapter 6	1
547	Example for ch 6 of documents under s 525	2
	For the operation of chapter 6, a register under the <i>Stock Act 1915</i> , previous schedule 1, section 15 is an example of a document mentioned in section 525(1)(a) for matters dealt with under a repealed Act.	3 4 5 6
548	Examples for ch 6 of actions under s 525	7
	For the operation of chapter 6, the following are examples of an action mentioned in section 525(1)(b) for matters dealt with under a repealed Act—	8 9 10
	(a) applying under the <i>Apiaries Act 1982</i> , previous section 7 for registration as a beekeeper;	11 12
	(b) cancelling a registration as a beekeeper under the <i>Apiaries Act 1982</i> , previous section 10.	13 14
549	Examples for ch 6 of obligations under s 525	15
	For the operation of chapter 6, an obligation under a previous provision of a repealed Act for particular entities or places to be registered is an example of an obligation mentioned in section 525(1)(c) for matters dealt with under a repealed Act.	16 17 18 19
	<i>Examples of previous provisions—</i>	20
	• the <i>Apiaries Act 1982</i> , previous section 7	21
	• the <i>Plant Protection Act 1989</i> , previous section 7	22
	• the <i>Stock Act 1915</i> , previous schedule 1, section 15	23
550	Example for ch 6 of protections under s 525	24
	For the operation of chapter 6, the statement under the <i>Apiaries Act 1982</i> , previous section 8 that the chief executive may permit an applicant for renewal of registration as a beekeeper to act as if the applicant has obtained registration if	25 26 27 28

[s 551]

the application for renewal has not been decided is an example 1
of a protection mentioned in section 525(1)(d) for matters 2
dealt with under a repealed Act. 3

Subdivision 6 Examples for chapter 7 4

551 Examples for ch 7 of documents under s 525 5

For the operation of chapter 7, a permit under a previous 6
provision of a repealed Act is an example of a document 7
mentioned in section 525(1)(a) for matters dealt with under a 8
repealed Act. 9

Examples of previous provisions— 10

- the *Apiaries Act 1982*, previous section 9 11
- the *Land Protection (Pest Management) Act 2002*, previous section 12
61 13

552 Examples for ch 7 of actions under s 525 14

For the operation of chapter 7, the following are examples of 15
an action mentioned in section 525(1)(b) for matters dealt 16
with under a repealed Act— 17

- (a) applying for a permit under a previous provision of a 18
repealed Act; 19

Examples of previous provisions— 20

- the *Apiaries Act 1982*, previous section 9 21
 - the *Land Protection (Pest Management) Act 2002*, previous 22
section 58 23
- (b) applying for renewal of a permit under the *Land* 24
Protection (Pest Management) Act 2002, previous 25
section 58; 26
- (c) imposing conditions on a permit under the *Land* 27
Protection (Pest Management) Act 2002, previous 28
section 62; 29

- (d) requiring the applicant for a permit to give the chief executive further information or documents under the *Land Protection (Pest Management) Act 2002*, previous section 59.
1
2
3
4

553 Examples for ch 7 of obligations under s 525 5

For the operation of chapter 7, the following are examples of an obligation mentioned in section 525(1)(c) for matters dealt with under a repealed Act—
6
7
8

- (a) an obligation under the *Land Protection (Pest Management) Act 2002*, previous section 62 to keep records about a pest to which a permit relates if keeping the record is a condition of the permit;
9
10
11
12
- (b) an obligation under the *Land Protection (Pest Management) Act 2002*, previous section 72 in particular circumstances to dispose of a pest to which a permit relates.
13
14
15
16

554 Examples for ch 7 of protections under s 525 17

For the operation of chapter 7, a protection under the *Land Protection (Pest Management) Act 2002*, previous section 72, of a reasonable excuse for noncompliance with a notice requiring disposal of a declared pest under that Act is an example of a protection mentioned in section 525(1)(d) for matters dealt with under a repealed Act.
18
19
20
21
22
23

Subdivision 7 Examples for chapter 8 24

555 Examples for ch 8 of documents under s 525 25

For the operation of chapter 8, the following are examples of a document mentioned in section 525(1)(a) for matters dealt with under a repealed Act—
26
27
28

[s 556]

- (a) an authorisation under the *Plant Protection Act 1989*,
previous section 20B of a program for surveillance of a
thing mentioned in the authorisation; 1
2
3
- (b) a program under the *Stock Act 1915*, previous section 30
to eradicate particular matter. 4
5

556 Example for ch 8 of actions under s 525 6

For the operation of chapter 8, an inspector exercising powers
to monitor movement of plants in an area the subject of a
program for surveillance under the *Plant Protection Act 1989*,
previous section 20E is an example of an action mentioned in
section 525(1)(b) for matters dealt with under a repealed Act. 7
8
9
10
11

557 Examples for ch 8 of obligations under s 525 12

For the operation of chapter 8, the following are examples of
an obligation mentioned in section 525(1)(c) for matters dealt
with under a repealed Act— 13
14
15

- (a) an obligation under the *Plant Protection Act 1989*,
previous section 20B that the chief executive ensure
each inspector who is proposed to act under a program
for surveillance of a thing is informed of particular
things relating to the program; 16
17
18
19
20
- (b) an obligation under the *Stock Act 1915*, previous section
30 not to interfere with a step taken by an inspector
under a program. 21
22
23

Subdivision 8 Examples for chapter 9 24

558 Examples for ch 9 of documents under s 525 25

For the operation of chapter 9, the following are examples of a
document mentioned in section 525(1)(a) for matters dealt
with under a repealed Act— 26
27
28

(a)	an identity card issued to an inspector or authorised person under a previous provision of a repealed Act;	1 2
	<i>Examples of previous provisions—</i>	3
	• the <i>Exotic Diseases in Animals Act 1981</i> , previous section 19C	4 5
	• the <i>Stock Act 1915</i> , previous section 4F	6
(b)	an acknowledgement given under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 252 of consent for an inspector or authorised person to enter a place;	7 8 9 10
(c)	a warrant issued under a previous provision of a repealed Act;	11 12
	<i>Examples of previous provisions—</i>	13
	• the <i>Land Protection (Pest Management) Act 2002</i> , previous section 255	14 15
	• the <i>Plant Protection Act 1989</i> , previous section 20	16
(d)	a notice under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 270 requiring a person to take a thing to be seized to a stated place;	17 18 19
(e)	a notice under the <i>Apiaries Act 1982</i> , previous section 27(9) requiring a person to give a document;	20 21
(f)	a receipt for a seized thing under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 271;	22 23
(g)	an information notice under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 63.	24 25

559 **Examples for ch 9 of actions under s 525** 26

For the operation of chapter 9, the following are examples of an action mentioned in section 525(1)(b) for matters dealt with under a repealed Act— 27
28
29

- | | | |
|-----|--|----------|
| (a) | the appointment of an inspector or authorised person under a previous provision of a repealed Act; | 30
31 |
|-----|--|----------|

[s 560]

<i>Examples of previous provisions—</i>	1
• the <i>Apiaries Act 1982</i> , previous section 3	2
• the <i>Stock Act 1915</i> , previous section 4D	3
(b) the giving of a direction under the <i>Stock Act 1915</i> , previous section 33.	4
	5
560 Examples for ch 9 of obligations under s 525	6
For the operation of chapter 9, the following are examples of an obligation mentioned in section 525(1)(c) for matters dealt with under a repealed Act—	7
	8
	9
(a) an obligation under a previous provision of a repealed Act for a person to return the person's identity card to the chief executive if the office of the person as an inspector ends;	10
	11
	12
	13
<i>Examples of previous provisions—</i>	14
• the <i>Exotic Diseases in Animals Act 1981</i> , previous section 19G	15
	16
• the <i>Stock Act 1915</i> , previous section 4J	17
(b) an obligation under a previous provision of a repealed Act requiring a person to give information or produce a document;	18
	19
	20
<i>Examples of previous provisions—</i>	21
• the <i>Agricultural Standards Act 1994</i> , previous section 35	22
• the <i>Exotic Diseases in Animals Act 1981</i> , previous section 23	23
	24
• the <i>Apiaries Act 1982</i> , previous section 27	25
(c) an obligation under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 285 for an authorised person to give notice of the particulars of damage to anything;	26
	27
	28
	29
(d) a requirement under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 270 to take a thing to be seized to a stated place;	30
	31
	32

-
- | | | |
|-----|---|----------------|
| (e) | an obligation under a previous provision of a repealed Act to return a seized thing to the person from whom it is seized or its owner; | 1
2
3 |
| | <i>Examples of previous provisions—</i> | 4 |
| | • the <i>Agricultural Standards Act 1994</i> , previous section 29 | 5 |
| | • the <i>Land Protection (Pest Management) Act 2002</i> , previous section 272 | 6
7 |
| (f) | an obligation under a previous provision of a repealed Act to allow an owner of a seized thing to inspect the thing; | 8
9
10 |
| | <i>Examples of previous provisions—</i> | 11 |
| | • the <i>Agricultural Standards Act 1994</i> , previous section 28 | 12 |
| | • the <i>Land Protection (Pest Management) Act 2002</i> , previous section 273 | 13
14 |
| (g) | a requirement under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 16 to make a particular document available for inspection. | 15
16
17 |

561 **Examples for ch 9 of protections under s 525** 18

For the operation of chapter 9, the following are examples of a protection mentioned in section 525(1)(d) for matters dealt with under a repealed Act— 19
20
21

- | | | |
|-----|--|----------------------------|
| (a) | a right for a person to claim compensation under a previous provision of a repealed Act; | 22
23 |
| | <i>Examples of previous provisions—</i> | 24 |
| | • the <i>Agricultural Standards Act 1994</i> , previous section 41 | 25 |
| | • the <i>Land Protection (Pest Management) Act 2002</i> , previous section 302 | 26
27 |
| (b) | the statement in the <i>Plant Protection Act 1989</i> , previous section 20AA that evidence that may tend to incriminate an individual, derived from information the individual is compelled to give, is not admissible in proceedings as mentioned in that provision; | 28
29
30
31
32 |

[s 562]

- | | | |
|-----|---|----|
| (c) | a protection under a previous provision of a repealed Act of a reasonable excuse for noncompliance with a requirement; | 1 |
| | | 2 |
| | | 3 |
| | <i>Examples of previous provisions—</i> | 4 |
| | • the <i>Exotic Diseases in Animals Act 1981</i> , previous section 38 | 5 |
| | | 6 |
| | • the <i>Plant Protection Act 1989</i> , previous section 19 | 7 |
| (d) | a statement under the <i>Apiaries Act 1982</i> , previous section 32 that an inspector is not liable for damage caused in particular circumstances. | 8 |
| | | 9 |
| | | 10 |

Subdivision 9 Examples for chapter 10 11

562 Examples for ch 10 of documents under s 525 12

For the operation of chapter 10, an application for compensation under a previous provision of a repealed Act is an example of a document mentioned in section 525(1)(a) for matters dealt with under a repealed Act. 13

14

15

16

Examples of previous provisions— 17

- | | |
|--|----|
| • the <i>Diseases in Timber Act 1975</i> , previous section 11 | 18 |
| • the <i>Exotic Diseases in Animals Act 1981</i> , previous section 30 | 19 |
| • the <i>Stock Act 1915</i> , previous section 31 | 20 |

563 Examples for ch 10 of actions under s 525 21

For the operation of chapter 10, the payment of compensation in particular circumstances under a previous provision of a repealed Act is an example of an action mentioned in section 525(1)(b) for matters dealt with under a repealed Act. 22

23

24

25

Examples of previous provisions— 26

- | | |
|--|----|
| • the <i>Exotic Diseases in Animals Act 1981</i> , previous section 29 | 27 |
| • the <i>Stock Act 1915</i> , previous section 17 | 28 |

564	Example for ch 10 of obligations under s 525	1
	For the operation of chapter 10, an obligation under the <i>Stock Act 1915</i> , previous section 31 for a person applying for compensation to apply in the way prescribed is an example of an obligation mentioned in section 525(1)(c) for matters dealt with under a repealed Act.	2 3 4 5 6
565	Examples for ch 10 of protections under s 525	7
	For the operation of chapter 10, the statement that a person is entitled to compensation for loss or damage in particular circumstances under a previous provision of a repealed Act is an example of a protection mentioned in section 525(1)(d) for matters dealt with under a repealed Act.	8 9 10 11 12
	<i>Examples of previous provisions—</i>	13
	• the <i>Diseases in Timber Act 1975</i> , previous section 11	14
	• the <i>Plant Protection Act 1989</i> , previous section 14	15
Subdivision 10	Examples for chapter 11	16
566	Examples for ch 11 of documents under s 525	17
	For the operation of chapter 11, the following are examples of a document mentioned in section 525(1)(a) for matters dealt with under a repealed Act—	18 19 20
	(a) a certificate under a previous provision of a repealed Act purporting to be signed by the chief executive stating a particular matter;	21 22 23
	<i>Examples of previous provisions—</i>	24
	• the <i>Agricultural Standards Act 1994</i> , previous section 61	25
	• the <i>Land Protection (Pest Management) Act 2002</i> , previous section 293	26 27
	(b) an order under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 295 requiring a person	28 29

[s 567]

	convicted of an offence to pay the State or local government the costs of taking particular action.	1 2
567	Examples for ch 11 of actions under s 525	3
	For the operation of chapter 11, the following are examples of an action mentioned in section 525(1)(b) for matters dealt with under a repealed Act—	4 5 6
	(a) applying for internal review of a decision under the <i>Agricultural Standards Act 1994</i> , previous section 48;	7 8
	(b) the giving by QCAT of a stay of a decision under the <i>Agricultural Standards Act 1994</i> , previous section 50, if an application is made for an internal review of the decision.	9 10 11 12
568	Examples for ch 11 of obligations under s 525	13
	For the operation of chapter 11, an obligation under a previous provision of a repealed Act for an executive officer of a corporation to ensure the corporation complies with the repealed Act is an example of an obligation mentioned in section 525(1)(c) for matters dealt with under a repealed Act.	14 15 16 17 18
	<i>Examples of previous provisions—</i>	19
	• the <i>Exotic Diseases in Animals Act 1981</i> , previous section 42	20
	• the <i>Plant Protection Act 1989</i> , previous section 29A	21
569	Examples for ch 11 of protections under s 525	22
	For the operation of chapter 11, the following are examples of a protection mentioned in section 525(1)(d) for matters dealt with under a repealed Act—	23 24 25
	(a) a defence for an executive officer of a corporation in a previous provision of a repealed Act to the offence of failing to ensure the corporation complies with a repealed Act;	26 27 28 29

<i>Examples of previous provisions—</i>	1
• the <i>Exotic Diseases in Animals Act 1981</i> , previous section 42	2 3
• the <i>Plant Protection Act 1989</i> , previous section 29A	4
(b) the right to apply for an internal review of a decision made under a previous provision of a repealed Act;	5 6
<i>Examples of previous provisions—</i>	7
• the <i>Agricultural Standards Act 1994</i> , previous section 47	8
• the <i>Plant Protection Act 1989</i> , previous section 21M	9
(c) the right to apply for a stay of a decision the subject of an application for internal review under the <i>Agricultural Standards Act 1994</i> , previous section 50.	10 11 12
 Subdivision 11 Examples for chapter 12	 13
 570 Examples for ch 12 of documents under s 525	 14
For the operation of chapter 12, a direction or an order under a previous provision of a repealed Act to destroy a particular thing is an example of a document mentioned in section 525(1)(a) for matters dealt with under a repealed Act.	15 16 17 18
<i>Examples of previous provisions—</i>	19
• the <i>Plant Protection Act 1989</i> , previous section 14	20
• the <i>Stock Act 1915</i> , previous section 15	21
 571 Examples for ch 12 of actions under s 525	 22
For the operation of chapter 12, the giving of an order under the <i>Exotic Diseases in Animals Act 1981</i> , previous section 12 is an example of an action mentioned in section 525(1)(b) for matters dealt with under a repealed Act.	23 24 25 26

[s 572]

572	Examples for ch 12 of obligations under s 525	1
	For the operation of chapter 12, the following are examples of an obligation mentioned in section 525(1)(c) for matters dealt with under a repealed Act—	2 3 4
	(a) an obligation under the <i>Stock Act 1915</i> , previous section 15 to destroy a particular thing;	5 6
	(b) a requirement under a previous provision of a repealed Act to comply with an order.	7 8
	<i>Examples of previous provisions—</i>	9
	• the <i>Exotic Diseases in Animals Act 1981</i> , previous section 19	10 11
	• the <i>Stock Act 1915</i> , previous section 37	12

573	Example for ch 12 of protections under s 525	13
	For the operation of chapter 12, a statement under the <i>Plant Protection Act 1989</i> , previous section 14 that a person is not required to comply with a direction or order if the person has a reasonable excuse is an example of a protection mentioned in section 525(1)(d) for matters dealt with under a repealed Act.	14 15 16 17 18

Subdivision 12 Examples for chapter 13 19

574	Examples for ch 13 of documents under s 525	20
	For the operation of chapter 13, the following are examples of a document mentioned in section 525(1)(a) for matters dealt with under a repealed Act—	21 22 23
	(a) a certificate under a previous provision of a repealed Act that makes a statement about the existence of a fact;	24 25
	<i>Examples of previous provisions—</i>	26
	• the <i>Apiaries Act 1982</i> , previous section 27	27
	• the <i>Plant Protection Act 1989</i> , previous section 21	28

-
- | | | |
|--|---|---|
| | (b) an application for the grant of an accreditation under the <i>Plant Protection Act 1989</i> , previous section 21A; | 1 |
| | | 2 |
| | (c) a register of persons accredited under the <i>Plant Protection Act 1989</i> , previous section 21D. | 3 |
| | | 4 |

575	Examples for ch 13 of actions under s 525	5
------------	--	---

	For the operation of chapter 13, the following are examples of	6
	an action mentioned in section 525(1)(b) for matters dealt	7
	with under a repealed Act—	8

- | | | |
|--|---|----|
| | (a) giving a certificate under the <i>Plant Protection Act 1989</i> , | 9 |
| | previous section 21 by a person who is accredited to | 10 |
| | give the certificate; | 11 |
| | (b) granting an accreditation under the <i>Plant Protection Act</i> | 12 |
| | <i>1989</i> , previous section 21A; | 13 |
| | (c) imposing conditions on an accreditation under the <i>Plant</i> | 14 |
| | <i>Protection Act 1989</i> , previous section 21C. | 15 |

576	Examples for ch 13 of obligations under s 525	16
------------	--	----

	For the operation of chapter 13, the following are examples of	17
	an obligation mentioned in section 525(1)(c) for matters dealt	18
	with under a repealed Act—	19

- | | | |
|--|--|----|
| | (a) an obligation under the <i>Plant Protection Act 1989</i> , | 20 |
| | previous section 19A to pay a fee for the provision of a | 21 |
| | certificate; | 22 |
| | (b) an obligation under the <i>Plant Protection Act 1989</i> , | 23 |
| | previous section 21B to give an applicant for an | 24 |
| | accreditation a notice of a decision to refuse to grant the | 25 |
| | accreditation. | 26 |

[s 577]

Subdivision 13	Examples for chapter 15	1
577	Example for ch 15 of documents under s 525	2
	For the operation of chapter 15, a notice given under the <i>Plant Protection Act 1989</i> , previous section 21G is, if the chief executive proposes to cancel, suspend or amend an accreditation, an example of a document mentioned in section 525(1)(a) for matters dealt with under a repealed Act.	3 4 5 6 7
578	Example for ch 15 of actions under s 525	8
	For the operation of chapter 15, cancelling, suspending or amending an accreditation under the <i>Plant Protection Act 1989</i> , previous section 21G is an example of an action mentioned in section 525(1)(b) for matters dealt with under a repealed Act.	9 10 11 12 13
579	Examples for ch 15 of obligations under s 525	14
	For the operation of chapter 15, the following are examples of an obligation mentioned in section 525(1)(c) for matters dealt with under a repealed Act—	15 16 17
	(a) an obligation under the <i>Plant Protection Act 1989</i> , previous section 21G to give notice of cancelling, suspending or amending an accreditation;	18 19 20
	(b) an obligation under the <i>Plant Protection Act 1989</i> , previous section 21H to return a cancelled, suspended or amended accreditation in particular circumstances.	21 22 23
580	Example for ch 15 of protections under s 525	24
	For the operation of chapter 15, a protection under the <i>Plant Protection Act 1989</i> , previous section 21H of a reasonable excuse for noncompliance with a notice to return a cancelled, suspended or amended accreditation is an example of a	25 26 27 28

protection mentioned in section 525(1)(d) for matters dealt with under a repealed Act.	1 2
Subdivision 14 Examples for chapter 17	3
581 Example for ch 17 of documents under s 525	4
For the operation of chapter 17, a document containing confidential information about a person that must not be disclosed under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 224B other than for particular purposes is an example of a document mentioned in section 525(1)(a) for matters dealt with under a repealed Act.	5 6 7 8 9 10
582 Example for ch 17 of actions under s 525	11
For the operation of chapter 17, a limitation under the <i>Plant Protection Act 1989</i> , previous section 11B on the review of particular decisions and actions is an example of an action mentioned in section 525(1)(b) for matters dealt with under a repealed Act.	12 13 14 15 16
583 Examples for ch 17 of obligations under s 525	17
For the operation of chapter 17, an obligation under the <i>Land Protection (Pest Management) Act 2002</i> , previous section 224B not to disclose confidential information gained by a person in administering or performing a function under the repealed Act is an example of an obligation mentioned in section 525(1)(c) for matters dealt with under a repealed Act.	18 19 20 21 22 23
584 Examples for ch 17 of protections under s 525	24
For the operation of chapter 17, a statement under a previous provision of a repealed Act that a particular person does not incur civil liability for an act done, or omission made, honestly and without negligence under the repealed Act is an	25 26 27 28

[s 585]

example of a protection mentioned in section 525(1)(d) for
matters dealt with under a repealed Act. 1 2

Examples of previous provisions— 3

- the *Agricultural Standards Act 1994*, previous section 65 4
- the *Land Protection (Pest and Stock Route Management) Act 2002*,
previous section 307 5 6
- the *Plant Protection Act 1989*, previous section 28 7

Division 3 Transitional provisions relating to repealed Acts—general matters 8 9

585 Div 3 prevails over div 2 10

If a provision of this division is inconsistent with division 2,
the provision prevails to the extent of the inconsistency. 11 12

586 Existing inspectors 13

(1) This section applies to a person who— 14

- (a) before the commencement, was appointed under a
repealed Act as an inspector; and 15 16
- (b) still held the appointment immediately before the
commencement. 17 18

Note— 19

The relevant repealed Acts are the *Agricultural Standards Act 1994*, the
Apiaries Act 1982, the *Exotic Diseases in Animals Act 1981*, the *Plant*
Protection Act 1989 and the *Stock Act 1915*. 20 21 22

(2) On the commencement, the person is taken to hold office
under this Act as an inspector for this Act on the conditions
stated in the person's instrument of appointment under the
repealed Act. 23 24 25 26

587	Existing inspectors under Chemical Usage (Agricultural and Veterinary) Control Act 1988	1 2
(1)	This section applies to a person who—	3
(a)	before the commencement, was appointed under the <i>Chemical Usage (Agricultural and Veterinary) Control Act 1988</i> as an inspector; and	4 5 6
(b)	still held the appointment immediately before the commencement.	7 8
(2)	On the commencement—	9
(a)	the person's appointment as an inspector under the <i>Chemical Usage (Agricultural and Veterinary) Control Act 1988</i> continues; and	10 11 12
(b)	the person is taken to hold office under this Act as an inspector for this Act on the conditions stated in the person's instrument of appointment under the <i>Chemical Usage (Agricultural and Veterinary) Control Act 1988</i> .	13 14 15 16
588	Existing authorised persons	17
(1)	This section applies to a person who—	18
(a)	before the commencement, was appointed under a repealed Act as an authorised person; and	19 20
(b)	still held the appointment immediately before the commencement.	21 22
	<i>Note—</i>	23
	The relevant repealed Acts are the <i>Land Protection (Pest Management) Act 2002</i> and the <i>Plant Protection Act 1989</i> .	24 25
(2)	On the commencement, the person is taken to hold office under this Act as an authorised person for this Act on the conditions stated in the person's instrument of appointment under the repealed Act.	26 27 28 29
	<i>Note—</i>	30
	See, however, section 645.	31

[s 589]

589	Existing forest officers	1
(1)	This section applies to a person who—	2
(a)	before the commencement, was appointed under the <i>Forestry Act 1959</i> as a forest officer; and	3 4
(b)	still held the appointment immediately before the commencement.	5 6
	<i>Note—</i>	7
	A forest officer under the repealed <i>Diseases in Timber Act 1975</i> is a forest officer appointed under the <i>Forestry Act 1959</i> .	8 9
(2)	On the commencement—	10
(a)	the person's appointment as a forest officer under the <i>Forestry Act 1959</i> continues; and	11 12
(b)	the person is taken to hold office under this Act as an authorised person for this Act on the conditions stated in the person's instrument of appointment under the <i>Forestry Act 1959</i> .	13 14 15 16
590	Existing applications	17
	An application made under a previous provision of a repealed Act and not decided on the commencement—	18 19
(a)	if there is a corresponding provision for the previous provision—must be decided under the corresponding provision; or	20 21 22
(b)	otherwise—must be taken to have lapsed and any fee paid by the applicant for the application must be refunded in full to the applicant.	23 24 25
591	Existing permits	26
	A permit granted under a repealed Act and in force immediately before the commencement, continues in force from the commencement for the period stated in the permit,	27 28 29

unless it is sooner cancelled, as if this Act had not been enacted.	1 2
592 Existing exemptions	3
If, immediately before the commencement, a person was exempted from a previous provision of a repealed Act, on the commencement—	4 5 6
(a) if there is a corresponding provision for the previous provision—the person is taken to be exempted from the corresponding provision; or	7 8 9
(b) otherwise—the exemption continues to apply according to its terms as if this Act had not been enacted.	10 11
593 Declarations, directions, notices, orders and requests made by the Minister or chief executive	12 13
(1) This section applies to a declaration, direction, notice, order or request (a <i>relevant notification</i>) made by the Minister or chief executive under a previous provision of a repealed Act before the commencement and in force or effect immediately before the commencement if there is no corresponding provision for the previous provision.	14 15 16 17 18 19
(2) The relevant notification—	20
(a) continues to apply after the commencement according to its terms; and	21 22
(b) may be varied, revoked or otherwise dealt with, and enforced, as if this Act had not been enacted.	23 24
(3) If the relevant notification imposed an obligation on an entity immediately before the commencement, the obligation continues to apply according to its terms as if this Act had not been enacted.	25 26 27 28
(4) If the relevant notification states a period for doing something—	29 30

[s 594]

- | | | |
|------------|--|----|
| (a) | the stated period continues to apply for doing the thing; | 1 |
| | and | 2 |
| (b) | the period continues to have started from when the | 3 |
| | period started under the previous provision of the | 4 |
| | repealed Act. | 5 |
| (5) | If the relevant notification stated a day before which, or by | 6 |
| | which, a thing is to be done (however expressed), the thing | 7 |
| | must be done by the stated day. | 8 |
| 594 | Existing directions, notices and orders given by | 9 |
| | inspectors or authorised persons | 10 |
| (1) | This section applies to a direction, notice or order given | 11 |
| | before the commencement to a person by an inspector or | 12 |
| | authorised person under a previous provision of a repealed | 13 |
| | Act, whether or not the person had received the direction, | 14 |
| | notice or order before the commencement, if there is no | 15 |
| | corresponding provision for the previous provision. | 16 |
| (2) | If the direction, notice or order imposed an obligation on the | 17 |
| | person immediately before the commencement, the obligation | 18 |
| | continues to apply according to its terms as if this Act had not | 19 |
| | been enacted. | 20 |
| (3) | If the direction, notice or order stated a period for doing | 21 |
| | something— | 22 |
| (a) | the stated period continues to apply for doing the thing; | 23 |
| | and | 24 |
| (b) | the period continues to have started from when the | 25 |
| | period started under the previous provision of the | 26 |
| | repealed Act. | 27 |
| (4) | If the direction, notice or order stated a day before which, or | 28 |
| | by which, a thing is to be done (however expressed), the thing | 29 |
| | must be done by the stated day. | 30 |

595	Existing approvals and other authorities	1
(1)	This section applies to an approval or other authority given before the commencement to a person under a previous provision of a repealed Act, whether or not the person had received the approval or other authority before the commencement, if there is no corresponding provision for the previous provision.	2 3 4 5 6 7
(2)	If the approval or other authority granted a right to the person immediately before the commencement, the approval or other authority continues to apply according to its terms as if this Act had not been enacted.	8 9 10 11
(3)	If conditions were imposed on the approval or other authority before the commencement, the conditions continue to apply to the approval or other authority.	12 13 14
(4)	If the approval or other authority stated a period for doing something—	15 16
(a)	the stated period continues to apply for doing the thing; and	17 18
(b)	the period continues to have started from when the period started under the previous provision of the repealed Act.	19 20 21
(5)	If the approval or other authority stated a day before which, or by which, a thing is to be done (however expressed), the thing must be done by the stated day.	22 23 24
596	Continuing obligation to give a person notice of existence of a fact	25 26
(1)	This section applies if—	27
(a)	a person is required under a previous provision of a repealed Act to give a person notice of the existence of a fact; and	28 29 30
(b)	there is no corresponding provision for the previous provision; and	31 32

[s 597]

- (c) immediately before the commencement, the person had not given the notice. 1
2
- (2) The obligation to give the notice continues to apply according to its terms as if this Act had not been enacted. 3
4
- Example for subsection (1)(b)—* 5
- Under the *Apiaries Act 1982*, previous section 23, a beekeeper is required to notify an inspector of the presence of a disease as defined under that Act within 48 hours of becoming aware of or suspecting the existence of the disease. If the disease is not a prohibited disease or category 1 or category 2 restricted matter under this Act, and the *Apiaries Act 1982* is repealed before the 48 hours has ended, the obligation to report the presence of the disease continues to apply to the beekeeper despite the repeal of the *Apiaries Act 1982* and even though the beekeeper is not required to report the presence of the disease under this Act. 6
7
8
9
10
11
12
13
14
15

597 Proceedings for recovery of costs and charges 16

If, immediately before the commencement, an entity has a right under a previous provision of a repealed Act to recover from another entity costs or charges payable by the other entity, the right continues as if this Act had not been enacted. 17
18
19
20

598 Proceedings for payment of compensation 21

If, immediately before the commencement, an entity has a right under a previous provision of a repealed Act to claim compensation from another entity for loss or expenses incurred by the entity, the right continues as if this Act had not been enacted. 22
23
24
25
26

599 Existing guidelines 27

A guideline prepared or issued under a repealed Act in relation to a previous provision of the repealed Act is, from the commencement, taken to be a guideline made by the chief executive under this Act for the corresponding provision for the previous provision. 28
29
30
31
32

600	Record-keeping requirements	1
(1)	This section applies if—	2
(a)	a previous provision of a repealed Act requires a document to be kept; and	3 4
(b)	there is no corresponding provision for the previous provision.	5 6
(2)	The document must be kept under the repealed provision as if this Act had not been enacted.	7 8
(3)	If a previous provision of the repealed Act states a way of keeping the document, the document must be kept in the way stated.	9 10 11
(4)	If a previous provision of the repealed Act states a period for keeping the document—	12 13
(a)	the stated period continues to apply for doing the thing; and	14 15
(b)	the period continues to have started from when the period started under the previous provision of the repealed Act.	16 17 18
601	Warrants	19
	A warrant issued under a repealed Act and in force immediately before the commencement is taken to be a warrant validly issued under this Act and continues in force, subject to any condition or limitation on its issue and with necessary changes.	20 21 22 23 24
602	Offences	25
(1)	Proceedings for an offence against a previous provision of a repealed Act may be continued or started despite the repeal of the repealed Act, and the provisions of the repealed Act necessary or convenient to be used in relation to the proceedings continue to apply as if this Act had not been enacted.	26 27 28 29 30 31

[s 603]

- (2) For subsection (1), the *Acts Interpretation Act 1954*, section 1
20 applies, but does not limit the subsection. 2

603 Protection of officials from liability continues 3

- (1) The protection under a previous provision of a repealed Act 4
that an official does not incur civil liability for an act done, or 5
omission made, honestly and without negligence under the 6
repealed Act continues under this Act if the protection applied 7
to the official immediately before the commencement. 8
- (2) If subsection (1) prevents a civil liability attaching to an 9
official, the liability attaches instead to— 10
- (a) if the official was the chief executive officer of a local 11
government, an authorised person appointed by the 12
chief executive officer of a local government or a person 13
acting under the direction of an authorised person 14
appointed by the chief executive officer of a local 15
government—the local government; or 16
- (b) otherwise—the State. 17
- (3) For this section, it does not matter what is the form of 18
appointment or employment of a person who is a public 19
service officer or public service employee. 20
- (4) In this section— 21
- civil liability* includes liability for the payment of costs 22
ordered to be paid in a proceeding for an offence against a 23
repealed Act. 24
- official* means— 25
- (a) the Minister; or 26
- (b) the chief executive; or 27
- (c) a chief executive officer; or 28
- (d) an authorised officer; or 29
- (e) a person acting under the direction of an authorised 30
officer; or 31

-
- | | |
|---|-----------------------|
| (f) a director of a pest operational board; or | 1 |
| (g) an employee of a pest operational board; or | 2 |
| (h) a person acting under the direction of an employee of a pest operational board; or | 3
4 |
| (i) a public service officer or public service employee, including a public service officer or public service employee acting under the repealed Act in substantially the same or equivalent role as an auditor or accredited certifier under this Act. | 5
6
7
8
9 |

604 Reviews and appeals 10

- | | |
|--|----------------------|
| (1) A review or appeal under a previous provision of a repealed Act relating to a matter under the previous provision that has started but not been finalised before the commencement may continue as if this Act had not been enacted. | 11
12
13
14 |
| (2) A right of appeal under a previous provision of a repealed Act relating to a decision on a review mentioned in subsection (1) continues as if this Act had not been enacted. | 15
16
17 |
| (3) If, immediately before the commencement, a person has a right of review or appeal under a previous provision of a repealed Act relating to a matter under the previous provision, the right continues as if this Act had not been enacted. | 18
19
20
21 |

605 References in Acts and documents 22

A reference in an Act or document to a previous provision of a repealed Act may, if the context permits, be taken as a reference to the corresponding provision for the previous provision.	23 24 25 26
---	----------------------

[s 606]

Division 4	Transitional provisions about particular matters for repealed provisions of Acts	1 2 3
Subdivision 1	Preliminary	4
606	Div 4 prevails over divs 2 and 3	5
	Division 4 applies despite anything to the contrary in division 2 or 3.	6 7
607	Definitions for div 4	8
	In this division—	9
	<i>amended Act</i> means—	10
	(a) for subdivision 4—the <i>Chemical Usage (Agricultural and Veterinary) Control Act 1988</i> ; or	11 12
	(b) for subdivision 7—the <i>Fisheries Act 1994</i> .	13
	<i>repealed Act</i> means—	14
	(a) for subdivision 2—the repealed <i>Agricultural Standards Act 1994</i> ; or	15 16
	(b) for subdivision 3—the repealed <i>Apiaries Act 1982</i> ; or	17
	(c) for subdivision 5—the repealed <i>Diseases in Timber Act 1975</i> ; or	18 19
	(d) for subdivision 6—the repealed <i>Exotic Diseases in Animals Act 1981</i> ; or	20 21
	(e) for subdivision 8—the repealed <i>Land Protection (Pest Management) Act 2002</i> ; or	22 23
	(f) for subdivision 9—the repealed <i>Plant Protection Act 1989</i> ; or	24 25
	(g) for subdivision 10—the repealed <i>Stock Act 1915</i> .	26

Subdivision 2	Transitional provisions for Agricultural Standards Act 1994	1 2
608	Standards about agriculture	3
	A standard about agriculture made by the chief executive under the repealed Act, section 5, and in force immediately before the commencement is, from the commencement, taken to be of no effect.	4 5 6 7
609	Persons appointed as analysts	8
(1)	This section applies if—	9
(a)	a person was appointed before the commencement by the chief executive under the repealed Act, section 15, as an analyst; and	10 11 12
(b)	still held the appointment immediately before the commencement.	13 14
(2)	On the commencement, the person's appointment as an analyst under the repealed Act ends.	15 16
610	Destruction of agricultural requirement	17
(1)	This section applies if—	18
(a)	an inspector enters a place under the repealed Act, section 36, and requires the occupier of the place to make the agricultural requirement, within the meaning of the repealed Act, harmless; and	19 20 21 22
(b)	immediately before the commencement, the person had not complied with the inspector's requirement.	23 24
(2)	On the commencement, the inspector's requirement is taken to be a biosecurity order given by an inspector under section 363 in the same terms as the requirement given under the amended Act.	25 26 27 28

[s 611]

Subdivision 3	Transitional provisions for Apiaries Act 1982	1 2
611	Delayed application of ch 6, pt 2 to registered beekeepers	3
(1)	A person who is a registered beekeeper under the repealed Act immediately before the commencement continues from the commencement to be a registered beekeeper until 31 March first occurring after the commencement unless the person's registration is sooner cancelled under the repealed Act, section 10, or otherwise ends.	4 5 6 7 8 9
(2)	From the commencement, the repealed Act, section 7(7), continues to apply to the certificate issued to the person under that section while the registration remains in force.	10 11 12
(3)	The requirement to be registered under chapter 6, part 2 does not apply to a person in relation to the keeping of bees while the person's registration as a registered beekeeper for the keeping of approximately the same number of bees continues under subsection (1).	13 14 15 16 17
612	Permit granted under repealed Act, s 8	18
	A permit granted under the repealed Act, section 8, and in force immediately before the commencement, continues in force from the commencement for the period stated in the permit, unless it is sooner cancelled, as if this Act had not been enacted.	19 20 21 22 23
613	Applications for permits, and existing permits, to bring bees or hives into Queensland	24 25
(1)	Subsection (2) applies to an application made under the repealed Act, section 9, for a permit to bring bees or hives into Queensland and not decided immediately before the commencement.	26 27 28 29

(2)	From the commencement, the repealed Act, section 9, continues to apply to the application as if this Act had not been enacted.	1 2 3
(3)	A permit granted under the repealed Act, section 9, and in force immediately before the commencement continues in force from the commencement for the period stated in the permit as if this Act had not been enacted.	4 5 6 7
(4)	From the commencement, the repealed Act, section 9 continues to apply to the permit while it remains in force.	8 9
614	Classification of apiaries certificates	10
	A certificate issued under the repealed Act, section 11, and in force immediately before the commencement is of no effect from the commencement.	11 12 13
615	Encroachment of apiary class A upon another apiary	14
(1)	This section applies if the chief executive prohibits under the repealed Act, section 12(1) or 13(1) the establishment of an apiary class A in or upon premises or a place and the prohibition is in force immediately before the commencement.	15 16 17 18 19
(2)	From the commencement, the prohibition is of no effect.	20
616	Permit to establish apiary—repealed Act, s 13(2)	21
(1)	A permit issued under the repealed Act, section 13(2), and in force immediately before the commencement, continues in force from the commencement for the period stated in the permit as if this Act had not been enacted.	22 23 24 25
(2)	From the commencement, the repealed Act, section 13 continues to apply to the permit while it remains in force.	26 27

[s 617]

617	Continuing obligation to give chief executive notice of sale of apiary or part of apiary	1 2
(1)	This section applies if—	3
(a)	a person is required under the repealed Act, section 16, to give the chief executive notice of the sale of an apiary or part of an apiary owned by the person; and	4 5 6
(b)	immediately before the commencement, the person had not given the notice.	7 8
(2)	From the commencement, the obligation to give the notice within 14 days after selling the apiary, or part of the apiary, continues as if this Act had not been enacted.	9 10 11
618	Marking or branding of hives	12
(1)	This section applies to a registered mark or number issued under the repealed Act to a person who maintained an apiary immediately before the commencement.	13 14 15
(2)	From the commencement, the mark or number is taken to be the HIN allocated to the person under section 147 for the person's hives.	16 17 18
619	Lodging returns and furnishing lists under the repealed Act, s 27	19 20
(1)	Subsection (2) applies if—	21
(a)	before the commencement, a person is required under the repealed Act, section 27(6), to lodge a return; and	22 23
(b)	immediately before the commencement, the person has not lodged the return.	24 25
(2)	The repealed Act, section 27(6) and (8), continues to apply to the person from the commencement as if this Act had not been enacted, and the period for lodging the return—	26 27 28
(a)	continues to apply for lodging the return; and	29

[s 620]

(b)	continues to have started from when the period started under previous section 27(6).	1 2
(3)	Subsection (4) applies if—	3
(a)	before the commencement, a person is required under the repealed Act, section 27(7), to furnish a list; and	4 5
(b)	immediately before the commencement, the person has not furnished the list.	6 7
(4)	The repealed Act, section 27(8) continues to apply to the person from the commencement as if this Act had not been enacted, and the period stated in the request to furnish the list—	8 9 10 11
(a)	continues to apply for furnishing the list; and	12
(b)	continues to have started from when the period started under the repealed Act, section 27(7).	13 14
Subdivision 4	Transitional provisions for Chemical Usage (Agricultural and Veterinary) Control Act 1988	15 16 17
620	Notice to recall particular prescribed substances	18
(1)	This section applies if—	19
(a)	before the commencement, the chief executive gives a person a notice under the amended Act, section 14(1), to take the steps and do the acts stated in the notice to recall a prescribed substance under that section; and	20 21 22 23
(b)	the prescribed substance has in or on it the residue of a chemical that is a contaminant; and	24 25
(c)	immediately before the commencement, the person has not complied with the notice.	26 27
(2)	The requirement to take the steps and do the acts stated in the notice continue to apply from the commencement as if this Act had not been enacted.	28 29 30

[s 621]

- | | |
|---|--------|
| (3) The amended Act, section 14(3), continues to apply to the person. | 1
2 |
|---|--------|

621 Notifying contaminants	3
-----------------------------------	---

- | | |
|--|-----------------------|
| (1) This section applies if— | 4 |
| (a) before the commencement, a person has an obligation under the amended Act, section 15, to notify the standards officer under that Act of a particular fact stated in that section relating to agricultural produce or manufactured stock food; and | 5
6
7
8
9 |
| (b) the obligation relates to the residue of a chemical that is a contaminant in or on the agricultural produce or manufactured stock food; and | 10
11
12 |
| (c) immediately before the commencement, the person had not complied with the obligation. | 13
14 |
| (2) From the commencement— | 15 |
| (a) the obligation to notify the standards officer of the fact is taken to be an obligation under section 46 to notify an inspector of the fact; and | 16
17
18 |
| (b) the stated period continues to apply for notifying the inspector; and | 19
20 |
| (c) the period continues to have started from when the period started under the amended Act, section 15. | 21
22 |

622 Dealing with prescribed substances relating to contaminants	23 24
--	----------

- | | |
|--|----------------------|
| (1) This section applies if— | 25 |
| (a) before the commencement, the standards officer or an inspector gives a person a notice under the amended Act, section 16(1) or (2), not to take particular action other than as permitted by the notice; and | 26
27
28
29 |

(b)	the notice relates to a residue of a chemical that is a contaminant; and	1 2
(c)	immediately before the commencement, the person had not complied with the notice.	3 4
(2)	From the commencement—	5
(a)	the notice is taken to be a biosecurity order given by an inspector under section 363 in the same terms as the notice given under the amended Act; and	6 7 8
(b)	the stated period continues to apply for taking the action; and	9 10
(c)	the period continues to have started from when the period started under the amended Act, section 16.	11 12
623	Approvals relating to contaminants	13
(1)	This section applies if—	14
(a)	before the commencement, the standards officer gives a person an approval under the amended Act, section 17; and	15 16 17
(b)	the approval relates to a residue of a chemical that is a contaminant; and	18 19
(c)	immediately before the commencement, the approval was still in force.	20 21
(2)	From the commencement—	22
(a)	the approval continues to apply according to its terms as if this Act had not been enacted; and	23 24
(b)	if conditions were imposed on the approval before the commencement, the conditions continue to apply to the approval; and	25 26 27
(c)	the amended Act, section 17(5) continues to apply to the person as if this Act had not been enacted.	28 29

[s 624]

624	Destruction of things relating to contaminants	1
(1)	This section applies if—	2
(a)	before the commencement, the chief executive gives a person a notice under the amended Act, section 18, directing the person to cause the things to be destroyed or otherwise disposed of; and	3 4 5 6
(b)	the notice relates to a residue of a chemical that is a contaminant; and	7 8
(c)	immediately before the commencement, the person had not complied with the notice.	9 10
(2)	From the commencement—	11
(a)	the notice is taken to be a biosecurity order given by an inspector under section 363 in the same terms as the notice given under the amended Act; and	12 13 14
(b)	the stated period continues to apply for taking the action; and	15 16
(c)	the period continues to have started from when the period started under the amended Act, section 18.	17 18
(3)	If, before the commencement, the standards officer took action under the amended Act, section 19, any amount owed by a person to the standards officer under that section becomes on the commencement a debt payable by the person to the chief executive.	19 20 21 22 23

Subdivision 5	Transitional provisions for Diseases in Timber Act 1975	24 25
----------------------	--	----------

625	Notice given to occupier or owner after declaration of infected area	26 27
(1)	This section applies if—	28
(a)	before the commencement—	29

-
- (i) an infected area is declared under the repealed Act, section 4(1)(b); and
 - (ii) the chief executive had given the occupier or owner of a place in the infected area a notice under the repealed Act, section 8; and
 - (b) immediately before the commencement, the measures stated in the notice for the extermination or the prevention or control of the dissemination of the disease the subject of the declaration have not been taken.
 - (2) The chief executive may, from the commencement, take the measures stated in the notice as if this Act had not been enacted.
 - (3) If the notice states that the chief executive requires the place to be vacated and the place is a dwelling house, the repealed Act, section 9, applies to the chief executive as if this Act had not been enacted.

Subdivision 6 **Transitional provisions for Exotic Diseases in Animals Act 1981**

626 **Infected premises**

- (1) This section applies if—

 - (a) under the repealed Act, section 9, an inspector has placed an area in quarantine; and
 - (b) immediately before the commencement, the area is still in quarantine.
- (2) On the commencement—

 - (a) the repealed Act, section 9(2), continues to apply to the area in quarantine as if this Act had not been enacted; and
 - (b) the period for which the area is in quarantine under the repealed Act, section 9(1B), or as extended under the

[s 627]

	repealed Act, section 9(2), whether before or after commencement, continues to apply to the area; and	1 2
(c)	the period continues to have started from when the period started under the repealed Act, section 9; and	3 4
(d)	a reference to an inspector in the repealed Act, section 9(3), is taken to be a reference to an inspector under this Act.	5 6 7
627	Notifications of restricted areas	8
(1)	This section applies if—	9
(a)	under the repealed Act, section 10, the Minister has by notice notified an area to be a restricted area for an exotic disease stated in the notice; and	10 11 12
(b)	immediately before the commencement, the notice is still in force.	13 14
(2)	On the commencement—	15
(a)	the notice is taken to be a regulation made under section 114 that includes biosecurity zone regulatory provisions; and	16 17 18
(b)	the restricted area is taken to be a biosecurity zone under the biosecurity zone regulatory provisions; and	19 20
(c)	the exotic disease under the repealed Act is taken to be regulated biosecurity matter for the biosecurity zone regulatory provisions; and	21 22 23
(d)	a notice under the repealed Act, section 10A, declaring movement of particular things within, into or out of the restricted area to be restricted is taken to be the biosecurity zone regulatory provisions or part of the provisions.	24 25 26 27 28
628	Existing licences for restricted movements	29
(1)	This section applies if—	30

[s 629]

-
- (a) under the repealed Act, section 11, a person holds a licence that allows a restricted movement for a restricted area; and
 - (b) immediately before the commencement, the licence is still in force.
 - (2) On the commencement, the licence—
 - (a) continues in effect for the period stated in the licence as if this Act had not been enacted unless it is sooner revoked under the repealed Act, section 11(3); and
 - (b) is subject to the conditions imposed on the licence when the licence was issued.
 - (3) From the commencement, the repealed Act, section 11(3) and
 - (4) continues to apply as if this Act had not been enacted.

Subdivision 7 **Transitional provisions for Fisheries Act 1994**

629 **Declared disease relating to contaminant**

- (1) This section applies if—
 - (a) under the amended Act, section 94 or 97, a declaration or regulation—
 - (i) prescribes a concentration level for a chemical residue that is a contaminant; and
 - (ii) declares that a chemical residue over the prescribed concentration level for the residue is a declared disease under that Act; and
 - (b) immediately before the commencement, the declaration or regulation is still in force.
- (2) From the commencement—
 - (a) the declaration or regulation is taken to be a regulation made under section 521(2)(e); and

[s 630]

(b)	the declared disease is taken to be a contaminant in an amount more than the maximum acceptable level in a carrier.	1 2 3
630	Declared disease relating to residue other than contaminant	4 5
(1)	This section applies if—	6
(a)	under the amended Act, section 94 or 97, a declaration or regulation—	7 8
(i)	prescribes a concentration level for a chemical residue (other than a contaminant) or an antibiotic residue; and	9 10 11
(ii)	declares that a residue over the prescribed concentration level for the residue is a declared disease under that Act; and	12 13 14
(b)	immediately before the commencement, the declaration or regulation is still in force.	15 16
(2)	From the commencement, the declaration or regulation is taken to be a regulation made under the <i>Chemical Usage (Agricultural and Veterinary) Control Act 1988</i> , section 38(2)(b), prescribing the maximum residue limit for the chemical residue or antibiotic residue in—	17 18 19 20 21
(a)	the tissue of a trade species animal within the meaning of that Act; or	22 23
(b)	a product derived from a trade species animal.	24
631	Declared quarantine area relating to contaminant	25
(1)	This section applies if—	26
(a)	under the amended Act, section 95 or 97, the chief executive or a regulation declares an area to be a declared quarantine area in relation to a declared disease in the area; and	27 28 29 30

[s 632]

(b)	the declared disease is a chemical residue that is a contaminant; and	1 2
(c)	immediately before the commencement, the declaration or regulation is still in force.	3 4
(2)	From the commencement—	5
(a)	the declaration or regulation is taken to be a regulation made under this Act that includes biosecurity zone regulatory provisions; and	6 7 8
(b)	the declared disease is taken to be regulated biosecurity matter for the biosecurity zone regulatory provisions; and	9 10 11
(c)	the declared quarantine area is taken to be the area identified under the biosecurity zone regulatory provisions as the biosecurity zone; and	12 13 14
(d)	any matters relating to the management, control and elimination of the declared disease for which the declaration or regulation provides are taken to be arrangements included in the biosecurity zone regulatory provisions for managing or eradicating the regulated biosecurity matter in relation to the biosecurity zone or areas outside the biosecurity zone.	15 16 17 18 19 20 21
632	Declared quarantine area relating to residue other than contaminant	22 23
(1)	This section applies if—	24
(a)	under the amended Act, section 95 or 97, the chief executive or a regulation declares an area to be a declared quarantine area in relation to a declared disease in the area; and	25 26 27 28
(b)	the declared disease is a chemical residue (other than a contaminant) or an antibiotic residue over the prescribed concentration level for the residue; and	29 30 31
(c)	immediately before the commencement, the declaration or regulation is still in force.	32 33

[s 633]

- (2) From the commencement, the declaration or regulation is taken to be a regulation made under the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*, section 38(2)(c), regulating the use, storage or possession of any of the following that contains the declared disease—
 - (a) the tissue of a trade species animal within the meaning of that Act; or
 - (b) a product derived from a trade species animal.

633 Emergency disease or quarantine declaration relating to contaminant

- (1) Subsection (2) applies if—
 - (a) the chief executive has under the amended Act, section 96, made an emergency disease declaration that states the declared disease the subject of the declaration; and
 - (b) the declared disease is a chemical residue that is a contaminant over the prescribed concentration level for the residue; and
 - (c) immediately before the commencement, the declaration is still in force.
- (2) On the commencement—
 - (a) the emergency disease declaration is taken to be a regulation made under section 521(2)(e); and
 - (b) the declared disease is taken to be a contaminant in an amount more than the maximum acceptable level in a carrier.
- (3) Subsection (4) applies if—
 - (a) the chief executive has under the amended Act, section 96, made an emergency quarantine declaration; and
 - (b) the declared disease or other thing identified in the declaration as the reason for making the declaration is a chemical residue that is a contaminant over the prescribed concentration level for the residue; and

[s 634]

(c)	immediately before the commencement, the emergency quarantine declaration is still in force.	1 2
(4)	On the commencement—	3
(a)	the emergency quarantine declaration—	4
(i)	is taken to be a biosecurity emergency order made by the chief executive under section 99; and	5 6
(ii)	continues to have effect for the period it would have had effect under the amended Act, section 96; and	7 8 9
(b)	the area quarantined under the declaration is taken to be the biosecurity emergency area for the biosecurity emergency order; and	10 11 12
(c)	the declared disease or other thing identified in the declaration is taken to be biosecurity matter associated with the biosecurity event that is the subject of the biosecurity emergency order.	13 14 15 16
634	Emergency disease or quarantine declaration relating to residue other than contaminant	17 18
(1)	Subsection (2) applies if—	19
(a)	the chief executive has under the amended Act, section 96, made an emergency disease declaration that states the declared disease the subject of the declaration; and	20 21 22
(b)	the declared disease is a chemical residue (other than a contaminant) or an antibiotic residue over the prescribed concentration level for the residue; and	23 24 25
(c)	immediately before the commencement, the declaration is still in force.	26 27
(2)	On the commencement—	28
(a)	the emergency disease declaration—	29
(i)	continues in force as if this Act had not been enacted; and	30 31

[s 634]

- (ii) continues to have effect for the period it would have had effect under the amended Act, section 96; and
- (b) the following provisions of the amended Act continue to apply as if this Act had not been enacted—
 - (i) the amended Act, sections 98, 99, 101 and 103;
 - (ii) any other provision of the amended Act necessary for the provisions to have effect or be enforced.
- (3) Subsection (4) applies if—
 - (a) the chief executive has under the amended Act, section 96, made an emergency quarantine declaration; and
 - (b) the declared disease or other thing identified in the declaration as the reason for making the declaration is a chemical residue (other than a contaminant) or an antibiotic residue over the prescribed concentration level for the residue; and
 - (c) immediately before the commencement, the emergency quarantine declaration is still in force.
- (4) On the commencement—
 - (a) the emergency quarantine declaration—
 - (i) continues in force as if this Act had not been enacted; and
 - (ii) continues to have effect for the period it would have had effect under the amended Act, section 96; and
 - (b) the following provisions of the amended Act continue to apply as if this Act had not been enacted—
 - (i) the amended Act, sections 98, 99, 101 and 103;
 - (ii) any other provision of the amended Act necessary for the provisions to have effect or be enforced.

Subdivision 8	Transitional provisions for Land Protection (Pest Management) Act 2002	1 2 3
635	Existing pest management plans	4
(1)	The pest management plan of a local government adopted under the repealed Act, section 30, and in force immediately before the commencement is, from the commencement, taken to be the local government's biosecurity plan for invasive biosecurity matter for its area.	5 6 7 8 9
(2)	The period for which the biosecurity plan has effect, stated in the pest management plan, continues to apply from the commencement as if this Act had not been enacted.	10 11 12
(3)	However, if the local government renews the plan after the commencement but before the end of the stated period, the pest management plan ceases to have effect immediately before the renewed biosecurity plan commences.	13 14 15 16
636	Preparing, reviewing, renewing and amending pest management plans	17 18
(1)	Subsection (2) applies if—	19
(a)	before the commencement, a local government was preparing its draft pest management plan under the repealed Act, section 27; and	20 21 22
(b)	immediately before the commencement, the local government had not adopted its plan.	23 24
(2)	From the commencement, the local government must, to the greatest practicable extent, under chapter 3, part 2, division 2—	25 26 27
(a)	complete preparing its pest management plan as if the draft pest management plan were a draft biosecurity plan; and	28 29 30
(b)	adopt the biosecurity plan.	31

[s 637]

- (3) Subsection (4) applies if— 1
 - (a) before the commencement, a local government was— 2
 - (ii) reviewing or renewing its pest management plan 3
under the repealed Act, section 33; or 4
 - (ii) amending its pest management plan under the 5
repealed Act, section 34; and 6
 - (b) immediately before the commencement, the local 7
government had not reviewed, renewed or amended its 8
plan. 9
- (4) From the commencement, the local government must, to the 10
greatest practicable extent— 11
 - (a) review its pest management plan under chapter 3, part 2, 12
division 3, as if the plan were its biosecurity plan; or 13
 - (b) renew its pest management plan under chapter 3, part 2, 14
division 2, as if the plan were its biosecurity plan; or 15
 - (c) amend its pest management plan under chapter 3, part 2, 16
division 4, as if the plan were its biosecurity plan. 17

637 Existing emergency pest notices 18

- (1) This section applies if— 19
 - (a) under the repealed Act, section 37(2), the chief 20
executive has by notice made a declaration under that 21
section for a particular animal or plant; and 22
 - (b) immediately before the commencement, the notice is 23
still in force. 24
- (2) On the commencement, the notice— 25
 - (a) is taken to be an emergency prohibited matter 26
declaration, made by the chief executive under chapter 27
2, part 2, declaring the animal or plant to be prohibited 28
matter; and 29
 - (b) continues to have effect for the period it would have had 30
effect under the repealed Act, section 37(7). 31

638	Existing agreement to make opening in declared pest fence	1 2
(1)	This section applies to an agreement the building authority entered into under the repealed Act, section 52, with another person about making an opening in a declared pest fence for a particular purpose and period if the agreement is in force immediately before the commencement.	3 4 5 6 7
(2)	On the commencement—	8
(a)	the agreement is taken to be an agreement that the barrier fence board entered into with the person under section 502 in relation to the barrier fence in the same terms as the agreement under the repealed Act; and	9 10 11 12
(b)	the stated period under the repealed Act continues to apply; and	13 14
(c)	the period continues to have started from when the period started under the repealed Act.	15 16
639	Notice directing restoration of declared pest fence	17
(1)	This section applies to a notice given before the commencement by the building authority under the repealed Act, section 53 to restore the declared pest fence to the condition it was in before the fence was damaged or opened.	18 19 20 21
(2)	From the commencement—	22
(a)	the notice is taken to be a notice given by the barrier fence board under section 506 to restore the barrier fence to the condition it was in before the fence was damaged or opened; and	23 24 25 26
(b)	the stated day by which the fence must be restored continues to apply for the restoration; and	27 28
(c)	the notice may be enforced by the barrier fence board.	29

[s 640]

640	Pest control notices	1
(1)	This section applies to a pest control notice given before the commencement by a pest operational board under the repealed Act, section 78.	2 3 4
(2)	From the commencement—	5
(a)	the notice continues in effect as if this Act had not been enacted; and	6 7
(b)	may be enforced by the chief executive; and	8
(c)	the following provisions of the repealed Act continue to apply as if this Act had not been enacted—	9 10
(i)	the repealed Act, sections 79 and 80;	11
(ii)	any other provision of the repealed Act necessary for the provisions to have effect or to be enforced.	12 13
641	Register of pest control and entry notices	14
(1)	The register of pest control notices and entry notices kept under the repealed Act, section 86, by the issuing entity for the notices is, from the commencement, taken to be included in the relevant register of biosecurity orders kept under section 369.	15 16 17 18 19
(2)	However, if the register is kept by a pest operational board, the chief executive must keep the register from the commencement.	20 21 22
642	Emergency quarantine notices	23
(1)	This section applies if—	24
(a)	under the repealed Act, section 90—	25
(i)	the chief executive gives a landowner an emergency quarantine notice; or	26 27
(ii)	the chief executive officer of a local government gives a landowner in the local government's area an emergency quarantine notice; and	28 29 30

(b) immediately before the commencement, the emergency quarantine notice is still in force.	1 2
(2) On the commencement—	3
(a) the emergency quarantine notice—	4
(i) is taken to be a biosecurity emergency order made by the chief executive under section 99; and	5 6
(ii) continues to have effect for the period it would have had effect under the repealed Act, section 90; and	7 8 9
(b) the land to which the notice relates, stated in the notice, is taken to be the biosecurity emergency area for the biosecurity emergency order; and	10 11 12
(c) the class 1 or class 2 pest, within the meaning of the repealed Act, that is identified in the notice is taken to be biosecurity matter associated with the biosecurity event the subject of the biosecurity emergency order.	13 14 15 16
(3) Subsection (4) applies if—	17
(a) the chief executive or the chief executive officer directs an authorised person under the repealed Act, section 91, to take action that a person was required to take under the emergency quarantine notice; and	18 19 20 21
(b) immediately before the commencement, the authorised person has not taken the action.	22 23
(4) On the commencement—	24
(a) the authorised person may take the action required under that section; and	25 26
(b) the repealed Act, sections 93 and 295 continue to apply as if this Act had not been enacted.	27 28
 643 Dissolution of pest operational boards	 29
(1) This section applies to a pest operational board.	30

[s 644]

- (2) On the commencement, the pest operational board is dissolved and each person who, immediately before the commencement, was a director of the pest operational board goes out of office. 1
2
3
4
- (3) No compensation is payable to a director because of subsection (2). 5
6
- (4) On the commencement— 7
 - (a) the pest operational board's assets and liabilities are transferred to and become the assets and liabilities of the barrier fence board; and 8
9
10
 - (b) any amount owed by a person to the pest operational board becomes a debt payable by the person to the barrier fence board. 11
12
13
- (5) A proceeding that, if a pest operational board were not dissolved, might have been started or continued by or against the pest operational board may, from the commencement, be started or continued by or against the barrier fence board. 14
15
16
17
- (6) All matters started by the pest operational board before the commencement may be completed by the barrier fence board from the commencement. 18
19
20
- (7) A reference to the pest operational board in an Act or document may, from the commencement, be taken to be a reference to the barrier fence board, if the context permits. 21
22
23

644 Existing employees of pest operational boards 24

- (1) This section applies to a person who immediately before the commencement was employed by a pest operational board. 25
26
- (2) On the commencement, the person is employed by the barrier fence board on the same conditions on which the person was employed by the pest operational board. 27
28
29

(3)	Employment of the person by the barrier fence board under subsection (2) does not—	1 2
(a)	affect the employee's benefits, entitlements or remuneration; or	3 4
(b)	prejudice the employee's existing or accruing rights to superannuation or recreation, sick, long service or other leave; or	5 6 7
(c)	interrupt continuity of service; or	8
(d)	constitute a retrenchment or redundancy; or	9
(e)	entitle the employee to a payment or other benefit merely because the person is no longer employed by the pest operational board.	10 11 12
(4)	Without limiting subsection (2), if an industrial instrument applies to the person immediately before the commencement, the instrument continues to apply to the person.	13 14 15
(5)	If the person was, immediately before the commencement, employed under a contract of employment between the person and the pest operational board, subsections (2) and (3) apply subject to the contract of employment.	16 17 18 19
(6)	In this section—	20
	<i>industrial instrument</i> means a federal award, federal agreement or industrial instrument, as defined under the <i>Industrial Relations Act 1999</i> .	21 22 23
645	Authorised persons appointed by pest operational board	24
(1)	This section applies if—	25
(a)	a person was appointed before the commencement by a pest operational board under the repealed Act, section 244, as an authorised person; and	26 27 28
(b)	the person still held the appointment immediately before the commencement.	29 30

[s 646]

- | | |
|--|--------|
| (2) On the commencement, the person's appointment as an authorised person under the repealed Act ends. | 1
2 |
|--|--------|

646 Existing pest survey programs	3
--	---

- | | |
|---|----------------------|
| (1) This section applies to a pest survey program approved under the repealed Act, section 241, and in force immediately before the commencement. | 4
5
6 |
| (2) From the commencement, the approval for the pest survey program continues to apply, and may be varied, revoked or otherwise dealt with and enforced, as if this Act had not been enacted. | 7
8
9
10 |
| (3) Subsection (4) applies to an authorised person appointed for the purpose of the pest survey program before the commencement if the person holds office as an authorised person immediately before the commencement. | 11
12
13
14 |
| (4) On the commencement and subject to section 645, the authorised person continues to hold office as an authorised person appointed for the purpose of the pest survey program as if this Act had not been enacted. | 15
16
17
18 |
| (5) From the commencement, the following provisions of the repealed Act continue to apply as if this Act had not been enacted— | 19
20
21 |
| (a) the repealed Act, sections 242 and 243; | 22 |
| (b) any other provision of the repealed Act necessary for the provisions to have effect. | 23
24 |
| (6) The period for which the pest survey program has effect, stated in the program— | 25
26 |
| (a) continues to apply as if this Act had not been enacted; and | 27
28 |
| (b) continues to have started from when the period started under the repealed Act. | 29
30 |

Subdivision 9	Transitional provisions for Plant Protection Act 1989	1 2
647	Existing pest declarations	3
(1)	Subsection (2) applies if—	4
(a)	under the repealed Act, section 4(1), a regulation prescribes an undeclared pest to be a pest for the purposes of that Act; and	5 6 7
(b)	immediately before the commencement, the regulation is still in force.	8 9
(2)	On the commencement, the regulation is taken to be a prohibited matter regulation declaring the pest to be prohibited matter.	10 11 12
(3)	Subsection (4) applies if—	13
(a)	under the repealed Act, section 4(2), the Minister has by notice declared an undeclared pest to be a pest for the purposes of that Act; and	14 15 16
(b)	immediately before the commencement, the notice is still in force.	17 18
(4)	On the commencement, the notice—	19
(a)	is taken to be an emergency declaration, made by the chief executive under chapter 2, part 2, declaring the pest to be prohibited matter; and	20 21 22
(b)	continues to have effect for the period it would have had effect under the repealed Act, section 4(3).	23 24
648	Declarations of pest quarantine areas	25
(1)	Subsection (2) applies if—	26
(a)	under the repealed Act, section 11(1), a regulation declares an area to be a pest quarantine area; and	27 28

[s 648]

- (b) immediately before the commencement, the regulation is still in force. 1
2
- (2) On the commencement— 3
 - (a) the regulation under the repealed Act is taken to be a regulation made under section 114 that includes biosecurity zone regulatory provisions; and 4
5
6
 - (b) the pest quarantine area is taken to be a biosecurity zone under the biosecurity zone regulatory provisions; and 7
8
 - (c) the pest that causes the pest infestation identified in the regulation under the repealed Act is taken to be regulated biosecurity matter for the biosecurity zone regulatory provisions. 9
10
11
12
- (3) Subsection (4) applies if— 13
 - (a) under the repealed Act, section 11(1), the Minister has by notice declared an area to be a pest quarantine area; and 14
15
16
 - (b) immediately before the commencement, the notice is still in force. 17
18
- (4) On the commencement— 19
 - (a) the notice— 20
 - (i) is taken to be a biosecurity emergency order made by the chief executive under section 99; and 21
22
 - (ii) continues to have effect for the period it would have had effect under the repealed Act, section 11(9); and 23
24
25
 - (b) the pest quarantine area is taken to be the biosecurity emergency area for the biosecurity emergency order; and 26
27
28
 - (c) the pest that causes the pest infestation identified in the notice under the repealed Act is taken to be biosecurity matter associated with the biosecurity event that is the subject of the biosecurity emergency order. 29
30
31
32

-
- (5) Subsection (6) applies if, before the commencement, an inspector has given a direction or taken an action under the repealed Act, section 11(7), that allows a person to be exempted from the matters stated in paragraph (a) or (c) of that section.
1
2
3
4
5
 - (6) From the commencement—
6
 - (a) for an exemption relating to a regulation made under the repealed Act, section 11(7)—the exemption is taken to be a biosecurity instrument permit under this Act and is subject to the same conditions imposed under the repealed Act on the exemption; or
7
8
9
10
11
 - (b) for an exemption relating to a notice made under the repealed Act, section 11(7)—the exemption is taken to be an emergency biosecurity order permit under this Act and is subject to the same conditions imposed under the repealed Act on the exemption.
12
13
14
15
16

649 Undertaking instead of declaration of pest quarantine area 17
18

- (1) This section applies if—
19
- (a) the Minister has, under the repealed Act, section 11(4), accepted an undertaking from the owner of land; and
20
21
- (b) the undertaking is in force immediately before the commencement.
22
23
- (2) From the commencement—
24
- (a) the undertaking continues to apply to the owner as if this Act had not been enacted; and
25
26
- (b) if, before the commencement, an inspector has given a direction or taken an action under the repealed Act, section 11(7), that allows a person to be exempted from the conditions imposed on the undertaking—the exemption continues to apply as if this Act had not been enacted; and
27
28
29
30
31
32

[s 650]

- (c) the repealed Act, section 11(10), continues to apply in relation to the undertaking. 1
2

650 Approved plant declarations 3

- (1) This section applies if— 4
 - (a) before the commencement, the chief executive made an approved plant declaration under the repealed Act, section 11A, that allowed planting or cultivating of an approved plant variety in a pest quarantine area within the meaning of that Act; and 5
6
7
8
9
 - (b) the declaration is still in force immediately before the commencement. 10
11
- (2) On the commencement— 12
 - (a) if a regulation declared an area to be the pest quarantine area—the approved plant declaration is taken to be included in the biosecurity zone regulatory provisions under section 648(2)(a); or 13
14
15
16
 - (b) if the Minister by notice under the repealed Act, section 11(1), declared the pest quarantine area—the approved plant declaration is taken to be a provision of the biosecurity emergency order under section 648(4)(a)(i). 17
18
19
20

651 Keeping of business documents 21

- If, immediately before the commencement, a person is required under the repealed Act, section 11C or 11D, (a *repealed section*) to keep a business document for an area— 22
23
24
- (a) the obligation to keep the document under the repealed section continues to apply to the person; and 25
26
 - (b) the period stated in the repealed section for keeping the document— 27
28
 - (i) continues to apply for keeping the document; and 29

	(ii) continues to have started from when the period started under the repealed section.	1 2
652	Existing pest surveillance programs	3
	(1) This section applies to a pest surveillance program authorised under the repealed Act, section 20B, and in force immediately before the commencement.	4 5 6
	(2) On the commencement, the program—	7
	(a) is taken to be a surveillance program authorised by the chief executive under chapter 8; and	8 9
	(b) continues to have effect for the period it would have had effect under the repealed Act.	10 11
653	Intergovernmental agreements and assurance certificates	12 13
	(1) Subsection (2) applies to an intergovernmental agreement entered into under the repealed Act, section 21L (the <i>existing agreement</i>), that is in force immediately before the commencement.	14 15 16 17
	(2) From the commencement—	18
	(a) the existing agreement is taken to be an intergovernmental agreement entered into under section 75 (the <i>continuing agreement</i>); and	19 20 21
	(b) the continuing agreement applies to the parties to the existing agreement with any necessary changes to give effect to the existing agreement; and	22 23 24
	(c) a reference in the existing agreement to an assurance certificate is taken to be a reference to an acceptable biosecurity certificate for the continuing agreement.	25 26 27
	(3) Subsection (4) applies if an assurance certificate that is in effect immediately before the commencement makes a statement about the existence of a fact in relation to a plant, or	28 29 30

[s 654]

other thing that may spread a pest, within the meaning of the repealed Act.	1 2
(4) From the commencement—	3
(a) the assurance certificate is taken to be an acceptable biosecurity certificate about the plant or other thing; and	4 5
(b) an authorised officer may accept and, without further checking, rely and act on the assurance certificate in relation to the fact as if it were an acceptable biosecurity certificate.	6 7 8 9
654 Governmental and industry cost sharing agreements	10
(1) This section applies to a government and industry cost sharing agreement (a <i>GICS agreement</i>) entered into under the repealed Act, section 21LA, that is in force immediately before the commencement.	11 12 13 14
(2) From the commencement—	15
(a) the GICS agreement is taken to be a government and industry agreement entered into under section 76; and	16 17
(b) the government and industry agreement applies to the parties to the GICS agreement with any necessary changes to give effect to the GICS agreement.	18 19 20
Subdivision 10 Transitional provisions for Stock Act 1915	21 22
655 Stock Diseases Compensation and Stock Improvement Fund	23 24
(1) This section applies to the Stock Diseases Compensation and Stock Improvement Fund (the <i>compensation fund</i>) established under the repealed Act, section 8.	25 26 27
(2) On the commencement—	28

(a)	the amounts in the compensation fund become the assets of the State; and	1 2
(b)	the liabilities mentioned in the repealed Act, section 8(3), become liabilities of the State.	3 4
656	Certificates of health for stock	5
(1)	This section applies to a certificate of health for stock under the repealed Act that—	6 7
(a)	states stock comply with the requirements under the repealed Act for introduction; and	8 9
(b)	is in force immediately before the commencement.	10
(2)	From the commencement—	11
(a)	the certificate of health is taken to be an acceptable biosecurity certificate about the stock; and	12 13
(b)	the acceptable biosecurity certificate has the same effect in relation to the statement as the certificate of health had under the repealed Act; and	14 15 16
(c)	the acceptable biosecurity certificate has effect for the period the certificate of health would have had effect under the repealed Act.	17 18 19
657	Existing emergency disease notices	20
(1)	This section applies if—	21
(a)	under the repealed Act, section 12A(1), the chief executive has made an emergency disease notice declaring a declared disease to be a disease for that Act; and	22 23 24 25
(b)	immediately before the commencement, the notice is still in force.	26 27
(2)	On the commencement, the notice—	28

[s 658]

- (a) is taken to be an emergency prohibited matter declaration, made by the chief executive under chapter 2, part 2, declaring the declared disease to be prohibited matter; and
- (b) continues to have effect for the period it would have had effect under the repealed Act, section 12A(6).

658 Notifications of infected and declared areas

- (1) This section applies if, under the repealed Act, section 13(1)—
 - (a) the Minister has by notice notified an area to be an infected area or a declared area; and
 - (b) immediately before the commencement, the notice is still in force.
- (2) On the commencement—
 - (a) the notice under the repealed Act is taken to be a regulation made under section 114 that includes biosecurity zone regulatory provisions; and
 - (b) the infected area or declared area is taken to be a biosecurity zone under the biosecurity zone regulatory provisions; and
 - (c) the disease stated in the notice is taken to be regulated biosecurity matter for the biosecurity zone regulatory provisions.

659 Quarantine and undertakings

- (1) If—
 - (a) an inspector has, under the repealed Act, section 14, given written notice to the owner of holdings in an area that the area is in quarantine; and
 - (b) immediately before the commencement, the area is still in quarantine;

-
- from the commencement, the repealed Act, section 14, continues to apply as if this Act had not been enacted. 1
2
- (2) If— 3
- (a) the chief executive has, under the repealed Act, section 14(2), accepted an undertaking from the owner of a holding; and 4
5
6
- (b) the undertaking is in force immediately before the commencement; 7
8
- from the commencement, the undertaking continues to apply to the owner as if this Act had not been enacted. 9
10

660 Registration of registrable places and PICs 11

- (1) Subsection (2) applies if— 12
- (a) there is a registrable place that is registered under the repealed Act; and 13
14
- (b) the owner of the place— 15
- (i) keeps the threshold number or more of designated animals, other than bees; and 16
17
- (ii) is not an owner of another registrable place; and 18
- (c) the registration is in force immediately before the commencement. 19
20
- (2) On the commencement— 21
- (a) the owner of the place is taken to be a registered biosecurity entity registered under section 134 for 3 years from the commencement unless the owner is sooner deregistered under section 140; and 22
23
24
25
- (b) the place is taken to be a designated place the subject of the registration under paragraph (b); and 26
27
- (c) the PIC allocated under the repealed Act to the place is taken to be the PIC allocated under section 139 to the designated place. 28
29
30

[s 660]

- (3) Subsection (4) applies if—
 - (a) there is a registrable place (the *first place*) that is registered under the repealed Act; and
 - (b) the owner of the first place is an owner of another registrable place (the *second place*) that is registered under the repealed Act; and
 - (c) the owner of the first place keeps the threshold number or more of designated animals, other than bees; and
 - (d) the registration is in force immediately before the commencement.
- (4) On the commencement—
 - (a) the owner of the first place may be taken to be a registered biosecurity entity registered under section 134 for 3 years from the commencement unless the owner is sooner deregistered under section 140; and
 - (b) the first place and the second place may be taken to be designated places the subject of the registration under paragraph (a); and
 - (c) the PIC allocated under the repealed Act to each of the first place and second place may be taken to be the PIC allocated under section 139 to the designated places.
- (5) Subsection (6) applies if—
 - (a) there is a registrable place that is registered under the repealed Act; and
 - (b) the owner of the place keeps fewer than the threshold number or more of designated animals, other than bees; and
 - (c) the registration is in force immediately before the commencement.
- (6) On the commencement—
 - (a) the registration of the place ends; and
 - (b) the PIC allocated to the place is of no effect.

661	Existing approvals for particular places to remain unregistered	1 2
(1)	This section applies if—	3
(a)	the owner of a registrable place has been given an approval under the repealed Act for the place to remain unregistered; and	4 5 6
(b)	the owner keeps fewer than the threshold number of designated animals, other than bees; and	7 8
(c)	the approval is in force immediately before the commencement.	9 10
(2)	On the commencement, the approval is taken to be a registration exemption given under section 131 to the owner.	11 12
662	Approved tags	13
(1)	An approved tag under the repealed Act that is in effect before the commencement is, on the commencement, taken to be an approved device under section 166.	14 15 16
(2)	Subsection (3) applies if an approved tag is applied to an animal in a way that complies with the repealed Act immediately before the commencement.	17 18 19
(3)	On the commencement, the animal is taken to be fitted with a suitable approved device for the animal.	20 21
663	Existing warranties implied on sale of stock	22
(1)	This section applies if—	23
(a)	before the commencement, there has been a sale or agreement for the sale of stock under the repealed Act, section 20; and	24 25 26
(b)	whether before or after the commencement, there is conclusive evidence, within the meaning of the repealed Act, section 20, of a breach of the warranty implied under that section about the stock.	27 28 29 30

[s 664]

- (2) From the commencement, the following continue to apply in relation to the warranty as if this Act had not been enacted—
 - (a) the rights of the purchaser of a head of stock under the repealed Act, section 20(3)(a);
 - (b) the obligations of the vendor of a head of stock under the repealed Act, section 20(3)(b);
 - (c) the repealed Act, section 20(2), (3A), (3B) and (6);
 - (d) a regulation made before the commencement for the purposes of the repealed Act, section 20(11).

664 Travel permits

- (1) Subsection (2) applies if—
 - (a) an inspector has—
 - (i) under the repealed Act, section 21B, issued a travel permit; or
 - (ii) under the repealed Act, section 21E, issued a travel permit for multiple movement of stock; and
 - (b) the travel permit was in force immediately before the commencement.
- (2) From the commencement—
 - (a) the travel permit, and any conditions imposed under the repealed Act, section 21B, on the travel permit, continue to apply as if this Act had not been enacted; and
 - (b) the repealed Act, sections 21D and 21F to 21K, and any other provision referred to in any of those provisions or necessary for those provisions to have effect, continue to apply to the travel permit as if this Act had not been enacted.
- (3) Subsection (4) applies if an application for a travel permit made under the repealed Act, section 21C, has not been decided before the commencement.
- (4) From the commencement, the application—

-
- (a) is taken to be an application for a biosecurity instrument permit made under section 118(2); and
 - (b) must be decided under this Act.

665 Approvals for particular types of stock movement

- (1) A stock movement approval, granted under the repealed Act and in force immediately before the commencement, from the commencement—
 - (a) continues in force as if this Act had not been enacted; and
 - (b) if conditions are imposed on the approval—remains in force only if the conditions are complied with.
- (2) An application for a stock movement approval, made under the repealed Act and not decided before the commencement, must be decided under the repealed Act from the commencement as if this Act had not been enacted.
- (3) In this section—

stock movement approval means an approval under the repealed Act for a type of stock movement that exempts stock from an inspection and treatment requirement or subjects stock to another less stringent form of inspection or treatment.

666 Miscellaneous approvals given by chief inspector

- Any of the following approvals made under the repealed Act and in force immediately before the commencement continue in force from the commencement as if this Act had not been enacted—
- (a) an approval for a person to inspect or treat, or supervise the inspection or treatment of, stock for cattle tick;
 - (b) the approval of a program for the eradication or control of cattle tick;

[s 667]

- (c) the approval of a railway or road for the movement of stock. 1
2

667 Disease eradication programs 3

- (1) This section applies to a disease eradication program established under the repealed Act, section 30, and in force immediately before the commencement. 4
5
6
- (2) On the commencement, the program— 7
 - (a) is taken to be a prevention and control program authorised by the chief executive under chapter 8; and 8
9
 - (b) continues to have effect for the period it would have had effect under the repealed Act. 10
11

668 Agreements in relation to disease eradication programs 12

- If— 13
 - (a) the chief executive has entered into an agreement under the repealed Act, section 30(1A), with the owner of any holding or premises or the owner of any stock; and 14
15
16
 - (b) the agreement is in force immediately before the commencement; 17
18
- from the commencement, the repealed Act, section 30, continues to apply to the agreement as if this Act has not been enacted. 19
20
21

Division 5 Regulation-making power for transitional purposes 22 23

669 Transitional regulation-making power 24

- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature about any matter— 25
26

[s 670]

-
- | | |
|--|----------------|
| (a) for which it is necessary to make provision to allow or to facilitate the doing of anything to achieve the transition from a repealed Act to this Act; and | 1
2
3 |
| (b) for which this Act does not provide or sufficiently provide. | 4
5 |
| (2) A transitional regulation may have retrospective operation to a day that is not earlier than the commencement. | 6
7 |
| (3) A transitional regulation must declare it is a transitional regulation. | 8
9 |
| (4) This division and any transitional regulation expire 1 year after the commencement. | 10
11 |
| (5) The <i>Acts Interpretation Act 1954</i> , section 20A, as applied under the <i>Statutory Instruments Act 1992</i> , section 14, applies in relation to the expiry. | 12
13
14 |

Chapter 19 Amendment of Acts 15

Part 1 Amendment of Chemical Usage (Agricultural and Veterinary) Control Act 1988 16 17 18

670 Act amended 19

This part amends the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*. 20
21

671 Amendment of s 6 (Maximum residue limit) 22

Section 6, from ‘in respect’ — 23

omit, insert— 24

[s 672]

	‘for any of the following may be zero—	1
	(a) agricultural produce;	2
	(b) manufactured stock food;	3
	(c) the tissue of a trade species animal;	4
	(d) a product derived from a trade species animal.’.	5
672	Replacement of s 15 (Chemical residues to be notified)	6
	Section 15—	7
	<i>omit, insert—</i>	8
‘15	General requirement to report chemical residues in relevant thing	9 10
	‘(1) This section applies to a person, other than a person to whom section 15A applies, if the person becomes aware that the residue of a chemical in or on a relevant thing is more than the maximum residue limit prescribed for the thing.	11 12 13 14
	<i>Examples of persons to whom this section may apply—</i>	15
	• a person conducting an analysis of the relevant thing	16
	• a veterinary surgeon who treats a trade species animal	17
	‘(2) The person must advise the standards officer of the following as soon as practicable, but not more than 24 hours, after becoming aware as mentioned in subsection (1)—	18 19 20
	(a) the presence of the residue of a chemical in or on the relevant thing is in an amount more than the maximum residue limit prescribed for the thing; and	21 22 23
	(b) the name and address of the person from whom the person obtained the relevant thing.	24 25
	Maximum penalty—40 penalty units.	26
	‘(3) In this section—	27
	<i>relevant thing</i> means any of the following—	28
	(a) agricultural produce;	29

[s 672]

(b)	manufactured stock food;	1
(c)	the tissue of a trade species animal;	2
(d)	a product derived from a trade species animal.	3
 ‘15A Requirement for particular persons to report chemical residues in relation to trade species animals		 4 5 6
‘(1)	This section applies to a person if the person becomes aware that—	7 8
(a)	a trade species animal or a product derived from a trade species animal is—	9 10
(i)	at a place of which the person is an occupier; or	11
(ii)	in the person’s possession or under the person’s control; and	12 13
(b)	the residue of a chemical in or on the tissue of the trade species animal or the product derived from the trade species animal is in an amount more than the maximum residue limit prescribed for the tissue or product.	14 15 16 17
‘(2)	If the person is not aware that the standards officer has been advised, or has otherwise become aware, that the residue of the chemical in or on the tissue or product is in an amount more than the maximum residue limit prescribed for the tissue or product, the person must advise the standards officer of the fact as soon as practicable, but not more than 24 hours, after becoming aware as mentioned in subsection (1).	18 19 20 21 22 23 24
	Maximum penalty—40 penalty units.	25
‘(3)	However, the person is not required to advise the standards officer under subsection (2) if the person becomes aware, before the person would otherwise be required to advise the standards officer under the subsection, that advice of the residue of the chemical in or on the tissue or product in an amount more than the maximum residue limit prescribed for the tissue or product has been given to the standards officer by another person.	26 27 28 29 30 31 32 33

[s 673]

Example—

A person would not be required to advise the standards officer that the residue of a chemical in the tissue of 1 of the person's animals is in an amount more than the maximum residue limit prescribed for the tissue if the person who conducted an analysis of the tissue advised the standards officer about it as soon as the results of the analysis were known.'.

673 Amendment of s 16 (Agricultural produce etc. containing chemical residues not to be used etc.)

(1) Section 16(2)—

omit, insert—

'(1A) Subsection (2) applies if the standards officer or an inspector suspects or believes on reasonable grounds that the cultivation of a plant in or on land, or the grazing or keeping of a trade species animal on land, would be likely to result in the residue of a chemical being present in or on a relevant thing in an amount more than the maximum residue limit prescribed for the relevant thing.

'(2) The standards officer or the inspector may, by notice in writing given to the owner or occupier of the land, direct the owner or occupier not to cultivate any plant or any class of plant in or on the land, or graze or keep a trade species animal on the land, other than as permitted under the notice.'

(2) Section 16(7), definition *prescribed substance*, paragraph (a)—

omit, insert—

'(a) a relevant thing in or on which the standards officer or an inspector suspects or believes on reasonable grounds there is the residue of a chemical in an amount more than the maximum residue limit prescribed for the relevant thing; or'.

(3) Section 16(7), definition *prescribed substance*, paragraph (b), 'produce;'—

omit, insert—

‘produce; or’.	1
(4) Section 16(7), definition <i>prescribed substance</i> —	2
<i>insert</i> —	3
‘(ba) a trade species animal in which the standards officer or	4
an inspector suspects or believes on reasonable grounds	5
there is the residue of a chemical in an amount that a	6
product derived from the animal is likely to have in it the	7
residue of a chemical in an amount more than the	8
maximum residue limit prescribed for the product; or’.	9
(5) Section 16(7), definition <i>prescribed substance</i> , paragraph (c),	10
from ‘any agricultural’—	11
<i>omit, insert</i> —	12
‘agricultural produce, manufactured stock food or a product	13
derived from a trade species animal in an amount more than	14
the maximum residue limit prescribed for the produce, stock	15
food or product.’.	16
(6) Section 16(7), definition <i>prescribed substance</i> , paragraphs	17
(ba) and (c)—	18
<i>renumber</i> as definition <i>prescribed substance</i> , paragraphs (c)	19
and (d).	20
(7) Section 16(7)—	21
<i>insert</i> —	22
‘ relevant thing means any of the following—	23
(a) agricultural produce;	24
(b) manufactured stock food;	25
(c) the tissue of a trade species animal;	26
(d) a product derived from a trade species animal.’.	27
674 Amendment of s 17 (Approval to use etc. agricultural	28
produce etc. or cultivate plants on land)	29
(1) Section 17, heading, after ‘plants’—	30

[s 675]

<i>insert—</i>	1
‘, or graze or keep trade species animals,’.	2
(2) Section 17(1)(b)—	3
<i>omit, insert—</i>	4
‘(b) cultivate a plant, or graze or keep a trade species animal, on land;’.	5 6
(3) Section 17(1), ‘plants on the land’—	7
<i>omit, insert—</i>	8
‘the plant, or graze or keep the trade species animal, on the land’.	9 10
(4) Section 17(2)(b)—	11
<i>omit, insert—</i>	12
‘(b) the cultivation of a plant, or the grazing or keeping of a trade species animal, on land;’.	13 14
(5) Section 17(2), ‘cultivation—’—	15
<i>omit, insert—</i>	16
‘cultivation, grazing or keeping—’.	17
(6) Section 17(5), ‘plants’—	18
<i>omit, insert—</i>	19
‘a plant, or grazes or keeps a trade species animal,’.	20
(7) Section 17(6), definition <i>prescribed substance</i> , after ‘plant’—	21
<i>insert—</i>	22
‘, a trade species animal, a product derived from a trade species animal’.	23 24
675 Amendment of s 18 (Destruction of agricultural produce etc. at direction of chief executive)	25 26
(1) Section 18(1)(a)—	27
<i>omit, insert—</i>	28

‘(a) a portion or sample of any agricultural produce,	1
manufactured stock food or a product derived from a	2
trade species animal in an amount more than the	3
maximum residue limit prescribed for the produce,	4
stock food or product; or’.	5
(2) Section 18(1)(b), ‘that exceeds’—	6
<i>omit, insert—</i>	7
‘more than’.	8
(3) Section 18(1)—	9
<i>insert—</i>	10
‘(ba) a portion or sample of a trade species animal from	11
which a product may be derived and the chief executive	12
forms the opinion that the product is likely to have in or	13
on it the residue of a chemical in an amount more than	14
the maximum residue limit prescribed for the product;	15
or’.	16
(4) Section 18(1)(c), from ‘or manufactured’—	17
<i>omit, insert—</i>	18
‘, manufactured stock food or a product derived from a trade	19
species animal having in or on it the residue of a chemical in	20
an amount more than the maximum residue limit prescribed	21
for the produce, stock food or product;’.	22
(5) Section 18(1), after ‘agricultural produce, manufactured stock	23
food, plants’—	24
<i>insert—</i>	25
‘, a product derived from a trade species animal’.	26
(6) Section 18(1)(ba) and (c)—	27
<i>renumber</i> as section 18(1)(c) and (d).	28
676 Insertion of new s 19A	29
Part 2, division 4—	30

[s 676]

<i>insert—</i>	1
‘19A Deciding chemical residue status in relation to registered biosecurity entity	2
	3
‘(1) This section applies if—	4
(a) a person applies under the Biosecurity Act for registration of the person as a registered biosecurity entity; and	5 6 7
(b) the chief executive administering the Biosecurity Act registers the person as a registered biosecurity entity in the biosecurity register; and	8 9 10
(c) the chief executive decides the chemical residue status of any designated place the subject of the registered biosecurity entity’s registration or any designated animal or designated biosecurity matter to which the entity’s registration relates (the <i>chemical residue status details</i>).	11 12 13 14 15 16
‘(2) The chief executive must, as soon as practicable—	17
(a) give the chief executive administering the Biosecurity Act the registered biosecurity entity’s chemical residue status details for entry in the biosecurity register; and	18 19 20
(b) give the registered biosecurity entity an information notice for the chief executive’s decision about the chemical residue status details.	21 22 23
‘(3) Words defined in the Biosecurity Act and used in this section have the same meanings as they have in the Biosecurity Act.	24 25
‘(4) In this section—	26
<i>Biosecurity Act</i> means the <i>Biosecurity Act 2011</i> .	27
<i>chemical residue status</i> , of a designated place, a designated animal or designated biosecurity matter, means the absence or presence on or in the place or on or in the animal or biosecurity matter of the residue of a chemical, and, if the residue is present, its level or risk of contamination to designated animals.’.	28 29 30 31 32 33

677	Amendment of s 20 (Powers of inspectors)	1
(1)	Section 20(1)(a) to (p), at the end—	2
	<i>insert—</i>	3
	‘or’.	4
(2)	Section 20(1)(a)(iv), after ‘cultivated,’—	5
	<i>insert—</i>	6
	‘grazed,’.	7
(3)	Section 20(1)(g)(i) and (iv), at the end—	8
	<i>insert—</i>	9
	‘or’.	10
(4)	Section 20(1)(g)(ii)—	11
	<i>omit, insert—</i>	12
	‘(ii) any agricultural produce or manufactured stock	13
	food derived from a plant, or product derived from	14
	a trade species animal, to which a notice under	15
	section 16 or an approval under section 17 relates	16
	if the inspector suspects or believes on reasonable	17
	grounds the plant or animal has been dealt with in	18
	a way that is contrary to a direction in the notice or	19
	not in compliance with the approval; or’.	20
(5)	Section 20(1)(g)(iii)—	21
	<i>omit.</i>	22
(6)	Section 20(1)(g)(iv) and (v)—	23
	<i>renumber</i> as section 20(1)(g)(iii) and (iv).	24
(7)	Section 20(1)(h), after ‘door’—	25
	<i>insert—</i>	26
	‘, gate’.	27
(8)	Section 20(1)(i), ‘or otherwise mark’—	28
	<i>omit, insert—</i>	29

[s 678]

‘, mark or otherwise identify’.	1
(9) Section 20(3)—	2
<i>omit, insert—</i>	3
‘(3) In this section—	4
<i>prescribed substance</i> means any of the following—	5
(a) agricultural produce;	6
(b) manufactured stock food;	7
(c) a trade species animal;	8
(d) a product derived from a trade species animal;	9
(e) fertiliser;	10
(f) a plant;	11
(g) a substance used in connection with a thing mentioned in paragraphs (a) to (f).’.	12 13
 678 Amendment of s 25 (Obstruction of inspector)	 14
Section 25(b) and (c), after ‘food,’—	15
<i>insert—</i>	16
‘trade species animal, product derived from a trade species animal,’.	17 18
 679 Amendment of s 26 (Tampering with seals, samples, etc.)	 19
(1) Section 26(a), ‘mark’—	20
<i>omit, insert—</i>	21
‘identifying mark or device’.	22
(2) Section 26, after ‘food,’—	23
<i>insert—</i>	24
‘trade species animal, product derived from a trade species animal,’.	25 26

(3)	Section 26(a), after ‘door’—	1
	<i>insert—</i>	2
	‘, gate’.	3
680	Amendment of s 34 (Evidence, etc.)	4
(1)	Section 34(a) to (i), at the end—	5
	<i>insert—</i>	6
	‘or’.	7
(2)	Section 34(d) and (e), after ‘plant,’—	8
	<i>insert—</i>	9
	‘trade species animal, product derived from a trade species animal,’.	10
		11
(3)	Section 34(j)—	12
	<i>omit, insert—</i>	13
	‘(j) evidence that agricultural produce, manufactured stock food, the tissue of a trade species animal or a product derived from a trade species animal (each a relevant thing), or a portion or sample of the relevant thing, has in or on it the residue of a registered chemical product in an amount more than the maximum residue limit prescribed for the relevant thing is evidence that the chemical product was used in a way that is not in accordance with the instructions on the approved label for containers for the chemical product.’.	14
		15
		16
		17
		18
		19
		20
		21
		22
		23
681	Amendment of s 38 (Regulation-making power)	24
(1)	Section 38(2)(b), ‘and manufactured stock food’—	25
	<i>omit, insert—</i>	26
	‘manufactured stock food, the tissue of a trade species animal or a product derived from a trade species animal’.	27
		28
(2)	Section 38(2)(c)—	29

[s 682]

<i>omit, insert—</i>	1
‘(c) regulating the use, storage and possession of agricultural produce, manufactured stock food and products derived from trade species animals that contain the residue of a chemical in an amount more than the maximum residue limit prescribed for the produce, stock food or product;’.	2 3 4 5 6
682 Amendment of schedule (Dictionary)	7
(1) Schedule, definitions <i>chemical</i> , <i>Standards Act</i> and <i>stock—omit</i> .	8 9
(2) Schedule— <i>insert—</i> ‘chemical—	10 11 12
1 A chemical is—	13
(a) a chemical product; or	14
(b) another substance prescribed under a regulation to be a chemical.	15 16
2 For paragraph 1(b), a contaminant within the meaning of the <i>Biosecurity Act 2011</i> can not be prescribed under a regulation to be a chemical.	17 18 19
land means land under the <i>Biosecurity Act 2011</i> ’.	20
(3) Schedule, definition <i>maximum residue limit</i> , paragraph (b)— <i>omit, insert—</i>	21 22
‘(b) for the residue of a chemical in a trade species animal or a product derived from a trade species animal—the maximum residue limit prescribed under a regulation for the tissue of the animal or the product derived from the animal.’.	23 24 25 26 27
(4) Schedule, definition <i>trade species animal</i> , paragraph (b), after ‘an animal’—	28 29

<i>insert—</i>	1
‘, other than a food-producing species,’.	2
 Part 2	
Amendment of Fisheries Act 1994	3 4
 683 Act amended	5
This part amends the <i>Fisheries Act 1994</i> .	6
 684 Amendment of s 3A (How particular purposes are to be primarily achieved)	7 8
(1) Section 3A(1)(b)(iii)—	9
<i>omit.</i>	10
(2) Section 3A(1)(b)(iv)—	11
<i>renumber</i> as section 3A(1)(b)(iii).	12
 685 Amendment of s 8 (Meaning of <i>marine plant</i>)	13
Section 8(2), from ‘a plant’—	14
<i>omit, insert—</i>	15
‘an invasive plant that is—	16
(a) prohibited matter or restricted matter under the <i>Biosecurity Act 2011</i> ; or	17 18
<i>Notes—</i>	19
1 See the <i>Biosecurity Act 2011</i> , schedule 1, part 3 or schedule 2, part 2.	20 21
2 See also the note to the <i>Biosecurity Act 2011</i> , schedules 1 and 2.	22 23

[s 686]

	(b) controlled biosecurity matter or regulated biosecurity matter under the <i>Biosecurity Act 2011</i> .’	1 2
686	Amendment of s 20 (Chief executive’s functions)	3
	(1) Section 20(1)(b)—	4
	<i>omit.</i>	5
	(2) Section 20(1)(c)—	6
	<i>renumber</i> as section 20(1)(b).	7
687	Amendment of pt 5, div 5, hdg (Noxious and non-indigenous fisheries resources and aquaculture fish)	8 9 10
	Part 5, division 5, heading, ‘Noxious and non-indigenous’—	11
	<i>omit, insert—</i>	12
	‘Non-indigenous’.	13
688	Omission of s 89 (Noxious fisheries resources not to be possessed, released etc.)	14 15
	Section 89—	16
	<i>omit.</i>	17
689	Amendment of s 92 (Duty of person who takes or possesses noxious or non-indigenous fisheries resources)	18 19 20
	Section 92, ‘noxious or’—	21
	<i>omit.</i>	22
690	Amendment of s 93 (Recovery of costs of removing noxious fisheries resources etc.)	23 24
	Section 93, heading, from ‘noxious’—	25

	<i>omit, insert—</i>	1
	‘particular fisheries resources’.	2
691	Omission of pt 5, div 6 (Diseased fisheries resources)	3
	Part 5, division 6—	4
	<i>omit.</i>	5
692	Amendment of s 108 (Order for taking and removing, or destroying, noxious, non-indigenous or diseased fisheries resources or aquaculture fish)	6
		7
		8
	Section 108, ‘noxious, non-indigenous or diseased’—	9
	<i>omit, insert—</i>	10
	‘non-indigenous’.	11
693	Amendment of s 109 (Order to stop or delay escape of noxious, non-indigenous or diseased fisheries resources or aquaculture fish)	12
		13
		14
	Section 109, ‘noxious, non-indigenous or diseased’—	15
	<i>omit, insert—</i>	16
	‘non-indigenous’.	17
694	Amendment of s 145 (Entry to places)	18
	(1) Section 145(1)(e)(i)—	19
	<i>omit.</i>	20
	(2) Section 145(1)(e)(ii), from ‘; or’—	21
	<i>omit, insert—</i>	22

[s 695]

‘; or	1
<i>Note—</i>	2
This order is made under section 108 (Order for taking and removing, or destroying, non-indigenous fisheries resources or aquaculture fish).’	3 4 5
(3) Section 145(1)(e)(iii), from ‘escaping.’—	6
<i>omit, insert—</i>	7
‘escaping.	8
<i>Note—</i>	9
This order is made under section 109 (Order to stop or delay escape of non-indigenous fisheries resources or aquaculture fish).’	10 11 12
(4) Section 145(1)(e)(ii) and (iii), as amended under this section—	13 14
<i>renumber</i> as section 145(1)(e)(i) and (ii).	15
695 Amendment of s 159 (Inspector may dispose of fisheries resources taken unlawfully)	16 17
Section 159(3), ‘diseased,’—	18
<i>omit.</i>	19
696 Amendment of schedule (Dictionary)	20
Schedule, definitions <i>declared disease, declared quarantine area, noxious fisheries resources and quarantine declaration—</i>	21 22 23
<i>omit.</i>	24

[s 697]

Part 3	Amendment of other Acts	1
697	Acts amended in sch 3	2
	Schedule 3 amends the Acts it mentions.	3

Schedule 1	Prohibited matter	1
-------------------	--------------------------	---

	section 28	2
--	------------	---

<i>Note—</i>	3
--------------	---

Biosecurity matter may also be declared to be, or not to be, prohibited	4
matter under a prohibited matter regulation or emergency prohibited	5
matter declaration under chapter 2.	6

Part 1	Aquatic diseases, parasites and viruses	7 8
---------------	--	--------

abalone viral ganglioneuritis	9
akoya oyster disease	10
bacterial kidney disease (<i>Renibacterium salmoninarum</i>)	11
infection with <i>Bonamia exitiosa</i>	12
infection with <i>Bonamia ostreae</i>	13
channel catfish virus disease	14
crayfish plague (<i>Aphanomyces astaci</i>)	15
enteric redmouth disease (<i>Yersinia ruckeri</i> —Hagerman strain)	16
enteric septicaemia of catfish (<i>Edwardsiella ictaluri</i>)	17
epizootic haematopoietic necrosis—EHN virus	18
epizootic haematopoietic necrosis—European catfish virus/European sheatfish virus	19 20
furunculosis (<i>Aeromonas salmonicida</i> subsp. <i>salmonicida</i>)	21
grouper iridoviral disease	22
gyrodactylosis (<i>Gyrodactylus salaris</i>)	23
infectious haematopoietic necrosis	24
infectious myonecrosis	25
infectious pancreatic necrosis	26

infectious salmon anaemia	1
iridoviroses	2
koi herpesvirus disease	3
infection with <i>Marteilia refringens</i>	4
infection with <i>Marteilioides chungmuensis</i>	5
infection with <i>Mikrocytos mackini</i>	6
milky haemolymph disease of spiny lobster (<i>Panulirus</i> spp.)	7
oyster oedema disease	8
infection with <i>Perkinsus marinus</i>	9
piscirickettsiosis (<i>Piscirickettsia salmonis</i>)	10
red sea bream iridoviral disease	11
spring viraemia of carp	12
viral haemorrhagic septicaemia	13
whirling disease (<i>Myxobolus cerebralis</i>)	14
infection with <i>Xenohaliotis californiensis</i>	15

Part 2	Animal diseases, parasites and viruses	16
		17

acariasis (tracheal mite (<i>Acarapis woodi</i>))	18
African horse sickness	19
African swine fever	20
Aujeszky's disease	21
avian influenza, highly pathogenic	22
avian mycoplasmosis (<i>Mycoplasma synoviae</i>)	23
avian paramyxovirus	24
bee louse (Braula fly) (<i>Braula coeca</i>)	25

Schedule 1

bluetongue (clinical disease)	1
borna disease	2
bovine virus diarrhoea type 2	3
brucellosis (<i>Brucella abortus</i> , <i>B. canis</i> and <i>B. melitensis</i>)	4
camel pox	5
Chagas' disease (<i>Trypanosoma cruzi</i>)	6
classical swine fever	7
contagious agalactia	8
contagious bovine pleuropneumonia (<i>Mycoplasma mycoides mycoides</i> small colony type)	9 10
contagious caprine pleuropneumonia (<i>Mycoplasma capricolum</i>)	11 12
contagious equine metritis (<i>Taylorella equigenitalis</i>)	13
Crimean Congo haemorrhagic fever	14
devil facial tumour disease	15
dourine (<i>Trypanosoma equiperdum</i>)	16
duck virus enteritis (duck plague)	17
duck virus hepatitis	18
east coast fever	19
encephalitides (tick-borne)	20
enzootic abortion of ewes (<i>Chlamydophila abortus</i> and <i>Chlamydia psittaci</i> serotype 1)	21 22
epizootic haemorrhagic disease (clinical disease)	23
epizootic lymphangitis (<i>Histoplasma capsulatum</i> var. <i>farciminosum</i>)	24 25
equine encephalomyelitis viruses (western, eastern and Venezuelan)	26 27
equine encephalosis	28
equine influenza	29

equine piroplasmosis (<i>Babesia caballi</i> , <i>B. equi</i> and <i>Theileria equi</i>)	1
	2
foot and mouth disease	3
footrot in sheep (<i>Dichelobacter nodosus</i>)	4
fowl typhoid (<i>Salmonella gallinarum</i>)	5
getah virus infection	6
glanders (<i>Burkholderia mallei</i>)	7
goat pox	8
haemorrhagic septicaemia	9
heartwater (<i>Ehrlichia ruminantium</i>)	10
infectious bursal disease (hypervirulent and exotic antigenic variant forms)	11
	12
jembrana disease	13
leishmaniasis (<i>Leishmania</i> spp.) of any species	14
loupine ill	15
lumpy skin disease	16
maedi-visna	17
malignant catarrhal fever virus (wildebeest-associated)	18
menangle virus infection	19
Nairobi sheep disease	20
Newcastle disease (virulent)	21
nipah virus infection	22
peste des petits ruminants	23
porcine cysticercosis (<i>Cysticercus cellulosae</i>)	24
porcine enterovirus encephalomyelitis (Teschen)	25
porcine myocarditis (Bungowannah virus infection)	26
porcine reproductive and respiratory syndrome	27
post-weaning multisystemic wasting syndrome	28
Potomac fever	29

Schedule 1

pullorum disease (<i>Salmonella pullorum</i>)	1
pulmonary adenomatosis (Jaagsietke)	2
rabies	3
Rift Valley fever	4
rinderpest	5
salmonellosis (<i>Salmonella abortus equi</i>)	6
salmonellosis (<i>Salmonella abortus ovis</i>)	7
screw worm fly – New World (<i>Cochliomyia hominivorax</i>)	8
screw worm fly – Old World (<i>Chrysomya bezziana</i>)	9
sheep pox	10
sheep scab (<i>Psoroptes ovis</i>)	11
surra (<i>Trypanosoma evansi</i>)	12
swine influenza	13
swine vesicular disease	14
transmissible gastroenteritis	15
transmissible spongiform encephalopathies (including bovine	16
spongiform encephalopathy, chronic wasting disease of deer,	17
feline spongiform encephalopathy, scrapie)	18
trichinellosis (<i>Trichinella spiralis</i>)	19
tropilaelaps mite (<i>Tropilaelaps clareae</i>)	20
trypanosomiasis	21
tuberculosis (mammalian)	22
tularaemia (<i>Francisella tularensis</i>)	23
turkey rhinotracheitis (<i>Avian metapneumovirus</i>)	24
varroa mite (<i>Varroa destructor</i>)	25
varroa mite (<i>Varroa jacobsoni</i>)	26
vesicular exanthema	27
vesicular stomatitis	28
warble fly myiasis (<i>Hypoderma</i> spp.)	29

Wesselsbron disease	1
West Nile virus infection (clinical)	2

Part 3	Invasive plants	3
acacias non-indigenous to Australia (<i>Acaciella</i> spp., <i>Mariosousa</i> spp., <i>Senegalia</i> spp. (other than <i>Senegalia albizoides</i>) and <i>Acacia</i> spp. (syn. <i>Vachellia</i> spp.) other than <i>Acacia nilotica</i> and <i>Acacia farnesiana</i>)		4 5 6 7
anchored water hyacinth (<i>Eichhornia azurea</i>)		8
annual thunbergia (<i>Thunbergia annua</i>)		9
candleberry myrtle (<i>Morella faya</i>)		10
cholla cactus (<i>Cylindropuntia</i> spp. and hybrids, other than <i>C. fulgida</i> , <i>C. imbricata</i> , <i>C. prolifera</i> , <i>C. rosea</i> , <i>C. spinosior</i> and <i>C. tunicate</i>)		11 12 13
Christ's thorn (<i>Ziziphus spina-christi</i>)		14
Eurasian water milfoil (<i>Myriophyllum spicatum</i>)		15
fanworts (<i>Cabomba</i> spp. other than <i>C. caroliniana</i>)		16
floating water chestnuts (<i>Trapa</i> spp.)		17
harrisia cactus (<i>Harrisia</i> spp. syn. <i>Eriocereus</i> spp. other than <i>H. martinii</i> , <i>H. tortuosa</i> and <i>H. pomanensis</i> syn. <i>Cereus pomanensis</i>)		18 19 20
honey locust (<i>Gleditsia</i> spp. other than <i>G. triacanthos</i>)		21
horsetails (<i>Equisetum</i> spp.)		22
kochia (<i>Bassia scoparia</i> syn. <i>Kochia scoparia</i>)		23
lagarosiphon (<i>Lagarosiphon major</i>)		24
mesquites (all <i>Prosopis</i> spp. and hybrids other than <i>P. glandulosa</i> , <i>P. pallida</i> and <i>P. velutina</i>)		25 26
Mexican bean tree (all <i>Cecropia</i> spp. other than <i>C. pachystachya</i> , <i>C. palmata</i> and <i>C. peltata</i>)		27 28

Schedule 1

miconia (<i>Miconia</i> spp. other than <i>M. calvescens</i> , <i>M. cionotricha</i> , <i>M. nervosa</i> and <i>M. racemosa</i>)	1 2
mikania (<i>Mikania</i> spp. other than <i>M. micrantha</i>)	3
Peruvian primrose bush (<i>Ludwigia peruviana</i>)	4
prickly pear (<i>Opuntia</i> spp. other than <i>O. aurantiaca</i> , <i>O. elata</i> , <i>O. ficus-indica</i> , <i>O. microdasys</i> , <i>O. monacantha</i> , <i>O. stricta</i> , <i>O. streptacantha</i> and <i>O. tomentosa</i>)	5 6 7
red sesbania (<i>Sesbania punicea</i>)	8
salvinias (<i>Salvinia</i> spp. other than <i>S. molesta</i>)	9
serrated tussock (<i>Nassella trichotoma</i>)	10
Siam weed (<i>Chromolaena</i> spp. other than <i>C. odorata</i> and <i>C. squalida</i>)	11 12
spiked pepper (<i>Piper aduncum</i>)	13
water soldiers (<i>Stratiotes aloides</i>)	14
witch weeds (<i>Striga</i> spp. other than native species)	15

Part 4 Invasive animals 16

All amphibians, mammals and reptiles other than the following—	17 18
amphibians, mammals and reptiles that are restricted biosecurity matter	19 20
amphibians, mammals and reptiles indigenous to Australia, including marine mammals of the orders Cetacea, Pinnipedia and Sirenia	21 22 23
alpaca (<i>Lama pacos</i>)	24
asian house gecko (<i>Hemidactylus frenatus</i>)	25
axolotl (<i>Ambystoma mexicanum</i>)	26
bison or American buffalo (<i>Bison bison</i>)	27

black rat (<i>Rattus rattus</i>)	1
camel (<i>Camelus dromedarius</i>)	2
cane toad (<i>Rhinella marina</i> or <i>Bufo marinus</i>)	3
cattle (<i>Bos</i> spp.)	4
chital (axis) deer (<i>Axis axis</i>)	5
domestic Bengal cat (<i>Prionailurus bengalensis</i> x <i>Felis catus</i>)	6 7
domestic cat (<i>Felis catus</i>)	8
domestic dog (<i>Canis lupus familiaris</i>)	9
donkey (<i>Equus asinus</i>)	10
European hare (<i>Lepus europaeus</i>)	11
fallow deer (<i>Dama dama</i>)	12
goat (<i>Capra hircus</i>)	13
guanicoe (<i>Lama guanicoe</i>)	14
guinea pig (<i>Cavia porcellus</i>)	15
horse (<i>Equus caballus</i>)	16
house mouse (<i>Mus musculus</i>)	17
llama (<i>Lama glama</i>)	18
mule (<i>Equus caballus</i> x <i>Equus asinus</i>)	19
pig (<i>Sus scrofa</i>)	20
red deer (<i>Cervus elaphus</i>)	21
rusa deer (<i>Rusa timorensis</i> or <i>Cervus timorensis</i>)	22
sewer rat (<i>Rattus norvegicus</i>)	23
sheep (<i>Ovis aries</i>)	24
water buffalo (<i>Bubalus bubalis</i>)	25

Part 5	Marine animals and plants	1
American slipper limpet (<i>Crepidula fornicata</i>)		2
Asian bag mussel, Asian date mussel (<i>Musculista senhousia</i>)		3
Asian clam, brackish-water corbula (<i>Corbula</i> (<i>Potamocorbula</i>) <i>amurensis</i>)		4 5
Asian green mussel (<i>Perna viridis</i>)		6
Asian seaweed (<i>Sargassum muticum</i>)		7
black striped mussel (<i>Mytilopsis sallei</i>)		8
brown mussel (<i>Perna perna</i>)		9
centric diatoms (<i>Chaetoceros concavicornis</i> , <i>C. convolutus</i>)		10
Chinese mitten crab (<i>Eriocheir</i> spp.)		11
colonial sea squirt (<i>Didemnum</i> spp. (exotic invasive strains only))		12 13
comb jelly (<i>Mnemiopsis leidyi</i>)		14
European barnacle (<i>Balanus improvisus</i>)		15
European clam (<i>Varicorbula gibba</i>)		16
European fan worm (<i>Sabella spallanzanii</i>)		17
European green crab (<i>Carcinus maenas</i>)		18
green macroalga (<i>Caulerpa taxifolia</i> (exotic strains only))		19
green macroalga (<i>Codium fragile</i> ssp. <i>tomentosoides</i>)		20
jack-knife clam (<i>Ensis directus</i>)		21
Japanese seaweed (<i>Undaria pinnatifida</i>)		22
Japanese/Asian shore crab (<i>Hemigrapsus sanguineus</i>)		23
lady crab (<i>Charybdis japonica</i>)		24
marbled spinefoot, rabbit fish (<i>Siganus rivulatus</i>)		25
New Zealand screwshell (<i>Maoricolpus roseus</i>)		26
northern Pacific seastar (<i>Asterias amurensis</i>)		27
Pacific crab (<i>Hemigrapsus takanoi/penicillatus</i>)		28

Pacific oyster (<i>Crassostrea gigas</i>)	1
pennate diatom (<i>Pseudo-mitzschia seriata</i>)	2
rapa whelk (<i>Rapana venosa</i> (syn <i>Rapana thomasi</i>))	3
red gilled mudworm (<i>Marenzelleria</i> spp.)	4
red macroalga (<i>Grateloupia turuturu</i> (syn <i>Grateloupia doryphora</i>))	5 6
round goby (<i>Neogobius melanostomus</i>)	7
soft shell clam (<i>Mya arenaria</i>)	8
toxic dinoflagellates (<i>Dinophysis norvegica</i> , <i>Alexandrium monilatum</i> and <i>Pfiesteria piscicida</i>)	9 10

Part 6 Noxious fish 11

aba aba (<i>Gymnarchus niloticus</i>)	12
African butter catfish (<i>Schilbe mystus</i>)	13
African lungfish (<i>Protopterus annectens</i>)	14
African pike (<i>Hepsetus odoe</i>)	15
African pike-characin, tubenose poacher, fin eater (fish of the subfamily <i>Ichthyborinae</i>)	16 17
American gar, alligator gar, armoured gar (<i>Atractosteus</i> spp. and <i>Lepisosteus</i> spp.)	18 19
angler catfish, frogmouth catfish, squarehead catfish (<i>Chaca chaca</i>)	20 21
banded jewelfish (<i>Hemichromis fasciatus</i>)	22
banded sunfish, spotted sunfish (family <i>Centrarchidae</i>)	23
bighead carp (<i>Aristichthys nobilis</i>)	24
bluegill (<i>Lepomis</i> spp.)	25
bottlenose, cornish jack (<i>Mormyrops anguilloides</i>)	26
bowfin (<i>Amia calva</i>)	27

Schedule 1

brook stickleback (<i>Culaea inconstans</i>)	1
catla (<i>Catla catla</i>)	2
chameleon goby, striped goby (<i>Tridentiger trigonocephalus</i>)	3
Chinese swordfish (<i>Psephurus gladius</i>)	4
Chinese weatherfish, weatherloach (<i>Misgurnus anguillicaudatus</i>)	5 6
climbing perch (<i>Anabas testudineus</i>)	7
copper mahseer (<i>Neolissochilus hexagonolepis</i>)	8
electric catfish (<i>Malapterurus</i> spp.)	9
electric eel (<i>Electrophorus electricus</i>)	10
European catfish, wels catfish (<i>Silurus</i> spp.)	11
flatnose catfish, dwarf giraffe catfish (<i>Anaspidoglanis macrostomus</i>)	12 13
forktail lates (<i>Lates microlepis</i>)	14
fourspine stickleback (<i>Apeltes quadracus</i>)	15
freshwater minnow (<i>Zacco platypus</i>)	16
giant barb (<i>Catlocarpio siamensis</i>)	17
giant cichlid, yellow belly cichlid (<i>Boulengerochromis microlepis</i>)	18 19
grass carp (<i>Ctenopharyngodon idella</i>)	20
largemouth bass (<i>Micropterus salmoides</i>)	21
marble goby (<i>Oxyeleotris marmorata</i>)	22
Mississippi paddlefish (<i>Polyodon spathula</i>)	23
mrigal (<i>Cirrhinus cirrhosus</i>)	24
ninespine stickleback (<i>Pungitius pungitius</i>)	25
orange-fin labeo (<i>Labeo calbasu</i>)	26
parasitic catfish, pencil catfish, candiru catfish (family Trichomycteridae)	27 28
pike characin (<i>Acestrorhynchus microlepis</i>)	29

pike cichlid (<i>Crenicichla</i> spp.)	1
pike minnow, pike killifish (<i>Belonesox belizanus</i>)	2
piques (<i>Esox</i> spp.)	3
pink, slender, greenwoods, mortimers, cunean and green happy (<i>Sargochromis</i> spp.)	4 5
piranhas, pacus (fish of the subfamily Serrasalminae, other than <i>Metynnis</i> spp. and <i>Myleus rubripinnis</i>)	6 7
purpleface largemouth (<i>Serranochromis</i> spp.)	8
pygmy sunfish (<i>Elassoma</i> spp.)	9
red swamp crayfish (<i>Procambarus clarkii</i>)	10
ripsaw catfish, black doras, black shielded catfish (<i>Oxydoras</i> spp.)	11 12
river carp, deccan, high backed, jungha, putitor, Thai mahseer (<i>Tor</i> spp.)	13 14
rohu (<i>Labeo rohita</i>)	15
shiners (<i>Notropis</i> spp.)	16
silver carp (<i>Hypophthalmichthys molitrix</i>)	17
snakehead (<i>Channa</i> spp.)	18
snooks (<i>Centropomus</i> spp.)	19
Southern redbelly dace (<i>Phoxinus erythrogaster</i>)	20
stinging catfish (<i>Heteropneustes fossilis</i>)	21
tiger catfish (<i>Pseudoplatystoma fasciatum</i>)	22
tigerfish (African), pike characin (<i>Hydrocynus</i> spp., subfamilies Hydrocyninae and Alestinae)	23 24
tigerfish (South American) or trahira (<i>Erythrinus</i> spp., <i>Hoplerythrinus</i> spp. and <i>Hoplias</i> spp.)	25 26
tilapia (<i>Sarotherodon</i> spp.)	27
Ubangi shovelnose catfish (<i>Bagrus ubangensis</i>)	28
Valencia toothcarp (<i>Valencia hispanica</i>)	29

walking catfish, airbreathing catfish (family Clariidae)	1
yellowfin goby (<i>Acanthogobius flavimanus</i>)	2
Part 7	3
Prohibited matter affecting plants	4
Africanised bee (<i>Apis mellifera scutellata</i> , Lepeletier)	5
ampelopsis rust (<i>Physopella ampelopsidis</i> Knowlet)	6
angular leaf spot of strawberry (<i>Xanthomonas fragariae</i> B.W. Kennedy and King)	7 8
apple leaf curling midge (<i>Dasyneura mali</i> Kieffer)	9
armyworm (<i>Mythimna unipuncta</i> Haworth)	10
Asian citrus psyllid (<i>Diaphorina citri</i> Kuw.)	11
Asian honey bee (<i>Apis cerana</i> excluding <i>A. cerana javana</i> Fabricius, <i>A. dorsata</i> , <i>A. florea</i>)	12 13
Asian sugarcane planthopper (<i>Perkinsiella thompsoni</i> Muir.)	14
bacterial blight, angular leaf spot (<i>Xanthomonas axonopodis</i> pv. <i>malvacearum</i>)—resistant strains	15 16
bacterial leaf blight of maize (<i>Pantoea stewartii</i> subsp. <i>stewartii</i> (E.F. Smith) Mergaert et al.)	17 18
bacterial ring rot of potato (<i>Clavibacter michiganensis</i> subsp. <i>sepedonicus</i> (Spiek and Kotth.) Davis et al.)	19 20
banana bract mosaic virus (<i>Banana bract mosaic virus</i>)	21
banana skipper (<i>Erionota thrax</i> (Linnaeus))	22
banana stem weevil (<i>Odoiporus longicollis</i> (Oliver))	23
black knot (<i>Apiosporina morbosa</i> (Schwein.) Arx (1954))	24
black rot (<i>Guignardia bidwellii</i> (Ellis) Viala and Ravaz)	25
black Sigatoka (<i>Mycosphaerella fijiensis</i> M. Morelet (anamorph <i>Paracercospora fijiensis</i> (M. Morelet) Deighton))	26 27

blackline (<i>Cherry leaf roll virus</i>)	1
blood disease bacterium	2
branched broomrape (<i>Orobanche ramosa</i> L.)	3
breadfruit fruit fly (<i>Bactrocera umbrosa</i> (Fabricius))	4
brown rot (<i>Monilinia fructigena</i> Honey ex Whetzel (anamorph <i>Sclerotinia fructigena</i> Aderhold et Ruhl.))	5 6
camellia petal blight (<i>Ciborinia camelliae</i> L.M. Kohn (1979))	7
chestnut blight (<i>Cryphonectria parasitica</i> (Murrill) M.E. Barr (1978))	8 9
Chinese fruit fly (<i>Bactrocera minax</i> (Enderlein))	10
citrus black fly (<i>Aleurocanthus woglumi</i> Ashby)	11
citrus canker (<i>Xanthomonas axonopodis</i> pv. <i>citri</i> (Hasse) Vauterin)	12 13
citrus fruit borer (<i>Citripestis sagitiferella</i> (Moore))	14
citrus greening, Huanglongbing, HLB (“ <i>Candidatus</i> <i>Liberibacter asiaticus</i> ”)	15 16
coconut cadang-cadang viroid (<i>Coconut cadang-cadang</i> <i>viroid</i>)	17 18
coffee leaf rust (<i>Hemileia vastatrix</i> Berk. Broome)	19
Colorado potato beetle (<i>Leptinotarsa decemlineata</i> (Say))	20
Cook Islands fruit fly (<i>Bactrocera melanotus</i> (Coquillett))	21
cotton boll weevil (<i>Anthonomus grandis</i> Boheman)	22
cotton leaf curl disease (<i>Cotton leaf curl virus</i>)	23
cut worm (<i>Agrotis interjectionis</i> (Guenée))	24
downy mildew of sugarcane (<i>Peronosclerospora sacchari</i> (T. Miyake) Shirai and K. Hara)	25 26
drywood longicorn beetle (<i>Stromatium barbatum</i>)	27
Dutch elm disease (<i>Ceratocystis ulmi</i> (Buisman) C. Moreau (1952))	28 29
eucalyptus canker (<i>Cryphonectria cubensis</i> (Bruner) Hodges)	30

Schedule 1

eucalyptus/guava rust (<i>Puccinia psidii</i> sensu lato G. Winter (1884)) excluding <i>P. psidii</i> anamorph <i>Uredo rangellii</i> (J.A. Simpson, K. Thomas & Grgur (2006))	1 2 3
Eumusae leaf spot (<i>Mycosphaerella eumusae</i> Crous & Mour.)	4
European house borer (<i>Hylotrupes bajulus</i> (Linnaeus))	5
European stone fruit yellows (Apricot chlorotic leaf roll phytoplasma)	6 7
European stone fruit yellows phytoplasma (European stone fruit yellows phytoplasma)	8 9
false codling moth (<i>Cryptophlebia leucotreta</i> (Meyrick))	10
Fijian fruit fly (<i>Bactrocera passiflorae</i> (Froggatt))	11
fire blight (<i>Erwinia amylovora</i> (Burrill) Winslow et al.)	12
freckle (cavendish strain) (<i>Guignardia musae</i> Racib. (anamorph <i>Phyllosticta musarum</i> (Cooke) Aa (1909))	13 14
fruit fly (<i>Bactrocera atrisetosa</i> (Perkins))	15
fruit fly (<i>Bactrocera decipiens</i> (Drew))	16
fruit fly (<i>Bactrocera kirki</i> (Froggatt))	17
fruit fly (<i>Bactrocera occipitalis</i> (Bezzi))	18
fruit fly (<i>Bactrocera tau</i> (Walker))	19
fruit fly (<i>Bactrocera trilineola</i> Drew)	20
fruit fly (<i>Bactrocera trivialis</i> (Drew))	21
fruit fly (<i>Bactrocera xanthodes</i> (Broun))	22
giant African snail (<i>Achatina fulica</i>)	23
glassy winged sharpshooter (<i>Homalodisca coagulata</i> (Say))	24
golden apple snail (<i>Pomacea canaliculata</i>)	25
golden potato cyst nematode (<i>Globodera rostochiensis</i> (Wollenweber) Behrens)	26 27
grape leaf-folder (<i>Desmia funeralis</i> (Hübner))	28
grape phylloxera (<i>Daktulosphaira vitifoliae</i> (Fitch))	29

grape root rot (<i>Roesleria subterranea</i> (Weinm.) Redhead (1985))	1 2
grapevine leaf rust (<i>Phakopsora euvitis</i> Y. Ono (2000))	3
green snail (<i>Helix aperta</i>)	4
guava fruit fly (<i>Bactrocera correcta</i> (Bezzi))	5
Gypsy moth complex (<i>Lymantria dispar</i>)	6
hazelnut blight (<i>Anisogramma anomala</i> (Peck) E. Müll.)	7
hessian fly (<i>Mayetiola destructor</i> (Say))	8
Indian cotton leafhopper (<i>Amrasca biquttula biquttula</i> (Ishida))	9 10
Indian fruit fly (<i>Bactrocera caryeae</i> (Kapoor))	11
Japanese citrus fruit fly (<i>Bactrocera tsuneonis</i> (Miyake))	12
karnal bunt of wheat (<i>Tilletia indica</i> Mitra)	13
khapra beetle (<i>Trogoderma granarium</i> Everts)	14
Large earth bumble bee (<i>Bombus terrestris</i>)	15
leaf scorch of sugarcane (<i>Stagonospora sacchari</i> T.T. Lo and L. Ling (1950))	16 17
lime gall wasp (<i>Bruchophagus muli</i> (Boucek and Brough))	18
Longhorn beetle (<i>Monochamus</i> spp.)	19
mal secco (<i>Deuterophoma tracheiphila</i> Petri (anamorph <i>Phoma tracheiphila</i> (Petri) LA Kantsch. & Gikaschvili))	20 21
mango malformation (<i>Fusarium</i> spp.)	22
mango pulp weevil (<i>Sternochetus frigidus</i> (Fabricius))	23
Mediterranean fruit fly (<i>Ceratitis capitata</i> (Wiedemann))	24
melon fly (<i>Bactrocera cucurbitae</i> (Coquillett))	25
navel orangeworm (<i>Amyelois transitella</i> Walker)	26
Oriental fruit fly (<i>Bactrocera dorsalis</i> (Hendel))	27
Panama disease, fusarium wilt of banana (<i>Fusarium oxysporum</i> Schltdl. Fr. f. sp. <i>cubense</i> (E.F. Smith) W.C. Snyder and H.N. Hansen (Tropical race 4))	28 29 30

Schedule 1

papaya fruit fly (<i>Bactrocera papayae</i> Drew and Hancock)	1
peach fruit fly (<i>Bactrocera zonata</i> (Saunders))	2
peach X phytoplasma (Peach X phytoplasma (including peach eastern X phytoplasma))	3 4
peanut stripe virus (<i>Peanut stripe virus</i>)	5
pear fruit moth (<i>Numonia pirivorella</i> (Matsumura))	6
Philippine downy mildew (<i>Peronosclerospora philippinensis</i> (W. Weston) C.G. Shaw)	7 8
Philippine fruit fly (<i>Bactrocera philippinensis</i> Drew and Hancock)	9 10
Pierce's disease (<i>Xylella fastidiosa</i> Wells et al.)	11
pinewood nematode species complex (<i>Bursaphelenchus</i> spp.)	12
pink stalk borer (<i>Sesamia grisescens</i> Walker)	13
pitch canker (<i>Fusarium circinatum</i>)	14
plum weevil (<i>Conotrachelus nenuphar</i> (Herbst))	15
potato spindle tuber viroid (<i>Potato spindle tuber viroid</i>)	16
powder post beetle (<i>Lyctus africanus</i>)	17
<i>Ralstonia solanacearum</i> strains causing moko and bugtok disease in banana	18 19
red spider mite (<i>Tetranychus piercei</i> McGregor)	20
red stele (<i>Phytophthora fragariae</i> var. <i>fragariae</i> Hickman)	21
rice water weevil (<i>Lissorhoptrus oryzophilus</i> Kuschel)	22
Rosellinia root rot (<i>Rosellinia necatrix</i> Berl. Ex Prill. (anamorph <i>Dematophora necatrix</i> R. Hartig))	23 24
rough strawberry weevil (<i>Otiorhynchus rugosostriatus</i>)	25
Russian wheat aphid (<i>Diuraphis noxia</i> (Mordvilko))	26
sharka (<i>Plum pox virus</i>)	27
solanum fruit fly (<i>Bactrocera latifrons</i> (Hendel))	28
sorghum mosaic virus (<i>Sorghum mosaic virus</i>)	29

Sri Lankan fruit fly (<i>Bactrocera kandiensis</i> Drew and Hancock)	1 2
stem borer (<i>Chilo</i> spp.)	3
strawberry bud weevil (<i>Anthonomus bisignifer</i> Schenkling)	4
strawberry tortrix (<i>Acleris comariana</i> Lienig and Zeller)	5
subterranean termites, exotic (<i>Coptotermes</i> spp.)	6
sudden oak death (<i>Phytophthora ramorum</i> Werres, De Cock and Man in't Veld)	7 8
sugarcane leafhopper (<i>Pyrilla perpusilla</i> (Walker))	9
sugarcane Ramu stunt virus (<i>Sugarcane Ramu stunt virus</i>)	10
sugarcane streak mosaic virus (<i>Sugarcane streak mosaic virus</i>)	11 12
sugarcane white leaf phytoplasma (white leaf) (Sugarcane white leaf phytoplasma)	13 14
sugarcane whitefly (<i>Aleurolobus barodensis</i> (Maskell))	15
sugarcane woolly aphid (<i>Ceratovacuna lanigera</i> Zehntner)	16
Sumatra disease bacterium (<i>Pseudomonas syzygii</i> I. Roberts et al.)	17 18
summer fruit tortrix (<i>Adoxophyes orana</i> Fischer von Rösslerstamm)	19 20
Texas root rot (<i>Phymatotrichum omnivorum</i> Duggar (1916))	21
tomato/potato psyllid (<i>Bactericera cockerelli</i>)	22
Tongan fruit fly (<i>Bactrocera facialis</i> (Coquillett))	23
variegated cutworm (<i>Peridroma saucia</i> (Hübner))	24
verticillium wilt (<i>Verticillium dahliae</i>)—defoliating strain	25
western gall rust (<i>Endocronartium harknessii</i>)	26
western plant bug (<i>Lygus hesperus</i>)	27
wheat spindle streak mosaic virus (<i>Wheat spindle streak mosaic virus</i>)	28 29

Schedule 1

white potato cyst nematode (<i>Globodera pallida</i> (Stone)	1
Behrens)	2
zebra chip (<i>Candidatus liberibacter psyllaourous</i>)	3

Part 8	Tramp ants	4
	Argentine ant (<i>Linepithema humile</i> (Mayr))	5
	tropical fire ant or ginger ant (<i>Solenopsis geminata</i>	6
	(Fabricius))	7

Schedule 2 **Restricted matter and categories** 1 2

sections 20 and 37 3

Note— 4

Biosecurity matter may also be declared to be, or not to be, restricted matter under a restricted matter regulation under chapter 2. 5
6

Part 1 **Restricted matter—other than invasive plants and animals** 7 8

Restricted matter	Category numbers
Aquatic diseases, parasites and viruses	
<i>Aeromonas salmonicida</i> —atypical strains	1
<i>Batrachochytrium dendrobatidis</i> (amphibian)	1
<i>Bonamia</i> species	1
epizootic ulcerative syndrome (<i>Aphanomyces invadans</i>)	1
gill-associated virus	1
hypodermal and haematopoietic necrosis virus (exotic strain)	1
<i>Marteilia sydneyi</i>	1
monodon slow growth syndrome	1
<i>Perkinsus olseni</i>	1
ranavirus (amphibian)	1
Taura syndrome	1
viral encephalopathy and retinopathy	1
white spot disease	1
white tail disease	1
yellowhead disease	1

Schedule 2

Restricted matter	Category numbers
Restricted matter affecting animals	
American foulbrood (<i>Paenibacillus larvae</i>)	1
anthrax (<i>Bacillus anthracis</i>)	1
Australian bat lyssavirus	1
avian influenza, low pathogenic	1
Avian laryngotracheitis virus	1
avian tuberculosis (<i>Mycobacterium avium</i>)	1
bluetongue virus	1
brucellosis (<i>Brucella suis</i>)	1
cysticercus bovis (<i>Taenia saginata</i>)	1
enzootic bovine leucosis	1
equine herpes virus 1 (abortogenic and neurological strains)	1
equine infectious anaemia	1
equine viral arteritis	1
European foulbrood (<i>Melissococcus pluten</i>)	1
Hendra virus infection	1
infectious laryngotracheitis virus	1
Japanese encephalitis	1
Johne's disease	1
Newcastle disease (avirulent)	1
salmonella enteritidis infection in poultry (<i>Salmonella enteritidis</i>)	1
small hive beetle (<i>Aethina tumida</i>)	1
Noxious fish	
carp (<i>Cyprinus carpio</i>)	3,5,6,8
gambusia, mosquito fish (<i>Gambusia</i> spp.)	3,5,6,8
Nile perch (<i>Lates niloticus</i>)	3,5,6,8
tilapia (<i>Oreochromis</i> spp. and <i>Tilapia</i> spp.)	2,3,5,6,8
Restricted matter affecting plants	
Asian honey bee (<i>Apis cerana javana</i> Fabricius)	1

Restricted matter	Category numbers
banana bunchy top virus (<i>Babuvirus</i>)	1
West Indian drywood termite (<i>Cryptotermes brevis</i> (Walker))	1
Tramp ants	
electric ant or little fire ant (<i>Wasmannia auropunctata</i> (Roger))	1
red imported fire ant (<i>Solenopsis invicta</i> (Buren))	1
yellow crazy ant (<i>Anoplolepis gracilipes</i> (Smith))	1

Part 2 Restricted matter—invasive plants and animals

1
2

Restricted matter	Category numbers
Invasive plants	
African boxthorn (<i>Lycium ferocissimum</i>)	3,7
African fountain grass (<i>Pennisetum setaceum</i>)	3,7
African tulip tree (<i>Spathodea campanulata</i>)	3,7
alligator weed (<i>Alternanthera philoxeroides</i>)	3,7
annual ragweed (<i>Ambrosia artemisiifolia</i>)	3,7
asparagus fern (<i>Asparagus aethiopicus</i> ‘Sprengeri’, <i>A. africanus</i> and <i>A. plumosus</i>)	3,7
athel pine (<i>Tamarix aphylla</i>)	3,7
badhara bush (<i>Gmelina elliptica</i>)	2,3,4,5,7
balloon vine (<i>Cardiospermum grandiflorum</i>)	3,7
belly-ache bush (<i>Jatropha gossypifolia</i> and hybrids)	3,7
bitou bush, boneseed (<i>Chrysanthemoides monilifera</i>)	2,3,4,5,7
blackberry (<i>Rubus anglocandicans</i> , <i>Rubus fruticosus</i> agg.)	3,7
bridal creeper (<i>Asparagus asparagoides</i>)	2,3,4,7
broad-leaved pepper tree (<i>Schinus terebinthifolius</i>)	3,7
cabomba (<i>Cabomba caroliniana</i>)	3,7

Schedule 2

Restricted matter	Category numbers
camphor laurel (<i>Cinnamomum camphora</i>)	3,7
cat's claw creeper (<i>Macfadyena unguis-cati</i>)	3,7
Chilean needle grass (<i>Nassella neesiana</i>)	3,7
chinee apple (<i>Ziziphus mauritiana</i>)	3,7
Chinese celtis (<i>Celtis sinensis</i>)	3,7
cholla cacti with the following names—	
• coral cactus (<i>Cylindropuntia fulgida</i>)	3,7
• devil's rope pear (<i>C. imbricata</i>)	3,7
• Hudson pear (<i>C. rosea</i>)	3,7
• jumping cholla (<i>C. prolifera</i>)	3,7
• snake cactus (<i>C. spinosior</i>)	3,7
Dutchman's pipe (<i>Aristolochia</i> spp. other than native species)	3,7
fireweed (<i>Senecio madagascariensis</i>)	3,7
gamba grass (<i>Andropogon gayanus</i>)	3,7
giant sensitive plant (<i>Mimosa diplotricha</i> var. <i>diplotricha</i>)	3,7
gorse (<i>Ulex europaeus</i>)	3,7
groundsel bush (<i>Baccharis halimifolia</i>)	3,7
harrisia cactus (<i>Harrisia martinii</i> , <i>H. tortuosa</i> and <i>H. pomanensis</i> syn. <i>Cereus pomanensis</i>)	3,7
harungana (<i>Harungana madagascariensis</i>)	3,7
honey locust (<i>Gleditsia triacanthos</i> including cultivars and varieties)	3,7
hygrophila (<i>Hygrophila costata</i>)	3,7
hymenachne or olive hymenachne (<i>Hymenachne amplexicaulis</i> and hybrids)	3,4,7
Koster's curse (<i>Clidemia hirta</i>)	2,3,4,5,7
kudzu (<i>Pueraria montana</i> var. <i>lobata</i> syn. <i>P. lobata</i> , <i>P. triloba</i> other than in the Torres Strait Islands)	3,7
lantanas—	
• creeping lantana (<i>Lantana montevidensis</i>)	3,7
• lantana, common lantana (<i>Lantana camara</i>)	3,7
limnocharis, yellow burrhead (<i>Limnocharis flava</i>)	2,3,4,5,7

Restricted matter	Category numbers
Madeira vine (<i>Anredera cordifolia</i>)	3,7
Madras thorn (<i>Pithecellobium dulce</i>)	2,3,4,7
mesquites—	
• honey mesquite (<i>Prosopis glandulosa</i>)	3,7
• mesquite or algarroba (<i>Prosopis pallida</i>)	3,7
• Quilpie mesquite (<i>Prosopis velutina</i>)	3,7
Mexican bean tree (<i>Cecropia palmata</i> and <i>C. peltata</i>)	2,3,4,7
Mexican feather grass (<i>Nassella tenuissima</i>)	2,3,4,5,7
miconia with the following names—	
• <i>Miconia calvescens</i>	2,3,4,5,7
• <i>M. cionotricha</i>	2,3,4,5,7
• <i>M. nervosa</i>	2,3,4,5,7
• <i>M. racemosa</i>	2,3,4,5,7
mikania vine (<i>Mikania micrantha</i>)	2,3,4,5,7
mimosa pigra (<i>Mimosa pigra</i>)	2,3,4,5,7
mother of millions (<i>Bryophyllum delagoense</i> syn. <i>B. tubiflorum</i> , <i>Kalanchoe delagoensis</i>)	3,7
mother of millions hybrid (<i>Bryophyllum</i> x <i>houghtonii</i> (syn. <i>B. daigremontianum</i> x <i>B. delagoense</i> , <i>Kalanchoe</i> x <i>houghtonii</i>))	3,7
ornamentalingers—	
• Kahili ginger (<i>Hedychium gardnerianum</i>)	3,7
• white ginger (<i>H. coronarium</i>)	3,7
• yellow ginger (<i>H. flavescens</i>)	3,7
parkinsonia (<i>Parkinsonia aculeata</i>)	3,7
parthenium (<i>Parthenium hysterophorus</i>)	3,7
pond apple (<i>Annona glabra</i>)	3,7
prickly acacia (<i>Acacia nilotica</i>)	3,7
prickly pears—	
• bunny ears (<i>Opuntia microdasys</i>)	3,7
• common pest pear, spiny pest pear (<i>O. stricta</i> syn. <i>O. inermis</i>)	3,7
• drooping tree pear (<i>O. monacantha</i> syn. <i>O. vulgaris</i>)	3,7

Schedule 2

Restricted matter	Category numbers
• prickly pear (<i>O. elata</i>)	3,7
• tiger pear (<i>O. aurantiaca</i>)	3,7
• velvety tree pear (<i>O. tomentosa</i>)	3,7
• Westwood pear (<i>O. streptacantha</i>)	3,7
privets—	
• broad-leaf privet, tree privet (<i>Ligustrum lucidum</i>)	3,7
• small-leaf privet, Chinese privet (<i>L. sinense</i>)	3,7
rat's tail grasses—	
• American rat's tail grass (<i>Sporobolus jacquemontii</i>)	3,7
• giant Parramatta grass (<i>S. fertilis</i>)	3,7
• giant rat's tail grass (<i>S. pyramidalis</i> and <i>S. natalensis</i>)	3,7
rubber vines—	
• ornamental rubber vine (<i>Cryptostegia madagascariensis</i>)	3,7
• rubber vine (<i>C. grandiflora</i>)	3,7
salvinia (<i>Salvinia molesta</i>)	3,7
Senegal tea (<i>Gymnocoronis spilanthoides</i>)	2,3,4,5,7
Siam weed with the following names—	
• <i>Chromolaena odorata</i>	2,3,4,5,7
• <i>C. squalida</i>	2,3,4,5,7
sicklepods—	
• foetid cassia (<i>Senna tora</i>)	3,7
• hairy cassia (<i>S. hirsuta</i>)	3,7
• sicklepod (<i>S. obtusifolia</i>)	3,7
Singapore daisy (<i>Sphagneticola trilobata</i> syn. <i>Wedelia trilobata</i>)	3,7
telegraph weed (<i>Heterotheca grandiflora</i>)	3,7
thunbergias—	
• laurel clockvine (<i>Thunbergia laurifolia</i>)	3,7
• thunbergia or blue thunbergia (<i>Thunbergia grandiflora</i>)	3,7
tobacco weed (<i>Elephantopus mollis</i>)	3,7
water hyacinth (<i>Eichhornia crassipes</i>)	3,7
water lettuce (<i>Pistia stratiotes</i>)	3,7

Restricted matter	Category numbers
water mimosa (<i>Neptunia oleracea</i> and <i>N. Plena</i>)	2,3,4,5,7
willows (all <i>Salix</i> spp. other than <i>S. babylonica</i> , <i>S. x. calodendron</i> and <i>S. x. reichardtii</i>)	3,7
yellow bells (<i>Tecoma stans</i>)	3,7
yellow oleander, Captain Cook tree (<i>Cascabela thevetia</i> syn. <i>Thevetia peruviana</i>)	3,7
Invasive animals	
cat (<i>Felis catus</i>), other than a domestic cat	4,6,7
dingo (<i>Canis lupus dingo</i>)	3,4,5,6,7
dog (<i>Canis lupus familiaris</i>), other than a domestic dog	4,6,7
European fox (<i>Vulpes vulpes</i>)	3,4,5,6,7
European rabbit (domestic and wild breeds) (<i>Oryctolagus cuniculus</i>)	3,4,5,6,7
feral chital (axis) deer (<i>Axis axis</i>)	4,6,7
feral fallow deer (<i>Dama dama</i>)	4,6,7
feral pig (<i>Sus scrofa</i>)	4,6,7
feral red deer (<i>Cervus elaphus</i>)	4,6,7
feral rusa deer (<i>Cervus timorensis</i>)	4,6,7
feral goat (<i>Capra hircus</i>)	4,6,7
red-eared slider turtle (<i>Trachemys scripta elegans</i>)	2,3,4,5,6,7

1

2

2

 Δ

4

E

5

8

C

1

- 1

1

1

1

1

1

1

1

Brands Act 1915

- | | | |
|---|--|----------------|
| 1 | Section 11A(5A), ‘chief inspector of stock within the meaning of the <i>Stock Act 1915</i>’— | 2
3 |
| | <i>omit, insert—</i> | 4 |
| | ‘chief executive administering the <i>Biosecurity Act 2011</i> ’. | 5 |
| 2 | Section 11A(7), ‘chief inspector of stock’— | 6 |
| | <i>omit, insert—</i> | 7 |
| | ‘chief executive administering the <i>Biosecurity Act 2011</i> ’. | 8 |
| 3 | Section 32, from ‘chief inspector of stock’ to ‘chief inspector for’— | 9
10 |
| | <i>omit, insert—</i> | 11 |
| | ‘chief executive administering the <i>Biosecurity Act 2011</i> do not incur any liability on account of anything reasonably done by the inspector or chief executive for’. | 12
13
14 |

Cape York Peninsula Heritage Act 2007

- | | | |
|---|---|----------------|
| 1 | Section 25(2)(c), ‘<i>Stock Act 1915</i>’— | 16 |
| | <i>omit, insert—</i> | 17 |
| | ‘ <i>Biosecurity Act 2011</i> ’. | 18 |
| 2 | Schedule, definition <i>high risk species</i>, paragraph (b), ‘a declared pest plant under the <i>Land Protection (Pest Management) Act 2002</i>, or another’— | 19
20
21 |
| | <i>omit, insert—</i> | 22 |

‘prohibited matter or restricted matter, other than native
species of restricted matter, under the Biosecurity Act 2011,
or a’.

Disaster Management Act 2003

- 1** **Section 9(4), examples, second dot point, ‘an outbreak of
an exotic disease, the chairperson of the State group may
direct an inspector under the *Exotic Diseases in Animals
Act 1981*’—**
omit, insert—
‘prohibited matter under the *Biosecurity Act 2011*, the chairperson
of the State group may direct an authorised person under that Act’.

Environmental Protection Act 1994

- 1** **Section 23(2), entry for *Exotic Diseases in Animals Act
1981*—**
omit.

2 **Section 23(2)—**
insert—
‘• *Biosecurity Act 2011*’.

Judicial Review Act 1991	1
1 Schedule 1, part 1, entries for <i>Exotic Diseases in Animals Act 1981</i> and <i>Plant Protection Act 1989</i>—	2
<i>omit.</i>	3
	4
2 Schedule 1, part 1—	5
<i>insert—</i>	6
‘ <i>Biosecurity Act 2011</i> , section 516’.	7
 Land Act 1994	 8
1 Schedule 6, definition <i>declared pest</i>—	9
<i>omit, insert—</i>	10
‘ <i>declared pest</i> means an invasive plant or invasive animal, other than a native species of plant or animal, that is—	11
	12
(a) prohibited matter or restricted matter under the <i>Biosecurity Act 2011</i> ; or	13
	14
<i>Notes—</i>	15
1 See the <i>Biosecurity Act 2011</i> , schedule 1, part 3 or 4 or schedule 2, part 2.	16
	17
2 See also the note to the <i>Biosecurity Act 2011</i> , schedules 1 and 2.	18
	19
(b) controlled biosecurity matter or regulated biosecurity matter under the <i>Biosecurity Act 2011</i> .’.	20
	21

Police Powers and Responsibilities Act 2000	1
1 Section 14(3), example, ‘Stock Act 1915’—	2
<i>omit, insert—</i>	3
‘ <i>Biosecurity Act 2011</i> ’.	4
 Public Health Act 2005	 5
1 Section 22(1), from ‘animal’—	6
<i>omit, insert—</i>	7
‘animal that is a carrier of—	8
(a) prohibited matter or restricted matter under the	9
<i>Biosecurity Act 2011</i> ; or	10
<i>Notes—</i>	11
1 See the <i>Biosecurity Act 2011</i> , schedule 1, part 3 or 4 or	12
schedule 2, part 2.	13
2 See also the note to the <i>Biosecurity Act 2011</i> , schedules 1	14
and 2.	15
(b) controlled biosecurity matter or regulated biosecurity	16
matter under the <i>Biosecurity Act 2011</i> ’.	17
 2 Section 22(2), from ‘of the department’—	 18
<i>omit, insert—</i>	19
‘administering the <i>Biosecurity Act 2011</i> ’.	20
 3 Section 36(3), from ‘the outbreak’—	 21
<i>omit, insert—</i>	22
‘1 of the following matters that affects animals—	23

	(a) prohibited matter or restricted matter under the <i>Biosecurity Act 2011</i> ;	1 2
	<i>Notes—</i>	3
	1 See the <i>Biosecurity Act 2011</i> , schedule 1, part 3 or 4 or schedule 2, part 2.	4 5
	2 See also the note to the <i>Biosecurity Act 2011</i> , schedules 1 and 2.	6 7
	(b) controlled biosecurity matter or regulated biosecurity matter under the <i>Biosecurity Act 2011</i> .’.	8 9
4	Section 36(4), from ‘of the department’—	10
	<i>omit, insert—</i>	11
	‘administering the <i>Biosecurity Act 2011</i> .’.	12
5	Schedule 2, definitions <i>exotic disease</i> and <i>notifiable disease</i>—	13 14
	<i>omit.</i>	15
	Public Interest Disclosure Act 2010	16
1	Schedule 2—	17
	<i>insert—</i>	18
	‘Biosecurity Act 2011	19
	• section 35 (Reporting presence of prohibited matter)	20
	• section 36 (Dealing with prohibited matter)	21
	• section 41 (Reporting presence of category 1 or 2 restricted matter)	22 23
	• section 43 (Requirement to kill or dispose of category 8 restricted matter)	24 25

Schedule 3

	• section 44 (Offences about other categories of restricted matter)’.	1 2
2	Schedule 2, entry for Fisheries Act 1994, entry for section 89— <i>omit.</i>	3 4 5
3	Schedule 2, entry for Fisheries Act 1994, entry for section 92— <i>omit, insert—</i> • section 92 (Duty of person who takes or possesses non-indigenous fisheries resources)’.	6 7 8 9 10
	Public Safety Preservation Act 1986	11
1	Section 11(3), example 2, from ‘an outbreak’ to ‘1981’— <i>omit, insert—</i> ‘prohibited matter under the <i>Biosecurity Act 2011</i> , the CBRE commander may direct an authorised officer under that Act’.	12 13 14 15
2	Schedule, definitions <i>chief veterinary officer</i> and <i>veterinary officer</i>— <i>omit, insert—</i> <i>‘chief veterinary officer</i> means a veterinary surgeon under the <i>Veterinary Surgeons Act 1936</i> employed to perform functions as the chief veterinary officer for the department in which the <i>Biosecurity Act 2011</i> is administered. <i>veterinary officer</i> means a public service employee who is a veterinary surgeon under the <i>Veterinary Surgeons Act 1936</i> .’.	16 17 18 19 20 21 22 23 24

Vegetation Management Act 1999	1
1 Schedule, definition <i>declared pest</i>—	2
<i>omit, insert—</i>	3
‘ <i>declared pest</i> means an invasive plant or invasive animal, other than a native species of plant or animal, or a disease, that is—	4
(a) prohibited matter or restricted matter under the <i>Biosecurity Act 2011</i> ; or	7
Notes—	9
1 See the <i>Biosecurity Act 2011</i> , schedule 1, part 3 or 4 or schedule 2, part 2.	10
2 See also the note to the <i>Biosecurity Act 2011</i> , schedules 1 and 2.	12
(b) controlled biosecurity matter or regulated biosecurity matter under the <i>Biosecurity Act 2011</i> .’.	14
	15
 Veterinary Surgeons Act 1936	 16
1 Section 29C(1), from ‘spread of—’—	17
<i>omit, insert—</i>	18
‘spread of—	19
(a) prohibited matter or restricted matter under the <i>Biosecurity Act 2011</i> ; or	20
Notes—	22
1 See the <i>Biosecurity Act 2011</i> , schedule 1, part 3 or 4 or schedule 2, part 2.	23
2 See also the note to the <i>Biosecurity Act 2011</i> , schedules 1 and 2.	25
(b) controlled biosecurity matter or regulated biosecurity matter under the <i>Biosecurity Act 2011</i> .’.	27
	28

Schedule 3

2	Section 29C(5), definitions <i>declared pest, disease</i> and <i>exotic disease</i>—	1
	<i>omit.</i>	2
		3
3	Section 33E, heading, ‘stock’—	4
	<i>omit.</i>	5
4	Section 33E(1), ‘a stock inspector’—	6
	<i>omit, insert—</i>	7
	‘an inspector under the <i>Biosecurity Act 2011</i> ’.	8
5	Section 33E(2), ‘a stock inspector’—	9
	<i>omit, insert—</i>	10
	‘an inspector’.	11
6	Section 33E(2), ‘the <i>Stock Act 1915</i>—	12
	<i>omit, insert—</i>	13
	‘the <i>Biosecurity Act 2011</i> ’.	14
7	Schedule, definition <i>stock inspector</i>—	15
	<i>omit.</i>	16

Water Act 2000 17

1	Schedule 4, definition <i>declared pest</i>—	18
	<i>omit, insert—</i>	19
	‘ <i>declared pest</i> means an invasive plant or invasive animal, or a disease, that is—	20
		21

-
- | | | |
|-----|--|---|
| (a) | prohibited matter or restricted matter under the | 1 |
| | <i>Biosecurity Act 2011</i> ; or | 2 |
| | <i>Notes—</i> | 3 |
| | 1 See the <i>Biosecurity Act 2011</i> , schedule 1, part 3 or 4 or | 4 |
| | schedule 2, part 2. | 5 |
| | 2 See also the note to the <i>Biosecurity Act 2011</i> , schedules 1 | 6 |
| | and 2. | 7 |
| (b) | controlled biosecurity matter or regulated biosecurity | 8 |
| | matter under the <i>Biosecurity Act 2011</i> .’. | 9 |

Schedule 4 Dictionary 1

section 12 2

acceptable biosecurity certificate means a certificate that is 3
an acceptable biosecurity certificate under section 382(2)(a), 4
(b) or (c). 5

accepted representations, for a show cause notice— 6

(a) for chapter 4, part 3, division 3, subdivision 3—see 7
section 88(2); or 8

(b) for chapter 15, part 3—see section 453(2). 9

accreditation means accreditation under chapter 13. 10

accreditation conditions see section 400(1). 11

accredited certifier means a person who holds accreditation 12
under chapter 13 to give biosecurity certificates. 13

action includes stopping an action. 14

administering executive means— 15

(a) for a person appointed under this Act as an authorised 16
person by the chief executive—the chief executive; or 17

(b) for a person appointed under this Act as an authorised 18
person by a chief executive officer—the chief executive 19
officer; or 20

(c) for a person appointed under this Act as an authorised 21
person by 2 or more chief executive officers—the chief 22
executive officers jointly. 23

administrator, for a relevant entity, see section 302(4). 24

adopted provisions, of a code of practice, see section 71(1)(a). 25

aggravated offence see section 26(1). 26

agricultural activities include— 27

(a) cultivating soil; and 28

(b) broadcasting seed to establish an improved pasture; and 29

-
- (c) planting, gathering or harvesting a crop, including a food or fibre crop; and
1
2
 - (d) growing non-indigenous grasses, legumes or forage cultivars; and
3
4
 - (e) horticulture or viticulture activities.
5
 - agricultural show*** means any show or exhibition event of limited duration, not including an event that is or is in the nature of a travelling circus or zoo, that includes the exhibition of designated animals, including, for example, in sporting events or show ring events.
6
7
8
9
10
 - Examples—*
11
 - camp drafting school, horse racing, pony club, rodeo school
12
 - amended Act***, for chapter 18, part 2, division 4, see section 607.
13
14
 - animal*** means any member of the animal kingdom (other than a human), whether alive or dead, and includes—
15
16
 - (a) a live pre-natal or pre-hatched creature; and
17
 - (b) the whole or any part of an embryo, or the eggs, ovum, semen or other genetic or reproductive material, of an animal; and
18
19
20
 - (c) the whole or any part of the progeny, larvae or pupae of an animal.
21
22
 - animal husbandry activities*** means—
23
 - (a) breeding, keeping, raising or caring for animals, for commercial purposes; or
24
25
 - (b) establishing and operating a dairy, feedlot, piggery or animal saleyard; or
26
27
 - (c) grazing animals; or
28
 - (d) aquaculture; or
29
 - (e) beekeeping; or
30
 - (f) poultry farming of more than 500 birds; or
31
 - (g) testing and inoculation of animals, including using diagnostic agents, serums and vaccines.
32
33
-

Schedule 4

<i>animal material</i> means—	1
(a) an animal carcass; or	2
(b) any material derived from an animal that is a vertebrate.	3
<i>Examples—</i>	4
blood, bone, faeces, meal, meat, tissue	5
<i>animal matter</i> —	6
1 <i>Animal matter</i> is—	7
(a) animal material; or	8
(b) swill.	9
2 <i>Animal matter</i> does not include—	10
(a) gelatine, milk, milk products, oil and tallow	11
derived from an animal; or	12
(b) oil previously used for the purposes of cooking	13
that—	14
(i) has been filtered or otherwise treated to	15
remove visible particles of matter; and	16
(ii) complies with a specification of a maximum	17
of 2% M+I.	18
3 For paragraph 1(b), swill is food or food scraps that—	19
(a) contain or may contain animal material; or	20
(b) have been, or may have been, in contact with	21
animal material.	22
<i>Example—</i>	23
food or food scraps that may have been in contact with	24
meat used in the preparation of food at a restaurant, hotel	25
or domestic premises	26
<i>approval</i> , in relation to an auditor, means an approval issued	27
under chapter 14.	28
<i>approved device</i> see section 166.	29
<i>approved device requirement</i> means section 171(2).	30

<i>approved form</i> means a form approved by the chief executive under section 520.	1 2
<i>approved NLIS administrator</i> see section 160(1).	3
<i>audit</i> means an audit conducted under chapter 14.	4
<i>auditor</i> means a person approved as an auditor under chapter 14.	5 6
<i>auditor's approval</i> means an approval as an auditor obtained under chapter 14.	7 8
<i>authorised officer</i> means an authorised person or an inspector.	9 10
<i>authorised person</i> means a person appointed as an authorised person under section 236.	11 12
<i>authorised transport officer</i> , for chapter 5, means a person, other than a police officer, who holds appointment as an authorised officer or accredited person under TORUM, chapter 3, part 2 and who also holds appointment under chapter 9, part 1, division 3 as an authorised person under this Act.	13 14 15 16 17 18
<i>barrier fence</i> means the Invasive Animals Barrier Fence.	19
<i>barrier fence board</i> means the Invasive Animals Barrier Fence Board established under section 460.	20 21
<i>bee</i> means—	22
(a) a honey bee <i>Apis mellifera</i> L.; or	23
(b) another genus or species declared under a regulation to be a bee under this Act.	24 25
<i>beekeeper registration</i> , for chapter 15, see section 446.	26
<i>biosecurity certificate</i> see section 381.	27
<i>biosecurity circumstance</i> see section 128.	28
<i>biosecurity consideration</i> see section 4(a).	29
<i>biosecurity emergency</i> means a biosecurity emergency as provided for in a biosecurity emergency order.	30 31

<i>biosecurity emergency area</i> , for a biosecurity emergency order, see section 100(1)(b).	1 2
<i>biosecurity emergency checkpoints</i> see section 100(3)(a).	3
<i>biosecurity emergency order</i> see section 99(1).	4
<i>biosecurity emergency order permit</i> see section 107(2).	5
<i>biosecurity emergency provisions</i> means the provisions of chapter 5.	6 7
<i>biosecurity event</i> see section 13.	8
<i>biosecurity instrument</i> , for chapter 5, part 4, see section 117.	9
<i>biosecurity instrument permit</i> see section 118(2).	10
<i>biosecurity matter</i> see section 14.	11
<i>biosecurity order</i> see section 363(1).	12
<i>biosecurity plan</i> means a biosecurity plan made by a local government under chapter 3, part 2.	13 14
<i>biosecurity program</i> see section 219.	15
<i>biosecurity register</i> see section 161.	16
<i>biosecurity response</i> see section 327.	17
<i>biosecurity risk</i> see section 15.	18
<i>biosecurity risk matter</i> see section 79(2)(b).	19
<i>biosecurity risk status details</i> , for a registered biosecurity entity, means details of any biosecurity risk posed by any designated animal or designated biosecurity matter to which the entity's registration relates.	20 21 22 23
<i>biosecurity zone</i> means an area identified as a biosecurity zone under biosecurity zone regulatory provisions.	24 25
<i>biosecurity zone regulatory provisions</i> see section 114(1).	26
<i>board employee</i> see section 487(1).	27
<i>captive bird</i> means a bird that is—	28
(a) a fowl, duck, goose, turkey, guinea fowl, pheasant, japanese quail (<i>Coturnix coturnix japonica</i>), partridge or pigeon; or	29 30 31

(b) the young of a bird that is a captive bird under paragraph (a); or	1 2
(c) a bird in captivity, whether wild by nature or bred in captivity and whether native to Queensland, migratory or introduced; or	3 4 5
(d) a bird prescribed under a regulation to be a captive bird under this Act.	6 7
carrier see section 16.	8
central nominating group of local governments see section 470(3).	9 10
change notice , for chapter 6, part 2, division 5—see section 163.	11 12
check audit , of the business of the other party to a compliance agreement or of an accredited certifier's activities as an accredited certifier, means an audit of the business or activities, other than a compliance audit, conducted—	13 14 15 16
(a) by an auditor who is an employee of the department after a compliance audit of the business or activities has been conducted by another auditor; and	17 18 19
(b) to ensure the other auditor is conducting compliance audits appropriately.	20 21
chief executive officer means the chief executive officer of a local government.	22 23
chief health officer means the chief health officer under the <i>Health Services Act 1991</i> .	24 25
City of Brisbane Act means the <i>City of Brisbane Act 2010</i> .	26
code of practice means a code of practice made under a regulation under chapter 4.	27 28
commencement , for chapter 18, part 2, see section 524.	29
compensation scheme see section 331(1).	30
compliance agreement see section 78(1).	31
compliance audit , of the business of the other party to a compliance agreement or of an accredited certifier's activities	32 33

Schedule 4

as an accredited certifier, means an audit by an auditor of the business or activities to ensure—	1 2
(a) for the business of the other party to a compliance agreement—the carrying on of the business complies with the compliance agreement; or	3 4 5
(b) for an accredited certifier's activities—the carrying out of the activities complies with the accreditation.	6 7
compliance certificate see section 93(1)(b).	8
contact details , of a person, means the person's telephone number or facsimile number.	9 10
contaminant see section 17.	11
controlled biosecurity matter , for a movement control order, see section 110(1).	12 13
convey , in relation an animal, means carry or otherwise transport the animal in or on a vehicle.	14 15
corresponding law , to this Act or to a provision of this Act, means a law of the Commonwealth or another State that corresponds, or substantially corresponds, to this Act or to the provision.	16 17 18 19
corresponding provision , for chapter 18, part 2, see section 524.	20 21
cost recovery order see section 372(2).	22
court —	23
(a) generally, means a Magistrates Court; and	24
(b) for sections 305, 306, 311, 347 and 350—includes the Supreme Court and the District Court.	25 26
damage includes injure.	27
deal with —	28
1 <i>Deal with</i> , biosecurity matter or a carrier, includes any of the following—	29 30
(a) keep or possess, whether intentionally or otherwise, the biosecurity matter or carrier;	31 32

-
- | | | |
|------|---|----------------------------|
| (b) | conduct experiments with the biosecurity matter or carrier; | 1
2 |
| (c) | produce or manufacture the biosecurity matter or carrier; | 3
4 |
| (d) | breed the biosecurity matter or carrier; | 5 |
| (e) | propagate the biosecurity matter or carrier; | 6 |
| (f) | use the biosecurity matter or carrier in the course of manufacturing a thing that is not the biosecurity matter or carrier; | 7
8
9 |
| (g) | grow, raise, feed or culture the biosecurity matter or carrier; | 10
11 |
| (h) | distribute the biosecurity matter or carrier; | 12 |
| (i) | import the biosecurity matter or carrier; | 13 |
| (j) | transport the biosecurity matter or carrier; | 14 |
| (k) | dispose of the biosecurity matter or carrier; | 15 |
| (l) | buy, supply or use the biosecurity matter or carrier for the purposes of, or in the course of, a dealing mentioned in any of paragraphs (a) to (k). | 16
17
18 |
| 2 | A person who holds a mortgage or other security interest in biosecurity matter or a carrier does not <i>deal with</i> the biosecurity matter or carrier only because the person takes a step to enforce the mortgage or other security. | 19
20
21
22
23 |
| | <i>designated animal</i> see section 120. | 24 |
| | <i>designated animal transit facility</i> means— | 25 |
| (a) | a spelling facility for any designated animals; or | 26 |
| (b) | a yard used as a dip for any designated animals when they— | 27
28 |
| (i) | are being travelled outside the place where they are ordinarily pastured; or | 29
30 |
| (ii) | are at a saleyard, showground, recreation ground or racecourse to which they have been travelled; or | 31
32 |
-

- (c) another facility for drafting, weighing, reconsigning or transshipping any designated animals. 1
2
- designated biosecurity matter** see section 122. 3
- designated details** see section 133(c). 4
- designated place** see section 133(c)(i). 5
- disease** means— 6
 - (a) the presence of a pathogenic agent in a host; or 7

Examples— 8

avian influenza, black Sigatoka, infection with *Perkinsus marinus* 9
10

 - (b) the clinical manifestation of infection; or 11
 - (c) a syndrome. 12
- disposal order** see section 311(2). 13
- document certification requirement** see section 315(6). 14
- document production requirement** see section 315(2). 15
- drive**, in relation to an animal, means cause or allow the animal to travel by foot. 16
17
- drover** means a person who drives an animal. 18
- electronic document** means a document of a type under the *Acts Interpretation Act 1954*, section 36, definition *document*, paragraph (c). 19
20
21
- emergency prohibited matter declaration** see section 30(1). 22
- environment** includes the following— 23
 - (a) ecosystems and their constituent parts; 24
 - (b) natural and physical resources; 25
 - (c) the qualities and characteristics of locations, places and areas; 26
27
 - (d) the social, economic, aesthetic and cultural conditions affecting the matters in paragraph (a), (b) or (c) or affected by those matters. 28
29
30

<i>executive officer</i> , of a corporation, means a person who is concerned with or takes part in its management, whether or not the person is a director or the person's position is given the name of executive officer.	1 2 3 4
<i>external review</i> , for a decision, means a review of the decision by QCAT under the QCAT Act.	5 6
<i>fit</i> , to an animal, see section 167.	7
<i>former owner</i> see section 304(2).	8
<i>fund</i> see section 63.	9
<i>general biosecurity obligation</i> see section 22.	10
<i>general biosecurity obligation offence provision</i> means section 23.	11 12
<i>general power</i> see section 288(1).	13
<i>government and industry agreement</i> see section 76(1).	14
<i>government entity</i> has the meaning given in the <i>Government Owned Corporations Act 1993</i> .	15 16
<i>guideline</i> means a guideline made under chapter 4, part 2.	17
<i>help requirement</i> see section 289(1).	18
<i>HIN</i> see section 147(1).	19
<i>hive</i> means a receptacle for housing living bees that contains moveable frames in which the combs are built, and which may be separately and readily removed from the receptacle for examination.	20 21 22 23
<i>hold</i> , designated biosecurity matter, see section 126.	24
<i>holding facility</i> means a place where 1 or more types of designated animal are regularly or periodically congregated on a temporary basis, including, for example, any of the following—	25 26 27 28
(a) a local government reserve or commonage;	29
(b) a pound;	30
(c) an animal refuge;	31
(d) a saleyard;	32

Schedule 4

(e) a designated animal transit facility;	1
(f) a meat processing facility;	2
(g) a live export holding;	3
(h) a showground for designated animals;	4
(i) a sporting ground for designated animals;	5
(j) a stock route.	6
ICA scheme , for chapter 13, see section 380.	7
ICA system , for chapter 13, see section 380.	8
identity card , for a provision about authorised officers, means an identity card issued under section 244(1).	9 10
information notice , for a decision, means a notice stating each of the following—	11 12
(a) the decision and the reasons for it;	13
(b) the rights of review and appeal under this Act;	14
(c) the period in which any review or appeal under this Act must be started;	15 16
(d) how rights of review and appeal under this Act are to be exercised;	17 18
(e) that a stay of a decision the subject of an appeal under this Act may be applied for under this Act.	19 20
information requirement see section 318(3).	21
inspector means a person who holds office under chapter 9, part 1 as an inspector.	22 23
intergovernmental agreement see section 75.	24
internal review application see section 352.	25
internal review decision see section 355(1)(b).	26
invasive animal includes an invasive animal listed in schedule 1 or 2.	27 28
Invasive Animals Barrier Fence means the Invasive Animals Barrier Fence under section 498.	29 30

<i>invasive biosecurity matter</i> , for a local government area, see section 47(1).	1 2
<i>invasive plant</i> includes an invasive plant listed in schedule 1 or 2.	3 4
<i>investigation and enforcement provisions</i> means chapter 9.	5
<i>issuing authority</i> , for a document, order or other thing given to a person, means—	6 7
(a) if the thing is given by the chief executive or a person for the chief executive—the chief executive; or	8 9
(b) if the thing is given by a person for a local government—the local government.	10 11
<i>keep</i> , a designated animal, see section 125.	12
<i>land</i> —	13
1 <i>Land</i> includes—	14
(a) land that is, or is at any time, covered by Queensland waters; and	15 16
(b) water in, on and above land; and	17
(c) the airspace above the surface of land; and	18
(d) the subsoil of land.	19
2 <i>Land</i> , of an owner, includes—	20
(a) unfenced land, including unfenced land comprising part of a road or stock route that adjoins or is within the owner's land; and	21 22 23
(b) other land that is fenced in with the owner's land; and	24 25
(c) the bed, banks and water of a watercourse on the owner's land.	26 27
<i>Land Act</i> means the <i>Land Act 1994</i> .	28
<i>Land Title Act</i> means the <i>Land Title Act 1994</i> .	29
<i>live export holding</i> means—	30
(a) a depot for the live export of designated animals; or	31

(b) an embarkation point for the export of live designated animals.	1 2
Local Government Act means the <i>Local Government Act 2009</i> .	3 4
local government compliance notice see section 49(2).	5
loss , of property, means a total, or effectively a total, loss of the property because it is destroyed.	6 7
lot means a lot under the Land Act or Land Title Act.	8
M+I means moisture plus insoluble impurities, as measured by the American Oil Chemists' Society's official methods in its document called 'Official Methods and Recommended Practices of the AOCS, 6th Edition'.	9 10 11 12
<i>Editor's note—</i>	13
At the commencement of this definition, a copy of the document could be purchased at < www.aocs.org/tech/onlinemethods >.	14 15
made , for chapter 18, part 2, see section 524.	16
meal means a defatted and dried solid product made by rendering material of animal origin according to AS 5008—2007 (Australian Standard for hygienic rendering of animal products).	17 18 19 20
<i>Examples—</i>	21
blood meal, meat meal, meat and bone meal	22
meat processing facility means an abattoir or other facility at which designated animals are killed for meat for trade or commerce.	23 24 25
movement control order see section 110(1).	26
movement record see section 180(2)(a).	27
movement record requirement means section 180.	28
natural environment means the environment, but having particular regard to ecosystems and their constituent parts and natural and physical resources.	29 30 31
natural resource management body means a body having an interest in managing biosecurity risks.	32 33

<i>Examples—</i>	1
Condamine Alliance, Qld Regional Natural Resource Management	2
Collective	3
<i>neighbouring place</i> , to another place, means a place some or	4
all of which is within 20km of the other place.	5
<i>NLIS</i> means the system known as the ‘national livestock	6
identification system’, agreed to by the Commonwealth and	7
the States under a resolution of the Primary Industries	8
Ministerial Council of 2 October 2003.	9
<i>nonconformance audit</i> , of the business of the other party to a	10
compliance agreement or of an accredited certifier’s activities	11
as an accredited certifier, means an audit of the business or	12
activities by an auditor to check that any noncompliance with	13
the compliance agreement or accreditation, identified in an	14
audit, has been remedied.	15
<i>notice</i> means a written notice.	16
<i>notional reduction in value</i> , of property, see section 330(2).	17
<i>notional value</i> , of property, see section 330(1).	18
<i>obligation</i> , for chapter 18, part 2, see section 524.	19
<i>obstruct</i> includes assault, hinder, resist, attempt to obstruct	20
and threaten to obstruct.	21
<i>occupier</i> , of a place—	22
1 For chapter 6, see section 129.	23
2 Otherwise, <i>occupier</i> includes the following—	24
(a) if there is more than 1 person who apparently	25
occupies the place—any 1 of the persons;	26
(b) any person at the place who is apparently acting	27
with the authority of a person who apparently	28
occupies the place;	29
(c) if no-one apparently occupies the place—any	30
person who is an owner of the place.	31
<i>of</i> , a place, includes at or on the place.	32

- offence warning*, for a direction or requirement by an authorised officer, means a warning that, without a reasonable excuse, it is an offence for the person to whom the direction or requirement is made not to comply with it.
- original decision* see section 354(1).
- other party*, to a compliance agreement, see section 78(1)(b).
- owner*—
 - 1 The *owner* of a thing that has been seized under this Act includes a person who would be entitled to possession of the thing had it not been seized.
 - 2 The *owner* of a place, is—
 - (a) if the place is freehold land—the person who under the Land Title Act is its registered owner; or
 - (b) if the place is the subject of a lease under the Land Act—the person who, under the Land Act, is registered as the lessee of the place; or
 - (c) otherwise—the entity having responsibility for the care and control of the place.
- permit document*, in relation to a prohibited matter or restricted matter permit, means the document evidencing the permit, given to the holder of the permit by the chief executive.
- permit plan*, for prohibited matter or restricted matter, see section 200.
- personal details requirement* see section 313(5).
- person in control*—
 - (a) of a vehicle, includes—
 - (i) the vehicle’s driver or rider; and
 - (ii) anyone who reasonably appears to be, claims to be, or acts as if he or she is, the vehicle’s driver or rider or the person in control of the vehicle; or

-
- (b) of another thing, includes anyone who reasonably
appears to be, claims to be, or acts as if he or she is, the
person in possession or control of the thing.
- pest operational board*** means a pest operational board
established under the repealed *Land Protection (Pest
Management) Act 2002*, section 213.
- PIC*** see section 139(2).
- place*** includes the following—
- (a) premises;
 - (b) vacant land;
 - (c) a place in Queensland waters;
 - (d) a place held under more than 1 title or by more than 1
owner;
 - (e) the land or water where a building or structure, or a
group of buildings or structures, is situated.
- place of origin***, for chapter 6, part 3, division 2, see section
171.
- plant*** includes the following—
- (a) the whole or part of a flower, shrub, tree, vegetable, vine
or other vegetation;
 - (b) the whole or part of the fruit or nut of a shrub, tree or
vine;
 - (c) the whole or part of the reproductive material of a
flower, shrub, tree, vegetable, vine or other vegetation or
its seeds;
 - (d) any material, whether alive or dead, used for the
propagation of a flower, shrub, tree, vegetable, vine or
other vegetation.
- police service*** means the Queensland Police Service.
- possess***, a thing, means—
- (a) have custody of the thing; or

- (b) have control of it at any place, whether or not someone else has custody of it.
1
2
- premises** includes—
3
- (a) a building or other structure; and
4
- (b) a part of a building or other structure; and
5
- (c) a caravan or vehicle; and
6
- (d) a cave or tent; and
7
- (e) premises held under more than 1 title or by more than 1 owner.
8
9
- prescribed designated animal** see section 120(b).
10
- prevention and control program** see section 221.
11
- previous**, for chapter 18, part 2, see section 524.
12
- previous provision**, for chapter 18, part 2, see section 524.
13
- program authorisation** see section 222(1).
14
- prohibited matter** see section 18.
15
- prohibited matter permit** see section 196.
16
- prohibited matter regulation** see section 29(1).
17
- property**, for chapter 10, part 1, see section 329.
18
- proposed action**—
19
- (a) for chapter 4, part 3, division 3, subdivision 3—see section 87(3)(a); or
20
21
- (b) for chapter 15, part 3—see section 452(1).
22
- protection**, for chapter 18, part 2, see section 524.
23
- public office**, of a local government, means the local government’s public office under the Local Government Act.
24
25
- public place** means—
26
- (a) a place, or part of the place—
27
- (i) the public is entitled to use, is open to members of the public or is used by the public, whether or not on payment of money; or
28
29
30

<i>Examples of a place that may be a public place under subparagraph (i)—</i>	1
	2
a beach, a park, a road	3
(ii) the occupier of which allows, whether or not on payment of money, members of the public to enter; or	4
	5
	6
<i>Examples of a place that may be a public place under subparagraph (ii)—</i>	7
	8
a saleyard, a showground, a stock route	9
(b) a place that is a public place under another Act.	10
<i>Queensland Herbarium</i> means the department that includes the entity known as the Queensland Herbarium.	11
	12
<i>Queensland Museum</i> means the Board of the Queensland Museum under the <i>Queensland Museum Act 1970</i> .	13
	14
<i>rates</i> means rates within the meaning of—	15
(a) for a local government other than the Brisbane City Council—the Local Government Act; or	16
	17
(b) for the Brisbane City Council—the City of Brisbane Act.	18
	19
<i>reasonably believes</i> means believes on grounds that are reasonable in the circumstances.	20
	21
<i>reasonably suspects</i> means suspects on grounds that are reasonable in the circumstances.	22
	23
<i>receiver</i> , of a specified animal, see section 175.	24
<i>recipient</i> , of a biosecurity order, see section 363(1).	25
<i>registered biosecurity entity</i> means an entity that, as a registrable biosecurity entity, has obtained registration under chapter 6, part 2.	26
	27
	28
<i>registered information</i> , about a registered biosecurity entity, means information recorded in the biosecurity register about the entity.	29
	30
	31
<i>registrable biosecurity entity</i> see section 127.	32
<i>registration details</i> see section 162(1).	33

registration exemption , for a registrable biosecurity entity, see section 131(1).	1 2
regulated biosecurity matter , for biosecurity zone regulatory provisions, see section 114(1)(a).	3 4
relevant accreditation offence , for chapter 13, see section 380.	5 6
relevant authority , for chapter 15, see section 446.	7
relevant biosecurity offence means—	8
(a) an offence against this Act or a repealed Act; or	9
(b) an offence against a law that is a corresponding law to a provision of this Act.	10 11
relevant entity , for a seized thing, see section 302(5).	12
rendering means the process of heat treating an animal carcass or animal material to remove moisture or to extract fat.	13 14 15
repealed Act —	16
1 For chapter 18, part 2, division 4—see section 607.	17
2 Otherwise, <i>repealed Act</i> is—	18
(a) the repealed <i>Agricultural Standards Act 1994</i> ; or	19
(b) the repealed <i>Apiaries Act 1982</i> ; or	20
(c) the repealed <i>Diseases in Timber Act 1975</i> ; or	21
(d) the repealed <i>Exotic Diseases in Animals Act 1981</i> ; or	22 23
(e) the repealed <i>Land Protection (Pest Management) Act 2002</i> ; or	24 25
(f) the repealed <i>Plant Protection Act 1989</i> ; or	26
(g) the repealed <i>Stock Act 1915</i> .	27
residence means a premises or a part of premises that is a residence within the meaning of section 252(2) and (3).	28 29
restricted matter see section 20.	30
restricted matter permit see section 197.	31

<i>restricted matter regulation</i> see section 38(1).	1
<i>restricted place</i> means a place declared to be a restricted place under chapter 6, part 2.	2 3
<i>review notice day</i> see section 356(2)(a)(i).	4
<i>RFID number</i> , for a microchip, means the number of the microchip.	5 6
<i>saleyard</i> means any yard, premises or place where designated animals are—	7 8
(a) sold or offered or exhibited for sale; or	9
(b) held or kept for the purpose of being sold or offered or exhibited for sale; or	10 11
(c) held or kept on being sold.	12
<i>scheme compensation</i> see section 331(2).	13
<i>show cause notice</i> —	14
(a) for chapter 4, part 3, division 3, subdivision 3—see section 87(2); or	15 16
(b) for chapter 15, part 3—see section 452(1).	17
<i>show cause period</i> —	18
(a) for chapter 4, part 3, division 3, subdivision 3—see section 87(3)(e); or	19 20
(b) for chapter 15, part 3—see section 452(2)(f).	21
<i>southern nominating group of local governments</i> see section 470(4).	22 23
<i>specified animal</i> see section 121.	24
<i>specified animal feedlot</i> means a place at which specified animals are fed, in a confined area, prepared or manufactured stockfeed at levels greater than necessary for survival.	25 26 27
<i>spent conviction</i> means a conviction—	28
(a) to which the rehabilitation period under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> has expired under that Act; and	29 30 31

- (b) that is not revived as prescribed by section 11 of that Act. 1
2
- stated information**, for section 175, means the stated information under section 176, 177 or 178. 3
4
- State entity** includes the following— 5
- (a) a department; 6
- (b) an entity that under the *Public Service Act 2008* is a government entity; 7
8
- (c) an entity that is a government owned corporation, whether or not it is also a government entity under the *Public Service Act 2008*. 9
10
11
- statutory compensation** see section 334(1). 12
- stock route** means a road or route ordinarily used for travelling stock. 13
14
- submission period**, for a draft biosecurity plan, see section 54(2)(c). 15
16
- suitable approved device** see section 169. 17
- supply** includes supply by sale, exchange or gift. 18
- surveillance program** see section 220. 19
- syndrome** means a symptom, condition, disorder or other thing described by clinical signs, if the cause is unknown. 20
21
- tallow** means any product that— 22
- (a) contains rendered fats and oils from any animal, including used cooking oil; and 23
24
- (b) complies with a specification of a maximum of 2% M+I. 25
- Examples—** 26
- acid oil, yellow grease 27
- third party**, for chapter 12, part 1, division 3, see section 372(1). 28
29
- threshold amount** see section 124. 30
- threshold number** see section 123. 31

TORUM means the <i>Transport Operations (Road Use Management) Act 1995</i> .	1 2
travel approval see section 172(e).	3
vehicle —	4
1 For chapter 5, part 1, other than section 105, <i>vehicle</i> means a vehicle under TORUM.	5 6
2 For chapter 9, <i>vehicle</i> means—	7
(a) a vehicle under TORUM; and	8
(b) includes a vessel under that Act.	9
3 Otherwise, <i>vehicle</i> means—	10
(a) an aircraft, including a helicopter; or	11
(b) any of the following under TORUM—	12
(i) a train;	13
(ii) a tram;	14
(iii) a vehicle;	15
(iv) a vessel.	16
waste means waste under the <i>Environmental Protection Act 1994</i> .	17 18
western nominating group of local governments see section 470(2).	19 20