

Queensland



**ANIMAL AND PLANT
HEALTH LEGISLATION
AMENDMENT ACT 2002**

Act No. 36 of 2002

Queensland



ANIMAL AND PLANT HEALTH LEGISLATION AMENDMENT ACT 2002

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Queensland



**Animal and Plant Health Legislation
Amendment Act 2002**

Act No. 36 of 2002

**An Act to amend legislation about animal and plant health, and for
other purposes**

[Assented to 29 August 2002]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Animal and Plant Health Legislation Amendment Act 2002*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

PART 2—AMENDMENT OF AGRICULTURAL STANDARDS ACT 1994

3 Act amended in pt 2

This part amends the *Agricultural Standards Act 1994*.

4 Amendment of s 4 (Definitions)

(1) Section 4, ‘In this Act—’—

omit, insert—

‘The dictionary in the schedule defines particular words used in this Act.’.

(2) Section 4—

insert—

‘**“exotic disease”** see *Exotic Diseases in Animals Act 1981*, schedule 2.’.

(3) Section 4, definition “stock”, ‘section 4’—

omit, insert—

‘schedule 2’.

(4) Section 4, definitions (as amended)—

relocate to the schedule as inserted by this Act.

5 Amendment of s 20 (Entry to places)

(1) Section 20—

insert—

‘(e) it is a place other than a place where people reside and entry is made—

- (i) to check compliance with a provision of this Act about the content, labelling or sale of food for stock; and
- (ii) for the purpose of preventing the introduction of an exotic disease into the State or controlling the spread of an exotic disease; and
- (iii) at a reasonable time.’.

(2) Section 20—

insert—

‘**(2)** Before entering a place under subsection (1)(e), the inspector must do or make a reasonable attempt to do all of the following—

- (a) comply with section 19(1);
- (b) tell the occupier of the place the inspector is authorised under this Act to enter the place;
- (c) give the occupier an opportunity to consent to the entry.’.

PART 3—AMENDMENT OF EXOTIC DISEASES IN ANIMALS ACT 1981

6 Act amended in pt 3

This part amends the *Exotic Diseases in Animals Act 1981*.

7 Amendment of s 5 (Definitions)—

(1) Section 5, ‘In this Act—’—

omit, insert—

‘The dictionary in schedule 2 defines particular words used in this Act.’.

(2) Section 5, definition “‘inspector”—

omit, insert—

‘**“inspector”** means—

- (a) an inspector appointed under part 2, division 5A; or
- (b) an inspector of stock appointed under the *Stock Act 1915*; or
- (c) the chief inspector.’.

(3) Section 5, definition “‘exotic disease”, after ‘rinderpest,’—

insert—

‘spongiform encephalopathy.’.

(4) Section 5, definitions (as amended)—

relocate to schedule 2 as inserted by this Act.

8 Amendment of s 12 (Powers of inspectors in order to eradicate and prevent spread of exotic disease)

(1) Section 12, heading, ‘**in order to**’—

omit, insert—

‘to control,’.

(2) Section 12(1)—

insert—

- ‘(c) destroy any of the following in a restricted area—
- (i) an infected animal, animal product or carcass;
 - (ii) any thing used in connection with the infected animal, animal product or carcass;
 - (iii) an animal pathogen or biological preparation;
 - (iv) infected or suspected pasture or fodder;
 - (v) any other thing the inspector reasonably believes may be infected.’.

9 Amendment of s 17 (Effect of notification)

(1) Section 17(1), ‘shall not’—

omit, insert—

‘must not, without an inspector’s written approval,’.

(2) Section 17—

insert—

‘(1A) An inspector may give an approval mentioned in subsection (1) only if the inspector considers it necessary to give the approval in the interests of public health or safety, or the health or wellbeing of an animal.’.

10 Amendment of s 19 (Powers of chief inspector and inspectors)

(1) Section 19(1), from ‘thereof’, first mention to ‘may—’—

omit, insert—

‘of the area may, by public notice—’.

(2) Section 19—

insert—

‘(5) In this section—

“**public notice**” means a notice published in a newspaper, or broadcast on radio or television, and likely to be read or received by people in the control area, or the part of the area, to which the notice relates.’.

11 Insertion of new pt 2, div 5A

After section 19—

insert—

‘Division 5A—Inspectors

‘19A Appointment and qualifications

‘(1) The chief executive may appoint any of the following persons as an inspector—

- (a) a public service officer or employee;
- (b) an employee of the Commonwealth or another State;
- (c) an employee of a local government;
- (d) a veterinary surgeon under the *Veterinary Surgeons Act 1936*;
- (e) an individual included in a class of persons declared under a regulation to be an approved class of persons for this section.

‘(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.

‘19B Appointment conditions and limit on powers

‘(1) An inspector holds office on any conditions stated in—

- (a) the inspector’s instrument of appointment; or
- (b) a signed notice given to the inspector; or
- (c) a regulation.

‘(2) The instrument of appointment, a signed notice given to the inspector or a regulation may limit the inspector’s powers under this Act.

‘(3) In this section—

“signed notice” means a notice signed by the chief executive.

‘19C Issue of identity card

‘(1) The chief executive must issue an identity card to each inspector.

‘(2) The identity card must—

- (a) contain a recent photo of the inspector; and
- (b) contain a copy of the inspector’s signature; and
- (c) identify the person as an inspector under this Act; and
- (d) state an expiry date for the card.

‘(3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

‘19D Production or display of identity card

‘(1) In exercising a power under this Act in relation to a person, an inspector must—

- (a) produce the inspector’s identity card for the person’s inspection before exercising the power; or
- (b) have the identity card displayed so it is clearly visible to the person when exercising the power.

‘(2) However, if it is not practicable to comply with subsection (1), the inspector must—

- (a) produce the inspector’s instrument of appointment for the person’s inspection before exercising the power; or
- (b) produce the identity card for the person’s inspection at the first reasonable opportunity.

‘(3) For subsection (1), an inspector does not exercise a power in relation to a person only because the inspector—

- (a) has entered a place that is a public place and entry is made when it is open to the public; or
- (b) for the purpose of asking the occupier of a place for consent to enter—
 - (i) enters land around premises at the place to an extent that is reasonable to contact the occupier; or
 - (ii) enters part of the place the inspector reasonably considers members of the public ordinarily are allowed to enter when they wish to contact the occupier.

‘19E When inspector ceases to hold office

‘(1) An inspector ceases to hold office if any of the following happens—

- (a) the term of office stated in a condition of office ends;
- (b) under another condition of office, the inspector ceases to hold office;
- (c) the inspector’s resignation under section 19F takes effect.

‘(2) Subsection (1) does not limit the ways an inspector may cease to hold office.

‘(3) In this section—

“**condition of office**” means a condition on which the inspector holds office.

‘19F Resignation

‘(1) An inspector may resign by signed notice given to the chief executive.

‘(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.

‘19G Return of identity card

‘A person who ceases to be an inspector must return the person’s identity card to the chief executive within 21 days after ceasing to be an inspector unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

12 Amendment of s 20 (General powers of inspectors)

Section 20(1)(h), ‘trap and destroy’—

omit, insert—

‘bait, trap or destroy’.

13 Amendment of s 22 (Destruction of animals etc.)

Section 22—

insert—

‘(4) For subsection (1), an animal is taken to be suspected if—

- (a) the animal is an animal that is a host for an exotic disease or animal pathogen present, or suspected to be present, at an infected premises; and
- (b) the chief inspector reasonably believes it is necessary to destroy the animal to prevent or control the spread of the exotic disease or animal pathogen, having regard to—
 - (i) the animal’s proximity to the infected premises; and
 - (ii) the ability of the disease or animal pathogen to spread and the way in which it spreads.’.

14 Insertion of new s 24A

Part 2, after section 24—

insert—

‘24A No review of particular decision

‘(1) This section applies to a decision of the Minister, under section 22, to order—

- (a) the destruction of an animal, animal product, carcass or other thing; or
- (b) the removal or destruction of an animal pathogen or biological preparation.

‘(2) The decision—

- (a) is final and conclusive; and
- (b) can not be challenged, appealed against, reviewed, quashed, set aside, or called in question in another way, under the *Judicial Review Act 1991* or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and
- (c) is not subject to any writ or order of the Supreme Court, another court, a tribunal or another entity on any ground.

‘(3) Despite subsection (2), the *Judicial Review Act 1991*, part 4,¹ applies to the decision as if it were a decision to which that Act applies.

‘(4) In this section—

“**decision**” includes conduct leading up to or forming part of the process of making a decision.’.

15 Replacement of s 41 (Proceedings for offences)

Section 41—

omit, insert—

‘41 Indictable and summary offences

‘(1) An offence against section 9(3), 11(1), 14(2) or 17(1)² is a misdemeanour.

‘(2) Any other offence against this Act is a summary offence.

‘41A Proceedings for indictable offence

‘(1) A proceeding for an indictable offence against this Act may be taken, at the election of the prosecution—

- (a) by way of summary proceeding under the *Justices Act 1886*; or
- (b) on indictment.

‘(2) A magistrate must not hear an indictable offence summarily if—

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

‘(3) If subsection (2) applies—

- (a) the magistrate must proceed by way of an examination of witnesses for an indictable offence; and

1 *Judicial Review Act 1991*, part 4, (Reasons for decision)

2 Section 9 (Infected premises), 11 (Effect of Notification), 14 (Entry and exit places) or 17 (Effect of Notification)

- (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 (2) 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).³

‘41B Limitation on who may summarily hear indictable offence

‘(1) The 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.

‘(2) However, if the proceeding 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*.

‘41C Limitation on time for starting summary proceeding

‘A proceeding for a summary offence against this Act by way of summary proceeding under the *Justices Act 1886* must start—

- (a) within 1 year after the commission of the offence; or
- (b) within 6 months after the offence comes to the complainant’s knowledge, but within 2 years after the commission of the offence.’.

16 Amendment of s 47 (Regulations)

Section 47—

³ *Justices Act 1886*, section 104 (Proceedings upon an examination of witnesses in relation to an indictable offence)

insert—

‘(3) A regulation may impose a penalty of no more than 80 penalty units for contravention of a regulation.’.

PART 4—AMENDMENT OF FISHERIES ACT 1994

17 Act amended in pt 4

This part amends the *Fisheries Act 1994*.

18 Amendment of s 96 (Emergency disease or quarantine declarations)

(1) Section 96(1), ‘(an “**emergency disease or quarantine declaration**”)’—

omit.

(2) Section 96(4)—

omit.

(3) Section 96(6), ‘2 months’—

omit, insert—

‘3 months’.

(4) Section 96(7)—

omit.

(5) Section 96(8), ‘not’—

omit.

(6) Section 96(9)—

omit.

(7) Section 96(5), (6) and (8)—

renumber as section 96(4), (5) and (6).

19 Amendment of s 102 (Revocation of quarantine or emergency quarantine declaration)

(1) Section 102, heading, ‘or emergency quarantine’—

omit.

(2) Section 102, ‘or emergency quarantine declaration’—

omit, insert—

‘declaration, other than an emergency quarantine declaration.’

PART 5—AMENDMENT OF PLANT PROTECTION ACT 1989

20 Act amended in pt 5

This part amends the *Plant Protection Act 1989*.

21 Amendment of s 3 (Definitions)

(1) Section 3, ‘In this Act—’—

omit, insert—

‘The dictionary in the schedule defines particular words used in this Act.’

(2) Section 3, definition “assurance certificate”, words before paragraph (a)—

omit, insert—

‘“**assurance certificate**” means a certificate under part 4 about a plant or other thing, including, for example, a certificate that a plant or thing—’.

(3) Section 3, definitions (as amended)—

relocate to the schedule as inserted by this Act.

22 Amendment of s 4 (Pest declarations)

Section 4(3)(b), ‘21 days’—

omit, insert—

‘3 months’.

23 Amendment of s 8 (Control over introduction of pests)

Section 8(3)(b), ‘21 days’—

omit, insert—

‘3 months’.

24 Amendment of s 9 (Control over spread of pest infestations within Queensland)

Section 9(3)(b), ‘21 days’—

omit, insert—

‘3 months’.

25 Amendment of s 11 (Pest quarantine area)

Section 11(9)(b), ‘21 days’—

omit, insert—

‘3 months’.

26 Amendment of s 12 (Notification of pests)

Section 12(2)—

omit, insert—

‘(2) Subsection (3) applies to an owner of land or a vehicle, and a person engaged by an owner of land to carry out an activity on the land, if the owner or person becomes aware of the existence of a notifiable pest on the land or vehicle.

‘(3) The owner or person must—

- (a) notify an inspector about the pest within 24 hours after becoming aware of it; and
- (b) confirm the notification by written notice given to the chief executive within 7 days after becoming aware of it.

Maximum penalty—1 000 penalty units.’.

27 Amendment of s 19A (Inspectors’ powers—certificates)

(1) Section 19A(1), before ‘including’—

insert—

‘or other thing the inspector is satisfied may spread a pest.’.

(2) Section 19A(1), after ‘the plant’—

insert—

‘or thing’.

(3) Section 19A(2), after ‘a plant’—

insert—

‘or other thing’.

(4) Section 19A(2) and (3), after ‘the plant’—

insert—

‘or thing’.

(5) Section 19A(6), after ‘about a plant’—

insert—

‘or other thing’.

(6) Section 19A(6), ‘the plant if’—

omit, insert—

‘the plant or thing if’.

(7) Section 19A(6)(a), ‘for a plant’—

omit, insert—

‘for the plant or thing’.

(8) Section 19A(6)(b)—

omit, insert—

- ‘(b) the representation is made—
- (i) for the sale or movement of the plant or thing; or
 - (ii) to an inspector.’

28 Insertion of new s 20A

Part 3, after section 20—

insert—

‘20A Inspectors’ powers—imminent risk of infestation

‘(1) This section applies if the chief executive is satisfied on reasonable grounds it is necessary to exercise powers under this division to avoid an imminent risk of a pest infesting plants or other things on land, other than land in a pest quarantine area for the pest.

‘(2) In considering whether there is an imminent risk of the pest infesting plants or other things on the land, the chief executive must have regard to—

- (a) the proximity of the land to a known infestation of the pest; and
- (b) the ability of the pest to spread and the way in which it spreads.

‘(3) An inspector may, without a warrant or consent of the owner of the land, enter the land.

‘(4) Before entering the land, the inspector must, or make a reasonable attempt to—

- (a) tell the owner of the land the inspector is authorised under this Act to enter the land; and
- (b) give the owner an opportunity to allow the inspector immediate entry to the land without using force.

‘(5) The inspector may—

- (a) direct the owner to take stated reasonable steps within a stated reasonable period, including, for example, steps about monitoring for, or treating, the pest; or
- (b) take the reasonable steps; or
- (c) authorise another person to take the reasonable steps.

‘(6) The direction may be given orally or by written notice.

‘(7) If the direction is given orally, the inspector must as soon as practicable confirm the direction by written notice given to the owner.

‘(8) When giving the direction under subsection (5)(a), the inspector must warn the owner it is an offence not to comply with the direction unless the owner has a reasonable excuse.

‘(9) The owner must comply with the direction unless the owner has a reasonable excuse.

Maximum penalty—100 penalty units.

‘(10) If the inspector takes the steps, the inspector may also exercise any of the powers of an inspector under this division.

‘(11) The inspector may exercise the powers mentioned in subsections (3), (5)(b) and (10) with the help, and using the force, that is necessary and reasonable in the circumstances.

‘(12) In exercising or attempting to exercise the powers mentioned in subsections (3), (5)(b) and (10), an inspector must take all reasonable steps to ensure the inspector causes as little inconvenience to any person on the land, and does as little damage, as is practicable in the circumstances.

‘(13) This section does not limit any power an inspector has apart from this section.

‘(14) If an inspector authorises a person to take steps under subsection (5)(c)—

- (a) the person may exercise the powers mentioned in subsection (10); and
- (b) the inspector must inform the person—
 - (i) of the steps the person is authorised to take; and
 - (ii) of the person’s powers under this section.

‘(15) In this section—

“land” does not include premises, or a part of premises, where a person resides.’.

29 Amendment of s 21 (Purpose and operation of accreditation system)

(1) Section 21(1), after ‘plants’—

insert—

‘, or other things that may spread a pest.’.

(2) Section 21(2), from ‘about plants’—

omit, insert—

‘about plants or other things that may spread a pest, including, for example, about the origin, condition or movement of the plants or things.’.

30 Amendment of s 21J (Offences about certification)

(1) Section 21J(1), after ‘plant’—

insert—

‘or other thing’.

(2) Section 21J(2), after ‘about a plant’—

insert—

‘or other thing’.

(3) Section 21J(2), after ‘for the plant’—

insert—

‘or thing’.

(4) Section 21J(2)(a), ‘a plant’—

omit, insert—

‘the plant or thing’.

(5) Section 21J(2)(b)—

omit, insert—

‘(b) the representation is made—

- (i) for the sale or movement of the plant or thing; or
- (ii) to an inspector.’.

PART 6—AMENDMENT OF STOCK ACT 1915

31 Act amended in pt 6

This part amends the *Stock Act 1915*.

32 Amendment of s 4 (Interpretation)

(1) Section 4(1), ‘In this Act—’—

omit, insert—

‘The dictionary in schedule 2 defines particular words used in this Act.’.

(2) Section 4(1), definitions “disease” and “farm deer”—

omit.

(3) Section 4(1)—

insert—

‘**“disease”** means a disease, disorder, condition or other thing—

(a) prescribed under a regulation; or

(b) declared by notice under section 12A.

“exotic disease” see *Exotic Diseases in Animals Act 1981*, schedule 2.’.

(4) Section 4, definition “residue disease”, ‘subsection (4)’—

omit, insert—

‘section 4C’.

(5) Section 4, definitions (as amended)—

relocate to schedule 2 as inserted by this Act.

33 Insertion of new ss 4D–4J

Before section 5—

insert—

‘4D Appointment and qualifications of inspectors

‘(1) The chief executive may appoint any of the following persons as an inspector—

- (a) a public service officer or employee;
- (b) an employee of the Commonwealth or another State;
- (c) an employee of a local government;
- (d) a veterinary surgeon under the *Veterinary Surgeons Act 1936*;
- (e) an individual included in a class of persons declared under a regulation to be an approved class of persons for this section.

‘(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.

‘4E Appointment conditions and limit on powers of inspectors

‘(1) An inspector holds office on any conditions stated in—

- (a) the inspector’s instrument of appointment; or
- (b) a signed notice given to the inspector; or
- (c) a regulation.

‘(2) The instrument of appointment, a signed notice given to the inspector or a regulation may limit the inspector’s powers under this Act.

‘(3) In this section—

“**signed notice**” means a notice signed by the chief executive.

‘4F Issue of inspector’s identity card

‘(1) The chief executive must issue an identity card to each inspector.

‘(2) The identity card must—

- (a) contain a recent photo of the inspector; and
- (b) contain a copy of the inspector’s signature; and
- (c) identify the person as an inspector under this Act; and
- (d) state an expiry date for the card.

‘(3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

‘4G Production or display of inspector’s identity card

‘(1) In exercising a power under this Act in relation to a person, an inspector must—

- (a) produce the inspector’s identity card for the person’s inspection before exercising the power; or
- (b) have the identity card displayed so it is clearly visible to the person when exercising the power.

‘(2) However, if it is not practicable to comply with subsection (1), the inspector must produce the identity card for the person’s inspection at the first reasonable opportunity.

‘(3) For subsection (1), an inspector does not exercise a power in relation to a person only because the inspector—

- (a) has entered a place that is a public place and entry is made when it is open to the public; or
- (b) for the purpose of asking the occupier of a place for consent to enter—
 - (i) enters land around premises at the place to an extent that is reasonable to contact the occupier; or
 - (ii) enters part of the place the inspector reasonably considers members of the public ordinarily are allowed to enter when they wish to contact the occupier.

‘4H When inspector ceases to hold office

‘(1) An inspector ceases to hold office if any of the following happens—

- (a) the term of office stated in a condition of office ends;
- (b) under another condition of office, the inspector ceases to hold office;
- (c) the inspector’s resignation under section 4I takes effect.

‘(2) Subsection (1) does not limit the ways an inspector may cease to hold office.

‘(3) In this section—

“condition of office” means a condition on which the inspector holds office.

‘4I Resignation

‘(1) An inspector may resign by signed notice given to the chief executive.

‘(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.

‘4J Return of inspector’s identity card

‘A person who ceases to be an inspector must return the person’s identity card to the chief executive within 21 days after ceasing to be an inspector unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

34 Amendment of s 5 (Chief inspector and other inspectors)

(1) Section 5(2), (4) and (5)—

omit.

(2) Section 5(3), ‘and inspectors of stock are’—

omit, insert—

‘is’.

(3) Section 5(6), penalty—

omit, insert—

‘Maximum penalty—20 penalty units.’.

(4) Section 5(3) and (6)—

renumber as section 5(2) and (3).

35 Omission of s 5A (Honorary inspectors)

Section 5A—

omit.

36 Insertion of new s 12A

Before section 13—

insert—

‘12A Emergency disease notice

‘(1) The chief executive may make an emergency disease notice declaring a disease, disorder, condition or other thing (a “**declared disease**”) to be a disease for this Act.

‘(2) The chief executive may make the notice only if satisfied urgent action is needed to meet a significant threat to the economy of the State or to public health because of the presence, or suspected presence, of the declared disease.

‘(3) The notice must—

- (a) state it is an emergency disease notice; and
- (b) outline the nature of the emergency; and
- (c) include details of the declared disease, including, for example, any known symptoms of the declared disease.

‘(4) The notice is subordinate legislation.

‘(5) The chief executive must repeal the notice as soon as practicable after the chief executive is satisfied the emergency no longer exists.

‘(6) Unless it is earlier repealed, the notice remains in force until the earlier of the following—

- (a) the day the declared disease is prescribed as a disease under a regulation;
- (b) the end of 3 months.’.

37 Amendment of s 27 (Notifiable diseases)

(1) Section 27, heading—

omit, insert—

‘27 Responsibilities about notifiable diseases and other diseases’.

(2) Section 27—

insert—

‘(5) In this section—

“**disease not previously recognised**”, for stock, includes—

- (a) blisters on the mouths or feet of the stock; and
- (b) unexplained or abnormally high mortality rate or morbidity in the stock; and
- (c) a sudden and unexplained fall in production relating to the stock.

Example for paragraph (c)—

A sudden and unexplained drop in milk production in a herd of dairy cattle.’.

38 Amendment of s 29 (Powers of inspector)

Section 29(1)—

insert—

‘(fa) inspect, and take a copy of, a document at the premises or holding;’.

39 Insertion of new s 29A

After section 29—

insert—

‘29A Production of documents

‘(1) An inspector may require a person to make available for inspection by an inspector, or produce to the inspector for inspection, at a stated reasonable time and place a document required to be kept by the person under this Act.

‘(2) The inspector may keep the document to copy it.

‘(3) The inspector must return the document to the person as soon as practicable after copying it.

‘(4) A person required to make available, or produce, for inspection a document under subsection (1) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

‘(5) A person has a reasonable excuse if complying with the requirement might tend to incriminate the person.’.

40 Insertion of new s 39A

insert—

‘39A Feeding particular things to stock

‘A person must not feed stock, or allow stock to feed on, any thing the person knows, or ought reasonably to know, has the potential to cause the stock to become infected with an exotic disease.

Maximum penalty—400 penalty units.

41 Omission of ss 49 and 50

Sections 49 and 50—

omit.

42 Amendment of schedule (Subject matter for regulations)

(1) Schedule, section 23(1), ‘(other than honorary inspectors)’—

omit.

(2) Schedule, section 23(2)—

omit.

PART 7—REPEAL AND AMENDMENT OF ACTS

Division 1—Repeal of Meat Industry Act 1993

43 Repeal

The *Meat Industry Act 1993* is repealed.

Division 2—Other amendments

44 Amendment of penalties—sch 1

Schedule 1 amends penalties in the Acts it mentions.

45 Acts amended—sch 2

Schedule 2 amends the Acts it mentions.

SCHEDULE 1

AMENDMENT OF PENALTIES

section 44

EXOTIC DISEASES IN ANIMALS ACT 1981

1 Sections 9(3), 11(1), 14(2) and 17(1), penalty—

omit, insert—

‘Maximum penalty—2 000 penalty units or 2 years imprisonment.’

2 Sections 14(3), 15(2), 37 and 39, penalty—

omit, insert—

‘Maximum penalty—1 000 penalty units or 1 year’s imprisonment.’

3 Section 19(2), penalty, ‘40’—

omit, insert—

‘400’.

4 Section 40(4), ‘80 penalty units or imprisonment for 6 months.’—

omit, insert—

‘—

(a) for an offence against a regulation—80 penalty units; or

(b) otherwise—800 penalty units or 1 year’s imprisonment.’

SCHEDULE 1 (continued)

STOCK ACT 1915**1 Sections 11(3), 13(4), 14(1D) and 22E, penalty—**

omit, insert—

‘Maximum penalty—1 000 penalty units or 1 year’s imprisonment.’.

2 Sections 21(1) and 21I(1)—

insert—

‘Maximum penalty—400 penalty units or 6 months imprisonment.’.

3 Sections 21(2) and 33(4), penalty—

omit, insert—

‘Maximum penalty—400 penalty units or 6 months imprisonment.’.

4 Sections 21H, 22(2), (3) and (4), 22A(3), 22B(1), (2) and (6), 22C(1) and (2) and 22D, penalty—

omit, insert—

‘Maximum penalty—200 penalty units or 6 months imprisonment.’.

5 Section 21I(2) and 22I, penalty—

omit, insert—

‘Maximum penalty—100 penalty units.’.

6 Section 21K, penalty—

omit, insert—

‘Maximum penalty—1 000 penalty units.’.

SCHEDULE 1 (continued)

7 Section 22A(1) and (2)—

insert—

‘Maximum penalty—200 penalty units or 6 months imprisonment.’.

8 Section 22B(3), penalty—

omit, insert—

‘Maximum penalty—200 penalty units or 1 year’s imprisonment.’.

9 Section 22H(3), penalty—

omit, insert—

‘Maximum penalty—100 penalty units.’.

10 Section 30(12), penalties—

omit, insert—

‘Maximum penalty—600 penalty units.’.

11 Section 42(4), ‘20 penalty units or imprisonment for 6 months.’—

omit, insert—

‘—

- (a) for an offence against a regulation—40 penalty units; or
- (b) otherwise—400 penalty units.’.

SCHEDULE 2

MINOR AMENDMENTS

section 45

AGRICULTURAL STANDARDS ACT 1994

1 Section 67, heading—

omit, insert—

‘67 Regulation-making power’.

2 After section 74—

insert—

‘SCHEDULE

‘DICTIONARY

section 4’.

EXOTIC DISEASES IN ANIMALS ACT 1981

1 Section 12(1)(a)(i), ‘necessary;’—

omit, insert—

‘necessary; or’.

SCHEDULE 2 (continued)

- 2 Section 12(1)(a)(ii), ‘area;’—**
omit, insert—
‘area; or’.
- 3 Section 12(1)(a)(iii), ‘necessary;’—**
omit, insert—
‘necessary; and’.
- 4 After section 20(1)(h)—**
insert—
‘Example of destroying a vector of exotic disease—
Killing the vector by poisoning it.’.
- 5 Section 47, heading—**
omit, insert—
‘47 Regulation-making power’.
- 6 Section 47(2), ‘schedule 2’—**
omit, insert—
‘schedule 1’.
- 7 Schedule 2, section 15—**
omit.
- 8 Schedule 2—**
renumber as schedule 1.

SCHEDULE 2 (continued)

9 After schedule 1 (as renumbered)—

insert—

‘SCHEDULE 2

‘DICTIONARY

section 5’.

FISHERIES ACT 1994

1 Schedule, definitions “closed season declaration”, “closed waters declaration”, “declared disease”, “declared quarantine area”, “management plan”, “quarantine declaration”, “quota” and “regulated fish declaration”—

omit, insert—

- ‘ **“closed season declaration”** means a declaration in force under section 37(1), 42(1), 43(1), 46(1) or 48(1) declaring a period to be a closed season.
- “closed waters declaration”** means a declaration in force under section 37(1), 42(1), 43(1), 46(1) or 48(1) declaring waters to be closed waters.
- “declared disease”** means anything that is declared under section 94(2), 96(1) or 97(1) to be a declared disease.
- “declared quarantine area”** means an area that is declared under section 95(1), 96(1) or 97(1) to be a quarantine area.
- “management plan”** means a management plan in force under section 32 or 42.
- “quarantine declaration”** means a declaration in force under section 95(1), 96(1) or 97(1) declaring an area to be a quarantine area.

SCHEDULE 2 (continued)

“quota” means a quota (within the meaning of section 9) in force under section 38, 42, 44(1), 48(1) or 61(1)(a).

“regulated fish declaration” means a declaration in force under section 37(1), 42(1), 43(1), 46(1) or 48(1) declaring fish to be regulated fish.’.

JUDICIAL REVIEW ACT 1991

1 Schedule 1, part 1—

insert—

‘2B *Exotic Diseases in Animals Act 1981*, section 22’.

PLANT PROTECTION ACT 1989

1 After section 35—

insert—

‘SCHEDULE

‘DICTIONARY

section 3’.

SCHEDULE 2 (continued)

STOCK ACT 1915**1 Section 4, heading—**

omit, insert—

‘4 Definitions’.**2 Section 4(2), ‘(2) A person’—**

omit, insert—

‘4A When a person is in possession of something

‘A person’.

3 Section 4(3), ‘(3) In this Act’—

omit, insert—

‘4B References to diseased or infected matter or thing

‘In this Act’.

4 Section 4(4), ‘(4) A condition’—

omit, insert—

‘4C Chemical or antibiotic residue may be prescribed as a disease

‘A condition’.

5 Section 48(2), ‘the schedule’

omit, insert—

‘schedule 1’.

6 Schedule—

renumber as schedule 1.

SCHEDULE 2 (continued)

7 After schedule 1 (as renumbered)—

insert—

‘SCHEDULE 2

‘DICTIONARY

section 4’.