



Queensland

Agriculture and Forestry Legislation Amendment Act 2013

Act No. 41 of 2013



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Queensland

Agriculture and Forestry Legislation Amendment Act 2013

Act No. 41 of 2013

An Act to amend the Agricultural Chemicals Distribution Control Act 1966, the Agricultural Standards Act 1994, the Animal Care and Protection Act 2001, the Animal Management (Cats and Dogs) Act 2008, the Forestry Act 1959, the Land Protection (Pest and Stock Route Management) Act 2002, the Rural and Regional Adjustment Act 1994 and the Veterinary Surgeons Act 1936 for particular purposes.

[Assented to 23 September 2013]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Agriculture and Forestry Legislation Amendment Act 2013*.

2 Commencement

- (1) Part 2 commences on a day to be fixed by proclamation.
- (2) Part 5, division 2 and schedule 1 commences 28 days after the date of assent of this Act.

Part 2 Amendment of Agricultural Chemicals Distribution Control Act 1966

3 Act amended

This part amends the *Agricultural Chemicals Distribution Control Act 1966*.

4 Replacement of ss 8–10B

Sections 8 to 10B—

omit, insert—

8 Delegations by chief executive

The chief executive may delegate the chief executive's powers under this Act to the standards officer.

-
- 5 Amendment of s 12 (Pilot chemical rating licence)**
Section 12(1), from ‘Act’ to ‘grant’—
omit, insert—
Act, the chief executive may grant
- 6 Amendment of s 15 (Aerial distribution contractor licence)**
Section 15(1), from ‘Act’ to ‘grant’—
omit, insert—
Act, the chief executive may grant
- 7 Amendment of s 16 (Commercial operators’ licence)**
Section 16(1), from ‘Act’ to ‘grant’—
omit, insert—
Act, the chief executive may grant
- 8 Amendment of s 16B (Ground distribution contractor licence)**
Section 16B, ‘board’—
omit, insert—
chief executive
- 9 Amendment of s 17 (Application for licences)**
Section 17, ‘board’—
omit, insert—
chief executive
- 10 Amendment of s 18 (Term of licence)**
Section 18(2), ‘board’—

[s 11]

omit, insert—

chief executive

11 Amendment of s 19 (Renewal of licence)

Section 19, ‘board’—

omit, insert—

chief executive

12 Amendment of s 19B (Notice of change in circumstances)

Section 19B(2), ‘board’—

omit, insert—

chief executive

13 Amendment of s 20 (Suspension of licence by standards officer)

Section 20, ‘board’—

omit, insert—

chief executive

14 Replacement of s 21 (Cancellation or suspension of licence)

Section 21—

omit, insert—

21 Grounds for suspension or cancellation of licence by chief executive

Each of the following is a ground for suspending or cancelling a licence under section 21D—

- (a) the licensee has committed an offence against this Act or the *Health (Drugs and Poisons) Regulation 1996*, section 290, made under the *Health Act 1937*;

- (b) the licensee has done an act or made an omission that would not entitle the licensee to apply for a licence of the type held by the licensee;
- (c) the licence was issued because of a materially false, fraudulent or misleading document, representation or declaration;
- (d) the licensee is not, or is no longer, an appropriate person to continue to hold the licence;
- (e) if the licence is an aerial distribution contractor licence or a ground distribution contractor licence—the licensed distribution contractor has not complied with a request made by the standards officer under section 26(2).

21A Show cause notice

- (1) This section applies if the chief executive believes a ground exists to suspend or cancel a licence (the *proposed action*).
- (2) Before taking the proposed action, the chief executive must give the licensee a notice (a *show cause notice*) stating the following—
 - (a) the proposed action;
 - (b) the grounds for the proposed action;
 - (c) an outline of the facts and circumstances forming the basis for the grounds;
 - (d) if the proposed action is suspension of the licence—the proposed suspension period;
 - (e) that the licensee may, within a stated period (the *show cause period*), make written representations to the chief executive to

[s 14]

show why the proposed action should not be taken.

- (3) The show cause period must end at least 21 days after the licensee is given the show cause notice.

21B Representations about show cause notice

- (1) The licensee may, within the show cause period, make written representations to the chief executive about why the proposed action should not be taken.
- (2) The chief executive must consider all representations (the *accepted representations*) made under subsection (1).

21C Ending show cause process without further action

If, after considering the accepted representations for a show cause notice, the chief executive no longer believes a ground exists to suspend or cancel the licence, the chief executive—

- (a) must not take any further action about the show cause notice; and
- (b) must give the licensee a notice that no further action is to be taken about the show cause notice.

21D Suspension or cancellation of licence

- (1) This section applies if—
 - (a) there are no accepted representations for a show cause notice; or
 - (b) after considering the accepted representations for a show cause notice, the chief executive—

-
- (i) still believes a ground exists to suspend or cancel the licence; and
 - (ii) believes suspension or cancellation of the licence is warranted.
 - (2) The chief executive may—
 - (a) if the proposed action was to suspend the licence—suspend the licence for no longer than the proposed suspension period; or
 - (b) if the proposed action was to cancel the licence—cancel the licence or suspend it for a period.
 - (3) If the chief executive decides to take action under subsection (2), the chief executive must as soon as practicable give the licensee an information notice for the decision.
 - (4) The decision takes effect on the later of the following days—
 - (a) the day the information notice is given to the licensee;
 - (b) the day stated in the information notice for that purpose.

15 Amendment of s 22 (Right of review by QCAT)

Section 22(1), from ‘the following’—

omit, insert—

a decision of the chief executive—

- (a) to refuse an application for a licence or the renewal of a licence; or
- (b) to suspend or cancel a licence.

[s 16]

16 Amendment of s 31 (Effect of failure to give notice)

Section 31(2)(b)(ii), ‘or board or a member of the board’—
omit.

17 Amendment of s 32 (Powers of inspection in case of damage to crops etc.)

(1) Section 32(1), ‘The standards officer or another’—
omit, insert—

An

(2) Section 32(1)(a), from ‘standards officer’—
omit, insert—

inspector considers appropriate for making the report mentioned in paragraph (c); and

(3) Section 32(1)(b), from ‘standards officer’—
omit, insert—

inspector considers appropriate for making the report mentioned in paragraph (c); and

(4) Section 32(1)(c)—
omit.

(5) Section 32(1)(d), from ‘in the case’ to ‘make’—
omit, insert—

after entering land under this section, must give

(6) Section 32(1)(d), as amended—
renumber as section 32(1)(c).

(7) Section 32(1)(e)—
omit, insert—

(d) must give to the standards officer all samples taken and removed under paragraphs (a) and (b).

- (8) Section 32(2), ‘the standards officer, or another’—
omit, insert—
an

18 Amendment of s 33 (Board to make statement on damage)

- (1) Section 33, heading, ‘Board’—
omit, insert—

Standards officer

- (2) Section 33(1) and (1A)—
omit.
- (3) Section 33(1B)—
renumber as subsection 33(1).
- (4) Section 33(1), as renumbered, from ‘Upon’ to ‘shall’—
omit, insert—

On receiving a report made by an inspector under section 32(1)(c), the standards officer must

- (5) Section 33(1)(a), as renumbered, ‘standards officer’—
omit, insert—
inspector
- (6) Section 33(2), ‘board’—
omit, insert—
standards officer

19 Amendment of s 44A (Protection from liability)

- Section 44A(1), definition *official*, paragraph (c)—
omit.

[s 20]

20 Amendment of s 45 (Evidence)

- (1) Section 45(c)—
omit.
- (2) Section 45(d)—
renumber as section 45(c).

21 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *board*, *chairperson*, *decision maker*, *deputy chairperson* and *member*—
omit.
- (2) Schedule—
insert—

accepted representations see section 21B(2).
proposed action see section 21A(1).
show cause notice see section 21A(2).
show cause period see section 21A(2)(e).
- (3) Schedule, definition *officer*, paragraph (e)—
omit.

Part 3 Amendment of Agricultural Standards Act 1994

22 Act amended

This part amends the *Agricultural Standards Act 1994*.

23 Amendment of s 20 (Entry to places)

- (1) Section 20(1)(e), after ‘made’—

insert—

at a reasonable time

- (2) Section 20(1)(e)(i), ‘stock; and’—

omit, insert—

stock; or

- (3) Section 20(1)(e)(iii)—

omit.

24 Amendment of s 24 (Entry to vehicles)

- (1) Section 24—

insert—

- (1A) Also, an inspector may enter a vehicle other than a part of a vehicle used only as a living area—

- (a) to check compliance with a provision of this Act about the content, labelling or sale of food for stock; or
- (b) for the purpose of preventing the introduction of an exotic disease into the State or controlling the spread of an exotic disease.

- (2) Section 24(2)—

omit, insert—

- (2) Before entering a vehicle under this section, the inspector must do or make a reasonable attempt to do all of the following—
 - (a) comply with section 19(1);
 - (b) tell the owner or person in control of the vehicle the inspector is authorised under this Act to enter the vehicle;

[s 25]

- (c) give the owner or the person in control of the vehicle an opportunity to consent to the entry.
- (2A) If the inspector enters the vehicle after being unable to locate the owner or person in control of the vehicle, the inspector must leave a notice in a conspicuous position and in a reasonably secure way stating the date, time and purpose of the entry.

Part 4 Amendment of Animal Care and Protection Act 2001

25 Act amended

This part amends the *Animal Care and Protection Act 2001*.

26 Amendment of s 18 (Animal cruelty prohibited)

Section 18(1), penalty, '1000 penalty units or 2 years'—
omit, insert—

2000 penalty units or 3 years

Part 5 Amendment of Animal Management (Cats and Dogs) Act 2008

Division 1 Preliminary

27 Act amended

This part amends the *Animal Management (Cats and Dogs) Act 2008*.

Division 2 Amendments about cat registration

28 Amendment of long title

Long title, ‘, registration and management of cats and dogs’—
omit, insert—

**and management of cats and dogs and the
registration of dogs**

29 Amendment of s 3 (Purposes of Act)

(1) Section 3(a), ‘and registration’—

omit.

(2) Section 3—

insert—

(aa) provide for the registration of dogs; and

(3) Section 3(aa) to (c)—

renumber as section 3(b) to (d).

[s 30]

30 Amendment of s 4 (How purposes are to be primarily achieved)

(1) Section 4(c), ‘cat and’—

omit.

(2) Section 4(h), ‘cats and’—

omit.

31 Amendment of s 6 (Relationship with local laws)

Section 6(2)—

omit, insert—

(2) Without limiting subsection (1), a local government may make a local law—

- (a) prohibiting anyone in its local government area, other than an exempted person, from possessing a dog of a particular breed; or
- (b) imposing registration obligations on owners of cats.

32 Amendment of s 9 (Who is an *owner* of a cat or dog)

Section 9(1)(a)—

omit, insert—

- (a) a person who is—
 - (i) the registered owner of the dog; or
 - (ii) if a local government makes a local law requiring cats to be registered—identified as the owner of the cat under the local law;

33 Amendment of s 25 (PID information must be given to licence holder)

Section 25(2), note, after ‘identifying information’—

insert—

or PID information

34 Amendment of ch 2, pt 1, div 6, hdg (Giving identifying information)

Chapter 2, part 1, division 6, heading, after ‘information’—

insert—

and PID information

35 Amendment of s 37 (Authorised planter may give identifying information to particular persons)

Section 37, after ‘identifying information’—

insert—

or PID information

36 Amendment of s 38 (Licence holder may give identifying information to particular persons)

Section 38, after ‘identifying information’—

insert—

or PID information

37 Replacement of ch 3, hdg (Registration)

Chapter 3, heading—

omit, insert—

Chapter 3 Dog registration

[s 38]

38 Amendment of s 44 (Registration obligation)

(1) Section 44, ‘cat or’—

omit.

(2) Section 44(3), note—

omit.

39 Amendment of s 45 (Cat or dog must bear identification in particular circumstances)

(1) Section 45, heading, ‘Cat or dog’—

omit, insert—

Dog

(2) Section 45, ‘cat or’—

omit.

40 Amendment of ch 3, pt 2, hdg (How cat or dog is registered)

Chapter 3, part 2, heading, ‘cat or’—

omit.

41 Amendment of s 46 (What owner must do)

Section 46, ‘cat or’—

omit.

42 Amendment of s 49 (Relevant local government must give registration notice)

Section 49, ‘cat or’—

omit.

43 Amendment of s 166 (Immediate suspension)

Section 166(1)(b), ‘identification and registration of cats or dogs’—

omit, insert—

identification of cats or dogs, and registration of dogs,

44 Amendment of s 177 (Registers comprising cat and dog registry)

(1) Section 177, heading, ‘cat and’—

omit.

(2) Section 177(1) ‘cats or’—

omit.

(3) Section 177(2), ‘*cat and dog registry*’—

omit, insert—

dog registry

45 Amendment of s 210 (Regulation-making power)

(1) Section 210(2)(a)(iii)—

omit.

(2) Section 210(2)—

insert—

(aa) class of dog that may be exempt from being registered; or

(3) Section 210(2)(e), ‘cat or’—

omit.

(4) Section 210(2)(aa) to (e)—

renumber as section 210(2)(b) to (f).

[s 46]

46 Insertion of new ch 10, pt 4

Chapter 10—

insert—

Part 4 **Transitional provisions for Agriculture and Forestry Legislation Amendment Act 2013**

Division 1 **Preliminary**

224 Definitions for pt 4

In this part—

amending Act means the *Agriculture and Forestry Legislation Amendment Act 2013*.

commencement means the commencement of the provision in which the term is used.

declared local government see section 226(1).

former, for a provision, means the provision as in force immediately before the amendment or repeal of the provision under the amending Act.

225 Interpretation for pt 4

If a provision in this part uses a term defined under this Act as in force before the commencement (the *unamended Act*), the term has the same meaning as it had under the unamended Act.

**Division 2 Continuation of former
chapter 3 for declared local
governments**

**226 Cat registration under former ch 3 continues
for declared local government**

- (1) This section applies to a local government (a *declared local government*) if—
 - (a) before the commencement, the local government passed a resolution that it is a declared local government for this part; and
 - (b) on the commencement, the resolution had not been repealed.
- (2) The following provisions, and any former provision mentioned in the provisions or necessary to give effect to the provisions, continue to apply in the declared local government's local government area as if the provisions had not been amended by the amending Act—
 - (a) former chapter 3;
 - (b) former sections 177 to 179 and 203.
- (3) This section applies to the declared local government until the first of the following to happen—
 - (a) the declared local government makes a local law about cat registration;
 - (b) the declared local government passes a resolution that it is no longer a declared local government for this part;
 - (c) 1 year after the commencement of this section.

Division 3 Continuation of cat registration for local governments

227 Registration form for registration of cat

- (1) This section applies to the owner of a cat who—
 - (a) before the commencement, gave the relevant local government a registration form for registration of the cat, including the registration fee for the cat, under former section 46; and
 - (b) on the commencement, had not received under former section 49 a registration notice for the cat.
- (2) The relevant local government must—
 - (a) refund the registration fee to the owner; or
 - (b) if the local government is a declared local government—register the cat under former chapter 3, part 2; or
 - (c) if a local government makes a local law requiring cats to be registered—register the cat under the local law.

228 Registration fee paid to relevant local government under former s 53

- (1) This section applies if, before the commencement—
 - (a) a person paid the relevant local government, other than a declared local government, a registration fee for a cat; and
 - (b) the relevant local government gave the person a registration notice for the cat.
- (2) The local government must—

-
- (a) use the registration fee in the way stated in former section 53 as if that section had not been amended; or
 - (b) subject to subsection (3), refund the registration fee to the person.
- (3) If the local government acts under subsection (2)(b), the local government may refund the proportion of the fee the local government considers appropriate, having regard to the period of the registration stated on the registration notice that remains after the commencement.

47 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *cat and dog registry*, *identifying information*, *PID registry service* and *registered owner*—
omit.
- (2) Schedule 2—
insert—

dog registry, of a local government, see section 177(2).

identifying information means—

- (a) for a dog—the information relating to the dog that is required to be—
 - (i) stated on a registration notice for the dog; and
 - (ii) held in the dog registry of the relevant local government for the dog; or
- (b) for a cat, if a local government makes a local law requiring cats to be registered—the information relating to the cat required to be held under the local law.

PID registry service means a service—

- (a) of keeping records containing—

[s 48]

- (i) identifying information for a cat or dog; or
 - (ii) PID information for a cat or dog; and
- (b) provided by a licence holder.

registered owner, of a dog, means a person recorded as the owner of the dog in a dog registry of a local government.

- (3) Schedule 2, definition *appropriate register*, ‘cat or’—
omit.
- (4) Schedule 2, definition *interested person*, paragraph (b), ‘cat or’—
omit.
- (5) Schedule 2, definition *registered*, ‘cat or’—
omit.
- (6) Schedule 2, definition *registration fee*, ‘cat or’—
omit.
- (7) Schedule 2, definition *registration form*, from ‘cat or’ to ‘dogs in’—
omit, insert—
dog in a local government’s area, means the approved form for registering dogs in
- (8) Schedule 2, definition *registration notice*, ‘cat or’—
omit.

48 Schedule amendments

- (1) Each of the provisions listed in schedule 1, part 1 is amended by omitting ‘cat or’.
- (2) The provision listed in schedule 1, part 2 is amended by omitting ‘cats or’.

- (3) Each of the provisions listed in schedule 1, part 3 is amended by omitting ‘cat and’.

Division 3 Amendments about concurrent regulated dog declarations and destruction orders

49 Amendment of s 95 (Notice and taking effect of declaration)

- (1) Section 95(1), ‘subsection (2) or (3)’—

omit, insert—

subsection (3) or (4)

- (2) Section 95(2) to (5)—

renumber as section 95(3) to (6).

- (3) Section 95—

insert—

- (2) However, a local government must not give the notice under subsection (3) or (4) if an authorised person makes a destruction order under section 127A.

Note—

A combined decision and information notice may be given to an owner of a dog under section 127A.

- (4) Section 95(4), as renumbered, ‘subsection (2)’—

omit, insert—

subsection (3)

50 Amendment of s 96 (Operation of pt 5)

Section 96(4), ‘section 95(5)’—

omit, insert—

[s 51]

section 95(6)

51 Insertion of new s 127A

After section 127—

insert—

127A Concurrent regulated dog declaration and destruction order

- (1) This section applies if a local government—
 - (a) makes a regulated dog declaration under section 94 for a seized dog; but
 - (b) does not give any owner of the dog notice of its decision under section 95.
- (2) Despite the dog not being a regulated dog, an authorised person may make a destruction order for the dog if it is appropriate to do so.
- (3) As soon as practicable after deciding to make the destruction order, the authorised person must serve the destruction order on the relevant owner of the dog.
- (4) The destruction order must include or be accompanied by—
 - (a) if a notice is required under section 95(3)—a combined notice under section 95(3) about the decision to make a regulated dog declaration and an information notice about the decision to give the destruction order; or
 - (b) if an information notice is required under section 95(4)—a combined information notice about the decisions to make a regulated dog declaration under section 95(4) and to give the destruction order.
- (5) Section 127(6) to (8) applies to the destruction order.

- (6) In this section—
relevant owner, of a dog, means—
- (a) the registered owner of the dog; or
 - (b) if the dog has no registered owner—any person who owns, or is a responsible person for, the dog.

52 Amendment of s 178 (General register)

Section 178(b), ‘section 95(5)’—

omit, insert—

section 95(6)

53 Insertion of new s 185A

After section 185—

insert—

185A Internal review of concurrent regulated dog declaration and destruction order

- (1) This section applies if—
 - (a) an interested person is given a combined information notice under section 127A(4)(b) about a decision to make a regulated dog declaration and a decision to give a destruction order for a dog; and
 - (b) the person makes a general review application for both the decisions.
- (2) The chief executive officer of a local government that received the application may conduct an internal review of the decisions at the same time under section 186.

[s 54]

Part 6 **Amendment of Forestry Act 1959**

54 **Act amended**

This part amends the *Forestry Act 1959*.

55 **Omission of pt 9 (Savings and transitional provisions for Primary Industries and Natural Resources Legislation Amendment Act 2000)**

Part 9—

omit.

56 **Amendment of pt 10 hdg**

Part 10, heading, ‘Other transitional’—

omit, insert—

Transitional

Part 7 **Amendment of Land Protection (Pest and Stock Route Management) Act 2002**

57 **Act amended**

This part amends the *Land Protection (Pest and Stock Route
Management) Act 2002*.

58 **Amendment of ch 2, pt 2 hdg (State pest management strategies and guidelines for managing pests)**

Chapter 2, part 2, heading, ‘strategies’—

omit, insert—

strategy

59 Amendment of ch 2, pt 2, div 1 hdg (State pest management strategies)

Chapter 2, part 2, division 1, heading, ‘strategies’—

omit, insert—

strategy

60 Amendment of s 10 (State pest management strategies)

(1) Section 10, heading, ‘strategies’—

omit, insert—

strategy

(2) Section 10(1), ‘separate State pest management strategies’—

omit, insert—

a State pest management strategy

(3) Section 10(2), ‘A State’—

omit, insert—

The State

61 Amendment of s 11 (Preparing strategies)

(1) Section 11, heading, ‘strategies’—

omit, insert—

strategy

(2) Section 11, ‘a State’—

omit, insert—

the State

[s 62]

62 Amendment of s 12 (Duration of strategies)

- (1) Section 12, heading, ‘strategies’—

omit, insert—

strategy

- (2) Section 12(1), ‘A State’—

omit, insert—

The State

63 Amendment of s 13 (Implementing strategies)

- (1) Section 13, heading, ‘strategies’—

omit, insert—

strategy

- (2) Section 13, ‘each’—

omit, insert—

the

64 Amendment of s 14 (Reviewing and renewing strategies)

- (1) Section 14, heading, ‘strategies’—

omit, insert—

strategy

- (2) Section 14(1), ‘a State’—

omit, insert—

the State

- (3) Section 14(2), ‘a strategy’—

omit, insert—

the strategy

65 Amendment of ch 2, pt 2, div 3 hdg (Inspecting strategies and guidelines)

Chapter 2, part 2, division 3, heading, ‘strategies’—

omit, insert—

strategy

66 Amendment of s 16 (Strategies and guidelines to be available for inspection)

(1) Section 16, heading, ‘Strategies’—

omit, insert—

Strategy

(2) Section 16(1), ‘strategies and guidelines’—

omit, insert—

State pest management strategy and the guidelines for pest management

(3) Section 16(2), ‘strategies’—

omit, insert—

strategy

67 Amendment of s 18 (Requirements of plan)

Section 18(b), ‘strategies’—

omit, insert—

strategy

68 Amendment of s 26 (Requirements of plan)

Section 26(b), ‘strategies’—

omit, insert—

strategy

[s 69]

69 Amendment of s 27 (Preparing draft plan)

Section 27(5)(b), ‘strategies’—

omit, insert—

strategy

70 Amendment of s 33 (Reviewing and renewing plan)

Section 33(3), ‘a State’—

omit, insert—

the State

71 Amendment of sch 3 (Dictionary)

Schedule 3, definition *State pest management strategy*, ‘a State’—

omit, insert—

the State

Part 8 Amendment of Rural and Regional Adjustment Act 1994

72 Act amended

This part amends the *Rural and Regional Adjustment Act 1994*.

73 Amendment of s 3 (Object of Act)

Section 3(2)(b), from ‘schemes’—

omit, insert—

schemes or parts of schemes for the Commonwealth and other States in rural and regional sectors outside Queensland.

Examples of administering parts of schemes—

- conducting financial analysis of applications for assistance under an authorised interstate scheme
- reviewing an authorised interstate scheme
- providing advice on applications for financial assistance under an authorised interstate scheme

74 Amendment of s 8 (Authority’s functions)

Section 8(2)(f), after ‘schemes’—

insert—

or parts of the schemes

75 Amendment of s 11A (Authorisation for interstate schemes)

(1) Section 11A(2), ‘the scheme’, first and second mention—

omit, insert—

the scheme or a part of the scheme

(2) Section 11A(2), ‘the scheme’, third mention—

omit, insert—

the scheme or part

(3) Section 11A(5), ‘scheme’—

omit, insert—

scheme or part of the scheme

76 Amendment of s 35 (Acting chief executive officer)

Section 35, ‘Governor in Council’—

omit, insert—

Minister

[s 77]

77 Insertion of new s 35B

Part 5, division 1—

insert—

35B Delegation

(1) The chief executive officer may, with the board's approval, delegate the chief executive officer's functions, including a function delegated to the chief executive officer by the authority, to an appropriately qualified employee of the authority.

(2) In this section—

appropriately qualified, for an employee of the authority, includes having the qualifications, experience or standing appropriate for the function.

Example of standing—

an employee's seniority level within the staff of the authority

function includes power.

78 Amendment of s 45 (Review of Act)

(1) Section 45(1)—

omit, insert—

(1) The Minister must, within each period of 10 years after 1 July 2013, review this Act to decide whether its provisions remain appropriate.

(2) Section 45(2), 'finishing the review'—

omit, insert—

finishing each review

Part 9 Amendment of Veterinary Surgeons Act 1936

79 **Act amended**

This part amends the *Veterinary Surgeons Act 1936*.

80 **Amendment of s 4C (Membership)**

Section 4C(2), ‘veterinary surgeons’—

omit, insert—

eligible veterinary surgeons

81 **Amendment of s 4D (Chairperson and deputy chairperson)**

Section 4D(3), ‘a veterinary surgeon’—

omit, insert—

an eligible veterinary surgeon

82 **Amendment of s 8 (Board to hold triennial election)**

Section 8(4), ‘each registered veterinary surgeon’—

omit, insert—

each eligible veterinary surgeon

83 **Amendment of s 16 (Keeping registers)**

(1) Section 16(3)(d), ‘particulars decided’—

omit, insert—

particulars, other than the emergency contact details
for a veterinary surgeon, decided

(2) Section 16(4)(d), ‘particulars decided’—

omit, insert—

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particulars, other than the emergency contact details
for a veterinary surgeon, decided

(3) Section 16—

insert—

(4A) Subsections (3) and (4) do not apply to veterinary
practitioners.

84 Insertion of new s 16A

After section 16—

insert—

16A Arrangements between board and interstate registering authorities

- (1) The board may enter into an arrangement with a
registering authority of another State about
access to information in a relevant register—
 - (a) for the purposes of establishing a national
register of veterinary specialists, veterinary
surgeons and veterinary practitioners; or
 - (b) for other purposes related to the recognition
of veterinary specialists, veterinary surgeons
or veterinary practitioners.
- (2) Without limiting subsection (1), an arrangement
made under this section may involve the
establishment of a national register of veterinary
specialists, veterinary surgeons and veterinary
practitioners by the Australasian Veterinary
Boards Council Inc.
- (3) In this section—
relevant register means a register required to be
kept by the registrar under section 16(1).

85 Amendment of s 17 (Annual fee)

Section 17—

insert—

(6) In this section—

veterinary surgeon does not include a veterinary practitioner.

86 Amendment of s 18 (Registration of veterinary surgeons)

Section 18—

insert—

(3A) Also, if the board considers it appropriate in the circumstances, the board may refuse an application for registration as a veterinary surgeon if satisfied the applicant is not suitable to be registered because the applicant has, under the law of another State—

(a) applied for registration as a veterinary practitioner in that State and the application was refused by the registering authority for that State; or

(b) been disqualified from applying, or is not entitled to apply, for registration as a veterinary practitioner in that State.

(3B) Subsections (3) and (3A) apply despite subsection (1).

87 Insertion of new s 18B

After section 18A—

insert—

18B Deemed registration as veterinary surgeon

(1) A person who is a veterinary practitioner is taken to be registered as a veterinary surgeon under this Act.

(2) The person's registration as a veterinary surgeon is subject to the same conditions, limitations or

[s 88]

restrictions that apply to the person's registration in another State as a veterinary practitioner.

88 Amendment of s 19 (Application for registration)

Section 19(2)—

omit, insert—

- (2) The approved form must provide for the inclusion of the applicant's contact information.
- (3) To remove any doubt, it is declared that a person who is taken to be registered as a veterinary surgeon under section 18B is not required to—
 - (a) apply for registration under this section; or
 - (b) pay the prescribed fee mentioned in subsection (1)(c).
- (4) However, a person—
 - (a) who is taken to be registered as a veterinary surgeon under section 18B; and
 - (b) whose principal place of residence will be in Queensland after the expiry of the person's registration in another State as a veterinary practitioner (the *interstate registration*); and
 - (c) who intends to carry on practice as a veterinary surgeon in Queensland after the expiry of the interstate registration;must apply for registration in Queensland before the expiry of the interstate registration.

89 Amendment of s 19B (Registration for limited period)

Section 19B(3) and (5), 'another State or'—

omit.

90 Insertion of new s 19CA

After section 19C—

insert—

19CA Deemed registration of veterinary specialists

- (1) This section applies to a veterinary practitioner—
 - (a) who is taken to be registered as a veterinary surgeon under section 18B; and
 - (b) whose registration as a veterinary practitioner in another State provides, by endorsement or otherwise, that the veterinary practitioner is qualified to practise as a veterinary specialist in that State; and
 - (c) whose qualification to practice as a veterinary specialist in the other State was gained after practising veterinary science for a period of at least 5 years.
- (2) The veterinary practitioner is taken to be registered as a veterinary specialist under this Act if the specialty in which the veterinary practitioner is qualified to practise in the other State is a veterinary specialty under this Act.

91 Insertion of new s 22FA

Part 4, division 2—

insert—

22FA Board to notify interstate registering authorities of disciplinary action

- (1) If, under section 22C, 22D or 22E, the tribunal makes an order about a veterinary surgeon, or admonishes or reprimands a veterinary surgeon, the board must give each registering authority of another State written notice of—
 - (a) the order, admonishment or reprimand; and

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- (b) for an order under section 22C or 22D—the grounds on which the order was made; and
 - (c) for an order, admonishment or reprimand under section 22E—the details of the misconduct for which the order, admonishment or reprimand was made or given.
- (2) If the board takes action under section 22A(1)(a) or (b) in relation to a veterinary surgeon, the board must give each registering authority of another State written notice of—
- (a) the action; and
 - (b) the details of the misconduct for which the action was taken.
- (3) A notice under subsection (1) or (2) must be given as soon as practicable after the order, admonishment or reprimand was made or given or the action was taken.

92 Insertion of new ss 26 and 27

Part 4B—

insert—

26 Notice about change in contact information

- (1) If a veterinary surgeon's contact information changes, the veterinary surgeon must, within 21 days after the change, give the board written notice of the change unless the veterinary surgeon has a reasonable excuse.

Maximum penalty—10 penalty units.

- (2) In this section—
veterinary surgeon does not include a veterinary practitioner.

27 Veterinary surgeon to provide emergency contact details

- (1) If the registrar does not have the emergency contact details for a veterinary surgeon, the registrar may, by written notice given to the veterinary surgeon, ask the veterinary surgeon to give the registrar the emergency contact details.
- (2) A veterinary surgeon must comply with a notice given under subsection (1) within 21 days after receiving it, unless the veterinary surgeon has a reasonable excuse.

Maximum penalty—10 penalty units.

- (3) In this section—
veterinary surgeon does not include a veterinary practitioner.

93 Insertion of new s 29C

After section 29B—

insert—

29C Registrar must give emergency contact details to chief executive

- (1) This section applies if the chief executive, or a chief executive of a public sector unit prescribed under a regulation (a *prescribed chief executive*), considers it is necessary to contact a veterinary surgeon to give the veterinary surgeon information about controlling, eradicating or preventing the spread of—
 - (a) an exotic disease; or
 - (b) a declared pest; or
 - (c) a disease.
- (2) The chief executive or a prescribed chief executive may ask the registrar to give the chief

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executive or prescribed chief executive the emergency contact details for the veterinary surgeon.

- (3) The registrar must comply with the request.
- (4) The chief executive or prescribed chief executive may only use the emergency contact details for a veterinary surgeon for a purpose mentioned in subsection (1).
- (5) In this section—

declared pest means—

- (a) a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*, schedule 3; or
- (b) a pest under the *Plant Protection Act 1989*, schedule 2.

disease means—

- (a) a disease under the *Stock Act 1915*, schedule 2; or
- (b) a disease not previously recognised as defined under the *Stock Act 1915*, section 27(5).

exotic disease see the *Exotic Diseases in Animals Act 1981*, schedule 2.

veterinary surgeon does not include a veterinary practitioner.

94 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *veterinary specialist* and *veterinary surgeon*—
omit.
- (2) Schedule—
insert—

contact information, for a veterinary surgeon or an applicant for registration as a veterinary surgeon, means the veterinary surgeon's or applicant's business address, postal address, residential address and emergency contact details.

eligible veterinary surgeon means a veterinary surgeon who is registered as a veterinary surgeon under this Act and whose name remains on the register of veterinary surgeons.

emergency contact details, for a veterinary surgeon or an applicant for registration as a veterinary surgeon, means a telephone number and email address at which the veterinary surgeon or applicant may be contacted immediately, during or outside of ordinary business hours, for a purpose mentioned in section 29C.

registering authority, of another State, means the authority responsible for the registration of veterinary practitioners in that State.

veterinary practitioner—

- 1 *Veterinary practitioner* means a person authorised under a law of another State to carry out, in that State, activities substantially the same as the activities that may be carried out by a person registered as a veterinary surgeon under this Act.
- 2 However, a *veterinary practitioner* does not include a person who is registered as a veterinary surgeon on application under this Act and whose name remains on the register of veterinary surgeons.

veterinary specialist means—

- (a) a veterinary surgeon who is registered on application under this Act as a veterinary

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specialist for a veterinary specialty and whose name remains on the register of veterinary specialists for the veterinary specialty; or

- (b) a person who is taken to be registered as a veterinary specialist under section 19CA.

veterinary surgeon means a person who—

- (a) is registered as a veterinary surgeon on application under this Act and whose name remains on the register of veterinary surgeons; or
- (b) is taken to be registered as a veterinary surgeon under section 18B.

Schedule 1 Consequential amendments of Animal Management (Cats and Dogs) Act 2008

section 48

Part 1 Omission of ‘cat or’

- section 12(3)
- section 47
- section 48(1) and (2)
- section 50(1)
- section 51
- section 52(1) and (2)
- section 54(1) and (3)
- section 55(1), (2) and (4)(b)
- section 56
- section 57
- section 58(1) and (4)(b)
- section 178
- section 179(2)

Part 2 Omission of ‘cats or’

- section 53(b)

Part 3 **Omission of ‘cat and’**

- section 179(1)
- section 203(1)(a)(iv)

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