



Queensland

# Agriculture and Other Legislation Amendment Act 2020

**Act No. 3 of 2020**

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**An Act to amend the Animal Care and Protection Act 2001, the Animal Management (Cats and Dogs) Act 2008, the Biosecurity Act 2014, the Biosecurity Regulation 2016, the Chemical Usage (Agricultural and Veterinary) Control Act 1988, the Drugs Misuse Act 1986, the Exhibited Animals Act 2015, the Farm Business Debt Mediation Act 2017, the Fisheries Act 1994, the Food Production (Safety) Act 2000, the Forestry Act 1959, the Forestry Regulation 2015, the Nature Conservation Act 1992, the Racing Act 2002, the Rural and Regional Adjustment Act 1994, the State Penalties Enforcement Regulation 2014, the Summary Offences Act 2005, the Veterinary Surgeons Act 1936, the Water Supply (Safety and Reliability) Act 2008 and the legislation mentioned in schedule 1 for particular purposes, and to also amend the Rural and Regional Adjustment Act 1994 by inserting provisions that repeal the Queensland Agricultural Training Colleges Act 2005 and provide for transitional matters**

**[Assented to 13 February 2020]**





## Queensland

# Agriculture and Other Legislation Amendment Act 2020

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Agriculture and Other Legislation Amendment Act 2020*.

### **2 Commencement**

(1AA) The following provisions commence on 29 February 2020 at the end of the day—

- (a) sections 128A and 128B;
- (b) schedule 1, to the extent it amends the following—
  - (i) the *Criminal Law (Rehabilitation of Offenders) Act 1986*;
  - (ii) the *Education (Work Experience) Act 1996*;
  - (iii) the *Industrial Relations Regulation 2018*;
  - (iv) the *Public Interest Disclosure Act 2010*;
  - (v) the *Public Sector Ethics Act 1994*;
  - (vi) the *Public Sector Ethics Regulation 2010*;
  - (vii) the *Public Service Regulation 2018*;
  - (viii) the *Statutory Bodies Financial Arrangements Regulation 2019*;
  - (ix) the *Superannuation (State Public Sector) Notice 2010*.

(1AB) The following provisions commence on 1 March 2020—

- (a) sections 7, 13, 14, 20, 21, 40, 46, 49, 66, 68, 69, 70, 72, 73, 76, 78, 79 and 83;

[s 3]

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- (b) parts 17 and 18.
- (1) Part 2, division 3 and part 3, division 3 commence on 1 July 2020.
- (2) Part 10, division 3 commences on a day to be fixed by proclamation.

## **Part 2                      Amendment of Animal Care and Protection Act 2001**

### **Division 1                Preliminary**

#### **3            Act amended**

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

### **Division 2                Amendments commencing on assent or 1 March 2020**

#### **4            Amendment of s 17 (Breach of duty of care prohibited)**

Section 17(3)(b), after ‘animal’—

*insert—*

, including any confinement or transportation of  
the animal,

#### **5            Amendment of s 18 (Animal cruelty prohibited)**

Section 18(2)(f)(iii), examples for subparagraph (iii)—

*insert—*

- confining the animal in or on a vehicle in a way that causes heat stress or other pain for the animal

**6 Amendment of s 19 (Unreasonable abandonment or release)**

Section 19(3)—

*omit.*

**7 Omission of s 85 (Confidentiality of animal welfare offence reports)**

Section 85—

*omit.*

**8 Amendment of s 122 (Power of entry)**

Section 122(1)—

*insert—*

- (h) the inspector reasonably suspects an animal at the place has been abandoned.

**9 Amendment of s 125 (Procedure for other entries without warrant)**

- (1) Section 125(1), ‘This section’—

*omit, insert—*

Subsection (2)

- (2) Section 125(1)(a), ‘or (g)’—

*omit, insert—*

, (g) or (h)

- (3) Section 125—

*insert—*

- (3) Subsection (4) applies if an inspector is intending to enter, under section 122(1)(h), a place.
- (4) The inspector may enter the place if the inspector, after making reasonable inquiries over a period of

[s 10]

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at least 2 days, can not contact the owner or occupier of the place for consent to enter.

- (5) However, the inspector is not required to make inquiries under subsection (4) if it would be unreasonable to make inquiries to contact the owner or occupier of the place.

## 10 Amendment of s 152 (Return of seized animal)

- (1) Section 152(2)—

*insert—*

(aa) the inspector has given the chief executive information about a matter mentioned in section 154(2)(a), (b) or (c) but the chief executive has not decided, under that section, whether to forfeit the animal; or

- (2) Section 152(2)(aa) to (f)—

*renumber* as section 152(2)(b) to (g).

- (3) Section 152—

*insert—*

(2A) If subsection (2)(b) applies, the inspector must promptly return the animal to its owner if the chief executive—

- (a) does not make a decision within the period mentioned in section 154(5); or  
(b) decides that the animal should not be forfeited to the State.

- (4) Section 152(3), '(2)(c)'—

*omit, insert—*

(2)(d)

- (5) Section 152(4), '(2)(d)'—

*omit, insert—*



(2)(e)

(6) Section 152(5), '(2)(e)'—  
*omit, insert—*

(2)(f)

(7) Section 152(6), '(2)(f)'—  
*omit, insert—*

(2)(g)

## 11 Amendment of s 154 (Power to forfeit)

Section 154—

*insert—*

- (5) The chief executive must decide whether to forfeit an animal or thing under this section within 14 days after an inspector or police officer gives the chief executive sufficient information about a matter mentioned in subsection (2)(a), (b) or (c) to enable the chief executive to make the decision.

## 12 Amendment of s 189 (Recovery of seizure, compliance or destruction costs)

Section 189(3), '(2)(d)'—

*omit, insert—*

(2)(e)

## 13 Insertion of new s 214B

After section 214A—

*insert—*

### **214B Confidentiality of information**

- (1) This section applies to a person who—  
(a) is, or has been, any of the following—

[s 13]

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- (i) the chief executive;
  - (ii) an inspector;
  - (iii) another person involved in administering this Act, including, for example, a public service employee; and
- (b) obtains confidential information about another person in administering, or performing functions or exercising powers under, this Act.
- (2) The person must not use or disclose the confidential information unless the use or disclosure is—
- (a) in the performance of a function or exercise of a power under this Act; or
  - (b) with the consent of the person to whom the information relates; or
  - (c) otherwise required or permitted by law.

Maximum penalty—50 penalty units.

- (3) In this section—
- confidential information***—
- (a) means any information that—
    - (i) could identify an individual; or
    - (ii) is about a person’s current financial position or financial background; or
    - (iii) would be likely to damage the commercial activities of a person to whom the information relates; but
  - (b) does not include—
    - (i) information that is publicly available; or

- (ii) statistical or other information that could not reasonably be expected to result in the identification of the individual to whom it relates.

**14 Amendment of s 215B (Sharing of information by authorised officer or inspector)**

Section 215B(1), ‘section 85’—

*omit, insert—*

section 214B

**15 Amendment of s 215C (Interaction with other laws)**

Section 215C, heading, after ‘laws’—

*insert—*

**about giving information**

**16 Insertion of new ss 215D and 215E**

After section 215C—

*insert—*

**215D Chief executive (transport) must disclose information**

- (1) This section applies if—
  - (a) an inspector is reasonably satisfied that vehicle registry information may be used, in an investigation under this Act about an animal welfare offence, to identify—
    - (i) the owner of a vehicle the inspector reasonably suspects was used in the commission of the offence; or
    - (ii) a person whom the inspector reasonably suspects committed the offence; and

[s 16]

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- (b) the inspector asks the chief executive (transport) for the information.
- (2) The chief executive (transport) must disclose the information to the inspector if the chief executive (transport) reasonably considers that the information may be used to identify the person or the owner of the vehicle.
- (3) In this section—  
*chief executive (transport)* means the chief executive of the department in which the *Transport Operations (Road Use Management) Act 1995* is administered.  
*vehicle registry information* means information kept in the register of registered vehicles under a regulation under the *Transport Operations (Road Use Management) Act 1995*.

### **215 Use of body-worn camera by authorised officer or inspector**

- (1) It is lawful for an authorised officer or inspector to use a body-worn camera to record images or sounds while—
  - (a) for an authorised officer—the authorised officer is exercising a power under chapter 5, part 4; or
  - (b) for an inspector—the inspector is exercising a power under chapter 6, part 2.
- (2) Use of a body-worn camera by an authorised officer or inspector under subsection (1) includes use that is—
  - (a) inadvertent or unexpected; or
  - (b) incidental to use while exercising the authorised officer's or inspector's power.
- (3) Subsection (1) does not affect an ability the

authorised officer or inspector has at common law or under another Act to record images or sounds.

- (4) To remove any doubt, it is declared that subsection (1) is a provision authorising the use by an authorised officer or inspector of a listening device, for the purposes of the *Invasion of Privacy Act 1971*, section 43(2)(d).
- (5) In this section—
- body-worn camera* means a device—
- (a) worn on clothing or otherwise secured on a person; and
  - (b) designed to be used to—
    - (i) record images; or
    - (ii) record images and sounds.

## 17 Amendment of schedule (Dictionary)

Schedule—

*insert*—

*abandon*, an animal, includes leaving it for an unreasonable period.

## Division 3 Amendment commencing on 1 July 2020

### 18 Amendment of s 92 (Use for certain scientific purposes unlawful)

Section 92(c)(i) to (iii)—

*omit, insert*—

- (i) a sunscreen product; or
- (ii) an ingredient of a sunscreen product.

[s 19]

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## **Part 3                      Amendment of Animal Management (Cats and Dogs) Act 2008**

### **Division 1                Preliminary**

#### **19      Act amended**

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

### **Division 2                Amendments commencing on assent or 1 March 2020**

#### **20      Amendment of ch 2B, pt 4, hdg (Requirement to give particular details)**

Chapter 2B, part 4, heading, after ‘details’—  
*insert—*

**and form**

#### **21      Amendment of s 43ZF (Supplier of dog must give particular details)**

(1) Section 43ZF, heading, after ‘details’—  
*insert—*

**and form**

(2) Section 43ZF(1)—  
*omit, insert—*

(1) A person who supplies a dog to another person must, unless the person has a reasonable excuse, give the other person—

- 
- (a) a notice stating—
    - (i) the name of the supplier of the dog; and
    - (ii) the relevant supply number for the dog; and
  - (b) a change of ownership form that is completed and signed by the supplier of the dog.

Maximum penalty—50 penalty units.

- (3) Section 43ZF(2), ‘subsection (1)(b)’—

*omit, insert—*

subsection (1)(a)(ii)

- (4) Section 43ZF(3)—

*insert—*

***change of ownership form***, for a dog, means a form (however called), prepared by the relevant PPID registry service for the dog, that records details about the supply of the dog from one person to another person including, for example, the PPID number for the dog.

## 22 Insertion of new s 209A

After section 209—

*insert—*

### **209A Electronic notices**

- (1) The chief executive may give a notice or other document to a person by electronic communication to an electronic address of the person if the person—
  - (a) gave the address to the chief executive for the purpose of communicating with the person; and





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**26 Amendment of s 210 (Regulation-making power)**

(1) Section 210(2)—

*insert—*

(da) permit conditions and conditions applying to declared dangerous dogs and declared menacing dogs; or

(2) Section 210(2)(da) to (f)—

*renumber* as section 210(2)(e) to (g).

**27 Amendment of sch 1 (Permit conditions and conditions applying to declared dangerous and menacing dogs)**

Schedule 1—

*insert—*

**2A Distinctive collar**

(1) A relevant dog must, at all times, wear a distinctive collar.

(2) The collar must—

(a) be of the dimensions, quality and type prescribed by regulation; and

(b) comply with other requirements prescribed by regulation.

**Part 4 Amendment of Biosecurity Act 2014**

**28 Act amended**

This part amends the *Biosecurity Act 2014*.

[s 29]

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**29 Amendment of s 23 (What is a *general biosecurity obligation*)**

Section 23—

*insert—*

- (4) For subsection (1), carrying out an activity includes entering, being present at or leaving a place where biosecurity matter or a carrier is present.

**30 Amendment of s 46A (Prohibitions on feeding or supplying prohibited feed for pigs and poultry)**

Section 46A(6), after ‘control’—

*insert—*

or pest control

**31 Insertion of new ch 6, pt 3A**

After section 130—

*insert—*

**Part 3A Biosecurity zone maps**

**130A Meaning of *biosecurity zone map***

- (1) A *biosecurity zone map* is a map, identifying a biosecurity zone, held by the department and published on its website.

*Editor's note—*

A biosecurity zone map can generally be reduced or enlarged to show the exact location of the boundaries of a biosecurity zone identified on the map.

- (2) A reference to a particular biosecurity zone map by name is a reference to the biosecurity zone map of that name.

---

### **130B Amendment of particular biosecurity zone maps**

- (1) This section applies if a biosecurity zone is identified, under biosecurity zone regulatory provisions (the *relevant provisions*), by reference to a biosecurity zone map as in force from time to time.
- (2) The chief executive may amend the biosecurity zone map if the chief executive—
  - (a) becomes aware that the regulated biosecurity matter to which the relevant provisions relate is present or absent in a particular area; or
  - (b) is otherwise satisfied there has been a change in the distribution of the regulated biosecurity matter to which the relevant provisions relate.
- (3) The chief executive may amend the biosecurity zone map as often as the chief executive considers necessary to more accurately show the distribution of the regulated biosecurity matter.

### **130C Requirements in relation to identification of particular biosecurity zones**

- (1) This section applies if—
  - (a) a biosecurity zone is identified, under biosecurity zone regulatory provisions, by reference to a biosecurity zone map as in force from time to time; and
  - (b) a new biosecurity zone map changing the area for the biosecurity zone is published on the department's website.
- (2) The chief executive must ensure the new biosecurity zone map—

[s 32]

---

- (a) states the biosecurity zone to which the map relates; and
  - (b) states the date and time the map was published on the department's website.
- (3) As soon as practicable after the new biosecurity zone map is published on the department's website, the chief executive must take all reasonable steps to ensure that persons likely to be directly affected by the change of the area for the biosecurity zone are made aware of the making of the map, including, for example, by some or all of the following—
- (a) advertising in newspapers, on radio or on television;
  - (b) electronically using emails, text messages or social media.

*Example—*

SMS messaging in the area for the biosecurity zone

**32 Amendment of s 172 (Publication of information held in biosecurity register)**

Section 172(1)(a)(i), 'address,'—

*omit.*

**33 Amendment of s 180 (Exemptions from approved device requirement)**

(1) Section 180(c)—

*omit.*

(2) Section 180(d) and (e)—

*renumber* as section 180(c) and (d).

**34 Amendment of s 194 (Movement record requirement)**

Section 194(2)(b), (4)(b) and (5), after ‘record’—

*insert—*

or, if the record is kept in electronic form, the  
serial number for the electronic record

**35 Amendment of s 197 (Keeping and producing movement record)**

(1) Section 197(2), after ‘record’—

*insert—*

or, if the record is kept in electronic form, the  
serial number for the electronic record,

(2) Section 197(3), ‘copy or record’—

*omit, insert—*

copy, record or, if the record is kept in electronic  
form, serial number for the electronic record

**36 Amendment of s 198 (Movement record for receiving designated animal)**

(1) Section 198(1)(c) and (2), after ‘record’, last mention—

*insert—*

or, if the record is kept in electronic form, the  
serial number for the electronic record

(2) Section 198(3), from ‘as’ to ‘copy’—

*omit, insert—*

or the serial number for a record as required under  
subsection (2) must keep the copy or the serial  
number

(3) Section 198(4)(c), after ‘record’, last mention—

*insert—*

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---

or, if the record is kept in electronic form, the serial number for the electronic record

- (4) Section 198(7), from ‘movement record’ to ‘record’, last mention—

*omit, insert—*

movement record or serial number for a record for a period under subsection (3), or a record or serial number for a record for a period under subsection (5), must, at any time in the period, produce the copy, record or serial number for the record

## **37 Insertion of new ch 10, pt 6**

After section 337—

*insert—*

### **Part 6 Miscellaneous**

#### **337A Use of body-worn cameras**

- (1) It is lawful for an authorised officer to use a body-worn camera to record images or sounds while the authorised officer is exercising a power under this chapter.
- (2) Use of a body-worn camera by an authorised officer under subsection (1) includes use that is—
  - (a) inadvertent or unexpected; or
  - (b) incidental to use while exercising the authorised officer’s power.
- (3) Subsection (1) does not affect an ability the authorised officer has at common law or under another Act to record images or sounds.
- (4) To remove any doubt, it is declared that subsection (1) is a provision authorising the use by an authorised officer of a listening device, for

the purposes of the *Invasion of Privacy Act 1971*, section 43(2)(d).

(5) In this section—

***body-worn camera*** means a device—

- (a) worn on clothing or otherwise secured on a person; and
- (b) designed to be used to—
  - (i) record images; or
  - (ii) record images and sounds.

### **38 Amendment of s 493 (Confidentiality of information)**

Section 493(4), definition *confidential information*—  
*omit, insert—*

***confidential information***—

- (a) means any information that—
  - (i) could identify an individual; or
  - (ii) is about a person's current financial position or financial background; or
  - (iii) would be likely to damage the commercial activities of a person to whom the information relates; but
- (b) does not include—
  - (i) information that is publicly available; or
  - (ii) statistical or other information that could not reasonably be expected to result in the identification of the individual to whom it relates.

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**39 Amendment of ch 19, pt 2, hdg (Savings and transitional provisions)**

Chapter 19, part 2, heading, after ‘provisions’—  
*insert—*

**for Act No. 7 of 2014**

**40 Insertion of new ch 19, pt 3**

Chapter 19—  
*insert—*

**Part 3 Transitional provision  
for Agriculture and  
Other Legislation  
Amendment Act 2020**

**515 Proceedings for particular offences**

- (1) This section applies in relation to an offence against the *Biosecurity Regulation 2016*, section 41C, as in force immediately before the commencement, committed by a person before the commencement.
- (2) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the *Agriculture and Other Legislation Amendment Act 2020*, section 46 had not commenced.
- (3) Subsection (2) applies despite the Criminal Code, section 11.



**41 Amendment of sch 1 (Prohibited matter)**

(1) Schedule 1, part 2, entry for avian mycoplasmosis (*Mycoplasma synoviae*)—

*omit.*

(2) Schedule 1, part 7—

*insert—*

pyriform scale (*Protopulvinaria pyriformis*)

**42 Amendment of sch 2 (Restricted matter and categories)**

Schedule 2, part 1, under heading ‘Restricted matter affecting plants’—

*insert—*

cucumber green mottle mosaic virus ( <i>Cucumber green mottle mosaic virus</i> )	1
jack beardsley mealybug ( <i>Pseudococcus jackbeardsleyi</i> (Gimpel and Miller))	1
melon necrotic spot virus ( <i>Melon necrotic spot virus</i> )	1

**43 Amendment of sch 4 (Dictionary)**

(1) Schedule 4—

*insert—*

***biosecurity zone map*** see section 130A.

(2) Schedule 4, definition *owner*, second mention, paragraph 1, after ‘thing’—

*insert—*

, other than a cat or dog,

(3) Schedule 4, definition *owner*, second mention—

*insert—*

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---

- 3 The *owner* of a cat or dog is the person who is, under the *Animal Management (Cats and Dogs) Act 2008*, the owner of the cat or dog.
- (4) Schedule 4, definition *travel approval*, ‘section 180(e)’—  
*omit, insert—*  
section 180(d)

## **Part 5**                      **Amendment of Biosecurity Regulation 2016**

### **44**      **Regulation amended**

This part amends the *Biosecurity Regulation 2016*.

### **45**      **Omission of ch 2, pt 1 (Prohibited and restricted matter regulations)**

Chapter 2, part 1—  
*omit.*

### **46**      **Omission of ch 2, pt 10 (Biosecurity management plans)**

Chapter 2, part 10—  
*omit.*

### **47**      **Omission of s 45 (Meaning of *biosecurity zone map*)**

Section 45—  
*omit.*

### **48**      **Amendment of s 66 (Establishing biosecurity zones—Act, s 128(1)(a))**

Section 66(4), definition *fire ant biosecurity zone map*—

*omit, insert—*

*fire ant biosecurity zone map* means the biosecurity zone map called ‘Fire ant biosecurity zone map’ as in force from time to time.

*Note—*

See also section 130C of the Act about requirements in relation to identification of particular biosecurity zones.

## 49 Insertion of new ch 5, pt 13

Chapter 5—

*insert—*

# Part 13 Biosecurity management plan regulatory provisions

## 94F Definitions for part

In this part—

*biosecurity management plan* see section 94G(1) and (2).

*management area*, for a biosecurity management plan, means an area to which measures stated in the plan apply.

## 94G Biosecurity management plan

- (1) A registered biosecurity entity for a designated place may make a plan (a *biosecurity management plan*) stating reasonable measures to prevent, control or stop the spread of biosecurity matter into, at or from the place.
- (2) The holder of an exhibited animal authority may make a plan (also a *biosecurity management plan*) stating reasonable measures to prevent,

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control or stop the spread of biosecurity matter into, at or from a place where an exhibited animal is kept under the authority.

- (3) The measures stated in a biosecurity management plan for a place may apply to all or part of the place.
- (4) If an entity mentioned in subsection (1) or (2) makes a biosecurity management plan for a place, the entity must—
  - (a) keep the plan as a separate document at the place; and
  - (b) make the plan available for inspection at the place, on request, during ordinary business hours; and
  - (c) ensure a sign is conspicuously displayed at each management area for the plan stating that—
    - (i) a biosecurity management plan applies to the place; and
    - (ii) it is an offence for a person entering, present at, or leaving the management area to fail to comply with the measures stated in the plan unless the person has a reasonable excuse.
- (5) In this section—

*exhibited animal* see the *Exhibited Animals Act 2015*, section 14.

*exhibited animal authority* see the *Exhibited Animals Act 2015*, section 29.

### **94H Requirement to comply with biosecurity management plan**

- (1) A person entering, present at or leaving a management area for a biosecurity management

plan must comply with the measures stated in the plan.

- (2) However, subsection (1) does not apply if—
- (a) the person does not know, and could not reasonably have known, a biosecurity management plan applied to the management area; or
  - (b) the entity that made the biosecurity management plan is not complying with section 94G(4); or
  - (c) the person is required or permitted, under an Act, to enter the management area.

**50 Amendment of s 98 (Animal with microchip delivered to meat processing facility—Act, s 186(1)(a))**

Section 98(e), after ‘record’—

*insert—*

or, if the record is kept in electronic form, the serial number for the electronic record,

**51 Amendment of s 99 (Animal without microchip delivered to meat processing facility—Act, s 186(1)(a))**

Section 99(e), after ‘record’—

*insert—*

or, if the record is kept in electronic form, the serial number for the electronic record,

**52 Amendment of s 100 (Animal with microchip slaughtered at meat processing facility—Act, s 186(1)(b))**

Section 100(e), after ‘record’—

*insert—*

or, if the record is kept in electronic form, the

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---

serial number for the electronic record,

**53 Amendment of s 101 (Animal without microchip slaughtered at meat processing facility—Act, s 186(1)(b))**

Section 101(1)(e)(iii), after ‘record’—

*insert—*

or, if the record is kept in electronic form, the  
serial number for the electronic record,

**54 Amendment of s 102 (Animal with microchip delivered to saleyard or live export holding—Act, s 187(a))**

Section 102(d), after ‘record’—

*insert—*

or, if the record is kept in electronic form, the  
serial number for the electronic record,

**55 Amendment of s 103 (Animal without microchip delivered to saleyard or live export holding—Act, s 187(a))**

Section 103(e), after ‘record’—

*insert—*

or, if the record is kept in electronic form, the  
serial number for the electronic record,

**56 Amendment of s 106 (Animal with microchip moved from saleyard—Act, s 187(b))**

Section 106(2)(d), after ‘record’—

*insert—*

or, if the record is kept in electronic form, the  
serial number for the electronic record,

**57 Amendment of s 107 (Animal without microchip moved from saleyard—Act, s 187(b))**

Section 107(2)(d), after ‘record’—

*insert—*

or, if the record is kept in electronic form, the serial number for the electronic record,

**58 Amendment of s 108 (Animal delivered to restricted agricultural show—Act, s 188(2))**

Section 108(1)(d), after ‘record’—

*insert—*

or, if the record is kept in electronic form, the serial number for the electronic record,

**59 Amendment of s 109 (Animal moved from show place—Act, s 189(2))**

Section 109(e), after ‘record’—

*insert—*

or, if the record is kept in electronic form, the serial number for the electronic record,

**60 Amendment of s 110 (Animal with microchip delivered to transit facility—Act, s 190(2))**

Section 110(f), after ‘record’—

*insert—*

or, if the record is kept in electronic form, the serial number for the electronic record,

**61 Amendment of s 111 (Animal with microchip delivered to another place—Act, s 190(2))**

Section 111(2)(e), after ‘record’—

[s 62]

---

*insert—*

or, if the record is kept in electronic form, the serial number for the electronic record,

**62 Amendment of s 112 (Animal without microchip delivered to another place—Act, s 190(2))**

Section 112(2)(e), after ‘record’—

*insert—*

or, if the record is kept in electronic form, the serial number for the electronic record,

**63 Amendment of s 113 (Animal with microchip delivered to another place—Act, s 190(4))**

Section 113(e), after ‘record’—

*insert—*

or, if the record is kept in electronic form, the serial number for the electronic record,

**64 Amendment of s 114 (Animal without microchip delivered to another place—Act, s 190(4))**

Section 114(e), after ‘record’—

*insert—*

or, if the record is kept in electronic form, the serial number for the electronic record,

**65 Omission of sch 1 (Biosecurity matter declared to be prohibited or restricted matter)**

Schedule 1—

*omit.*



**66 Amendment of sch 11 (Dictionary)**

- (1) Schedule 11, definitions *biosecurity management plan*, *biosecurity zone map* and *management area*—  
*omit.*
- (2) Schedule 11—  
*insert—*

*biosecurity management plan*, for chapter 5, part 13, see section 94G(1) and (2).

*management area*, for chapter 5, part 13, see section 94F.

**Part 6 Amendment of Chemical Usage  
(Agricultural and Veterinary)  
Control Act 1988**

**67 Act amended**

This part amends the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*.

**68 Insertion of new s 13F**

Part 2, division 4—

*insert—*

**13F Definition for division**

In this division—

*relevant thing* means any of the following—

- (a) agricultural produce;
- (b) manufactured stock food;
- (c) the tissue of a trade species animal;

[s 69]

---

- (d) a product derived from a trade species animal.

## 69 Replacement of ss 15 and 15A

Sections 15 and 15A—

*omit, insert—*

### 15 Duty to report chemical residues in or on relevant thing

- (1) This section applies to a person 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.

*Examples of persons to whom this section may apply—*

- a person conducting an analysis of a relevant thing
- a veterinary surgeon who treats a trade species animal
- a person who monitors the residue of chemicals on agricultural produce for a supermarket or grocery store
- a farmer who receives a report of an analysis of agricultural produce from a laboratory based outside Queensland

- (2) As soon as practicable but within 24 hours after becoming aware, the person must—
- (a) advise the standards officer that the residue of a chemical in or on the relevant thing exceeds the maximum residue limit prescribed for the thing; and
- (b) give the standards officer the required information for the relevant thing.

Maximum penalty—40 penalty units.

- (3) However, the person is not required to comply with subsection (2) if the person becomes aware, before the person would otherwise be required to advise the standards officer under the subsection,

that another person has advised the standards officer as required under subsection (2).

*Example—*

A person would not be required to advise the standards officer that the residue of a chemical in or on a relevant thing exceeds the maximum residue limit prescribed for the thing if a person who conducted an analysis of the thing had already advised the standards officer about it as soon as the results of the analysis were known.

- (4) A person complies with subsection (2)(b) if the person gives the standards officer a laboratory report about the residue of a chemical in or on a sample of the relevant thing that contains all of the required information for the relevant thing.
- (5) However, if the laboratory report does not contain all of the required information for the relevant thing, the person only complies with subsection (2)(b) if the person also gives the standards officer—
  - (a) the required information that is not contained in the laboratory report for the relevant thing; and
  - (b) sufficient information for the standards officer to identify the laboratory report to which the required information mentioned in paragraph (a) relates.

*Example—*

the sample number for the relevant thing the subject of the laboratory report

- (6) In this section—

***distinguishing number***, for a relevant thing, includes a number with 1 or more letters or symbols.

***laboratory number***, for a relevant thing, means the distinguishing number given to a sample of the thing by a laboratory that analysed the thing.

[s 70]

---

***required information***, for a relevant thing, means the following information about the thing—

- (a) a description of the relevant thing;
- (b) if the relevant thing has a sample number—the sample number;
- (c) if the relevant thing has a laboratory number—the laboratory number;
- (d) the name of the residue of the chemical in or on the relevant thing;
- (e) the concentration of the residue of the chemical in or on the relevant thing;
- (f) the maximum residue limit prescribed for the residue of the chemical in or on the relevant thing;
- (g) the name and address of the person who manufactured or produced the relevant thing;
- (h) if the information mentioned in paragraph (g) is not reasonably available—the name and address of the person from whom the relevant thing was obtained.

***sample number***, for a relevant thing, means a distinguishing number given to the sample of the thing by a person who made the sample of the thing.

**70 Amendment of s 16 (Agricultural produce etc. containing chemical residues not to be used etc.)**

Section 16(7), definition *relevant thing*—  
*omit.*

**71 Insertion of new s 20A**

After section 20—

*insert—*

### **20A Use of body-worn cameras**

- (1) It is lawful for an inspector to use a body-worn camera to record images or sounds while the inspector is exercising a power under this Act.
- (2) Use of a body-worn camera by an inspector under subsection (1) includes use that is—
  - (a) inadvertent or unexpected; or
  - (b) incidental to use while exercising the inspector's power.
- (3) Subsection (1) does not affect an ability the inspector has at common law or under another Act to record images or sounds.
- (4) To remove any doubt, it is declared that subsection (1) is a provision authorising the use by an inspector of a listening device, for the purposes of the *Invasion of Privacy Act 1971*, section 43(2)(d).
- (5) In this section—

***body-worn camera*** means a device—

  - (a) worn on clothing or otherwise secured on a person; and
  - (b) designed to be used to—
    - (i) record images; or
    - (ii) record images and sounds.

## **72 Insertion of new ss 35 and 36**

After section 34—

*insert—*

### **35 Confidentiality of information**

- (1) This section applies to a person who—

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---

- (a) is, or has been, any of the following—
    - (i) the chief executive;
    - (ii) an inspector;
    - (iii) an analyst;
    - (iv) a standards officer;
    - (v) a deputy standards officer;
    - (vi) another person involved in administering this Act, including, for example, a public service employee; and
  - (b) obtains confidential information about another person in administering, or performing functions or exercising powers under, this Act.
- (2) The person must not use or disclose the confidential information unless the use or disclosure is—
- (a) in the performance of a function or exercise of a power under this Act; or
  - (b) with the consent of the person to whom the information relates; or
  - (c) otherwise required or permitted by law.
- Maximum penalty—50 penalty units.
- (3) In this section—
- confidential information***—
- (a) means any information that—
    - (i) could identify an individual; or
    - (ii) is about a person’s current financial position or financial background; or

- 
- (iii) would be likely to damage the commercial activities of a person to whom the information relates; but
  - (b) does not include—
    - (i) information that is publicly available; or
    - (ii) statistical or other information that could not reasonably be expected to result in the identification of the individual to whom it relates.

### **36 Exchange of information with prescribed government entity**

- (1) The chief executive may enter into an arrangement (an *information-sharing arrangement*) with a prescribed government entity for the purpose of sharing or exchanging information—
  - (a) held by the chief executive or the prescribed government entity; or
  - (b) to which the chief executive or the prescribed government entity has access.
- (2) An information-sharing arrangement may relate only to information that helps—
  - (a) the chief executive or an inspector perform functions under this Act; or
  - (b) the prescribed government entity, or a person employed or engaged by the entity, perform functions under a law of the State, another State or the Commonwealth.
- (3) Under an information-sharing arrangement, the chief executive and the prescribed government entity are, despite another Act or law, authorised to—

[s 73]

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- (a) ask for and receive information held by the other party to the arrangement or to which the other party has access; and
  - (b) disclose information to the other party.
- (4) However, the information may be used by the chief executive or the prescribed government entity only for the purpose for which it was given under the arrangement.
- (5) In this section—
- prescribed government entity*** means—
- (a) the chief executive of a department; or
  - (b) an entity of, or representing, the Commonwealth or another State.

### **73 Amendment of schedule (Dictionary)**

Schedule—

*insert—*

***relevant thing***, for part 2, division 4, see section 13F.

## **Part 7 Amendment of Drugs Misuse Act 1986**

### **74 Act amended**

This part amends the *Drugs Misuse Act 1986*.

### **75 Insertion of new s 101A**

After section 101—

*insert—*



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### **101A Use of body-worn cameras**

- (1) It is lawful for an inspector to use a body-worn camera to record images or sounds while the inspector is exercising a power under this division.
- (2) Use of a body-worn camera by an inspector under subsection (1) includes use that is—
  - (a) inadvertent or unexpected; or
  - (b) incidental to use while exercising the inspector's power.
- (3) Subsection (1) does not affect an ability the inspector has at common law or under another Act to record images or sounds.
- (4) To remove any doubt, it is declared that subsection (1) is a provision authorising the use by an inspector of a listening device, for the purposes of the *Invasion of Privacy Act 1971*, section 43(2)(d).
- (5) In this section—

***body-worn camera*** means a device—

  - (a) worn on clothing or otherwise secured on a person; and
  - (b) designed to be used to—
    - (i) record images; or
    - (ii) record images and sounds.

### **76 Insertion of new s 113**

After section 112—

*insert—*

#### **113 Confidentiality of information**

- (1) This section applies to a person who—

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---

- (a) is, or has been, any of the following—
    - (i) the chief executive;
    - (ii) an inspector;
    - (iii) another person involved in administering this Act, including, for example, a public service employee; and
  - (b) obtains confidential information about another person in administering, or performing functions or exercising powers under, this part.
- (2) The person must not use or disclose the confidential information unless the use or disclosure is—
- (a) in the performance of a function or exercise of a power under this Act; or
  - (b) with the consent of the person to whom the information relates; or
  - (c) otherwise required or permitted by law.
- Maximum penalty—50 penalty units.
- (3) In this section—
- confidential information***—
- (a) means any information that—
    - (i) could identify an individual; or
    - (ii) is about a person’s current financial position or financial background; or
    - (iii) would be likely to damage the commercial activities of a person to whom the information relates; but
  - (b) does not include—
    - (i) information that is publicly available; or



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---

obligation in relation to the exhibited animal.

Maximum penalty—100 penalty units.

## **79 Insertion of new ch 6, pt 3, div 3A**

After section 188—

*insert—*

### **Division 3A Power to give direction to move**

#### **188A Application of division**

This division applies if an inspector reasonably believes, or is aware, that a person is contravening section 22A on private land or at a public place.

#### **188B Power to direct person to move**

- (1) The inspector may, to stop the contravention, direct the person—
  - (a) if the person is on private land—to leave the land immediately; or
  - (b) if the person is at a public place—to move immediately away from the place where the contravention of section 22A is happening to a place within a reasonable distance.
- (2) When giving the direction under subsection (1), the inspector must—
  - (a) tell the person the reasons for giving the direction; and
  - (b) give the person an offence warning for the direction.

---

### **188C Failure to comply with direction**

- (1) The person to whom a direction is given under section 188B must comply with the direction unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (2) It is a reasonable excuse for the person not to comply with a direction if to comply immediately would endanger the person or someone else or cause loss or damage to property, and the person complies as soon as it is practicable to do so.
- (3) Subsection (2) does not limit what may be a reasonable excuse for subsection (1).
- (4) A person does not commit an offence against subsection (1) if the person is not given an offence warning for the direction.

## **80 Insertion of new s 222A**

Chapter 6, part 4, division 4—

*insert—*

### **222A Use of body-worn cameras**

- (1) It is lawful for an inspector to use a body-worn camera to record images or sounds while the inspector is exercising a power under this chapter.
- (2) Use of a body-worn camera by an inspector under subsection (1) includes use that is—
  - (a) inadvertent or unexpected; or
  - (b) incidental to use while exercising the inspector's power.
- (3) Subsection (1) does not affect an ability the inspector has at common law or under another Act to record images or sounds.
- (4) To remove any doubt, it is declared that subsection (1) is a provision authorising the use

[s 81]

---

by an inspector of a listening device, for the purposes of the *Invasion of Privacy Act 1971*, section 43(2)(d).

(5) In this section—

***body-worn camera*** means a device—

- (a) worn on clothing or otherwise secured on a person; and
- (b) designed to be used to—
  - (i) record images; or
  - (ii) record images and sounds.

## **81 Amendment of s 256 (Confidentiality of information)**

Section 256(4), definition *confidential information*—  
*omit, insert—*

***confidential information***—

- (a) means any information that—
  - (i) could identify an individual; or
  - (ii) is about a person's current financial position or financial background; or
  - (iii) would be likely to damage the commercial activities of a person to whom the information relates; but
- (b) does not include—
  - (i) information that is publicly available; or
  - (ii) statistical or other information that could not reasonably be expected to result in the identification of the individual to whom it relates.

---

**82 Insertion of new s 260A**

After section 260—

*insert—*

**260A Electronic notices**

- (1) The chief executive may give a notice or other document to a person by electronic communication to an electronic address of the person if the person—
  - (a) gave the address to the chief executive for the purpose of communicating with the person; and
  - (b) has not asked the chief executive to discontinue use of the address.

*Examples of an electronic address—*

an email address or mobile phone number

- (2) This section does not limit the *Electronic Transactions (Queensland) Act 2001*.

**83 Amendment of schedule 2 (Dictionary)**

Schedule 2—

*insert—*

*private land* means land that is not a public place.

**Part 9 Amendment of Farm Business Debt Mediation Act 2017**

**84 Act amended**

This part amends the *Farm Business Debt Mediation Act 2017*.

[s 85]

---

**85 Amendment of s 8 (Particular references)**

Section 8(2)(d), ‘owned by the farmer’—  
*omit.*

**86 Amendment of s 11 (Application of Act)**

(1) Section 11(1)(a), ‘a bankrupt’—

*omit, insert—*

an insolvent under administration under the  
Corporations Act, section 9

(2) Section 11(1)(b), ‘a bankruptcy law’—

*omit, insert—*

the *Bankruptcy Act 1966* (Cwlth) or a  
corresponding law of another jurisdiction,  
including a jurisdiction outside Australia

(3) Section 11(1)(c), from ‘an’ to ‘(Cwlth)’—

*omit, insert—*

a Chapter 5 body corporate within the meaning of  
the Corporations Act, section 9

**87 Amendment of s 15 (Asking for mediation)**

Section 15(4)(a), ‘a mediator, or’—

*omit.*

**88 Insertion of new s 25A**

After section 25—

*insert—*

**25A Mediator may invite other participants to  
mediation**

(1) This section applies if a mediator is arranging or  
conducting a mediation and reasonably considers



that a relevant person should be allowed to be at, or participate in, a mediation meeting.

- (2) The mediator may invite the relevant person to be at, or participate in, the mediation meeting.

*Note—*

See also section 37(2)(c).

- (3) A relevant person is not obliged to accept an invitation under subsection (2).

- (4) In this section—

***relevant person***, for a mediation, means a person, other than the mortgagee or farmer for the mediation, who—

- (a) has a legal or equitable interest in the farm property that is subject to the farm mortgage the subject of the mediation; or  
(b) has a potential or actual liability for the farm business debt the subject of the mediation.

*Example—*

a guarantor of a loan

## **89 Amendment of s 49 (Grounds)**

- (1) Section 49(1)(a), after ‘debt’—

*insert—*

conducted under this Act

- (2) After section 49(1)(a)—

*insert—*

*Note—*

See also section 92 about the application of this Act.

## **90 Amendment of s 53 (When a farmer has failed to mediate)**

- (1) Section 53(2), after ‘mediate’—

[s 91]

---

*insert—*

, and is taken to not intend to mediate,

- (2) Section 53(2)(a), ‘15’—

*omit, insert—*

20

**91 Amendment of s 60 (Appropriately qualified and suitable person)**

- (1) Section 60(3)(a), ‘a bankrupt’—

*omit, insert—*

an insolvent under administration under the Corporations Act, section 9

- (2) Section 60(3)(b)—

*omit, insert—*

(b) an officer of a Chapter 5 body corporate within the meaning of the Corporations Act, section 9.

**92 Amendment of s 92 (Application of Act)**

Section 92(2)(a), ‘a heads of agreement’—

*omit, insert—*

an agreement (however called) in writing

**93 Amendment of sch 1 (Dictionary)**

- (1) Schedule 1, definitions *bankrupt*, *bankruptcy law* and *farmer*—

*omit.*

- (2) Schedule 1—

*insert—*

*farmer* means—

- (a) a person or entity whose sole or main business is a farming business; or
- (b) a person or entity who is the owner of land the subject of a sharefarming agreement; or
- (c) a person or entity who has applied, and is eligible, for a loan under a program administered by the authority to provide finance to persons in the first years of establishing a farming business; or
- (d) a person who is the personal representative of a dead individual mentioned in paragraph (a), (b) or (c).

## **Part 10                      Amendment of Fisheries Act 1994**

### **Division 1                      Preliminary**

#### **94            Act amended**

This part amends the *Fisheries Act 1994*.

### **Division 2                      Amendments commencing on assent**

#### **95            Amendment of s 35 (Regulated waters declaration)**

Section 35—

*insert—*

- (3) In this section—

*waters* includes foreshores and nontidal land.

[s 96]

---

**96 Amendment of schedule (Dictionary)**

Schedule, definition *fisheries legislation*, paragraph (d), after ‘another State’—

*insert—*

, or a former law of the Commonwealth (other than an Act mentioned in paragraph (b) or (c))

**Division 3 Amendment commencing by proclamation**

**97 Amendment of s 78 (Prohibited acts about regulated fish)**

Section 78(1)—

*omit, insert—*

- (1) A person must not—
  - (a) take or possess a regulated fish in contravention of a regulated fish declaration; or
  - (b) use or sell a regulated fish taken or possessed in contravention of a regulated fish declaration.

**Part 11 Amendment of Food Production (Safety) Act 2000**

**98 Act amended**

This part amends the *Food Production (Safety) Act 2000*.

**99 Amendment of s 16B (Role of board)**

Section 16B(2)(b), ‘the advisory’—

*omit, insert—*

---

an advisory

## 100 Insertion of new s 16EA

After section 16E—

*insert—*

### **16EA Acting chairperson**

- (1) The Minister may appoint a director to act as the chairperson of the board during—
  - (a) any vacancy, or all vacancies, in the office of the chairperson; or
  - (b) any period, or all periods, when the chairperson is absent from duty, or cannot, for another reason, perform the duties of the office.
- (2) Subsection (1) does not affect the application of the *Acts Interpretation Act 1954*, section 24B or 25 for the appointment.

## 101 Insertion of new s 20A

After section 20—

*insert—*

### **20A Acting chief executive officer**

- (1) The board may appoint a person, who is eligible for appointment as chief executive officer, to act in the office of Safe Food's chief executive officer during—
  - (a) any vacancy, or all vacancies, in the office; or
  - (b) any period, or all periods, when the chief executive officer is absent from duty, or cannot, for another reason, perform the duties of the office.

[s 102]

---

- (2) Subsection (1) does not affect the application of the *Acts Interpretation Act 1954*, section 24B or 25 for the appointment.

**102 Amendment of s 21 (Responsibilities of chief executive officer)**

Section 21(1)(c), from ‘the advisory’ to ‘subcommittees’—  
*omit, insert*—  
any advisory committee

**103 Omission of pt 3 (Food Safety Advisory Committee)**

Part 3—  
*omit.*

**104 Amendment of s 39 (Making food safety schemes)**

- (1) Section 39(3) and (4)—  
*omit.*
- (2) Section 39(5) and (6)—  
*renumber* as section 39(3) and (4).

**105 Amendment of s 62 (Deciding applications)**

Section 62(4)—  
*omit.*

**106 Insertion of new s 132A**

After section 132—  
*insert*—

**132A Advisory committees**

- (1) The Minister may establish the advisory

committees the Minister considers appropriate for this Act.

- (2) An advisory committee has the functions the Minister decides.

**107 Insertion of new pt 11, div 5**

Part 11—

*insert—*

**Division 5 Transitional provision for  
Agriculture and Other  
Legislation Amendment  
Act 2020**

**140V Food Safety Advisory Committee**

- (1) On the commencement, the Food Safety Advisory Committee established under part 3, as in force before the commencement, is dissolved and the members of the committee go out of office.
- (2) No compensation is payable to a member of the committee because of subsection (1).

**108 Insertion of new sch 1, s 4A**

Schedule 1, after section 4—

*insert—*

**4A Resignation of director**

A director may resign by signed written notice given to the Minister.

**109 Replacement of sch 1, s 10 (Senior executive may attend board meetings)**

Schedule 1, section 10—

[s 110]

---

*omit, insert—*

## **10 Delegations**

- (1) A director mentioned in section 16C(1)(a) or (b) may delegate the director's functions under this Act to an appropriately qualified senior executive in the public service.
- (2) In this section—  
*function* includes power.

## **110 Amendment of sch 2 (Dictionary)**

- (1) Schedule 2, definition *advisory committee*—  
*omit.*
- (2) Schedule 2, definition *chairperson*, ‘, other than for section 27(2),’—  
*omit.*

# **Part 12 Amendment of Forestry Act 1959**

## **111 Act amended**

This part amends the *Forestry Act 1959*.

## **112 Amendment of s 32B (Particular areas of conservation value to be removed from State plantation forest)**

- (1) Section 32B, table, entry for Yurol, column 2, ‘Lots D, E & I’—  
*omit, insert—*  
Lot I
- (2) Section 32B, table, entries for Oakview and Watalgan—  
*omit.*



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**113 Amendment of s 46 (Sale of forest products or quarry material)**

Section 46(3) and (4)—

*omit.*

**114 Amendment of s 72 (Wild stock)**

(1) Section 72(1) and (1A)—

*omit, insert—*

(1) This section applies if the chief executive reasonably believes stock are unlawfully in, and are detrimental to, a State forest, timber reserve, forest entitlement area or forest consent area (each an *affected area*).

(1A) The chief executive may conduct a muster of the stock in the affected area.

(1AA) However, the chief executive must give each relevant landholder for the affected area and each person the chief executive reasonably believes is the owner of the stock a notice stating the chief executive intends to conduct the muster on a stated day.

(1AB) The notice must be given at least 5 business days before the stated day.

(1AC) A relevant landholder for an area may be present at and take part in the muster.

(1AD) The chief executive may issue a permit to muster stock to a person for the purposes of the muster.

(2) Section 72(6)(b), from ‘shall’ to ‘persons’—

*omit, insert—*

must be dealt with in the way stated under subsection (6A)

(3) Section 72—

[s 115]

---

*insert—*

(6A) For subsection (6)(b), stock must be dealt with as follows—

(a) the chief executive must give each relevant landowner and each person the chief executive reasonably believes is the owner of the stock a notice stating that—

(i) the owner may claim the stock within 14 days after the notice is given (the ***claim period***); and

(ii) the stock may be disposed of if not claimed within the claim period;

(b) if, after having been given a notice under paragraph (a), the owner of the stock does not claim it within the claim period, the chief executive may sell, destroy or otherwise dispose of the stock in the way the chief executive considers appropriate.

(4) Section 72—

*insert—*

(9) In this section—

***relevant landholder***, for an affected area, means a landholder of land that adjoins the affected area.

## **115 Amendment of s 82A (Seizure and forfeiture of vehicles)**

(1) Section 82A(1)—

*omit, insert—*

(1) A forest officer may seize, remove and detain a vehicle on a State forest or timber reserve if the forest officer reasonably believes the vehicle—

(a) is being, or has been, used in contravention of section 73; or

- 
- (b) is being, or has been used, in connection with an offence against section 34G; or
  - (c) has been abandoned.
- (2) Section 82A(2)(b), after ‘subsection (1)’—
- insert—*
- (a) or (b)

## 116 Insertion of new ss 82N and 82O

After section 82M—

*insert—*

### **82N Seizure of vehicles by plantation officer**

- (1) A plantation officer may seize, remove and detain a vehicle in a licence area for which the plantation officer is appointed if the plantation officer reasonably believes the vehicle has been abandoned in the area.
- (2) However, subsection (3) applies if—
  - (a) the owner of, or a person who claims a proprietary interest in, a vehicle detained under subsection (1) provides evidence of the person’s ownership of, or interest in, the vehicle to a plantation officer at the place where the vehicle is detained; and
  - (b) the plantation officer is satisfied the person is the owner of, or has a proprietary interest in, the vehicle.
- (3) The plantation officer must return the vehicle to the person.
- (4) The plantation officer must ensure a person to whom a vehicle is returned under subsection (3) signs a receipt for the vehicle.

[s 117]

---

**82O Chief executive may order forfeiture of particular vehicles to plantation licensee**

- (1) This section applies if—
  - (a) a vehicle is seized under section 82N(1); and
  - (b) the owner of the seized vehicle can not be found after reasonable inquiries or, having regard to its value, it is not reasonable to make inquiries about its owner.
- (2) The chief executive may order the forfeiture of the vehicle to the plantation licensee.
- (3) The plantation licensee may dispose of the vehicle in any way decided by the plantation licensee.

**117 Amendment of s 83 (Dealing with forfeited forest products etc.)**

Section 83(1), after ‘forfeited’—

*insert—*

to the State

**118 Amendment of s 96B (Delegation by chief executive—State plantation forests)**

Section 96B—

*insert—*

- (1A) Also, without limiting section 96A, the chief executive may delegate the chief executive’s functions under section 82O to a plantation licensee.

---

## Part 13                      Amendment of Forestry    Regulation 2015

### 119      Regulation amended

This part amends the *Forestry Regulation 2015*.

### 120      Amendment of sch 2 (State plantation forests)

- (1) Schedule 2, entry for Lots A, B, C, D, E, F, G, H, I and J on PLP0207, ‘C, D, E, F,’—

*omit.*

- (2) Schedule 2, entry for Lots A, B and C on PLP0220, ‘Lots A, B and C’—

*omit, insert—*

Lot A

- (3) Schedule 2, entry for Lot A on PLP0898—

*omit.*

## Part 14                      Amendment of Nature    Conservation Act 1992

### 121      Act amended

This part amends the *Nature Conservation Act 1992*.

### 122      Insertion of new s 132B

After section 132A—

*insert—*

#### **132B Decision about prescription of wildlife in particular circumstances**

- (1) This section applies if the species technical

[s 123]

---

committee makes a recommendation to the Minister about the classification of particular native wildlife.

- (2) Within 30 business days after receiving the recommendation from the committee, the Minister must decide whether to recommend to the Governor in Council the making of a regulation under part 5, division 2 prescribing the native wildlife to be a particular class of wildlife.
- (3) In this section—

*species technical committee* means the advisory committee, established under section 132, that has the function of advising the Minister on the classification of wildlife.

## Part 15 Amendment of Racing Act 2002

### 123 Act amended

This part amends the *Racing Act 2002*.

### 124 Insertion of new s 113A

After section 113—

*insert—*

#### **113A Application of rules of racing**

- (1) In applying the rules of racing for a code of racing, if a rule provides for an entity to perform a function that is a function of the commission, or take action in a matter relevant to the performance of a function of the commission, the commission and not the entity may perform the function or take the action, including—
  - (a) appointing stewards; and
  - (b) penalising participants.

*Note—*

See section 10 of the *Racing Integrity Act 2016*.

*Examples of other matters relevant to the performance of a function of the commission—*

appointing starters and judges, regulating matters relating to breeding, issuing warning off notices, licensing bookmakers, prohibiting substances and licensing animals

- (2) Without limiting subsection (1), in applying the rules of racing for a code of racing, a reference to the ‘Principal Racing Authority’, ‘control body’, ‘controlling body’ or ‘Racing Queensland’ in a rule about a matter relevant to the performance of a function of the commission is taken to be a reference to the commission.

## 125 Insertion of new ch 9

After section 224—

*insert—*

# **Chapter 9 Transitional and validating provisions for Agriculture and Other Legislation Amendment Act 2020**

## **225 Application of s 113A for all purposes and validation of relevant acts**

- (1) Without limiting the standard, section 113A is taken to have applied from the expiry of the *Racing (Transitional) Regulation 2016* for all purposes, including for the purpose of any of the following that has been done, or is done, under

[s 125]

---

this Act—

- (a) appointing starters and judges;
- (b) regulating matters relating to breeding;
- (c) issuing warning off notices;
- (d) licensing bookmakers;
- (e) prohibiting substances;
- (f) licensing animals.

*Note—*

The *Racing (Transitional) Regulation 2016* expired on 1 July 2017.

- (2) The standard expires on the commencement.
- (3) In this section—

*standard* means the standard called ‘Powers under the Rules of Racing: A standard to clarify the powers and functions under the Rules of Racing in accordance with the provisions of the *Racing Act 2002* and *Racing Integrity Act 2016*’ made by the commission under section 58(1)(b) of the *Racing Integrity Act* and dated 1 July 2017.

## **226 Validation of particular acts and omissions done before commencement**

- (1) An act done, or omission made, under this Act in the relevant period, is declared to be, and to have always been, as valid and lawful as it would have been if section 113A were in force at the time of the act or omission.
- (2) In this section—

*relevant period* means the period starting on 1 July 2017 and ending on the commencement.



---

## Part 16 **Amendment of Rural and Regional Adjustment Act 1994**

### 126 **Act amended**

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

### 127 **Insertion of new s 16CA**

After section 16C—

*insert—*

#### **16CA Acting chairperson**

- (1) The Minister may appoint any director of the board to act as the chairperson of the board during—
  - (a) any vacancy, or all vacancies, in the position; or
  - (b) any period, or all periods, when the chairperson is absent from duty, or can not, for another reason, perform the chairperson's responsibilities.
- (2) Subsection (1) does not affect the application of the *Acts Interpretation Act 1954*, section 24B or 25 for the appointment.

### 128 **Insertion of new s 32A**

After section 32—

*insert—*

#### **32A Resignation**

The chief executive officer may resign by signed written notice given to the Minister.

[s 128A]

---

**128A Amendment of pt 8, hdg (Other transitional provisions)**

Part 8, heading, after ‘Other’—

*insert—*

**repeal, savings and**

**128B Insertion of new pt 8, div 3**

Part 8—

*insert—*

**Division 3                      Repeal, savings and  
transitional provisions for  
repeal of Queensland  
Agricultural Training  
Colleges Act 2005**

**Subdivision 1    Repeal**

**57    Repeal**

The Queensland Agricultural Training Colleges Act 2005, No. 20 is repealed.

**Subdivision 2    Savings and transitional provisions**

**58    Definitions for subdivision**

In this subdivision—

*QATC* means the Queensland Agricultural Training Colleges in existence under the repealed Act before the commencement.

*repealed Act* means the repealed *Queensland*

---

*Agricultural Training Colleges Act 2005.*

**59 Words have meanings given by repealed Act**

Words defined under the repealed Act immediately before its repeal and used in this subdivision have the same meanings as they had under the repealed Act.

**60 QATC and other entities**

- (1) On the commencement—
  - (a) QATC and its board are dissolved; and
  - (b) QATC’s principal executive officer and each member of its board go out of office; and
  - (c) each board committee, if any, is dissolved and each member of the board committee goes out of office; and
  - (d) each college board, if any, is dissolved and each member of the college board goes out of office; and
  - (e) a college director goes out of office.
- (2) No compensation is payable to a person because of subsection (1).
- (3) To remove any doubt, it is declared that subsection (2) does not limit or otherwise affect a person’s right to a benefit or entitlement that had accrued before the commencement.

**61 State is successor in law of QATC**

- (1) The State is the successor in law of QATC.
- (2) Subsection (1) is not limited by another provision of this subdivision.

[s 128B]

---

## **62 Assets and liabilities**

On the commencement, the assets and liabilities of QATC immediately before the commencement become assets and liabilities of the State held in the department.

## **63 Records and other documents**

On the commencement, QATC's records and other documents held by QATC immediately before the commencement become records and other documents of the State held in the department.

## **64 Current instruments**

- (1) This section applies to a contract or other instrument to which QATC was a party, or that otherwise applied to QATC, immediately before the commencement (a *current instrument*).
- (2) The State is a party to the current instrument, or the current instrument otherwise applies to the State, in place of QATC.
- (3) Without limiting subsection (2)—
  - (a) any right, title, interest or liability of QATC arising under or relating to a current instrument is a right, title, interest or liability of the State; and
  - (b) a current instrument, including a benefit or right provided by a current instrument, given to, by or in favour of QATC before the commencement is taken to have been given to, by or in favour of the State; and
  - (c) an application relating to a current instrument made in the name of QATC before the commencement is taken to have been made in the name of the State; and

- (d) a current instrument under which an amount is, or may become, payable to or by QATC is taken to be an instrument under which the amount is, or may become, payable to or by the State in the way the amount was, or might have become, payable to or by QATC; and
  - (e) a current instrument under which property, other than money, is or may become liable to be transferred, conveyed or assigned to or by QATC is taken to be an instrument under which property is, or may become liable to be, transferred, conveyed or assigned to or by the State in the way the property was, or might have become, liable to be transferred, conveyed or assigned to or by QATC.
- (4) This section applies subject to section 69.

## **65 References to QATC**

In an Act or document, a reference to QATC is, if the context permits, taken to be a reference to the State.

## **66 Current proceedings**

- (1) This section applies to a proceeding that, immediately before the commencement, had not ended and to which QATC was a party.
- (2) On the commencement, the State becomes a party to the proceeding in place of QATC.

## **67 Proceedings not yet started**

- (1) This section applies if, immediately before the commencement, a proceeding could have been started by or against QATC within a particular period.

[s 128B]

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- (2) The proceeding may be started by or against the State within the period.

## **68 Registering authority to note transfer or other dealing**

- (1) A registering authority must, on written application by the chief executive and without charge, register or record in the appropriate way a transfer of, or other dealing affecting, an asset, liability or instrument under this subdivision.
- (2) The chief executive must comply with any relevant procedures required by the registering authority for the purpose of registering or recording the transfer or other dealing.
- (3) In this section—

*registering authority* means the registrar of titles or another entity required or authorised by law to register or record transactions affecting assets, liabilities or instruments.

## **69 Matters relating to employment**

- (1) On the commencement—
  - (a) a person who, immediately before the commencement, is employed by QATC on a permanent full-time or permanent part-time basis, other than the principal executive officer or a college director, becomes a public service employee of the department; and
  - (b) a work performance arrangement, under section 15 of the repealed Act, between QATC and another government entity ends; and

- 
- (c) despite the provisions of the *Industrial Relations Act 2016*, the following instruments stop having effect—
    - (i) the instrument called the ‘Queensland Agricultural Training Colleges Certified Agreement 2016’;
    - (ii) the instrument called the ‘Queensland Agricultural Colleges Award—State 2015’.
  - (2) The change of employer under subsection (1)(a) does not—
    - (a) interrupt a person’s continuity of service; or
    - (b) prejudice an employee’s existing or accruing right to long service leave; or
    - (c) constitute a termination of employment by QATC, retrenchment or redundancy; or
    - (d) entitle a person to a payment or other benefit merely because the person is no longer employed by QATC.

## **70 Effect on legal relationships**

- (1) A thing done under this subdivision—
  - (a) does not make the State liable for a civil wrong or a contravention of a law or for a breach of a contract or confidence; and
  - (b) does not make the State in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right or liability or the disclosure of information; and
  - (c) does not fulfil a condition that—

[s 129]

---

- (i) terminates, or allows a person to terminate, an instrument or obligation; or
  - (ii) modifies, or allows a person to modify, the operation or effect of an instrument or obligation; or
  - (iii) allows a person to avoid or enforce an obligation or liability contained in an instrument or requires a person to perform an obligation contained in an instrument; or
  - (iv) requires any money to be paid before its stated maturity; and
- (d) does not release a surety or other obligee, wholly or partly, from an obligation.
- (2) If, apart from this subsection, the advice, consent or approval of a person would be necessary to do something under this subdivision, the advice is taken to have been obtained or the consent or approval is taken to have been given unconditionally.
- (3) If giving notice to a person would be necessary to do something under this subdivision, the notice is taken to have been given.
- (4) A reference in this section to the State includes an employee or agent of the State.

## Part 17

## Amendment of State Penalties Enforcement Regulation 2014

### 129 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.



---

**130 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)**

- (1) Schedule 1, entry for *Biosecurity Act 2014*, entry for section 24(1), as affected by section 25, in the circumstances in paragraph (b)(iii) of the penalty, if the failure to discharge the general biosecurity obligation is because of a contravention of the *Biosecurity Regulation 2016*—

*insert—*

- s 94H(1) 5 -

- (2) Schedule 1, entry for *Biosecurity Regulation 2016*—

*omit.*

- (3) Schedule 1, entry for *Summary Offences Act 2005*, entry for section 13(1), column 2, ‘1’—

*omit, insert—*

2

- (4) Schedule 1, entry for *Summary Offences Act 2005*, entry for section 13(2), ‘s 13(2)’—

*omit, insert—*

s 13(3)

## **Part 18 Amendment of Summary Offences Act 2005**

### **131 Act amended**

This part amends the *Summary Offences Act 2005*.

### **132 Amendment of s 10A (Unlawful assembly)**

- (1) Section 10A(1)(b)—

*omit, insert—*

[s 132]

---

- (b) the conduct of them taken together—
  - (i) would cause a person in the vicinity to reasonably fear that unlawful violence will be used to a person or property; or
  - (ii) if the conduct unlawfully happens on, or unlawfully affects, land mentioned in section 13(1)—
    - (A) poses a risk to the health or safety of a person; or
    - (B) poses a risk to the welfare of an animal; or
    - (C) poses a biosecurity risk as defined under the *Biosecurity Act 2014*; or
    - (D) is likely to directly disrupt the operation of a business carried out on the land; or

*Example of conduct for sub-subparagraph (D)—*

conduct that stops, or interferes with, the operation of equipment or machinery that is necessary for a business's production of a product

- (E) poses a risk to the safety of food produced for human or animal consumption.

- (2) Section 10A(2)(c), '(1)(b)'—

*omit, insert—*

(1)(b)(i)

- (3) Section 10A—

*insert—*

(2A) Subsection (1)(b)(ii) applies subject to the *Industrial Relations Act 2016*.

---

**133 Replacement of s 13 (Unlawfully entering farming land etc.)**

Section 13—

*omit, insert—*

**13 Unlawfully entering or remaining on particular land**

- (1) A person must not unlawfully enter, or remain on, land used for—
- (a) an agricultural activity; or
  - (b) an animal husbandry activity; or
  - (c) a holding facility; or
  - (d) a food production facility, including, for example, a facility that produces food for animal consumption; or
  - (e) the exhibition of animals.

*Examples for paragraph (e)—*

wildlife park or zoo

Maximum penalty—20 penalty units or 12 months imprisonment.

- (2) Subsection (1) applies whether or not the person lawfully entered the land.
- (3) A person must not unlawfully open, and leave open, any gate, fence or other barrier that encloses all or part of enclosed land used for—
- (a) an agricultural activity; or
  - (b) an animal husbandry activity; or
  - (c) a holding facility; or
  - (d) a food production facility, including, for example, a facility that produces pet food; or
  - (e) the exhibition of animals.

*Examples for paragraph (e)—*

wildlife park or zoo

Maximum penalty—10 penalty units or 6 months imprisonment.

(4) This section does not prevent an authorised industrial officer entering a workplace in accordance with the terms of the person's appointment as an authorised industrial officer.

(5) In this section—

***agricultural activity*** includes—

- (a) cultivating soil; and
- (b) broadcasting seed to establish an improved pasture; and
- (c) planting, gathering or harvesting a crop, including a food or fibre crop; and
- (d) growing non-indigenous grasses, legumes or forage cultivars; and
- (e) horticulture or viticulture activities.

***animal husbandry activity*** includes—

- (a) breeding, keeping, raising or caring for animals, for commercial purposes; and
- (b) establishing or operating a dairy, feedlot, piggery or animal saleyard; and
- (c) grazing animals; and
- (d) aquaculture; and
- (e) beekeeping; and
- (f) poultry farming of more than 100 birds; and
- (g) testing or inoculation of animals, including using diagnostic agents, serums and vaccines.

***exhibit***, an animal, includes display the animal at

a private event.

***holding facility*** means a place where 1 or more types of animal are regularly or periodically held or kept on a temporary basis, including, for example, any of the following—

- (a) a local government reserve or commonage;
- (b) a pound;
- (c) an animal refuge;
- (d) a meat processing facility;
- (e) a live export holding;
- (f) a showground for animals;
- (g) a sporting ground for animals;
- (h) a stock route.

***live export holding*** means—

- (a) a depot for the live export of animals; or
- (b) an embarkation point for the export of live animals.

***meat processing facility*** means an abattoir or other facility at which animals are killed for meat for trade or commerce.

***stock route*** see the *Stock Route Management Act 2002*, schedule 3.

## Part 19

## Amendment of Veterinary Surgeons Act 1936

### 134 Act amended

This part amends the *Veterinary Surgeons Act 1936*.

[s 135]

---

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

(1) Section 8, heading, ‘triennial election’—

*omit, insert—*

**elections of members**

(2) Section 8(1), ‘shall be a triennial’—

*omit, insert—*

must be an

(3) Section 8(2), ‘in every third year’—

*omit.*

(4) Section 8(3), ‘no later than 30 June’—

*omit, insert—*

within the period that is more than 6 months, but not more than 1 year, before the term of appointment of the elected members of the board ends

**Part 19A Amendment of Water Supply (Safety and Reliability) Act 2008**

**135A Act amended**

This part amends the *Water Supply (Safety and Reliability) Act 2008*.

**135B Insertion of new ch 4, pt 5**

Chapter 4—

*insert—*

**Part 5 Particular works for Paradise Dam**

### **399D Application of part**

This part applies if—

- (a) the chief executive, under section 356(2), changes the safety conditions applying to the Paradise Dam; and
- (b) the changed safety conditions are in relation to the carrying out of spillway works.

### **399E Definitions for part**

In this part—

*associated works* means works associated with spillway works, including, for example—

- (a) works necessary to ensure water can continue to be released from the Paradise Dam following the carrying out of spillway works; or
- (b) works necessary to ensure fish can continue to move through the Paradise Dam following the carrying out of spillway works; or
- (c) works to remediate land affected by spillway works.

*spillway works* means works to lower a spillway for the Paradise Dam in order to reduce the risk of the dam failing.

### **399F Application of other Acts to spillway works and associated works**

- (1) The following Acts do not apply in relation to the carrying out of spillway works or associated works—
  - (a) the *Biosecurity Act 2014*;
  - (b) the *Building Act 1975*;

[s 135B]

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- (c) the *Environmental Protection Act 1994*;
  - (d) the *Fisheries Act 1994*;
  - (e) the *Forestry Act 1959*;
  - (f) the *Land Act 1994*;
  - (g) the *Nature Conservation Act 1992*;
  - (h) the *Pest Management Act 2001*;
  - (i) the *Planning Act 2016*;
  - (j) the *Plumbing and Drainage Act 2018*;
  - (k) the *Recreation Areas Management Act 2006*;
  - (l) the *State Development and Public Works Organisation Act 1971*;
  - (m) the *Transport Infrastructure Act 1994*;
  - (n) the *Transport Operations (Marine Safety) Act 1994*;
  - (o) the *Transport Planning and Coordination Act 1994*;
  - (p) the *Vegetation Management Act 1999*;
  - (q) the *Water Act 2000*.
- (2) Also, the following provisions do not apply in relation to the carrying out of spillway works or associated works—
- (a) the *Local Government Act 2009*, chapter 3, part 3, division 1;
  - (b) the applied provisions under the *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016*;
  - (c) a provision of a local law;



- (d) a provision of an Act, other than an Act mentioned in subsection (1), prescribed by regulation.
- (3) The Minister may recommend to the Governor in Council the making of a regulation under subsection (2)(d) only if satisfied—
  - (a) the application of the provision to the carrying out of spillway works or associated works would significantly delay the carrying out of the works; and
  - (b) the making of the regulation will not adversely affect public health or safety.
- (4) A regulation made under subsection (2)(d) expires on 31 December 2023.

### **399G Owner must give notice of spillway works and associated works**

The owner of the Paradise Dam must, before starting any spillway works or associated works, give the chief executive notice of the works.

### **399H Amendment of resource operations licence for Paradise Dam**

- (1) This section applies in relation to a resource operations licence applying to the Paradise Dam.
- (2) The chief executive (water) may amend the resource operations licence to the extent necessary to ensure consistency with the changed safety conditions applying to the Paradise Dam.
- (3) The chief executive (water) must, within 30 business days of making the amendment, give the holder of the resource operations licence notice of the amendment and a copy of the amended licence.

[s 135C]

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(4) The *Water Act 2000* applies in relation to the amended resource operations licence as if the amendment were made under that Act.

(5) In this section—

***chief executive (water)*** means the chief executive of the department responsible for administering the *Water Act 2000*.

### **399I Expiry**

This part expires on 31 December 2023.

### **135C Amendment of sch 3 (Dictionary)**

(1) Schedule 3, definition *works*—

*omit.*

(2) Schedule 3—

*insert—*

***associated works***, for chapter 4, part 5, see section 399E.

***spillway works***, for chapter 4, part 5, see section 399E.

***works***—

(a) means—

(i) operations of any kind and all things constructed, erected or installed for the purposes of this Act or the *Water Act 2000*; and

(ii) any land used for the operations; and

(b) for chapter 4, part 5—includes building work, and operational work, within the meaning of the *Planning Act 2016*.

## **Part 20**                      **Minor and consequential amendments**

### **136**    **Legislation amended**

Schedule 1 amends the legislation it mentions.

## **Schedule 1      Other amendments**

section 136

### **Animal Care and Protection Act 2001**

- 1      Section 114(2)(a)(ii), ‘Queensland Incorporated’—**  
*omit, insert—*  
(Queensland) Limited
  
- 2      Schedule, definition *prescribed entity*, paragraph (a),**  
**‘Queensland Incorporated’—**  
*omit, insert—*  
(Queensland) Limited

### **Animal Care and Protection Regulation 2012**

- 1      Section 8, ‘Queensland Incorporated’—**  
*omit, insert—*  
(Queensland) Limited

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## Animal Management (Cats and Dogs) Act 2008

- 1 **Schedule 2, definition *authorised implanter*, paragraph (a)(i), ‘PIDs’—**  
*omit, insert—*  
PPIDs
  
- 2 **Schedule 2, definition *primary producer*, paragraph (a)(ii), ‘maize, or’—**  
*omit, insert—*  
maize or

## Biosecurity Act 2014

- 1 **Section 435K, heading, ‘Accreditation’—**  
*omit, insert—*  
Approval
  
- 2 **Section 435K(2)(a), ‘this division’—**  
*omit, insert—*  
division 5
  
- 3 **Section 482(2), ‘subsection (1)(f)(i)’—**  
*omit, insert—*  
subsection (1)(g)(i)

## **Criminal Law (Rehabilitation of Offenders) Act 1986**

**1 Section 9A, table, item 8—**

*omit.*

## **Education (Work Experience) Act 1996**

**1 Section 5(1)(e)—**

*omit.*

## **Environmental Offsets Act 2014**

**1 Section 18(5)(b), example, from ‘Land Protection’ to ‘pests’—**

*omit, insert—*

*Biosecurity Act 2014, section 23 to take all reasonable and practical measures to prevent or minimise a biosecurity risk within the meaning of that Act*

## **Fisheries Act 1994**

**1 Section 217(1), definition *official*, paragraphs (d) and (e)—**

*renumber as paragraphs (c) and (d).*

## **Food Production (Safety) Act 2000**

**1 Section 81(b), after ‘or’—**

*insert—*

ought

## **Industrial Relations Regulation 2018**

**1 Schedule 5, part 3, item 4—**

*omit.*

## **Justices Act 1886**

**1 Section 4, definition *RSPCA inspector*, paragraph (b), ‘Queensland Incorporated’—**

*omit, insert—*

(Queensland) Limited

## **Public Interest Disclosure Act 2010**

**1 Section 6(1)(i)—**

*omit.*

## **Public Sector Ethics Act 1994**

- 1 **Schedule, definition *agricultural college*—**  
*omit.*
  
- 2 **Schedule, definition *public sector entity*, paragraph (c),  
'or an agricultural college'—**  
*omit.*

## **Public Sector Ethics Regulation 2010**

- 1 **Schedule, entry for Queensland Agricultural Training  
Colleges—**  
*omit.*

## **Public Service Regulation 2018**

- 1 **Schedule 5—**  
*omit.*

## **Racing Act 2002**

- 1 **After chapter 3, part 2, heading—**  
*insert—*





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