



Queensland

# **Agriculture and Other Legislation Amendment Bill 2015**





Queensland

# Agriculture and Other Legislation Amendment Bill 2015

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# 2015

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## A Bill

for

***An Act to amend the *Agricultural and Veterinary Chemicals (Queensland) Act 1994*, the *Agricultural Chemicals Distribution Control Act 1966*, the *Animal Care and Protection Act 2001*, the *Animal Management (Cats and Dogs) Act 2008*, the *Biosecurity Act 2014*, the *Brands Act 1915*, the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*, the *Exotic Diseases in Animals Act 1981*, the *Forestry Act 1959*, the *Nature Conservation and Other Legislation Amendment Act (No. 2) 2013* and the *Stock Act 1915*, for particular purposes***

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Agriculture and Other  
Legislation Amendment Act 2015*. 4  
5

**Clause 2 Commencement** 6

(1) The following provisions of this Act commence on a day to be  
fixed by proclamation— 7  
8

(a) part 3 other than sections 5 and 16; 9

(b) part 5 other than sections 24 and 37; 10

(c) part 13; 11

(d) schedule 1. 12

(2) Section 37 commences on the commencement of the  
*Biosecurity Act 2014*, section 550. 13  
14

(3) Part 7 commences immediately after the commencement of  
the *Biosecurity Act 2014*, schedule 4, part 2, entry for the  
*Brands Act 1915*. 15  
16  
17

(4) Sections 86 to 88 commence on the commencement of the  
*Biosecurity Act 2014*, section 9. 18  
19

(5) Section 93(2) commences on the commencement of the  
*Biosecurity Act 2014*, section 21. 20  
21

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<b>Part 2</b>	<b>Amendment of Agricultural and Veterinary Chemicals (Queensland) Act 1994</b>	1 2 3
<b>Clause 3</b>	<b>Act amended</b>	4
	This part amends the <i>Agricultural and Veterinary Chemicals (Queensland) Act 1994</i> .	5 6
<b>Clause 4</b>	<b>Insertion of new s 6A</b>	7
	After section 6—	8
	<i>insert—</i>	9
	<b>6A Application of legislative instruments made under Agricultural and Veterinary Chemicals Code Act</b>	10 11 12
	(1) A legislative instrument in force under the Agricultural and Veterinary Chemicals Code Act applies as a legislative instrument for the purposes of the Agvet Code of Queensland and the Agvet Regulations of Queensland.	13 14 15 16 17
	(2) In this section—	18
	<i>legislative instrument</i> means a legislative instrument under the <i>Acts Interpretation Act 1901</i> (Cwlth), section 15AE.	19 20 21

[s 5]

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<b>Part 3</b>	<b>Amendment of Agricultural Chemicals Distribution Control Act 1966</b>	1 2 3
<b>Clause 5</b>	<b>Act amended</b>	4
	This part amends the <i>Agricultural Chemicals Distribution Control Act 1966</i> .	5 6
<b>Clause 6</b>	<b>Amendment of s 12 (Pilot chemical rating licence)</b>	7
	Section 12(2)—	8
	<i>omit, insert—</i>	9
	(2) A person may apply under section 17 for a pilot chemical rating licence if the person gives the chief executive evidence that the person holds—	10 11 12
	(a) if the person intends to pilot a manned aircraft under the licence—the authorisation mentioned in subsection (3); and	13 14 15
	(b) if the person intends to use an unmanned aircraft other than a balloon or a kite (a <i>UAV</i> ) under the licence—the authorisation mentioned in subsection (4); and	16 17 18 19
	(c) the qualification prescribed by regulation.	20
	(3) For subsection (2)(a), the authorisation is a civil aviation authorisation under which the person may pilot (as pilot in command) the manned aircraft the person intends to use under the licence to carry out aerial distribution in the circumstances the person intends to carry out the aerial distribution.	21 22 23 24 25 26 27
	<i>Examples of circumstances for subsection (3)—</i>	28
	• aerial distribution to be conducted as a commercial operation	29 30

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	• application of agricultural chemicals to crops to control pests	1 2
	• application of agricultural chemicals for mosquito control	3 4
	(4) For subsection (2)(b), the authorisation is a civil aviation authorisation under which the person may act as the controller of the UAV the person intends to use under the licence to carry out aerial distribution in the circumstances the person intends to carry out the aerial distribution.	5 6 7 8 9 10
<b>Clause 7</b>	<b>Amendment of s 13 (Effect of termination or suspension of pilot’s licence)</b>	11 12
	Section 13(1), ‘the licence referred to in section 12(2)(a)’—	13
	<i>omit, insert—</i>	14
	a civil aviation authorisation mentioned in section 12(3) or (4)	15 16
<b>Clause 8</b>	<b>Amendment of s 15 (Aerial distribution contractor licence)</b>	17 18
	Section 15(2)—	19
	<i>omit, insert—</i>	20
	(2) A person may apply under section 17 for an aerial distribution contractor licence if the person gives the chief executive evidence that the person holds—	21 22 23 24
	(a) if the person intends a manned aircraft to be used under the licence—the authorisation mentioned in subsection (3); and	25 26 27
	(b) if the person intends a UAV to be used under the licence—the authorisation mentioned in subsection (4).	28 29 30
	(3) For subsection (2)(a), the authorisation is a civil aviation authorisation that is an AOC under	31 32

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[s 9]

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which the aircraft the person intends to be used 1  
under the licence to carry out aerial distribution 2  
may operate in Australian territory for 3  
commercial purposes that are the distribution of 4  
agricultural chemicals. 5

*Example of an AOC complying with subsection (3)—* 6

an AOC endorsed for aerial application operations to 7  
distribute agricultural chemicals 8

(4) For subsection (2)(b), the authorisation is a civil 9  
aviation authorisation under which the person 10  
may operate for hire or reward the UAV the 11  
person intends to be used under the licence to 12  
carry out aerial distribution in the circumstances 13  
the person intends to carry out the aerial 14  
distribution. 15

*Examples of circumstances for subsection (4)—* 16

- the area in which aerial distribution is to be carried 17  
out 18
- application of agricultural chemicals to crops to 19  
control pests 20
- application of agricultural chemicals for mosquito 21  
control 22

**Clause 9 Amendment of s 17 (Application for licences)** 23

Section 17(4)— 24

*omit, insert—* 25

(4) If the chief executive decides to grant the 26  
application, the chief executive must as soon as 27  
practicable— 28

(a) issue a new licence to the applicant; and 29

(b) if the chief executive decides to impose a 30  
condition on the licence under section 31  
17A(2)(a) or 17B(2)(a) when the licence is 32  
issued—give the licensee an information 33  
notice for the decision. 34

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<b>Clause 10</b>	<b>Insertion of new ss 17A–17C</b>	1
	After section 17—	2
	<i>insert—</i>	3
	<b>17A Conditions of pilot chemical rating licence</b>	4
	(1) A pilot chemical rating licence is subject to the following conditions—	5 6
	(a) the licensee must hold a civil aviation authorisation under which the licensee may—	7 8 9
	(i) if the licensee is piloting a manned aircraft under the licence to carry out aerial distribution—pilot (as pilot in command) the aircraft in the circumstances the aerial distribution is being carried out; and	10 11 12 13 14 15
	(ii) if the licensee is using a UAV under the licence to carry out aerial distribution—act as the controller of the UAV in the circumstances the aerial distribution is being carried out;	16 17 18 19 20
	(b) any reasonable conditions, imposed by the chief executive, that the chief executive considers appropriate for the proper control of aerial distribution carried out under the licence.	21 22 23 24 25
	(2) The chief executive may impose a condition under subsection (1)(b)—	26 27
	(a) when the licence is issued or renewed; or	28
	(b) at another time if the chief executive considers there is a risk relating to the licence that warrants the condition being imposed at that time.	29 30 31 32
	(3) If the chief executive decides to impose a condition on the licence under subsection (2)(b),	33 34

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[s 10]

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the chief executive must, as soon as practicable, 1  
give the licensee an information notice for the 2  
decision. 3

**17B Conditions of aerial distribution contractor 4  
licence 5**

- (1) An aerial distribution contractor licence is 6  
subject to the following conditions— 7
- (a) the licensee must hold a civil aviation 8  
authorisation— 9
- (i) if a manned aircraft is being used under 10  
the licence to carry out aerial 11  
distribution—that is an AOC under 12  
which the aircraft may operate in 13  
Australian territory for commercial 14  
purposes that are the distribution of 15  
agricultural chemicals; and 16
- (ii) if a UAV is being used under the 17  
licence to carry out aerial 18  
distribution—under which the licensee 19  
may operate for hire or reward the UAV 20  
in the circumstances the aerial 21  
distribution is being carried out; 22
- (b) any reasonable conditions, imposed by the 23  
chief executive, that the chief executive 24  
considers appropriate for the proper control 25  
of aerial distribution carried out under the 26  
licence. 27
- (2) The chief executive may impose a condition 28  
under subsection (1)(b)— 29
- (a) when the licence is issued or renewed; or 30
- (b) at another time if the chief executive 31  
considers there is a risk relating to the 32  
licence that warrants the condition being 33  
imposed at that time. 34



- 
- (3) If the chief executive decides to impose a condition on the licence under subsection (2)(b), the chief executive must, as soon as practicable, give the licensee an information notice for the decision.

**17C Licence holder must not contravene condition of licence**

- (1) The holder of a licence must not contravene a condition of the licence unless the holder has a reasonable excuse.  
Maximum penalty—100 penalty units.
- (2) The penalty under subsection (1) may be imposed whether or not the licence is suspended or cancelled because of the contravention.

**Clause 11 Amendment of s 19 (Renewal of licence)**

Section 19(6)—

*omit, insert—*

- (6) If the chief executive decides to grant the application, the chief executive must as soon as practicable—
- (a) issue a new licence to the applicant;  
and
  - (b) if the chief executive decides to impose a condition on the licence under section 17A(2)(a) or 17B(2)(a) when the licence is renewed—give the licensee an information notice for the decision.

**Clause 12 Amendment of s 21 (Grounds for suspension or cancellation of licence by chief executive)**

(1) Section 21(e)—

[s 13]

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*renumber* as section 21(f). 1

(2) Section 21— 2

*insert*— 3

(e) the licensee has contravened a condition of  
the licence; 4  
5

**Clause 13 Amendment of s 22 (Right of review by QCAT) 6**

Section 22(1)(b)— 7

*omit, insert*— 8

(b) to impose a condition on a licence; or 9

(c) to suspend or cancel a licence. 10

**Clause 14 Amendment of s 26 (Records to be kept) 11**

Section 26(3)— 12

*insert*— 13

*Note*— 14

See section 44. 15

**Clause 15 Omission of ss 30–33 16**

Sections 30 to 33— 17

*omit*. 18

**Clause 16 Replacement of ss 44 and 44A 19**

Sections 44 and 44A— 20

*omit, insert*— 21

**44 Liability of executive officer—offence  
committed by corporation against s 26(3) 22  
23**

(1) An executive officer of a corporation commits an  
offence if— 24  
25

- 
- (a) the corporation commits an offence against section 26(3); and 1  
2
- (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence. 3  
4  
5
- Maximum penalty—the penalty for a contravention of section 26(3) by an individual. 6  
7
- (2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to— 8  
9  
10  
11
- (a) whether the officer knew, or ought reasonably to have known, of the corporation’s conduct constituting the offence against section 26(3); and 12  
13  
14  
15
- (b) whether the officer was in a position to influence the corporation’s conduct in relation to the offence against section 26(3); and 16  
17  
18  
19
- (c) any other relevant matter. 20
- (3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against section 26(3). 21  
22  
23  
24  
25
- (4) This section does not affect— 26
- (a) the liability of the corporation for the offence against section 26(3); or 27  
28
- (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against section 26(3). 29  
30  
31  
32  
33

[s 17]

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<b>Clause 17</b>	<b>Insertion of new pt 8</b>	1
	After section 48—	2
	<i>insert—</i>	3
	<b>Part 8</b>	4
	<b>Transitional provisions</b>	5
	<b>for Agriculture and</b>	6
	<b>Other Legislation</b>	7
	<b>Amendment Act 2015</b>	7
	<b>49 Definition for pt 8</b>	8
	In this part—	9
	<i>amending Act</i> means the <i>Agriculture and Other</i>	10
	<i>Legislation Amendment Act 2015</i> .	11
	<b>50 Holder of former pilot chemical rating licence</b>	12
	(1) This section applies if, immediately before the	13
	commencement, a person held a pilot chemical	14
	rating licence.	15
	(2) The licence is taken to have been issued under	16
	section 17.	17
	<b>51 Undecided application for pilot chemical rating</b>	18
	<b>licence</b>	19
	(1) This section applies if, immediately before the	20
	commencement—	21
	(a) a person held a commercial pilot's licence;	22
	and	23
	(b) an application by the person for a pilot	24
	chemical rating licence had not been	25
	decided.	26
	(2) The application may be decided as if the	27
	amending Act had not been enacted.	28

- 
- (3) If the person is granted a pilot chemical rating licence on the application, the person is taken to hold the authorisation mentioned in section 17A(1)(a) while the person holds a commercial pilot's licence. 1  
2  
3  
4  
5
- (4) In this section— 6  
*commercial pilot's licence* means a commercial pilot's licence, endorsed with an agricultural rating, issued under the Civil Aviation Regulations or Orders (Cwlth). 7  
8  
9  
10
- 52 Holder of former aerial distribution contractor licence** 11  
12
- (1) This section applies if, immediately before the commencement, a person held an aerial distribution contractor licence. 13  
14  
15
- (2) The licence is taken to have been issued under section 17. 16  
17
- 53 Undecided application for aerial distribution contractor licence** 18  
19
- (1) This section applies if, immediately before the commencement— 20  
21
- (a) a person held a formerly required civil aviation authorisation; and 22  
23
- (b) an application by the person for an aerial distribution contractor licence had not been decided. 24  
25  
26
- (2) The application may be decided as if the amending Act had not been enacted. 27  
28
- (3) If the person is granted an aerial distribution contractor licence on the application, the person is taken to hold the authorisation mentioned in 29  
30  
31

[s 18]

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	section 17B(1)(a) while the person holds a formerly required civil aviation authorisation.	1 2
(4)	In this section—	3
	<i>formerly required civil aviation authorisation</i> means a civil aviation authorisation required to apply for an aerial distribution contractor licence.	4 5 6
<b>Clause 18</b>	<b>Amendment of schedule (Dictionary)</b>	7
(1)	Schedule, definition <i>executive officer</i> —	8
	<i>omit.</i>	9
(2)	Schedule—	10
	<i>insert—</i>	11
	<i>civil aviation authorisation</i> means a civil aviation authorisation under the <i>Civil Aviation</i> <i>Act 1988</i> (Cwlth), section 3.	12 13 14
	<i>executive officer</i> , of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.	15 16 17 18 19
	<i>UAV</i> see section 12(2)(b).	20
<b>Part 4</b>	<b>Amendment of Animal Care and Protection Act 2001</b>	21 22
<b>Clause 19</b>	<b>Act amended</b>	23
	This part amends the <i>Animal Care and Protection Act 2001</i> .	24

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<b>Clause 20</b>	<b>Amendment of s 36 (Prohibitions)</b>	1
(1)	Section 36(1), from ‘A person’ to ‘veterinary surgeon.’—	2
	<i>omit, insert—</i>	3
	A person must not, with the intention of injuring or	4
	killing an animal, administer to, or feed, the animal a	5
	substance the person knows is harmful or poisonous to	6
	the animal.	7
(2)	Section 36(2) and (3)—	8
	<i>renumber</i> as section 36(3) and (4).	9
(3)	Section 36—	10
	<i>insert—</i>	11
(2)	However, subsection (1) does not apply to a	12
	person authorised to administer or feed the	13
	substance to the animal under the <i>Health Act</i>	14
	<i>1937</i> .	15
	<i>Note—</i>	16
	See, for example, the <i>Health (Drugs and Poisons)</i>	17
	<i>Regulation 1996</i> .	18
<b>Clause 21</b>	<b>Amendment of s 49 (What is the <i>scientific use code</i>)</b>	19
	Section 49(1)—	20
	<i>omit, insert—</i>	21
(1)	The <i>scientific use code</i> means the ‘Australian	22
	code for the care and use of animals for scientific	23
	purposes 8th edition (2013)’, published by or for	24
	the National Health and Medical Research	25
	Council, including each new edition, as in force	26
	from time to time.	27
	<i>Editor’s note—</i>	28
	On the commencement of this subsection, the scientific	29
	use code was available on the National Health and	30
	Medical Research Council’s website at	31
	< <a href="https://www.nhmrc.gov.au/guidelines/publications/ea28">https://www.nhmrc.gov.au/guidelines/publications/ea2</a>	32
	<a href="https://www.nhmrc.gov.au/guidelines/publications/ea28">8</a> >.	33

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[s 22]

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<b>Clause 22</b>	<b>Amendment of s 209A (Executive officer may be taken to have committed offence)</b>	1 2
	Section 209A(4), definition <i>deemed executive liability provision</i> , ‘section 36(2)’—	3 4
	<i>omit, insert</i> —	5
	section 36(3)	6
<b>Clause 23</b>	<b>Amendment of s 215 (Protection from liability)</b>	7
	(1) Section 215(1)(a) to (c)—	8
	<i>omit.</i>	9
	(2) Section 215(1)(d) and (e)—	10
	<i>renumber</i> as section 215(1)(a) and (b).	11
	(3) Section 215(2)—	12
	<i>omit, insert</i> —	13
	(2) A relevant person does not incur civil liability for engaging, or for the result of engaging, in conduct in connection with giving the help or acting under the direction, order or requirement.	14 15 16 17
	(4) Section 215(4)—	18
	<i>renumber</i> as section 215(7).	19
	(5) Section 215—	20
	<i>insert</i> —	21
	(4) If liability attaches to the State under subsection (3), the State may recover contribution from the relevant person but only if the conduct was engaged in—	22 23 24 25
	(a) other than in good faith; and	26
	(b) with gross negligence.	27
	(5) In a proceeding under subsection (4) to recover contribution, the amount of contribution	28 29



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	recoverable is the amount found by the court to be just and equitable in the circumstances.	1 2
(6)	This section does not apply to a person who is a State employee under the <i>Public Service Act 2008</i> , section 26B(4) engaging in conduct in an official capacity under section 26C of that Act.	3 4 5 6
	<i>Note—</i>	7
	For protection from civil liability in relation to State employees, see the <i>Public Service Act 2008</i> , section 26C.	8 9 10
(6)	Section 215(7), as renumbered—	11
	<i>insert—</i>	12
	<b>conduct</b> means an act or an omission to perform an act.	13 14

<b>Part 5</b>	<b>Amendment of Animal Management (Cats and Dogs) Act 2008</b>	15 16 17
---------------	--	----------------

<b>Clause 24</b>	<b>Act amended</b>	18
	This part amends the <i>Animal Management (Cats and Dogs) Act 2008</i> .	19 20
	<i>Note—</i>	21
	See also the amendments in schedule 1.	22

<b>Clause 25</b>	<b>Replacement of s 12 (Identification devices under Act)</b>	23
	Section 12—	24
	<i>omit, insert—</i>	25

[s 26]

---

	<b>12 Identification devices under Act</b>	1
	(1) <i>A prescribed permanent identification device or PPID</i> is a microchip or other electronic device that—	2 3 4
	(a) is capable of being permanently implanted in a cat or dog; and	5 6
	(b) is designed to record information in a way that can be electronically retrieved; and	7 8
	(c) complies with the requirements prescribed by regulation for the device.	9 10
	(2) <i>A registration device</i> is a device, to help identify a dog, decided by a resolution of the relevant local government for the dog.	11 12 13
	<i>Example of a registration device—</i>	14
	a tag for the collar of a dog	15
<b>Clause 26</b>	<b>Omission of ch 2, pt 1, div 2 (Supplying PIDs)</b>	16
	Chapter 2, part 1, division 2—	17
	<i>omit.</i>	18
<b>Clause 27</b>	<b>Replacement of ch 2, pt 1, div 3, hdg (Implanting PIDs)</b>	19
	Chapter 2, part 1, division 3, heading—	20
	<i>omit, insert—</i>	21
	<b>Division 3                      Implanting PPIDs</b>	22
<b>Clause 28</b>	<b>Replacement of s 22 (PID that is not PPID must not be implanted)</b>	23 24
	Section 22—	25
	<i>omit, insert—</i>	26

---

**22 Electronic identification device that is not a PPID must not be implanted** 1  
2

An authorised implanter must not implant an 3  
electronic identification device that is not a PPID into 4  
a cat or dog. 5

Maximum penalty—60 penalty units. 6

**Clause 29 Amendment of s 23 (Requirements for PPID)** 7

Section 23(a)— 8

*omit, insert—* 9

- (a) stores the unique identification number for 10  
the PPID; and 11

**Clause 30 Amendment of s 25 (PID information must be given to licence holder)** 12  
13

- (1) Section 25, heading, ‘PID’— 14

*omit, insert—* 15

**PPID** 16

- (2) Section 25(2), ‘PID registry service’— 17

*omit, insert—* 18

PPID registry service 19

- (3) Section 25(2)(b)— 20

*omit, insert—* 21

- (b) the unique identification number for the 22  
PPID. 23

- (4) Section 25(2), note, ‘PID’— 24

*omit, insert—* 25

PPID 26

[s 31]

---

<b>Clause 31</b>	<b>Replacement of ch 2, pt 1, div 4, hdg (Removing PIDs)</b>	1
	Chapter 2, part 1, division 4, heading—	2
	<i>omit, insert—</i>	3
	<b>Division 4            Removing PPIDs</b>	4
<b>Clause 32</b>	<b>Replacement of ch 2, pt 1, div 5, hdg (PID registry services)</b>	5
	Chapter 2, part 1, division 5, heading—	6
	<i>omit, insert—</i>	7
	<b>Division 5            PPID registry services</b>	8
<b>Clause 33</b>	<b>Replacement of ch 2, pt 1, div 6, hdg (Giving identifying information and PID information)</b>	10
	Chapter 2, part 1, division 6, heading—	11
	<i>omit, insert—</i>	12
	<b>Division 6            Giving identifying information and PPID information</b>	13
		14
		15
		16
<b>Clause 34</b>	<b>Amendment of s 47 (What registration form must state)</b>	17
	Section 47(1)(c)(vii)—	18
	<i>omit, insert—</i>	19
	(vii) if it is implanted with a PPID, the	20
	unique identification number stored on	21
	the PPID;	22
<b>Clause 35</b>	<b>Amendment of s 103 (Cost of regulated dog enclosure—dividing fence)</b>	23
	Section 103(4)(b)—	24
	<i>omit, insert—</i>	25
		26

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	(b) the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> , chapter 3, part 5, division 1 applies.	1 2 3
<b>Clause 36</b>	<b>Replacement of ch 6, hdg (PID registry licences)</b>	4
	Chapter 6, heading—	5
	<i>omit, insert—</i>	6
	<b>Chapter 6 PPID registry licences</b>	7 8
<b>Clause 37</b>	<b>Insertion of new ch 9, pt 2A</b>	9
	Chapter 9—	10
	<i>insert—</i>	11
	<b>Part 2A Destruction of particular dogs</b>	12 13
	<b>197A Destruction of particular dogs</b>	14
	(1) This section applies if—	15
	(a) an animal is a designated animal under the <i>Biosecurity Act 2014</i> , other than a bee, pig or captive bird; and	16 17 18
	(b) the animal is on an area of land zoned rural land under the <i>Land Valuation Act 2010</i> , section 10; and	19 20 21
	(c) 1 or more owners of the land, or an authorised person, reasonably believes a dog on the land—	22 23 24
	(a) is not under someone’s control; and	25
	(b) is attacking, or is about to attack, the animal.	26 27

[s 38]

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	(2) Each of the following persons may destroy the dog—	1 2
	(a) each owner of the land who has that belief;	3
	(b) an authorised person.	4
	(3) To remove any doubt, it is declared that a person mentioned in subsection (2) may, as well as or instead of acting personally, use an agent or assistant, or both, in destroying the dog.	5 6 7 8
	(4) Compensation is not payable for the destruction.	9
	(5) In this section—	10
	<i>owner</i> , of land, includes a person in charge of an animal, that is stock, on the land.	11 12
	<i>person in charge</i> , of an animal, see the <i>Animal Care and Protection Act 2001</i> , section 12.	13 14
<b>Clause 38</b>	<b>Amendment of s 208 (Payment of penalties for offences against particular provisions)</b>	15 16
	(1) Section 208(1)(b), ‘ <i>Local Government Act 1993</i> , section 1076’—	17 18
	<i>omit, insert—</i>	19
	<i>Local Government Act 2009</i> , section 246	20
	(2) Section 208(1)(b), editor’s note—	21
	<i>omit, insert—</i>	22
	<i>Note—</i>	23
	See the <i>Local Government Act 2009</i> , section 246 (Where fines are to be paid to) and the <i>Acts Interpretation Act 1954</i> , section 43 (Appropriation of penalties).	24 25 26
<b>Clause 39</b>	<b>Amendment of s 210 (Regulation-making power)</b>	27
	(1) Section 210(2)(c), ‘PIDs’—	28
	<i>omit, insert—</i>	29

---

	PPIDs	1
(2)	Section 210(2)(d), ‘PID’—	2
	<i>omit, insert—</i>	3
	PPID	4
<b>Clause 40</b>	<b>Amendment of sch 2 (Dictionary)</b>	5
(1)	Schedule 2, definitions <i>permanent identification device, PID, PID register</i> and <i>PID registry service—</i>	6
	<i>omit.</i>	7
(2)	Schedule 2—	8
	<i>insert—</i>	9
	<i>licence holder register</i> see section 172(3).	10
	<i>PPID registry service</i> means a service, provided by a licence holder, of keeping records containing—	11
	(a) identifying information for a cat or dog; or	12
	(b) the unique identification number stored on the PPID for a cat or dog.	13
(3)	Schedule 2, definition <i>authorised implanter</i> , paragraph (b), ‘PIDs’—	14
	<i>omit, insert—</i>	15
	PPIDs	16
(4)	Schedule 2, definitions <i>licence, licence holder, PID information, PID number, PID registry licence, PID review application, PID review decision</i> and <i>seller</i> , ‘PID’—	17
	<i>omit, insert—</i>	18
	PPID	19
		20
		21
		22
		23
		24
		25
		26

[s 41]

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- (5) Schedule 2, definitions *PPID* and *prescribed permanent identification device*, ‘section 12(2)’— 1  
2  
*omit, insert—* 3  
section 12(1) 4

**Part 6** **Amendment of Biosecurity Act** 5  
**2014** 6

**Clause 41** **Act amended** 7  
This part amends the *Biosecurity Act 2014*. 8

**Clause 42** **Amendment of s 42 (Reporting presence of category 1 or 2 restricted matter)** 9  
10  
Section 42(6), definition *appropriate authorised officer*, paragraph 11  
(b), ‘authorised person appointed by the chief executive’— 12  
*omit, insert—* 13  
authorised officer 14

**Clause 43** **Amendment of s 43 (Distributing or disposing of category 3 restricted matter)** 15  
16  
Section 43(1)— 17  
*insert—* 18  
(d) for the purpose of the Board of the 19  
Queensland Museum, or the Queensland 20  
Herbarium, identifying the restricted matter; 21  
or 22  
(e) for the purpose of identifying the restricted 23  
matter by, or at the request of, a government 24  
entity with expertise in the identification of 25  
the restricted matter; or 26



---

	(f) for a purpose prescribed by regulation.	1
<b>Clause 44</b>	<b>Replacement of s 46 (Designated animals feeding on animal matter)</b>	2
		3
	Section 46—	4
	<i>omit, insert—</i>	5
	<b>46 Prohibitions on feeding or supplying restricted animal material for ruminants</b>	6
		7
	(1) A person must not feed restricted animal material for ruminants to a ruminant.	8
		9
	Maximum penalty—400 penalty units.	10
	(2) A person who deals with a ruminant must take all reasonable steps to ensure the ruminant does not feed on restricted animal material for ruminants.	11
		12
		13
	Maximum penalty—400 penalty units.	14
	(3) A person (the <i>relevant person</i> ) must not supply restricted animal material for ruminants to another person if the relevant person knows the other person intends that a particular person (whether or not the relevant person or other person) is to feed the material to a ruminant.	15
		16
		17
		18
		19
		20
	Maximum penalty—400 penalty units.	21
	(4) A person to whom subsection (1), (2) or (3) applies does not commit an offence against the subsection if—	22
		23
		24
	(a) the person has a reasonable excuse; or	25
	(b) both of the following apply—	26
	(i) a regulation states that the subsection does not apply in a stated circumstance or other state of affairs (including, for example, if stated requirements are satisfied or stated attributes exist);	27
		28
		29
		30
		31

[s 44]

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- (ii) the circumstance or other state of affairs exists in relation to the person for the ruminant the subject of the offence. 1  
2  
3  
4
- (5) A person who feeds restricted animal material for ruminants to a ruminant does not commit an offence against subsection (1), (2) or (3) if— 5  
6  
7
- (a) the material has been treated under a process approved by the chief executive under section 46B; or 8  
9  
10
- (b) the person— 11
- (i) is, under section 46C, permitted by the chief executive to feed the material to a ruminant lawfully used for a scientific purpose; and 12  
13  
14  
15
- (ii) feeds the material to the ruminant in the way permitted by the chief executive; or 16  
17  
18
- (c) the feeding is authorised under another Act or a law of the Commonwealth. 19  
20
- Note—* 21
- For the effect of a biosecurity emergency order, see section 115. 22  
23
- 46A Prohibitions on feeding or supplying restricted animal material for pigs or poultry** 24  
25
- (1) A person must not feed restricted animal material for pigs or poultry to a pig or poultry. 26  
27
- Maximum penalty—400 penalty units. 28
- (2) A person who deals with a pig or poultry must take all reasonable steps to ensure the pig or poultry does not feed on restricted animal material for pigs or poultry. 29  
30  
31  
32
- Maximum penalty—400 penalty units. 33

- 
- (3) A person (the *relevant person*) must not supply restricted animal material for pigs or poultry to another person if the relevant person knows the other person intends that a particular person (whether or not the relevant person or other person) is to feed the material to a pig or poultry. 1  
2  
3  
4  
5  
6  
Maximum penalty—400 penalty units. 7
- (4) A person to whom subsection (1), (2) or (3) applies does not commit an offence against the subsection if— 8  
9  
10
- (a) the person has a reasonable excuse; or 11
- (b) both of the following apply— 12
- (i) a regulation states that the subsection does not apply in a stated circumstance or other state of affairs (including, for example, if stated requirements are satisfied or stated attributes exist); 13  
14  
15  
16  
17
- (ii) the circumstance or other state of affairs exists in relation to the person for the pig or poultry the subject of the offence. 18  
19  
20  
21
- (5) A person who feeds restricted animal material for pigs or poultry to a pig or poultry does not commit an offence against subsection (1), (2) or (3) if— 22  
23  
24  
25
- (a) the material has been treated under a process approved by the chief executive under section 46B; or 26  
27  
28
- (b) the person— 29
- (i) is, under section 46C, permitted by the chief executive to feed the material to a pig or poultry lawfully used for a scientific purpose; and 30  
31  
32  
33

[s 44]

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(ii)	feeds the material to the ruminant, pig or poultry in the way permitted by the chief executive; or	1 2 3
(c)	the feeding is authorised under another Act or a law of the Commonwealth.	4 5
	<i>Note—</i>	6
	For the effect of a biosecurity emergency order, see section 115.	7 8
(6)	A person who feeds restricted animal material for pigs or poultry to a pig for the purpose of disease control does not commit an offence against subsection (1), (2) or (3) if—	9 10 11 12
(a)	all of the following apply—	13
(i)	the feeding is done by or carried out under the written direction of a veterinary surgeon;	14 15 16
(ii)	the material is derived from a pig;	17
(iii)	the pig from which the material was derived was kept only at the designated place where the pig being fed is kept; or	18 19 20 21
(b)	the person uses the material—	22
(i)	in a poisoned bait for killing a feral pig; or	23 24
(ii)	as a preliminary to baiting a feral pig to kill it, and the material is not poisoned.	25 26
	<b>46B Approval of process to treat restricted animal material for ruminants or restricted animal material for pigs or poultry</b>	27 28 29
(1)	This section empowers the chief executive to give an approval of a treatment process for section 46(5)(a) or 46A(5)(a).	30 31 32

- 
- (2) The chief executive may, in writing, approve a process to treat a stated type of—
- (a) restricted animal material for ruminants to be fed to a ruminant; or
  - (b) restricted animal material for pigs or poultry to be fed to a pig or poultry.
- (3) The chief executive may approve a process mentioned in subsection (1) if the chief executive is satisfied on reasonable grounds the process will ensure the level of biosecurity risk posed by the material is no more than the maximum allowable level of biosecurity risk—
- (a) if the process is for restricted animal material for ruminants—for ruminants; or
  - (b) if the process is for restricted animal material for pigs or poultry—for pigs or poultry.
- (4) The *maximum allowable level of biosecurity risk* for ruminants or for pigs or poultry is the same level of biosecurity risk that there would be if the material were used cooking oil that has been treated in a way stated in prescribing used cooking oil under—
- (a) if the process is for restricted animal material for ruminants—schedule 5, definition *restricted animal material for ruminants*, paragraph 2(d);
  - (b) if the process is for restricted animal material for pigs or poultry—schedule 5, definition *restricted animal material for pigs or poultry*, paragraph 2(d).

[s 45]

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<b>46C Permission to feed restricted animal material for ruminants or restricted animal material for pigs or poultry to particular animals</b>	1
	2
	3
(1) This section empowers the chief executive to permit feeding of particular animals for section 46(5)(b)(i) or 46A(5)(b)(i).	4
	5
	6
(2) The chief executive may, in writing, permit a person to feed—	7
	8
(a) restricted animal material for ruminants to a ruminant lawfully used for a scientific purpose; or	9
	10
	11
(b) restricted animal material for pigs or poultry to a pig or poultry lawfully used for a scientific purpose.	12
	13
	14
(3) The chief executive may permit the feeding if the chief executive is satisfied on reasonable grounds the research or other use for a scientific purpose will be conducted under controls that ensure—	15
	16
	17
	18
(a) any risks posed by the research or other use for a scientific purpose can be managed in a way that protects the health and safety of people and animals; and	19
	20
	21
	22
(b) the person will know the location of, and have control of, the ruminant, pig or poultry at all times the research is being conducted.	23
	24
	25

<b>Clause 45 Amendment of s 115 (Effect and duration of biosecurity emergency order)</b>	26
	27
Section 115(4)(a), example, from ‘that is animal matter’—	28
<i>omit, insert—</i>	29
that is restricted animal material for ruminants may stop a person from feeding the material to a ruminant even if the ruminant were to be fed the material in a way mentioned in section 46(5).	30
	31
	32

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<b>Clause 46</b>	<b>Amendment of s 118 (Inspection of stopped vehicle)</b>	1
	(1) Section 118(6), ‘inspector or authorised person’—	2
	<i>omit, insert—</i>	3
	authorised officer	4
	(2) Section 118(8), definition <i>non-emergency power</i> , ‘inspector or authorised person’—	5
	<i>omit, insert—</i>	6
	authorised officer	7
		8
<b>Clause 47</b>	<b>Amendment of s 126 (Compliance with movement control order)</b>	9
	Section 126(2), note, ‘section 132(5)’—	10
	<i>omit, insert—</i>	11
	section 132(6)	12
		13
<b>Clause 48</b>	<b>Amendment of s 132 (Biosecurity instrument permit)</b>	14
	(1) Section 132(3) to (9)—	15
	<i>renumber</i> as section 132(4) to (10).	16
	(2) Section 132—	17
	<i>insert—</i>	18
	(3) However, the person can not apply to an inspector for a biosecurity instrument permit authorising the person to move particular biosecurity matter, if—	19
		20
		21
		22
	(a) biosecurity zone regulatory provisions provide in relation to the movement of the biosecurity matter; and	23
		24
		25
	<i>Example for paragraph (a)—</i>	26
	a biosecurity zone regulatory provision that prohibits, regulates or requires the movement of the biosecurity matter	27
		28
		29

[s 49]

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	(b) an acceptable biosecurity certificate that would enable the person to move the biosecurity matter despite the provisions could be given to the person.	1 2 3 4
	<i>Example for this subsection—</i>	5
	Assume biosecurity zone regulatory provisions restrict movement of banana plants within and into the zone established by the provisions. A person can not apply for a biosecurity instrument permit authorising movement of particular banana plants within or into the zone if an acceptable biosecurity certificate could be given to the person that would enable the person to move the banana plants within or into the zone.	6 7 8 9 10 11 12 13
	(3) Section 132(5), as renumbered, ‘subsection (3)’— <i>omit, insert—</i> subsection (4)	14 15 16
<b>Clause 49</b>	<b>Amendment of s 236 (What program authorisation must state)</b>	17 18
	(1) Section 236(1)(g), examples of a measure an authorised officer may take under a surveillance program, first dot point, ‘animal matter’— <i>omit, insert—</i> restricted animal material for ruminants	19 20 21 22 23
	(2) Section 236(1)(h)— <i>omit.</i>	24 25
	(3) Section 236(1)(i)— <i>renumber</i> as section 236(1)(h).	26 27
	(4) Section 236(1)(h), as renumbered, examples, ‘paragraph (i)’— <i>omit, insert—</i> <i>paragraph (h)</i>	28 29 30 31



---

<b>Clause 50</b>	<b>Amendment of s 237 (Giving a direction for prevention and control program)</b>	1 2
	Section 237(3), ‘authorised person’—	3
	<i>omit, insert—</i>	4
	authorised officer	5
<b>Clause 51</b>	<b>Amendment of s 391 (Entering into government and industry agreements)</b>	6 7
	Section 391(1)(b)—	8
	<i>insert—</i>	9
	(v) 1 or more other entities.	10
	<i>Example for subparagraph (v)—</i>	11
	utility service provider, port authority	12
<b>Clause 52</b>	<b>Amendment of s 484 (Cancellation, suspension or amendment by chief executive—show cause notice)</b>	13 14
	Section 484—	15
	<i>insert—</i>	16
	(4) This section does not apply if the proposed action is to amend an auditor’s approval by imposing a condition under section 454(3)(b).	17 18 19
<b>Clause 53</b>	<b>Amendment of s 488 (Immediate suspension of relevant authority)</b>	20 21
	Section 488(1)(b)(iii), after ‘consideration’—	22
	<i>insert—</i>	23
	, or to the trade in a particular commodity,	24
<b>Clause 54</b>	<b>Amendment of s 496 (Protecting officials from liability)</b>	25
	(1) Section 496(1)—	26

[s 54]

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- omit, insert—* 1
- (1) An official does not incur civil liability for 2  
engaging, or for the result of engaging, in 3  
conduct under this Act. 4
- (2) Section 496(4)— 5  
*renumber* as section 496(8). 6
- (3) Section 496— 7  
*insert—* 8
- (4) If liability attaches to a local government under 9  
subsection (2)(a), the local government may 10  
recover contribution from the official but only if 11  
the conduct was engaged in— 12
- (a) other than in good faith; and 13
- (b) with gross negligence. 14
- (5) If liability attaches to the State under subsection 15  
(2)(b), the State may recover contribution from 16  
the official but only if the conduct was engaged 17  
in— 18
- (a) other than in good faith; and 19
- (b) with gross negligence. 20
- (6) In a proceeding under subsection (4) or (5) to 21  
recover contribution, the amount of contribution 22  
recoverable is the amount found by the court to 23  
be just and equitable in the circumstances. 24
- (7) This section does not apply to a person— 25
- (a) who is a State employee under the *Public* 26  
*Service Act 2008*, section 26B(4) engaging 27  
in conduct in an official capacity under 28  
section 26C of that Act; or 29
- Note—* 30
- For protection from civil liability in relation to 31  
State employees, see the *Public Service Act 2008*, 32  
section 26C. 33

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	(b) to whom the <i>Police Service Administration Act 1990</i> , section 10.5 applies.	1 2
(4)	Section 496(8), as renumbered—	3
	<i>insert—</i>	4
	<b>conduct</b> means an act or an omission to perform an act.	5 6
	<b>engage in conduct under this Act</b> means engage in conduct as part of, or otherwise in connection with, a person’s role, as an official, under the Act, including, for example, engaging in conduct under or purportedly under the Act.	7 8 9 10 11
	<i>Example of an official engaging in conduct under this Act—</i>	12 13
	an official making a decision in relation to an application for registration of a registrable biosecurity entity	14 15 16
(5)	Section 496(8), as renumbered, definition <i>official</i> , paragraphs (a), (b) and (i)—	17 18
	<i>omit.</i>	19
(6)	Section 496(8), as renumbered, definition <i>official</i> , paragraphs (c) to (h)—	20 21
	<i>renumber</i> as paragraphs (a) to (f).	22
<b>Clause 55</b>	<b>Amendment of sch 1 (Prohibited matter)</b>	23
(1)	Schedule 1, part 6, from ‘piranhas’ to ‘Piaractus brachypomus’—	24 25
	<i>omit, insert—</i>	26
	piranhas, pacus (fish of the subfamily Serrasalminae) other than <i>Metynnis</i> spp., <i>Myloplus rubripinnis</i> , <i>Myloplus asterias</i> , <i>Myloplus planquettei</i> and <i>Piaractus brachypomus</i>	27 28 29 30

[s 56]

- (2) Schedule 1, part 7, ‘Oriental fruit fly (*Bactrocera dorsalis*)’, ‘papaya fruit fly (*Bactrocera papayae*)’ and ‘Philippine fruit fly (*Bactrocera philippinensis*)’— 1  
 2  
 3  
*omit.* 4  
 (3) Schedule 1, part 7— 5  
*insert*— 6  
     Mango malformation disease (MMD) 7  
     Oriental fruit fly (*Bactrocera dorsalis* syn. *B. papayae*, *B. invadens* and *B. philippinensis*) 8  
     9

**Clause 56 Amendment of sch 2 (Restricted matter and categories)** 10

- (1) Schedule 2, part 2, entries for Mexican bean tree (*C. pachystachya*, *C. palmata* and *C. peltata*) and for thunbergias— 11  
 12  
 13  
*omit.* 14  
 (2) Schedule 2, part 2— 15  
*insert*— 16

Mexican bean tree ( <i>Cecropia pachystachya</i> , <i>C. palmata</i> and <i>C. peltata</i> )	2, 3, 4, 5
thunbergia ( <i>Thunbergia grandiflora</i> syn. <i>T. laurifolia</i> )	3

**Clause 57 Amendment of sch 5 (Dictionary)** 17

- (1) Schedule 5, definitions *animal material*, *animal matter*, *designated animal transit facility* and *rendering*— 18  
 19  
*omit.* 20  
 (2) Schedule 5— 21  
*insert*— 22  
     *poultry* means— 23  
     (a) birds of the order Galliformes (including, 24  
         for example, chickens, turkeys, pheasants, 25

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partridge, quail, guineafowl, peafowl), ducks, geese, pigeons and doves; or	1 2
(b) any other bird prescribed by regulation.	3
<b><i>restricted animal material for pigs or poultry—</i></b>	4
1 <i>Restricted animal material for pigs or poultry</i> is food or food scraps that—	5 6
(a) contain or may contain—	7
(i) a carcass of a mammal or of a bird; or	8 9
(ii) any material derived from a mammal or bird; or	10 11
<i>Example of material—</i>	12
blood, bone, faeces, meal, meat, tissue	13
(b) have been or may have been in contact with—	14 15
(i) a carcass of a mammal or of a bird; or	16 17
(ii) any material derived from a mammal or bird.	18 19
<i>Example—</i>	20
food or food scraps that may have been in contact with meat used in the preparation of food at a restaurant, hotel or domestic premises	21 22 23
2 However, <i>restricted animal material for pigs or poultry</i> does not include the following—	24 25
(a) gelatine prescribed by regulation;	26
<i>Examples—</i>	27
• a type of gelatine	28
• gelatine that has undergone a stated process	29 30
• gelatine from a stated source, origin, location or environment	31 32

[s 57]

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• gelatine fed in a stated way or under stated circumstances or conditions	1 2
(b) tallow prescribed by regulation;	3
(c) milk, a milk product or a milk by-product prescribed by regulation;	4 5
(d) used cooking oil prescribed by regulation.	6 7
<i>Note—</i>	8
The examples in paragraph (a) also apply to paragraphs (b), (c) and (d) as if paragraphs (b), (c) and (d) were about gelatine.	9 10 11
<b><i>restricted animal material for ruminants—</i></b>	12
1 <i>Restricted animal material for ruminants</i> is any of the following—	13 14
(a) a carcass of an animal that is a vertebrate;	15 16
(b) any material derived from an animal that is a vertebrate;	17 18
<i>Example of material—</i>	19
blood, bone, faeces, meal, meat, tissue	20
(c) any material that contains or may contain—	21 22
(i) a carcass of an animal that is a vertebrate; or	23 24
(ii) material derived from an animal that is a vertebrate;	25 26
(d) any material that has been or may have been in contact with—	27 28
(i) a carcass of an animal that is a vertebrate; or	29 30
(ii) material derived from an animal that is a vertebrate.	31 32

- 
- 2 However, *restricted animal material for ruminants* does not include the following— 1  
2
- (a) gelatine prescribed by regulation; 3
- Examples—* 4
- a type of gelatine 5
  - gelatine that has undergone a stated process 6  
7
  - gelatine from a stated source, origin, location or environment 8  
9
  - gelatine fed in a stated way or under stated circumstances or conditions 10  
11
- (b) tallow prescribed by regulation; 12
- (c) milk, a milk product or a milk by-product prescribed by regulation; 13  
14
- (d) used cooking oil prescribed by regulation. 15  
16
- Note—* 17
- The examples in paragraph (a) also apply to paragraphs (b), (c) and (d) as if paragraphs (b), (c) and (d) were about gelatine. 18  
19  
20
- (3) Schedule 5, definition *holding facility*, paragraph (e)— 21  
*omit.* 22
- (4) Schedule 5, definition *holding facility*, paragraphs (f) to (j)— 23  
*renumber* as paragraphs (e) to (i). 24
- (5) Schedule 5, definition *tallow*, paragraph (a)— 25  
*omit, insert—* 26
- (a) contains rendered animal fat or rendered oil from an animal; and 27  
28

[s 58]

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**Part 7** **Amendment of Brands Act 1915** 1

**Clause 58 Act amended** 2  
This part amends the *Brands Act 1915*. 3

**Clause 59 Omission of s 32 (Protection from liability)** 4  
Section 32— 5  
*omit.* 6

**Part 8** **Amendment of Chemical Usage** 7  
**(Agricultural and Veterinary)** 8  
**Control Act 1988** 9

**Clause 60 Act amended** 10  
This part amends the *Chemical Usage (Agricultural and* 11  
*Veterinary) Control Act 1988.* 12

**Clause 61 Amendment of s 9 (Person not to possess or use** 13  
**proscribed chemical)** 14  
Section 9— 15  
*insert—* 16  
*Note—* 17  
This provision is an executive liability provision—see 18  
section 30A. 19



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<b>Clause 62</b>	<b>Amendment of s 12 (Use of registered veterinary chemical products)</b>	1 2
	Section 12(4)—	3
	<i>insert—</i>	4
	<i>Note—</i>	5
	This subsection is an executive liability provision—see section 30A.	6 7
<b>Clause 63</b>	<b>Amendment of s 12E (Use of unregistered veterinary chemical products)</b>	8 9
	Section 12E(4)—	10
	<i>insert—</i>	11
	<i>Note—</i>	12
	This subsection is an executive liability provision—see section 30A.	13 14
<b>Clause 64</b>	<b>Amendment of s 12I (Use of compounded veterinary chemical products)</b>	15 16
	Section 12I(5)—	17
	<i>insert—</i>	18
	<i>Note—</i>	19
	This subsection is a deemed executive liability provision—see section 31.	20 21
<b>Clause 65</b>	<b>Amendment of s 12V (Observance of withholding period)</b>	22
	Section 12V(2)—	23
	<i>insert—</i>	24
	<i>Note—</i>	25
	This subsection is an executive liability provision—see section 30A.	26 27

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[s 66]

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<b>Clause 66</b>	<b>Amendment of s 13 (Use of registered agricultural chemical products in contravention of labels)</b>	1 2
	Section 13(1)—	3
	<i>insert</i> —	4
	<i>Note</i> —	5
	This subsection is an executive liability provision—see section 30A.	6 7
<b>Clause 67</b>	<b>Amendment of s 13A (Use of unregistered agricultural chemical products)</b>	8 9
	Section 13A(1)—	10
	<i>insert</i> —	11
	<i>Note</i> —	12
	This subsection is an executive liability provision—see section 30A.	13 14
<b>Clause 68</b>	<b>Amendment of s 13E (Use etc. of registered agricultural ERA products for agricultural ERAs)</b>	15 16
	Section 13E(1)—	17
	<i>insert</i> —	18
	<i>Note</i> —	19
	This subsection is a deemed executive liability provision—see section 31.	20 21
<b>Clause 69</b>	<b>Amendment of s 14 (Recall of chemicals etc.)</b>	22
	Section 14(3)—	23
	<i>insert</i> —	24
	<i>Note</i> —	25
	This subsection is a deemed executive liability provision—see section 31.	26 27

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<b>Clause 70</b>	<b>Amendment of s 16 (Agricultural produce etc. containing chemical residues not to be used etc.)</b>	1 2
	Section 16(6)—	3
	<i>insert</i> —	4
	<i>Note</i> —	5
	This subsection is an executive liability provision—see section 30A.	6 7
<b>Clause 71</b>	<b>Amendment of s 17 (Approval to use etc. agricultural produce etc. or cultivate plants on land)</b>	8 9
	Section 17(5)—	10
	<i>insert</i> —	11
	<i>Note</i> —	12
	This subsection is an executive liability provision—see section 30A.	13 14
<b>Clause 72</b>	<b>Amendment of s 18 (Destruction of agricultural produce etc. at direction of chief executive)</b>	15 16
	Section 18(2)—	17
	<i>insert</i> —	18
	<i>Note</i> —	19
	This subsection is an executive liability provision—see section 30A.	20 21
<b>Clause 73</b>	<b>Replacement of ss 30A and 31</b>	22
	Sections 30A and 31—	23
	<i>omit, insert</i> —	24
	<b>30A Liability of executive officer—particular offences committed by corporation</b>	25 26
	(1) An executive officer of a corporation commits an offence if—	27 28

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[s 73]

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- (a) the corporation commits an offence against an executive liability provision; and 1  
2
- (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence. 3  
4  
5
- Maximum penalty—the penalty for a contravention of the executive liability provision by an individual. 6  
7  
8
- (2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to— 9  
10  
11  
12
- (a) whether the officer knew, or ought reasonably to have known, of the corporation’s conduct constituting the offence against the executive liability provision; and 13  
14  
15  
16  
17
- (b) whether the officer was in a position to influence the corporation’s conduct in relation to the offence against the executive liability provision; and 18  
19  
20  
21
- (c) any other relevant matter. 22
- (3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision. 23  
24  
25  
26  
27
- (4) This section does not affect— 28
- (a) the liability of the corporation for the offence against the executive liability provision; or 29  
30  
31
- (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the 32  
33  
34

corporation, for the offence against the  
executive liability provision. 1  
2

(5) In this section— 3

*executive liability provision* means any of the  
following provisions— 4  
5

- section 9 6
- section 12(4) 7
- section 12E(4) 8
- section 12V(2) 9
- section 13(1) 10
- section 13A(1) 11
- section 16(6) 12
- section 17(5) 13
- section 18(2). 14

**31 Executive officer may be taken to have  
committed offence** 15  
16

(1) If a corporation commits an offence against a  
deemed executive liability provision, each  
executive officer of the corporation is taken to  
have also committed the offence if— 17  
18  
19  
20

(a) the officer authorised or permitted the  
corporation's conduct constituting the  
offence; or 21  
22  
23

(b) the officer was, directly or indirectly,  
knowingly concerned in the corporation's  
conduct. 24  
25  
26

(2) The executive officer may be proceeded against  
for, and convicted of, the offence against the  
deemed executive liability provision whether or  
not the corporation has been proceeded against  
for, or convicted of, the offence. 27  
28  
29  
30  
31

[s 74]

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	(3)	This section does not affect either of the following—	1 2
	(a)	the liability of the corporation for the offence against the deemed executive liability provision;	3 4 5
	(b)	the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the deemed executive liability provision.	6 7 8 9 10
	(4)	In this section—	11
		<i>deemed executive liability provision</i> means any of the following provisions—	12 13
		• section 12I(5)	14
		• section 13E(1)	15
		• section 14(3).	16
<b>Clause 74</b>		<b>Amendment of schedule (Dictionary)</b>	17
	(1)	Schedule, definition <i>executive officer</i> —	18
		<i>omit.</i>	19
	(2)	Schedule—	20
		<i>insert—</i>	21
		<i>executive officer</i> , of a corporation, means a person who is concerned with, or takes part in, the corporation’s management, whether or not the person is a director or the person’s position is given the name of executive officer.	22 23 24 25 26

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<b>Part 9</b>	<b>Amendment of Exotic Diseases in Animals Act 1981</b>	1 2
<b>Clause 75</b>	<b>Act amended</b>	3
	This part amends the <i>Exotic Diseases in Animals Act 1981</i> .	4
<b>Clause 76</b>	<b>Replacement of s 10 (Notification of restricted area)</b>	5
	Section 10—	6
	<i>omit, insert—</i>	7
	<b>10 Notification of restricted area</b>	8
	(1) The chief executive may, by notice signed by the chief executive and published on the department’s website (a <i>restricted area notice</i> ), notify a stated area as a restricted area for a stated exotic disease.	9 10 11 12 13
	<i>Editor’s note—</i>	14
	The address of the department’s website is < <a href="https://www.daf.qld.gov.au">https://www.daf.qld.gov.au</a> >.	15 16
	(2) A restricted area notice may state the species or class of animal or animals to which the notice relates.	17 18 19
	(3) For this section, a restricted area notice is given when it is published on the department’s website.	20 21
	(4) The chief executive may give a restricted area notice for an exotic disease—	22 23
	(a) if the chief executive is satisfied on reasonable grounds that giving the notice is necessary having regard to—	24 25 26
	(i) the seriousness or potential seriousness of the disease; and	27 28

[s 76]

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- (ii) its impact or likely impact on human or animal health, the economy or the environment; and
    - (iii) the nature and cause of the disease and its ability to spread or be spread; and
  - (b) even if, when the notice is given, it has not been confirmed to the chief executive that the disease is present in the area, if the chief inspector considers there is a real possibility the disease—
    - (i) is present in the area; or
    - (ii) has been or may be introduced into the area.
- (5) A restricted area notice is not subordinate legislation.
- (6) As soon as practicable after giving a restricted area notice, the chief executive must—
  - (a) publish the following in the gazette—
    - (i) the notice;
    - (ii) the places where a copy of the notice may be obtained;
    - (iii) that the notice is available on the department’s website, and the address of the website; and
  - (b) take all reasonable steps to ensure that persons likely to be directly affected by the notice are made aware of the notice, including, for example, by some or all of the following—
    - (i) advertising in newspapers, on radio or on television;
    - (ii) electronically using emails or text;



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	<i>Example—</i>	1
	SMS messaging in an area to which the notice relates	2 3
	(iii) automated telephoning.	4
(7)	The chief executive must table a copy of each restricted area notice given under subsection (1) (an <i>original notice</i> ) in the Legislative Assembly within 14 sitting days after giving the notice.	5 6 7 8
(8)	An original notice is not invalid only because of a failure of the chief executive to comply with subsection (6) or (7).	9 10 11
(9)	While an original notice is in force, the chief executive may make a replacement restricted area notice (a <i>replacement notice</i> ) that is subordinate legislation, in substantially the same terms as the original notice, with or without an expiry date for the replacement notice.	12 13 14 15 16 17
(10)	Unless it is sooner revoked, an original notice stays in force until—	18 19
	(a) a replacement notice for the original notice is made; or	20 21
	(b) otherwise—3 months have elapsed after the original notice is given.	22 23
(11)	To remove any doubt, it is declared that subsections (2) to (9) also apply for the amendment or revocation of a restricted area notice, to the greatest practicable extent.	24 25 26 27
<b>Clause 77</b>	<b>Replacement of s 16 (Notification of standstill zone)</b>	28
	Section 16—	29
	<i>omit, insert—</i>	30
	<b>16 Notification of standstill zone</b>	31
(1)	The chief executive may, by notice signed by the chief executive and published on the	32 33

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[s 77]

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- department's website (a *standstill zone notice*), 1  
notify a stated area as a standstill zone for a 2  
stated exotic disease. 3
- Editor's note—* 4
- The address of the department's website is 5  
<<https://www.daf.qld.gov.au>>. 6
- (2) A standstill zone notice must state both of the 7  
following to which the notice relates— 8
- (a) the species or class of animal or animals; 9
- (b) the category, class or type of carcass, animal 10  
product, biological preparation, property, 11  
vehicle or vessel. 12
- (3) For this section, a standstill zone notice is given 13  
when it is published on the department's website. 14
- (4) The chief executive may give a standstill zone 15  
notice for an exotic disease— 16
- (a) if the chief executive is satisfied on 17  
reasonable grounds that giving the notice is 18  
necessary having regard to— 19
- (i) the seriousness or potential seriousness 20  
of the disease; and 21
- (ii) its impact or likely impact on human or 22  
animal health, the economy or the 23  
environment; and 24
- (iii) the nature and cause of the disease and 25  
its ability to spread or be spread; and 26
- (b) even if, when the notice is given, it has not 27  
been confirmed to the chief executive that 28  
the disease is present in the area, if the chief 29  
inspector considers there is a real possibility 30  
the disease— 31
- (i) is present in the area; or 32
- (ii) has been or may be introduced into the 33  
area. 34

- 
- (5) A standstill zone notice is not subordinate legislation. 1  
2
- (6) As soon as practicable after giving a standstill zone notice, the chief executive must— 3  
4
- (a) publish the following in the gazette— 5
- (i) the notice; 6
- (ii) the places where a copy of the notice may be obtained; 7  
8
- (iii) that the notice is available on the department’s website, and the address of the website; and 9  
10  
11
- (b) take all reasonable steps to ensure that persons likely to be directly affected by the notice are made aware of the notice, including, for example, by some or all of the following— 12  
13  
14  
15  
16
- (i) advertising in newspapers, on radio or on television; 17  
18
- (ii) electronically using emails or text; 19
- Example—* 20
- SMS messaging in an area to which the notice relates 21  
22
- (iii) automated telephoning. 23
- (7) The chief executive must table a copy of each standstill zone notice given under subsection (1) (an **original notice**) in the Legislative Assembly within 14 sitting days after giving the notice. 24  
25  
26  
27
- (8) An original notice is not invalid only because of a failure of the chief executive to comply with subsection (6) or (7). 28  
29  
30
- (9) While an original notice is in force, the chief executive may make a replacement standstill zone notice (a **replacement notice**) that is subordinate legislation, in substantially the same 31  
32  
33  
34

[s 78]

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	terms as the original notice, with or without an expiry date for the replacement notice.	1 2
(10)	Unless it is sooner revoked, an original notice stays in force until—	3 4
(a)	a replacement notice for the original notice is made; or	5 6
(b)	otherwise—3 months have elapsed after the original notice is given.	7 8
(11)	To remove any doubt, it is declared that subsections (2) to (9) also apply for the amendment or revocation of a standstill zone notice, to the greatest practicable extent.	9 10 11 12
<b>Part 10</b>	<b>Amendment of Forestry Act 1959</b>	13 14
<b>Clause 78</b>	<b>Act amended</b>	15
	This part amends the <i>Forestry Act 1959</i> .	16
<b>Clause 79</b>	<b>Amendment of s 32B (Particular areas of conservation value to be removed from State plantation forest)</b>	17 18
(1)	Section 32B, table, first entry for Palen Creek, column 2, ‘Lots A,B,C,D & E on PLP0200’—	19 20
	<i>omit, insert—</i>	21
	Lots A,B & C on PLP0200	22
(2)	Section 32B, table, entry for Brooweena, column 2, ‘Lot N on PLP1924’—	23 24
	<i>omit, insert—</i>	25
	Lot N on PLP1294	26

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<b>Clause 80</b>	<b>Amendment of s 33 (Cardinal principle of management of State forests)</b>	1
	Section 33(2)(a) and (b), at the end—	2
	<i>insert—</i>	3
	and	4
<b>Clause 81</b>	<b>Amendment of s 34 (Use of State forests)</b>	5
	Section 34(1)(a) to (i), at the end—	6
	<i>insert—</i>	7
	and	8
<b>Clause 82</b>	<b>Amendment of s 34C (Feature protection area)</b>	9
	Section 34C(a) and (b), at the end—	10
	<i>insert—</i>	11
	and	12
<b>Clause 83</b>	<b>Amendment of s 34D (State forest park)</b>	13
	Section 34D(a) to (c), at the end—	14
	<i>insert—</i>	15
	and	16
<b>Clause 84</b>	<b>Amendment of s 34E (Scientific area)</b>	17
	Section 34E(1)(a) and (b), at the end—	18
	<i>insert—</i>	19
	and	20
		21

[s 85]

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<b>Clause 85</b>	<b>Amendment of s 34F (Forest drive)</b>	1
	Section 34F(a) and (b), at the end—	2
	<i>insert—</i>	3
	and	4
<b>Clause 86</b>	<b>Amendment of s 53 (Interference with forest products on Crown holdings and particular entitlements)</b>	5
	(1) Section 53(1)(b) to (d)—	6
	<i>renumber</i> as section 53(1)(a) to (c).	7
	(2) Section 53(2)—	8
	<i>renumber</i> as section 53(3).	9
	(3) Section 53—	10
	<i>insert—</i>	11
	(2) Subsection (1) does not apply if—	12
	(a) the person is acting under the <i>Biosecurity Act 2014</i> ; and	13
	(b) that action destroys the tree or gets the other forest products; and	14
	(c) the tree, or other forest products, is restricted matter.	15
<b>Clause 87</b>	<b>Amendment of s 53A (Interfering with forest products on forest consent area)</b>	16
	Section 53A—	17
	<i>insert—</i>	18
	(2) Subsection (1) does not apply if—	19
	(a) the person is acting under the <i>Biosecurity Act 2014</i> ; and	20
		21
		22
		23
		24
		25
		26

---

	(b) that action interferes with, or causes to be interfered with, the forest products; and	1 2
	(c) the forest products are restricted matter.	3
<b>Clause 88</b>	<b>Amendment of s 54 (Interfering with forest products on Crown lands etc.)</b>	4 5
	(1) Section 54(2)— <i>renumber</i> as section 54(3).	6 7
	(2) Section 54— <i>insert</i> —	8 9
	(2) Subsection (1) does not apply if—	10
	(a) the person is acting under the <i>Biosecurity Act 2014</i> ; and	11 12
	(b) that action interferes with, or causes to be interfered with, the forest products; and	13 14
	(c) the forest products are restricted matter.	15
<b>Clause 89</b>	<b>Amendment of s 69H (Abandoning waste materials or human waste)</b>	16 17
	Section 69H(4) and (5)— <i>renumber</i> as section 69H(3) and (4).	18 19
<b>Clause 90</b>	<b>Amendment of s 69J (Littering)</b>	20
	Section 69J(5)— <i>omit</i> .	21 22
<b>Clause 91</b>	<b>Amendment of s 69N (Maximum number of people who may camp under permit or approval)</b>	23 24
	Section 69N(1), second paragraph (a)— <i>renumber</i> as section 69N(1)(b).	25 26

[s 92]

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<b>Clause 92</b>	<b>Amendment of s 73E (Bringing plants into State forest or timber reserve)</b>	1
		2
(1)	Section 73E(1)—	3
	<i>insert—</i>	4
	Maximum penalty—50 penalty units.	5
(2)	Section 73E(2), penalty—	6
	<i>omit.</i>	7
<b>Clause 93</b>	<b>Amendment of sch 3 (Dictionary)</b>	8
(1)	Schedule 3—	9
	<i>insert—</i>	10
	<i>apiary permits</i> see section 35(1)(d).	11
	<i>occupation permits</i> see section 35(1)(a).	12
	<i>stock grazing permits</i> see section 35(1)(c).	13
(2)	Schedule 3—	14
	<i>insert—</i>	15
	<i>restricted matter</i> see the <i>Biosecurity Act 2014</i> , section 21.	16 17
(3)	Schedule 3, definition <i>place</i> , ‘ship,’—	18
	<i>omit.</i>	19



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<b>Part 11</b>	<b>Amendment of Nature Conservation and Other Legislation Amendment Act (No. 2) 2013</b>	1
		2
		3
		4
<b>Clause 94</b>	<b>Act amended</b>	5
	<i>This part amends the <i>Nature Conservation and Other Legislation Amendment Act (No. 2) 2013</i>.</i>	6
		7
<b>Clause 95</b>	<b>Omission of pt 4 (Amendments about forest reserves commencing by proclamation)</b>	8
	Part 4—	9
	<i>omit.</i>	10
		11
<b>Clause 96</b>	<b>Amendment of sch 1 (Consequential and minor amendments)</b>	12
	Schedule 1, part 3—	13
	<i>omit.</i>	14
		15
<b>Part 12</b>	<b>Amendment of Stock Act 1915</b>	16
<b>Clause 97</b>	<b>Act amended</b>	17
	<i>This part amends the <i>Stock Act 1915</i>.</i>	18
<b>Clause 98</b>	<b>Amendment of s 14 (Quarantine)</b>	19
	(1) Section 14(1), ‘shall’—	20
	<i>omit, insert—</i>	21
	may	22

[s 99]

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- (2) Section 14(2), ‘that, but for this subsection, would be required to be placed in quarantine’— 1  
2  
*omit.* 3

**Part 13** **Other amendments of Animal Management (Cats and Dogs) Act 2008** 4  
5  
6

<b>Clause 99</b>	<b>Act amended</b>	7
	Schedule 1 amends the <i>Animal Management (Cats and Dogs) Act 2008</i> .	8 9

<b>Schedule 1</b>	<b>Other amendments of Animal Management (Cats and Dogs) Act 2008</b>	1
		2
		3
	section 99	4
<b>1</b>	<b>Each of the following provisions is amended by omitting 'PID' and inserting 'PPID'—</b>	5
		6
	• section 4(g)	7
	• section 13(1)	8
	• section 16	9
	• section 26	10
	• section 34	11
	• section 35	12
	• section 36(1)	13
	• section 37	14
	• section 38	15
	• section 40(2)	16
	• section 41(1)(a)(i)	17
	• section 144(e)	18
	• section 147(b)	19
	• section 173(2)(d)	20
	• section 181(1)	21
	• section 182	22
	• section 184	23
	• section 185	24
	• section 187	25

Schedule 1

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<b>2</b>	<b>Section 168, ‘PID service’—</b>	1
	<i>omit, insert—</i>	2
	PPID registry service	3
<b>3</b>	<b>Schedule 1, section 2(1), note—</b>	4
	<i>omit.</i>	5

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