

*I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.*

*Legislative Assembly Chamber,
Brisbane,*

The Clerk of the Parliament.

25 May 20 16

In the name and on behalf of the Queen, I assent to this Bill.

Paul de Jersey

Government House,

Brisbane,

25 May 20 16



Queensland

No. 28 of 2016

A BILL for

**An Act to amend the Animal Care and Protection Act 2001, the Animal
Management (Cats and Dogs) Act 2008 and the Biosecurity Act 2014 for
particular purposes**



Queensland

Animal Management (Protecting Puppies) and Other Legislation Amendment Bill 2016

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2016

A Bill

for

An Act to amend the *Animal Care and Protection Act 2001*, the *Animal Management (Cats and Dogs) Act 2008* and the *Biosecurity Act 2014* for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2016*.

2 Commencement

Parts 3 and 5 commence on a day to be fixed by proclamation.

Part 2 Amendment of Animal Care and Protection Act 2001

3 Act amended

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

4 Amendment of s 32 (Keeping or using kill or lure for blooding or coursing)

(1) Section 32(a)—

omit, insert—

(a) to give a dog a taste or sight of the animal's blood; or

(2) Section 32—

insert—

- (2) For subsection (1)(a), it does not matter whether the dog has previously tasted or seen the blood of the animal or of another animal.

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

5 Act amended

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

Note—

See also the amendments in schedule 1.

6 Amendment of s 3 (Purposes of Act)

Section 3—

insert—

- (e) promote the responsible breeding of dogs.

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

(1) Section 4—

insert—

- (ba) imposing registration obligations on dog breeders;
- (bb) regulating the supply of dogs and the advertising of dogs for supply;
- (bc) providing for the sharing of information about dog breeders with particular agencies

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and entities that are responsible for animal welfare;

- (2) Section 4(e), after ‘establish a’—

insert—

breeder register and

- (3) Section 4(ba) to (j)—

renumber as section 4(c) to (m).

8 Insertion of new s 12A

Chapter 1, part 3, division 2—

insert—

12A When a person *breeds* a dog

- (1) A person *breeds* a dog if the dog is born to a female dog that is usually kept by the person, including through an agent, employee or anyone else.
- (2) However, if the person who usually keeps the female dog is a child, the dog born to the female dog is taken to have been bred by a parent or guardian of the child.
- (3) For subsections (1) and (2), it is irrelevant whether the person or, if the person is a child, a parent or guardian of the person intends to keep the dog or supply it to another person.

9 Amendment of ch 2, pt 1, div 1, hdg (Obligation on supplier or owner of cat or dog)

Chapter 2, part 1, division 1, heading, ‘supplier or’—

omit.

10 Omission of s 13 (Supplier must ensure cat or dog is implanted)

Section 13—

omit.

11 Insertion of new chs 2A and 2B

After chapter 2—

insert—

Chapter 2A Registration of dog breeders and related matters

Part 1 Preliminary

43A Definitions for chapter

In this chapter—

accreditation number see section 43C(1).

accredited breeder, of an approved entity, see section 43B(1).

approval day, for an approved entity, means the day the entity is prescribed as an approved entity under section 43W.

approved entity means an entity prescribed as an approved entity under section 43W.

breeder ID number, of a registered breeder, see section 43G(1)(b).

designated details, of a person, means the following details—

- (a) the person's name;

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- (b) the address of—
 - (i) if the person is an individual—the person’s place of residence; or
 - (ii) if the person is a body corporate—the body corporate’s place of business, head office or registered office;
- (c) the local government area in which—
 - (i) if the person is an individual—the person’s place of residence is located; or
 - (ii) if the person is a body corporate—the body corporate’s place of business, head office or registered office is located;
- (d) the person’s telephone number;
- (e) the person’s email address.

ineligible person see section 43D.

online breeder registration system means the online system for breeder registration and related matters on, or accessible from, the department’s website.

registered breeder means a person registered under part 2.

registration date see section 43G(2)(c).

renewal date see section 43L(2)(c).

renewal fee see section 43J(2)(b)(ii).

renewal notice see section 43J(1).

43B Who is an *accredited breeder*

- (1) A person is an ***accredited breeder***, of an approved entity, if the person is accredited by the approved entity to breed dogs under an

accreditation scheme conducted by the approved entity.

- (2) For subsection (1), it does not matter that the person is accredited before the approval day for the approved entity.
- (3) However, if the person is accredited before the approval day for the approved entity, the person only becomes an accredited breeder of the approved entity on the approved entity's approval day.

43C What is an *accreditation number*

- (1) An *accreditation number* is the unique identifying number an approved entity gives a person who is an accredited breeder of the approved entity.
- (2) For subsection (1), it does not matter that the unique identifying number is given before the approval day for the approved entity.
- (3) However, if the unique identifying number is given before the approval day for the approved entity, the number only becomes the accreditation number of the accredited breeder on the approved entity's approval day.

43D Who is an *ineligible person*

A person is an *ineligible person* if—

- (a) the person is a child; or
- (b) the person is subject to—
 - (i) a prohibition order or an interim prohibition order made under the *Animal Care and Protection Act 2001*; or

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- (ii) an order made under a law of another State or the Commonwealth having the same, or substantially the same, effect as an order mentioned in subparagraph (i); or
- (c) the person's registration as a registered breeder has been cancelled under part 2, division 4 in the last 5 years; or
- (d) the person's registration, under a corresponding law, to breed dogs has been cancelled in the last 5 years.

Part 2 Registration of dog breeders

Division 1 Registration

43E Registration obligation

- (1) This section applies to a person who—
 - (a) breeds a dog; and
 - (b) on the day the dog is born, is not a registered breeder.
- (2) The person must, within 28 days after the day the dog is born, apply to be registered as a registered breeder unless the person has a reasonable excuse.
Maximum penalty—50 penalty units.
- (3) However, a person does not commit an offence against subsection (2) if the person is—
 - (a) an accredited breeder of an approved entity; or

- (b) a primary producer who has bred the dog from a working dog—
 - (i) to use as a working dog; or
 - (ii) to supply the dog to another primary producer to use as a working dog; or
 - (c) a member of a class of persons prescribed by regulation.
- (4) Also, a person does not commit an offence against subsection (2) if the dog dies within 28 days after the day it is born.

43F Applying for registration

- (1) A person, other than an ineligible person, may apply to the chief executive to be registered as a registered breeder.
- (2) The application must be made—
 - (a) electronically using the online breeder registration system; or
 - (b) in the approved form.
- (3) Also, the application must—
 - (a) include the designated details of the person; and
 - (b) be accompanied by the fee prescribed by regulation.

43G Registration of person as registered breeder

- (1) The chief executive must, as soon as practicable after receiving an application under section 43F—
 - (a) register the person as a registered breeder by recording the person's designated details in the breeder register; and

[s 11]

- (b) issue a unique identifying number (the *breeder ID number*) for the person; and
 - (c) give the person a notice about the person's registration as a registered breeder.
- (2) The notice must state—
 - (a) the designated details of the person as recorded in the breeder register; and
 - (b) the person's breeder ID number; and
 - (c) the date the person was registered (the *registration date*).

43H Period of registration

A person's registration as a registered breeder ends 1 year after the registration date stated in the notice given to the person under section 43G, unless the registration is sooner cancelled under division 4.

43I No transfer of registration

A person's registration as a registered breeder may not be transferred.

Division 2 Renewal of registration

43J Chief executive must give renewal notice

- (1) The chief executive must give a registered breeder a notice (a *renewal notice*) to renew the breeder's registration as a registered breeder.
- (2) The renewal notice must—
 - (a) be given at least 14 days before the registration ends; and
 - (b) state—

- (i) the designated details of the registered breeder as recorded in the breeder register; and
- (ii) that the registered breeder may renew the registration by paying the fee (the *renewal fee*) prescribed by regulation to the chief executive; and
- (iii) the period for which the registration is to be renewed.

43K Applying for renewal of registration

- (1) The registered breeder may renew the breeder's registration, before the registration ends, by paying the renewal fee.
- (2) This section applies whether or not the registered breeder has been given a renewal notice.

43L Renewal of registration

- (1) The chief executive must, within 14 days after receiving the renewal fee, give the registered breeder a notice about the renewal of registration as a registered breeder.
- (2) The notice must state—
 - (a) the designated details of the registered breeder as recorded in the breeder register; and
 - (b) the breeder ID number of the registered breeder; and
 - (c) the date (the *renewal date*) the person's registration as a registered breeder was renewed.

[s 11]

43M Period of renewal of registration

A person's registration ends 1 year after the renewal date stated in the notice given to the person under section 43L, unless the registration is sooner cancelled under division 4.

Division 3 Amendment of registration

43N Registered breeder must give chief executive changed information

- (1) This section applies if the designated details of a registered breeder change.
- (2) The registered breeder must, unless the breeder has a reasonable excuse, within 7 days after the designated details change, give the chief executive notice of the change in a way mentioned in subsection (3).

Maximum penalty—50 penalty units.

- (3) The notice must be given—
 - (a) electronically using the online breeder registration system; or
 - (b) in the approved form.

43O Chief executive must record changed information and give notice of change

- (1) This section applies if the chief executive receives a notice, from a registered breeder, under section 43N.
- (2) The chief executive must—
 - (a) as soon as practicable after receiving the notice, record the change in the designated details of the registered breeder in the breeder register; and

- (b) within 14 days after receiving the notice, give the registered breeder a notice stating the designated details of the registered breeder as recorded in the register.

Division 4 Suspension or cancellation of registration

43P Grounds for suspension or cancellation

Each of the following is a ground for suspending or cancelling a person's registration as a registered breeder—

- (a) the person becomes an ineligible person under section 43D(b);
- (b) the person was registered because of a materially false or misleading representation or declaration;
- (c) the person is charged with an animal welfare offence;
- (d) the person is charged with an offence against a law of the Commonwealth or another State if the act or omission constituting the offence would, if it happened in Queensland, be an animal welfare offence.

43Q Show cause notice

- (1) This section applies if the chief executive believes a ground exists under section 43P to suspend or cancel (the *proposed action*) a person's registration as a registered breeder.
- (2) The chief executive must give the person a notice (a *show cause notice*)—

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- (a) stating the proposed action; and
 - (b) stating the grounds for the proposed action; and
 - (c) outlining the facts and circumstances forming the basis for the grounds; and
 - (d) if the proposed action is to suspend the registration—stating the period of the proposed suspension; and
 - (e) inviting the person, within a stated period (the *show cause period*), to make written representations to the chief executive about why the proposed action should not be taken.
- (3) The show cause period must be a period ending at least 21 days after the day the show cause notice is given to the person.

43R Representations about show cause notice

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

43S Ending show cause process without further action

If, after considering the accepted representations, the chief executive no longer believes a ground exists to take the proposed action, the chief executive—

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

- (b) must, as soon as practicable, give the person a notice stating the proposed action will not be taken.

43T Suspension or cancellation

- (1) This section applies if, after considering any accepted representations, the chief executive—
 - (a) still believes a ground exists to take the proposed action; and
 - (b) believes the proposed action is warranted.
- (2) This section also applies if there are no accepted representations.
- (3) The chief executive may decide to—
 - (a) if the proposed action was to suspend the registration for a stated period—suspend the registration for not longer than the stated period; or
 - (b) if the proposed action was to cancel the registration—cancel the registration or suspend it for a stated period.
- (4) The chief executive must, as soon as practicable after making the decision, give the person an information notice for the decision.
- (5) The decision takes effect on the later of the following days—
 - (a) the day the information notice is given to the person;
 - (b) the day stated in the information notice.

43U Immediate suspension

- (1) The chief executive may decide to suspend a person's registration as a registered breeder immediately if the chief executive believes—

[s 11]

- (a) a ground exists to take proposed action in relation to the person's registration; and
 - (b) it is necessary to suspend the registration immediately because there is an immediate and serious risk—
 - (i) to the welfare of dogs; or
 - (ii) of harm to the effectiveness of the registration of persons as registered breeders under this Act.
- (2) The chief executive must, as soon as practicable after making the decision, give the person—
 - (a) an information notice for the decision to suspend the registration immediately; and
 - (b) a show cause notice in relation to the proposed action.
- (3) The suspension—
 - (a) takes effect when the notices are given to the person; and
 - (b) continues until the earliest of the following—
 - (i) the chief executive ends the suspension;
 - (ii) the show cause notice is finally dealt with;
 - (iii) the day that is 28 days after the notices were given to the person.

Part 3 Approved entities

43V Definition for part

In this part—

relevant information means—

- (a) for a person who becomes an accredited breeder of an approved entity—
 - (i) the person's designated details; and
 - (ii) the person's accreditation number; and
 - (iii) the date the person becomes an accredited breeder of the approved entity; and
 - (iv) the date the person's accreditation ends; or
- (b) for a person who ceases to be an accredited breeder of an approved entity—
 - (i) the person's designated details; and
 - (ii) the number that, immediately before the person ceases to be an accredited breeder of the approved entity, is the person's accreditation number; and
 - (iii) the date the person ceases to be an accredited breeder of the approved entity.

43W Approved entity may be prescribed

- (1) A regulation may prescribe an entity as an approved entity.
- (2) The Minister may recommend the making of a regulation under subsection (1) only if the Minister is satisfied—
 - (a) the entity conducts an accreditation scheme for persons who breed dogs; and
 - (b) the entity gives a unique identifying number to each person accredited under the accreditation scheme; and

[s 11]

- (c) the accreditation scheme requires a person accredited under the scheme, within 7 days after the designated details of the person change, to give the entity notice of the change; and
- (d) if the entity is prescribed as an approved entity, the entity would be able and willing to give the chief executive—
 - (i) the relevant information for each person who becomes an accredited breeder of the approved entity, within 7 days after the person is accredited; and

Note—

See section 43B for when a person becomes an accredited breeder of an approved entity.

- (ii) the relevant information for each person who ceases to be an accredited breeder of the approved entity, within 7 days after the cessation; and
 - (iii) notice of a change in the designated details of an accredited breeder of the approved entity, within 7 days after the day the breeder gives the entity notice of the change; and
 - (iv) any other information about a person mentioned in subparagraph (i), (ii) or (iii) requested by the chief executive to help monitor or enforce compliance with this Act.

Chapter 2B Supply of cats and dogs

Part 1 Preliminary

43X What is a dog's *relevant supply number*

- (1) The *relevant supply number* is—
 - (a) for a dog bred by a person who is a registered breeder—the person's breeder ID number; or
 - (b) for a dog bred by a person who applies for registration as a registered breeder within 28 days after the day the dog is born and who is registered as a registered breeder—the person's breeder ID number.
- (2) However, if a dog is bred by a registered breeder while the breeder's registration is suspended under chapter 2A, part 2, division 4, the dog is taken not to have a relevant supply number.
- (3) The *relevant supply number* for a dog bred by a person who is an accredited breeder of an approved entity is the person's accreditation number.
- (4) The *relevant supply number* for a dog bred by a person who is a recognised interstate breeder is the unique number that identifies the person as a recognised interstate breeder.
- (5) The exemption number issued under part 5 for a dog is the *relevant supply number* for the dog.
- (6) The breeder ID number of a pound or shelter is the *relevant supply number* for a dog impounded, or being provided shelter, by the pound or shelter if, when the dog entered the

[s 11]

pound or shelter, there was no relevant supply number for the dog.

- (7) In this section—

recognised interstate breeder means a person registered, however described, under a corresponding law to breed dogs.

shelter includes a veterinary surgery to the extent it provides shelter for a dog that is homeless, lost or stray.

Part 2 Requirement for cat or dog to be implanted

43Y Supplier must ensure cat or dog is implanted

- (1) A person must not, without reasonable excuse, supply a cat or dog to anyone else if it is not implanted with a PPID.

Maximum penalty—20 penalty units.

- (2) It is not a reasonable excuse for subsection (1) that the cat or dog is less than 8 weeks old.

Note—

See section 24 for restrictions on implanting a PPID in a cat or dog that is less than 8 weeks old.

- (3) In a proceeding for an offence against subsection (1) relating to the supply of a cat, it is a defence for the defendant to prove that, when the cat was supplied—
- (a) the cat was at least 8 weeks old; and
 - (b) there was a veterinary surgeon's certificate for the cat.

- (4) In a proceeding for an offence against subsection (1) relating to the supply of a dog, it is a defence for the defendant to prove—
- (a) when the dog was supplied—
 - (i) the dog was at least 8 weeks old; and
 - (ii) there was a veterinary surgeon's certificate for the dog; and
 - (iii) the defendant gave the person to whom the dog was supplied a copy of the veterinary surgeon's certificate for the dog; or
 - (b) the supply of the dog was to use it—
 - (i) as a government entity dog; or
 - (ii) as a working dog; or
 - (iii) for another purpose prescribed by regulation.
- (5) In this section—
- veterinary surgeon's certificate*, for a cat or dog, means a certificate signed by a veterinary surgeon stating that implanting the cat or dog with a PPID is likely to be a serious risk to the health of the cat or dog.

Part 3 Requirement for relevant supply number for dog

43Z Supplier must know dog has relevant supply number

A person must not, without reasonable excuse, supply a dog to another person unless the person knows—

[s 11]

- (a) there is a relevant supply number for the dog; and
- (b) the PPID information kept for the dog under section 36 includes the relevant supply number.

Note—

Under section 38, the PPID information for a dog may be disclosed to the owner of the dog by a licence holder providing a PPID registry service for the dog.

Maximum penalty—50 penalty units.

43ZA Exceptions for supply of dog

- (1) A person does not commit an offence against section 43Z if the dog is supplied in any of the following circumstances—
 - (a) the dog is bred, by a primary producer, from a working dog and supplied to another primary producer to use as a working dog;
 - (b) the dog is supplied by a member of a class of persons prescribed under section 43E(3)(c);
 - (c) the dog is supplied to a pound or shelter.
- (2) Also, if the dog is not required under section 43Y(1) to be implanted with a PPID for the supply, a person does not commit an offence against section 43Z only because the person does not know the matter mentioned in section 43Z(b).
- (3) In this section—

shelter includes a veterinary surgery to the extent it provides shelter for a dog that is homeless, lost or stray.

43ZB Advertiser must know dog has relevant supply number

A person must not, without reasonable excuse, advertise a dog for supply unless the person knows—

- (a) there is a relevant supply number for the dog; and
- (b) the PPID information kept for the dog under section 36 includes the relevant supply number.

Note—

Under section 38, the PPID information for a dog may be disclosed to the owner of the dog by a licence holder providing a PPID registry service for the dog.

Maximum penalty—50 penalty units.

43ZC Advertisement must include relevant supply number

A person who advertises a dog for supply must include the relevant supply number for the dog in the advertisement unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

43ZD Exceptions for advertising supply of dog

- (1) A person does not commit an offence against section 43ZB or 43ZC if the dog is advertised for supply in either of the following circumstances—
 - (a) the dog is bred, by a primary producer, from a working dog and is advertised for supply only to another primary producer to use as a working dog;
 - (b) the dog is advertised for supply by a member of a class of persons prescribed

[s 11]

under section 43E(3)(c).

- (2) Also, a person does not commit an offence against section 43ZB only because the person does not know the matter mentioned in section 43ZB(b) if—
- (a) the dog is at least 8 weeks old and there is a veterinary surgeon's certificate for the dog; or
 - (b) the dog is advertised for supply only—
 - (i) as a government entity dog; or
 - (ii) as a working dog; or
 - (iii) for another purpose prescribed by regulation.

43ZE Printer or publisher not liable in particular circumstances

A person does not commit an offence against section 43ZB or 43ZC merely because the person, as part of the person's printing or publishing business, prints or publishes an advertisement for another person.

Part 4 Requirement to give particular details

43ZF Supplier of dog must give particular details

- (1) A person who supplies a dog to another person must give the other person a notice stating—
- (a) the name of the supplier of the dog; and
 - (b) the relevant supply number for the dog.
- Maximum penalty—50 penalty units.

- (2) However, a person does not commit an offence against subsection (1) only because the person fails to comply with subsection (1)(b) if the dog is supplied in any of the following circumstances—
 - (a) the dog is bred, by a primary producer, from a working dog and supplied to another primary producer to use as a working dog;
 - (b) the dog is supplied by a member of a class of persons prescribed under section 43E(3)(c);
 - (c) the dog is supplied to a pound or shelter.
- (3) In this section—
 - supplier*, of a dog, means—
 - (a) if the dog is supplied as part of a business activity that includes the supply of dogs—the person who conducts the business activity; or
 - (b) otherwise—the person who supplies the dog.

Part 5 Exemption numbers for supply of dogs

Division 1 Preliminary

43ZG Eligible person—primary producer

- (1) A person is an *eligible person* in relation to a dog if—
 - (a) the dog—
 - (i) was bred, by a primary producer, from a working dog; and

[s 11]

- (ii) was supplied to the person, when the person was a primary producer, to use as a working dog; and
- (b) the person proposes to supply the dog to another person—
 - (i) who is not a primary producer; or
 - (ii) other than to use as a working dog.
- (2) For subsection (1), it is irrelevant whether—
 - (a) the dog was supplied to the person by the primary producer who bred the dog or another person; or
 - (b) the person proposing to supply the dog is still a primary producer.

43ZH Eligible person—prescribed person

A person is also an *eligible person* in relation to a dog if—

- (a) the dog was bred and supplied to the person by a member of a class of persons prescribed under section 43E(3)(c); and
- (b) the person proposes to supply the dog to another person.

43ZI Eligible person—owner or responsible person

A person is also an *eligible person* in relation to a dog if the person—

- (a) is the owner of, or responsible person for, the dog; and
- (b) did not breed the dog; and
- (c) does not conduct a business activity that includes the supply of dogs.

Division 2 Applications for exemption numbers

43ZJ Applying for exemption number

- (1) A person who is an eligible person in relation to a dog may apply to the chief executive for an exemption number for the dog.
- (2) The application must be made—
 - (a) electronically using the online breeder registration system; or
 - (b) in the approved form.
- (3) The application must—
 - (a) include enough information to enable the chief executive to decide the application; and
 - (b) be accompanied by the fee prescribed by regulation.

43ZK Deciding application

- (1) The chief executive must decide to approve, or refuse to approve, the application.
- (2) The chief executive must decide to refuse to approve the application if satisfied the applicant is not an eligible person in relation to the dog.
- (3) If the chief executive decides to refuse to approve the application, the chief executive must give the applicant an information notice for the decision.

43ZL Failure to decide application

- (1) If the chief executive fails to decide the application within 28 days after its receipt, the

[s 12]

failure is taken to be a decision by the chief executive to refuse to approve the application.

- (2) If the chief executive is taken to have decided to refuse to approve the application, the applicant is entitled to be given an information notice for the decision by the chief executive.

43ZM Chief executive must issue exemption number

If the chief executive decides to approve the application, the chief executive must, as soon as practicable after making the decision—

- (a) issue a unique identifying number (an ***exemption number***) for the dog; and
- (b) give the applicant a notice stating the exemption number.

12 Amendment of s 44 (Registration obligation)

Section 44(1)(a)—

insert—

Note—

However, the operator of a pound or shelter may be required under section 43E to apply to be registered as a registered breeder.

13 Insertion of new ss 140A and 140B

After section 140—

insert—

140A Power to require information

- (1) This section applies if an authorised person reasonably believes—
 - (a) an offence against this Act has been committed; and

- (b) a person may be able to give information about the offence.
- (2) The authorised person may, by notice given to the person, require the person to give the authorised person information related to the offence by a stated reasonable time.
- (3) For information that is an electronic document, compliance with the requirement requires the giving of a clear image or written version of the electronic document.
- (4) In this section—
information includes a document.

140B Offence to contravene information requirement

- (1) A person of whom a requirement is made under section 140A must comply with the requirement unless the person has a reasonable excuse.
Maximum penalty—50 penalty units.
- (2) It is a reasonable excuse for an individual not to give the information if giving the information might tend to incriminate the individual or expose the individual to a penalty.

14 Insertion of new ch 7, pt 1, div 1, hdg

Chapter 7, part 1, before section 172—

insert—

Division 1 Registers to be kept

15 Amendment of s 172 (Chief executive must keep registers)

- (1) Section 172, heading, ‘registers’—

[s 16]

omit, insert—

regulated dog register

- (2) Section 172(3) to (5).

omit.

16 Insertion of new ss 172A–172C, ch 7, pt 1, div 2, hdg, ss 172D and 172E and ch 7, pt 1, div 3, hdg

After section 172—

insert—

172A Chief executive must keep licence holder register

- (1) The chief executive must keep a register of licence holders (the *licence holder register*).
- (2) The licence holder register must contain the information about a licence holder required, under section 154, to be stated on the holder's licence.

172B Chief executive must keep breeder register

- (1) The chief executive must keep a register of persons who breed dogs (the *breeder register*).
- (2) The breeder register must contain the following information—
 - (a) for each person who is registered as a registered breeder—
 - (i) the designated details of the person; and
 - (ii) the person's breeder ID number; and
 - (iii) the date on which the registration ends;
 - (b) the information mentioned in section 43W(2)(d)(i) that is given to the chief

- executive about a person who becomes an accredited breeder of an approved entity;
- (c) the information mentioned in section 43W(2)(d)(ii) that is given to the chief executive about a person who ceases to be an accredited breeder of an approved entity;
- (d) the information mentioned in section 43W(2)(d)(iii) that is given to the chief executive about a change in the designated details of an accredited breeder of an approved entity;
- (e) for each exemption number issued under chapter 2B, part 5 for a dog—
 - (i) the designated details of the eligible person in relation to the dog; and
 - (ii) whether the eligible person is an eligible person in relation to the dog under section 43ZG, 43ZH or 43ZI; and
 - (iii) the exemption number; and
 - (iv) a description of the dog; and
 - (v) the date the exemption number was issued.
- (3) Information mentioned in subsection (2) must be kept in the breeder register until at least—
 - (a) if the information is about a person who was a registered breeder—the person has not been a registered breeder for 5 years; or
 - (b) if the information is about a person who was an accredited breeder of an approved entity—the person has not been an accredited breeder of an approved entity for at least 5 years; or

[s 16]

- (c) if the information is about an exemption number issued under chapter 2B, part 5 for a dog—5 years after the exemption number was issued.

172C Chief executive may decide way registers to be kept

The chief executive may keep a register mentioned in section 172, 172A or 172B in the way the chief executive considers appropriate, including, for example, in electronic form.

Division 2 Publication of particular information contained in registers

172D Licence holder register

The chief executive may publish information contained in the publicly available part of the licence holder register at the times and in the way the chief executive decides.

172E Breeder register

- (1) The chief executive must publish the publicly available part of the breeder register on the online breeder registration system.

Note—

See section 173C in relation to personal information that must not be included in the publicly available part of the breeder register or published on the online breeder registration system.

- (2) In this section—

publicly available part, of the breeder register, means the part of the register containing the

following information for a person who is a registered breeder or an accredited breeder of an approved entity—

- (a) the person's name;
- (b) the person's breeder ID number or accreditation number;
- (c) the date the person's registration or accreditation ends;
- (d) the local government area in which—
 - (i) if the person is an individual—the person's place of residence is located; or
 - (ii) if the person is a body corporate—the body corporate's place of business, head office or registered office is located;
- (e) the person's telephone number or email address, as decided by the person.

Division 3 Inspection of registers

17 Amendment of s 173 (Who may inspect registers)

- (1) Section 173, heading, 'registers'—

omit, insert—

regulated dog register

- (2) Section 173(4) to (8)—

omit.

18 Insertion of new ss 173A–173D and ch 7, pt 1, div 4, hdg

After section 173—

insert—

173A Who may inspect licence holder register

A person may, free of charge, inspect the information contained in the publicly available part of the licence holder register at the department's head office during normal business hours.

173B Who may inspect breeder register

(1) The following persons may inspect the information contained in the breeder register—

- (a) the chief executive or a person engaged, employed or appointed by the chief executive to perform functions under this Act or the *Animal Care and Protection Act 2001*;

Example of a person appointed to perform a function under the Animal Care and Protection Act 2001—

an individual employed by the Royal Society for the Prevention of Cruelty to Animals Queensland Incorporated who is appointed as an inspector under the *Animal Care and Protection Act 2001*, section 114

- (b) the chief executive officer of a local government or a person engaged, employed or appointed by the local government to perform functions under this Act or the *Animal Care and Protection Act 2001*;
- (c) a police officer who is—
 - (i) monitoring or enforcing compliance with this Act or the *Animal Care and Protection Act 2001*; or
 - (ii) performing the police officer's functions in relation to an animal or an animal welfare offence;
- (d) an authorised officer under the *Racing Integrity Act 2016* who is performing the

authorised officer's functions in relation to an animal or an animal welfare offence.

- (2) Also, a person may, free of charge, inspect the information contained in the publicly available part of the breeder register at the department's head office during normal business hours.

173C Personal information on breeder register

- (1) This section applies if the chief executive is satisfied someone's personal safety would be put at risk if particular information (for example, the person's address or other contact details) were included in the breeder register.
- (2) The chief executive must ensure the information is not included in—
 - (a) the publicly available part of the breeder register; or
 - (b) a copy of information from the breeder register, whether or not the information is from the publicly available part of the register.
- (3) Also, despite section 172E(1), the chief executive must ensure the information is not published on the online breeder registration system.

173D Requesting copy of information

- (1) A person who, under section 173(2), 173A or 173B(2), inspects information kept in the register mentioned in that section, may ask for a copy of the information.

Note—

See section 173C in relation to personal information that must not be included in a copy of information from the breeder register.

[s 19]

- (2) The person asking for the copy must pay the fee decided by the chief executive for the copy.
- (3) The fee decided by the chief executive must not be more than the reasonable cost of producing the copy.

Division 4 Giving of information

19 Amendment of s 181 (Who may apply for internal review)

Section 181(1)—

omit, insert—

- (1) An interested person for an original decision made by the chief executive under any of the following provisions may apply to the chief executive for an internal review of the decision (a ***designated review application***)—
 - (a) chapter 2, part 1, division 3, subdivision 3;
 - (b) chapter 2A, part 2, division 4;
 - (c) chapter 2B, part 5;
 - (d) chapter 6.

20 Amendment of s 182 (Requirements for making PPID review application)

Section 182, ‘PPID’—

omit, insert—

designated

21 Amendment of s 184 (Stay of operation of original decision)

Section 184, ‘PPID’—

omit, insert—

designated

22 Amendment of s 185 (PPID review decision)

(1) Section 185, heading ‘PPID’—

omit, insert—

Designated

(2) Section 185(1), (4) and (5), ‘PPID’—

omit, insert—

designated

23 Amendment of s 187 (Notice of PPID decision or internal review decision)

Section 187, ‘PPID’—

omit, insert—

designated

24 Amendment of s 197A (Destruction of particular dogs)

Section 197A(1)(a), ‘captive bird’—

omit, insert—

designated bird

25 Insertion of new s 199A

Chapter 9, part 3, division 1—

insert—

199A Evidentiary aid—certificate by chief executive

A certificate purporting to be signed by the chief executive stating any of the following matters is evidence of the matter—

[s 26]

- (a) whether or not a person has applied under section 43F to be registered as a breeder and, if the person has applied, the date the application was made;
- (b) on a stated day, or during a stated period, a person was or was not a registered breeder;
- (c) on a stated day, a person's registration as a registered breeder—
 - (i) was suspended; or
 - (ii) was suspended for a stated period;
- (d) on a stated day, a person's registration as a registered breeder was cancelled;
- (e) the designated details of a registered breeder or an accredited breeder of an approved entity as recorded in the breeder register on a stated day.

26 Insertion of new ss 207B and 207C

After section 207A—

insert—

207B Sharing of information with particular persons

The chief executive may give information obtained under chapter 2A or 2B in the following circumstances—

- (a) to an inspector appointed under the *Animal Care and Protection Act 2001* if the chief executive reasonably believes the information will help the inspector to perform the inspector's functions under that Act;
- (b) to an authorised officer appointed under the *Animal Care and Protection Act 2001* if the chief executive reasonably believes the

information will help the authorised officer to perform the authorised officer's functions under that Act;

- (c) to a police officer if the chief executive reasonably believes the information will help the police officer to perform the police officer's functions in relation to an animal or an animal welfare offence;
- (d) to the chief executive officer of a local government if the chief executive reasonably believes the information will help a person engaged, employed or appointed by the local government to perform a function under this Act or the *Animal Care and Protection Act 2001*;
- (e) to an authorised officer appointed under the *Racing Integrity Act 2016* if the chief executive reasonably believes the information will help the authorised officer to perform the authorised officer's functions under that Act.

207C Use of information by particular persons

- (1) This section applies to—
 - (a) a person who obtains information under section 173B(1); or
 - (b) a person to whom information is given under section 207B.
- (2) The person may use the information to perform a function the person has—
 - (a) under this Act, the *Animal Care and Protection Act 2001* or the *Racing Integrity Act 2016*, including, for example, monitoring or enforcing compliance with any of those Acts; or

[s 27]

- (b) if the person is a police officer—in relation to an animal or an animal welfare offence.

27 Amendment of s 209 (Approval of forms)

Section 209(1), from ‘under’—

omit, insert—

under chapter 2A, 2B, 6 or section 182.

28 Insertion of new ch 10, pt 5

Chapter 10—

insert—

Part 5

**Transitional provision
for Animal
Management
(Protecting Puppies)
and Other Legislation
Amendment Act 2016**

229 Application of chs 2A, pt 2 and 2B, pt 3

- (1) Chapter 2A, part 2 and chapter 2B, part 3, as inserted by the amendment Act, apply only in relation to a dog born on or after the commencement.
- (2) In this section—

amendment Act means the *Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2016*.

29 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *accepted representations*, *PPID information*, *PPID review application*, *PPID review decision*, *proposed action*, *renewal notice*, *show cause notice* and *show cause period*—

omit.

- (2) Schedule 2—

insert—

accepted representations—

- (a) for chapter 2, part 1, division 3, subdivision 3—see section 30(2); or
- (b) for chapter 2A, part 2, division 4—see section 43R(2); or
- (c) for chapter 6, part 5—see section 163(2).

accreditation number see section 43C(1).

accredited breeder, of an approved entity, see section 43B(1).

advertise includes cause, permit or authorise to be advertised.

animal welfare offence see the *Animal Care and Protection Act 2001*, schedule.

approval day, for an approved entity, for chapter 2A, see section 43A.

approved entity see section 43A.

breed, a dog, see section 12A(1).

breeder ID number, of a registered breeder, see section 43G(1)(b).

breeder register see section 172B(1).

designated details, of a person, see section 43A.

designated review application see section 181(1).

[s 29]

designated review decision see section 185(1)(b).

eligible person, in relation to a dog, see sections 43ZG, 43ZH and 43ZI.

exemption number, for a dog, see section 43ZM(a).

ineligible person, for chapter 2A, see section 43D.

online breeder registration system see section 43A.

PPID information means—

- (a) for a cat—
 - (i) the name of the owner of the cat; and
 - (ii) the PPID number for the cat; and
 - (iii) any other information about the cat prescribed by regulation; or
- (b) for a dog—
 - (i) the relevant supply number for the dog; and
 - (ii) the name of the owner of the dog; and
 - (iii) the PPID number for the dog; and
 - (iv) any other information about the dog prescribed by regulation.

proposed action—

- (a) for chapter 2, part 1, division 3, subdivision 3—see section 27; or
- (b) for chapter 2A, part 2, division 4—see section 43Q(1); or
- (c) for chapter 6, part 5—see section 160.

publicly available part, of the breeder register, see section 172E(2).

registered breeder see section 43A.

registration date, for chapter 2A, see section 43G(2)(c).

relevant information, for chapter 2A, part 3, see section 43V.

relevant supply number, for a dog, see section 43X(1), (3), (4), (5) and (6).

renewal date, for chapter 2A, see section 43L(2)(c).

renewal fee, for chapter 2A, see section 43J(2)(b)(ii).

renewal notice—

- (a) for chapter 2A—see section 43J(1); or
- (b) for chapter 3, part 4—see section 56(1).

show cause notice—

- (a) for chapter 2, part 1, division 3, subdivision 3—see section 29(1); or
- (b) for chapter 2A, part 2, division 4—see section 43Q(2); or
- (c) for chapter 6, part 5—see section 162(1).

show cause period—

- (a) for chapter 2, part 1, division 3, subdivision 3—see section 29(2)(e); or
- (b) for chapter 2A, part 2, division 4—see section 43Q(2)(e); or
- (c) for chapter 6, part 5—see section 162(2)(e).

veterinary surgeon's certificate, for a cat or dog, see section 43Y(5).

- (3) Schedule 2, definition *approved form*, paragraph (a), after 'chapter'—

insert—

[s 30]

2A, 2B or

- (4) Schedule 2, definition *corresponding law*, ‘applying, or that applied, in another State’—

omit, insert—

, or former law, of another State or the Commonwealth

- (5) Schedule 2, definition *licence holder register*, ‘172(3)’—

omit, insert—

172A(1)

Part 4 Amendment of Biosecurity Act 2014

30 Act amended

This part amends the *Biosecurity Act 2014*.

31 Insertion of new ss 45A and 45B

Chapter 2, part 4—

insert—

45A What is *prohibited feed for pigs and poultry*

- (1) *Prohibited feed for pigs and poultry* is material that—

(a) contains or may contain—

- (i) a carcass of a mammal or of a bird; or
(ii) material derived from a mammal or bird; or

Examples—

- blood, bone, egg, faeces, meat, tissue

- food or food scraps that contain or may contain meat
- (b) has been or may have been in contact with—
 - (i) a carcass of a mammal or of a bird; or
 - (ii) material derived from a mammal or bird.

Example for subsection (1)—

food or food scraps, from a restaurant, a hotel or domestic premises, that may have been in contact with meat

- (2) However, ***prohibited feed for pigs and poultry*** does not include—

- (a) material prescribed by regulation; or

Examples of material that may be prescribed—

- a stated type of material (for example, a particular type of gelatine, tallow, milk, a milk product, a milk by-product or used cooking oil)
 - material that has undergone a stated process
 - material from a stated source, origin, location or environment
 - material fed in a stated way or under stated circumstances or conditions
- (b) material rendered in accordance with AS 5008.

Examples of rendered material—

blood meal, meat meal, meat and bone meal

45B What is *restricted animal material*

- (1) ***Restricted animal material*** is material that—

- (a) contains or may contain—

- (i) a carcass of an animal that is a vertebrate; or

[s 32]

- (ii) material derived from an animal that is a vertebrate; or

Examples—

blood, bone, egg, faeces, meal, meat, tissue

- (b) has been or may have been in contact with—

- (i) a carcass of an animal that is a vertebrate; or

- (ii) material derived from an animal that is a vertebrate.

- (2) However, ***restricted animal material*** does not include material prescribed by regulation.

Examples of material that may be prescribed—

- a stated type of material (for example, a particular type of gelatine, tallow, milk, a milk product, a milk by-product, used cooking oil or mineralised seabird guano)
- material that has undergone a stated process
- material from a stated source, origin, location or environment
- material fed in a stated way or under stated circumstances or conditions

32 Amendment of s 46 (Prohibitions on feeding or supplying restricted animal material for ruminants)

- (1) Section 46, ‘for ruminants’—

omit.

- (2) Section 46(5)(a)—

omit.

- (3) Section 46(5)(b)(i), ‘46C’—

omit, insert—

46B

- (4) Section 46(5)(b) and (c)—
renumber as section 46(5)(a) and (b).

33 Amendment of s 46A (Prohibitions on feeding or supplying restricted animal material for pigs or poultry)

- (1) Section 46A, ‘restricted animal material for pigs or poultry’—
omit, insert—
prohibited feed for pigs and poultry
- (2) Section 46A(5)(a)—
omit.
- (3) Section 46A(5)(b)(i), ‘46C’—
omit, insert—
46B
- (4) Section 46A(5)(b) and (c)—
renumber as section 46A(5)(a) and (b).

34 Omission of s 46B (Approval of process to treat restricted animal material for ruminants or restricted animal material for pigs or poultry)

Section 46B—
omit.

35 Amendment and renumbering of s 46C (Permission to feed restricted animal material for ruminants or restricted animal material for pigs or poultry to particular animals)

- (1) Section 46C, heading—
omit, insert—
46C Permission to feed restricted animal material or prohibited feed for pigs and poultry to particular animals
- (2) Section 46C(1), ‘46(5)(b)(i) or 46A(5)(b)(i)’—

[s 36]

omit, insert—

46(5)(a)(i) or 46A(5)(a)(i)

- (3) Section 46C(2)(a), ‘for ruminants’—

omit.

- (4) Section 46C(2)(b), ‘restricted animal material for pigs or poultry’—

omit, insert—

prohibited feed for pigs and poultry

- (5) Section 46C—

renumber as section 46B.

36 Amendment of s 73 (Term of appointment)

Section 73(1), ‘3 years’—

omit, insert—

4 years

37 Amendment of s 115 (Effect and duration of biosecurity emergency order)

Section 115(4)(a), example, ‘for ruminants’—

omit.

38 Amendment of s 132 (Biosecurity instrument permit)

Section 132(3)—

omit, insert—

- (3) The inspector may refuse the application if—

- (a) the application is for a biosecurity instrument permit authorising the person to move particular biosecurity matter or a particular carrier; and

- (b) biosecurity zone regulatory provisions—
 - (i) regulate the movement of the biosecurity matter or carrier; and
 - (ii) provide that the biosecurity matter or carrier may be moved if an acceptable biosecurity certificate about a stated matter (the *relevant requirement*) is given for the biosecurity matter or carrier; and
- (c) the inspector is satisfied the person can reasonably obtain an acceptable biosecurity certificate about the relevant requirement for the biosecurity matter or carrier.

Example—

A person's application for a biosecurity instrument permit authorising the person to move particular banana plants into a biosecurity zone may be refused if—

- biosecurity zone regulatory provisions allow banana plants to be moved into the zone if an acceptable biosecurity certificate, stating that the plants have been the subject of a particular treatment, is given for the plants; and
- the inspector is satisfied the person could reasonably obtain a certificate of that type.

39 Amendment of s 134 (What is a *designated animal*)

Section 134(a)(x)—

omit, insert—

- (x) designated birds;

40 Insertion of new s 135A

After section 135—

insert—

[s 41]

135A What is a *designated bird*

A *designated bird* is a captive bird that—

- (a) is kept for human consumption or to produce eggs for human consumption; or
- (b) has been released for free flight since it started to be kept in captivity.

Example—

a pigeon (*Columba livia*) used for racing

41 Amendment of s 137 (What is the *threshold number* of designated animals)

Section 137(a)(i) and (iii), ‘captive birds’—

omit, insert—

designated birds

42 Amendment of s 148 (Application requirements for registration of registrable biosecurity entity)

Section 148(1)(d)—

omit, insert—

- (d) include any information of which the applicant is aware that could help the chief executive decide whether—
 - (i) a place the subject of the application should be declared as a restricted place; or
 - (ii) designated animals at a place the subject of the application should be declared as restricted animals; or
 - (iii) designated biosecurity matter at a place the subject of the application should be declared as restricted biosecurity matter; and

43 Amendment of s 149 (Registration of biosecurity entity)

- (1) Section 149(b) and (d)—
omit.
- (2) Section 149(c)—
renumber as section 149(b).

44 Amendment of s 150 (Chief executive may register person without application)

- (1) Section 150(3)(a)(ii)—
renumber as section 150(3)(a)(iii).
- (2) Section 150(3)(a)—
insert—
 - (ii) the registration details the chief executive proposes to include in the biosecurity register for the person if the person becomes a registrable biosecurity entity, to the extent the details are known by the chief executive; and
- (3) Section 150(4)(a)—
omit.
- (4) Section 150(4)(c)(ii), ‘, including the entity’s biosecurity risk status details’—
omit.
- (5) Section 150(4)(b) and (c)—
renumber as section 150(4)(a) and (b).

45 Replacement of ch 7, pt 2, div 3, hdg (Restricted places)

Chapter 7, part 2, division 3, heading—
omit, insert—

[s 46]

Division 3 Restricted places, restricted animals and restricted biosecurity matter

Subdivision 1 Biosecurity risk notices

46 Replacement of ss 160 and 161

Sections 160 and 161—

omit, insert—

160 Requirement to give biosecurity risk notice

- (1) This section applies if a relevant person for a designated place becomes aware—
 - (a) the place poses, or may pose, a biosecurity risk; or
 - (b) a designated animal at the place poses, or may pose, a biosecurity risk; or
 - (c) designated biosecurity matter at the place poses, or may pose, a biosecurity risk.
- (2) The relevant person must, as soon as practicable, give the chief executive notice (a ***biosecurity risk notice***) of the biosecurity risk.
Maximum penalty—50 penalty units.
- (3) However, subsection (2) does not apply if the relevant person is aware the chief executive has been advised, or has otherwise become aware, of the biosecurity risk.
- (4) In this section—
relevant person, for a designated place, means—
 - (a) a registered biosecurity entity for the place; or
 - (b) an owner or occupier of the place.

Subdivision 2 Declarations of restricted places

161 Inclusion of restricted place entry in biosecurity register

- (1) This section applies if the chief executive is satisfied on reasonable grounds that a particular place could pose a biosecurity risk.

Example—

The presence of contaminants consisting of heavy metals in soil at a place means plants grown at the place could contain unacceptable levels of the contaminants that could enter the food chain.

- (2) The chief executive may, by making an entry in the biosecurity register—
- (a) declare the place to be a restricted place; and
 - (b) declare how use of the place is to be restricted; and
 - (c) declare the restrictions applying to dealings with designated animals that are at the place while the place is declared to be a restricted place; and
 - (d) declare the restrictions applying to dealings with designated biosecurity matter that is at the place while the place is declared to be a restricted place; and
 - (e) declare the restrictions applying to dealings with carriers of biosecurity matter that are at the place while the place is declared to be a restricted place.

Example—

If the place is declared to be a restricted place because of the presence of a disease in soil at the place, a restriction may be that agricultural machinery (for example, a tractor) that is at the

[s 46]

place when the declaration is made, or that is moved to the place while the declaration is in effect, must not be moved from the place until it has been decontaminated in a particular way.

Note—

See section 169(2) for the details that must be included in the biosecurity register in relation to the restricted place.

- (3) A restriction declared under subsection (2)(c) or (d) may continue to apply to dealings with the designated animals or designated biosecurity matter even though the declaration of the place as a restricted place has ended.

Example—

If the place is declared to be a restricted place because of the presence of contaminants consisting of heavy metals in soil at the place, a restriction may be that a designated animal that is at the place when the declaration is made, or that is moved to the place while the declaration is in effect, must not be sent to a meat processing place to be slaughtered until it has been pastured for a stated period on a place that is not a restricted place. If the declaration of the place as a restricted place ends before the animal has been pastured for the stated period on a place that is not a restricted place, the restriction on sending the animal to a meat processing place continues to apply.

- (4) The entry and declarations may be made on the chief executive's own initiative or because of a biosecurity risk notice.
- (5) For subsection (2), it does not matter whether the place is or is not a designated place for an entity's registration as a registered biosecurity entity.
- (6) If the chief executive makes an entry and declarations under subsection (2), the chief executive must give each of the following an information notice for the decision to make the entry and declarations—
- (a) the occupier of the place;

- (b) if the occupier of the place is not the owner of the place—the owner;
- (c) any entity that is, or is reasonably expected to become, a registered biosecurity entity and for whom the place is, or is reasonably expected to be, for the entity's registration, a designated place.

47 Amendment of s 162 (Compliance with restricted place restrictions)

- (1) Section 162(1), after 'biosecurity register'—

insert—

under section 161(2)(b)

- (2) Section 162(3)—

omit, insert—

- (3) A person must not deal with a designated animal in a way that contravenes a restriction recorded in the biosecurity register under section 161(2)(c) on dealings with the animal.

Maximum penalty—800 penalty units.

- (3) Section 162(4), 'subsection (3) for the use of'—

omit, insert—

subsection (3) by dealing with

- (4) Section 162(4)(b), 'the use of'—

omit, insert—

dealing with

- (5) Section 162—

insert—

- (5) A person must not deal with designated biosecurity matter in a way that contravenes a restriction recorded in the biosecurity register

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under section 161(2)(d) on dealings with the matter.

Maximum penalty—800 penalty units.

- (6) A person does not commit an offence against subsection (5) by dealing with designated biosecurity matter in a way that contravenes a restriction if the person—
- (a) did not know, and ought not reasonably to have known, of the existence of the restriction; or
 - (b) has a reasonable excuse for dealing with the designated biosecurity matter in that way.
- (7) A person must not deal with a carrier of biosecurity matter in a way that contravenes a restriction recorded in the biosecurity register under section 161(2)(e) on dealings with the carrier.

Maximum penalty—800 penalty units.

- (8) A person does not commit an offence against subsection (7) by dealing with a carrier of biosecurity matter in a way that contravenes a restriction if the person—
- (a) did not know, and ought not reasonably to have known, of the existence of the restriction; or
 - (b) has a reasonable excuse for dealing with the carrier in that way.

48 Insertion of new ch 7, pt 2, div 3, sdivs 3 and 4 and ch 7, pt 2, div 3, sdiv 5, hdg

After section 162—

insert—

Subdivision 3 Declarations of restricted animals

162A Inclusion of restricted animal entry in biosecurity register

- (1) This section applies if the chief executive is satisfied on reasonable grounds that a designated animal could pose a biosecurity risk.

Examples of a designated animal that could pose a biosecurity risk—

- a designated animal that has been contaminated with lead
- a designated animal that has been contaminated with organochlorides and has left the place at which it became contaminated before the place was declared to be a restricted place

- (2) The chief executive may, by making an entry in the biosecurity register—

- (a) declare the designated animal to be a restricted animal; and
- (b) declare restrictions on dealings with the designated animal.

Note—

See section 169(3) for the details that must be included in the biosecurity register in relation to the restricted animal.

- (3) The entry and declarations may be made on the chief executive's own initiative or because of a biosecurity risk notice.
- (4) If the chief executive makes an entry and declarations under subsection (2), the chief executive must give each of the following an information notice for the decision to make the entry and declarations—
- (a) the registered biosecurity entity for the place where the designated animal is being kept;

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- (b) the occupier of the place where the designated animal is being kept;
- (c) the owner of the designated animal.

162B Compliance with restricted animal restrictions

- (1) A person must not deal with a restricted animal in a way that contravenes a restriction recorded in the biosecurity register under section 162A(2)(b) on dealings with the animal.

Maximum penalty—800 penalty units.

- (2) A person does not commit an offence against subsection (1) by using a restricted animal in a way that contravenes a restriction if the person—
 - (a) did not know, and ought not reasonably to have known, of the existence of the restriction; or
 - (b) has a reasonable excuse for dealing with the animal in that way.

Subdivision 4 Declarations of restricted biosecurity matter

162C Inclusion of restricted biosecurity matter entry in biosecurity register

- (1) This section applies if the chief executive is satisfied on reasonable grounds that designated biosecurity matter could pose a biosecurity risk.

Note—

See section 136 in relation to biosecurity matter that may be prescribed by regulation as designated biosecurity matter.

- (2) The chief executive may, by making an entry in the biosecurity register—
 - (a) declare the designated biosecurity matter to be restricted biosecurity matter; and
 - (b) declare restrictions on dealings with the designated biosecurity matter.

Note—

See section 169(4) for the details that must be included in the biosecurity register in relation to the restricted biosecurity matter.

- (3) The entry and declarations may be made on the chief executive's own initiative or because of a biosecurity risk notice.
- (4) If the chief executive makes an entry and declarations under subsection (2), the chief executive must give each of the following an information notice for the decision to make the entry and declarations—
 - (a) the registered biosecurity entity for the place where the designated biosecurity matter is being kept;
 - (b) the occupier of the place where the designated biosecurity matter is being kept;
 - (c) the owner of the designated biosecurity matter.

162D Compliance with restricted biosecurity matter restrictions

- (1) A person must not deal with restricted biosecurity matter in a way that contravenes a restriction recorded in the biosecurity register under section 162C(2)(b) on dealings with the matter.

Maximum penalty—800 penalty units.

[s 49]

- (2) A person does not commit an offence against subsection (1) by dealing with restricted biosecurity matter in a way that contravenes a restriction if the person—
 - (a) did not know, and ought not reasonably to have known, of the existence of the restriction; or
 - (b) has a reasonable excuse for dealing with the matter in that way.

Subdivision 5 Ending of declarations

49 Replacement of s 163 (Removal of restricted place from biosecurity register)

Section 163—

omit, insert—

163 Ending declaration of restricted place

- (1) The chief executive may end the declaration of a place as a restricted place when the chief executive is satisfied the place no longer poses a biosecurity risk.
- (2) A declaration ends when the chief executive—
 - (a) if the entry in the biosecurity register that makes the declaration includes 1 or more restrictions declared under section 161(2)(c) or (d) that apply after the declaration of the place as a restricted place has ended—amends the entry to record that the declaration has ended; or

Note—

A restriction declared under section 161(2)(c) or (d) may apply after the declaration of the place as a restricted place has ended. See section 161(3).

- (b) otherwise—removes the entry making the declaration from the biosecurity register.
- (3) The chief executive may remove an entry amended under subsection (2)(a) from the biosecurity register when each restriction mentioned in the subsection stops applying.
- (4) The chief executive may end a declaration—
 - (a) on the chief executive's own initiative; or
 - (b) on an application made under this subdivision for the declaration to be ended.

163A Ending declaration of restricted animal or restricted biosecurity matter

- (1) The chief executive may end the declaration of a designated animal as a restricted animal when the chief executive is satisfied the animal no longer poses a biosecurity risk.
- (2) The chief executive may end the declaration of designated biosecurity matter as restricted biosecurity matter when the chief executive is satisfied the matter no longer poses a biosecurity risk.
- (3) A declaration ends when the chief executive removes the entry making the declaration from the biosecurity register.
- (4) The chief executive may end a declaration—
 - (a) on the chief executive's own initiative; or
 - (b) on an application made under this subdivision for the declaration to be ended.

50 Amendment of s 164 (Application for removal of restricted place from biosecurity register)

- (1) Section 164, all words before subsection (2)(a)—

[s 51]

omit, insert—

164 Application for declaration of restricted place to be ended

- (1) A person may apply to the chief executive to end the declaration of a place as a restricted place.

Note—

See section 163(2) for when the declaration ends.

- (2) A person may make an application under subsection (1) only if the person is—

- (2) Section 164(3)—

omit.

51 Insertion of new ss 164A–164C

After section 164—

insert—

164A Application for declaration of restricted animal to be ended

- (1) A person may apply to the chief executive to end the declaration of a designated animal as a restricted animal.

Note—

See section 163A(3) for when the declaration ends.

- (2) A person may make an application under subsection (1) only if the person is—
- (a) the registered biosecurity entity for the place where the restricted animal is being kept; or
 - (b) the occupier of the place where the restricted animal is being kept; or
 - (c) the owner of the restricted animal.

164B Application for declaration of restricted biosecurity matter to be ended

- (1) A person may apply to the chief executive to end the declaration of designated biosecurity matter as restricted biosecurity matter.

Note—

See section 163A(3) for when the declaration ends.

- (2) A person may make an application under subsection (1) only if the person is—
- (a) the registered biosecurity entity for the place where the designated biosecurity matter is being kept; or
 - (b) the occupier of the place where the designated biosecurity matter is being kept; or
 - (c) the owner of the designated biosecurity matter.

164C Requirements for application

An application under section 164, 164A or 164B must—

- (a) be in the approved form; and
- (b) be accompanied by the fee prescribed by regulation; and
- (c) outline any steps taken to ensure the restricted place, restricted animal or restricted biosecurity matter does not pose a biosecurity risk; and
- (d) include evidence (for example, reports prepared by suitably qualified persons) the restricted place, restricted animal or restricted biosecurity matter does not pose a biosecurity risk.

[s 52]

52 Amendment of s 167 (Failure to decide application)

Section 167(2)—

omit, insert—

- (2) Subsection (3) applies if the chief executive has, under section 165(1), required the applicant to give the chief executive further information or a document.

53 Replacement of s 168 (Chief executive's obligation to keep register)

Section 168—

omit, insert—

168 Chief executive's obligation to keep register

The chief executive must keep a register (the *biosecurity register*) of the following—

- (a) registered biosecurity entities;
- (b) restricted places;
- (c) restricted animals;
- (d) restricted biosecurity matter.

54 Amendment of s 169 (Information required to be kept for registered biosecurity entities)

- (1) Section 169, heading, 'for registered biosecurity entities'—

omit.

- (2) Section 169(1)(d)—

omit.

- (3) Section 169(2), after 'entity'—

insert—

, restricted place, restricted animal or restricted biosecurity matter

(4) Section 169(2)—

renumber as section 169(5).

(5) Section 169—

insert—

(2) The biosecurity register must include, for each restricted place—

(a) the address, local government area and any name of the place; and

(b) any PIC of the place; and

(c) the restrictions declared under section 161(2).

(3) The biosecurity register must include, for each restricted animal—

(a) information that identifies the animal; and

(b) the restrictions declared under section 162A(2)(b) on dealings with the animal.

(4) The biosecurity register must include, for each restricted biosecurity matter—

(a) information that identifies the matter; and

(b) the restrictions declared under section 162C(2)(b) on dealings with the matter.

55 Amendment of s 170 (Requirement for change notice)

Section 170(1), ‘or biosecurity risk status details’—

omit.

56 Amendment of s 171 (Correction and updating of biosecurity register for registered biosecurity entities)

Section 171(1) and (4), ‘or biosecurity risk status details’—

omit.

[s 57]

57 Replacement of s 172 (Publication of biosecurity register)

Section 172—

omit, insert—

172 Publication of information held in biosecurity register

- (1) The chief executive—
 - (a) must publish on the department's website the following information held in the biosecurity register for each registered biosecurity entity—
 - (i) the address, local government area and any name of each designated place for which the entity is registered;
 - (ii) any PIC that applies to the entity's registration; and
 - (b) may publish on the department's website any other information held in the biosecurity register for a registered biosecurity entity.
- (2) Also, the chief executive may publish on the department's website all or part of the information held in the biosecurity register for—
 - (a) a restricted place; or
 - (b) a restricted animal; or
 - (c) restricted biosecurity matter.

58 Amendment of s 173 (Taking copies of biosecurity register)

- (1) Section 173(1) and (2)—

omit, insert—

- (1) On application by a person (the *applicant*) and payment of the fee prescribed by regulation, the chief executive may, under subsection (2), (3), (4)

or (5), give the applicant a copy of information held in the biosecurity register.

(2) The applicant may be given a copy of information relating to a registered biosecurity entity only if the information—

(a) is required to be published on the department's website under section 172(1)(a); or

(b) has been published on the department's website under section 172(1)(b).

(2A) The applicant may be given a copy of information relating to a restricted place only if—

(a) the applicant is—

(i) an owner or occupier of the place; or

(ii) a registered biosecurity entity for the place; or

(b) the owner of the place gives written consent for the applicant to be given the information; or

(c) the information has been published on the department's website under section 172(2); or

(d) disclosing the information to the applicant is required or permitted under this Act or another Act.

(2B) The applicant may be given a copy of information relating to a restricted animal only if—

(a) the applicant is—

(i) a person who keeps the animal; or

(ii) an occupier of the place where the animal is being kept; or

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- (iii) the owner of the animal; or
 - (b) the owner of the animal gives written consent for the applicant to be given the information; or
 - (c) the information has been published on the department's website under section 172(2); or
 - (d) disclosing the information to the applicant is required or permitted under this Act or another Act.
- (2C) The applicant may be given a copy of information relating to restricted biosecurity matter only if—
 - (a) the applicant is—
 - (i) a person who keeps the matter; or
 - (ii) an occupier of the place where the matter is being kept; or
 - (iii) the owner of the matter; or
 - (b) the owner of the matter gives written consent for the applicant to be given the information; or
 - (c) the information has been published on the department's website under section 172(2); or
 - (d) disclosing the information to the applicant is required or permitted under this Act or another Act.
- (2) Section 173(3), 'The'—
omit, insert—
Despite subsections (1) to (5), the
- (3) Section 173(3), ' , including the biosecurity risk status details for a registered biosecurity entity,'—

omit.

- (4) Section 173(4), ‘subsection (3)’—

omit, insert—

subsection (6)

- (5) Section 173(4), example of a condition for subsection (4), ‘subsection (4)’—

omit, insert—

subsection (7)

- (6) Section 173(2A) to (4)—

renumber as section 173(3) to (7).

59 Insertion of new s 173A

Chapter 7, part 2, division 4, after section 173—

insert—

173A Use of information by NLIS administrator

- (1) This section applies in relation to information given to the NLIS administrator under section 173(6).
- (2) The chief executive may authorise the NLIS administrator to disclose all or part of the information to a stated person or a person of a stated class (each an ***authorised recipient***).

Example of a stated class—

operators of abattoirs

- (3) The chief executive’s authorisation may be given—
 - (a) generally or in a particular case; and
 - (b) subject to any conditions the chief executive considers appropriate.
- (4) Subsection (5) applies if the chief executive authorises the NLIS administrator under

[s 60]

subsection (2) to disclose the information to an authorised recipient.

- (5) The NLIS administrator may publish the information on a website maintained by the administrator, but only if access to the information is restricted to persons—
 - (a) who are authorised recipients for the information; or
 - (b) to whom the disclosure of the information is required or permitted under this Act or another Act.
- (6) Subsection (3)(b) does not limit the conditions the chief executive may impose under section 173(7).

60 Amendment of s 236 (What program authorisation must state)

Section 236(1)(g), examples of a measure an authorised officer may take under a surveillance program, first dot point, ‘for ruminants’—

omit.

61 Amendment of s 373 (Giving biosecurity order)

Section 373(2), example 1—

omit, insert—

- 1 An authorised officer enters a place under a biosecurity emergency order made for responding to an outbreak of equine influenza. The authorised officer notices Mexican feather grass (an invasive plant that is restricted matter) at the place. The authorised officer may give the occupier of the place a biosecurity order for the Mexican feather grass.

62 Amendment of s 376 (Requirements for giving biosecurity order)

Section 376(3)—

omit, insert—

- (3) If the biosecurity order is given in writing, the order must be accompanied by, or include, an information notice for the authorised officer's decision to give the order.
- (4) If the biosecurity order is given orally, the authorised officer must—
 - (a) when giving the order, tell the recipient that—
 - (i) the recipient will be given, as soon as practicable, an information notice for the decision to give the order; and
 - (ii) the recipient is entitled to apply for an internal review of the decision to give the order; and
 - (iii) if the recipient applies for an internal review of the decision to give the order, the recipient may immediately apply for a stay of the decision; and
 - (b) as soon as practicable after giving the order, confirm the order by giving the recipient a notice that—
 - (i) states the terms of the order and the date the order was given; and
 - (ii) is accompanied by, or includes, an information notice for the authorised officer's decision to give the order.

63 Amendment of s 379 (Register of biosecurity orders)

Section 379(4)—

[s 64]

omit, insert—

- (4) The chief executive may publish the register, or part of the register, on the department's website.

64 Amendment of s 431 (Register)

Section 431(4), 'must'—

omit, insert—

may

65 Replacement of s 468 (Compliance audits)

Section 468—

omit, insert—

468 Additional compliance audits

- (1) This section applies if—
- (a) a compliance audit of an accredited certifier's activities as an accredited certifier is conducted under an accreditation condition or a requirement under subsection (2); and
 - (b) the compliance audit identified a noncompliance, or more than 1 noncompliance, with the accredited certifier's accreditation.

Note—

It is an offence for an accredited certifier to contravene an accreditation condition unless the accredited certifier has a reasonable excuse. See section 436.

- (2) The chief executive may, in writing, require—
- (a) for each noncompliance with the accreditation identified by the compliance audit—the accredited certifier to have an additional compliance audit conducted of

-
- the accredited certifier's activities related to the noncompliance; and
- (b) the additional compliance audit to be conducted within a stated reasonable period.
- (3) An additional compliance audit of the accredited certifier's activities required under subsection (2) may relate to more than 1 noncompliance with the certification.
- (4) The accredited certifier must comply with a requirement under subsection (2) unless the accredited certifier has a reasonable excuse.

Maximum penalty—100 penalty units.

66 Replacement of s 494 (Personal information on register under this Act)

Section 494—

omit, insert—

494 Personal information on register under this Act

- (1) This section applies if an administrator is satisfied someone's personal safety would be put at risk if particular information (for example, the person's address or other contact details) were included in a register that the administrator is required to keep under this Act.
- (2) The administrator must ensure the information is not included in—
- (a) a part of the register that is available to the public; or
- (b) a copy of information from the register, whether or not the information is from a part of the register that is available to the public.
- (3) If a provision of this Act requires or permits the information to be published on a website, the

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administrator must, despite the provision, ensure the information is not published on the website.

(4) In this section—

administrator means—

- (a) the chief executive; or
- (b) a chief executive officer of a local government; or
- (c) the chairperson of an invasive animal board.

67 Omission of s 522 (Insertion of new s 19A)

Section 522—

omit.

Editor's note—

Legislation ultimately amended—

- *Chemical Usage (Agricultural and Veterinary) Control Act 1988*

68 Amendment of sch 1 (Prohibited matter)

- (1) Schedule 1, part 4, entry for amphibians, mammals and reptiles that are restricted biosecurity matter, 'biosecurity'—

omit.

- (2) Schedule 1, part 7, entries for fusarium wilt of banana (*Fusarium oxysporum* f. sp. *cubense* tropical race 4) and stem borer (*Chilo* spp.)—

omit.

- (3) Schedule 1, part 7—

insert—

giant pine scale (*Marchalina hellenica*)

69 Amendment of sch 2 (Restricted matter and categories)

- (1) Schedule 2, part 1, under heading ‘Restricted matter affecting animals’, entry for small hive beetle (*Aethina tumida*)—

omit.

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

insert—

Fiji leaf gall virus	1
fusarium wilt of banana (<i>Fusarium oxysporum</i> f. sp. <i>cubense</i> tropical race 4)	1
island sugarcane planthopper (<i>Eumetopina flavipes</i>)	1
potato spindle tuber viroid	1
sugarcane stem borer (<i>Chilo</i> spp.)	1

- (3) Schedule 2, part 2, under heading ‘Invasive plants’—

insert—

asparagus fern (<i>Asparagus scandens</i>)	3
bridal veil (<i>Asparagus declinatus</i>)	3
cane cactus (<i>Austrocyllindropuntia cylindrica</i>)	3
Eve’s pin cactus (<i>Austrocyllindropuntia subulata</i>)	3
flax-leaf broom (<i>Genista linifolia</i>)	3
Montpellier broom (<i>Genista monspessulana</i>)	3
sagittaria (<i>Sagittaria platyphylla</i>)	3
Scotch broom (<i>Cytisus scoparius</i>)	3
silver-leaf nightshade (<i>Solanum elaeagnifolium</i>)	3

70 Amendment of sch 5 (Dictionary)

- (1) Schedule 5, definitions *biosecurity risk status details*, *restricted animal material for pigs or poultry*, *restricted animal material for ruminants*, *restricted place notice* and *tallow*—

[s 71]

omit.

(2) Schedule 5—

insert—

AS 5008 means the Australian Standard for the hygienic rendering of animal products as in force from time to time under that designation (regardless of the edition or year of publication of the standard).

biosecurity risk notice see section 160(2).

designated bird see section 135A.

prohibited feed for pigs and poultry see section 45A.

restricted animal means a designated animal declared to be a restricted animal under section 162A.

restricted animal material see section 45B.

restricted biosecurity matter means designated biosecurity matter declared to be restricted biosecurity matter under section 162C.

(3) Schedule 5, definition *captive bird*, examples—

omit.

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

71 Act amended

Schedule 1 amends the *Animal Management (Cats and Dogs) Act 2008*.

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

section 71

1 Section 4(i), as renumbered by this Act, ‘officers’—

omit, insert—

persons

2 Particular references to minor

Each of the following provisions is amended by omitting ‘minor’ and inserting ‘child’—

- section 9(1)(d)
- section 10(1)(b)
- section 75(2)(a)(i)

3 Omission of notes

The notes in the following provisions are omitted—

- section 54(2)
- section 89(1)
- section 208(1)(b)

4 Omission of editor’s notes

The editor’s notes in the following provisions are omitted—

- section 185(3)(a)
- section 186(3)(a)
- section 195(2), definition *allow or encourage*

5 Amendment of notes

The notes in the provisions mentioned in column 1 are amended by omitting the words in column 2 and inserting the words, if any, in column 3—

Column 1	Column 2	Column 3
section 14(1)	See section 13 (Supplier must ensure cat or dog is implanted).	See section 43Y.
section 16(2)	(Licence holder's obligations)	
section 25	(Authorised implanter may give identifying information or PPID information to particular persons)	for the identifying information or PPID information that an authorised implanter may give to particular persons
section 42(1)	(Desexed cat or dog at commencement need not be tattooed for desexing)	
section 52	(Compulsory desexing of declared dangerous dog or restricted dog)	in relation to the compulsory desexing of declared dangerous dogs and restricted dogs
section 63(1)	(Goods the importation of which is prohibited absolutely)	for the breeds of dogs that are prohibited from being imported
section 65	(Surrender of regulated dog)	in relation to the surrender of regulated dogs
section 112(2)	(Issue of warrant)	
section 131(2)(d)	(Application of particular permit conditions for declared dangerous or menacing dogs)	for the application of particular permit conditions for declared dangerous dogs and declared menacing dogs
section 134(1)	(Offence punishable only once)	

Column 1	Column 2	Column 3
section 161(2)	(Suitability of person to be licence holder)	for the matters to which the chief executive may have regard in deciding whether a proposed licence holder is a suitable person to be a licence holder
schedule 1, section 2(1)	(Regulated dogs must be implanted with a PPID)	

6 Section 93(1), notes—

omit, insert—

Note—

See also sections 66 and 67 for the prohibition on supplying a restricted dog, declared dangerous dog or declared menacing dog.

7 Section 184(5), note—

omit, insert—

Note—

See also sections 66 and 67 for the prohibition on supplying a restricted dog, declared dangerous dog or declared menacing dog.

8 Section 189(2), note—

omit, insert—

Note—

See also sections 66 and 67 for the prohibition on supplying a restricted dog, declared dangerous dog or declared menacing dog.

9 Section 207(b), note—

omit, insert—

Note—

See section 123 for the powers an authorised person may exercise after entering a place.

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