

- (a) the notice is taken to be a biosecurity order given by an inspector under section 373 in the same terms as the notice given under the amended Act; and
 - (b) the stated period continues to apply for taking the action; and
 - (c) the period continues to have started from when the period started under the amended Act, section 18.
- (3) If, before the commencement, the standards officer took action under the amended Act, section 19 any amount owed by a person to the standards officer under that section becomes on the commencement a debt payable by the person to the chief executive.

Division 5 Transitional provisions for Diseases in Timber Act 1975

94 Notice given to occupier or owner after declaration of infected area

- (1) This section applies if—
 - (a) before the commencement—
 - (i) an infected area is declared under the repealed Act, section 4(1)(b); and
 - (ii) the chief executive had given the occupier or owner of a place in the infected area a notice under the repealed Act, section 8; and
 - (b) immediately before the commencement, the measures stated in the notice for the extermination or the prevention or control of the dissemination of the disease the subject of the declaration have not been taken.
- (2) The chief executive may, from the commencement, take the measures stated in the notice as if this Act had not been enacted.
- (3) If the notice states that the chief executive requires the place to be vacated and the place is a dwelling house, the repealed

Act, section 9 applies to the chief executive as if this Act had not been enacted.

Division 6 Transitional provisions for Exotic Diseases in Animals Act 1981

95 Infected premises

- (1) This section applies if—
 - (a) under the repealed Act, section 9 an inspector has placed an area in quarantine; and
 - (b) immediately before the commencement, the area is still in quarantine.
- (2) On the commencement—
 - (a) the repealed Act, section 9(2) continues to apply to the area in quarantine as if this Act had not been enacted; and
 - (b) the period for which the area is in quarantine under the repealed Act, section 9(1B), or as extended under the repealed Act, section 9(2), whether before or after commencement, continues to apply to the area; and
 - (c) the period continues to have started from when the period started under the repealed Act, section 9; and
 - (d) a reference to an inspector in the repealed Act, section 9(3) is taken to be a reference to an inspector under this Act.

96 Notifications of restricted areas

- (1) This section applies if—
 - (a) under the repealed Act, section 10, the Minister has by notice notified an area to be a restricted area for an exotic disease stated in the notice; and
 - (b) immediately before the commencement, the notice is still in force.

- (2) On the commencement—
- (a) the notice is taken to be a regulation made under section 128 that includes biosecurity zone regulatory provisions; and
 - (b) the restricted area is taken to be a biosecurity zone under the biosecurity zone regulatory provisions; and
 - (c) the exotic disease under the repealed Act is taken to be regulated biosecurity matter for the biosecurity zone regulatory provisions; and
 - (d) a notice under the repealed Act, section 10A declaring movement of particular things within, into or out of the restricted area to be restricted is taken to be the biosecurity zone regulatory provisions or part of the provisions.

97 Existing licences for restricted movements

- (1) This section applies if—
- (a) under the repealed Act, section 11 a person holds a licence that allows a restricted movement for a restricted area; and
 - (b) immediately before the commencement, the licence is still in force.
- (2) On the commencement, the licence—
- (a) continues in effect for the period stated in the licence as if this Act had not been enacted unless it is sooner revoked under the repealed Act, section 11(3); and
 - (b) is subject to the conditions imposed on the licence when the licence was issued.
- (3) From the commencement, the repealed Act, section 11(3) and (4) continues to apply as if this Act had not been enacted.

Division 7 Transitional provisions for Fisheries Act 1994**98 Declared disease relating to contaminant**

- (1) This section applies if—
- (a) under the amended Act, section 94 or 97, a declaration or regulation—
 - (i) prescribes a concentration level for a chemical residue that is a contaminant; and
 - (ii) declares that a chemical residue over the prescribed concentration level for the residue is a declared disease under that Act; and
 - (b) immediately before the commencement, the declaration or regulation is still in force.
- (2) From the commencement—
- (a) the declaration or regulation is taken to be a regulation made under section 503(2)(e); and
 - (b) the declared disease is taken to be a contaminant in an amount more than the maximum acceptable level in a carrier.

99 Declared disease relating to residue other than contaminant

- (1) This section applies if—
- (a) under the amended Act, section 94 or 97, a declaration or regulation—
 - (i) prescribes a concentration level for a chemical residue (other than a contaminant) or an antibiotic residue; and
 - (ii) declares that a residue over the prescribed concentration level for the residue is a declared disease under that Act; and

- (b) immediately before the commencement, the declaration or regulation is still in force.
- (2) From the commencement, the declaration or regulation is taken to be a regulation made under the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*, section 38(2)(b) prescribing the maximum residue limit for the chemical residue or antibiotic residue in—
 - (a) the tissue of a trade species animal within the meaning of that Act; or
 - (b) a product derived from a trade species animal.

100 Declared quarantine area relating to contaminant

- (1) This section applies if—
 - (a) under the amended Act, section 95 or 97, the chief executive or a regulation declares an area to be a declared quarantine area in relation to a declared disease in the area; and
 - (b) the declared disease is a chemical residue that is a contaminant; and
 - (c) immediately before the commencement, the declaration or regulation is still in force.
- (2) From the commencement—
 - (a) the declaration or regulation is taken to be a regulation made under this Act that includes biosecurity zone regulatory provisions; and
 - (b) the declared disease is taken to be regulated biosecurity matter for the biosecurity zone regulatory provisions; and
 - (c) the declared quarantine area is taken to be the area identified under the biosecurity zone regulatory provisions as the biosecurity zone; and
 - (d) any matters relating to the management, control and elimination of the declared disease for which the declaration or regulation provides are taken to be

arrangements included in the biosecurity zone regulatory provisions for managing or eradicating the regulated biosecurity matter in relation to the biosecurity zone or areas outside the biosecurity zone.

101 Declared quarantine area relating to residue other than contaminant

- (1) This section applies if—
 - (a) under the amended Act, section 95 or 97, the chief executive or a regulation declares an area to be a declared quarantine area in relation to a declared disease in the area; and
 - (b) the declared disease is a chemical residue (other than a contaminant) or an antibiotic residue over the prescribed concentration level for the residue; and
 - (c) immediately before the commencement, the declaration or regulation is still in force.
- (2) From the commencement, the declaration or regulation is taken to be a regulation made under the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*, section 38(2)(c) regulating the use, storage or possession of any of the following that contains the declared disease—
 - (a) the tissue of a trade species animal within the meaning of that Act;
 - (b) a product derived from a trade species animal.

102 Emergency disease or quarantine declaration relating to contaminant

- (1) Subsection (2) applies if—
 - (a) the chief executive has under the amended Act, section 96 made an emergency disease declaration that states the declared disease the subject of the declaration; and

- (b) the declared disease is a chemical residue that is a contaminant over the prescribed concentration level for the residue; and
 - (c) immediately before the commencement, the declaration is still in force.
- (2) On the commencement—
 - (a) the emergency disease declaration is taken to be a regulation made under section 503(2)(e); and
 - (b) the declared disease is taken to be a contaminant in an amount more than the maximum acceptable level in a carrier.
- (3) Subsection (4) applies if—
 - (a) the chief executive has under the amended Act, section 96 made an emergency quarantine declaration; and
 - (b) the declared disease or other thing identified in the declaration as the reason for making the declaration is a chemical residue that is a contaminant over the prescribed concentration level for the residue; and
 - (c) immediately before the commencement, the emergency quarantine declaration is still in force.
- (4) On the commencement—
 - (a) the emergency quarantine declaration—
 - (i) is taken to be a biosecurity emergency order made by the chief executive under section 113; and
 - (ii) continues to have effect for the period it would have had effect under the amended Act, section 96; and
 - (b) the area quarantined under the declaration is taken to be the biosecurity emergency area for the biosecurity emergency order; and
 - (c) the declared disease or other thing identified in the declaration is taken to be biosecurity matter associated

with the biosecurity event that is the subject of the biosecurity emergency order.

103 Emergency disease or quarantine declaration relating to residue other than contaminant

- (1) Subsection (2) applies if—
 - (a) the chief executive has under the amended Act, section 96 made an emergency disease declaration that states the declared disease the subject of the declaration; and
 - (b) the declared disease is a chemical residue (other than a contaminant) or an antibiotic residue over the prescribed concentration level for the residue; and
 - (c) immediately before the commencement, the declaration is still in force.
- (2) On the commencement—
 - (a) the emergency disease declaration—
 - (i) continues in force as if this Act had not been enacted; and
 - (ii) continues to have effect for the period it would have had effect under the amended Act, section 96; and
 - (b) the following provisions of the amended Act continue to apply as if this Act had not been enacted—
 - (i) the amended Act, sections 98, 99, 101 and 103;
 - (ii) any other provision of the amended Act necessary for the provisions to have effect or be enforced.
- (3) Subsection (4) applies if—
 - (a) the chief executive has under the amended Act, section 96, made an emergency quarantine declaration; and
 - (b) the declared disease or other thing identified in the declaration as the reason for making the declaration is a chemical residue (other than a contaminant) or an

antibiotic residue over the prescribed concentration level for the residue; and

- (c) immediately before the commencement, the emergency quarantine declaration is still in force.
- (4) On the commencement—
 - (a) the emergency quarantine declaration—
 - (i) continues in force as if this Act had not been enacted; and
 - (ii) continues to have effect for the period it would have had effect under the amended Act, section 96; and
 - (b) the following provisions of the amended Act continue to apply as if this Act had not been enacted—
 - (i) the amended Act, sections 98, 99, 101 and 103;
 - (ii) any other provision of the amended Act necessary for the provisions to have effect or be enforced.

Division 8 Transitional provisions for Plant Protection Act 1989

104 Existing pest declarations

- (1) Subsection (2) applies if—
 - (a) under the repealed Act, section 4(1), a regulation prescribes an undeclared pest to be a pest for the purposes of that Act; and
 - (b) immediately before the commencement, the regulation is still in force.
- (2) On the commencement, the regulation is taken to be a prohibited matter regulation declaring the pest to be prohibited matter.
- (3) Subsection (4) applies if—

- (a) under the repealed Act, section 4(2), the Minister has by notice declared an undeclared pest to be a pest for the purposes of that Act; and
 - (b) immediately before the commencement, the notice is still in force.
- (4) On the commencement, the notice—
 - (a) is taken to be an emergency declaration, made by the chief executive under chapter 2, part 2, declaring the pest to be prohibited matter; and
 - (b) continues to have effect for the period it would have had effect under the repealed Act, section 4(3).

105 Declarations of pest quarantine areas

- (1) Subsection (2) applies if—
 - (a) under the repealed Act, section 11(1), a regulation declares an area to be a pest quarantine area; and
 - (b) immediately before the commencement, the regulation is still in force.
- (2) On the commencement—
 - (a) the regulation under the repealed Act is taken to be a regulation made under section 128 of the Act that includes biosecurity zone regulatory provisions; and
 - (b) the pest quarantine area is taken to be a biosecurity zone under the biosecurity zone regulatory provisions; and
 - (c) the pest that causes the pest infestation identified in the regulation under the repealed Act is taken to be regulated biosecurity matter for the biosecurity zone regulatory provisions.
- (3) Subsection (4) applies if—
 - (a) under the repealed Act, section 11(1), the Minister has by notice declared an area to be a pest quarantine area; and

- (b) immediately before the commencement, the notice is still in force.
- (4) On the commencement—
 - (a) the notice—
 - (i) is taken to be a biosecurity emergency order made by the chief executive under section 113 of the Act; and
 - (ii) continues to have effect for the period it would have had effect under the repealed Act, section 11(9); and
 - (b) the pest quarantine area is taken to be the biosecurity emergency area for the biosecurity emergency order; and
 - (c) the pest that causes the pest infestation identified in the notice under the repealed Act is taken to be biosecurity matter associated with the biosecurity event that is the subject of the biosecurity emergency order.
- (5) Subsection (6) applies if, before the commencement, an inspector has given a direction or taken an action under the repealed Act, section 11(7), that allows a person to be exempted from the matters stated in paragraph (a) or (c) of that section.
- (6) From the commencement—
 - (a) for an exemption relating to a regulation made under the repealed Act, section 11(7)—the exemption is taken to be a biosecurity instrument permit under this Act and is subject to the same conditions imposed under the repealed Act on the exemption; or
 - (b) for an exemption relating to a notice made under the repealed Act, section 11(7)—the exemption is taken to be an emergency biosecurity order permit under this Act and is subject to the same conditions imposed under the repealed Act on the exemption.

106 Undertaking instead of declaration of pest quarantine area

- (1) This section applies if—
 - (a) the Minister has, under the repealed Act, section 11(4), accepted an undertaking from the owner of land; and
 - (b) the undertaking is in force immediately before the commencement.
- (2) From the commencement—
 - (a) the undertaking continues to apply to the owner as if this Act had not been enacted; and
 - (b) if, before the commencement, an inspector has given a direction or taken an action under the repealed Act, section 11(7), that allows a person to be exempted from the conditions imposed on the undertaking—the exemption continues to apply as if this Act had not been enacted; and
 - (c) the repealed Act, section 11(10), continues to apply in relation to the undertaking.

107 Approved plant declarations

- (1) This section applies if—
 - (a) before the commencement, the chief executive made an approved plant declaration under the repealed Act, section 11A, that allowed planting or cultivating of an approved plant variety in a pest quarantine area within the meaning of that Act; and
 - (b) the declaration is still in force immediately before the commencement.
- (2) On the commencement—
 - (a) if a regulation declared an area to be the pest quarantine area—the approved plant declaration is taken to be included in the biosecurity zone regulatory provisions under section 105(2)(a); or

- (b) if the Minister by notice under the repealed Act, section 11(1), declared the pest quarantine area—the approved plant declaration is taken to be a provision of the biosecurity emergency order under section 105(4)(a)(i).

108 Keeping of business documents

If, immediately before the commencement, a person is required under the repealed Act, section 11C or 11D, (a *repealed section*) to keep a business document for an area—

- (a) the obligation to keep the document under the repealed section continues to apply to the person; and
- (b) the period stated in the repealed section for keeping the document—
 - (i) continues to apply for keeping the document; and
 - (ii) continues to have started from when the period started under the repealed section.

109 Existing pest surveillance programs

- (1) This section applies to a pest surveillance program authorised under the repealed Act, section 20B, and in force immediately before the commencement.
- (2) On the commencement, the program—
 - (a) is taken to be a surveillance program authorised by the chief executive under chapter 9; and
 - (b) continues to have effect for the period it would have had effect under the repealed Act.

110 Intergovernmental agreements and assurance certificates

- (1) Subsection (2) applies to an intergovernmental agreement entered into under the repealed Act, section 21L (the *existing agreement*), that is in force immediately before the commencement.

- (2) From the commencement—
 - (a) the existing agreement is taken to be an intergovernmental agreement entered into under section 390 (the *continuing agreement*); and
 - (b) the continuing agreement applies to the parties to the existing agreement with any necessary changes to give effect to the existing agreement; and
 - (c) a reference in the existing agreement to an assurance certificate is taken to be a reference to an acceptable biosecurity certificate for the continuing agreement.
- (3) Subsection (4) applies if an assurance certificate that is in effect immediately before the commencement makes a statement about the existence of a fact in relation to a plant, or other thing that may spread a pest, within the meaning of the repealed Act.
- (4) From the commencement—
 - (a) the assurance certificate is taken to be an acceptable biosecurity certificate about the plant or other thing; and
 - (b) an authorised officer may accept and, without further checking, rely and act on the assurance certificate in relation to the fact as if it were an acceptable biosecurity certificate.

111 Governmental and industry cost sharing agreements

- (1) This section applies to a government and industry cost sharing agreement (a *GICS agreement*) entered into under the repealed Act, section 21LA, that is in force immediately before the commencement.
- (2) From the commencement—
 - (a) the GICS agreement is taken to be a government and industry agreement entered into under section 391; and
 - (b) the government and industry agreement applies to the parties to the GICS agreement with any necessary changes to give effect to the GICS agreement.

Division 9 Transitional provisions for Stock Act 1915

112 Stock Diseases Compensation and Stock Improvement Fund

- (1) This section applies to the Stock Diseases Compensation and Stock Improvement Fund (the *compensation fund*) established under the repealed Act, section 8.
- (2) On the commencement—
 - (a) the amounts in the compensation fund become the assets of the State; and
 - (b) the liabilities mentioned in the repealed Act, section 8(3), become liabilities of the State.

113 Certificates of health for stock

- (1) This section applies to a certificate of health for stock under the repealed Act that—
 - (a) states stock comply with the requirements under the repealed Act for introduction; and
 - (b) is in force immediately before the commencement.
- (2) From the commencement—
 - (a) the certificate of health is taken to be an acceptable biosecurity certificate about the stock; and
 - (b) the acceptable biosecurity certificate has the same effect in relation to the statement as the certificate of health had under the repealed Act; and
 - (c) the acceptable biosecurity certificate has effect for the period the certificate of health would have had effect under the repealed Act.

114 Existing emergency disease notices

- (1) This section applies if—

- (a) under the repealed Act, section 12A(1), the chief executive has made an emergency disease notice declaring a declared disease to be a disease for that Act; and
 - (b) immediately before the commencement, the notice is still in force.
- (2) On the commencement, the notice—
 - (a) is taken to be an emergency prohibited matter declaration, made by the chief executive under chapter 2, part 2, declaring the declared disease to be prohibited matter; and
 - (b) continues to have effect for the period it would have had effect under the repealed Act, section 12A(6).

115 Notifications of infected and declared areas

- (1) This section applies if, under the repealed Act, section 13(1)—
 - (a) the Minister has by notice notified an area to be an infected area or a declared area; and
 - (b) immediately before the commencement, the notice is still in force.
- (2) On the commencement—
 - (a) the notice under the repealed Act is taken to be a regulation made under section 128 of the Act that includes biosecurity zone regulatory provisions; and
 - (b) the infected area or declared area is taken to be a biosecurity zone under the biosecurity zone regulatory provisions; and
 - (c) the disease stated in the notice is taken to be regulated biosecurity matter for the biosecurity zone regulatory provisions.

116 Quarantine and undertakings

- (1) If—

(a) an inspector has, under the repealed Act, section 14, given notice to the owner of holdings in an area that the area is in quarantine; and

(b) immediately before the commencement, the area is still in quarantine;

from the commencement, the repealed Act, section 14 continues to apply as if this Act had not been enacted.

(2) If—

(a) the chief executive has, under the repealed Act, section 14(2), accepted an undertaking from the owner of a holding; and

(b) the undertaking is in force immediately before the commencement;

from the commencement, the undertaking continues to apply to the owner as if this Act had not been enacted.

117 Registration of registrable places and PICs

(1) Subsection (2) applies if—

(a) there is a registrable place that is registered under the repealed Act; and

(b) the owner of the place—

(i) keeps the threshold number or more of designated animals; and

(ii) is not an owner of another registrable place; and

(c) the registration is in force immediately before the commencement.

(2) On the commencement—

(a) the owner of the place is taken to be a registered biosecurity entity registered under section 149 for 3 years from the commencement unless the owner is sooner deregistered under section 152; and

(b) the place is taken to be a designated place the subject of the registration under paragraph (b); and

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- (c) the PIC allocated under the repealed Act to the place is taken to be the PIC allocated under section 151 to the designated place.
 - (3) Subsection (4) applies if—
 - (a) there is a registrable place (the *first place*) that is registered under the repealed Act; and
 - (b) the owner of the first place is an owner of another registrable place (the *second place*) that is registered under the repealed Act; and
 - (c) the owner of the first place keeps the threshold number or more of designated animals; and
 - (d) the registration is in force immediately before the commencement.
 - (4) On the commencement—
 - (a) the owner of the first place may be taken to be a registered biosecurity entity registered under section 149 for 3 years from the commencement unless the owner is sooner deregistered under section 152; and
 - (b) the first place and the second place may be taken to be designated places the subject of the registration under paragraph (a); and
 - (c) the PIC allocated under the repealed Act to each of the first place and second place may be taken to be the PIC allocated under section 151 to the designated places.
 - (5) Subsection (6) applies if—
 - (a) there is a registrable place that is registered under the repealed Act; and
 - (b) the owner of the place keeps fewer than the threshold number or more of designated animals; and
 - (c) the registration is in force immediately before the commencement.
 - (6) On the commencement—
 - (a) the registration of the place ends; and

- (b) the PIC allocated to the place is of no effect.

118 Existing approvals for particular places to remain unregistered

- (1) This section applies if—
 - (a) the owner of a registrable place has been given an approval under the repealed Act for the place to remain unregistered; and
 - (b) the owner keeps fewer than the threshold number of designated animals; and
 - (c) the approval is in force immediately before the commencement.
- (2) On the commencement, the approval is taken to be a registration exemption given under section 146 to the owner.

119 Approved tags

- (1) An approved tag under the repealed Act that is in effect before the commencement is, on the commencement, taken to be an approved device under section 174.
- (2) Subsection (3) applies if an approved tag is applied to an animal in a way that complies with the repealed Act immediately before the commencement.
- (3) On the commencement, the animal is taken to be fitted with a suitable approved device for the animal.

120 Existing warranties implied on sale of stock

- (1) This section applies if—
 - (a) before the commencement, there has been a sale or agreement for the sale of stock under the repealed Act, section 20; and
 - (b) whether before or after the commencement, there is conclusive evidence, within the meaning of the repealed

Act, section 20, of a breach of the warranty implied under that section about the stock.

- (2) From the commencement, the following continue to apply in relation to the warranty as if this Act had not been enacted—
 - (a) the rights of the purchaser of a head of stock under the repealed Act, section 20(3)(a);
 - (b) the obligations of the vendor of a head of stock under the repealed Act, section 20(3)(b);
 - (c) the repealed Act, section 20(2), (3A), (3B) and (6);
 - (d) a regulation made before the commencement for the purposes of the repealed Act, section 20(11).

121 Travel permits

- (1) Subsection (2) applies if—
 - (a) an inspector has—
 - (i) under the repealed Act, section 21B, issued a travel permit; or
 - (ii) under the repealed Act, section 21E, issued a travel permit for multiple movement of stock; and
 - (b) the travel permit was in force immediately before the commencement.
- (2) From the commencement—
 - (a) the travel permit, and any conditions imposed under the repealed Act, section 21B, on the travel permit, continue to apply as if this Act had not been enacted; and
 - (b) the repealed Act, sections 21D and 21F to 21K, and any other provision referred to in any of those provisions or necessary for those provisions to have effect, continue to apply to the travel permit as if this Act had not been enacted.
- (3) Subsection (4) applies if an application for a travel permit made under the repealed Act, section 21C, has not been decided before the commencement.

- (4) From the commencement, the application—
 - (a) is taken to be an application for a biosecurity instrument permit made under section 132(2) of the Act; and
 - (b) must be decided under this Act.

122 Approvals for particular types of stock movement

- (1) A stock movement approval, granted under the repealed Act and in force immediately before the commencement, from the commencement—
 - (a) continues in force as if this Act had not been enacted; and
 - (b) if conditions are imposed on the approval—remains in force only if the conditions are complied with.
- (2) An application for a stock movement approval, made under the repealed Act and not decided before the commencement, must be decided under the repealed Act from the commencement as if this Act had not been enacted.
- (3) In this section—

stock movement approval means an approval under the repealed Act for a type of stock movement that exempts stock from an inspection and treatment requirement or subjects stock to another less stringent form of inspection or treatment.

123 Miscellaneous approvals given by chief inspector

Any of the following approvals made under the repealed Act and in force immediately before the commencement continue in force from the commencement as if this Act had not been enacted—

- (a) an approval for a person to inspect or treat, or supervise the inspection or treatment of, stock for cattle tick;
- (b) the approval of a program for the eradication or control of cattle tick;
- (c) the approval of a railway or road for the movement of stock.

124 Disease eradication programs

- (1) This section applies to a disease eradication program established under the repealed Act, section 30, and in force immediately before the commencement.
- (2) On the commencement, the program—
 - (a) is taken to be a prevention and control program authorised by the chief executive under chapter 9; and
 - (b) continues to have effect for the period it would have had effect under the repealed Act.

125 Agreements in relation to disease eradication programs

If—

- (a) the chief executive has entered into an agreement under the repealed Act, section 30(1A) with the owner of any holding or premises or the owner of any stock; and
- (b) the agreement is in force immediately before the commencement;

from the commencement, the repealed Act, section 30 continues to apply to the agreement as if this Act has not been enacted.

Division 10 Transitional provisions for Stock Route Management Act 2002**126 Existing pest management plans and draft plans**

- (1) The pest management plan of a local government adopted under the amended Act, section 30 and in force immediately before the commencement is, from the commencement, taken to be the local government's biosecurity plan for invasive biosecurity matter for its area for the period stated in the plan.
- (2) If, before the commencement, a local government was preparing its draft pest management plan under the amended

Act, section 27 but, immediately before the commencement, had not adopted the plan, the local government may either—

- (a) complete the preparation and adoption of the plan in the way required under the amended Act, chapter 2, part 4; or
 - (b) end the preparation of the plan under the amended Act and make a biosecurity plan for invasive biosecurity matter for its area under section 53 of the Act.
- (3) A pest management plan adopted by a local government in the way mentioned in subsection (2)(a) is taken to be the local government's biosecurity plan for invasive biosecurity matter for its area for the period stated in the plan.

127 Existing emergency pest notices

- (1) This section applies if—
- (a) under the amended Act, section 37(2), the chief executive has by notice made a declaration under that section for a particular animal or plant; and
 - (b) immediately before the commencement, the notice is still in force.
- (2) On the commencement, the notice—
- (a) is taken to be an emergency prohibited matter declaration, made by the chief executive under chapter 2, part 2, declaring the animal or plant to be prohibited matter; and
 - (b) continues to have effect for the period it would have had effect under the amended Act, section 37(7).

128 Existing agreement to make opening in declared pest fence

- (1) This section applies to an agreement (the *amended Act agreement*) a building authority entered into under the amended Act, section 52, with a person about making an opening in a declared pest fence for a particular purpose and

period if the amended Act agreement is in force immediately before the commencement.

- (2) On the commencement, the amended Act agreement is taken to be an agreement that the building authority for the relevant barrier fence part entered into with the person under section 95 of the Act in the same terms and for the same period as the amended Act agreement.
- (3) In this section—
relevant barrier fence part means the barrier fence part in the area to which the amended Act agreement applies.

129 Notice directing restoration of declared pest fence

- (1) This section applies to a notice given before the commencement by a building authority under the amended Act, section 53 to restore a declared pest fence to the condition it was in before the fence was damaged or opened.
- (2) From the commencement—
 - (a) the notice is taken to be a notice given under section 96 of the Act by the building authority (the *new building authority*) for the barrier fence part in the area to which the notice relates to restore the fence to the condition it was in before the fence was damaged or opened; and
 - (b) the stated day by which the fence must be restored continues to apply for the restoration; and
 - (c) the notice may be enforced by the new building authority.

130 Pest control notices

- (1) This section applies to a pest control notice for an animal given under the amended Act, section 78, before the commencement by a pest operational board under the amended Act, section 213.
- (2) From the commencement—

- (a) the notice continues in effect as if this Act had not been enacted; and
- (b) the notice may be enforced by the invasive animal board or local government responsible for managing the animal as an invasive animal in the area to which the notice applies; and
- (c) the following provisions continue to apply as if this Act had not been enacted—
 - (i) the amended Act, sections 79 and 80;
 - (ii) any other provision of the amended Act necessary for the provisions to have effect or to be enforced.

131 Register of pest control and entry notices

The register of pest control notices and entry notices kept under the amended Act, section 86 by the issuing entity for the notices is, from the commencement, taken to be included in the relevant register of biosecurity orders kept under section 379.

132 Emergency quarantine notices

- (1) This section applies if—
 - (a) under the amended Act, section 90—
 - (i) the chief executive gives a landowner an emergency quarantine notice; or
 - (ii) the chief executive officer of a local government gives a landowner in the local government's area an emergency quarantine notice; and
 - (b) immediately before the commencement, the emergency quarantine notice is still in force.
- (2) On the commencement—
 - (a) the emergency quarantine notice—

- (i) is taken to be a biosecurity emergency order made by the chief executive under section 113 of the Act; and
 - (ii) continues to have effect for the period it would have had effect under the amended Act, section 90; and
 - (b) the land to which the notice relates, stated in the notice, is taken to be the biosecurity emergency area for the biosecurity emergency order; and
 - (c) the class 1 or class 2 pest, within the meaning of the amended Act, that is identified in the notice is taken to be biosecurity matter associated with the biosecurity event the subject of the biosecurity emergency order.
- (3) Subsection (4) applies if—
- (a) the chief executive or the chief executive officer directs an authorised person under the amended Act, section 91, to take action that a person was required to take under the emergency quarantine notice; and
 - (b) immediately before the commencement, the authorised person has not taken the action.
- (4) On the commencement—
- (a) the authorised person may take the action required under that section; and
 - (b) the amended Act, sections 93 and 295 continue to apply as if this Act had not been enacted.

133 Continuation of Darling Downs–Moreton Rabbit Board

- (1) This section applies to the Darling Downs–Moreton Rabbit Board (the *former board*) established as a pest operational board under the amended Act, section 213, and in existence immediately before the commencement.
- (2) On the commencement, the former board is taken to be an invasive animal board (the *continued board*) established under section 62 of the Act, with the same name as the former board.

- (3) The assets and liabilities of the former board immediately before the commencement become the assets and liabilities of the continued board.
- (4) An appointment of a person as a director of the former board and in force immediately before the commencement is taken to be an appointment under section 70 of the Act as a director of the continued board for the period stated in the director's instrument of appointment.
- (5) For the purpose of calculating the duration of the appointment, it is taken to have been made when it was made under a previous provision of the amended Act.
- (6) A director holding the office of chairperson of the former board immediately before the commencement continues to hold the office of chairperson of the continued board until the first meeting of the board of directors occurring at least 1 year after the director's selection as chairperson under a previous provision of the amended Act.
- (7) On the commencement, a person employed by the former board continues to be employed by the continued board on the same conditions, and with the same entitlements of employment, that the person had immediately before the commencement.

134 Existing delegation by pest operational board

- (1) This section applies to a person who, immediately before the commencement, was given a power by delegation under the amended Act, section 239 by a pest operational board under the amended Act, section 213.
- (2) On the commencement, the person is taken to be a barrier fence employee appointed under section 100 of the Act until the earlier of the following, unless the person's appointment as a barrier fence employee sooner ends—
 - (a) the day the person is appointed under section 100;
 - (b) the day that is the end of a period of 1 year after the commencement.

135 References to pest operational boards and declared pest fence

- (1) A reference in an Act or document to a pest operational board under the amended Act, section 213 may, from the commencement and if the context permits, be taken as a reference to the entity that, under this Act—
 - (a) for a reference about the board managing an animal—manages the animal as an invasive animal; or
 - (b) for a reference about the board having responsibility for a declared pest fence—is the building authority for the barrier fence part that is in the same area as the declared pest fence.
- (2) A reference to a declared pest fence for an animal in an Act or document may, from the commencement and if the context permits, be taken as a reference to a barrier fence part for the animal.

136 Existing pest survey programs

- (1) This section applies to a pest survey program approved under the amended Act, section 241, and in force immediately before the commencement.
- (2) From the commencement, a pest survey program continues as if it were—
 - (a) if the program authorised the prevention, management, reduction or eradication of a thing that is biosecurity matter—a prevention and control program; or
 - (b) otherwise—a surveillance program.
- (3) The period for which the pest survey program has effect, stated in the program—
 - (a) continues to apply as if this Act had not been enacted; and
 - (b) continues to have started from when the period started under the amended Act.
- (4) The pest survey program may be varied, revoked or otherwise dealt with and enforced as if it were a biosecurity program.

Schedule 4 Dictionary

section 13

acceptable biosecurity certificate means a certificate that is an acceptable biosecurity certificate under section 413(2)(a), (b) or (c).

accepted representations, for a show cause notice—

- (a) for chapter 14, part 3, division 3—see section 405(2); or
- (b) for chapter 17, part 3—see section 485(2).

accreditation means accreditation under chapter 15.

accreditation conditions see section 430(1).

accredited certifier means a person who—

- (a) holds accreditation under chapter 15 to give biosecurity certificates; or
- (b) holds accreditation under an approved biosecurity accreditation scheme to give biosecurity certificates.

action includes stopping an action.

administering executive means—

- (a) for a person appointed as a designated officer by the chief executive—the chief executive; or
- (b) for a person appointed as an authorised person or a barrier fence employee by a chief executive officer—the chief executive officer; or
- (c) for a person appointed as an authorised person or a barrier fence employee by 2 or more chief executive officers—the chief executive officers jointly; or
- (d) for a person appointed as an authorised person or a barrier fence employee by an invasive animal board—the chairperson of the board.

administrator, for a relevant entity, see section 310(4).

adopted provisions, of a code of practice, see section 106(1)(a).

aggravated offence see section 27(1).

agricultural activities include—

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

agricultural show means any show or exhibition event of limited duration, not including an event that is or is in the nature of a travelling circus or zoo, that includes the exhibition of designated animals, including, for example, in sporting events or show ring events.

Examples—

camp drafting school, horse racing, pony club, rodeo school

animal means any member of the animal kingdom (other than a human), whether alive or dead, and includes—

- (a) a live pre-natal or pre-hatched creature; and
- (b) the whole or any part of an embryo, or the eggs, ovum, semen or other genetic or reproductive material, of an animal; and
- (c) the whole or any part of the progeny, larvae or pupae of an animal.

animal husbandry activities include—

- (a) breeding, keeping, raising or caring for animals, for commercial purposes; and
- (b) establishing and operating a dairy, feedlot, piggery or animal saleyard; and
- (c) grazing animals; and

- (d) aquaculture; and
- (e) beekeeping; and
- (f) poultry farming of more than 500 birds; and
- (g) testing and inoculation of animals, including using diagnostic agents, serums and vaccines.

applicant, for chapter 11, part 4, see 349(1).

approval, in relation to an auditor, means an approval issued under chapter 16.

approval conditions see section 435H (2) and (3).

approved biosecurity accreditation scheme, for chapter 15, see section 411.

approved device see section 174.

approved device requirement means section 179(2).

approved form means a form approved by the chief executive under section 502.

approved operator, for an approved biosecurity accreditation scheme, for chapter 15, see section 411.

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).

audit means an audit conducted under chapter 16.

auditor means a person approved as an auditor under chapter 16.

auditor's approval means an approval as an auditor obtained under chapter 16.

authorised officer means an authorised person or an inspector.

authorised person means a person who holds office as an authorised person under chapter 10, part 1.

authorised transport officer, for chapter 6, means a person, other than a police officer, who holds appointment as an

authorised officer or accredited person under TORUM, chapter 3, part 2 and who also holds appointment under chapter 10, part 1, division 3 as an authorised person under this Act.

barrier fence see section 89(1).

barrier fence employee see section 100(3).

barrier fence map see section 91(1).

barrier fence part see section 89(2).

bee means—

- (a) a honey bee (*Apis mellifera*); or
- (b) another genus or species declared under a regulation to be a bee under this Act.

biosecurity accreditation scheme, for chapter 15, see section 435A.

biosecurity accreditation system, of an approved operator of, or an applicant for approval to operate, an approved biosecurity accreditation scheme, for chapter 15, see section 411.

biosecurity certificate see section 412.

biosecurity circumstance see section 142.

biosecurity consideration see section 5(a).

biosecurity emergency means a biosecurity emergency as provided for in a biosecurity emergency order.

biosecurity emergency area, for a biosecurity emergency order, see section 114(1)(b).

biosecurity emergency checkpoints see section 114(3)(a).

biosecurity emergency order see section 113(1).

biosecurity emergency order permit see section 121(2).

biosecurity emergency provisions means the provisions of chapter 6.

biosecurity event see section 14.

biosecurity instrument, for chapter 6, part 4, see section 131.

biosecurity instrument permit see section 132(2).

biosecurity matter see section 15.

biosecurity order see section 373(1).

biosecurity plan means a biosecurity plan made by a local government under chapter 3, part 2.

biosecurity program see section 232.

biosecurity register see section 168.

biosecurity response see section 338.

biosecurity risk see section 16.

biosecurity risk matter see section 396(2)(b).

biosecurity risk notice see section 160(2).

biosecurity zone means an area identified as a biosecurity zone under biosecurity zone regulatory provisions.

biosecurity zone regulatory provisions see section 128(1).

building authority, for a barrier fence part, see section 90.

captive bird means a bird in captivity, whether wild by nature or bred in captivity and whether native to Queensland, migratory or introduced.

carrier see section 17.

cat includes a Bengal cat (*Prionailurus bengalensis* x *Felis catus*).

change notice see section 170.

check audit, of the business of the other party to a compliance agreement, an accredited certifier's activities as an accredited certifier or an approved operator's operation of an approved biosecurity accreditation scheme, means an audit conducted by an appropriately qualified person—

- (a) who is an employee of the department; or
- (b) decided by the chief executive.

chief executive officer means the chief executive officer of a local government.

chief health officer means the chief health officer under the *Hospital and Health Boards Act 2011*, section 52.

City of Brisbane Act means the *City of Brisbane Act 2010*.

code of practice means a code of practice made under a regulation under chapter 5, part 1.

compensation scheme see section 342(1).

compliance agreement see section 393(1).

compliance audit means an audit by an auditor to ensure—

- (a) for an audit of the business of the other party to a compliance agreement—the carrying on of the business complies with the compliance agreement; or
- (b) for an audit of an accredited certifier's activities as an accredited certifier—the carrying out of the activities complies with the accreditation; or
- (c) for an audit of an approved operator's operation of an approved biosecurity accreditation scheme—the operations comply with—
 - (i) the approval conditions; and
 - (ii) the scheme.

compliance certificate see section 394.

contact details, of a person, means the person's telephone number or facsimile number.

contaminant see section 18.

controlled biosecurity matter, for a movement control order, see section 124(1).

convey, in relation to an animal, means carry or otherwise transport the animal in or on a vehicle.

corresponding law, to this Act or to a provision of this Act, means a law of the Commonwealth or another State that corresponds, or substantially corresponds, to this Act or to the provision.

cost recovery order see section 382(2).

court—

- (a) generally—means a Magistrates Court; and
- (b) for sections 313, 314, 319, 358 and 360—includes the Supreme Court and the District Court.

damage includes injure.

deal with—

- 1 *Deal with*, biosecurity matter or a carrier, includes any of the following—
 - (a) keep or possess, whether intentionally or otherwise, the biosecurity matter or carrier;
 - (b) conduct experiments with the biosecurity matter or carrier;
 - (c) produce or manufacture the biosecurity matter or carrier;
 - (d) breed the biosecurity matter or carrier;
 - (e) propagate the biosecurity matter or carrier;
 - (f) use the biosecurity matter or carrier in the course of manufacturing a thing that is not the biosecurity matter or carrier;
 - (g) grow, raise, feed or culture the biosecurity matter or carrier;
 - (h) distribute the biosecurity matter or carrier;
 - (i) import the biosecurity matter or carrier;
 - (j) transport the biosecurity matter or carrier;
 - (k) dispose of the biosecurity matter or carrier;
 - (l) buy, supply or use the biosecurity matter or carrier for the purposes of, or in the course of, a dealing mentioned in any of paragraphs (a) to (k).
- 2 A person who holds a mortgage or other security interest in biosecurity matter or a carrier does not *deal with* the biosecurity matter or carrier only because the

person takes a step to enforce the mortgage or other security.

designated animal see section 134.

designated biosecurity matter see section 136.

designated bird see section 135A.

designated details, for a registrable biosecurity entity, see section 148(1)(c).

designated officer means an authorised person, an inspector or a barrier fence employee.

designated place see section 148(1)(c)(i).

detection animal means an animal trained to detect the presence of a type of biosecurity matter.

director, of an invasive animal board, means a person appointed as a director under section 70(1).

disease means—

- (a) the presence of a pathogenic agent in a host; or

Examples—

avian influenza, black Sigatoka, infection with *Perkinsus marinus*

- (b) the clinical manifestation of infection; or

- (c) a syndrome.

disposal order see section 319(2).

document certification requirement see section 323(6).

document production requirement see section 323(2).

domestic, in relation to a cat or dog, means a cat or dog that is owned by a person.

drive, in relation to an animal, means cause or allow the animal to travel by foot.

drover means a person who drives an animal.

electronic document means a document of a type under the *Acts Interpretation Act 1954*, schedule 1, definition *document*, paragraph (c).

emergency prohibited matter declaration see section 31(1).

environment includes the following—

- (a) ecosystems and their constituent parts;
- (b) natural and physical resources;
- (c) the qualities and characteristics of locations, places and areas;
- (d) the social, economic, aesthetic and cultural conditions affecting the matters in paragraph (a), (b) or (c) or affected by those matters.

executive officer, of a corporation, means a person who is concerned with or takes part in its management, whether or not the person is a director or the person's position is given the name of executive officer.

external review, for a decision, means a review of the decision by QCAT under the QCAT Act.

feral, in relation to an animal that is a deer, goat or pig—

- 1 A *feral* animal is an animal that—
 - (a) is living in a wild state; and
 - (b) is not being farmed or kept for any other purpose.
- 2 For paragraph 1(b), an animal is being farmed or kept for another purpose only if it is kept in an escape-proof enclosure, cage or other structure.

fit, to an animal, see section 175.

former owner, of a thing, see section 312(2).

fund see section 56.

general biosecurity obligation see section 23.

general biosecurity obligation offence provision means section 24.

general power see section 296(1).

government and industry agreement see section 391(1).

government entity see the *Government Owned Corporations Act 1993*, section 4.

guideline means a guideline made by the chief executive under chapter 5, part 2.

help requirement see section 297(1).

HIN see section 158(1).

hive means a receptacle for housing living bees that contains moveable frames in which the combs are built, and which may be separately and readily removed from the receptacle for examination.

hold, designated biosecurity matter, see section 140.

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

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

ICA scheme, for chapter 15, see section 411.

ICA system, for chapter 15, see section 411.

identity card, for a provision about a designated officer, means an identity card issued under section 329(1).

information notice, for a decision, means a notice stating each of the following—

- (a) the decision and the reasons for it;

- (b) the rights of review and appeal under this Act;
- (c) the period in which any review or appeal under this Act must be started;
- (d) how rights of review and appeal under this Act are to be exercised;
- (e) that a stay of a decision the subject of an appeal under this Act may be applied for under this Act.

information requirement see section 326(3).

inspector means a person who holds office under chapter 10, part 1 as an inspector.

intergovernmental agreement see section 390.

internal review application see section 362.

internal review decision see section 365(1)(b).

invasive animal—

- (a) means a species of animal that has, or is likely to have, an adverse impact on a biosecurity consideration because of the introduction, spread or increase in population size of the species in an area; and
- (b) includes a species of animal that is prohibited matter or restricted matter.

invasive animal board see section 62(1).

invasive biosecurity matter, for a local government area, see section 48(1).

invasive plant—

- (a) means a plant species that has, or is likely to have, an adverse impact on a biosecurity consideration because of the introduction, spread or increase in population size of the species in an area; and
- (b) includes a plant species that is prohibited matter or restricted matter.

investigation and enforcement provisions means chapter 10.

issuing authority, for a document, order or other thing given to a person, means—

- (a) if the thing is given by the chief executive or a person for the chief executive—the chief executive; or
- (b) if the thing is given by a person for a local government—the local government; or
- (c) if the thing is given by a person for an invasive animal board—the invasive animal board.

keep, a designated animal, see section 139.

land—

1 *Land* includes—

- (a) land that is, or is at any time, covered by Queensland waters; and
- (b) water in, on and above land; and
- (c) the airspace above the surface of land; and
- (d) the subsoil of land.

2 *Land*, of an owner, includes—

- (a) unfenced land, including unfenced land comprising part of a road or stock route that adjoins or is within the owner's land; and
- (b) other land that is fenced in with the owner's land; and
- (c) the bed, banks and water of a watercourse on the owner's land.

Land Act means the *Land Act 1994*.

Land Title Act means the *Land Title Act 1994*.

live export holding means—

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

Local Government Act means the *Local Government Act 2009*.

local government compliance notice see section 50(2).

loss, of property, means a total, or effectively a total, loss of the property because it is destroyed.

lot means a lot under the Land Act or Land Title Act.

M+I means moisture plus insoluble impurities, as measured by the American Oil Chemists' Society's official methods in its document called 'Official Methods and Recommended Practices of the AOCS, 6th Edition'.

Editor's note—

At the commencement of this definition, a copy of the document could be purchased at <www.aocs.org/tech/online methods>.

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

movement control order see section 124(1).

movement record see section 194(2)(a).

movement record requirement means section 194.

natural environment means the environment, but having particular regard to ecosystems and their constituent parts and natural and physical resources.

natural resource management body means a body having an interest in managing biosecurity risks.

Examples—

Condamine Alliance, Burnett Mary Regional Group

neighbouring place, to another place, means a place some or all of which is within 20km of the other place.

NLIS means the system known as the 'national livestock identification system', agreed to by the Commonwealth and the States under a resolution of the Primary Industries Ministerial Council of 2 October 2003.

NLIS administrator see section 144.

nonconformance audit means an audit by an auditor to check that any noncompliance with the following, identified in an audit, has been remedied—

- (a) for an audit of the business of the other party to a compliance agreement—the compliance agreement;
- (b) for an audit of an accredited certifier’s activities as an accredited certifier—the accreditation;
- (c) for an audit of an approved operator’s operation of an approved biosecurity accreditation scheme—
 - (i) the approval conditions; and
 - (ii) the scheme.

notice means a written notice.

notional reduction in value, of property, see section 341.

notional value, of property, see section 341.

obstruct includes assault, hinder, resist, attempt to obstruct and threaten to obstruct.

occupier, of a place—

- 1 For chapter 7, see section 143.
- 2 Otherwise, *occupier* includes the following—
 - (a) if there is more than 1 person who apparently occupies the place—any 1 of the persons;
 - (b) any person at the place who is apparently acting with the authority of a person who apparently occupies the place;
 - (c) if no-one apparently occupies the place—any person who is an owner of the place.

of, a place, includes at or on the place.

offence warning, for a direction or requirement by an authorised officer, means a warning that, without a reasonable excuse, it is an offence for the person to whom the direction or requirement is made not to comply with it.

operational area, of an invasive animal board, see section 62(3).

operational procedures, for chapter 15, see section 411.

original decision see section 364(1).

other party, to a compliance agreement, see section 393(1)(b).

owner, of a biosecurity accreditation scheme, for chapter 15, see section 411.

owner—

- 1 The *owner* of a thing that has been seized under this Act includes a person who would be entitled to possession of the thing had it not been seized.
- 2 The *owner* of a place is—
 - (a) if the place is freehold land—the person who under the Land Title Act is its registered owner; or
 - (b) if the place is the subject of a lease under the Land Act—the person who, under the Land Act, is registered as the lessee of the place; or
 - (c) otherwise—the entity having responsibility for the care and control of the place.

permit document, in relation to a prohibited matter permit or restricted matter permit, means the document evidencing the permit, given to the holder of the permit by the chief executive.

permit plan, for prohibited matter or restricted matter, see section 213.

personal details requirement see section 321(5).

person in control—

- (a) of a vehicle, includes—
 - (i) the vehicle's driver or rider; and
 - (ii) anyone who reasonably appears to be, claims to be, or acts as if he or she is, the vehicle's driver or rider or the person in control of the vehicle; or

- (b) of another thing, includes anyone who reasonably appears to be, claims to be, or acts as if he or she is, the person in possession or control of the thing.

PIC see section 151(2).

place includes the following—

- (a) premises;
- (b) vacant land;
- (c) a place in Queensland waters;
- (d) a place held under more than 1 title or by more than 1 owner;
- (e) the land or water where a building or structure, or a group of buildings or structures, is situated.

place of origin, for chapter 7, part 3, division 2, see section 179(1)(b).

plant includes the following—

- (a) the whole or part of a flower, shrub, tree, vegetable, vine or other vegetation;
- (b) the whole or part of the fruit or nut of a shrub, tree or vine;
- (c) the whole or part of the reproductive material of a flower, shrub, tree, vegetable, vine or other vegetation or its seeds;
- (d) any material, whether alive or dead, used for the propagation of a flower, shrub, tree, vegetable, vine or other vegetation.

police service means the Queensland Police Service.

possess, a thing, means—

- (a) have custody of the thing; or
- (b) have control of it at any place, whether or not someone else has custody of it.

poultry means—

- (a) birds of the order Galliformes (including, for example, chickens, turkeys, pheasants, partridge, quail, guineafowl, peafowl), ducks, geese, pigeons and doves; or
- (b) any other bird prescribed by regulation.

premises includes—

- (a) a building or other structure; and
- (b) a part of a building or other structure; and
- (c) a caravan or vehicle; and
- (d) a cave or tent; and
- (e) premises held under more than 1 title or by more than 1 owner.

prescribed designated animal see section 134(b).

prescribed information, for chapter 7, part 3, division 3, see section 183.

prevention and control program see section 234.

program authorisation see section 235(1).

prohibited feed for pigs and poultry see section 45A.

prohibited matter see section 19.

prohibited matter permit see section 209.

prohibited matter regulation see section 30(1).

property, for chapter 11, see section 340.

proposed action—

- (a) for chapter 14, part 3, division 3—see section 404(3)(a); or
- (b) for chapter 17, part 3—see section 484(1).

public office, of a local government, means the local government's public office under the Local Government Act.

public place means—

- (a) a place, or part of the place—

- (i) the public is entitled to use, is open to members of the public or is used by the public, whether or not on payment of money; or

Examples of a place that may be a public place under subparagraph (i)—

a beach, a park, a road

- (ii) the occupier of which allows, whether or not on payment of money, members of the public to enter; or

Examples of a place that may be a public place under subparagraph (ii)—

a saleyard, a showground, a stock route

- (b) a place that is a public place under another Act.

rates means rates within the meaning of—

- (a) for a local government other than the Brisbane City Council—the Local Government Act; or
- (b) for the Brisbane City Council—the City of Brisbane Act.

reasonably believes means believes on grounds that are reasonable in the circumstances.

reasonably suspects means suspects on grounds that are reasonable in the circumstances.

receiver, of a special designated animal, see section 185(a).

recipient, of a biosecurity order, see section 373(1).

registered biosecurity entity means an entity that, as a registrable biosecurity entity, has obtained registration under chapter 7, part 2.

registrable biosecurity entity see section 141.

registration details see section 169(1).

registration exemption, for a registrable biosecurity entity, see section 146(1).

regulated biosecurity matter, for biosecurity zone regulatory provisions, see section 128(1)(a).

relevant accreditation offence see section 411.

relevant authority, for chapter 17, see section 478.

relevant biosecurity offence means—

- (a) an offence against this Act or a repealed Act; or
- (b) an offence against a law that is a corresponding law to a provision of this Act.

relevant entity, for a seized thing, see section 310(5).

repealed Act—

1 For schedule 3, part 3—see schedule 3, section 76.

2 Otherwise, *repealed Act* is—

- (a) the repealed *Agricultural Standards Act 1994*; or
- (b) the repealed *Apiaries Act 1982*; or
- (c) the repealed *Diseases in Timber Act 1975*; or
- (d) the repealed *Exotic Diseases in Animals Act 1981*;
or
- (e) the repealed *Plant Protection Act 1989*; or
- (f) the repealed *Stock Act 1915*.

reporting requirement, for chapter 7, part 3, division 3, see section 183.

residence means a premises or a part of premises that is a residence within the meaning of section 259(2) and (3).

restricted agricultural show, for chapter 7, part 3, division 3, see section 183.

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.

restricted matter see section 21.

restricted matter permit see section 210.

restricted matter regulation see section 39(1).

restricted place means a place declared to be a restricted place under chapter 7, part 2.

review notice day see section 366(2)(a)(i).

RFID number, for a microchip, means the number of the microchip.

saleyard means any yard, premises or place where designated animals are—

- (a) sold or offered or exhibited for sale by public auction or tender; or
- (b) held or kept for the purpose of being sold or offered or exhibited for sale by public auction or tender; or
- (c) held or kept on being sold by public auction or tender.

scheme compensation see section 342(2).

show cause notice—

- (a) for chapter 14, part 3, division 3—see section 404(2); or
- (b) for chapter 17, part 3—see section 484(1).

show cause period—

- (a) for chapter 14, part 3, division 3—see section 404(3)(e); or
- (b) for chapter 17, part 3—see section 484(2)(f).

special designated animal see section 135.

spent conviction means a conviction—

- (a) to which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

statutory compensation see section 345(1).

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

suitable approved device see section 177.

supply includes supply by sale, exchange or gift.

surveillance program see section 233.

syndrome means a symptom, condition, disorder or other thing described by clinical signs, if the cause is unknown.

third party, for chapter 13, part 1, division 3, see section 382(1).

threshold amount, of designated biosecurity matter, see section 138.

threshold number, of designated animals, see section 137.

TORUM means the *Transport Operations (Road Use Management) Act 1995*.

travel approval see section 180(e).

vehicle—

- 1 For chapter 6, part 1, other than section 119, *vehicle* means a vehicle under TORUM.
- 2 For chapter 10, *vehicle* means—
 - (a) a vehicle under TORUM; and
 - (b) includes a vessel under that Act.
- 3 Otherwise, *vehicle* means—
 - (a) an aircraft, including a helicopter; or
 - (b) any of the following under TORUM—
 - (i) a train;
 - (ii) a tram;
 - (iii) a vehicle;
 - (iv) a vessel.

waste see the *Environmental Protection Act 1994*, section 13.

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2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnu m	= unnumbered
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Current as at	Amendments included	Notes
13 March 2014	none	RA s 42A

Current as at	Amendments included	Notes
1 July 2016	2014 Act No. 7 2015 Act No. 5 2015 Act No. 15 2016 Act No. 28	RA ss 7(1)(k), 35, 40
1 March 2017	2016 Act No. 54	
30 March 2017	2017 Act No. 7	

4 List of legislation

Biosecurity Act 2014 No. 7

date of assent 13 March 2014
 ss 1–2 commenced on date of assent
 s 522 never proclaimed into force and om 2016 No. 28 s 67
 remaining provisions commenced 1 July 2016 (see s 2(1)–(2))
 Note— AIA s 15DA does not apply (see s 2(3))
 amending legislation—

Biosecurity Act 2014 No. 7 ss 1–2, 578 sch 4 pt 1

date of assent 13 March 2014
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 July 2016 (see s 2(1)–(2))

Exhibited Animals Act 2015 No. 5 chs 1 pt 1, 10 pt 2 div 1

date of assent 11 June 2015
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 July 2016 (see s 2(1)–(2))

Agriculture and Other Legislation Amendment Act 2015 No. 15 s 1, pt 6

date of assent 22 October 2015
 commenced on date of assent

Planning (Consequential) and Other Legislation Amendment Act 2016 No. 27 pts 1, 7

date of assent 25 May 2016
 ss 1–2 commenced on date of assent
 pt 7 not yet proclaimed into force (automatic commencement under AIA s 15DA(2)
 deferred to 3 July 2017 (2017 SL No. 30))

Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2016 No. 28 s 1, pt 4

date of assent 25 May 2016
 commenced on date of assent

Gene Technology (Queensland) Act 2016 No. 54 ss 1–2, 54 sch 1

date of assent 20 October 2016

ss 1–2 commenced on date of assent

s 54 sch 1 commenced 1 March 2017 (2017 SL No. 22)

Farm Business Debt Mediation Act 2017 No. 7

date of assent 30 March 2017

ss 1–2, pt 9 div 3 commenced on date of assent

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s 45B ins 2016 No. 28 s 31

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s 46 sub 2015 No. 15 s 44

amd 2016 No. 28 s 32

Prohibitions on feeding or supplying prohibited feed for pigs and poultry

s 46A ins 2015 No. 15 s 44

amd 2016 No. 28 s 33

Permission to feed restricted animal material or prohibited feed for pigs and poultry to particular animals

s 46B prev s 46B ins 2015 No. 15 s 44

om 2016 No. 28 s 34

pres s 46B (prev s 46C) ins 2015 No. 15 s 44

amd 2016 No. 28 s 35(1)–(4)

renum 2016 No. 28 s 35(5)

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s 115 amd 2015 No. 15 s 45; 2016 No. 28 s 37

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s 118 amd 2015 No. 15 s 46

Compliance with movement control order

s 126 amd 2015 No. 15 s 47

Biosecurity instrument permit

s 132 amd 2015 No. 15 s 48; 2016 No. 28 s 38

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s 134 amd 2016 No. 28 s 39

What is a *designated bird*

s 135A ins 2016 No. 28 s 40

What is the *threshold number* of designated animals

s 137 amd 2016 No. 28 s 41

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Registration of biosecurity entity

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s 150 amd 2016 No. 28 s 44

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ch 7 pt 2 div 3 sdiv 2 hdg ins 2016 No. 28 s 46

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s 161 sub 2016 No. 28 s 46

Compliance with restricted place restrictions

s 162 amd 2016 No. 28 s 47

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ch 7 pt 2 div 3 sdiv 3 hdg ins 2016 No. 28 s 48

Inclusion of restricted animal entry in biosecurity register

s 162A ins 2016 No. 28 s 48

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s 163A ins 2016 No. 28 s 49

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def *approved operator* ins 2017 No. 7 s 100

def *biosecurity accreditation scheme* ins 2017 No. 7 s 100

def *biosecurity accreditation system* ins 2017 No. 7 s 100

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def *approved biosecurity accreditation scheme* ins 2017 No. 7 s 115(2)

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def *check audit* amd 2017 No. 7 s 115(3)

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