

- (a) establish the whole or a part of the State as a biosecurity zone for stated biosecurity matter (***regulated biosecurity matter*** for the biosecurity zone regulatory provisions) that may have an adverse effect on a biosecurity consideration; and
- (b) include arrangements for managing, reducing or eradicating regulated biosecurity matter in relation to the biosecurity zone or areas outside the biosecurity zone.

Examples—

- 1 Biosecurity zone regulatory provisions might identify a particular variety of plant as regulated biosecurity matter for the provisions and restrict the movement and cultivation of plants of that variety within particular areas of the State to reduce the risk of the introduction and spread of diseases.
 - 2 Biosecurity zone regulatory provisions might identify a particular type of tick as regulated biosecurity matter for the provisions and restrict the movement of susceptible animal species between particular areas where the ticks exist and particular areas where the ticks do not exist.
- (2) Biosecurity zone regulatory provisions may be directed at managing, reducing or eradicating regulated biosecurity matter over an extended period of time or indefinitely.
 - (3) Biosecurity zone regulatory provisions may exclude stated persons, or persons of a particular class, from their operation.

Examples—

- 1 Biosecurity zone regulatory provisions might exclude from their operation a person who has entered into a compliance agreement with the chief executive in relation to regulated biosecurity matter.
 - 2 Biosecurity zone regulatory provisions might exclude from their operation a person who is undertaking an industry approved quality assurance program for managing regulated biosecurity matter.
- (4) The chief executive must ensure that biosecurity zone regulatory provisions are published in full on the department's website as soon as practicable after they are notified.
 - (5) A regulation is not invalid only because of a failure of the chief executive to comply with subsection (4).

(6) In this section—

manage, biosecurity matter, includes—

- (a) prevent its transmission or spread; and
- (b) address the biosecurity risk posed by it.

129 Matters for inclusion in biosecurity zone regulatory provisions

(1) Without limiting what may be included in biosecurity zone regulatory provisions, biosecurity zone regulatory provisions may—

- (a) prohibit or regulate dealing with biosecurity matter, including regulated biosecurity matter, or a carrier; or

Example—

prohibit or regulate the planting of a particular variety of plant

- (b) direct the eradication, in the way stated, of biosecurity matter, including regulated biosecurity matter, or of a carrier; or

Example—

Biosecurity zone regulatory provisions might direct the eradication of crop residues that may harbour regulated biosecurity matter.

- (c) authorise the chief executive, by notice signed by the chief executive and published on the department's website, to provide for either or both of the following—

- (i) the establishment of particular areas within the biosecurity zone;
- (ii) the application, in relation to areas mentioned in subparagraph (i), or areas otherwise established under the biosecurity zone regulatory provisions, of lesser restrictions than would otherwise apply under the biosecurity zone regulatory provisions; or

- (d) prohibit, regulate or require the movement of biosecurity matter, including regulated biosecurity

matter, or a carrier, into, out of or within the biosecurity zone; or

Example—

Biosecurity zone regulatory provisions might include a prohibition on bringing designated animals or animal pathogens, of a type identified in the biosecurity zone regulatory provisions, into the biosecurity zone.

- (e) prohibit, regulate or require the application of measures to prevent the introduction, establishment or spread of regulated biosecurity matter or otherwise to control the regulated biosecurity matter; or

Example—

Biosecurity zone regulatory provisions might include a requirement that susceptible animal species be treated for regulated biosecurity matter in the form of ticks before the susceptible animal species are taken out of the biosecurity zone.

- (f) require that any biosecurity matter, including regulated biosecurity matter, or a carrier be subjected to inspection or testing; or

Example—

Biosecurity zone regulatory provisions might include a requirement that soil be inspected for the presence or absence of regulated biosecurity matter in the form of fire ants before being brought out of the biosecurity zone.

- (g) include notification requirements for regulated biosecurity matter; or
 - (h) require the keeping and inspection of records about the movement, in the course of the carrying on of business, of biosecurity matter, including regulated biosecurity matter, or of a carrier, into, out of or within the biosecurity zone.
- (2) Without limiting the ways in which a biosecurity zone or another area may be identified, the zone or area may be identified by reference to any of the following—
 - (a) an area outlined on a map;
 - (b) coordinates located using global positioning systems;

- (c) real property descriptions;
 - (d) local government area boundaries or boundaries of divisions within a local government's area;
 - (e) electoral boundaries applying for State or Commonwealth elections;
 - (f) geographical features, including, for example, roads and rivers.
- (3) A notice by the chief executive under subsection (1)(c) can not impose restrictions greater than those otherwise applying under the biosecurity zone regulatory provisions.

130 Effect of biosecurity zone regulatory provisions

A permit or other authorisation given under an Act other than for the purpose of managing, reducing or eradicating regulated biosecurity matter in relation to a biosecurity zone or areas outside a biosecurity zone is of no effect, while biosecurity zone regulatory provisions are in force, to the extent it is inconsistent with the provisions.

Example—

A permit to travel designated animals along a stock route given under legislation relating to the control and management of stock routes would not be effective to authorise travel that is prohibited under biosecurity zone regulatory provisions while the provisions are in force.

Part 4 Biosecurity instrument permits

131 Definition

In this part—

biosecurity instrument means a movement control order or biosecurity zone regulatory provisions.

132 Biorecurecty instrument permit

- (1) This section applies to a person who is subject to the operation of a biorecurecty instrument.
- (2) The person may apply to an inspector for a permit (a ***biorecurecty instrument permit***) authorising the person to perform an activity, or not to perform an activity, other than in compliance with the biorecurecty instrument.

Example—

A person might apply to an inspector for a permit authorising the person to move animals that are carriers of regulated biorecurecty matter under biorecurecty zone regulatory provisions to a place outside the biorecurecty zone for the provisions, even though the movement is otherwise prohibited under the provisions.

- (3) The inspector may refuse the application if—
 - (a) the application is for a biorecurecty instrument permit authorising the person to move particular biorecurecty matter or a particular carrier; and
 - (b) biorecurecty zone regulatory provisions—
 - (i) regulate the movement of the biorecurecty matter or carrier; and
 - (ii) provide that the biorecurecty matter or carrier may be moved if an acceptable biorecurecty certificate about a stated matter (the ***relevant requirement***) is given for the biorecurecty matter or carrier; and
 - (c) the inspector is satisfied the person can reasonably obtain an acceptable biorecurecty certificate about the relevant requirement for the biorecurecty matter or carrier.

Example—

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

- biorecurecty zone regulatory provisions allow banana plants to be moved into the zone if an acceptable biorecurecty 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.
- (4) The inspector may grant the biosecurity instrument permit only if the inspector is satisfied in the circumstances that granting the permit—
- (a) will not increase the level of the biosecurity risk posed by the regulated or controlled biosecurity matter; and
 - (b) will not otherwise be detrimental to the effectiveness of the biosecurity instrument.

Examples of circumstances in which a permit might be granted—

- 1 A person who has taken appropriate measures to treat animals that are carriers for a disease that is controlled biosecurity matter under a movement control order might be granted a biosecurity instrument permit to move the animals into an area the subject of the movement control order.
 - 2 A person who has entered into a compliance agreement with the chief executive to manage biosecurity matter, but who is not otherwise excluded from the operation of biosecurity zone regulatory provisions relating to that biosecurity matter, might be granted a biosecurity instrument permit not to comply with a requirement included in the biosecurity zone regulatory provisions.
- (5) A biosecurity instrument permit may be granted on conditions the inspector considers necessary to ensure the matters stated in subsection (4).
- (6) A person who does not comply with a biosecurity instrument does not commit the offence of failing to comply with the instrument if the noncompliance is authorised by a biosecurity instrument permit granted under this part.
- (7) A biosecurity instrument permit may authorise a person to perform or not to perform—
- (a) a stated activity; or
 - (b) activities of a stated description.
- (8) An inspector may at any time, by notice given to the holder of a biosecurity instrument permit, to preserve the intended purpose and effect of the biosecurity instrument—
- (a) change the conditions of the permit; or

- (b) cancel the permit.
- (9) An inspector who refuses to grant a biosecurity instrument permit to a person, grants a biosecurity instrument permit to a person on conditions, amends the conditions of a person's biosecurity instrument permit or cancels a person's biosecurity instrument permit must give the person an information notice for the decision to refuse to grant, grant on conditions, amend or cancel.
- (10) A biosecurity instrument permit can not authorise a person to perform an activity, or not to perform an activity, other than in compliance with a biosecurity emergency order.

133 Offences relating to biosecurity instrument permits

- (1) A person who holds a biosecurity instrument permit must comply with the conditions of the permit unless the person has a reasonable excuse.

Maximum penalty—2000 penalty units or 1 year's imprisonment.

- (2) A person who holds a biosecurity instrument permit must, while acting, or purportedly acting, under the authority of the permit, carry the permit with the person unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (3) A person who holds a biosecurity instrument permit must, if asked to do so by an authorised officer, and unless the person has a reasonable excuse, produce it to the authorised officer for the authorised officer's inspection—

- (a) if the person is at the time of the request acting, or purportedly acting, under the authority of the permit—immediately; or
- (b) otherwise—within the shortest practicable time after the request is made.

Maximum penalty—100 penalty units.

Chapter 7 Registration of biosecurity entities and designated animal identification

Part 1 Preliminary

134 What is a *designated animal*

A *designated animal* is—

- (a) an animal that is a member of any of the following groups of animals—
 - (i) cattle;
 - (ii) sheep;
 - (iii) goats;
 - (iv) pigs;
 - (v) bison;
 - (vi) buffalo;
 - (vii) deer;
 - (viii) the family *Camelidae*;
Examples of members of the family Camelidae—
alpacas, Arabian camels, llamas
 - (ix) the family *Equidae*;
Examples of members of the family Equidae—
horses, ponies, donkeys, mules, zebras
 - (x) designated birds;
 - (xi) bees; or
- (b) an animal prescribed under a regulation as a designated animal (a *prescribed designated animal*).

135 What is a *special designated animal*

A *special designated animal* is—

- (a) an animal that is a designated animal because it is a member of any of the following groups of animals—
 - (i) cattle;
 - (ii) sheep;
 - (iii) goats;
 - (iv) pigs;
 - (v) bison;
 - (vi) buffalo;
 - (vii) alpacas;
 - (viii) llamas; or
- (b) a designated animal prescribed under a regulation as a special designated animal.

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

136 What is *designated biosecurity matter*

- (1) *Designated biosecurity matter* is biosecurity matter prescribed under a regulation as designated biosecurity matter.
- (2) Biosecurity matter that is any of the following can not be prescribed under subsection (1) as designated biosecurity matter—

- (a) a designated animal;
- (b) a pathogenic agent that can cause disease;
- (c) a disease;
- (d) a contaminant.

137 What is the *threshold number* of designated animals

The *threshold number*, of designated animals, is—

- (a) for designated animals other than prescribed designated animals—
 - (i) for designated animals other than bees or designated birds—1; or
 - (ii) for bees—1 bee hive; or
 - (iii) for designated birds—100; or
- (b) for prescribed designated animals—
 - (i) the threshold number prescribed under a regulation; or
 - (ii) if no number is prescribed—1.

138 What is the *threshold amount* of designated biosecurity matter

The *threshold amount*, of designated biosecurity matter, is the amount prescribed under a regulation as the threshold amount for the designated biosecurity matter.

139 Who *keeps* a designated animal

- (1) A person *keeps* a designated animal if the person effectively has responsibility for the care and control of the animal, whether or not the care and control is exercised through an agent or employee of the person.
- (2) However, if at any time it is not reasonably practicable to identify who is the keeper of a designated animal under

subsection (1), the person who at law has title to the animal is the person who *keeps* the animal.

- (3) Each of subsections (4) and (5) identifies a person who, in addition to the person who, under subsection (1) or (2), keeps a designated animal, could also be a keeper of the animal.
- (4) A person (the *relevant person*) *keeps* a designated animal (other than a bee) if—
 - (a) the animal is located at a holding facility; and
 - (b) the relevant person has final responsibility for the operation of the holding facility whether or not the operation of the facility is carried out through an agent or employee of the relevant person.
- (5) A person (also the *relevant person*) *keeps* a designated animal (other than a bee) if—
 - (a) the animal is being travelled on a stock route, or is on a reserve for the travelling of designated animals in association with their being travelled on a stock route; and
 - (b) the relevant person has final responsibility for the travelling of the animal on the stock route, whether or not the travelling of the animal is carried out through an agent or employee of the relevant person.

140 Who *holds* designated biosecurity matter

- (1) A person *holds* designated biosecurity matter if the person is effectively in day-to-day control of the biosecurity matter, whether or not that control is exercised personally or through an agent or employee.
- (2) However, if at any time it is not reasonably practicable to identify who is the holder of designated biosecurity matter under subsection (1), the person who at law has title to the biosecurity matter is the person who *holds* the biosecurity matter.

141 What is a *registrable biosecurity entity*

- (1) A person is a *registrable biosecurity entity* if the person—
 - (a) keeps the threshold number or more of designated animals; or
 - (b) holds the threshold amount or more of designated biosecurity matter.
- (2) For subsection (1), it does not matter whether the keeping or holding happens at 1 place or 2 or more places in the State.
- (3) However, for identifying a registrable biosecurity entity, 2 or more persons could, taken together, be a registrable biosecurity entity even though 1 of those persons, acting separately, could be a separate registrable biosecurity entity.

Example for subsection (3)—

Persons A and B, acting in partnership, keep pigs. A and B together are a registrable biosecurity entity for the keeping of those pigs. Additionally, person A, acting alone and outside of the partnership, keeps other pigs. Person A is a separate registrable biosecurity entity for the keeping of the other pigs.

142 What is a *biosecurity circumstance*

A *biosecurity circumstance* is—

- (a) the keeping of designated animals; or
- (b) the holding of designated biosecurity matter.

143 Who is the *occupier* of a place

- (1) The *occupier* of a place is the person who, whether or not the owner of the place, is the person who is effectively in day-to-day control of the place, whether or not that control is exercised through an agent or employee.
- (2) However, if at any time it is not reasonably practicable to decide who is the occupier of a place under subsection (1), the person who is the owner of the place is also the *occupier* of the place.

144 Who is the *NLIS administrator*

The *NLIS administrator* is the entity approved by the chief executive, by gazette notice, as the administrator of the database for the NLIS.

Part 2 Registration and related requirements**Division 1 Registration of registrable biosecurity entities****145 Registrable biosecurity entity must apply for registration**

- (1) A registrable biosecurity entity must, in compliance with this part, and unless the person has a reasonable excuse, apply for registration under this part unless the chief executive has given a registration exemption for the entity.

Maximum penalty—100 penalty units.

- (2) The obligation under subsection (1) to apply for registration commences immediately a person becomes a registrable biosecurity entity, and must be complied with within 14 days after the obligation commences or within any longer period approved by the chief executive under this section.
- (3) If a person is a registrable biosecurity entity because of each of 2 or more biosecurity circumstances, the person must apply for registration for each of the circumstances.

Example—

A corporation keeps 30 cattle and 20 pigs and holds more than the threshold amount of designated biosecurity matter, therefore providing 3 biosecurity circumstances because of which the corporation is a registrable biosecurity entity. The corporation must apply for registration under this part for each of the 3 circumstances.

- (4) However, the entity may combine the applications in the 1 application document.

- (5) An entity may apply to the chief executive to approve a longer period for applying for registration.
- (6) An application under subsection (5) must be made in the approved form.
- (7) The chief executive may decide the application by—
 - (a) approving the longer period applied for; or
 - (b) approving a period less than that applied for; or
 - (c) approving a longer period on conditions; or
 - (d) refusing to approve a longer period.
- (8) If the chief executive acts under subsection (7)(b), (c) or (d), the chief executive must give the entity an information notice for the decision on the application.

146 Approval for registrable biosecurity entity to remain unregistered

- (1) A registrable biosecurity entity may apply to the chief executive for exemption (a *registration exemption* for the entity) from the requirement that the entity apply for registration under this part.
- (2) The application must be in the approved form.
- (3) The approval may be given only if the chief executive is satisfied that no biosecurity circumstance applying to the entity poses a biosecurity risk.
- (4) If the chief executive decides to refuse the application, the chief executive must give the applicant an information notice for the decision to refuse the application.

147 Application for registration before becoming a registrable biosecurity entity

- (1) A person who is not a registrable biosecurity entity for a biosecurity circumstance, but reasonably expects to become a registrable biosecurity entity for the circumstance, may apply

for registration under this part as if the person were a registrable biorecurey entity for the circumstance.

- (2) Subsection (3) applies if, on a day (the *relevant day*)—
 - (a) a person expects, or ought reasonably to expect, that the person will, for an event period, be a registrable biorecurey entity for a biorecurey circumstance; and
 - (b) the person is not a registered biorecurey entity for the biorecurey circumstance for the event period.
- (3) The person must, as required under subsection (4) and unless the person has a reasonable excuse, apply for registration under this part for the biorecurey circumstance as if the person were a registrable biorecurey entity for the circumstance.

Maximum penalty—100 penalty units.

Example of a person to whom subsection (3) might apply—

A person operates a place as a cattle saleyard on an occasional basis, but the person does not hold a current registration under this part for the keeping of cattle at the saleyard. However, the person is planning to hold a sale at the saleyard for 2 days, starting in 30 days. The person is about to advertise the sale and fully expects the sale to proceed as planned.

- (4) The application must be made as soon as reasonably practicable but, unless it is not reasonably practicable, must be made before the commencement of the event period.
- (5) In this section—

event period means a period, of not more than 14 days—

- (a) starting after the relevant day; and
- (b) ending before the end of the 90 days immediately following the relevant day.

148 Application requirements for registration of registrable biorecurey entity

- (1) An application for the registration of a registrable biorecurey entity must—

- (a) be in the approved form; and
- (b) be made to the chief executive by the entity; and
- (c) state all of the following details (the *designated details* for the entity)—
 - (i) to the extent reasonably practicable, the real property description, address, local government area and any name, of each place (each a *designated place*) where the keeping of designated animals or the holding of designated biosecurity matter happens or may happen;
 - (ii) the name, address and contact details of the entity;
 - (iii) if the applicant is not the occupier of a designated place—the name, address and contact details of the occupier of the place;
 - (iv) whether the occupier of any designated place is also the owner of the designated place, and, if not, the name, address and contact details of the owner of the designated place;
 - (v) the approximate numbers of each type of designated animal;
 - (vi) to the extent the application relates to the holding of designated biosecurity matter—the approximate area of the land on which the biosecurity matter is held, and any other matters about the land prescribed under a regulation; and
- (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
 - (e) be accompanied by the fee prescribed under a regulation; and
 - (f) be accompanied by evidence the chief executive reasonably requires that the person identified in the application as the registrable biosecurity entity is the appropriate person to make the application.
- (2) To the extent the application relates to the keeping of bees, subsection (1)(c) does not apply and the designated details for the registrable biosecurity entity are—
- (a) a statement that the application relates to the keeping of bees; and
 - (b) the name, address and contact details of the entity.

149 Registration of biosecurity entity

On receiving from a person an application for registration, the chief executive must consider the application and, if it complies with the requirements for an application, must as soon as practicable—

- (a) register the person as a registered biosecurity entity in the biosecurity register; and
- (b) advise the person of the registration.

150 Chief executive may register person without application

- (1) This section applies if the chief executive considers a person is, or is likely to become, a registrable biosecurity entity.
- (2) The chief executive may register the person under this part—
 - (a) even though the person has not applied for registration; and
 - (b) even if the person can be expected to be a registrable biosecurity entity only on a temporary basis.

- (3) However, before registering the person under this part, the chief executive must—
 - (a) give the person a notice stating—
 - (i) that the chief executive proposes to register the person because the person is, or is likely to become, a registrable biosecurity entity; and
 - (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
 - (iii) a reasonable period within which the person may make written submissions to the chief executive about whether the person is, or is likely to become, a registrable biosecurity entity; and
 - (b) consider any written submission made by the person within the stated period.
- (4) On registering the person as a registered biosecurity entity in the biosecurity register, the chief executive must—
 - (a) advise the person of the registration; and
 - (b) give the person an information notice for—
 - (i) the chief executive's decision to register the person without having received an application for registration; and
 - (ii) the chief executive's decision about the registration details.

151 Allocation of PICs

- (1) This section applies if the chief executive registers a person as a registered biosecurity entity under this part for the person's keeping of designated animals other than bees.
- (2) The chief executive must allocate a property identification code (a **PIC**) to any designated place the subject of the

registration unless a PIC has already been allocated to the place because of another registration under this part.

- (3) The chief executive may give a registered biosecurity entity a PIC other than for a designated place, and include the PIC in the biosecurity register, if the chief executive is satisfied it is necessary for the integrity of the NLIS.
- (4) The chief executive must take any action the chief executive considers appropriate, including by cancelling or replacing a PIC and amending the biosecurity register accordingly, to ensure to the greatest practicable extent that any 1 place the details of which are recorded in the register has only 1 PIC that is unique to that place.
- (5) If the chief executive takes any action under subsection (4) that affects the registration details of a registered biosecurity entity, the chief executive must give the entity an information notice for the decision to take the action.
- (6) Subject to other requirements of this chapter relating to PICs, a PIC may take any form the chief executive considers appropriate.

152 Registered biosecurity entity may apply for deregistration

- (1) If a person that is a registered biosecurity entity ceases to be a registrable biosecurity entity for a biosecurity circumstance, the person may apply to the chief executive for the person's deregistration as a registered biosecurity entity for the circumstance.
- (2) The application must be in the approved form.
- (3) The chief executive must remove the person from the biosecurity register if satisfied the person is no longer a registrable biosecurity entity for the biosecurity circumstance.
- (4) Otherwise, the chief executive must refuse the application.
- (5) If the chief executive decides to refuse the application, the chief executive must give the applicant for deregistration an information notice for the decision to refuse.

153 Registered biosecurity entity to be given proof of registration

- (1) The chief executive may give a registered biosecurity entity proof of the entity's registration in the form approved by the chief executive.
- (2) The chief executive must give a registered biosecurity entity proof of registration as mentioned in subsection (1) if the entity asks for it.

154 No transfer of registration

A registered biosecurity entity's registration can not be transferred.

155 Term of registration

- (1) The term of the registration of a registered biosecurity entity is the term decided by the chief executive, having regard to the circumstances of the entity, but must not be more than 3 years.
- (2) If the term of a registration is made up of 2 or more separate periods, the separate periods must be within a period of not more than 3 years.

Example for subsection (2)—

An agricultural show society becomes registered as a registered biosecurity entity for the keeping of various designated animals for a 2-week period at the same time each year. The term of the registration could not be more than 3 of those 2-week periods.

156 Renewal of registration

- (1) When the term of a registration as a registered biosecurity entity ends, the chief executive must renew the registration unless the chief executive has been otherwise advised by the entity.
- (2) If the chief executive renews a registration as a registered biosecurity entity under subsection (1), the chief executive must require the registered biosecurity entity—

- (a) to pay the prescribed fee for renewal of the registration;
or
 - (b) to advise the chief executive why the entity no longer needs to be registered as a registered biosecurity entity.
- (3) Subsection (1) does not stop the chief executive from at any time requiring a registered biosecurity entity to give the chief executive information the chief executive reasonably requires for confirming the continuing accuracy of any aspect of the entity's registration details.
- (4) A registered biosecurity entity must comply with a requirement made to the entity under subsection (2) or (3) unless the entity has a reasonable excuse.

Maximum penalty—100 penalty units.

Division 2 Special provisions relating to the keeping of bees

157 Keeping of bees in a hive

A person must not keep bees unless the bees are kept in a hive.

Maximum penalty—50 penalty units.

158 Allocation of HIN

- (1) If the chief executive registers a registrable biosecurity entity under this part for the entity's keeping of bees, the chief executive must allocate a hive identification number (a **HIN**) to the entity for the entity's hives.
- (2) The chief executive must take any action the chief executive considers appropriate, including by cancelling or replacing a HIN and amending the biosecurity register accordingly, to ensure to the greatest practicable extent that a registered biosecurity entity has only 1 HIN that is unique to the entity's hives.

- (3) If the chief executive takes any action under subsection (2) that affects the registration details of a registered biosecurity entity, the chief executive must give the entity an information notice for the decision to take the action.
- (4) A HIN may take any form the chief executive considers appropriate.
- (5) A registered biosecurity entity that has a HIN allocated to it by the chief executive must ensure that the hives the entity uses for the keeping of bees are marked or branded with the HIN, in the way prescribed under a regulation, to the following extent—
 - (a) for each group of 50 hives—at least 1 hive in the group must be marked or branded;
 - (b) subject to paragraph (a), for any group of less than 50 hives—at least 1 hive in the group must be marked or branded.

Maximum penalty—50 penalty units.

159 Display of information about registered biosecurity entity

- (1) This section applies if hives that a registered biosecurity entity uses for the keeping of bees are located other than on land that is or that is adjacent to land that is residential land of the entity.
- (2) The entity must, on 1 of the hives, or in a conspicuous place within the hives, display a notice that complies with the requirements, and contains the information relating to the entity's registration under this part, prescribed under a regulation.

Maximum penalty—20 penalty units.

- (3) In this section—

residential land, of a registered biosecurity entity, means land on which is located the usual place of residence of—

 - (a) the entity; or

- (b) an executive officer, agent or employee of the entity.

Division 3 **Restricted places, restricted animals and restricted biorecurey matter**

Subdivision 1 **Biorecurey risk notices**

160 **Requirement to give biorecurey risk notice**

- (1) This section applies if a relevant person for a designated place becomes aware—
- (a) the place poses, or may pose, a biorecurey risk; or
 - (b) a designated animal at the place poses, or may pose, a biorecurey risk; or
 - (c) designated biorecurey matter at the place poses, or may pose, a biorecurey risk.

- (2) The relevant person must, as soon as practicable, give the chief executive notice (a ***biorecurey risk notice***) of the biorecurey 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 biorecurey risk.

- (4) In this section—

relevant person, for a designated place, means—

- (a) a registered biorecurey 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 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.

162 Compliance with restricted place restrictions

- (1) While a place is a restricted place, a person must not perform any activity in relation to the place that contravenes any restriction recorded in the biosecurity register under section 161(2)(b) about how the place is to be used.

Maximum penalty—800 penalty units.

- (2) A person does not commit an offence against subsection (1) for the performance of an activity 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 the performance of the activity.
- (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.

- (4) A person does not commit an offence against subsection (3) by dealing with a designated 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 designated animal in that way.
- (5) A person must not deal with designated biosecurity matter in a way that contravenes a restriction recorded in the biosecurity register 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 biorecurecty 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.

Subdivision 3 Declarations of restricted animals

162A Inclusion of restricted animal entry in biorecurecty register

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

Examples of a designated animal that could pose a biorecurecty 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 biorecurecty 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 biorecurecty 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 biorecurecty 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;
- (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.
- (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

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.

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—
 - (a) the occupier of the place; or
 - (b) the owner of the place; or
 - (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.

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.

165 Inquiry about application

- (1) Before deciding the application, the chief executive may, by notice to the applicant, require the applicant to give the chief executive, within the reasonable period of at least 30 days stated in the notice, further information or a document the chief executive reasonably requires to decide the application.
- (2) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with the requirement.
- (3) A notice under subsection (1) must be given to the applicant within 30 days after the chief executive receives the application.
- (4) The information or document under subsection (1) must, if the notice requires, be verified by statutory declaration.

166 Decision on application

- (1) The chief executive must consider the application and decide to grant, or refuse to grant, the application.
- (2) If the chief executive decides to refuse the application, the chief executive must give the applicant an information notice for the decision.
- (3) If the chief executive decides to grant the application, the chief executive must—
 - (a) advise the applicant of the decision; and

- (b) as soon as practicable, remove the entry from the biosecurity register; and
- (c) advise the applicant when the entry is removed from the biosecurity register.

167 Failure to decide application

- (1) Subject to subsections (2) and (3), if the chief executive fails to decide the application within 30 days of its receipt, the failure is taken to be a decision by the chief executive to refuse to grant the application.
- (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.
- (3) The chief executive is taken to have refused the application if the chief executive does not decide the application within 30 days after the chief executive receives the further information or document.
- (4) If the application is taken to be refused under this section, the applicant is entitled to be given an information notice by the chief executive for the decision.

Division 4 The biosecurity register

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.

169 Information required to be kept

- (1) The biosecurity register must include, for each registered biosecurity entity in relation to each biosecurity circumstance for which the entity is a registered biosecurity entity, all of the following details (the *registration details*)—
 - (a) the designated details for the entity;
 - (b) any PIC that applies to the entity's registration;
 - (c) any HIN allocated for the entity's registration.
- (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.
- (5) The chief executive may record other information the chief executive considers appropriate about a registered biosecurity entity, restricted place, restricted animal or restricted biosecurity matter.

170 Requirement for change notice

- (1) This section applies if a registered biosecurity entity becomes aware of a change that affects or may affect the accuracy of the entity's designated details.
- (2) The registered biosecurity entity must, as soon as practicable, give the chief executive notice of the change (a ***change notice***).

Maximum penalty—50 penalty units.

171 Correction and updating of biosecurity register for registered biosecurity entities

- (1) The chief executive may correct the designated details for a registered biosecurity entity if satisfied that—
 - (a) the designated details are incorrect as registered; or
 - (b) the correction is necessary to ensure the traceability of designated animals or designated biosecurity matter.
- (2) The correction may be made at the chief executive's own initiative, at the registered biosecurity entity's request, or because of a change notice.
- (3) If a correction is made at the chief executive's own initiative, and without a registered biosecurity entity's request or consent and not because of a change notice to the extent the change notice is about the entity's designated details, the chief executive must give the entity an information notice for the decision to make the correction.
- (4) If the chief executive is given a change notice, the chief executive must refuse to correct the designated details in compliance with the change notice to the extent the chief executive is satisfied that, in the circumstances, a further application for registration under this part should be made.
- (5) In this section—

correct includes amend, and for a PIC or HIN, cancelling and replacing it.

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.

173 Taking copies of biosecurity register

- (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).
- (3) 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.
- (4) 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
 - (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.
- (5) 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

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- (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.
- (6) Despite subsections (1) to (5), the chief executive may, on the chief executive's own initiative, give a person a copy of all or part of the information held in the biosecurity register if—
- (a) the person is the NLIS administrator; or
 - (b) the person is carrying out functions under an Act administered by the department or under a law of another State or the Commonwealth that provides for the same or similar matters as an Act administered by the department; or
 - (c) the chief executive is satisfied disclosing the details to the person in the circumstances—
 - (i) is essential for the administration of a program under this Act relating to the control of animal health or accreditation; or
 - (ii) will contribute to the traceability of designated animals or designated biosecurity matter or of disease; or
 - (iii) will contribute to compliance with a standard under this Act relating to market access or reporting or product integrity.
- (7) The information mentioned in subsection (6) may be given subject to conditions the chief executive considers appropriate.

Example of a condition for subsection (7)—

Information may be given to the NLIS administrator on the condition that the NLIS administrator gives the chief executive access to information from the database for the NLIS.

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 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).

Part 3

Special designated animal identification and tracing system

Division 1

Approved devices

174 What is an *approved device*

An *approved device* is a tag or other identifying device or mark that—

- (a) may be fitted to a special designated animal for use in distinguishing the special designated animal from all other animals; and
- (b) complies with the technical requirements decided by the chief executive as applying to tags or other identifying devices or marks to be fitted to special designated animals.

175 Meaning of *fit*

For this part—

fit, to an animal, other than in relation to a tag, includes the following—

- (a) brand or tattoo the animal;
- (b) insert into the animal.

176 Chief executive may approve different devices for different animals or circumstances

- (1) The chief executive may decide different specifications for approved devices to be fitted to different types of special designated animals.
- (2) The specifications must state the technical requirements for a device and may also provide for any of the following—

- (a) the type of special designated animal to which the device may be fitted;
 - (b) the circumstances that must apply to a special designated animal before the device may be fitted to the animal;
 - (c) the purposes for which the device may be fitted to a special designated animal.
- (3) The chief executive must publish the specifications on the department's website.
- (4) In deciding the specifications, the chief executive must, to the greatest practicable extent, comply with the provisions of a relevant code of practice, including, for example, provisions about the following—
 - (a) the testing of tags for suitability for fitting to an animal;
 - (b) the purposes of different types of tags;
 - (c) the positioning of tags fitted to special designated animals;
 - (d) conditions for the re-use, recycling and destruction of tags.

177 What is a *suitable approved device*

An approved device is a *suitable approved device* for a special designated animal if it is suitable to be fitted to the animal having regard to the specifications decided by the chief executive for the device.

178 Only suitable approved device to be fitted

- (1) A person must not fit an approved device to a special designated animal if the device is not a suitable approved device for the animal.

Maximum penalty—100 penalty units.

- (2) A person does not commit an offence against subsection (1) if the person—

- (a) did not know, and ought not reasonably to have known, that the device was not a suitable approved device; or
- (b) has a reasonable excuse for fitting the device.

Division 2 **Approved device requirement and travel approvals**

179 Approved device requirement

- (1) This section applies to a person if—
 - (a) the person is a registrable biosecurity entity; and
 - (b) the biosecurity circumstance for which the person is a registrable biosecurity entity is or includes the keeping of a special designated animal at a place (the *place of origin*).
- (2) The person must ensure that, if the special designated animal is moved from the place of origin, the animal is fitted with a suitable approved device for the animal unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (3) Subsection (2) applies even if the person is not a registered biosecurity entity for the keeping of the special designated animal.

180 Exemptions from approved device requirement

A person does not commit an offence against the approved device requirement in relation to the movement of a special designated animal if—

- (a) all of the following apply—
 - (i) the movement of the special designated animal is to a place that is a neighbouring place to the place of origin;

- (ii) the movement is for ordinary animal management purposes only;

Examples of ordinary animal management purposes—

dipping, branding and vaccinating

- (iii) the person intends that the special designated animal be returned to the place of origin within 48 hours after arriving at the neighbouring place; or
- (b) the lack of the fitted suitable approved device applies only for the first part of the movement, and the first part of the movement is to a place—
 - (i) that is a neighbouring place to the place of origin; and
 - (ii) that is a place where the approved device can be fitted; or

Example—

The neighbouring place, unlike the place of origin, is equipped with appropriate facilities for fitting the approved device.

- (c) the special designated animal is a goat and all of the following apply—
 - (i) the first part of the movement of the animal is direct from a place where it is living in a wild state to a place (a ***sorting place***) where it is held for the purposes of collection and sorting;
 - (ii) the second part of the movement of the animal is direct from the sorting place to a meat processing facility;
 - (iii) the movement otherwise complies with the movement requirements prescribed under a regulation; or
- (d) the special designated animal is a goat or pig and all of the following apply—
 - (i) the first part of the movement of the animal is direct to a sporting event from a place (the ***relevant place***);

- (ii) no other animals are present at the sporting event, other than goats and pigs from the relevant place;
 - (iii) the second part of the movement of the animal is direct from the sporting event to the relevant place;
- or

Examples of a sporting event—

billy goat race, pig race

- (e) the person holds an approval (a ***travel approval***) for the movement and all conditions of the travel approval are complied with.

181 Obtaining a travel approval

- (1) A person may apply to the chief executive for a travel approval for the movement of a special designated animal.
- (2) The application must be in the approved form.
- (3) The chief executive may grant the travel approval only if the chief executive is satisfied that—
 - (a) the special designated animal can be traced under the NLIS; and
 - (b) the movement does not pose a biosecurity risk.
- (4) The chief executive may ask the applicant for further information or documents to decide the application.
- (5) The chief executive must grant the travel approval, with or without conditions, or refuse the travel approval.
- (6) If the chief executive decides to grant the travel approval without conditions, the chief executive must give the applicant a written travel approval.
- (7) If the chief executive decides to grant the travel approval on conditions, the chief executive must give the applicant—
 - (a) a written travel approval that includes the conditions; and
 - (b) an information notice for the decision to grant the approval on the conditions.

- (8) If the chief executive decides to refuse to grant the travel approval, the chief executive must give the applicant an information notice for the decision to refuse.

182 Failure to decide travel approval application

- (1) Subject to subsections (2) and (3), if the chief executive fails to decide an application under section 181 within 30 days of its receipt, the failure is taken to be a decision by the chief executive to refuse to grant the application.
- (2) Subsection (3) applies if the chief executive has, under section 181(4), required the applicant to give the chief executive further information or a document.
- (3) The chief executive is taken to have refused the application if the chief executive does not decide the application within 30 days after the chief executive receives the further information or document.
- (4) If the application is taken to be refused under this section, the applicant is entitled to be given an information notice by the chief executive for the decision.

Division 3 Receiving special designated animals

Subdivision 1 Preliminary

183 Definitions for div 3

In this division—

prescribed information means the information prescribed under a regulation for a reporting requirement.

reporting requirement means a requirement under this division to give the NLIS administrator information about a special designated animal.

restricted agricultural show means an agricultural show to which at least 1 of the following apply—

- (a) the duration of the agricultural show is no more than 96 hours;
- (b) there are not more than 500 special designated animals required to be fitted with an approved device that includes a microchip that are present at the agricultural show at any 1 time;
- (c) all special designated animals required to be fitted with an approved device that includes a microchip that are present at the agricultural show have most recently been kept at the same place.

184 Meaning of moving from another place

A reference in this division to a person taking delivery at a place of an animal that has been moved to the place from another place includes a reference to an animal that has been moved to the place where delivery is taken on a movement that did not involve its delivery to any other person.

Example—

An animal is moved along stock routes and is returned to the place where it started.

Subdivision 2 Receiver requirement to advise NLIS administrator

185 Application of sdiv 2

This subdivision applies if—

- (a) a person (the ***receiver***) takes delivery at a place of a special designated animal that has been moved to the place from another place; and
- (b) under the approved device requirement, the animal was required, for the movement, to be fitted with an approved device; and

- (c) on the taking of delivery of the animal, the receiver is, or becomes, a registrable biosecurity entity for the keeping of the animal.

186 Special designated animal delivered to meat processing facility

- (1) If the receiver takes delivery of the special designated animal at a meat processing facility, the receiver must, unless the receiver has a reasonable excuse—
 - (a) within 48 hours after taking delivery of the animal at the facility, give the NLIS administrator the prescribed information; and
 - (b) within 48 hours after the slaughter of the animal, give the NLIS administrator the prescribed information.

Maximum penalty—100 penalty units.

- (2) Subsection (1)(a) does not apply if, on taking delivery of the animal at the meat processing facility, the receiver reasonably expects the animal to be slaughtered within 5 days after its arrival.

Notes—

- 1 For changes to the timing for reporting if the receiver becomes a registrable entity on taking delivery, see section 191.
- 2 For other exceptions to the reporting requirement under this section, see section 192.

187 Special designated animal delivered to saleyard or live export holding

If the receiver takes delivery of the special designated animal at a saleyard or live export holding, the receiver must, unless the receiver has a reasonable excuse—

- (a) within 48 hours after taking delivery of the animal at the saleyard or live export holding, give the NLIS administrator the prescribed information; and

- (b) within 48 hours after the animal is moved from the saleyard or from the live export holding to a place outside Australia, give the NLIS administrator the prescribed information.

Maximum penalty—100 penalty units.

Notes—

- 1 For changes to the timing for reporting if the receiver becomes a registrable entity on taking delivery, see section 191.
- 2 For exceptions to the reporting requirement under this section, see section 192.

188 Special designated animal delivered to restricted agricultural show

- (1) This section applies if—
 - (a) the special designated animal is fitted with an approved device that includes a microchip; and
 - (b) the receiver takes delivery of the animal in the receiver's capacity as an entity that organises or otherwise holds an event that is a restricted agricultural show; and
 - (c) the animal will remain at the restricted agricultural show only for the period reasonably necessary for the animal's use in the restricted agricultural show, unless the receiver has a reasonable excuse for keeping the animal at the restricted agricultural show for a longer period.
- (2) The receiver must, unless the receiver has a reasonable excuse, within 48 hours after taking delivery of the special designated animal, give the NLIS administrator the prescribed information.

Maximum penalty—100 penalty units.

Notes—

- 1 For changes to the timing for reporting if the receiver becomes a registrable entity on taking delivery, see section 191.
- 2 For exceptions to the reporting requirement under this section, see section 192.

189 Special designated animal moved from restricted agricultural show

- (1) This section applies if—
 - (a) the special designated animal is fitted with an approved device that includes a microchip; and
 - (b) the receiver takes delivery of the animal at the place and the place is not a show place; and
 - (c) the animal has been moved to the place from a show place (the *relevant show place*).
- (2) The receiver must, unless the receiver has a reasonable excuse, within 48 hours after taking delivery of the special designated animal, give the NLIS administrator the prescribed information.

Maximum penalty—100 penalty units.

- (3) However, the receiver is not required to comply with subsection (2) if the special designated animal leaves the relevant show place and returns to the place where the animal was most recently kept before it was present at any show place.

Notes—

- 1 For changes to the timing for reporting if the receiver becomes a registrable entity on taking delivery, see section 191.
- 2 For other exceptions to the reporting requirement under this section, see section 192.

- (4) In this section—

show place means a place for the holding of a restricted agricultural show.

190 Special designated animal delivered to another place

- (1) This section does not apply if any of sections 186 to 189 apply.
- (2) If the receiver takes delivery of the special designated animal at the place, the receiver must, unless the receiver has a reasonable excuse, within 48 hours after taking delivery of the

animal, give the NLIS administrator the prescribed information.

Maximum penalty—100 penalty units.

- (3) However, the receiver is not required to comply with subsection (2) to the extent the receiver takes delivery of the special designated animal in the receiver's capacity as—
 - (a) an owner or occupier of the place that is a place on which the animal is agisted if the owner or occupier is not the owner of the animal; or
 - (b) a conveyer or drover of the animal.
- (4) If subsection (3) applies, the responsible person for the special designated animal must, unless the responsible person has a reasonable excuse, within 48 hours after the receiver takes delivery of the animal, give the NLIS administrator the prescribed information.

Maximum penalty—100 penalty units.

Notes—

- 1 For changes to the timing for reporting if the receiver becomes a registrable entity on taking delivery, see section 191.
 - 2 For other exceptions to the reporting requirement under this section, see section 192.
- (5) In this section—
- responsible person***, for a special designated animal, means the person who at law has title to the animal, or who otherwise has final responsibility for the animal.

191 Timing for reporting if receiver becomes registrable entity on taking delivery

- (1) This section applies if, on the taking of delivery of the special designated animal, the receiver becomes a registrable biosecurity entity for the keeping of the animal but has not yet obtained registration under part 2 of this chapter.
- (2) The period of 48 hours mentioned in each of sections 186 to 190 does not start until the receiver obtains the registration.

192 Exceptions to reporting requirements

Sections 186 to 190 do not apply if—

- (a) a person has advised the NLIS administrator of the relevant prescribed information before the special designated animal is moved to or from the place; or
- (b) the special designated animal, because of the approved device requirement, is required to be fitted with a suitable approved device that includes a microchip but the animal is not fitted with the device before the receiver takes delivery of the animal at the place.

Subdivision 3 Receiver requirement to advise inspector

193 Particular special designated animal not fitted with suitable approved device

- (1) This section applies if—
 - (a) a person (the *relevant person*) takes delivery at a place of a special designated animal that has been moved from another place; and
 - (b) because of the approved device requirement, the animal should have been fitted with a suitable approved device at some time before the relevant person took delivery; and
 - (c) the animal is not fitted with a suitable approved device.
- (2) The relevant person must, within 24 hours after taking delivery of the special designated animal, and unless the relevant person has a reasonable excuse, advise an inspector of the circumstances mentioned in subsection (1).

Maximum penalty—100 penalty units.

- (3) The relevant person must comply with all reasonable directions the inspector gives the relevant person for ensuring

appropriate identification of the special designated animal unless the relevant person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (4) Without limiting subsection (3), reasonable directions may include a direction for the relevant person to fit the special designated animal with an approved device.
- (5) A person is not required to comply with subsection (2) to the extent the person takes delivery of the special designated animal in the person's capacity as a conveyor or drover of the animal.
- (6) It is not a reasonable excuse for the relevant person to fail to comply with subsection (2) or (3) that the relevant person is not a registered biosecurity entity for the keeping of the special designated animal.

Division 4 Movement records

194 Movement record requirement

- (1) This section applies to a person (the *relevant person*) who is a registrable biosecurity entity for the keeping of a designated animal, whether or not the person is also a registered biosecurity entity for the keeping of the animal.
- (2) The relevant person must ensure that, if the animal is moved from the place where the animal is kept—
 - (a) there is created, before the movement starts, a record of the proposed movement (the *movement record*) in the appropriate form; and
 - (b) if the animal is a special designated animal, or if a biosecurity emergency order, movement control order or biosecurity zone regulatory provision provides that this section applies to the movement—any person who is the conveyor or drover of the animal for the purposes of the movement has, in the conveyor's or drover's possession,

before the movement starts, a copy of the movement record.

Maximum penalty—200 penalty units.

- (3) The relevant person is not required to comply with subsection (2) if—
 - (a) the movement of the animal is to or from a place that is a neighbouring place to the place where the movement starts; and
 - (b) the movement is for ordinary stock management purposes, other than for the purpose of collecting or returning the animal because it has strayed; and
 - (c) the movement does not require a biosecurity instrument permit.
- (3A) Also, the relevant person is not required to comply with subsection (2) if the animal is kept under an exhibited animal authority and the movement is allowed under the authority.
- (4) Subsection (5) applies to the conveyor or drover of an animal for a movement if, under this section—
 - (a) a movement record is required for the movement; and
 - (b) the relevant person is required to ensure that the conveyor or drover has, in the conveyor's or drover's possession, before the movement starts, a copy of the movement record.
- (5) The conveyor or drover must not proceed for the purposes of the movement if the conveyor or drover does not have, in the conveyor's or drover's possession, before the movement starts, a copy of the movement record.

Maximum penalty—200 penalty units.

- (6) A single movement record may be created for the same proposed movement of 2 or more animals to which this section applies.
- (7) A person who fails to comply with subsection (2) or (5) does not commit an offence against the subsection if the person has a reasonable excuse for the failure to comply.

(8) In this section—

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

195 Appropriate form of movement record

- (1) For the movement record requirement, a movement record that relates to the movement of a designated animal is in the appropriate form if it is a document in hard copy or electronic form that clearly sets out the following information—
- (a) the name of the person completing the record;
 - (b) details sufficient to identify the place from which the designated animal is being moved;
 - (c) where the designated animal is being moved to, and the name and address of the person who is to receive the animal;
 - (d) the proposed date of the movement of the designated animal;
 - (e) the species and breed of the designated animal;
 - (f) a description of the designated animal or, if the animal is part of a group of designated animals that are moved from the place where the animals are kept, a description of the group, including, for example, any distinguishing marks or features on the animal or group that may be sufficient to identify the animal or group;
 - (g) other information prescribed under a regulation.
- (2) Also, to be in the appropriate form, a movement record for a designated animal that is a special designated animal must—
- (a) be signed by the individual completing the record unless the record is created and kept only in electronic form; and
 - (b) bear a serial number that is unique for the record; and
 - (c) state the PIC shown on any approved device that does not include a microchip that is fitted to the animal.

- (3) A single document, whether in hard copy or electronic form, may be used for more than 1 movement record if the movements relate to a designated animal other than a special designated animal.

196 Relaxation of movement record requirement for multiple conveyances

- (1) Nothing in this division is intended to stop 2 or more special designated animals being included in the 1 movement record if all the animals are conveyed between the same places at the same time.
- (2) However, subject to subsections (3) to (6), special designated animals may be conveyed under a single movement record even though there are 2 or more conveyances.
- (3) All the special designated animals must leave the same starting point within a period of 24 hours.
- (4) The driver of each vehicle conveying any of the special designated animals must carry a certificate—
 - (a) either in hard copy or electronic form; and
 - (b) signed by a person required or authorised to create the movement record unless the certificate is in electronic form.
- (5) The certificate must—
 - (a) state the number of special designated animals on the vehicle; and
 - (b) identify the movement record relating to the movement of all the special designated animals; and
 - (c) state the start and end points for the movement that are to appear on the movement record.
- (6) The movement record must be completed before the first of the special designated animals leaves the starting point for the movement.

197 Keeping and producing movement record

- (1) This section applies to a person (the *relevant person*) who is required under the movement record requirement to ensure a movement record is created.
- (2) The relevant person must, unless the person has a reasonable excuse—
 - (a) if the designated animal is a special designated animal—keep a copy of the movement record for 5 years after the movement started; or
 - (b) otherwise—keep the movement record for 2 years after the movement started.

Maximum penalty—200 penalty units.

- (3) The relevant person must, at any time in the period that applies under subsection (2), unless the person has a reasonable excuse, produce the copy or record to an inspector for inspection if the inspector asks to see it.

Maximum penalty—200 penalty units.

198 Movement record for receiving designated animal

- (1) Subsections (2) and (3) apply if—
 - (a) a designated animal is moved from 1 place to another; and
 - (b) under this division, a movement record is required to be completed for the movement; and
 - (c) the relevant person under the movement record requirement is required to ensure that a conveyor or drover of the animal has, in the conveyor's or drover's possession, a copy of the movement record.
- (2) A person must not accept delivery of the animal, or, if the movement record requirement is relaxed under section 196, must not accept delivery of the animals, at the completion of the movement, unless the person also takes delivery of a copy of the movement record.

Maximum penalty—200 penalty units.

- (3) A person who takes delivery of a copy of a movement record as required under subsection (2) must keep the copy for 5 years after the movement started.

Maximum penalty—200 penalty units.

- (4) Subsection (5) applies if—
- (a) a designated animal is moved from 1 place to another; and
 - (b) under this division, a movement record is required to be created for the movement; and
 - (c) the relevant person under the movement record requirement is not required to ensure that a conveyor or drover of the animal has, in the conveyor's or drover's possession, a copy of the movement record.
- (5) A person who accepts delivery of the animal at the end of the movement must create, and keep for 2 years after the movement started, a record complying with subsection (6).

Maximum penalty—200 penalty units.

- (6) The record may be a document in hard copy or electronic form and must show the following—
- (a) the name of the person completing the record;
 - (b) details sufficient to identify the place from which the designated animal was moved;
 - (c) where the animal was moved to, and the name and address of the person who received the animal;
 - (d) when the movement of the animal happened;
 - (e) the species and breed of the animal;
 - (f) a description of the designated animal or, if the animal is part of a group of designated animals that are moved, a description of the group, including, for example, any distinguishing marks or features on the animal or group that may be sufficient to identify the animal or group;

(g) other information prescribed under a regulation.

- (7) A person required to keep the copy of a movement record for a period under subsection (3), or a record for a period under subsection (5), must, at any time in the period, produce the copy or record to an inspector for inspection if the inspector asks to see it.

Maximum penalty—200 penalty units.

- (8) A person who fails to comply with subsection (2), (3), (5) or (7) does not commit an offence against the subsection if the person has a reasonable excuse for the failure to comply.
- (9) A person is not required to comply with subsection (5) if the person accepts delivery of the animal in the person's capacity as a person having responsibility for the organisation and operation of an agricultural show and is required under section 199 to keep a record in relation to the animal.

199 Show organiser to record designated animal movements

- (1) A person (the *relevant person*) having responsibility for the organisation and operation of an agricultural show must keep, for 2 years after a designated animal arrives at the agricultural show, a record in the appropriate form for the designated animal.

Maximum penalty—200 penalty units.

- (2) For subsection (1), a record is in the appropriate form if it is a document in hard copy or electronic form that clearly sets out the following information for a designated animal—
- (a) where the designated animal came from;
 - (b) when the designated animal arrived at the agricultural show;
 - (c) when the designated animal left the agricultural show;
 - (d) a description of the designated animal or, if the animal is part of a group of designated animals that arrived at the agricultural show, a description of the group, including, for example, any distinguishing marks or features on the

- animal or group that may be sufficient to identify the animal or group;
- (e) the name and address of the person who kept the designated animal immediately before the animal arrived at the agricultural show;
 - (f) the name and address of the person who will be keeping the designated animal immediately after the animal leaves the agricultural show;
 - (g) for a designated animal fitted with an approved device that does not include a microchip—the PIC shown on the device for the animal;
 - (h) for a designated animal that participated in an event at the agricultural show—the date of the event.
- (3) The relevant person is required to comply with subsection (1) whether or not the person is a registrable biosecurity entity for the keeping of the designated animal, and whether or not the person is required to comply with the movement record requirement for any movement of the designated animal.
- (4) A person who fails to comply with subsection (1) does not commit an offence against the subsection if the person has a reasonable excuse for the failure to comply.
- (5) This section applies to a designated animal that is caused to be present at the agricultural show at any time for the purpose, whether or not the purpose is fulfilled, of being exhibited at the show or of participating in an event at the show.

200 False, misleading or incomplete movement record

A person who is required under the movement record requirement to ensure a movement record is created must, unless the person has a reasonable excuse, ensure the movement record does not contain information that the person knows or ought reasonably to know is false, misleading or incomplete in a material particular.

Maximum penalty—200 penalty units.