

Agriculture and Forestry Legislation Amendment Bill 2013

Explanatory Notes

Short title

The short title of the Bill is the *Agriculture and Forestry Legislation Amendment Bill 2013*.

Policy objectives and the reasons for them

The policy objective of this Bill is to make miscellaneous, non-controversial amendments to the following eight Acts within the portfolio jurisdiction of the Minister for Agriculture, Fisheries and Forestry:

- *Agricultural Chemicals Distribution Control Act 1966*;
- *Agricultural Standards Act 1994*;
- *Animal Care and Protection Act 2001*;
- *Animal Management (Cats and Dogs) Act 2008*;
- *Forestry Act 1959*;
- *Land Protection (Pest and Stock Route Management) Act 2002*;
- *Rural and Regional Adjustment Act 1994*; and
- *Veterinary Surgeons Act 1936*.

These amendments will ensure the effective administration/operation of the respective Acts, achieve a reduction in red tape and ease the legislative burden on local government including through the omission of redundant legislation, implement the outcomes of legislative reviews and national proposed arrangements and in one instance, fulfil an election commitment.

Achievement of policy objectives

Amendments to the *Agricultural Chemicals Distribution Control Act 1966* will align with the outcomes of the Review of Queensland Government Boards, Committees and Statutory Authorities in that it will abolish the Agricultural Chemicals Distribution Control Board and transfer the relevant functions to the chief executive of the Department of Agriculture, Fisheries and Forestry.

Amendments to the *Agricultural Standards Act 1994* will address a gap identified in the Act to bring it into line with other Australian jurisdictions by implementing the national Ruminant Feed Ban (RFB). The RFB prohibits the feeding of restricted animal material to ruminants to prevent the spread of transmissible diseases (such as bovine spongiform encephalopathy (BSE) or 'mad cow disease'). The amendments are necessary to ensure inspectors have adequate entry powers, including those for vehicles, to undertake the routine testing of stock feed.

Amendment to the *Animal Care and Protection Act 2001* will increase the maximum penalties for animal cruelty offences to facilitate implementing of an Election Commitment (to empower the courts to impose penalties that act as both a punishment and a deterrent).

Amendments to the *Animal Management (Cats and Dogs) Act 2008* will repeal State-wide cat registration requirements and empower local governments to decide whether the benefits of cat registration to their constituents warrant its continuation in their area and will streamline review processes that may occur before a local government can destroy a dog.

Amendments to the *Forestry Act 1959* will omit spent provisions of the Act dealing with the abolition of a former statutory body which took place over a decade ago.

Amendments to the *Land Protection (Pest and Stock Route Management) Act 2002* will replace the existing requirement for two separate State pest management strategies with the requirement for a single Queensland Weed and Pest Animal strategy.

Amendments to the *Rural and Regional Adjustment Act 1994* are in response to the report of the review of the Act tabled in the Legislative Assembly on 21 September 2010 which made recommendations to facilitate the administration of interstate schemes by QRAA, to streamline the appointment of, and delegation of powers by, the QRAA Chief Executive Officer and to clarify the requirements for future review of the Act.

Amendments to the *Veterinary Surgeons Act 1936* will allow participation in the National Recognition of Veterinary Registration (NRVR) scheme. The agreement of all Australian States and Territories to legislate for participation in the national registration scheme has been achieved via the former national Primary Industries Ministerial Council (PIMC). A further amendment to support the State's biosecurity effort will ensure that all veterinary surgeons can be contacted at any time about actual or potential biosecurity incidents.

Alternative ways of achieving policy objectives

Legislative amendment is the only way in which to achieve the objectives, therefore other options were not considered. This is particularly so for the amendments to the *Veterinary Surgeons Act 1936* as Queensland's participation in the NRVR scheme would not be possible without a legislative basis to recognise primary registration of veterinary surgeons in other States and Territories.

In relation to the amendments to the *Animal Management (Cats and Dogs) Act 2008*, repealing State-wide mandatory microchipping was also considered. However, repealing only State-wide mandatory cat registration was considered to deliver the greatest net benefit to stakeholders as it yields the greatest potential red tape reduction and cost savings to local governments and cat owners without compromising reunification outcomes and euthanasia rates.

The alternative to amending all of these Acts by the one Bill, is to amend each Act separately. This is not considered a good use of Parliamentary time, as there is no good reason why the amendments cannot be handled together in a single Bill.

Estimated cost for government implementation

The only amendments in the Bill expected to have a negative financial impact to the State Government are those being made to the *Veterinary Surgeons Act 1936* in regard to the introduction of NRVR in Queensland. The Veterinary Surgeons Board (the board) has estimated that there could be an annual reduction of approximately \$20,000 in registration fee income as a consequence of NRVR removing the requirement for interstate veterinary surgeons to obtain secondary registration from the board to practice in Queensland.

This income loss will have to be absorbed by the board, unless annual registration fees for Queensland registered veterinary surgeons are increased as a consequence. The board has estimated that the potential amount of the increase would be in the range of \$7-\$8 per registrant, or a 5% increase over and above the normal annual CPI increases.

The Queensland Government does not intend to propose any increase in annual registration fees for veterinary surgeons by more than CPI in the short term. The whole question of the appropriate future level of registration fees for veterinary practitioners will be addressed as part of the full review and rewrite of the *Veterinary Surgeons Act 1936* and the associated *Veterinary Surgeons Regulation 2002* (which includes the fees schedule) which will be undertaken over the next 12-18 months.

Amendments to the *Animal Management (Cats and Dogs) Act 2008* that will streamline the reviews that may occur before a local government can destroy a dog will reduce the cost to local government and State government of conducting internal and external (in the Queensland Civil and Administrative Tribunal) reviews respectively. It will also reduce costs to local government by shortening the time that a dog may need to be held pending the outcome of reviews.

Consistency with fundamental legislative principles

Issues about consistency with fundamental legislative principles (FLP) contained in section 4 of the *Legislative Standards Act 1992* (LSA) have been raised in respect of some amendments during the development of this Bill. These are addressed in detail below.

1. Legislation should have sufficient regard to rights and liberties of individuals—LSA, section 4(2)(a)

Amendment of the *Agricultural Chemicals Distribution Control Act 1966* (ACDC Act) to abolish the Agricultural Chemicals Distribution Control Board (ACDC Board).

The Bill proposes to abolish the ACDC board and omit provisions providing for its establishment and operation. The remaining clauses in the relevant Part of the Bill will replace references to the ACDC board with chief executive to provide that the chief executive can fulfil the ACDC board's functions.

A potential FLP issue arises in regard to whether an ACDC board member is deprived of office without compensation. In circumstances where members of a government board are deprived of office it is usual for Act provisions to specifically provide for compensation or either state that compensation can neither be claimed nor paid.

However, as the ACDC board is not currently constituted, its last appointments having expired on 7 December 2007, there is no element of deprivation of office established. Consequently the issue of compensation does not arise.

Amendment of the *Veterinary Surgeons Act 1936* (Vet Surgeons Act) to oblige the Veterinary Surgeons Board to provide information about disciplinary action.

It is proposed to amend the Vet Surgeons Act to insert a new section titled 'Board to notify registering authority of disciplinary action'. This amendment requires the Veterinary Surgeons Board to notify the equivalent registering authority in each other jurisdiction of any action taken by QCAT or by the Board in relation to a veterinary surgeon by way of an order, admonishment or reprimand pursuant to sections 22A(1)(a) or (b), 22C, 22D or 22E.

The provisions listed in the proposed new section relate to professional misconduct by a veterinary surgeon, to a veterinary surgeon convicted of an offence which renders the person no longer fit to practise veterinary science and to a veterinary surgeon who is medically unfit to practise.

The reason for the new notification provision is that it is a critical component of the National Recognition of Veterinary Registration (NRVR) scheme in respect of which Queensland has given a commitment to the former national Primary Industries Ministerial Council (now replaced by the Standing Council on Primary Industries, but with similar jurisdictional Ministerial membership) to pass legislation to enable Queensland to participate in the scheme. The NRVR scheme is based on six model rules which will allow veterinary surgeons who are registered in any jurisdiction in Australia to practice veterinary science in any other jurisdiction without having to apply for registration or to pay a registration fee.

The NRVR achieves national registration for veterinary surgeons through a statutory device which deems veterinary surgeons registered in one jurisdiction to be registered in all participating jurisdictions. The scheme relies on the registration in the home jurisdiction being exactly mirrored in all other jurisdictions so that any conditions or limitations applied to the registration are reproduced in all other jurisdictions.

In order for each participating jurisdiction to be able to identify the exact nature of registration, including any conditions or limitations, for each veterinary surgeon practising in their jurisdiction on the basis of deemed registration it is essential that any matters relevant to registration are notified to each other jurisdiction.

The introduction of the NRVR scheme is a gradual process which allows each jurisdiction to 'opt in' by introducing legislation which adopts the model principles as agreed between the jurisdictions. A national electronic data base is currently being developed so that in the near future every jurisdiction will be automatically notified of any regulatory action taken in relation to a registered veterinary surgeon.

There may be an argument that notifying other jurisdictions of disciplinary action in respect of an individual veterinary surgeon may affect that person's rights and liberties. However, the former Primary Industries Ministerial Council considered that the notification requirement strikes a balance between the significant benefit to veterinary surgeons of a national right to

practise veterinary science at no further cost and any perceived detriment caused by the notification of disciplinary action to other jurisdictions.

In order to protect animals and their owners from any unprofessional conduct by veterinary surgeons, it is imperative that each jurisdiction which grants a right of practise to veterinary surgeons registered in another jurisdiction is notified of any matters which may affect that right to practise. National registration cannot be allowed to militate against the current high standards of professional conduct associated with the practise of veterinary science in Australia in general, and in Queensland in particular.

2. Whether the legislation makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review-LSA, section 4(3)(a).

Amendment of the ACDC Act to give the chief executive administrative power to cancel or suspend licences.

A potential FLP arises in relation to the proposed replacement of section 21 (Cancellation or suspension of licence). The new section 21 will provide the power for the chief executive to cancel or suspend licences and omit reference to the chief executive exercising this power following receipt of a recommendation from the Board. However, the new section includes additional provisions which outline the process which must be followed in far greater detail than previously prescribed.

It also includes appropriate review processes for the adequate exercise of the power consistent with contemporary legislative standards. Consequently the potential FLP issue is addressed as the amendment provides balance to this administrative power.

Amendment of the *Animal Management (Cats and Dogs) Act 2008* concerning review processes for regulated dog declarations and destruction orders.

Amendments to the *Animal Management (Cats and Dogs) Act 2008* will streamline review processes before a local government may destroy a dog and will provide that decisions by a local government and an authorised officer to make regulated dog declarations and destruction orders respectively will be made concurrently. Currently, for a local government to destroy a dog, separate decisions have to be made for a regulated dog declaration and a destruction order, with each decision able to be both internally and externally reviewed.

The amendments will provide that the decision to make a regulated dog declaration and a destruction order can be made concurrently with notice of those decisions to be sent to the registered owner together with an information notice for each decision. These amendments make the process of decision and review concurrent rather than consecutive.

The current process for making a regulated dog declaration and issuing a destruction order means that two separate review processes (including two separate QCAT hearings) may need to be exhausted before a dog can be destroyed. This process may run into months or even years, during which time the dog is held in local government impoundment, imposing considerable costs on local government (and ultimately ratepayers). Providing for two separate external reviews also increases QCAT's caseload and imposes additional costs on both dog owners and local governments.

However, overall there is no diminution of a dog owner's substantive appeal rights as each decision is still subject to a merits review, both internally by the local government and externally through QCAT. Whilst it is acknowledged the concurrent approach abridges the total length of time a dog owner may have in order to have both decisions reviewed, the considerable benefits to local governments, ratepayers and the Queensland Civil and Administrative Tribunal (QCAT) through reduced costs and caseloads, justify dealing with both decisions in the one process.

It can also be argued that the concurrent process benefits dog owners as it will alleviate some of the expense to them for preparing for a separate review of each decision. It will also benefit dog owners who are successful following QCAT review, as the overall length of time they are deprived of their dog will be reduced.

3. Legislation should confer power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer – LSA, s4(3)(e)

Amendment of the *Agricultural Standards Act 1994* (Ag Standards Act) concerning inspectors' powers.

It is proposed to amend the Ag Standards Act to provide that in addition to entering a vehicle where there is a suspicion of an offence, an inspector may enter a vehicle to check compliance with a provision of the Act about the content, labelling or sale of stock feed or to prevent the introduction of an exotic disease into the State or control the spread of an exotic disease in the State.

The proposed amendment is necessary to address gaps which were identified in the Act relating to Queensland's ability to adequately enforce the national Ruminant Feed Ban (RFB). The national RFB has been agreed to and adopted by all States and Territories to prohibit the feeding of restricted animal material (RAM), including meat and bone meal to ruminants. This is designed to prevent the spread of transmissible spongiform encephalopathies, most notable among which is BSE or mad cow disease, which can have devastating effects on livestock and humans.

The national RFB is supported by various mechanisms one of which is a comprehensive, risk-based compliance inspection program undertaken by all State and Territory authorities to target all sectors in the livestock feed chain. Without amendment, the potential exists for stock feed containing RAM to pass through the supply chain undetected because vehicles carrying stock feed would not be able to be entered and routinely tested for the presence of RAM.

The Department of Agriculture, Fisheries and Forestry (DAFF) considers this clause reasonable in the context of protecting the community against significant health threats like mad cow disease and maintaining valuable export and domestic markets for livestock industries.

To minimise the impact on persons' rights and liberties, in part the clause limits the power of entry to a vehicle without suspicion of an offence, to situations to check compliance with discrete activities relevant to the Act i.e. the content, labelling or sale of stock feed. The connection to the Act's objectives limits the scope of the types of vehicles likely to be

routinely tested for the presence of RAM. It is intended that only those vehicles commercially transporting stock feed will be entered by an inspector to check compliance.

The clause will provide a safeguard to preserve persons' rights and liberties in that the expanded power of entry will not apply to those parts of the vehicle used for private purposes e.g. the sleeping compartments of semi-trailers.

It will also include a provision whereby an inspector who wishes to enter a vehicle, either because of suspicion of an offence or to check compliance with the Act, must attempt to tell the person in control of the vehicle of his intention and give them an opportunity to consent to the entry. This provision is similar to an inspector's power of entry to places and mitigates to some extent the degree to which a person's rights may be infringed.

4. Legislation should have sufficient regard to the institution of Parliament by allowing the delegation of legislative power only in appropriate cases and to appropriate persons and by authorising the amendment of an Act only by another Act – LSA, s4(4)(a) and (c).

Amendment of the *Animal Management (Cats and Dogs) Act 2008* to allow local government to make resolutions to retain the effect of the Act in existence before the amendment.

It is proposed to insert a clause in the Bill to enable a local government to pass a resolution that it is a declared local government for the purposes of continuing cat registration. It is intended that despite the repeal of cat registration requirements under the Act, local governments will have the choice of enacting local laws requiring cat registration pursuant to the local law making power conferred under section 28 of the *Local Government Act 2009*.

This is intended as a transitional provision to bridge the period between the repeal of cat registration and the enactment of local laws. The effect of the clause is that local governments will be able to continue the operation of former chapter 3 (registration requirements) and certain former provisions necessary to give effect to former chapter 3, if the local government declares itself as a local government to which the former chapter 3 applies.

The operation of this transitional provision is limited to one year after commencement, until the declared local government makes a local law about cat registration, or until a declared local government passes another resolution that it is no longer a declared local government (whichever happens earlier). It is expected that one year will provide adequate time to develop model local laws for cat registration for local governments electing to continue with cat registration requirements beyond this transitional period.

Amendment of the *Vet Surgeons Act* to provide chief executives the power to require emergency contact details.

It is proposed to insert a clause in the Bill to obligate the registrar of the Veterinary Surgeons Board (Qld) to provide veterinary surgeons' emergency contact details to the chief executive (of DAFF), or the chief executive of a public sector unit, if requested.

The instigation for this amendment arose out of criticism of the former Department's responsiveness to previous Hendra virus incidents. Hendra virus is a particularly virulent zoonotic disease transmitted by bats and can cause a rare but potentially fatal infection in

humans. In previous Hendra virus outbreaks, the former department was criticised for not distributing information and alerts quickly enough to veterinarians. Consequently, the inability to contact veterinarians in a timely manner was recognised as a significant gap in DAFF's emergency response capability.

DAFF currently relies upon a number of ways to convey information to veterinary surgeons (e.g. through the Australian Veterinary Association (AVA), postal communication and the internet) however, during biosecurity emergencies these traditional networks are inefficient and impractical (not all veterinary surgeons are members of the AVA, communication by post is slow and quite often only business hours details are held by the registrar). It is far more efficient for time critical information to be conveyed directly from its source to veterinary surgeons at any time of the day or night.

Information on appropriate response measures for a particular disease or biosecurity incident may also only become apparent as an incident evolves. Consequently, it is not always possible to know at the outset of a biosecurity response the full extent of information that needs to be conveyed nor the specific departments which should be engaged or from which information should be provided in order to deal with the response. For these reasons and the fact that each biosecurity incident will vary in terms of its nature and scale, it is not sufficient for the chief executive of DAFF alone to exercise this power, nor is it practical for the Bill to prescribe an exhaustive list of department chief executives who may need to supply essential information to veterinary surgeons using their emergency contact details.

Therefore, in order to alert and facilitate the timely exchange of vital information with veterinary surgeons across the State from all sources appropriate to a biosecurity response, the Bill has been drafted with sufficient flexibility to enable the chief executives of other relevant departments to also exercise the power to access veterinary surgeons emergency contact information from the registrar. Examples of other departments that may, in particular cases, have relevant information to convey include Queensland Health, the Department of Justice and the Attorney-General in regard to workplace health and safety matters, and the Department of Community Safety in regard to emergency management matters. The expansion of scope of this provision to include the other chief executives, in addition to the chief executive of DAFF, will be done by the making of a regulation as and when necessary.

The potential offence of the FLP that this provision gives rise to, is mitigated to the extent that the provision constrains a chief executive from accessing a veterinary surgeon's emergency contact details only for the express purposes prescribed in subsection (1). This requires the chief executive to consider it necessary to give the veterinary surgeon information about controlling, eradicating or preventing the spread of an exotic disease, a declared pest or a disease.

On balance, given that access to this information is limited in context, the ability to effectively engage and alert veterinary surgeons and deal with biosecurity emergencies in a timely manner to protect agricultural industries and human health is considered to far outweigh and justify any potential offence of FLPs.

Consultation

The amendments to the *Agricultural Chemicals Distribution Control Act 1966*, *Animal Care and Protection Act 2001*, *Forestry Act 1959* and the *Land Protection (Pest and Stock Route Management) Act 2002*, being of a purely administrative nature, have not been the subject of external consultation.

The proposed amendments to the *Agricultural Standards Act 1994* have not been consulted on specifically as they were part of broader and more extensive consultation previously undertaken in the context of developing national guidelines for compliance and monitoring to underpin the national RFB program.

Consultation on the amendments to the *Animal Management (Cats and Dogs) Act 2008* to remove mandatory State-wide cat registration requirements was conducted with the Queensland division of the Australian Veterinary Association (AVA), Animal Welfare League of Queensland (AWLQ), RSPCA, Queensland Feline Association, Dogs Queensland, Local Government Association of Queensland (LGAQ) and Department of Local Government, Community Recovery and Resilience (DLGCRR). Animal management officers from; Blackall Tambo Regional Council, Cairns Regional Council, Central Highlands Regional Council, Charters Towers Regional Council, Gold Coast City Council, Longreach Regional Council, Moreton Bay Regional Council, Southern Downs Regional Council and Toowoomba Regional Council were also consulted. All those consulted were supportive of the removal of mandatory cat registration requirements, except the AWLQ, which, although not strongly opposed, were reluctant to see cat registration requirements wound back.

The Animal Management Act amendments to provide for concurrent decisions and streamlined internal and external review processes for regulated dog declarations and destruction orders was an outcome of responses to a 2012 discussion paper on *Management of dangerous and potentially dangerous dogs in Queensland*. Approximately 100 submissions were received on the discussion paper and there was overwhelming support for streamlining the review processes. The LGAQ and DLGCRR are also supportive of these amendments.

During the review of the *Rural and Regional Adjustment Act 1994*, submissions were accepted from stakeholders and other interested parties, including the Queensland Farmers' Federation and AgForce Queensland. The submissions were supportive of a broadening of QRAA's role and improvements in QRAA's governance arrangements. QRAA itself has also been consulted and is supportive of the proposed amendments.

The amendments to the *Veterinary Surgeons Act 1936* in regard to NRVV reflect a nationally agreed scheme that has been developed in consultation with the veterinary profession. In Queensland, there has been consultation with the Veterinary Surgeons Board and with the AVA. The same entities were invited to comment on the amendments which are intended to ensure that veterinary surgeons provide accurate contact details and to allow those details to be used by Biosecurity Queensland to contact veterinary surgeons during an emergency biosecurity response.

Relevant Government departments, including the Department of the Premier and Cabinet, Queensland Treasury and Trade (including the Regulatory Review Branch) and Department of Justice and the Attorney-General, have been consulted on all of the amendments.

Consistency with legislation of other jurisdictions

The only amendments where the matter of inter-jurisdictional consistency arises are to the following:

Animal Management (Cats and Dogs) Act 2008

The amendments will bring Queensland in line with South Australia, Tasmania, the Australian Capital Territory and the Northern Territory which do not impose state-wide cat registration requirements.

New South Wales, Victoria and Western Australia are the only other jurisdictions with state legislation that requires owners to register their cats.

Veterinary Surgeons Act 1936

The amendments to the Veterinary Surgeons Act facilitate Queensland's participation in the NRVR scheme. All States and Territories have agreed to implement NRVR, this having been negotiated via the former PIMC.

Each jurisdiction has agreed to legislate an NRVR model, as adopted by PIMC, based around a set of six [6] model principles, namely:

1. There shall be a provision in the relevant Act that regulates the conduct of veterinary surgeons/practitioners, to the effect that a person shall be deemed to be registered under that Act in that state or territory if that person is registered as a veterinary surgeon/practitioner under an equivalent Act in another state or territory.
2. This provision shall only apply in the case of persons holding general and/or specialist registration.
3. This deemed registration shall be subject to the same conditions, restrictions or limitations (if any) that apply to the (primary) registration in the first state or territory.
4. This registration shall be deemed to be suspended or cancelled if it is suspended or cancelled in the first state or territory.
5. All legal rights and obligations applying normally to registered veterinary practitioners under the relevant Act in the state or territory shall apply equally to persons deemed to be registered in accordance with 1 above.
6. A person must apply for primary registration in the state or territory of their primary business. If a registered veterinary practitioner moves his/her primary place of business to another state or territory they shall advise the Board in that new state or territory within one month of such a move.

The proposed amendments have been developed to ensure consistency with this endorsed national model.

Notes on provisions

Part 1 Preliminary

Clause 1 provides that the short title of the Act is the *Agriculture and Forestry Legislation Amendment Act 2013*.

Clause 2 provides that the amendments in Part 2 (the amendments to the *Agricultural Chemicals Distribution Control Act 1966*) will commence on a date to be fixed by Proclamation. The amendments to the *Animal Management (Cats and Dogs) Act 2008* in Part 5, division 2 and schedule 1 will commence 28 days after the date of assent. All of the remaining amendments will commence upon assent of the Bill.

The amendments to the *Agricultural Chemicals Distribution Control Act 1966* will commence on a different date to the amendments in other parts of the Bill as they are required to commence at the same time as the making of subsequent amendments to the *Agricultural Chemicals Distribution Control Regulation 1998*. These regulation amendments will complete the transfer of administrative functions from the Agricultural Chemicals Distribution Control Board (the board) to the chief executive.

Part 2 Amendment of Agricultural Chemicals Distribution Control Act 1966

Clause 3 states that this part amends the *Agricultural Chemicals Distribution Control Act 1966*.

Clause 4 omits sections 8 to 10B inclusive as they relate to the composition and functions of the Agricultural Chemicals Distribution Control Board (the board) which will no longer exist. A replacement section 8 is inserted to provide that the chief executive's powers under the Act may be delegated to the Standards Officer.

Clause 5 amends section 12 (Pilot chemical rating licence) to replace reference to the board with chief executive to provide that the chief executive has the power, rather than the board, to grant pilot chemical rating licences.

Clause 6 amends section 15 (Aerial distribution contractor licence) to replace reference to the board with chief executive to provide that the chief executive, rather than the board, has the power to grant aerial distribution contractor licences.

Clause 7 amends section 16 (Commercial operators' licence) to replace reference to the board with chief executive to provide that the chief executive, rather than the board, has the power to grant all or any of the prescribed classes of commercial operators' licence.

Clause 8 amends section 16B (Ground distribution contractor licence) to replace reference to the board with chief executive to provide that the chief executive, rather than the board, has the power to grant a ground distribution contractor's licence.

Clause 9 amends section 17 (Application for licences) to replace references to the board with chief executive to provide that an application for a licence must be made to the chief executive who may ask for further information to decide the application and it is the chief executive, rather than the board, who may decide to grant or refuse the application.

Clause 10 amends section 18 (Term of licence) to replace reference to the board with chief executive to provide that the chief executive, rather than the board, may issue or renew a licence for up to three years.

Clause 11 amends section 19 (Renewal of licence) to replace references to the board with chief executive to provide that a person may apply to the chief executive, rather than the board, to renew a licence and it is the chief executive who has the power to request further information to decide the application and either grant or refuse the licence and issue a decision notice should the licence be refused.

Clause 12 amends section 19B (Notice of change in circumstances) to replace reference to the board with chief executive to provide that the licensee must give the chief executive, rather than the board, written notice of a change in the licensee's circumstances within 21 days.

Clause 13 amends section 20 (Suspension of licence by standards officer) to replace reference to the board with chief executive to clarify that in circumstances where the standards officer considers it necessary to suspend a licence, it is the chief executive, rather than the board, who has the power to remove the suspension imposed by the standards officer before the suspension period ends.

Clause 14 replaces section 21 (Cancellation or suspension of licence) with new sections 21 (Grounds for suspension or cancellation of licence by chief executive), 21A (Show cause notice), 21B (Representations about show cause notice), 21C (Ending show cause process without further action) and 21D (Suspension or cancellation of licence). The insertion of these new sections is necessary as the previous section 21, by virtue of the age of the statute, inadequately defined the exercise of administrative power in the cancellation or suspension of licences. Consequently, the inserted sections more fully expand the administrative process to which the process of suspension or cancellation of licences applies. These provisions are in keeping with contemporary drafting practice.

New section 21 states the grounds upon which a licence may be cancelled or suspended.

New section 21A provides that if the chief executive believes a ground exists to suspend or cancel a licence, he must give the licensee a show cause notice stating the things listed in subsection (2). Subsection (3) provides that the show cause period must end at least 21 days after the licensee is given the show cause notice by the chief executive.

New section 21B enables the licensee to make written representations about the show cause notice to the chief executive in the show cause period and obliges the chief executive to consider all written representations made (referred to as accepted representations).

New section 21C provides that if, after considering the accepted representations (if any) for the show cause notice, the chief executive no longer believes a ground exists to suspend or

cancel the licence, the chief executive must not take any further action about the show cause notice and must give the licensee a notice stating this.

New section 21D applies if, in the absence of any accepted representations for the show cause notice or after considering the accepted representations, the chief executive still believes that a ground exists to suspend or cancel the licence and that the action to suspend or cancel is warranted. Subsection (2) provides that the chief executive may suspend the licence for not longer than the proposed suspension period if that was the proposed action advised to the licensee, or cancel or suspend the licence for a specified period, if the proposed action advised to the licensee was to cancel the licence. Subsection (3) provides that if the chief executive decides to suspend or cancel the licence under subsection (2), then the chief executive must as soon as practicable give the licensee an information notice for that decision. Subsection (4) provides that the chief executive's decision to either suspend or cancel the licence, takes effect on the day the licensee is given the information notice under subsection (3) or the day stated in the information notice, whichever is the later.

Clause 15 amends section 22 (Right of review by QCAT) to replace reference to the board with chief executive to reflect that an applicant or licensee may apply to have decisions of the chief executive, rather than the board, to refuse an application for or renewal of a licence or the suspend or cancel a licence, reviewed by QCAT.

Clause 16 amends section 31 (Effect of failure to give notice) to omit from evidence which may be tendered by a claimant in an action for damages, documents of the board or board members. This reflects the fact that such documents will no longer exist once the board is abolished.

Clause 17 amends section 32 (Powers of inspection in case of damage to crops etc.) to reflect the intent of only having inspectors rather than the standards officer, enter on land to conduct inspections, take samples and write reports in circumstances where damage to crops or stock is being investigated. The amended subsections (1)(c) and (d) provide for inspectors to give written reports and samples taken to the standards officer. As this provision will now apply to inspectors, the standards officer is also omitted as a person who may be obstructed in the exercise of a power under this provision.

Clause 18 amends section 33 (Board to make statement on damage) to change the heading to the 'Standards officer to make statement on damage' and to provide that if the standards officer receives a report from an inspector, he must consider the report and any comments from the inspector, make a statement in relation to the alleged loss or damage and may issue a copy of the statement to persons the standards officer considers to be interested parties to the matter.

Clause 19 amends section 44A (Protection from liability) to omit from the definition of *official*, paragraph (c) which states "a member of the executive committee of the board". This reflects the fact that the board will not exist once abolished and consequently there will be no members of the executive committee requiring protection from liability.

Clause 20 amends section 45 (Evidence) to omit from the list of evidentiary provisions entries in the minute book of the board. This reflects the fact that the board will no longer exist once abolished. The clause also renumbers the remaining section.

Clause 21 amends the schedule (Dictionary) to the Act by omitting definitions which will no longer be necessary due to the abolition of the board. The clause also inserts new definitions related to the amendments to the Act concerning the exercise of the administrative power to cancel and suspend licences.

Part 3 Amendment of Agricultural Standards Act 1994

Clause 22 states that this part amends the *Agricultural Standards Act 1994*.

Clause 23 amends section 20 (Entry to places) to provide that entry at a reasonable time to a place, other than a place where people reside, may be for either-

- checking compliance with the Act, about the content, labelling or sale of food for stock, or
- to prevent the introduction or spread of an exotic disease in the State.

Previously entry under this section could only be made if the entry was to fulfil both purposes (that is, to check compliance with the Act and to prevent the introduction or spread of an exotic disease). It was necessary to amend this section in order to separate the reasons for entry.

This was required because although restricted animal material (RAM) in stock feed could spread mad cow disease (an exotic disease) if it was introduced into Australia, RAM in itself is not an exotic disease, nor is there a present belief that RAM could cause the disease. However, there is a need to be able to test for RAM to reduce the risk of mad cow disease circulating in stock feed if the disease was introduced into the State. Without the amendment, mad cow disease would have to be introduced into the State before routine testing of stock feed to test for the presence of RAM could be undertaken. Consequently, this presented an unacceptable risk which needed to be addressed.

Clause 24 amends section 24 (Entry to vehicles) to provide that, apart from entering a vehicle on suspicion of an offence, an inspector may also enter a vehicle to check compliance with a provision of the Act about the content, labelling or sale of stock feed or to prevent the introduction into or control of the spread of an exotic disease in the State. Consistent with the need to constrain the power of entry without a warrant and limit the impact on persons' rights and liberties, the section clarifies that where entry to the vehicle is made without suspicion on these additional grounds, that the entry is only made to a part of the vehicle other than a part of a vehicle used only as a living area, such as the sleeping compartments of semi-trailers.

The linking of these additional powers of entry to the purposes of the Act ensures that entry is made only to those vehicles which have a connection to activities under the Act, namely, stock feed transporters. Consequently, this provision allows an inspector to routinely enter vehicles, particularly those which may be at stock feed premises, and take samples of ruminant stock feed from the vehicle for analysis to test for the presence of restricted animal material.

Clause 24 includes a new subsection (2) which provides that an inspector who wishes to enter a vehicle, either because of suspicion of an offence or to check compliance with the Act or to prevent or control the spread of an exotic disease, must do or make a reasonable attempt to do all of the following:

- produce or display the inspector's identity card in accordance with section 19(1); and
- tell the owner or person in control of the vehicle that he is authorised to enter the vehicle; and
- give the owner or person in control of the vehicle an opportunity to consent to the entry.

This clause also inserts new subsection (2A) to provide that if the inspector is unable to locate the owner or driver of the vehicle, then after entering the vehicle the inspector must leave a notice in a conspicuous position and in a reasonably secure way stating the date, time and purpose of the entry.

Part 4 Amendment of Animal Care and Protection Act 2001

Clause 25 states that this part amends the *Animal Care and Protection Act 2001*.

Clause 26 amends section 18 (Animal cruelty prohibited) to provide that the maximum penalty that may be imposed for an animal cruelty offence is 2000 penalty units or 3 years imprisonment.

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

Clause 27 states that this Bill amends the *Animal Management (Cats and Dogs) Act 2008*.

Clause 28 amends the long title of the Act to provide that this is a Bill for the management of cats and dogs and the registration of dogs by removing the reference to the registration of cats. This is necessary to reflect that the Bill, repeals mandatory State-wide registration for cats (but not dogs).

Clause 29 amends section 3 (Purposes of Act) to remove the registration of cats from the purpose of the Act. Prior to this amendment, one of the purposes of the Act was to provide for the identification and registration of cats and dogs.

Clause 30 amends section 4 (How purposes are to be primarily achieved) by removing the requirements imposing registration obligations on cat owners and the requirement on local governments to keep a general register about cats. Prior to this amendment the Act made local governments responsible for administering the registration requirements, including maintaining registration databases (registers) and ensuring compliance with the Act; the Act also imposed obligations on cat owners, including the obligation to register the cat. The Act also enabled local governments to set registration fees and apply the revenue from the fees to administer cat and dog management laws.

Given the policy objectives, this amendment is necessary in order to remove the requirement on local governments to keep a general register about cats as removing the obligation to register cats will make the general register redundant. However, under the Bill, a local government can elect to continue to have a register through their own local laws pursuant to the local law making power conferred under section 28 of the *Local Government Act 2009*. Such register would not be affected by this amendment. Simultaneously, this amendment is necessary to remove the obligation on cat owners of registering their cat.

Clause 31 amends section 6 (Relationship with local laws) by stipulating that a local government may make a local law imposing registration obligations on cat owners. This amendment is necessary to clarify that the Bill is intended to empower local governments to decide whether or not cat registration should continue in their area.

Clause 32 amends the definition under section 9 (Who is an owner of a cat or dog) to capture registered cat owners where a local government continues cat registration requirements. Under the Act several obligations attach to the owner of a cat; section 9 lists circumstances where a person is taken to be the owner of a cat including where the person is a 'registered owner'. The Act further defines 'registered owner' as a person recorded as being the owner of the cat in a 'cat registry' of a local government. In turn, a 'cat registry' is in effect defined as the register of cats that local governments are required to keep under the Act. Given the amendments in this Bill, local governments will have the prerogative to keep a register of cats where cat registration requirements are continued. The effect of this amendment is that where a local government chooses to have a register for cats, the owner of the cat will continue to be included as its 'registered owner'.

Clauses 33 to 36 amend section 25 (PID information must be given to licence holder), div 6 heading (Giving identifying information), section 37 (Authorised implanter may give identifying information to particular persons) and section 38 (Licence holder may give identifying information to particular persons) to ensure that appropriate information for a cat that is not required to be registered with a local government may still be given to third parties in the stated circumstances. 'Identifying information' is the registration details for a cat or dog and it may be provided to third parties only in the stated circumstances. Most of the 'identifying information' is also captured by 'PID' (permanent identification device) information. In the absence of a local government register in some areas, the amendment will provide that PID information may be provided in the stated circumstances. The restrictions on providing identifying information will apply to PID information ensuring the same level of protection regarding the sharing of private information is maintained.

Clause 37 amends the heading of chapter 3 (Registration) to reflect that this chapter now only relates to dog registration. All references to 'cat' are being removed from this chapter as the Bill repeals cat registration requirements under the Act.

Clause 38 amends section 44 (Registration obligation) to remove the registration obligations on cat owners by removing the reference to 'cat'.

Clause 39 amends section 45 (Cat or dog must bear identification in particular circumstances) to remove the requirement for a cat to bear identification. Prior to this amendment, section 45 provided that if a cat or dog, is at a place other than the address stated in the registration notice for the cat or dog, the person keeping the cat or dog must make sure the animal bears the identification prescribed under a local law. Given that this Bill will repeal cat registration requirements, the application of this provision to cats is now redundant.

Clause 40 amends the heading of chapter 3, part 2 (How cat or dog is registered) to remove the reference to 'cat'. The reference to 'cat' is now redundant as cat registration will no longer be required under the Act.

Clause 41 amends section 46 (What owner must do) to remove the requirements on cat owners relating to registration of their cat by removing the reference to ‘cat’. This reference is now redundant as cat registration will no longer be required under the Act.

Clause 42 amends section 49 (Relevant local government must give registration notice) to remove the obligation on local governments to give registered cat owners a registration notice after the cat had been registered by removing the reference to ‘cat’. This reference is now redundant as cat registration will no longer be required under the Act.

Clause 43 amends section 166 (Immediate suspension) to reflect that one of the grounds for immediate suspension of a Permanent Identification Device licence no longer includes the situation where there is an immediate and serious risk of harm to the effectiveness of the registration of cats under the Act. The amendment clarifies that one of the grounds for immediate suspension is where there is an immediate and serious risk of harm to the effectiveness of identification, and not the registration, of cats. This change is necessary as cat registration will no longer be required under the Act.

Clause 44 amends section 177 (Registers comprising cat and dog registry) to reflect the exclusion of cats from the registers required to be kept by local governments. Under section 177, local governments are required to keep two registers—a general register and another register prescribed under a regulation—about cats and dogs usually kept or proposed to be kept in the local government’s area. This requirement will now be restricted to keeping registers for dogs only. Consistent with the policy objectives underlying this Bill, this amendment does not remove a local government’s ability to maintain their own cat registers.

Clause 45 amends section 210 (Regulation-making power) to remove the power related to making a regulation about a class of cat exempt from being registered and a regulation that may be made about information that must be stated on a registration form for the registration of a cat under section 210. This amendment is key to the policy objective of removing cat registration requirements from the Act. The intention is that the State Government will no longer need to retain the power to make regulations that provide for the registration of cats as those local governments that choose to retain cat registration in their area will have the power to enact local laws pursuant to the local law making power conferred under section 28 of the *Local Government Act 2009*.

Clause 46 inserts new Part 4 under chapter 10 which deals with the transitional provisions required to implement the policy objectives underlying this Bill. This part aims to facilitate the transition for local government wishing to continue cat registration in their area and it enables local governments to continue to rely on the provisions in chapter 3 of the Act requiring cat registration until they have enacted an appropriate local law.

New Division 1 (Preliminary) inserts new section 224 (Definitions for pt 4) which provides the definitions used in the new part and new section 225 (Interpretation for pt 4) which provides that a term defined under the Act has the same meaning as it had before the Act was amended.

New Division 2 (Continuation of former chapter 3 for declared local governments) inserts section 226 (Cat registration under former ch 3 continues for declared local government) to provide that in order for local governments to continue the operation of the Act’s chapter 3 relating to cat registration, a local government may pass a resolution that it is a declared local

government for the purposes of this new part prior to the commencement of this Bill. A local government may pass such resolution pursuant to section 28 of the *Local Government Act 2009*.

New section 226 provides that for those local governments that pass the resolution, the former chapter 3 and certain former sections necessary to give full effect to chapter 3, will continue to apply in a declared local government's area as if the chapter had not been amended by this Bill. This section is effective only until the declared local government makes a local law about cat registration or until the declared local government passes a resolution that it is no longer a declared local government for this section. If neither of these occurs within one year after its commencement, the section also ceases to have effect. It is expected that this provision will provide sufficient flexibility for local governments to decide if they wish to continue cat registration requirements and it will also provide adequate time, one year, to develop model local laws that declared local governments can adopt.

New Division 3 (Continuation of cat registration for local governments) inserts section 227 (Registration form for registration of cat) and section 228 (Registration fee paid to relevant local government under former s 53).

New section 227 provides for what a local government is able to do where a cat owner has made a registration application prior to the Bill's commencement but has not received a registration notice. Where the local government is a declared local government the local government must decide the application under the former chapter 3. Where the local government has made a local law about cat registration, the local government must decide whether to register the cat in accordance with the local law. However, for a local government that is not declared or does not have local laws, the local government must refund the registration fee paid with the registration application to the cat owner.

New section 228 provides what a local government is able to do where a cat owner has paid the cat registration fee prior to the Bill's commencement and has received a registration notice. Prior to the repeal of registration requirements under this Bill, registration fees paid to local governments had to be used for achieving the purposes of the Act and to administer local laws relating to the management of cats and dogs. Under the Bill, the registration fee received can still be used for those purposes or the local government may choose to return the partial or full registration fee to the cat owner. Partial refunds may be decided having regard to the period of registration remaining on the registration notice after the commencement of this Bill.

Clause 47 amends schedule 2 (Dictionary) to omit the references to 'cat' and 'register' as appropriate under the relevant definitions to reflect the repeal of cat registration and cat register requirements. The amendment also reflects the consequential changes to the definitions of 'identifying information' and 'PID registry service'.

Clause 48 provides a list of the minor consequential amendments to the Act as schedule 1. This is a list of sections where the reference to 'cat' has been removed as they are no longer relevant given the amendments to repeal cat registration requirements.

Clause 49 amends section 95 (Notice and taking effect of declaration) by inserting a new subsection (2) which provides that if a local government makes a dog destruction order in accordance with the new s127A, then it must not give the owner of the dog a notice of the

regulated dog declaration decision. This is necessary to provide consistency with the new section 127A which allows for concurrent regulated dog declaration decisions and dog destruction order decisions to be made and ensures the policy objective of enabling both types of decisions to be reviewed together is achieved.

Clause 50 amends section 96 (Operation of pt 5) to reflect the changed subsection numbering given effect by the amendment in clause 49.

Clause 51 inserts a new section 127A (Concurrent regulated dog declaration and destruction order) which is pivotal to achieving the policy objective of streamlining review processes as it provides for a concurrent regulated dog declaration and a dog destruction order to be made by a local government. New section 127A provides that where a local government has made a regulated dog declaration decision but has not yet provided notice of that decision to the dog's owner, an authorised person within the local government may then make a destruction order for the dog if it is appropriate to do so. Following the decision to make the destruction order, the provision requires the authorised person to serve the dog's owner with a combined notice for each decision as soon as practicable.

Where a decision is made to issue either a dangerous dog declaration or a menacing dog declaration (each a regulated dog declaration), the destruction order must include or be served with a combined information notice for the decisions. If the notice of the restricted dog declaration is to be accompanied by a written opinion from a veterinary surgeons stating, in effect, that the dog is of a breed prohibited from importation into Australia under the *Customs Act 1901* (Cwth), the combined notice should consist of an information notice for the destruction order and a notice of the restricted dog declaration decision.

New section 127A also provides a definition of the term "relevant owner" of a dog, such that notices in accordance with this provision are served on the registered owner of the dog or, if the dog has no registered owner, on any person who owns or is responsible for the dog. This is consistent with who dog destruction orders are served under section 127. This amendment provides a degree of protection for the registered owner as it ensures that where the dog has a registered owner, serving the destruction order is limited to the registered owner and the destruction order cannot be served on any other owner of the dog (other owners are defined under section 9 of the Act). As a consequence a dog cannot be destroyed without the registered owner being aware of its destruction.

Clause 52 amends section 178 (General register) to reflect the changed subsection numbering given effect by the amendment in clause 49.

Clause 53 inserts new section 185A (Internal review of concurrent regulated dog declaration and destruction order) which provides that the chief executive of a local government may conduct an internal review of both a regulated dog declaration decision and a dog destruction order decision at the same time. The new section only applies where a person has been given a combined notice of both decisions under the new section 127A and seeks to have both decisions reviewed.

Part 6 Amendment of Forestry Act 1959

Clause 54 states that this part amends the *Forestry Act 1959*.

Clause 55 omits Part 9 of the Act which provided savings and transitional provisions to enable the dissolution of the former Timber Research and Development Advisory Council and transfer its assets and liabilities to a non-statutory corporation. The establishment of the new corporation, Timber Queensland Limited and subsequent transfer of assets and liabilities was completed over a decade ago. The provisions of Part 9 having been spent, are therefore of no further effect.

Clause 56 amends the heading of Part 10 to reflect that the transitional provisions in Part 9 have been omitted.

Part 7 Amendment of Land Protection (Pest and Stock Route Management) Act 2002

Clause 57 states that this part amends the *Land Protection (Pest and Stock Route Management) Act 2002*.

Clause 58 amends the heading of chapter 2, part 2 (State pest management strategies and guidelines for managing pests) to change “strategies” to “strategy” to reflect that a single State pest management strategy and guidelines for managing pests will be provided for as per the amendment in clause 60.

Clause 59 amends the heading of chapter 2, part 2, division 1 (State pest management strategies) to change “strategies” to “strategy” to reflect that a single State pest management strategy will be provided for as per the amendment in clause 60.

Clause 60 amends section 10 (State pest management strategies) to change the heading from “strategies” to “strategy” to reflect that a single State pest management strategy will be provided and to omit the word “separate” from the section, thereby requiring the chief executive to only develop a single State pest management strategy covering both animals and plants.

Clauses 61 – 71 make amendments to section 11 (Preparing strategies), section 12 (Duration of strategies), section 13 (Implementing strategies), section 14 (Reviewing and renewing strategies), the heading of chapter 2, part 2, division 3 (Inspecting strategies and guidelines), section 16 (Strategies and guidelines to be available for inspection), section 18 (Requirements of plan), section 26 (Requirements of plan), section 27 (Preparing draft plan), section 33 (Reviewing and renewing plan) and schedule 3 (Dictionary) respectively, which are consequential to the amendment in clause 60 to reflect the provision for a single State pest management strategy.

Part 8 Amendment of Rural and Regional Adjustment Act 1994

Clause 72 states that this part amends the *Rural and Regional Adjustment Act 1994*.

Clause 73 amends section 3 (Object of Act) to clarify QRAA’s role. Prior to amendment, the section provided that QRAA, may also support the State’s economy by administering schemes to give assistance to primary producers, small business and others in times of temporary difficulty. It also provided that QRAA can give assistance and build its own effectiveness by administering schemes for the Commonwealth and other States in rural and

regional sectors outside Queensland. Schemes in the context of the current provision are taken to mean entire schemes.

The clause amends this section to clarify that QRAA may also administer parts of schemes for both of the stated purposes. The clause also provides three examples of the types of activities QRAA may undertake in the administration of parts of authorised interstate schemes. This clause reflects recommendations 1 and 2 of the 2010 report of the review of the Act to allow QRAA to undertake administration of components of work, as well as whole schemes, in the rural and regional sector in other Australian jurisdictions and for the approval process for those components to be the same as for interstate schemes.

Clause 74 amends section 8 (Authority's functions) to provide that as part of the authority's other functions, QRAA may administer entire authorised interstate schemes as well as parts of authorised interstate schemes.

Clause 75 amends section 11A (Authorisation for interstate schemes) such that it will apply to schemes or parts of schemes, other than approved assistance schemes established by the Commonwealth or another State or an entity representing either. The clause provides that QRAA must not tender for or agree to administer a scheme or part of a scheme unless the Minister has authorised such. The clause also provides that QRAA must give the Minister any information requested by him in respect of the tender or arrangement to administer the scheme or part of the scheme. This clause also reflects recommendations 1 and 2 of the Act review report.

Clause 76 amends section 35 (Acting chief executive officer) to provide that the Minister, rather than the Governor in Council, may appoint an acting chief executive officer for QRAA in periods when the chief executive officer position is vacant or when the appointed chief executive officer is absent or unable to perform the duties of the position. This clause reflects recommendation 4 of the Act review report.

Clause 77 inserts a new section 35B (Delegation) to provide that the chief executive officer of QRAA may delegate his powers, including those delegated to him by the QRAA Board, to an officer of QRAA provided he is satisfied the person is appropriately qualified and the QRAA Board approves. This clause reflects recommendation 5 of the report of the review of the Act to allow the chief executive officer to delegate and sub-delegate his functions under the Act to appropriately qualified officers of the Authority.

Clause 78 inserts a replacement section 45 (Review of Act) which obligates the Minister to review the Act within every ten years to decide whether its provisions remain appropriate and then table a report in the Legislative Assembly on the review. The clause also provides that the initial review must be within 10 years of 1 July 2013 and then subsequently within 10 years after tabling the review report. This clause reflects recommendation 6 of the report of the review of the Act.

Part 9 Amendment of Veterinary Surgeons Act 1936

Clause 79 states that this part amends the *Veterinary Surgeons Act 1936*.

Clause 80 amends section 4C (Membership) by changing the reference to 'veterinary surgeons' in subsection (2) so that membership of the Veterinary Surgeons Board of

Queensland (the board) is restricted to veterinary surgeons whose names appear on the register. This means that veterinary surgeons deemed registered through the National Recognition of Veterinary Registration (NRVR) scheme provisions are not eligible to be appointed to the board.

Clause 81 amends section 4D (Chairperson and deputy chairperson) by changing the reference to ‘veterinary surgeon’ in subsection (3) so that the deputy chairperson must be a veterinary surgeon whose name appears on the register.

Clause 82 amends section 8 (Board to hold triennial election) by changing the reference to ‘each registered veterinary surgeon’ in subsection (4) so that only veterinary surgeons whose names appear on the register are eligible to vote at a triennial election. This reflects the policy that it is not appropriate for veterinary surgeons deemed to be registered under the NRVR scheme, and whose home jurisdiction is outside of Queensland, to vote to elect members of the board.

Clause 83 amends section 16 (Keeping registers) to provide that the emergency contact details required by section 19 (Application for registration) are not required to be included in the registers of veterinary surgeons or veterinary specialists. New subsection (4A) makes it unnecessary for the registrar to include in the register any details about persons deemed to be registered as a veterinary surgeon or as a veterinary specialist in Queensland under the NRVR scheme.

Clause 84 inserts a new section 16A (Arrangements between board and interstate registering authorities) to formalise the establishment of the NRVR scheme and to facilitate both the exchange of registration information between the board and equivalent registration bodies in the other States and Territories, and the possible establishment of a national register of veterinary specialists, veterinary surgeons and veterinary practitioners by a single organisation representing the registration bodies of each jurisdiction.

Clause 85 amends section 17 (Annual fee) by inserting new subsection (6) which has the effect of exempting veterinary surgeons and veterinary specialists who are deemed registered in Queensland under the NRVR scheme from paying an annual fee.

Clause 86 amends section 18 (Registration of veterinary surgeons) by inserting new subsection (3A) to enable the board to refuse an application for registration from a veterinary surgeon in certain circumstances. The board may refuse an application, where it considers it appropriate in the circumstances, if a veterinary surgeon has been refused registration, or been disqualified from applying, by an interstate registering authority. This provision ensures that the board retains a discretion to accept or reject the basis for a decision about registration by an interstate registering authority after considering whether the circumstances which existed at time of the interstate decision have changed or are appropriate to the decision about Queensland registration. New subsection (3B) provides that the grounds for refusal of registration as a veterinary surgeon by the board set out in subsections (3) and (3A) operate despite subsection (1).

Clause 87 inserts new section 18B (Deemed registration as veterinary surgeon) to enable the veterinary profession in Queensland to participate in the NRVR scheme. This section operates to grant automatic registration in Queensland to any veterinary surgeon registered interstate by mirroring the interstate registration exactly so that the Queensland registration is

subject to any limitations, conditions and restrictions which apply to the person's registration interstate.

Clause 88 amends section 19 (Application for registration) by replacing subsection (2) to require the approved form, which is used when applying for registration, to include the contact information for a veterinary surgeon. The term *contact information* is defined in the schedule to mean the veterinary surgeon's or applicant's business address, postal address, residential address and emergency contact details.

The clause also inserts new subsections (3) and (4). New subsection (3) makes it clear that an interstate registered veterinary surgeon who is deemed registered in Queensland by virtue of new section 18B does not, subject to subsection (4), need to apply for Queensland registration nor pay the registration fee. New subsection (4) requires a veterinary surgeon deemed registered in Queensland, who has taken up residence in Queensland and intends to practice in Queensland, to apply for registration before the expiry of the person's interstate registration.

Clause 89 amends section 19B (Registration for limited period) to restrict access to registration for a limited period of time to veterinary surgeons registered in New Zealand as the NRVR scheme introduced by this Act will replace limited period registration with deemed registration for interstate registered veterinary surgeons.

Clause 90 inserts new section 19CA (Deemed registration of veterinary specialists) to grant automatic registration in Queensland to any veterinary specialist registered interstate by mirroring that registration exactly, subject to the requirements that the veterinary specialist must have practised veterinary science for a period of at least 5 years before registration interstate as a veterinary specialist and that the specialty is one recognised under the *Queensland Veterinary Surgeons Act 1936*.

Clause 91 inserts new section 22FA (Board to notify interstate registering authorities of disciplinary action) as a component of the NRVR scheme to require the board to notify each registering authority in each jurisdiction in Australia as soon as practicable of information about action taken by the board under section 22A (Board may take disciplinary action) or an order, admonishment or reprimand by the Queensland Civil and Administrative Tribunal (QCAT) under sections 22C (Board may apply to tribunal for an order to remove the name of a veterinary surgeon from the register), 22D (Where veterinary surgeon medically unfit) or 22E (Orders of tribunal for misconduct in a professional respect).

Clause 92 inserts new section 26 (Notice about change in contact information) and new section 27 (Veterinary surgeon to provide emergency contact details) in order to achieve a better level of accuracy for contact information held by the registrar which may be used by the chief executive to contact veterinary surgeons about the biosecurity matters mentioned in new section 29C (Registrar must give emergency contact details to chief executive) being inserted by clause 93.

New section 26 requires all registered veterinary surgeons to notify the Board in writing within 21 days of any change to the contact information previously provided to the registrar. If a veterinary surgeon cannot provide a reasonable excuse for breach of this requirement a penalty of up to 10 penalty units may be applied.

New section 27 allows the registrar to ensure the accuracy of contact information by requiring through a notice in writing, that a veterinary surgeon provide emergency contact details to the registrar. New subsection (2) requires a veterinary surgeon who receives a notice under subsection (1) to provide to the registrar, the emergency contact details within 21 days unless the person has a reasonable excuse. The penalty for non-compliance is up to 10 penalty units.

Clause 93 inserts new section 29C (Registrar must give emergency contact details to chief executive) to support the effective management of biosecurity risk in Queensland. This clause authorises the Registrar to give emergency contact details for all veterinary surgeons to the chief executive (of DAFF) or to the chief executive of a public sector unit prescribed under a regulation to use for the purpose of providing information to veterinary surgeons in order to control, eradicate or prevent the spread of an exotic disease, a declared pest or a disease. The clause extends the ability to provide emergency contact information to chief executives of other government departments (which may, in particular cases include Queensland Health, the Department of Justice and the Attorney-General in regard to workplace health and safety matters, or the Department of Community Safety in regard to emergency management matters) as they may also hold relevant information to convey to veterinary surgeons to appropriately deal with biosecurity incidents. The clause provides the flexibility to respond to biosecurity incidents as other chief executives may be prescribed by regulation as and when required. However, new subsection (4) limits the use of the emergency contact details by the chief executive to the purposes set out in subsection (1).

Clause 94 inserts new definitions into the schedule (Dictionary) for the amendments made by this Act which introduce the NRVR scheme and which require all veterinary surgeons to provide emergency contact details to the registrar. The emergency contact details have been defined in a way to ensure all veterinary surgeons are able to be contacted during business hours as well as after hours by telephone or by email.

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

Schedule 1 lists the minor consequential amendments to the *Animal Management (Cats and Dogs) Act 2008* as noted in clause 48 (Schedule amendments).