

NORTHERN TERRITORY OF AUSTRALIA

LIVESTOCK AND OTHER LEGISLATION AMENDMENT ACT 2024

Act No. 7 of 2024

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 7 of 2024

An Act to amend the *Livestock Act 2008*, the *Livestock Regulations 2009* and the *Trespass Act 2023*

[Assented to 9 April 2024]
[Introduced 14 February 2024]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Livestock and Other Legislation Amendment Act 2024*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 12 February 2026, it commences on that day.

Part 2 Amendments to Livestock Legislation

Division 1 Livestock Act 2008

3 Act amended

This Division amends the *Livestock Act 2008*.

4 Section 3 amended (Object)

After section 3(b)

insert

(ba) providing for the making and enforcement of biosecurity management plans; and

5 Section 4 amended (Definitions)

(1) Section 4, definition **review**

omit

(2) Section 4

insert

biosecurity impact, for Part 2A, see section 16A.

biosecurity management area means an area of land to which a biosecurity management plan applies.

biosecurity management plan means a biosecurity management plan made under section 16B.

biosecurity matter, for Part 2A, see section 16A.

carrier, for Part 2A, see section 16A.

honey bee means a European honey bee of the species *Apis mellifera*.

nominated person, for a biosecurity management plan, see section 16B(1)(b).

unowned, in relation to livestock, includes livestock that is feral or abandoned.

(3) Section 4, at the end

insert

Note for section 4

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

6 Part 2A inserted

After section 16

insert

Part 2A Biosecurity management plans

16A Definitions

In this Part:

biosecurity impact means an adverse effect on the economy, the environment or the community that arises, or has the potential to arise, from a biosecurity matter or a carrier introducing or spreading a disease into or within the Territory or any part of the Territory.

biosecurity matter means any of the following:

- (a) livestock or any part of livestock;
- (b) an animal product;
- (c) a notifiable disease;
- (d) an animal pathogen;
- (e) a pathogen that can cause disease in a human via transmission from a livestock host to a human;
- (f) a non-living thing that:
 - (i) occurs in or on a carrier or a thing mentioned in paragraphs (a) to (e); or
 - (ii) may be ingested or absorbed by a carrier or a thing mentioned in paragraphs (a) to (e);
- (g) anything prescribed by regulation to be a biosecurity matter.

carrier means any thing (whether alive, dead or inanimate, including a human) that has, or is capable of having, any biosecurity matter on it, attached to it or contained in it.

16B Biosecurity management plans

- (1) The owner of a property for which a property identification code is allotted under section 15(2) may prepare or adopt a biosecurity management plan that includes the following:
 - (a) reasonable measures to prevent, eliminate or minimise the risk of a biosecurity impact caused by persons entering or carrying out activities at or from the property;
 - (b) the name and contact details of the person in charge of managing entry to the property (the *nominated person*);
 - (c) the information prescribed by regulation.
- (2) A measure included in a biosecurity management plan that is not a measure of a kind mentioned in subsection (1)(a) is taken not to be part of the plan.
- (3) A biosecurity management plan may:
 - (a) apply to the whole or part of a property, but more than one biosecurity management plan cannot apply to the same part of the property; and
 - (b) amend, revoke or replace an existing biosecurity management plan.

16C Sign to be affixed at property to which biosecurity management plan applies

- (1) The owner of a property to which a biosecurity management plan applies must erect signage that complies with the requirements of this section.
- (2) A sign must be affixed and conspicuously displayed at each public motor vehicle and pedestrian access point at the property, or part of the property, to which the biosecurity management plan applies.
- (3) Each sign must include:
 - (a) a statement that:
 - (i) a biosecurity management plan applies to the property; and
 - (ii) entry to the property, or part of the property, without consent is restricted under section 16D; and

- (iii) failure to comply with the plan may be an offence against this Act; and
 - (b) the contact details for the nominated person; and
 - (c) any other information prescribed by regulation.
- (4) A person commits an offence if the person defaces, damages or removes a sign erected under this section.
- Maximum penalty: 20 penalty units.
- (5) An offence against subsection (4) is an offence of strict liability.
- (6) It is a defence to a prosecution for an offence against subsection (4) if the defendant has a reasonable excuse.

16D Consent to enter biosecurity management area

- (1) This section does not apply in relation to a person who, under a law of the Territory or the Commonwealth, has a right to enter land that is a biosecurity management area.

Examples for subsection (1)

- 1 *A person who holds a mineral title under the Mineral Titles Act 2010 authorising the person to conduct mining for minerals or extractive minerals on land that is part of a biosecurity management area.*
 - 2 *A person entitled to enter land that is part of a biosecurity management area under a condition of a lease under the Pastoral Land Act 1992.*
- (2) A person must not enter a biosecurity management area without the consent of the nominated person for the biosecurity management plan for the area.
- (3) Consent under subsection (2) must be given in writing or electronically.
- (4) The nominated person may withdraw the consent at any time.
- (5) A person with consent to enter a biosecurity management area must keep a copy of the consent on the person at all times when the person is in the area and must produce the consent to the nominated person or an inspector on request.

16E Notification of entry

A person who, under a law of the Territory or the Commonwealth, has a right to enter a biosecurity management area must, before entering the area, or as soon as reasonably practicable after entering the area, notify the nominated person of the proposed entry or entry.

16F Copy of biosecurity management plan to be provided

The nominated person for a biosecurity management plan must give a copy of the biosecurity management plan:

- (a) to a person given consent to enter the biosecurity management area under section 16D when the consent is given; and
- (b) to a person who gives notice of their entry under section 16E as soon as practicable after the notice is given.

16G Compliance with biosecurity management plan

- (1) A person who enters or remains in a biosecurity management area must comply with the biosecurity management plan for the area.
- (2) A person commits an offence if:
 - (a) the person is in a biosecurity management area; and
 - (b) the person intentionally engages in conduct; and
 - (c) the conduct results in a contravention of the biosecurity management plan for the area and the person is reckless in relation to that result.

Maximum penalty: 50 penalty units.

- (3) Strict liability applies to subsection (2)(a).
- (4) It is a defence to the prosecution of an offence against subsection (2) if the defendant:
 - (a) is a public sector employee exercising powers or performing functions under a law of the Territory; or
 - (b) is an APS employee, as defined in section 7 of the *Public Service Act 1999* (Cth), performing functions under a law of the Commonwealth; or
 - (c) enters or remains in the area in an emergency; or

(d) has a reasonable excuse.

16H Inspector's powers in relation to biosecurity management plans

(1) For this Act, an inspector may require a person who is in a biosecurity management area to do any of the following:

(a) state the person's name and address;

(b) provide:

(i) a copy of the person's consent to enter or remain in the area under section 16D(2); or

(ii) evidence of the person's right under a law of the Territory or a law of the Commonwealth to enter or remain in the area.

(2) A person given a requirement under subsection (1) commits an offence if the person contravenes the requirement.

Maximum penalty: 100 penalty units.

(3) An offence against subsection (2) is an offence of strict liability.

(4) It is a defence to a prosecution for an offence against subsection (2) if the defendant has a reasonable excuse.

7 Section 27 replaced

Section 27

repeal, insert

27 Owner may retrieve stray livestock from property

(1) The owner of livestock (the **livestock owner**) that are on a property owned by someone else (the **property owner**) may retrieve the livestock in accordance with this section.

(2) The livestock owner must make reasonable attempts to reach an agreement with the property owner to retrieve the livestock.

- (3) If, after making reasonable attempts under subsection (2), the livestock owner and property owner have not reached an agreement, the livestock owner may give the property owner written notice that the livestock owner intends to:
- (a) enter the property:
 - (i) at a place specified in the notice; and
 - (ii) at a time specified in the notice (which must be no earlier than 14 days after the day on which notice is given); and
 - (b) muster the livestock specified in the notice; and
 - (c) leave the property (with or without the livestock):
 - (i) within 7 days after entering the property; and
 - (ii) at a place specified in the notice.

Note for subsection (3)

The livestock owner is required to comply with a biosecurity management plan that applies to the property under Part 2A.

- (4) If the property is on Aboriginal land, as defined in section 3(1) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), a copy of the notice must also be given to the Land Council established under that Act for the area of the Territory in which the property is located.
- (5) The property owner may inspect the livestock before the livestock leaves the property.
- (6) A livestock owner must not enter or remain on a property to retrieve livestock except in accordance with:
- (a) an agreement with the property owner; or
 - (b) a notice given under subsection (3).
- (7) A person commits an offence if the person contravenes subsection (6).

Maximum penalty: 50 penalty units.

- (8) An offence against subsection (7) is an offence of strict liability.
- (9) It is a defence to a prosecution for an offence against subsection (7) if the defendant has a reasonable excuse.

8 Section 32 amended (Approval of laboratories and tests)

- (1) Section 32(1)
omit
veterinary
- (2) Section 32(4), definition ***veterinary diagnostic laboratory***
omit
veterinary

9 Section 38 amended (Chief Inspector may order detention)

- (1) Section 38(a) and (b)
omit
preparation;
insert
preparation or animal pathogen;
- (2) Section 38(d)
omit
to (c).
insert
to (c);
- (3) After section 38(d)
insert
(e) animals other than livestock that may have come into contact with anything mentioned in paragraphs (a) to (d).

10 Section 39 amended (Chief Inspector may seize and order destruction or removal)

- Section 39(1)
omit
to (d)

insert

to (e)

11 Sections 42 and 43 replaced

Sections 42 and 43

repeal, insert

42 Quarantine order: suspected presence of disease in thing (including livestock)

- (1) The Chief Inspector may make any of the following orders if the inspector reasonably suspects the presence of a disease in any thing (including livestock):
 - (a) the owner of the thing must keep the thing contained within a specified area;
 - (b) the owner of the thing must move the thing to a specified place and keep it there in accordance with the conditions specified in the order.
- (2) An order under subsection (1) may make provision for the thing to be released from the area or place in which it is kept in accordance with:
 - (a) a condition specified in the order; or
 - (b) the written permission of the Chief Inspector.
- (3) An order under subsection (1) may include a requirement that the owner of the thing must establish, repair or maintain a fence to ensure compliance with the order.

43 Quarantine order: suspected presence of disease on property

- (1) The Chief Inspector may make any of the following orders if the Chief Inspector reasonably suspects the presence of a disease on a property:
 - (a) the owner of the property must not allow any thing (including livestock) specified in the order to enter or leave the property;
 - (b) the owner of the property must not allow any thing (including livestock) specified in the order to enter or leave the property except in accordance with:
 - (i) a condition specified in the order; or

- (ii) the written permission of the Chief Inspector.
- (2) An order under subsection (1) may include a requirement that the owner of the property must establish, repair or maintain a fence to ensure compliance with the order.

43A Quarantine order: suspected presence of disease on area of land

If the Chief Inspector reasonably suspects the presence of a disease on an area of land, the Chief Inspector may make any of the following orders:

- (a) a person or vehicle must not enter, leave or move within the area except in accordance with:
 - (i) a condition specified in the order; or
 - (ii) the written permission of the Chief Inspector;
- (b) the owner of livestock, an animal or other specified thing must ensure the livestock, animal or thing does not enter, leave or move within the area except in accordance with the conditions specified in the order.

12 Section 44 amended (Period of quarantine order)

Section 44(2)

omit

all words after "satisfied"

insert

it is appropriate to do so.

13 Section 47 amended (Classification of property)

- (1) After section 47(1)

insert

- (1A) The Chief Inspector must revoke a classification under subsection (1) if the criteria or circumstances on which the classification is based no longer apply to the property.

(2) Section 47(2)

omit

classification.

insert

classification or revocation of classification.

14 Section 48 amended (Restrictions and requirements for classified property)

(1) Section 48(1)(b), after "livestock,"

insert

animals,

(2) Section 48(3), penalty provision

omit, insert

Maximum penalty: 500 penalty units.

15 Section 50 amended (Establishment of control program)

(1) Section 50(2)(c)

omit

or areas of the Territory

(2) After section 50(2)

insert

(3) For subsection (2)(c), the program area for a control program may be one or more areas of the Territory or the whole of the Territory.

16 Section 53 amended (Orders)

(1) After section 53(1)(a)(ix)

insert

(x) any other action specified in the order that is reasonably required to implement the control program;

- (2) Section 53(1)(b), after "must"
insert
treat or
- (3) Section 53(1)(f)
omit
it.
insert
it;
- (4) After section 53(1)(f)
insert
(g) the owner of any other thing in the program area that may be affected by the notifiable disease must treat or destroy it.
- (5) Section 53(4), penalty provision
omit, insert
Maximum penalty: 500 penalty units.

17 Section 53A inserted

After section 53

insert

53A Actions in relation to unowned livestock

For a control program, the Chief Inspector may take any of the following actions in the program area:

- (a) locate and assemble unowned controlled livestock for testing, inspection, treatment or valuation;
- (b) mark unowned controlled livestock for their identification;
- (c) test unowned controlled livestock using a test specified in a notice under section 51;
- (d) treat unowned controlled livestock;

- (e) erect, repair or maintain fences or structures to ensure unowned controlled livestock are contained;
- (f) move or restrict the movement of unowned controlled livestock;
- (g) move unowned controlled livestock to an abattoir for slaughter;
- (h) destroy unowned controlled livestock;
- (i) destroy unowned livestock that are not controlled livestock to protect the health and welfare of other livestock.

Example for paragraph (i)

An order may be that certain livestock be destroyed because of overcrowding resulting from actions taken under the control program.

18 Section 55 amended (Emergency disease: standstill zone declaration)

- (1) Section 55(1)
 - omit*
 - an area
 - insert*
 - the whole or part of the program area
- (2) Section 55(2)(c)
 - omit*
 - livestock
 - insert*
 - livestock, other animals
- (3) After section 55(3)(a)
 - insert*
 - (ab) other animals;

(4) Section 55(4)

omit, insert

(4) The Minister:

(a) may revoke the declaration of a standstill zone if the Minister is satisfied it is appropriate to do so; and

(b) must revoke the declaration of a standstill zone if the Minister is satisfied the emergency disease is not present in, and is not likely to be introduced into, the standstill zone.

19 Section 56 amended (Standstill zone movement permit)

(1) Section 56(3)

omit

livestock

insert

livestock, another animal

(2) Section 56(3), fault element, paragraph (a)

omit

livestock

insert

livestock, animal

(3) Section 56(3) and (4), penalty provision

omit, insert

Maximum penalty: 500 penalty units.

20 Section 59 amended (Restriction of movement)

(1) Section 59(1), after "livestock,"

insert

other animals,

(2) Section 59(3), penalty provision

omit, insert

Maximum penalty: 500 penalty units.

21 Section 60 replaced

Section 60

repeal, insert

60 Dealing with unowned or stray livestock in declared area

The Chief Inspector may take any of the following actions in relation to unowned or stray livestock in a declared area:

- (a) locate, trap and assemble the livestock;
- (b) test the livestock for the notifiable disease to which the declaration relates;
- (c) treat the livestock;
- (d) destroy the livestock.

22 Section 91 amended (Appointment of inspectors)

After section 91(3)

insert

- (4) The Chief Inspector may, by *Gazette* notice, declare that any of the following have the powers and functions of an inspector under this Act, subject to any conditions or limitations specified in the notice:
 - (a) one or more specified police officers;
 - (b) all police officers.
- (5) A power conferred under subsection (4) on a police officer is in addition to, and does not limit, any other power the officer may have under any other law of the Territory.

23 Section 92 amended (Identity cards)

Section 92(1), after "inspector"

insert

appointed under section 91(1) or (3)

24 Section 117 amended (Protection from liability)

Section 117(1), at the end

insert

Note for subsection (1)

This section has effect subject to Part VIIA of the Police Administration Act 1978 to the extent that it applies to the civil liability of a police officer who is exercising the powers and functions of an inspector.

25 Section 118 amended (No review of certain decisions relating to emergency disease)

Section 118(1)(b) and (c), after "court"

insert

or tribunal

26 Section 120 amended (Reviewable decisions of Chief Inspector)

Section 120(a)

omit

veterinary

27 Section 123 amended (Application for review)

(1) Section 123, heading, after "**for**"

insert

internal

(2) Section 123(1)

omit

a review.

insert

an internal review of the decision.

28 Sections 124 and 125 replaced

Sections 124 and 125

repeal, insert

124 Internal review by Chief Executive Officer

- (1) Within 14 days after an application under section 123(1) for internal review is received, the Chief Executive Officer may decide:
 - (a) to confirm the reviewable decision; or
 - (b) to vary the reviewable decision; or
 - (c) to set aside the reviewable decision and substitute the Chief Executive Officer's own decision.
- (2) The Chief Executive Officer must give the applicant written notice of the Chief Executive Officer's decision under subsection (1).
- (3) The notice under subsection (2) must include a statement:
 - (a) of the Chief Executive Officer's reasons for the decision; and
 - (b) that the applicant has a right to apply to NTCAT under section 125(3) for review of the decision.

125 Review by NTCAT

- (1) NTCAT has jurisdiction to review a decision of the Chief Executive Officer on an internal review under section 124 (an **internal review decision**).
- (2) An **affected person**, for an internal review decision, is the person who made the application for internal review under section 123(1).
- (3) An affected person for an internal review decision may apply to NTCAT for review of the decision.

Note for section 125

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.

29 Section 139 amended (Regulations)

Section 139(1), at the end

insert

Note for subsection (1)

See section 65 of the Interpretation Act 1978.

30 Part 12 inserted

After section 147

insert

**Part 12 Transitional matters for Livestock and Other
Legislation Amendment Act 2024**

148 Definitions

In this Part:

amending Act means the *Livestock and Other Legislation Amendment Act 2024*.

commencement means the commencement of section 28 of the amending Act.

149 Applications and reviews of decisions made before commencement

- (1) Despite section 28 of the amending Act, section 124 (as in force immediately before the commencement) continues to apply in relation to an application to the Chief Executive Officer for review of a reviewable decision that was made before the commencement.
- (2) Despite section 28 of the amending Act, section 125 (as in force immediately before the commencement) continues to apply in relation to a decision of the Chief Executive Officer on a review under section 124 that:
 - (a) was made by the Chief Executive Officer before the commencement; and
 - (b) is made by the Chief Executive Officer after the commencement on an application for review referred to in subsection (1).

Division 2 Livestock Regulations 2009

31 Regulations amended

This Division amends the *Livestock Regulations 2009*.

32 Regulation 3 amended (Definitions)

Regulation 3

insert

register of beehives means the register of beehives kept under regulation 51B.

33 Regulation 33 amended (Information in PIC register)

(1) After regulation 33(1)(b)

insert

(ba) if a biosecurity management plan applies to the registered property, or part of the property:

- (i) the fact that a biosecurity management plan applies to the registered property, or part of the property; and
- (ii) the name and contact details of the nominated person for the plan;

(2) Regulation 33(2)(c)

omit

property.

insert

property;

(3) After regulation 33(2)(c)

insert

(d) if a biosecurity management plan applies to the registered property, or part of the property:

- (i) the fact that a biosecurity management plan applies to the registered property, or part of the property; and
- (ii) the contact details of the nominated person for the plan.

(4) After regulation 33(2)

insert

(3) If the name or contact details of the nominated person for a biosecurity management plan changes, the owner of the property to which the plan applies must give the Registrar written notice of the change within 28 days after the change occurring.

(4) The owner of a registered property commits an offence if the owner fails to give notice as required under subregulation (3).

Maximum penalty: 20 penalty units.

(5) An offence against subregulation (4) is an offence of strict liability.

(6) It is a defence to a prosecution for an offence against subregulation (4) if the defendant has a reasonable excuse.

34 Part 2, Division 9 replaced

Part 2, Division 9

repeal, insert

Division 9 Registration of beehives

50 Application of Division

This Division applies in relation to beehives in which honey bees are kept.

Note for regulation 50

Honey bee is defined in section 4 of the Act.

51 Registration of beehives

(1) The owner of a beehive may, in the approved form, apply to the Registrar to register one or more beehives.

(2) The registration period for a beehive is 2 years commencing on the day the registration is approved by the Registrar and may be renewed for further periods of 2 years on application by the owner in the approved form.

(3) The owner of a beehive commits an offence if the beehive is not registered under this regulation.

Maximum penalty: 20 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.

51A Issue of registration number and marking of hives

- (1) The Registrar must issue a registration number or a unique identifier to the owner of one or more registered beehives.
- (2) The owner of a registered beehive must ensure the beehive is marked with the owner's registration number or unique identifier.
- (3) A marking under subregulation (2) must be:
- (a) clear and legible; and
 - (b) at least 20 mm in height; and
 - (c) placed on the beehive in a place where it is easily visible.
- (4) The owner of a beehive commits an offence if the beehive is not marked in accordance with this regulation.

Maximum penalty: 20 penalty units.

- (5) An offence against subregulation (4) is an offence of strict liability.

51B Information in register of beehives

The Registrar must keep a register of beehives that contains the following information:

- (a) the name and address of the owner of one or more registered beehives;
- (b) the address and description of each property on which the registered beehives are kept;
- (c) the number of registered beehives kept on each property;
- (d) any other information the Registrar considers appropriate.

51C Notice of change of details

- (1) The owner of a registered beehive must, in the approved form, notify the Registrar of a change in any of the details required to be kept in the register of beehives within 7 days of the change occurring.
- (2) A person required to notify the Registrar under subregulation (1) commits an offence if the person fails to do so.

Maximum penalty: 20 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

51D Transfer of ownership of beehive

- (1) If ownership of a beehive is transferred to a new owner, the new owner must, in the approved form, notify the Registrar of the transfer within 28 days of the transfer occurring.
- (2) A new owner required to notify the Registrar under subregulation (1) commits an offence if the new owner fails to do so.

Maximum penalty: 20 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Part 2A Biosecurity management plans

51E Matters to be included in biosecurity management plan

For section 16B of the Act, the following information must be included in a biosecurity management plan:

- (a) the name and description of the property to which the plan applies;
- (b) a description, map or plan that accurately depicts or describes the boundaries of the property or the part of the property to which the plan applies;
- (c) the name and contact details of the person or persons who own or manage livestock on the property, or part of the property, to which the plan applies;
- (d) the heading to the plan must include:
- (i) the words "BIOSECURITY MANAGEMENT PLAN"; and
 - (ii) the address of the property to which it applies;
- (e) the day on which the plan comes into operation.

51F Signs

- (1) This regulation prescribes the requirements for a sign under section 16C(1) of the Act.
- (2) The following information must be contained in a sign:
- (a) the word "STOP" or "VISITORS";

- (b) the means of contacting the nominated person to obtain consent to enter the premises.
- (3) The sign must:
- (a) be comprised of sturdy and durable weather resistant materials; and
 - (b) be at least 450 mm x 600 mm; and
 - (c) display words that are legible and contrast with any background colour; and
 - (d) be securely and permanently attached to a gate, fence or signpost, structure or building; and
 - (e) be maintained in a good condition and be legible.

35 Regulation 55 amended (Obligations of owner of prescribed travelling livestock)

Regulation 55(2)(b)

omit

7 years

insert

3 years

36 Regulation 63 amended (Application for movement permit)

Regulation 63(1), after "livestock,"

insert

animal,

37 Regulation 67 amended (Cancellation of standstill zone movement permit)

Regulation 67(2) and (3)(b), after "livestock,"

insert

animal,

38 Schedule 5 replaced

Schedule 5

repeal, insert

Schedule 5 Infringement offences and prescribed amounts

regulation 88

Column 1 Infringement offence	Column 2 Prescribed amount in penalty units
<i>Livestock Act 2008</i>	
section 16C(4)	3
section 16G(2)	10
section 16H(2)	10
section 17(4)	10
section 20(2)	10
section 41	20
section 45	25
section 48(3)	20
section 53(4)	25
section 56(3) or (4)	25
section 61(1) or (2)	10
section 97(2)	10
section 100(4)	10
section 104(5)	10
section 107(3)	10
section 128(1) or (2)	5
<i>Livestock Regulations 2009</i>	
regulation 12(1)	2
regulation 13(2)	2
regulation 18(3)	5
regulation 21(1)	10
regulation 26	5
regulation 27	5

regulation 28(1) or (2)	5
regulation 29(1) or (2)	10
regulation 32(1)	2
regulation 34(2)	2
regulation 35(2)	2
regulation 36	5
regulation 38	5
regulation 39(1) or (2)	5
regulation 40	5
regulation 41(2)	5
regulation 42(2)	5
regulation 43	5
regulation 44	5
regulation 46(2)	5
regulation 48(2)	5
regulation 51(3)	3
regulation 51A(4)	3
regulation 51C(2)	3
regulation 54(3)	5
regulation 55(1)	10
regulation 55(2)	5
regulation 56(1)	5
regulation 57(2)	5
regulation 73(2)	10
regulation 82C(1)	
(a) for non-compliance with a standard mentioned in regulation 82C(1), penalty provision, paragraph (a)	5
(b) otherwise	10
regulation 82C(2)	
(a) for non-compliance with a standard mentioned	

regulation 82C(2), penalty provision, paragraph (a)	5
(b) otherwise	10

Part 3 Amendments to Trespass Act 2023

39 Act amended

This Part amends the *Trespass Act 2023*

40 Section 13 amended (Trespass – entering or remaining without authority)

- (1) Section 13(1) and (2), penalty provisions

omit

months.

insert

months or, for an aggravated offence, 50 penalty units or imprisonment for 12 months.

- (2) After section 13(3)

insert

- (4) An offence against subsection (1) or (2) is an aggravated offence if the place is a place of primary production and the defendant is reckless in relation to that circumstance.

- (5) If the prosecution intends to prove an aggravated offence against subsection (1) or (2), the circumstance of aggravation must be contained in the charge.

- (6) In this section:

place of primary production means a place that is used to carry out a business that involves any of the following:

- (a) agricultural, pastoral, horticulture or apicultural activities;
- (b) the cultivating of soils, the gathering of crops or the holding, rearing or processing of livestock;
- (c) the propagation or harvesting of fish or other aquatic organisms for the purpose of aquaculture.

Part 4 Act repealed

41 Repeal of Act

This Act is repealed on the day after it commences.