

Queensland



Exotic Diseases in Animals Act 1981

EXOTIC DISEASES IN ANIMALS REGULATION 1998

**Reprinted as in force on 24 June 1998
(regulation not amended up to this date)**

Reprint No. 1

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Information about this reprint

This regulation is reprinted as at 24 June 1998.

See endnotes for information about when provisions commenced.



EXOTIC DISEASES IN ANIMALS REGULATION 1998

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EXOTIC DISEASES IN ANIMALS REGULATION 1998

[reprinted as in force on 24 June 1998]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Exotic Diseases in Animals Regulation 1998*.

PART 2—PRESCRIBED ANIMAL PRODUCT AND EXOTIC DISEASES

Animal product

2. Animal blood is an animal product for section 5 of the Act, definition “animal product”.

Exotic diseases

3. Each of the following is an exotic disease for section 5 of the Act, definition “exotic disease”—

- (a) avian influenza (no scientific name);
- (b) bovine brucellosis (*Brucella abortus*);
- (c) non-rabies lyssavirus infection (no scientific name);
- (d) an infestation of screw worm fly (*Cochliomyia hominivorax* or *Chrysoma bezziana*);
- (e) an infestation of any of the following exotic parasitic mites of bees—

- (i) acarine mite (*Acarapis woodii*);
- (ii) Asian mite (*Tropilaelaps clareae*);
- (iii) varroa mite (*Varroa jacobsonii*).

PART 3—ORDERS

Division 1—Protective clothing orders

Protective clothing

4.(1) This section applies if a person is entering, leaving or moving within infected premises, a restricted area, a standstill zone or a control area.

(2) To control, eradicate or prevent the spread of an exotic disease, an inspector may order the person to wear protective outer clothing and footwear that is readily cleansed and disinfected.

(3) The person must comply with the order unless the person has a reasonable excuse for not complying with it.

Maximum penalty—80 penalty units or 6 months imprisonment.

Division 2—Prescribed manner and particulars for orders

Order to cleanse or disinfect under Act, ss 12 or 19

5.(1) This section applies if an inspector gives an order under sections 12(1) or 19(1) of the Act to cleanse or disinfect something.¹

(2) The inspector may give the order either orally or in writing.

(3) If the order is written, it must be in the approved form, describe what must be cleansed or disinfected, and state the following—

¹ Section 12 (Powers of inspectors in order to eradicate and prevent spread of exotic disease) and section 19 (Powers of chief inspector and inspectors) of the Act

- (a) the way the cleansing or disinfection must be done;
- (b) the nature and concentration of any disinfectant that must be used;
- (c) where the cleansing or disinfection must take place;
- (d) when the cleansing or disinfection must be finished.

(4) If the order is given orally, the inspector must, as soon as practicable after giving the order, confirm the order by written notice given to the person.

Other orders under Act, s 12(1)(a)(i)

6.(1) This section applies if an inspector gives an order under section 12(1)(a)(i) of the Act, other than an order to cleanse or disinfect something.

(2) The inspector may give the order either orally or in writing.

(3) If the order is written, it must be in the approved form and state the following—

- (a) the name of the person to whom the order is given;
- (b) the thing that must be done;
- (c) when the person must comply with the order;
- (d) if appropriate—how and where the person must comply with the order.

(4) If the order is given orally, the inspector must, as soon as practicable after giving the order, confirm the order by written notice given to the person.

Orders for destruction under Act, s 12(1)(a)(iii)

7.(1) This section applies if an inspector gives an order under section 12(1)(a)(iii) of the Act to destroy something.

(2) The order must be in the approved form, describe what is to be destroyed, and state—

- (a) the name of the owner of the thing; and

- (b) how and where the owner must comply with the order; and
- (c) when the owner must comply with the order.

Orders appointing entry or exit places under Act, s 19(1A)(c)

8.(1) This section applies if an inspector gives an order under section 19(1A)(c)² of the Act.

(2) The inspector may give the order either orally or in writing.

(3) If the order is written, it must—

- (a) be in the approved form; and
- (b) describe the animal, animal carcass, animal product, animal pathogen or biological preparation to which the order relates; and
- (c) state the—
 - (i) name of the person to whom the order is given; and
 - (ii) appointed place of entry to or exit from the control area.

(4) If the order is given orally, the inspector must, as soon as practicable after giving the order, confirm the order by written notice given to the person.

Division 3—Ministerial orders for destruction or removal

Prescribed manner for destruction or removal—Act, s 22(1A)

9. For section 22(1A)³ of the Act, the prescribed manner of destruction or removal is any manner under the Australian Veterinary Emergency Plan, Operational Procedures Manual, Destruction of Animals as approved by the Agriculture and Resource Management Council of Australia and New Zealand.⁴

² Section 19 (Powers of chief inspector and inspectors) of the Act

³ Section 22 (Destruction of animals etc.) of the Act

⁴ A copy of the manual is available for inspection at the department's office at 80 Ann Street, Brisbane during office hours.

PART 4—COMPENSATION

Application

10. An application for compensation under the Act must be in the approved form and made to—

- (a) the chief executive; or
- (b) a government veterinary officer; or
- (c) an inspector.

Notice of application to District Court

11.(1) The Minister must give a written notice to an applicant for compensation if, under section 33(1)⁵ of the Act, the Minister and the applicant can not agree about—

- (a) the market value of the animal or property; or
- (b) the appointment of a valuer; or
- (c) the amount fixed by a valuer as the value of the animal or property.

(2) The notice must state that—

- (a) the applicant may apply to a District Court for the market value to be fixed by the court; and
- (b) the application must be made within 60 days after the applicant receives the notice.

(3) The prescribed time for filing an application under section 33(2) of the Act is 60 days after the applicant receives the notice.

⁵ Section 33 (Mode of valuation) of the Act

PART 5—REPEAL***Repeal***

12.(1) The Exotic Diseases in Animals Regulation 1981 is repealed.

(2) This part expires the day after it commences.⁶

⁶ This part has expired and is included in this reprint for informational purposes only. It will be omitted in the next reprint.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Exotic Diseases in Animals Regulation 1998 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 List of legislation

Exotic Diseases in Animals Regulation 1998 SL No. 138

made by the Governor in Council on 14 May 1998
notfd gaz 15 May 1998 pp 311–16
commenced on date of notification
exp 14 May 2008 (see SIA s 54)

5 List of annotations

PART 5—REPEAL

pt hdg exp 16 May 1998 (see s 12(2))

Repeal

s 12 exp 16 May 1998 (see s 12(2))