

Queensland



Exotic Diseases in Animals Act 1981

EXOTIC DISEASES IN ANIMALS REGULATION 1998

**Reprinted as in force on 6 September 1999
(includes amendments up to SL No. 184 of 1999)**

Reprint No. 1A *

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the Office of the Queensland Parliamentary Counsel
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* Minor differences in style between this reprint and another reprint with the same number are due to the conversion to another software program. The content has not changed.

Information about this reprint

This regulation is reprinted as at 6 September 1999. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.



EXOTIC DISEASES IN ANIMALS REGULATION 1998

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EXOTIC DISEASES IN ANIMALS REGULATION 1998

[as amended by all amendments that commenced on or before 6 September 1999]

PART 1—PRELIMINARY

1 Short title

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

PART 2—PRESCRIBED ANIMAL PRODUCT AND EXOTIC DISEASES

2 Animal product

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

3 Exotic diseases

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

4 Protective clothing

(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

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

(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—

- (a) the way the cleansing or disinfection must be done;

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

- (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.

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

(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.

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

(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.

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

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

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

10 Application

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.

11 Notice of application to District Court

(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 the 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

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). Accordingly, this reprint includes all amendments that commenced operation on or before 6 September 1999. 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

Key	Explanation	Key	Explanation
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
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	24 June 1998

5 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 1 September 2008 (see SIA s 54)

as amended by—

Primary Industries Legislation Amendment Regulation (No. 2) 1999 SL No. 184

ss 1, 15 sch

notfd gaz 6 August 1999 pp 1983–4

commenced on date of notification

6 List of annotations

Notice of application to District Court

s 11 amd 1999 SL No. 184 s 15 sch

PART 5—REPEAL

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

Repeal

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