



*Exotic Diseases in Animals Act 1981*

# **Exotic Diseases in Animals Regulation 1998**

**Reprinted as in force on 1 December 2009**

**Reprint No. 2D**

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This regulation is reprinted as at 1 December 2009. 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. Also see list of legislation for any uncommenced amendments.

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

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



## Queensland

# 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 1 December 2009]

## **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 the Act, schedule 2, definition *animal product*.

### **3 Exotic diseases**

Each disease mentioned in the schedule is prescribed for the Act, schedule 2, definition *exotic disease*.

## **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.
- (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;
  - (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) 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) 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.<sup>1</sup>

## **Part 3A                      Inspectors**

### **9A                      Appointment of inspectors—Act, s 19A**

- (1) Each of the following classes of persons is declared to be an approved class of persons for section 19A of the Act—
  - (a) persons appointed under the *Animal Care and Protection Act 2001* as authorised officers or inspectors;
  - (b) authorised persons within the meaning of the *Disaster Management Act 2003*, section 113;

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<sup>1</sup> A copy of the manual is available for inspection at the department's office at 80 Ann Street, Brisbane during office hours.

- (c) security officers licensed under the *Security Providers Act 1993*;
- (d) the following persons who are retired—
  - (i) inspectors of stock;
  - (ii) defence force personnel;
  - (iii) police officers;
  - (iv) veterinary surgeons;
- (e) persons appointed or otherwise authorised under the law of a place outside the State—
  - (i) to act as an inspector of stock or police officer, or its equivalent, in the place; or
  - (ii) to practise veterinary science in the place;
- (f) persons who hold a degree or diploma in veterinary science of a university or other body, and who teach veterinary science at a university or veterinary school;
- (g) veterinary science students;
- (h) police officers.

(2) In this section—

***defence force personnel*** means members within the meaning of the *Defence Act 1903* (Cwlth).<sup>2</sup>

***inspector of stock*** means a person appointed as an inspector of stock under the *Stock Act 1915*.

***police officer*** means a police officer appointed under the *Police Service Administration Act 1990*.

***veterinary science*** has the meaning given under the *Veterinary Surgeons Act 1936*, section 2A.

***veterinary science student*** means a person undertaking study to obtain a degree or diploma accredited by the Australasian Veterinary Boards Council Incorporated.

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<sup>2</sup> *Defence Act 1903* (Cwlth), section 4 (Interpretation)—  
***member***—includes any officer, sailor, soldier and airman.

***veterinary surgeon*** means a person registered as a veterinary surgeon under the *Veterinary Surgeons Act 1936*.

**9B Prescribed power of inspector—Act, s 20(1)(r)**

- (1) This section applies if, under part 2 of the Act, an inspector is treating or testing, or has treated or tested, an animal of the family *Equidae* for equine influenza.

*Examples of animals of the family Equidae—*

horses, ponies, donkeys, mules and zebras

- (2) The inspector may microchip the animal for the purpose of identifying it.
- (3) In this section—

***microchip***, the animal, means to attach to or insert into the animal an electronic microchip or other electronic device from which information about the animal is capable of being reproduced.

## **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 QCAT**

- (1) The Minister must give an applicant for compensation written notice if, under section 33(1) 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—
  - (a) that the applicant may, within 60 days after receiving the notice, apply to QCAT for the market value to be fixed by QCAT; and
  - (b) how to apply.
- (3) The time for filing an application under section 33(2) of the Act is 60 days after the applicant receives the notice under subsection (1).

## **Schedule                      Exotic diseases**

### section 3

acarine mite (*Acarapis woodii*)  
African horse sickness  
Asian mite (*Tropilaelaps clareae*)  
Aujeszky's disease  
Australian lyssavirus (including bat lyssavirus)  
avian influenza virus  
Borna disease  
bovine spongiform encephalopathy  
Braula fly (*Braula coeca*)  
brucellosis (due to *Brucella abortus*)  
brucellosis (due to *Brucella melitensis*)  
classical swine fever  
contagious bovine pleuropneumonia  
contagious equine metritis  
dourine  
east coast fever  
encephalitides (tick borne)  
epizootic lymphangitis  
equine babesiosis  
equine encephalosis  
equine influenza  
Getah virus disease  
glanders  
haemorrhagic septicaemia  
heartwater

**Schedule (continued)**

Hendra virus (formerly named equine morbillivirus)  
infectious bursal disease (hypervirulent form)  
Japanese encephalitis  
Jembrana disease  
lumpy skin disease  
Maedi-Visna  
Menangle virus (porcine paramyxovirus)  
Nairobi sheep disease  
Nipah virus  
peste des petits ruminants  
porcine reproductive and respiratory syndrome  
Potomac fever  
pulmonary adenomatosis  
Rift Valley fever  
scrapie  
screw worm fly  
sheep pox  
sheep scab  
small hive beetle (*Aethina tumida*)  
surra  
swine influenza  
Teschen disease  
transmissible gastroenteritis  
transmissible spongiform encephalopathy  
trichinellosis  
varroa mite (*Varroa destructor*)  
varroa mite (*Varroa jacobsonii*)

**Schedule (continued)**

Wesselsbron disease

Western, Eastern and Venezuelan equine encephalomyelitis

## Endnotes

### 1 Index to 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 1 December 2009. 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)  | = previously                            |
| amd    | = amended                      | proc    | = proclamation                          |
| amdt   | = amendment                    | prov    | = provision                             |
| ch     | = chapter                      | pt      | = part                                  |
| def    | = definition                   | pubd    | = published                             |
| div    | = division                     | R[X]    | = Reprint No.[X]                        |
| exp    | = expires/expired              | RA      | = Reprints Act 1992                     |
| gaz    | = gazette                      | reloc   | = relocated                             |
| hdg    | = heading                      | renum   | = renumbered                            |
| ins    | = inserted                     | rep     | = repealed                              |
| lap    | = lapsed                       | (retro) | = retrospectively                       |
| notfd  | = notified                     | rv      | = revised edition                       |
| num    | = numbered                     | 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 2002 |
| para   | = paragraph                    | SL      | = subordinate legislation               |
| prec   | = preceding                    | sub     | = substituted                           |
| pres   | = present                      | unnum   | = unnumbered                            |
| prev   | = previous                     |         |                                         |

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

| Reprint No. | Amendments to   | Effective     | Reprint date     |
|-------------|-----------------|---------------|------------------|
| 1           | none            | 15 May 1998   | 24 June 1998     |
| 1A          | 1999 SL No. 184 | 6 August 1999 | 6 September 1999 |

  

| Reprint No. | Amendments included | Effective         | Notes                 |
|-------------|---------------------|-------------------|-----------------------|
| 1B          | 2002 SL No. 292     | 1 November 2002   | R1B withdrawn, see R2 |
| 2           | —                   | 1 November 2002   |                       |
| 2A          | 2007 SL No. 77      | 4 May 2007        |                       |
| 2B          | 2007 SL No. 234     | 21 September 2007 |                       |
| 2C          | 2007 SL No. 244     | 28 September 2007 |                       |
| 2D          | 2009 Act No. 24     | 1 December 2009   |                       |

## 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 31 August 2010 (see SIA s 56A(2) and SIR s 5 sch 3)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **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

### **Primary Industries Legislation Amendment Regulation (No. 1) 2002 SL No. 292 pts 1, 3**

notfd gaz 1 November 2002 pp 759–62

commenced on date of notification

### **Primary Industries Legislation Amendment Regulation (No. 1) 2007 SL No. 77 pts 1, 5**

notfd gaz 4 May 2007 pp 116–7

commenced on date of notification

### **Exotic Diseases in Animals Amendment Regulation (No. 1) 2007 SL No. 234**

notfd gaz 21 September 2007 pp 447–9

commenced on date of notification

**Exotic Diseases in Animals and Other Legislation Amendment Regulation (No. 1)**  
**2007 SL No. 244 pts 1–2**

notfd gaz 28 September 2007 pp 595–6  
 commenced on date of notification

**Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment**  
**Act 2009 No. 24 ss 1–2, ch 5 pt 23**

date of assent 26 June 2009  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 1 December 2009 (2009 SL No. 252)

## **6 List of annotations**

**Animal product**

**s 2** amd 2007 SL No. 77 s 14

**Exotic diseases**

**s 3** sub 2002 SL No. 292 s 7

**PART 3A—INSPECTORS**

**pt hdg** ins 2002 SL No. 292 s 8

**Appointment of inspectors—Act, s 19A**

**s 9A** ins 2002 SL No. 292 s 8  
 amd 2007 SL No. 77 s 15; 2007 SL No. 234 s 3

**Prescribed power of inspector—Act, s 20(1)(r)**

**s 9B** ins 2007 SL No. 244 s 3

**Notice of application to QCAT**

**s 11** amd 1999 SL No. 184 s 15 sch  
 sub 2009 Act No. 24 s 481

**PART 5—REPEAL**

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

**Repeal**

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

**SCHEDULE—EXOTIC DISEASES**

ins 2002 SL No. 292 s 9