



Exotic Diseases in Animals Act 1981

Exotic Diseases in Animals Regulation 1998

Current as at 17 December 2012

Information about this reprint

This regulation is reprinted as at 17 December 2012. 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.

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

Contents

		Page
Part 1	Preliminary	
1	Short title	3
Part 2	Prescribed animal product and exotic diseases	
2	Animal product	3
3	Exotic diseases	3
Part 3	Orders	
Division 1	Protective clothing orders	
4	Protective clothing	4
Division 2	Prescribed manner and particulars for orders	
5	Order to cleanse or disinfect under Act, ss 12 or 19	4
6	Other orders under Act, s 12(1)(a)(i)	5
7	Orders for destruction under Act, s 12(1)(a)(iii)	5
8	Orders appointing entry or exit places under Act, s 19(1A)(c) . . .	6
Division 3	Ministerial orders for destruction or removal	
9	Prescribed manner for destruction or removal—Act, s 22(1A) . . .	6
Part 3A	Inspectors	
9A	Appointment of inspectors—Act, s 19A	7
9B	Prescribed power of inspector—Act, s 20(1)(r)	8
Part 4	Compensation	
10	Application	9
11	Notice of application to QCAT	9
Schedule	Exotic diseases	10
Endnotes		
1	Index to endnotes	13

Contents

2	Date to which amendments incorporated.	13
3	Key	13
4	Table of reprints	14
5	List of legislation.	14
6	List of annotations	15

Exotic Diseases in Animals Regulation 1998

[as amended by all amendments that commenced on or before 17 December 2012]

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.

[s 8]

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.

Editor's note—

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

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;
 - (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).

[s 9B]

Editor's note—

Defence Act 1903 (Cwlth), section 4 (Interpretation)—

member—includes any officer, sailor, soldier and airman.

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.

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 honey bee (*Apis cerana*)
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
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*)

Schedule

varroa mite (*Varroa jacobsonii*)

Wesselsbron disease

Western, Eastern and Venezuelan equine encephalomyelitis

Endnotes

1 Index to endnotes

	Page
2 Date to which amendments incorporated	13
3 Key	13
4 Table of reprints	14
5 List of legislation	14
6 List of annotations	15

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 17 December 2012. 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	
2E	2010 SL No. 120	18 June 2010	
2F	2011 SL No. 203	14 October 2011	
2G	2012 SL No. 219	17 December 2012	

5 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

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 2013 (see SIA s 56A(2) and SIR s 4 sch 2 pt 2)

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)

Exotic Diseases in Animals Amendment Regulation (No. 1) 2010 SL No. 120

notfd gaz 18 June 2010 pp 529–35
commenced on date of notification

Stock and Another Regulation Amendment Regulation (No. 1) 2011 SL No. 203 pts 1–2

notfd gaz 14 October 2011 pp 318–20
commenced on date of notification

Exotic Diseases in Animals Amendment and Repeal Regulation (No. 1) 2012 SL No. 219 pts 1–2

notfd gaz 30 November 2012 pp 444–6
ss 1–2 commenced on date of notification
remaining provisions commenced 17 December 2012 (see s 2)

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

Endnotes

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
amd 2010 SL No. 120 s 3; 2011 SL No. 203 s 3; 2012 SL No. 219 s 4

© State of Queensland 2013

Authorised by the Parliamentary Counsel