

Queensland



Subordinate Legislation 1998 No. 138

Exotic Diseases in Animals Act 1981

EXOTIC DISEASES IN ANIMALS REGULATION 1998

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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—

- (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

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

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.

ENDNOTES

1. Made by the Governor in Council on 14 May 1998.
2. Notified in the gazette on 15 May 1998.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Primary Industries, Fisheries and Forestry.