



Queensland

Stock and Another Regulation Amendment Regulation (No. 1) 2011

Explanatory Notes for SL 2011 No. 203

made under the

Exotic Diseases in Animals Act 1981

Stock Act 1915

General outline

Short title

Stock and Another Regulation Amendment Regulation (No. 1) 2011.

Authorising law

Sections 5 and 47 and Schedule 2 of the *Exotic Diseases in Animals Act 1981*

Sections 4 and 48 and Schedule 2 of the *Stock Act 1915*

Policy objectives and the reasons for them

The *Exotic Diseases in Animals Act 1981* provides for the prescription of exotic diseases. Schedule 2 to the Act includes a definition of exotic disease and provides for any other disease to be prescribed by regulation to be an exotic disease. Similarly the *Stock Act 1915* (Schedule 2) provides for the prescription of both prescribed diseases and notifiable diseases by regulation.

The purpose of the subordinate legislation is to prescribe *avian paramyxovirus* as an exotic disease under the *Exotic Diseases in Animals Regulation 1998* to enable the Minister to make a notification to notify Queensland as a restricted area for *avian paramyxovirus* for pigeons. The subordinate legislation will also enable the Minister to make a notification to restrict the movement of pigeons, pigeon eggs and pigeon fittings from Victoria into Queensland.

The subordinate legislation also amends the *Stock Regulation 1988* to prescribe *avian paramyxovirus* as a prescribed disease and a notifiable disease.

A strain of *avian paramyxovirus* which has been exotic in Australia was detected in a number of hobby pigeon flocks and one racing pigeon flock in Victoria. *Avian paramyxovirus* is related to, but distinct from, the Newcastle disease virus which crippled the New South Wales poultry industry in late 1990's.

As of 19 September 2011, the virus had spread to infect 34 properties in Victoria causing high levels of mortality reportedly between 50% and 100%. All properties known to be affected have been quarantined and further investigations are occurring.

Avian paramyxovirus has only been detected in fancy pigeons to date, but could potentially infect other domesticated and wild birds, including commercial poultry. To date there have been no recorded occurrences of this strain in Queensland.

Transmission of infection is presumed to be similar to Newcastle disease which is by direct contact with infected birds, exposure to infected faeces, expired air or fomites such as cages and equipment. Infection can result from inhalation or ingestion.

The virus appears to spread readily between pigeons and cause severe disease. Signs of the disease in pigeons include lethargy, not wanting to fly, vomiting of white-tinged fluid, circling or head flicking, and sudden death in high numbers.

In other bird species, signs may vary from no clinical disease to severe disease with high mortality. Overseas, *avian paramyxovirus* infections predominantly cause respiratory, gastrointestinal and neurological signs. These may include gasping, coughing, sneezing, diarrhoea, tremors, circling, spasms, twisted necks, paralysis and/or a drop in egg production.

Should the virus spread to poultry, it could cause Newcastle disease, for which the agreed national response is to eradicate by culling, which could potentially devastate Queensland's egg and chicken meat industries.

The New South Wales Department of Primary Industries has banned all pigeon movements from Victoria into NSW. Pigeon racing across Bass Strait has been cancelled and authorities in Tasmania, South Australia and New South Wales have ordered all domesticated pigeons to be caged. South Australia has also prohibited the introduction of pigeons.

Achievement of policy objectives

The subordinate legislation will achieve its objectives by prescribing *avian paramyxovirus* as an exotic disease by amending the Schedule of the *Exotic Diseases in Animals Regulation 1998*. The prescription of *avian paramyxovirus* as an exotic disease will allow the State government to exercise regulatory powers to prevent the spread of *avian paramyxovirus* and to undertake surveillance and control activities.

The subordinate legislation will also achieve its objectives by prescribing *avian paramyxovirus* as a prescribed disease and a notifiable disease by amending Schedule 1 and Schedule 6 of the *Stock Regulation 1988* (Regulation). This will require a prescribed person such as an owner or a veterinarian to report any cases of *avian paramyxovirus* once they become aware of it. There are appropriate penalties for non-compliance with this reporting obligation.

Consistency with policy objectives of authorising law

This subordinate legislation is consistent with the purpose of the *Exotic Diseases in Animals Act 1981* by providing for the control, eradication and prevention of *avian paramyxovirus* in poultry and the main purposes of the *Stock Act 1915* by regulating *avian paramyxovirus* in poultry by prescribing it as a notifiable disease.

Inconsistency with policy objectives of other legislation

This subordinate legislation is not inconsistent with the policy objectives of any other legislation.

Benefits and costs of implementation

The subordinate legislation will have immediate direct benefit to the community generally as it will reduce the potential spread of the disease to poultry.

There may be some cost to the State Government through increased monitoring and enforcement of reported cases of *avian paramyxovirus* in Queensland.

Consistency with fundamental legislative principles

The subordinate legislation may give rise to concerns in regard to fundamental legislative principles as it will affect the rights and liberties of individuals. It may be argued that imposing a requirement to report detections of *avian paramyxovirus* in Queensland, may not have sufficient regard to persons' rights and liberties. However, in light of the potential risks posed by this disease, this subordinate legislation can be adequately justified.

Consultation

Representatives from Biosecurity Queensland have consulted directly with presidents and secretaries of pigeon fancier and racing clubs and the Poultry Health Liaison Group who all support regulatory prevention and control.

The Queensland Office for Regulatory Efficiency (QORE), Queensland Treasury, was consulted in regard to the requirements for a Regulatory Assessment Statement (RAS) and both QRAA and Treasury have advised that because the proposed amendments will not impose significant impacts on business or community or government.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Employment, Economic Development and Innovation.

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