

EXOTIC DISEASES OF ANIMALS (GENERAL) REGULATION 1998
under the
EXOTIC DISEASES OF ANIMALS ACT 1991

UPDATED 1 SEPTEMBER 1998

NO AMENDMENTS (SINCE GAZETTAL OF 28.8.1998)

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[STATE ARMS]

New South Wales

Exotic Diseases of Animals (General) Regulation 1998

under the

Exotic Diseases of Animals Act 1991

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Exotic Diseases of Animals Act 1991*.

RICHARD AMERY, M.P.,
Minister for Agriculture

Explanatory note

The object of this Regulation is to repeal and remake, with minor changes, the provisions of the *Exotic Diseases of Animals (General) Regulation 1993*. The new Regulation deals with the following matters:

- (a) the purpose for which a person must be acting in order to have the benefit of an authority from the Chief Veterinary Officer to possess an exotic disease agent (clause 5),
- (b) the lodgment of claims for compensation under section 61 of the Act (clause 6),
- (c) the officers of the Department of Agriculture to whom the Minister may, under section 67 of the Act, delegate the Minister's powers under the Act (clause 7),
- (d) other minor, consequential or ancillary matters (clauses 1, 2, 3, 4 and 8).

This Regulation is made under the *Exotic Diseases of Animals Act 1991*, including section 78 (the general regulation-making power) and sections 9, 61 and 67.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Exotic Diseases of Animals (General) Regulation 1998

1 Name of Regulation

This Regulation is the *Exotic Diseases of Animals (General) Regulation 1998*.

2 Commencement

This Regulation commences on 1 September 1998.

3 Definition

In this Regulation, *the Act* means the *Exotic Diseases of Animals Act 1991*.

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

5 Possession of exotic disease agent: section 9

A person who has the authority of the Chief Veterinary Officer to be in possession of an exotic disease agent is exempt from section 9 of the Act if and only if the person has possession of the agent for the purpose of undertaking or assisting in:

- (a) the diagnosis of disease in humans or animals, or
- (b) the manufacture of vaccines, or
- (c) veterinary, medical or scientific research or activities of a kind specified in the authority.

6 Claims for compensation: section 61

(1) For the purposes of section 61 (a) of the Act, a claim for compensation must contain (but need not be limited to) the particulars specified in Schedule 1.

(2) The claim must be signed by the following people:

- (a) the person making the claim,
- (b) an adult person who witnesses the signature of the person making the claim,
- (c) the inspector approved by the Chief Veterinary Officer to agree with the owner on the market value of the animal or property or the person jointly nominated by the Minister and the owner to determine the market value of the animal or property.

(3) For the purposes of section 61 (b) of the Act, the manner of making the claim is by causing it to be delivered to an office of the Department of Agriculture.

7 Delegation: section 67

For the purposes of section 67 of the Act, the persons holding the following positions in the Department of Agriculture are prescribed:

- Deputy Director-General
- Executive Director, Regulatory
- Chief, Division of Animal Industries
- Program Manager, Quality Assurance
- Program Manager, Agricultural Protection
- Program Manager, Wool and Sheep Meat Services
- General Manager, Meat, Dairy and Intensive Livestock Products

8 Repeal

(1) The *Exotic Diseases of Animals (General) Regulation 1993* is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the *Exotic Diseases of Animals (General) Regulation 1993*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Claims for compensation

(Clause 6)

Date of claim

Details of ownership

- Name of the owner(s)
- Residential and postal address(es) of the owner(s)

Nature of each owner's interest in the animals or property

Details of animals in respect of which the claim is made

- Itemised description of the animals destroyed pursuant to the Act or certified by an inspector as having died of an exotic disease
- Place where the animals were ordinarily kept before their destruction or death
- Date of destruction or death of the animals
- Date of notification given to the Director-General or an inspector that the animal had been affected by, or had died of, an exotic disease (*in the case of an animal that has died of an exotic disease*)

Details of property in respect of which the claim is made

- Itemised description of the property destroyed
- Date of destruction of the property

(Note: *property means any premises, animal products, fodder, fittings and vehicles*)

Value of animals or property

- Itemised market value of the animals or property in respect of which the claim is made, being a value determined:
 - (i) by agreement between the owner and an inspector, or
 - (ii) by a valuer nominated by the Minister and the owner
- Total amount of compensation claimed

Details of inspector who certified the death of an animal

- Name of the inspector, authorised by the Chief Veterinary Officer, who certified under section 55 (1) (b) of the Act that the animal died of an exotic disease (*in the case of an animal that has died of an exotic disease*)
- Date of the certification

Details of valuation

- Name of the inspector with whom the owner agreed, under section 59 (1) of the Act, on the value of the animal or property or
- Name of the valuer nominated, under section 59 (2) of the Act, to determine the market value

Declaration by the owner(s)

- Declaration by the owner(s):
 - (i) that the particulars and descriptions in the claim are correct, and
 - (ii) that the value is correct (*if the value was reached by agreement with the owner*)

Additional details and declaration (required if the claim is made by a person other than the owner or by a person who is not the sole owner)

- Name, residential and postal address of the person making the claim
- Description of the claimant's interest in the claim and how that interest was obtained
- Declaration by the claimant:
 - (i) that the claimant has the authority of the owner (or of each other owner) to make the claim, and
 - (ii) that all the particulars and descriptions in the claim are correct.

Notes

The following abbreviations are used in the tables of amending instruments and amendments:

Am	amended	No	number	Schs	Schedules
Cl	clause	p	page	Sec	section
Cll	clauses	pp	pages	Secs	sections
Div	Division	Reg	Regulation	Subdiv	Subdivision
Divs	Divisions	Regs	Regulations	Subdivs	Subdivisions
GG	Government Gazette	Rep	repealed	Subst	substituted

Ins inserted

Sch Schedule

Table of amending instruments

Exotic Diseases of Animals (General) Regulation 1998 published in Gazette No 126 of 28.8.1998, p 6661.