

Animal Diseases (Emergency Outbreaks) Regulation 2008

Exotic Diseases of Animals Regulation 2008

1 Name of Regulation

This Regulation is the *Animal Diseases (Emergency Outbreaks) Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

This Regulation replaces the *Exotic Diseases of Animals Regulation 2003* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation: "**the Act**" means the *Animal Diseases (Emergency Outbreaks) Act 1991*.

(2) Notes in this Regulation do not form part of this Regulation.

4 Possession of animal disease agent

A person who has the authority of the Chief Veterinary Officer to be in possession of an animal 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
- (d) activities of a kind specified in the authority.

5 Claims for compensation

(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 witness to 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 Primary Industries.

6 Delegation

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

- (a) Executive Director, Fisheries, Compliance and Regional Relations,
- (b) Director, Animal and Plant Biosecurity,
- (c) Director, Emergencies, Weeds and Pest Animals,
- (d) Director, Compliance Operations, Agriculture and Fisheries,
- (e) Deputy Director-General, Agriculture, Biosecurity and Mine Safety,
- (f) Director, Extensive Industries Development and Education,

- (g) Director, Intensive Industries Development,
- (h) Director, Wild Harvest Fisheries,
- (i) Director, Fisheries Conservation and Aquaculture,
- (j) Director, Compliance Standards and RLPB Alliance.

6A Penalty notices

- (1) For the purposes of section 71A of the Act:
 - (a) each offence created by a provision of the Act specified in Column 1 of Schedule 2 is prescribed, and
 - (b) the prescribed penalty for such an offence is the amount specified in Column 2 of Schedule 2 opposite the relevant provision.
- (2) For the purposes of paragraph (b) of the definition of "**authorised officer**" in section 71A (10) of the Act, inspectors who are authorised in writing by the Chief Veterinary Officer to issue penalty notices under that section are prescribed.

7 Saving

Any act, matter or thing that, immediately before the repeal of the *Exotic Diseases of Animals Regulation 2003*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Claims for compensation

(Clause 5 (1))

Date of claim

Details of ownership

- (a) Name of each owner
- (b) Residential and postal address of each owner

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

Details of animals in respect of which the claim is made

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

Details of property in respect of which the claim is made

- (a) Itemised description of the property destroyed
- (b) Date of destruction of the property

Property means premises, animal products, fodder, fittings and vehicles.

Value of animals or property

- (a) 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
- (b) Total amount of compensation claimed

Details of certification of the death of the animal

- (a) Name of the inspector, authorised by the Chief Veterinary Officer, who certified that the animal died of an emergency animal disease
- (b) Whether the inspector certified that the animal died of a class A compensable disease or class B compensable disease
- (c) Date of the certification

Details of valuation

- (a) 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
- (b) Name of the valuer nominated, under section 59 (2) of the Act, to determine the market value

Declaration by each owner

Declaration by each owner:

- (a) that the particulars and descriptions in the claim are correct, and
- (b) 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)

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

Schedule 2 Penalty notice offences

(Clause 6A)

| Column 1 | Column 2 |
|----------------------|----------|
| Provision of the Act | Penalty |
| Section 9 (1) | \$1,100 |
| Section 12 (1) | \$1,100 |
| Section 16 (1) | \$1,100 |
| Section 20 (3) | \$1,100 |
| Section 22 (2) | \$1,100 |
| Section 24 (4) | \$220 |
| Section 26 | \$220 |
| Section 31 | \$1,100 |
| Section 38 | \$1,100 |
| Section 38A (4) | \$1,100 |
| Section 40 | \$1,100 |
| Section 46 (4) | \$1,100 |
| Section 69 (3) | \$220 |

Historical notes

The following abbreviations are used in the Historical notes:

| | | | | | |
|------|--------------------|------|---------------------|---------|--------------|
| Am | amended | LW | legislation website | Sch | Schedule |
| Cl | clause | No | number | Schs | Schedules |
| ClI | clauses | p | page | Sec | section |
| Div | Division | pp | pages | Secs | sections |
| Divs | Divisions | Reg | Regulation | Subdiv | Subdivision |
| GG | Government Gazette | Regs | Regulations | Subdivs | Subdivisions |
| Ins | inserted | Rep | repealed | Subst | substituted |

Table of amending instruments *Animal Diseases (Emergency Outbreaks) Regulation 2008 (298)* (formerly *Exotic Diseases of Animals Regulation 2008*). GG No 88 of 18.7.2008, p 7185. Date of commencement, 1.9.2008, cl 2. This Regulation has been amended as follows:

| | | |
|------|-------|---|
| 2008 | (381) | <i>Exotic Diseases of Animals Amendment Regulation 2008</i> . GG No 106 of 29.8.2008, p 8317. Date of commencement, 1.9.2008, cl 2. |
|------|-------|---|

Table of amendments

| | |
|-------|----------------------------------|
| Cl 1 | Am 2008 (381), Sch 1 [1]. |
| Cl 3 | Am 2008 (381), Sch 1 [2]. |
| Cl 4 | Am 2008 (381), Sch 1 [3]. |
| Cl 6 | Am 2008 (381), Sch 1 [4]. |
| Cl 6A | Ins 2008 (381), Sch 1 [5]. |
| Sch 1 | Am 2008 (381), Sch 1 [6] [7]. |
| Sch 2 | Ins 2008 (381), Sch 1 [8]. |