

Queensland



EXOTIC DISEASES IN ANIMALS ACT 1981

**Reprinted as in force on 11 December 1995
(includes amendments up to Act No. 58 of 1995)**

Reprint No. 1

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Information about this reprint

This Act is reprinted as at 11 December 1995. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use different spelling consistent with current drafting practice (s 26(2))
- use standard punctuation consistent with current drafting practice (s 27)
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- reorder other provisions consistent with current drafting practice (s 30A)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 36, 37, 39 and 40)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- make all necessary consequential amendments (s 7(1)(k)).

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of changed names and titles**
 - **table of changed citations and remade laws**
 - **table of obsolete and redundant provisions**
 - **table of renumbered provisions.**

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**EXOTIC DISEASES IN ANIMALS ACT
1981**

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EXOTIC DISEASES IN ANIMALS ACT 1981

[as amended by all amendments that commenced on or before 11 December 1995]

An Act to provide for the control, eradication and prevention of exotic diseases in animals, the compensation of owners for loss or destruction of animals and property during outbreaks of exotic diseases, the establishment of an exotic diseases expenses and compensation fund and for related purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Exotic Diseases in Animals Act 1981*.

Interpretation

5. In this Act—

“**animal**” means any animal, including a bird or insect, of whatever kind or species.

“**animal pathogen**” means bacteria, virus, protozoa, arthropod or any other agent or organism capable of causing exotic disease in animals.

“**animal product**” includes meat, fat, milk, whey, cream, butter, buttermilk, cheese, eggs, feathers, wool hair, horn, semen, ova, faeces, urine or secretion whatsoever of any animal, and any other substance prescribed by regulation to be an animal product for the purposes of this Act.

“**approved form**” see section 46.

“**biological preparation**” means—

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- (a) any product prepared from animal tissue (including blood, lymph, or glandular secretion) or produced by the agency of microscopic or ultramicroscopic organisms or ferments in any manner whatsoever, and used for or in relation to the diagnosis, prevention, alleviation or cure of disease or abnormal conditions in animals or which is used in animal production to promote growth or to change the physiological state of animals;
- (b) any synthetic compound, identical with or closely related to the products enumerated in paragraph (a) and which has or is alleged to have comparable uses;
- (c) any other substance prescribed by regulation to be a biological preparation for the purposes of this Act.

“carcass” means any portion of the body of a dead animal whether in an uncooked, partly cooked or cooked state, and includes meat, bone, hide, skin, wool, hair, feathers, hoof, horn and viscera.

“chief inspector” see *Stock Act 1915*.

“control zone” means an area that is notified as a control zone under this Act.

“destroy” means to consume by fire, or kill and consume by fire, bury under the ground, or kill and bury under the ground, boil down, or kill and boil down, or otherwise destroy, or kill and otherwise destroy to the satisfaction of an inspector.

“diseased animal” means an animal actually infected with or affected by an exotic disease.

“exotic disease” means African swine fever, bluetongue, foot and mouth disease, fowl plague, Newcastle disease, rabies, rinderpest, swine fever, swine vesicular disease, vesicular exanthema, vesicular stomatitis or any other disease prescribed by regulation to be an exotic disease for the purposes of this Act.

“fittings” include any stall, stable, sheep pen, cow or cattle house, horse box and any other structure for keeping or confining animals and any halters, brushes, clothes, buckets or other articles or things whatsoever which have been brought into contact with animals.

“fodder” means any hay, straw, grass, green crop, root, vegetable, grain, prepared meals, licks, litter, manure or any other thing used for the

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feeding or litter of animals or found with or about animals.

“fund” means the exotic diseases expenses and compensation fund established under this Act.

“government veterinary officer” see *Stock Act 1915*.

“holding” means any run, station, farm, freehold or leasehold, or private or public road, footpath, easement, right of way or drain, or any stock route, reserve, common, stockyards, saleyard or trucking yard and any other place where animals are driven, transported, yarded, worked, sold, kept, depastured or found or dealt with in any manner whatsoever.

“infected” means infected with an exotic disease.

“infected animal” means a diseased animal or an animal which is suspected by an inspector of—

- (a) being a diseased animal; or
- (b) having been exposed to the risk of infection with an exotic disease; or
- (c) having been the cause of the spread or introduction of an exotic disease.

“infected zone” means an area in respect of which there subsists a notification whereby the Minister has notified the area to be an infected zone.

“inspector” see *Stock Act 1915*, and includes a person acting under an inspector’s direction, but does not include an honorary inspector.

“order” includes any command or direction whether given orally or in writing.

“owner” means any person, other than a mortgagee not in possession, having or claiming, whether jointly or severally, any right, title or interest to or in any animal or property or a local government having charge or control of any animal or property, and includes the agent of the owner and in the case of a body corporate or unincorporate the manager, secretary or other controlling officer.

“premises” includes any land, house or other building or structure whatsoever or wheresoever situated where animals, animal product,

animal pathogen, biological preparation or agricultural produce or any other thing that might carry animal pathogen is kept, stored, sold, prepared or dealt with in any manner whatsoever.

“property” includes any building or structure, vessel, vehicle, fitting, appliance, fodder, animal product, carcass or other thing whatsoever whether realty or personalty, but does not include an animal which is destroyed under the provisions of the *Stock Act 1915* or of this Act for the purpose of controlling, eradicating or preventing the spread of an exotic disease.

“quarantine zone” means an area for the time being placed in quarantine by an inspector and includes an area the quarantine of which has been extended.

“standstill zone” means a zone that is notified as a standstill zone under this Act.

“suspected” means suspected of being infected.

“treated” means dipped, dressed, rubbed, sprayed, spotted, inoculated, vaccinated, disinfected, fumigated or treated with any medicament, in any case as a cure for or means of alleviation, control or prevention of an exotic disease.

“vehicle” includes a conveyance of any kind, whether or not at the material time capable of being operated or moved in any manner and includes any caravan or trailer.

“vessel” includes a ship, aircraft, hovercraft and a vehicle that is capable of use in or on water and whether or not self propelled.

Application

6. This Act does not prejudice or affect in any way the operation of the *Stock Act 1915*.

Delegation by Minister and chief inspector

7.(1) The Minister may delegate the Minister’s powers under part 2 (other than sections 12(4), 17(3), 19(4), 20(6) and (6A) and 22(3)).

(2) The chief inspector may delegate the chief inspector's powers under this Act to a government veterinary officer.

PART 2—OUTBREAK OF EXOTIC DISEASE

Division 1—Duties upon discovery of exotic disease

Immediate notice of and separation of infected or suspected animal, carcass or animal product

8.(1) Every person having in his or her possession or under his or her charge an infected or suspected animal, carcass or animal product shall—

- (a) as soon as possible after becoming aware of the existence of the infected or suspected animal, carcass or animal product give notice thereof to the nearest inspector or the chief inspector by the quickest means of communication available to the person; and
- (b) as far as practicable keep that animal, carcass or animal product separate from animals, carcasses or animal products not so infected or suspected.

(1A) However, if notice of the existence of an infected or suspected animal, carcass or animal product has already been given to an inspector or the chief inspector as prescribed, subsection (1)(a) shall not require further notice thereof to be given.

(2) Every veterinary surgeon within the meaning of the *Veterinary Surgeons Act 1936* who diagnoses or suspects an exotic disease in any animal, carcass or animal product shall, as soon as possible after making that diagnosis or forming the suspicion, give notice of the diagnosis or suspicion to the nearest government veterinary officer by the quickest means of communication available to the veterinary surgeon.

Division 2—Quarantine zone**Quarantine zone**

9.(1) An inspector, on being satisfied that an exotic disease or animal pathogen is or is suspected to be present in any area, shall forthwith define the boundaries of the area in question and place it in quarantine by giving written notice to the owner.

(1A) On placing an area in quarantine the inspector shall cause to be affixed in such place or places as the inspector considers appropriate a notice that the area is in quarantine.

(1B) Subject to subsection (2), such quarantine shall continue—

- (a) for a period of 96 hours from the giving of the notice; or
- (b) until revoked by the Minister;

whichever shall first occur.

(2) Where an area has been placed in quarantine pursuant to subsection (1) the Minister may extend the period of quarantine by written notice given to the owner for such time as is specified in the notice.

(2A) Notice of extension of quarantine shall be affixed in such place or places as the Minister considers appropriate.

(3) Except with the permission of an inspector, a person shall not—

- (a) enter or leave a quarantine zone;
- (b) cause, suffer, permit or allow any other person to enter or leave a quarantine zone;
- (c) bring, remove or cause, suffer, permit or allow any other person to bring or remove any animal, carcass, animal product, animal pathogen, biological preparation or property into or from a quarantine zone;
- (d) fail to close and secure against its being opened by any animal, any gate or door erected on the boundary of a quarantine zone.

Maximum penalty—200 penalty units or 1 year's imprisonment.

Division 3—Infected zone**Notification of infected zone**

10.(1) The Minister may, by notification, notify any area therein described to be an infected zone in respect of any exotic disease specified in the notification.

(2) Such notification may specify the species or class of animal or animals to which the notification shall apply.

(3) The Minister may exercise the power conferred on the Minister by this section notwithstanding that at the time of the exercise it has not been confirmed that the exotic disease is present within that zone if, in the opinion of the chief inspector, there is a real possibility that the disease is present within or has been or may be introduced into the zone from elsewhere.

(4) A notification under this section is subordinate legislation.

Effect of notification

11.(1) A person (other than an inspector) shall not—

- (a) enter or leave an infected zone;
- (b) cause, suffer, permit or allow any other person to enter or leave an infected zone;
- (c) bring, move or remove or cause, suffer, permit or allow any other person to bring, move or remove any animal, carcass, animal product, animal pathogen, biological preparation, fitting, fodder, property, vehicle or vessel, or any thing likely to spread the exotic disease specified in the notification into, within or from an infected zone;

unless the person has first obtained a licence in the approved form from an inspector and complies in every respect with the conditions therein stipulated.

Maximum penalty—200 penalty units or 1 year's imprisonment.

(2) A licence issued under this section may be subject to such conditions and be effective for such period endorsed thereon as the inspector thinks appropriate.

(3) An inspector may at any time revoke a licence issued under this section and upon demand by an inspector the holder shall deliver forthwith to the inspector the revoked licence.

(4) Upon demand by an inspector, the holder of a licence under this section shall produce forthwith the licence for inspection.

Powers of inspectors in order to eradicate and prevent spread of exotic disease

12.(1) An inspector, if the inspector is of the opinion that it is necessary or expedient for the purpose of controlling, eradicating or preventing the spread of an exotic disease specified in a notification, may—

(a) order—

- (i) any person entering, leaving or moving within an infected zone to do such things, including the cleansing and disinfection of anything or property and parts of the person's body as the inspector considers necessary;
- (ii) the cleansing and disinfection of any article, thing or property and the disinfection of any animal product, animal pathogen or biological preparation by the owner thereof in an infected zone;
- (iii) within a time specified therein the destruction by an owner of any infected animal or any animal product thereof or any carcass or any articles or things used in connection with such animal, animal product or carcass, or any animal pathogen, biological preparation or any infected or suspected pasture or fodder or anything whatsoever the destruction of which is, in the inspector's opinion, necessary;

(b) cleanse and disinfect or cause to be cleansed or disinfected any article, thing or property and disinfect or cause to be disinfected any animal product, animal pathogen or biological preparation in an infected zone.

(1A) An order under subsection (1)(a) shall be made in the prescribed manner and contain the prescribed particulars.

(2) Any person who fails to obey an order made under

subsection (1)(a)(i) may be restrained by an inspector from entering, leaving or moving within the infected zone until that person has complied with the order to the satisfaction of the inspector.

(2A) For the purpose of restraining that person an inspector may call to the inspector's aid any police officer or other person for assistance and may use such force as he or she considers reasonable in the circumstances.

(3) Upon a failure in any respect to comply to the satisfaction of an inspector with the requirements of an order made under subsection (1)(a)(iii), the chief inspector may direct in writing an inspector to cause to be done that which is required by the order and to do all such things as the inspector may consider necessary to carry out the requirements of the order or such of the requirements as have not been complied with to the satisfaction of an inspector.

(4) All reasonable costs incurred by an inspector acting pursuant to a direction under subsection (3) may, at the discretion of the Minister, be a charge against the owner to whom the order had been directed and if not duly paid by the owner shall constitute a debt due and owing by the owner to the Crown and may be recovered from the owner as a debt in any court of competent jurisdiction.

Unauthorised movement of animals etc.

13.(1) Any animal, carcass, animal product, animal pathogen, biological preparation, article or thing moved into, within, through or out of an infected zone in contravention of any provision prescribed in this Act may be seized and detained by an inspector and on the order of the Minister destroyed and such destruction shall be carried out at such place, in such manner and at such time as directed by the Minister.

(2) Any animal, carcass, animal product, animal pathogen, biological preparation, article or thing so destroyed shall be disposed of as directed by an inspector.

Entry and exit places

14.(1) The chief inspector may at any time by notification appoint places on or near the boundaries of an infected zone to be places for the entry into or exit from that zone.

(2) Where the chief inspector has appointed a place of entry or exit pursuant to subsection (1), a person, unless otherwise authorised in writing by the chief inspector, shall not—

- (a) enter or leave the zone; or
- (b) move any animal, carcass, animal product, animal pathogen, biological preparation, property, vehicle or vessel or any fodder or thing likely to spread the exotic disease specified in the notification of that infected zone into or out of the zone;

at a place other than a place so appointed.

Maximum penalty—200 penalty units or 1 year's imprisonment.

(3) A person, other than an inspector or a person authorised in writing by the chief inspector, shall not pass through any place of entry or exit appointed pursuant to subsection (1) without stopping and producing for inspection by the inspector in charge at that place or a person authorised in that behalf by the chief inspector a licence or other authority as prescribed in this part and receiving the permission of that inspector or authorised person to pass through that place.

Maximum penalty—200 penalty units or 1 year's imprisonment.

(4) A notification under this section is subordinate legislation.

Check points

15.(1) Whenever the chief inspector deems it necessary for the purpose of preventing or checking the spread of an exotic disease in an infected zone the chief inspector may establish and maintain a check point or check points within the infected zone.

(2) A person, other than an inspector or a person authorised in writing by the chief inspector, shall not pass through any check point without stopping and producing for inspection by the inspector in charge of the check point or a person authorised in that behalf by the chief inspector a licence as prescribed in this part and receiving the permission of that inspector or authorised person to proceed through the check point.

Maximum penalty—100 penalty units or 6 months imprisonment.

Division 4—Standstill zone**Notification of standstill zone**

16.(1) The Minister may, by notification, notify any area therein described to be a standstill zone in respect of an exotic disease specified in the notification.

(2) Such notification shall specify the species or class of animal or animals and the category, class or type of carcass, animal product, biological preparation, property, vehicle or vessel to which the notification shall apply.

(3) The Minister may exercise the power conferred on the Minister by this section notwithstanding that at the time of the exercise it has not been confirmed that the exotic disease is present within that zone if, in the opinion of the chief inspector, there is a real possibility that the disease is present within or has been or may be introduced into the zone from elsewhere.

(4) A notification under this section is subordinate legislation.

Effect of notification

17.(1) Notwithstanding that a licence may have been issued under section 11, for so long as a standstill zone continues a person shall not move or cause, suffer, permit or allow any other person to move any animal of a species or class specified in the notification notifying such zone or any animal pathogen thereof, or any carcass, animal product, biological preparation, property, vehicle or vessel of a category, class or type specified in the notification, or any article or thing likely to spread the exotic disease specified in the notification from a holding or premises within the standstill zone to any other place either within or outside the boundaries of the standstill zone or from any place outside the boundaries of the standstill zone into the standstill zone.

Maximum penalty—200 penalty units or 1 year's imprisonment.

(2) An inspector who, on reasonable grounds suspects that any animal, carcass, animal product, animal pathogen, biological preparation, property, vehicle, vessel or article or thing has been moved in contravention of subsection (1) may without any authority other than this subsection, seize or impound that animal, carcass, animal product, animal pathogen, biological

preparation, property, vehicle, vessel, article or thing.

(2A) The inspector shall forthwith notify the chief inspector of such seizure or impounding.

(2B) Notwithstanding that a notification of a standstill zone may have been sooner revoked, any animal, carcass, animal product, animal pathogen, biological preparation, property, vehicle, vessel, article or thing so seized or impounded which is not diseased shall, after the expiration of 7 days from the date of the seizure or impounding, if not sooner claimed and duly released, be sold, destroyed or otherwise disposed of as the Minister directs.

(3) All reasonable costs incurred by an inspector in the seizure or impounding, sale, destruction or other disposal of any animal, carcass, animal product, animal pathogen, biological preparation, property, vehicle, vessel, article or thing pursuant to this section may, at the discretion of the Minister, be a charge against the owner thereof and if not duly paid shall constitute a debt due and owing to the Crown and may be recovered as a debt in any court of competent jurisdiction.

Division 5—Control zone

Notification of control zone

18.(1) The Minister may by notification, notify any area therein described to be a control zone in respect of any exotic disease specified in the notification.

(2) Such notification shall specify the species or class of animal or animals to which the notification shall apply.

(3) The Minister may exercise the powers conferred on the Minister by this section notwithstanding that at the time of the exercise it has not been confirmed that the exotic disease is present within that zone or any other area of the State.

(4) A notification under this section is subordinate legislation.

Powers of chief inspector and inspectors

19.(1) The chief inspector with respect to a control zone or any part

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thereof by public notice in a newspaper or newspapers circulating in the control zone or part thereof, may—

- (a) prohibit, regulate or control the exposure of animals of a species or class specified in the notice in markets, fairs, shows, parades, race meetings or saleyards or other public or private places, where animals are commonly exposed for sale, exhibition, parades, race meetings or any other form of recreation or competition and the placing thereof in stalls or other places adjacent to or connected with markets, fairs, shows, parade grounds, racecourses or any other place where animals are commonly placed before exposure for sale, exhibition, racing or any other recreation or competition;
- (b) prohibit, regulate or control the movement of animals of a species or class specified in the notice or of any animal product, animal pathogen or biological preparation thereof or therefrom;
- (c) prohibit, regulate or control the holding of markets, fairs, sales, shows, parades, race meetings or any other gathering or competition involving animals of a species or class specified in the notice;
- (d) order the cleansing and disinfection of places used for the holding of markets, fairs, sales, shows, parades, race meetings or other gatherings or competitions involving animals of a species or class specified in the notice;
- (e) order the cleansing and disinfection of any article, thing, property, vehicle or vessel used for carrying or confining animals of a species or class specified in the notice;
- (f) order that any animal or animal carcass of a species or class specified in the notice or any animal product, animal pathogen or biological preparation thereof or therefrom moved into or out of the zone or the part specified shall pass through a place or places of entry or exit appointed in the notice on or near the boundary or boundaries of the zone or within the zone.

(1A) An inspector within a control zone may order—

- (a) the cleansing and disinfection of any place used for the holding of a market, fair, sale, show, parade, race meeting or other gathering or competition involving animals of a species or class specified in

the notification of the control zone;

- (b) the cleansing and disinfection of any article, thing, property, vehicle or vessel used for carrying or confining animals of species or class specified in the notification of the control zone;
- (c) that any animal or animal carcass of a species or class specified in the notification of the control zone or any animal product, animal pathogen or biological preparation thereof or therefrom moved into or out of the zone or part thereof shall pass through a place or places of entry or exit appointed in the order on or near the boundary or boundaries of the zone or within the zone.

(1B) An order under subsection (1A) shall be made in the prescribed manner and contain the prescribed particulars.

(2) A person shall not contravene or fail to comply with the provisions of any public notice made by the chief inspector under subsection (1) or of any order made by an inspector pursuant to subsection (1A).

Maximum penalty—40 penalty units.

(3) Upon a contravention of or failure in any respect to comply with any provision of a public notice made by the chief inspector under subsection (1) or of any order made by an inspector pursuant to subsection (1A), the chief inspector may direct in writing an inspector to cause to be done that which is required by the notice or the order.

(4) All reasonable costs incurred by an inspector acting pursuant to a direction under subsection (3) may, at the Minister's discretion, be a charge against the person who contravened or failed to comply with the provision of the public notice or of the order referred to in subsection (3) and if not duly paid by the person shall constitute a debt due and owing by the person to the Crown and may be recovered from the person as a debt in any court of competent jurisdiction.

Division 6—Powers of inspectors

General powers of inspectors

20.(1) For the purposes of this part, an inspector, in addition to the inspector's powers under the *Stock Act 1915*, at any time with or without

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assistants and with such vehicles or vessels, equipment, disinfectant, tools and stores as the inspector may consider necessary for the proper discharge of the inspector's duties under this Act—

- (a) may enter any premises, holding or place;
- (b) may inspect any premises, holding or place in or on which the inspector suspects on reasonable grounds any animal, carcass, animal product, animal pathogen, biological preparation, article, thing or property is infected;
- (c) may inspect, examine, test and treat for exotic disease any animal, carcass, animal product, animal pathogen or biological preparation and for that purpose may stop or order to be stopped the movement of any animal, carcass, animal product, animal pathogen or biological preparation;
- (d) may count animals in or upon any premises or holding and inspect any records kept in relation to those animals;
- (e) may destroy any animal which is or which the inspector suspects on reasonable grounds to be infected with rabies;
- (f) may impound or quarantine any animal which, in the inspector's opinion, is or is suspected to be infected or where, in the inspector's opinion, there is a risk of the animal going or straying to or coming into contact with any animal free from exotic disease;
- (g) may impound or detain any animal product, carcass, animal pathogen, biological preparation or fodder which in the inspector's opinion is or is suspected to be infected;
- (h) may search for, trap and destroy vectors of exotic disease;
- (i) may question any person to ascertain whether this part is being complied with and require a person to answer the question put;
- (j) may require a person to produce forthwith to the inspector any licence, approval, permit or other authority under this part granted or issued to that person or alleged by that person to have been granted or issued to the person or any book, record, waybill, receipt or other document and may inspect, examine and make copies of or take extracts from any licence, approval, permit or authority or any book, record, waybill, receipt or other document;

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- (k) may call to the inspector's aid—
 - (i) any police officer where the inspector has reasonable cause to apprehend any obstruction in the exercise of the inspector's powers and functions;
 - (ii) any person who the inspector thinks is competent to assist the inspector in the exercise of the inspector's powers and functions;
- (l) may search any premises or holding if the inspector suspects on reasonable grounds that an offence against this Act has been or is being committed and there is likely to be therein or thereon any animal, animal product, animal pathogen, carcass, biological preparation or fodder or any article or thing of any kind with respect to which that offence was or is being committed or that will afford evidence as to the commission of that offence, and may break open and search every box, receptacle or package of any kind in or upon those premises or that holding;
- (m) may seize and detain any animal, animal product, animal pathogen, carcass, biological preparation or fodder or any article or thing of any kind in respect of which an offence against this Act has been or is being committed or in respect of which he suspects on reasonable grounds that such an offence has been or is being committed, or that the inspector believes will afford evidence as to the commission of that offence;
- (n) may remove or cause to be removed any animal, animal product, carcass, article, thing, animal pathogen, biological preparation, fodder or thing to any other place;
- (o) may use such force as is reasonably necessary in the exercise of the powers and functions conferred or imposed upon the inspector by this part;
- (p) may order an owner to—
 - (i) muster any animals including cattle, horses, sheep, goats, donkeys, mules, domesticated deer, camels and buffaloes and confine them within stockproof yards or other escape proof enclosures approved by the inspector;
 - (ii) confine any swine within sties or other approved escape

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- proof enclosures;
- (iii) confine any poultry within netted yards or other approved escape proof enclosures;
 - (iv) confine any dogs within approved premises or other escape proof enclosures or otherwise secure them with collars and chains or leashes, and if considered necessary by the inspector, keep such dogs muzzled at all times other than when being fed;
 - (v) confine any cats, birds or other small domestic pets within approved cages or other escape proof enclosures;
 - (vi) present any animal carcass, animal product, animal pathogen or biological preparation for inspection, treatment or testing as, when and where required by an inspector or to remove any animal to a place suitable for such inspection, treatment or testing;
 - (vii) hunt and destroy undomesticated animals specified in the order and for the purposes of such hunting and destruction the provisions of the *Nature Conservation Act 1992* shall be deemed not to apply;
 - (viii) hold for testing, treat or cause to be treated animals to the inspector's satisfaction;
 - (q) may, by order in writing, require a person who has failed to comply with this part to take within such time as is specified such steps as are specified and to remedy those matters in respect of which noncompliance has occurred;
 - (r) may exercise such other powers and functions as are prescribed.
- (1A)** An order pursuant to subsection (1)(p) or (q)—
- (a) shall be in the approved form;
 - (b) shall not prejudice or affect in any way any proceeding or action that has been or may be taken for the failure to comply that resulted in the order, save that the person to whom the order is given is not liable for a continuance of the failure to comply during the time specified therein.
- (2)** Before an inspector enters a part of any premises which part is used

exclusively as a dwelling house the inspector shall, save where the inspector has the permission of the occupier of that part to enter, obtain from a justice a warrant to enter.

(2A) A justice who is satisfied upon the complaint of an inspector that there is reasonable cause to suspect—

- (a) that in any place an offence against this Act has been, is being or is likely to be committed;
- (b) that there is in any place anything in respect of which an offence against this Act has been, is being or is likely to be committed;
- (c) that any animal, carcass, animal product, animal pathogen, biological preparation, article, thing or property that is infected is on any premises;

may issue a warrant directed to the inspector to enter the place named in the warrant for the purpose of exercising therein the powers conferred upon an inspector under this Act.

(2B) A warrant shall be, for the period of 1 month from the date of its issue, sufficient authority for the inspector and all persons acting in aid of the inspector—

- (a) to enter the place specified in the warrant; and
- (b) to exercise therein the powers conferred upon an inspector by or under this Act.

(2C) In subsection (2) premises that are used as a dwelling house do not include the curtilage of those premises.

(3) For the purpose of gaining entry to any premises, holding or place an inspector may call to the inspector's aid such persons as the inspector thinks necessary and those persons, while acting in aid of an inspector in the lawful exercise by the inspector of the inspector's power of entry, shall have a like power of entry.

(4) For the purpose of testing any animal, animal product, animal pathogen, carcass, biological preparation, fodder or soil pursuant to this Act an inspector may take specimens of any part of the animal, animal product, animal pathogen, carcass, biological preparation, fodder or soil or of internal or external parasites in or on the animal or carcass as the inspector requires.

(5) An inspector who, pursuant to subsection (1)(e), destroys any animal

shall forthwith give notice of that fact to the chief inspector.

(6) For the purposes of subsection (1)(p), an inspector may—

- (a) order the owner of any holding to repair any premises, yards, sties, pens, cages, enclosures or fencing on such holding or to render them escape proof to animals to the satisfaction of an inspector;
- (b) upon the authority of the Minister, order the owner of any holding to erect premises, yards, sties, pens, cages, enclosures or fencing in any place upon such holding as the inspector may determine for the purpose of confining any animals ordered to be confined therein.

(6A) If the owner of a holding fails to obey such an order of an inspector within the time stated therein, the chief inspector may direct in writing an inspector to cause to be done that which is required by the order and all reasonable costs involved in carrying out such work may, at the Minister's discretion, be a charge against the owner of the holding and if not duly paid shall constitute a debt due and owing to the Crown and may be recovered as a debt in any court of competent jurisdiction.

(7) Any animal, carcass, animal product, animal pathogen, biological preparation, property, vehicle, vessel, article or thing seized or impounded under this section which is not infected shall if not required as evidence in any proceeding for an offence against this Act, be released, sold, destroyed or otherwise disposed of as the Minister directs.

Powers of inspectors to stop, enter and search vehicles etc.

21.(1) At any place on or near a boundary of or within a quarantine zone, infected zone, standstill zone or control zone, an inspector may display a traffic sign requiring vehicles or vessels to stop so as to be clearly visible to the driver or person in charge of a vehicle or, as the case may be, vessel approaching that place.

(1A) In subsection (1)—

“place” includes road whether public or otherwise.

(2) The driver or person in charge of a vehicle or vessel approaching towards a traffic sign displayed shall stop or cause the vehicle or vessel to

be stopped within a reasonable distance of the sign and keep the vehicle or vessel stationary for the purpose of enabling an inspector to exercise the powers conferred upon the inspector by this Act.

(3) An inspector may, upon production of evidence of the inspector's appointment, if demanded, enter any vehicle or vessel stopped pursuant to this section and may search and inspect it and open any part of it or require the driver or person in charge of the vehicle or vessel to open any part of it for the purpose of ascertaining whether the vehicle, vessel or part thereof or any animal, carcass, animal product, animal pathogen, biological preparation, property or any fodder or any article or thing therein or thereon is infected with exotic disease or is or apparently is being or has been conveyed with, in or by such vehicle or vessel contrary to any provision of this Act or any notification, notice, licence or permit issued or granted under or pursuant to this Act.

(4) An inspector so entering, searching or inspecting may take specimens, open containers, packages or other things in or on the vehicle or vessel and do such other things as the inspector may consider necessary or expedient for the purpose of preventing the importation, introduction, transmission or spread of exotic disease or thing likely to cause exotic disease into, within or out of any quarantine zone, infected zone, standstill zone or control zone.

Division 7—General

Destruction of animals etc.

22.(1) The Minister may order the destruction of any infected or suspected animal or any animal product thereof or any carcass, or any articles or things used in connection with such animal, animal product or carcass or any infected or suspected pasture or fodder or the removal or destruction of animal pathogen or biological preparation whenever in the Minister's opinion such destruction or removal would tend to prevent the spread of exotic disease.

(1A) Every animal, animal product, carcass, article and thing ordered to be destroyed and animal pathogen or biological preparation ordered to be removed or destroyed shall be destroyed or, as the case may be, removed in the manner prescribed.

(2) Upon a failure in any respect to comply with the requirements of an order made under subsection (1) and without prejudice to any proceedings which may be taken upon such a failure the Minister may, at any time after the time specified in the order, direct in writing an inspector to cause to be destroyed that animal, animal product, carcass, article or thing, animal pathogen or biological preparation, pasture or fodder specified in the order.

(2A) For the purpose of such destruction the inspector may, if the inspector thinks fit, remove or cause to be removed any animal, animal product, carcass, article or thing, animal pathogen or biological preparation or fodder to any other place.

(3) All reasonable costs incurred by an inspector acting pursuant to a direction under subsection (2) may, at the Minister's discretion, be a charge against the person who contravened or failed to comply with the provision of the order referred to in that subsection and if not duly paid by the person shall constitute a debt due and owing by the person to the Crown and may be recovered from the person as a debt in any court of competent jurisdiction.

Owners and occupiers to render assistance and furnish information

23. The owner or occupier of any premises or holding and a person in charge or apparently in charge of any premises, holding, vehicle, vessel or other means of transport shall render all reasonable assistance and furnish all such information to an inspector which the person is capable of furnishing or as required by the inspector with respect to the exercise of the inspector's powers and the discharge of the inspector's duties under this part.

Destroying notices etc.

24. Unless authorised by the Minister or an inspector, a person shall not demolish, destroy, pull down, erase, remove, deface or in any way damage or interfere with any notice or sign fixed, posted or placed pursuant to this Act.

PART 3—COMPENSATION AND OTHER PROVISIONS RELATING TO OUTBREAKS OF EXOTIC DISEASES

Division 1—Exotic diseases expenses and compensation fund

Exotic diseases expenses and compensation fund

25.(1) There shall be established and thereafter maintained in the Treasury an exotic diseases expenses and compensation fund.

(2) The fund may consist of 1 account or more than 1 separate and distinct accounts as are from time to time prescribed in respect of 1 or more than 1 exotic disease.

Payments into fund

26.(1) There shall be paid into the fund—

- (a) all moneys payable to the State by any other State or by the Commonwealth or any Territory in accordance with any arrangement made (whether before or after the commencement of this Act) between the State, the Commonwealth, the other States and any Territory or any of them for controlling, eradicating and preventing the spread of any exotic disease;
- (b) the proceeds of the sale of stores or equipment sold under this Act;
- (c) any gifts made for payment into the fund;
- (d) all penalties and costs recovered under this Act;
- (e) all moneys appropriated by Parliament for the purposes of this Act;
- (f) any moneys from time to time advanced by the Treasurer for payment into the fund.

(2) Moneys received—

- (a) in respect of, or for the purposes of this Act with respect to, a

particular exotic disease, if an account is established in respect of that disease—shall be credited to that account;

- (b) in any other case—shall be credited to such account as the Minister directs.

Application of fund

27. The fund shall be applied, out of the relevant account or accounts, for—

- (a) the payment of expenses directly connected with controlling, eradicating and preventing the spread of any exotic disease, except the salaries or wages of officers and employees of the State of Queensland who are or would be employed irrespective of any outbreak of an exotic disease; and
- (b) the payment of compensation payable under this Act and all costs and expenses incidental to determining the compensation payable; and
- (c) the payment of expenses connected with the sale of stores or equipment sold under this Act and the distribution of surplus moneys in the fund; and
- (d) the repayment to the Treasurer of any moneys referred to in section 26(1)(f).

Division 2—Compensation in respect of exotic disease

Declaration of outbreak of exotic disease

28.(1) The Minister may, by notification, declare when an outbreak of a specified exotic disease started or ended in a specified area of the State.

- (2) A notification under this section is subordinate legislation.

Compensation

29. Subject to this part, compensation shall be paid to the owner of—

- (a) any animal or property which pursuant to an order made or given

under the authority of this Act or the *Stock Act 1915* is destroyed during the period of the outbreak notified pursuant to section 28, for the purpose of controlling, eradicating or preventing the spread of an exotic disease specified in the notification; and

- (b) any animal which is certified by a government veterinary officer as having died during the period of the outbreak notified pursuant to section 28 of the exotic disease specified in the notification and which at the time of its death was situated in the area of the State notified in respect of that disease.

Claims for compensation

30. Save where the Minister in a particular case otherwise determines, no compensation shall be payable under this Act in respect of any animal which has been destroyed or has died, or any property which has been destroyed, unless within 90 days of the destruction or death an application for compensation is lodged in the approved form in accordance with this Act.

When no compensation payable

31.(1) Where, but for this section, compensation would be payable under this Act to the owner of any animal that dies of an exotic disease or any animal, animal product or property used in connection with that animal or animal product that is destroyed by order, pursuant to this Act or the *Stock Act 1915*, of the Minister, the Minister's delegate, an inspector or a government veterinary officer for the purpose of preventing the spread of exotic disease—

- (a) no compensation shall be payable under this Act in respect of the death or destruction of that animal or destruction of that animal product or property if—
 - (i) the death from that exotic disease or the destruction by an order arises out of the doing of any act or thing or the making of any omission by the owner of the animal or animal product or property used in connection with that animal or animal product with respect to any part thereof, the doing of which act or thing or the making of which omission

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causes or contributes to or is such as is likely to cause or contribute to the spread of exotic disease; and

- (ii) the owner is convicted of an offence against any law of this State, the Commonwealth, or any State or Territory relating to the control, eradication or prevention of exotic disease and the act or thing referred to in subparagraph (i) is done or the omission referred to in subparagraph (i) is made in connection with the commission of the offence;
- (b) no compensation or only such part of the compensation otherwise payable as the Minister thinks reasonable shall be payable under this Act in respect of the death or destruction of that animal or destruction of that animal product or property if—
- (i) the Minister forms the opinion that the death from that exotic disease or the destruction by an order arises out of the doing of any act or thing or the making of any omission by the owner of the animal or animal product or property used in connection with that animal or animal product with respect to any part thereof, the doing of which act or thing or the making of which omission causes or contributes to or is such as is likely to cause or contribute to the spread of exotic disease; or
 - (ii) the owner has been convicted, whether before or after the commencement of this Act, of an offence against the law of this State, the Commonwealth, or any State or Territory of the Commonwealth relating to the control, eradication or prevention of exotic disease.

(2) No compensation shall be payable under this Act to the owner in respect of the destruction of animal pathogen by order, pursuant to this Act, of the Minister, an inspector or a government veterinary officer.

Basis of compensation

32.(1) Compensation payable under the provisions of section 29 shall be—

- (a) in the case of an animal—
 - (i) where the destroyed animal or the dead animal was affected

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- with an exotic disease—the market value of the animal immediately before it became so affected;
- (ii) in any other case—the market value of the animal immediately before it was destroyed;
- (b) in the case of property—its market value at the time of destruction.

(2) In determining the compensation to be paid under this Act, “**market value**” means the market value of the animal or property calculated upon a sale with delivery at the place where the animal or property is when ordered to be destroyed or, in the case of an animal for the destruction of which no order was made, where the animal is at the time of its death and no allowance shall be made for loss of profit, loss occasioned by breach of any contract or award, loss of production, or any other consequential loss whatsoever.

(3) Notwithstanding the provisions of any other Act, no further compensation shall be paid by the Crown for any animal or property for which compensation has been or may be paid under this Act.

Mode of valuation

33.(1) The market value of any animal or property in respect of which compensation is payable under this Act shall be—

- (a) such amount as is agreed upon by the Minister and the claimant;
or
- (b) where such amount has not been so agreed upon—such amount acceptable to the Minister and the claimant as is fixed by a valuer appointed for the purpose jointly by the Minister and the claimant;
or
- (c) where the Minister and the claimant have failed to agree upon the amount of the market value under paragraph (a) or upon the appointment of a valuer under paragraph (b) or where the amount fixed by that valuer is unacceptable to the Minister or the claimant—such amount as is fixed by a judge of the District Court having jurisdiction in the district in which the destruction of the animal or property occurred or the animal otherwise died or at Brisbane, as the case may be, upon an application made to that

judge.

(1A) The Minister may delegate the Minister's powers under subsection (1) to a government veterinary officer.

(2) An application under subsection (1)(c) shall be instituted by filing within the prescribed time a notice of application in the registry of the relevant District Court and by complying with any rules of court made with respect thereto.

(4) The proceedings on application under subsection (1)(c) shall be deemed to be a proceeding before a District Court.

(5) Where a judge of the District Court fixes the market value of any animal or property pursuant to subsection (1)(c), that judge may make such order as to the payment of the amount so fixed as the judge thinks fit.

When title doubtful, Minister may retain compensation or make payment into court

34.(1) If any doubt or dispute arises as to the right or title of a person to receive any compensation under this Act the Minister may—

- (a) cause to be retained in the fund the full amount of the compensation payable until the right or title of the person entitled to receive the compensation has been established to the Minister's satisfaction; or
- (b) cause to be paid into the District Court at Brisbane the amount of the compensation and the registrar of the court shall deal with and apply those moneys in such manner and shall pay the same to such person or persons as a judge of the District Court, upon application by any person interested, may order, the costs of and incidental to any proceeding in respect thereof being in the discretion of the judge.

(2) Where moneys are paid into court pursuant to the provisions of subsection (1)(b), the Minister shall forthwith give notice in writing thereof to any applicant therefor.

Division 3—General**Sale of stores and equipment**

35.(1) The Minister may at any time sell or cause to be sold, upon such terms and conditions as the Minister thinks fit, any stores and equipment which in the Minister's opinion are no longer required for the purposes of this Act and the proceeds of such sale shall be credited to the fund.

(2) Any such sale may be for cash or upon terms and, if on terms, upon security.

Closure of account

36.(1) A regulation may specify a day when an account that forms part of the fund is to be closed.

(1A) In the case of an account maintained in respect of an exotic disease the date of the outbreak of which has been notified by the Minister pursuant to section 28, the date of finalisation of that account shall be not less than 6 months nor more than 12 months from the date of the end of the outbreak notified by the Minister pursuant to that section.

(2) On the day specified in the regulation—

- (a) all moneys payable from that account under this Act which have not already been paid shall be retained for payment by the Minister;
- (b) if any undetermined claims are pending settlement—the Minister may retain sufficient sums to meet such claims, costs and related expenses payable from that account as though in each case the sum to be paid was the full amount of the claim;
- (c) on—
 - (i) the settlement of all claims for compensation; and
 - (ii) the payment of all expenses incurred;under this Act and payable from that account, any sums remaining shall be disbursed in accordance with paragraph (e);
- (d) all stores and equipment purchased with moneys from that

account shall be sold and the proceeds paid into the account. However, subject to the approval of the Commonwealth and the several States and Territories which have contributed to that account, any of the stores and equipment purchased with moneys from that account may be retained until such time as the Commonwealth and the several States and Territories determine that they shall be sold whereupon the proceeds of such sale shall be disbursed as provided in paragraph (e);

- (e) the balance of moneys remaining in the account shall be paid to the Commonwealth and the several States and Territories in the same proportion as the contributions actually made by them to the account.

Offence

37. A person who knowingly makes a statement which is in any respect false or misleading or who practises or is concerned in any fraudulent act with intent to mislead or defraud the Crown for the purpose of obtaining compensation for himself or herself or any other person under this part commits an offence against this Act.

Maximum penalty—80 penalty units or 6 months imprisonment.

PART 4—GENERAL PROVISIONS

Offences with respect to inspectors and other officers

38. A person—

- (a) shall not assault, obstruct, threaten, abuse, insult or intimidate an inspector or a government veterinary officer in the exercise of his or her powers and functions under this Act or attempt so to do;
- (b) shall not fail to answer any question put to the person for the purposes of this Act by an inspector or government veterinary officer or give a false or misleading answer to any question so put;
- (c) shall not fail to comply with a lawful direction or order of the

Minister, an inspector or a government veterinary officer;

- (d) shall not, when required by or under this Act to render assistance or furnish information, fail to do so, or furnish information that is false or misleading;
- (e) shall not fail, without reasonable excuse the proof of which shall lie upon the person, to produce forthwith a licence, permit or other authority under this Act that the person is required under this Act to produce or fail to allow an inspector to make a copy of or an extract from a licence, permit or other authority;
- (f) shall not fail, upon demand made, to produce to an inspector for inspection or examination any book, account, record or document required or authorised under this Act to be produced or fail to allow an inspector to make a copy of or an extract from any book, account, record or document so produced;
- (g) shall not prevent a person from appearing before or being questioned by an inspector or government veterinary officer, or attempt so to do.

Forgery of licence etc.

39. A person shall not—

- (a) forge or counterfeit a licence, certificate, permit, authority or other approval under this Act;
- (b) utter or make use of any such licence, certificate, permit, authority or approval so forged or counterfeited;
- (c) personate a person named in a licence, certificate, permit, authority or other approval granted or issued under this Act.

Maximum penalty—80 penalty units or 6 months imprisonment.

Offences generally and penalty

40.(1) A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act.

(2) A person who fails to comply with any term, condition or restriction imposed under this Act commits an offence against this Act.

(3) A person who—

- (a) fails to do that which the person is directed, ordered or required to do;
- (b) does that which the person is forbidden to do;

by a person acting under the authority of this Act commits an offence against this Act.

(4) Where no penalty is expressly provided, a person who commits an offence against this Act is liable to a maximum penalty of 80 penalty units or imprisonment for 6 months.

Proceedings for offences

41. A prosecution for an offence against this Act—

- (a) shall be taken by way of summary proceedings under the *Justices Act 1886* within 12 months after the offence is committed or within 6 months after the commission of the offence comes to the knowledge of the complainant whichever period is the later to expire;
- (b) may be instituted by—
 - (i) an inspector; or
 - (ii) any other person thereunto authorised in writing by the Minister.

Liability for offences by corporations

42.(1) Where a corporation offends against this Act each and every one of the following persons shall be deemed to have committed the offence, and shall be liable to be proceeded against and punished accordingly, namely—

- (a) the managing director, manager, or other governing officer, by whatever name called, and every member of the governing body, by whatever name called, thereof; and
- (b) every person who in Queensland manages or acts or takes part in the management, administration or government of the business in

Queensland of the corporation.

(1A) This section applies so as not to limit or affect howsoever the liability of a corporation to be proceeded against and punished for an offence against this Act committed by it.

(2) No person who is proceeded against pursuant to this section shall be convicted if the person satisfies the court that the offence was committed without the person's consent or connivance and that the person exercised all such diligence to prevent the commission of the offence as the person ought to have exercised having regard to all the circumstances.

Liability for offence by agent or employee

43.(1) Notwithstanding the Criminal Code, sections 7 and 23 or any other Act or law or rule of law or practice, where a person commits an offence against this Act as an agent or employee, the principal or employer, as the case may be, of that person shall be deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with committing the offence.

(1A) It is immaterial that the offence was committed without the authority or contrary to the instructions of the principal or employer.

(2) A person is not liable to be convicted for an offence against this Act committed by the person as an employee if the person satisfies the court that the offence was committed while the business of his or her employer was being conducted under the personal superintendence of that employer or of a manager or other representative of that employer, and that the offence was committed with the knowledge of that employer, manager or representative.

(3) Save as provided by subsection (2), this section applies so as not to prejudice liability imposed under this Act on any person by whom an offence against this Act is actually committed.

Evidentiary provisions

44.(1) In a proceeding for the purposes of this Act—

- (a) it shall not be necessary to prove the appointment of the chief inspector, any inspector, government veterinary officer or other officer or his or her authority to do any act, take any proceeding,

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- or give any direction or order;
- (b) a signature purporting to be that of the Minister, chief inspector, an inspector, government veterinary officer or other officer shall be taken to be the signature it purports to be until the contrary is proved;
 - (c) a document purporting to be a copy of a licence, certificate, permit, authority, order or notice under this Act shall upon its production in that proceeding be evidence and, in the absence of evidence to the contrary, conclusive evidence of that licence, certificate, permit, authority, order or notice;
 - (d) a document purporting to be signed by the chief inspector stating that at a specified time or during a specified period there was or was not in force a licence, certificate, permit or authority under this Act as described in the document granted or issued to a specified person or in respect of a specified thing and that such licence, certificate, permit or authority was or was not subject to the terms, conditions or restrictions set out in the document shall upon its production in that proceeding be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in that document;
 - (e) a certificate or document relating to a motor vehicle purporting to be issued under the *Transport Infrastructure (Roads) Act 1991* shall, upon its production in that proceeding, be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in that certificate or document and that the person named therein as the person in whose name the motor vehicle is registered was the person using the motor vehicle at the material time or during the material period;
 - (f) proof that at any time an animal, carcass or animal product was infected shall be evidence, and in the absence of evidence to the contrary, conclusive evidence that a person who had that animal, carcass or animal product in his or her possession or charge was aware at that time that the animal, carcass or animal product was infected;
 - (g) an allegation or averment in a complaint—
 - (i) that any place is or that any act, matter or thing was done or

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omitted within a specified zone;

- (ii) that any licence, certificate, permit or authority required by or under this Act to be obtained was not duly obtained by the person required to obtain it;
- (iii) of the date on which the commission of an offence against this Act came to the knowledge of the complainant;

shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of that allegation or averment.

(2) Where in respect of a proceeding for an offence against this Act a copy of a laboratory report—

- (a) if obtained on behalf of the prosecution—is served with the summons; or
- (b) if obtained on behalf of the defendant—is given to the prosecutor at least 3 clear days before the return day;

then, subject to subsection (3), the laboratory report a copy of which has been so served or given purporting to be under the hand of a scientist shall, upon its production in the proceeding, be sufficient evidence of the facts stated therein.

(3) Where a laboratory report is or is proposed to be produced pursuant to subsection (2), the court may, if it is satisfied (whether or not upon application made in that behalf) that in the circumstances of the case the scientist who issued the report should be called as a witness, order that the scientist be called as a witness by the party producing or proposing to produce the report and may grant an adjournment for that purpose.

(4) Where the court orders pursuant to subsection (3) that a scientist be called as a witness, it shall adopt such procedure as to it deems just and equitable to enable the scientist to be called and to be examined by the parties irrespective of the stage reached in the proceedings.

(5) This section does not prejudice or in any way affect other means of proving the elements of an alleged offence or lessen or affect the onus of proof falling on an offender.

Protection of Crown, Minister and officers

45. Subject to part 3, liability at law shall not attach to the Crown, the Minister, chief inspector, any inspector, government veterinary officer or other officer or any person acting in aid of an inspector on account of anything done for the purposes of this Act or done in good faith and purporting to be done for the purposes of this Act.

Approval of forms

46. The chief executive may approve forms for use under this Act.

Regulations

47.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may be made about the matters specified in schedule 2.

Approved forms

48.(1) This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

(2) Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

(3) This section expires 3 months after it commences.

SCHEDULE 2

SUBJECT MATTER FOR REGULATIONS

section 47

Officers

1. The powers and functions of the chief inspector, inspectors, government veterinary officers and other persons engaged in the administration of this Act.

Licences, certificates and authorities

2.(1) Applications for and the grant and issue of licences, certificates and authorities under this Act.

(2) The terms, conditions and restrictions subject to which licences, certificates and authorities under this Act are granted and issued.

(3) The surrender, revocation, cancellation, suspension or endorsement of such licences, certificates or authorities.

Diagnosis and treatment of exotic disease

3. The nature and methods of treatment of exotic diseases or of tests for diagnosing and preventing exotic disease and the regulation and control of the taking, removal and dispatch of specimens and vectors for diagnostic purposes.

Cleansing and disinfection etc.

4. The disinfection and any other treatment of persons and the cleansing and disinfection of animals, articles, things and property for the purposes of this Act.

SCHEDULE 2 (continued)

Destruction of animals etc.

5. The regulation and control and the prescription of the methods of the destruction of animals, carcasses, animal products, animal pathogen, biological preparations, property, fittings, fodder, pasture and any other articles and things in pursuance of this Act.

Seized animals etc.

6. The seizure, detention, confinement and disposal, including destruction, of animals, carcasses, animal products, animal pathogen, biological preparations, property or other articles or things seized, detained or confined in pursuance of this Act.

Control in certain zones

7. The regulation and control of the movement of persons, animals, vehicles, vessels and things into, within, through and out of a quarantine zone, infected zone, standstill zone or control zone and the regulation, management and control of such zone and of any animals therein.

Information as to exotic disease

8. The requirement of persons to furnish information in respect of any animal, alive or dead, which is found or suspected to be infected.

Roads

9. The closure of roads in quarantine zones, infected zones, standstill zones, control zones or areas adjacent thereto and the prevention or restriction of the passage of persons, vehicles and animals over such roads.

Controlling or prevention of spread of exotic disease

10. All such matters or things as the Governor in Council deems necessary or expedient to provide for eradicating, controlling, checking or

SCHEDULE 2 (continued)

preventing the spread of any exotic disease into or out of the State or any part thereof.

Requisition of land, services etc.

11. The requisition by the Minister of any land, buildings, accommodation, goods and services, vehicles, vessels, equipment, plant and instruments including that or those of any agency or department of the Crown in right of the State and of any local government for such period as may, in the opinion of the Minister, be necessary or expedient for eradicating, controlling, checking or preventing the spread of an exotic disease within, into or out of any quarantine zone, infected zone, standstill zone or control zone.

Valuations

12. The regulation and control of the valuing of animals and property, the appointment of valuers, their qualifications, duties and emoluments and the procedure for dealing with disputed valuations.

Claims for compensation

13. The procedure for making claims for compensation, proof of ownership, mode of payment and any other matter affecting or relating to compensation under this Act.

Penalties

15. Penalties not exceeding 80 penalty units or a term of imprisonment not exceeding 6 months in each case for any contravention of or failure to comply with the regulations.

Proof of documents

16. The manner in which an application, order, notice, requisition or other document under this Act may be proved.

ENDNOTES**1 Index to endnotes**

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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 11 December 1995. Future amendments of the Exotic Diseases in Animals Act 1981 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

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R	=	Reprint No.
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

Exotic Diseases in Animals Act 1981 No. 13

date of assent 14 April 1981

s 4(2) commenced 1 January 1982 (see s 2(2) and proc pubd gaz 26 December 1981 p 1736)

remaining provisions commenced on date of assent (see s 2(1))

as amended by—

Exotic Diseases in Animals Act Amendment Act 1982 No. 37

date of assent 15 September 1982

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 1994 No. 15 ss 1–3 sch 1

date of assent 10 May 1994

commenced on date of assent

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1 (as amd by 1995 No. 58 s 4 sch 1)

date of assent 28 November 1995

commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, s 4 sch 1

date of assent 28 November 1995

commenced on date of assent

5 List of annotations

Commencement

s 2 om R1 (see RA s 37)

Arrangement of Act

s 3 om R1 (see RA s 36)

Repeals and amendments

s 4 om R1 (see RA s 40)

Interpretation

s 5 def “**animal product**” amd 1994 No. 15 s 3 sch 1
 def “**approved form**” ins 1995 No. 57 s 4 sch 1
 def “**biological preparation**” amd 1994 No. 15 s 3 sch 1
 def “**chief inspector**” sub 1995 No. 57 s 4 sch 1
 def “**control zone**” sub 1995 No. 57 s 4 sch 1
 def “**exotic disease**” amd 1994 No. 15 s 3 sch 1
 def “**government veterinary officer**” sub 1995 No. 57 s 4 sch 1
 def “**inspector**” sub 1995 No. 57 s 4 sch 1
 def “**Minister**” om 1994 No. 15 s 3 sch 1
 def “**standstill zone**” sub 1995 No. 57 s 4 sch 1

Delegation by Minister and chief inspector

s 7 sub 1994 No. 15 s 3 sch 1

Quarantine zone

s 9 amd 1994 No. 15 s 3 sch 1

Notification of infected zone

s 10 amd 1994 No. 15 s 3 sch 1

Effect of notification

s 11 amd 1994 No. 15 s 3 sch 1; 1995 No. 57 s 4 sch 1

Entry and exit places

s 14 amd 1994 No. 15 s 3 sch 1

Check points

s 15 amd 1994 No. 15 s 3 sch 1

Notification of standstill zone

s 16 amd 1982 No. 37 s 2; 1994 No. 15 s 3 sch 1

Effect of notification

s 17 amd 1982 No. 37 s 3; 1994 No. 15 s 3 sch 1

Notification of control zone

s 18 amd 1994 No. 15 s 3 sch 1

Powers of chief inspector and inspectors

s 19 amd 1994 No. 15 s 3 sch 1

General powers of inspectors

s 20 amd 1995 No. 57 s 4 sch 1; 1995 No. 58 s 4 sch 1

Declaration of outbreak of exotic disease

s 28 sub 1994 No. 15 s 3 sch 1

Claims for compensation

s 30 amd 1995 No. 57 s 4 sch 1

When no compensation payable

s 31 amd 1995 No. 57 s 4 sch 1

Mode of valuation

s 33 amd 1994 No. 15 s 3 sch 1; 1995 No. 57 s 4 sch 1

Closure of account

s 36 amd 1995 No. 57 s 4 sch 1

Offence

s 37 amd 1994 No. 15 s 3 sch 1

Offences with respect to inspectors and other officers

s 38 amd 1995 No. 58 s 4 sch 1

Forgery of licence etc.

s 39 amd 1994 No. 15 s 3 sch 1

Offences generally and penalty

s 40 amd 1994 No. 15 s 3 sch 1

Approval of forms

s 46 prev s 46 om 1994 No. 15 s 3 sch 1
pres s 46 ins 1995 No. 57 s 4 sch 1

Regulations

s 47 amd 1994 No. 15 s 3 sch 1; 1995 No. 58 s 4 sch 1

Approved forms

s 48 prev s 48 om 1994 No. 15 s 3 sch 1
pres s 48 ins 1995 No. 57 s 4 sch 1 (as amd 1995 No. 58 s 4 sch 1)
exp 28 February 1996 (see s 48(3))

SCHEDULE 1

om R1 (see RA s 40)

SCHEDULE 2—SUBJECT MATTER FOR REGULATIONS

item 1 amd 1995 No. 58 s 4 sch 1

item 11 amd 1995 No. 57 s 4 sch 1

item 14 om 1995 No. 57 s 4 sch 1

item 15 amd 1994 No. 15 s 3 sch 1

item 17 om 1994 No. 15 s 3 sch 1

item 18 om 1994 No. 15 s 3 sch 1

6 Table of changed names and titlesTABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
local authority	local government	Local Government Act 1993 s 796(1)(a)

7 Table of changed citations and remade lawsTABLE OF CHANGED CITATIONS AND REMADE LAWS
under the Reprints Act 1992 ss 21A and 22

Old	New	Reference provision
Main Roads Act 1920	Transport Operations (Road Use Management) Act 1995	Transport Operations (Road Use Management) Act 1995 s 87

8 Table of obsolete and redundant provisionsTABLE OF OBSOLETE AND REDUNDANT PROVISIONS
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Act Interpretation Act 1954 s 32A
references to a State	Acts Interpretation Act 1954 s 36 def "State"
references to a Territory	Acts Interpretation Act 1954 s 36 def "Territory"
references to Queensland implied	Acts Interpretation Act 1954 s 35

9 Table of renumbered provisionsTABLE OF RENUMBERED PROVISIONS
under the Reprints Act 1992 s 43

Previous	Renumbered as
8(1), 2nd sentence	8(1A)
9(1), 2nd sentence	9(1A)
9(1), 3rd sentence	9(1B)
9(2), 2nd sentence	9(2A)
10(1), 2nd sentence	10(2)
12(1), 2nd sentence	12(1A)
12(2), 2nd sentence	12(2A)
12(3)(a)	12(3)
12(3)(b)	12(4)
13, 1st sentence	13(1)
13, 2nd sentence	13(2)
16(1), 2nd sentence	16(2)
17(2), 2nd sentence	17(2A)
17(2), 3rd sentence	17(2B)
18(1), 2nd sentence	18(2)
19(1)(a)	19(1)
19(1)(a)(i)	19(1)(a)
19(1)(a)(ii)	19(1)(b)
19(1)(a)(iii)	19(1)(c)
19(1)(a)(iv)	19(1)(d)
19(1)(a)(v)	19(1)(e)
19(1)(a)(vi)	19(1)(f)
19(1)(b), 1st sentence	19(1A)
19(1)(b), 1st sentence, para (i)	19(1A)(a)
19(1)(b), 1st sentence, para (ii)	19(1A)(b)
19(1)(b), 1st sentence, para (iii)	19(1A)(c)
19(1)(b), 2nd sentence	19(1B)
19(3)(a)	19(3)
19(3)(b)	19(4)
20(1), 2nd sentence	20(1A)
20(2)(a)	20(2)
20(2)(b)	20(2A)
20(2)(b)(i)	20(2A)(a)
20(2)(b)(ii)	20(2A)(b)
20(2)(b)(iii)	20(2A)(c)
20(2)(c)	20(2B)
20(2)(c)(i)	20(2B)(a)
20(2)(c)(ii)	20(2B)(b)
20(2)(d)	20(2C)

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20(6), 2nd sentence	20(6A)
21(1), 2nd sentence	21(1A)
22(1), 2nd sentence	22(1A)
22(2), 2nd sentence	22(2A)
25, 1st sentence	25(1)
25, 2nd sentence	25(2)
31(1), 2nd sentence	31(2)
33(1)(a)	33(1)
33(1)(a)(i)	33(1)(a)
33(1)(a)(ii)	33(1)(b)
33(1)(a)(iii)	33(1)(c)
33(1)(b)	33(1A)
35, 1st sentence	35(1)
35, 2nd sentence	35(2)
36(1), 2nd sentence	36(1A)
42(1), 2nd sentence	42(1A)
43(1), 2nd sentence	43(1A)
schedule 2	
2, 1st unnum para	2(1)
2, 2nd unnum para	2(2)
2, 3rd unnum para	2(3)