

Queensland



EXOTIC DISEASES IN ANIMALS ACT 1981

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(includes amendments up to Act No. 36 of 2002)**

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Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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EXOTIC DISEASES IN ANIMALS ACT 1981

[as amended by all amendments that commenced on or before 1 October 2002]

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

1 Short title

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

5 Definitions

The dictionary in schedule 2 defines particular words used in this Act.

6 Application

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

7 Delegation by Minister and chief inspector

(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

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

(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—Infected premises

9 Infected premises

(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 infected premises;
- (b) cause, suffer, permit or allow any other person to enter or leave infected premises;
- (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 infected premises;
- (d) fail to close and secure against its being opened by any animal, any gate or door erected on the boundary of infected premises.

Maximum penalty—2 000 penalty units or 2 years imprisonment.

Division 3—Restricted area

10 Notification of restricted area

(1) The Minister may, by notification, notify any area therein described to be a restricted area 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 area 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 area from elsewhere.

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

11 Effect of notification

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

- (a) enter or leave a restricted area;
- (b) cause, suffer, permit or allow any other person to enter or leave a restricted area;
- (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 a restricted area;

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—2 000 penalty units or 2 years 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.

12 Powers of inspectors to control, eradicate and prevent spread of exotic disease

(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 a restricted area 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; or
 - (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 a restricted area; or
 - (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; and
- (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 a restricted area.
- (c) destroy any of the following in a restricted area—
 - (i) an infected animal, animal product or carcass;
 - (ii) any thing used in connection with the infected animal, animal product or carcass;
 - (iii) an animal pathogen or biological preparation;
 - (iv) infected or suspected pasture or fodder;
 - (v) any other thing the inspector reasonably believes may be infected.

(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 restricted area 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 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.

13 Unauthorised movement of animals etc.

(1) Any animal, carcass, animal product, animal pathogen, biological preparation, article or thing moved into, within, through or out of a restricted area 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.

14 Entry and exit places

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

(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 area; 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 restricted area into or out of the area;

at a place other than a place so appointed.

Maximum penalty—2 000 penalty units or 2 years 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—1 000 penalty units or 1 year's imprisonment.

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

15 Check points

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

(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—1 000 penalty units or 1 year's imprisonment.

Division 4—Standstill zone**16 Notification of standstill zone**

(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.

17 Effect of notification

(1) Notwithstanding that a licence may have been issued under section 11, for so long as a standstill zone continues a person must not, without an inspector's written approval, 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—2 000 penalty units or 2 years imprisonment.

(1A) An inspector may give an approval mentioned in subsection (1) only if the inspector considers it necessary to give the approval in the interests of public health or safety, or the health or wellbeing of an animal.

(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 area

18 Notification of control area

(1) The Minister may by notification, notify any area therein described to be a control area 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 area or any other area of the State.

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

19 Powers of chief inspector and inspectors

(1) The chief inspector with respect to a control area or any part of the area may, by public notice—

- (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 area 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 area or within the area.

(1A) An inspector within a control area 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 area;

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- (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 area;
- (c) that any animal or animal carcass of a species or class specified in the notification of the control area or any animal product, animal pathogen or biological preparation thereof or therefrom moved into or out of the area 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 area or within the area.

(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—400 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.

(5) In this section—

“public notice” means a notice published in a newspaper, or broadcast on radio or television, and likely to be read or received by people in the control area, or the part of the area, to which the notice relates.

Division 5A—Inspectors**19A Appointment and qualifications**

(1) The chief executive may appoint any of the following persons as an inspector—

- (a) a public service officer or employee;
- (b) an employee of the Commonwealth or another State;
- (c) an employee of a local government;
- (d) a veterinary surgeon under the *Veterinary Surgeons Act 1936*;
- (e) an individual included in a class of persons declared under a regulation to be an approved class of persons for this section.

(2) However, the chief executive may appoint a person as an inspector only if the chief executive is satisfied the person is qualified for appointment because the person has the necessary expertise or experience.

19B Appointment conditions and limit on powers

(1) An inspector holds office on any conditions stated in—

- (a) the inspector's instrument of appointment; or
- (b) a signed notice given to the inspector; or
- (c) a regulation.

(2) The instrument of appointment, a signed notice given to the inspector or a regulation may limit the inspector's powers under this Act.

(3) In this section—

“**signed notice**” means a notice signed by the chief executive.

19C Issue of identity card

(1) The chief executive must issue an identity card to each inspector.

(2) The identity card must—

- (a) contain a recent photo of the inspector; and
- (b) contain a copy of the inspector's signature; and
- (c) identify the person as an inspector under this Act; and

(d) state an expiry date for the card.

(3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

19D Production or display of identity card

(1) In exercising a power under this Act in relation to a person, an inspector must—

- (a) produce the inspector's identity card for the person's inspection before exercising the power; or
- (b) have the identity card displayed so it is clearly visible to the person when exercising the power.

(2) However, if it is not practicable to comply with subsection (1), the inspector must—

- (a) produce the inspector's instrument of appointment for the person's inspection before exercising the power; or
- (b) produce the identity card for the person's inspection at the first reasonable opportunity.

(3) For subsection (1), an inspector does not exercise a power in relation to a person only because the inspector—

- (a) has entered a place that is a public place and entry is made when it is open to the public; or
- (b) for the purpose of asking the occupier of a place for consent to enter—
 - (i) enters land around premises at the place to an extent that is reasonable to contact the occupier; or
 - (ii) enters part of the place the inspector reasonably considers members of the public ordinarily are allowed to enter when they wish to contact the occupier.

19E When inspector ceases to hold office

(1) An inspector ceases to hold office if any of the following happens—

- (a) the term of office stated in a condition of office ends;

(b) under another condition of office, the inspector ceases to hold office;

(c) the inspector's resignation under section 19F takes effect.

(2) Subsection (1) does not limit the ways an inspector may cease to hold office.

(3) In this section—

“**condition of office**” means a condition on which the inspector holds office.

19F Resignation

(1) An inspector may resign by signed notice given to the chief executive.

(2) However, if holding office as an inspector is a condition of the inspector holding another office, the inspector may not resign as an inspector without resigning from the other office.

19G Return of identity card

A person who ceases to be an inspector must return the person's identity card to the chief executive within 21 days after ceasing to be an inspector unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

Division 6—Powers of inspectors

20 General powers of inspectors

(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 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,

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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, bait, trap or destroy vectors of exotic disease;

Example of destroying a vector of exotic disease—

Killing the vector by poisoning it.

- (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;
- (k) may ask anyone the inspector thinks can help, to help the inspector exercise the powers or perform the 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

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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 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

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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.

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

(1) At any place on or near a boundary of or within a infected premises, restricted area, standstill zone or control area, 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 infected premises, restricted area, standstill zone or control area.

Division 7—General

22 Destruction of animals etc.

(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.

(4) For subsection (1), an animal is taken to be suspected if—

- (a) the animal is an animal that is a host for an exotic disease or animal pathogen present, or suspected to be present, at an infected premises; and
- (b) the chief inspector reasonably believes it is necessary to destroy the animal to prevent or control the spread of the exotic disease or animal pathogen, having regard to—
 - (i) the animal's proximity to the infected premises; and
 - (ii) the ability of the disease or animal pathogen to spread and the way in which it spreads.

23 Owners and occupiers to render assistance and furnish information

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.

24 Destroying notices etc.

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.

24A No review of particular decision

(1) This section applies to a decision of the Minister, under section 22, to order—

- (a) the destruction of an animal, animal product, carcass or other thing; or
- (b) the removal or destruction of an animal pathogen or biological preparation.

(2) The decision—

- (a) is final and conclusive; and

(b) can not be challenged, appealed against, reviewed, quashed, set aside, or called in question in another way, under the *Judicial Review Act 1991* or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and

(c) is not subject to any writ or order of the Supreme Court, another court, a tribunal or another entity on any ground.

(3) Despite subsection (2), the *Judicial Review Act 1991*, part 4,¹ applies to the decision as if it were a decision to which that Act applies.

(4) In this section—

“**decision**” includes conduct leading up to or forming part of the process of making a decision.

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

Division 1—Exotic diseases expenses and compensation fund

25 Exotic diseases expenses and compensation fund

(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.

26 Payments into fund

(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

¹ *Judicial Review Act 1991*, part 4, (Reasons for decision)

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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.

27 Application of fund

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**28 Declaration of outbreak of exotic disease**

(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.

29 Compensation

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.

30 Claims for compensation

(1) An owner may apply to the chief executive for an assessment of compensation within 90 days after the destruction of the animal or property or the death of the animal.

(2) The amount of compensation payable is—

- (a) for an animal—
 - (i) if the destroyed or dead animal was affected with an exotic disease—the animal's market value immediately before it was affected; or
 - (ii) if the destroyed animal was not affected with an exotic disease—the animal's market value immediately before it was destroyed; or
- (b) for property—the property's market value immediately before it was destroyed.

(3) If, when the quarantine ends under section 9(1B), the market value of the animal or property is more than the amount of compensation paid under an application under subsection (1), the owner may apply for additional compensation, within 30 days after the quarantine ends.

(4) The amount of additional compensation payable is the difference between the amount of compensation paid under the application under subsection (1) and the market value of the animal or property immediately after the quarantine is revoked.

(5) Despite any other Act, the State is not liable to pay compensation under the other Act for an animal or property for which compensation has been, or may be, paid under this Act.

(6) In this section—

“market value”—

- (a) means the market value of the animal or property calculated on a sale with delivery—
 - (i) if the animal or property was ordered to be destroyed—at the place where the animal or property is when ordered to be destroyed; or
 - (ii) if no order was made—at the place where the animal died; but
- (b) does not include an allowance for loss of profit, loss caused by breach of contract or award, loss of production or any other consequential loss.

31 When no compensation payable

(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—

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- (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 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.

33 Mode of valuation

(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—the amount fixed by a District Court judge on application made to the 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 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 the 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.

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

(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

35 Sale of stores and equipment

(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.

36 Closure of account

(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.

37 Offence

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—1 000 penalty units or 1 year's imprisonment.

PART 4—GENERAL PROVISIONS

38 Offences with respect to inspectors and other officers

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.

39 Forgery of licence etc.

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—1 000 penalty units or 1 year's imprisonment.

40 Offences generally and penalty

(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—

(a) for an offence against a regulation—80 penalty units; or

(b) otherwise—800 penalty units or 1 year's imprisonment.

41 Indictable and summary offences

(1) An offence against section 9(3), 11(1), 14(2) or 17(1)² is a misdemeanour.

(2) Any other offence against this Act is a summary offence.

41A Proceedings for indictable offence

(1) A proceeding for an indictable offence against this Act may be taken, at the election of the prosecution—

(a) by way of summary proceeding under the *Justices Act 1886*; or

(b) on indictment.

(2) A magistrate must not hear an indictable offence summarily if—

(a) the defendant asks at the start of the hearing that the charge be prosecuted on indictment; or

2 Section 9 (Infected premises), 11 (Effect of Notification), 14 (Entry and exit places) or 17 (Effect of Notification)

(b) the magistrate considers the charge should be prosecuted on indictment.

(3) If subsection (2) applies—

- (a) the magistrate must proceed by way of an examination of witnesses for an indictable offence; and
- (b) a plea of the person charged at the start of the proceeding must be disregarded; and
- (c) evidence brought in the proceeding before the magistrate decided to act under subsection (2) is taken to be evidence in the proceeding for the committal of the person for trial or sentence; and
- (d) before committing the person for trial or sentence, the magistrate must make a statement to the person as required by the *Justices Act 1886*, section 104(2)(b).³

41B Limitation on who may summarily hear indictable offence

(1) The proceeding must be before a magistrate if it is a proceeding—

- (a) for the summary conviction of a person on a charge for an indictable offence; or
- (b) for an examination of witnesses for a charge for an indictable offence.

(2) However, if the proceeding is brought before a justice who is not a magistrate, jurisdiction is limited to taking or making a procedural action or order within the meaning of the *Justices of the Peace and Commissioners for Declarations Act 1991*.

41C Limitation on time for starting summary proceeding

A proceeding for a summary offence against this Act by way of summary proceeding under the *Justices Act 1886* must start—

- (a) within 1 year after the commission of the offence; or

³ *Justices Act 1886*, section 104 (Proceedings upon an examination of witnesses in relation to an indictable offence)

- (b) within 6 months after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

42 Liability for offences by corporations

(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.

43 Liability for offence by agent or employee

(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.

44 Evidentiary provisions

(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, 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

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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 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.

45 Protection of Crown, Minister and officers

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.

46 Approval of forms

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

47 Regulation-making power

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

(2) A regulation may be made about the matters specified in schedule 1.

(3) A regulation may impose a penalty of no more than 80 penalty units for contravention of a regulation.

PART 5—TRANSITIONAL PROVISIONS

48 Transitional provision for *Primary Industries Legislation Amendment Act (No. 2) 1997*

(1) An area that was a control zone immediately before the commencement of this section is taken to be a control area.

(2) An area that was an infected zone immediately before the commencement of this section is taken to be a restricted area.

(3) An area that was a quarantine zone immediately before the commencement of this section is taken to be infected premises.

SCHEDULE 1

SUBJECT MATTER FOR REGULATIONS

section 47

1 Officers

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

2 Licences, certificates and authorities

(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.

3 Diagnosis and treatment of exotic disease

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.

4 Cleansing and disinfection etc.

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.

5 Destruction of animals etc.

The regulation and control and the prescription of the methods of the destruction of animals, carcasses, animal products, animal pathogen,

SCHEDULE 1 (continued)

biological preparations, property, fittings, fodder, pasture and any other articles and things in pursuance of this Act.

6 Seized animals etc.

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.

7 Control in certain zones

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

8 Information as to exotic disease

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

9 Roads

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

10 Controlling or prevention of spread of exotic disease

All such matters or things as the Governor in Council deems necessary or expedient to provide for eradicating, controlling, checking or preventing the spread of any exotic disease into or out of the State or any part thereof.

SCHEDULE 1 (continued)

11 Requisition of land, services etc.

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 infected premises, restricted area, standstill zone or control area.

12 Valuations

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.

13 Claims for compensation

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.

16 Proof of documents

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

SCHEDULE 2**DICTIONARY**

section 5

“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—

- (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 area” means an area notified as a control area under section 18.

SCHEDULE 2 (continued)

“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, spongiform encephalopathy, 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 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

SCHEDULE 2 (continued)

- (c) having been the cause of the spread or introduction of an exotic disease.

“infected premises” means an area placed in quarantine under section 9.

“inspector” means—

- (a) an inspector appointed under part 2, division 5A; or
- (b) an inspector of stock appointed under the *Stock Act 1915*; or
- (c) the chief 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.

“restricted area” means an area notified as a restricted area under section 10.

“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

SCHEDULE 2 (continued)

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.

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 1 October 2002. 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of earlier reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of earlier reprints, see the latest reprint.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF EARLIER REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	to Act No. 58 of 1995	28 November 1995	11 December 1995
1A	to Act No. 73 of 1997	19 December 1998	16 March 1998
1B	to Act No. 19 of 1999	30 April 1999	4 June 1999
1C	to Act No. 5 of 2000	23 March 2000	30 March 2000

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 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))

amending legislation—

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 (this Act is amended, see amending legislation below)

date of assent 28 November 1995

commenced on date of assent

amending legislation—

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, s 4 sch 1 (amends 1995 No. 57 above)

date of assent 28 November 1995

commenced on date of assent

Primary Industries Legislation Amendment Act (No. 2) 1997 No. 73 pts 1, 4

date of assent 1 December 1997

ss 1–2 commenced on date of assent

remaining provisions commenced 19 December 1997 (1997 SL No. 475)

Statute Law (Miscellaneous Provisions) Act 1999 No. 19 ss 1–3 sch

date of assent 30 April 1999

commenced on date of assent

Police Powers and Responsibilities Act 2000 No. 5 ss 1–2(1)–(2), 373 sch 2

date of assent 23 March 2000

commenced on date of assent (see s 2(1)–(2))

**Animal and Plant Health Legislation Amendment Act 2002 No. 36 pts 1, 3, ss 44–45
schs 1–2**

date of assent 29 August 2002

ss 1–2 commenced on date of assent

remaining provisions commenced 1 October 2002 (2002 SL No. 257)

7 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)

Definitions

prov hdg sub 1997 No. 73 s 7(1)

s 5 amd 2002 No. 36 s 7(1)

Note—(prev) s 5 contained definitions for this Act. Definitions are now located in schedule 2—Dictionary.**Delegation by Minister and chief inspector**

s 7 sub 1994 No. 15 s 3 sch 1

Division 2—Infected premises

div hdg sub 1997 No. 73 s 8

Infected premises

prov hdg sub 1997 No. 73 s 9(1)

s 9 amd 1994 No. 15 s 3 sch 1; 1997 No. 73 s 9(2); 2002 No. 36 s 44 sch 1

Division 3—Restricted area

div hdg sub 1997 No. 73 s 10

Notification of restricted area

prov hdg amd 1997 No. 73 s 11(1)

s 10 amd 1994 No. 15 s 3 sch 1; 1997 No. 73 s 11(2)–(3)

Effect of notification

s 11 amd 1994 No. 15 s 3 sch 1; 1995 No. 57 s 4 sch 1; 1997 No. 73 s 12; 2002 No. 36 s 44 sch 1

Powers of inspectors to control, eradicate and prevent spread of exotic disease

prov hdg amd 2002 No. 36 s 8(1)

s 12 amd 1997 No. 73 s 13; 2000 No. 5 s 373 sch 2; 2002 No. 36 ss 8(2), 45 sch 2

Unauthorised movement of animals etc.

s 13 amd 1997 No. 73 s 14

Entry and exit places

s 14 amd 1994 No. 15 s 3 sch 1; 1997 No. 73 s 15; 2002 No. 36 s 44 sch 1

Check points

s 15 amd 1994 No. 15 s 3 sch 1; 1997 No. 73 s 16; 2002 No. 36 s 44 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; 2002 No. 36 ss 9, 44 sch 1

Division 5—Control area

div hdg sub 1997 No. 73 s 17

Notification of control area

prov hdg amd 1997 No. 73 s 18(1)

s 18 amd 1994 No. 15 s 3 sch 1; 1997 No. 73 s 18(2)

Powers of chief inspector and inspectors

s 19 amd 1994 No. 15 s 3 sch 1; 1997 No. 73 s 19; 2002 No. 36 ss 10, 44 sch 1

Division 5A—Inspectors

div 5A (ss 19A–19G) ins 2002 No. 36 s 11

General powers of inspectors

s 20 amd 1995 No. 57 s 4 sch 1; 1995 No. 58 s 4 sch 1; 2000 No. 5 s 373 sch 2;
2002 No. 36 ss 12, 45 sch 2

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

s 21 amd 1997 No. 73 s 20

Destruction of animals etc.

s 22 amd 2002 No. 36 s 13

No review of particular decision

s 24A ins 2002 No. 36 s 14

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
sub 1997 No. 73 s 21

When no compensation payable

s 31 amd 1995 No. 57 s 4 sch 1

Basis of compensation

s 32 om 1997 No. 73 s 22

Mode of valuation

s 33 amd 1994 No. 15 s 3 sch 1; 1995 No. 57 s 4 sch 1; 1999 No. 19 s 3 sch

Closure of account

s 36 amd 1995 No. 57 s 4 sch 1

Offence

s 37 amd 1994 No. 15 s 3 sch 1; 2002 No. 36 s 44 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; 2002 No. 34 s 44 sch 1

Offences generally and penalty

s 40 amd 1994 No. 15 s 3 sch 1; 2002 No. 36 s 44 sch 1

Indictable and summary offences

s 41 sub 2002 No. 36 s 15

Proceedings for indictable offence

s 41A ins 2002 No. 36 s 15

Limitation on who may summarily hear indictable offence

s 41B ins 2002 No. 36 s 15

Limitation on time for starting summary proceeding

s 41C ins 2002 No. 36 s 15

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

Regulation-making power

prov hdg sub 2002 No. 36 s 45 sch 2

s 47 amd 1994 No. 15 s 3 sch 1; 1995 No. 58 s 4 sch 1; 2002 No. 36 ss 16, 45 sch 2

PART 5—TRANSITIONAL PROVISIONS

pt hdg ins 1997 No. 73 s 23

Transitional provision for Primary Industries Legislation Amendment Act (No. 2) 1997

s 48 prev s 48 om 1994 No. 15 s 3 sch 1
prev 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))
new s 48 ins 1997 No. 73 s 23

SCHEDULE 1

prev sch 1 om R1 (see RA s 40)
pres sch 1 (prev sch 2) renum 2002 No. 36 s 45 sch 2

Officers

s 1 amd 1995 No. 58 s 4 sch 1

Control in certain zones

s 7 amd 1997 No. 73 s 24(1)–(2)

Roads

s 9 amd 1997 No. 73 s 24(3)

Requisition of land, services etc.

s 11 amd 1995 No. 57 s 4 sch 1; 1997 No. 73 s 24(1)

item 14 om 1995 No. 57 s 4 sch 1

Penalties

s 15 amd 1994 No. 15 s 3 sch 1
om 2002 No. 36 s 7 sch 2

item 17 om 1994 No. 15 s 3 sch 1

item 18 om 1994 No. 15 s 3 sch 1

SCHEDULE 2—DICTIONARY

Note—definitions for this Act were originally located in s 5.
pres sch 2 ins 2002 No. 36 s 45 sch 2

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 area**” ins 1997 No. 73 s 7(3)

def “**control zone**” sub 1995 No. 57 s 4 sch 1
om 1997 No. 73 s 7(2)

def “**exotic disease**” amd 1994 No. 15 s 3 sch 1; 2002 No. 36 s 7(3)

def “**government veterinary officer**” sub 1995 No. 57 s 4 sch 1

def “**infected premises**” ins 1997 No. 73 s 7(3)

def “**infected zone**” om 1997 No. 73 s 7(2)

def “**inspector**” sub 1995 No. 57 s 4 sch 1; 2002 No. 36 s 7(2)

def “**Minister**” om 1994 No. 15 s 3 sch 1

def “**quarantine zone**” om 1997 No. 73 s 7(2)

def “**restricted area**” ins 1997 No. 73 s 7(3)

def “**standstill zone**” sub 1995 No. 57 s 4 sch 1

8 List of forms

Form FDU 1036—Notice of Quarantine

pubd gaz 25 January 2002 p 248

Form FDU 1037—Extension of Quarantine Period

pubd gaz 25 January 2002 p 248

Form FDU 1038—Permit for Persons to Enter or Leave an Infected Premise

pubd gaz 25 January 2002 p 248

Form FDU 1039—Permit to Move Animals or Property into or from Infected Premises

pubd gaz 25 January 2002 p 248

Form FDU 1040—Licence to Enter or Leave a Restricted Area

pubd gaz 25 January 2002 p 248

Form FDU 1041—Licence to Move Animals or Property into, within or from a Restricted Area

pubd gaz 25 January 2002 p 248

Form FDU 1042—Authority to Enter or Leave a Restricted Area other than at an Appointed Entry or Exit Place

pubd gaz 25 January 2002 p 248

Form FDU 1043—Authority to Move Animals or Property onto or from a Restricted Area other than at an Appointed Entry or Exit Place

pubd gaz 25 January 2002 p 248

Form FDU 1044—Order to Cleanse and/or Disinfect

pubd gaz 25 January 2002 p 248

Form FDU 1045—Order Appointing Place or Places of Entry or Exit Control Area

pubd gaz 25 January 2002 p 248

Form FDU 1046—Order to Destroy by Minister

pubd gaz 25 January 2002 p 248

Form FDU 1047—Order to Destroy by Inspector

pubd gaz 25 January 2002 p 248

Form FDU 1048—Order of an Inspector

pubd gaz 25 January 2002 p 248

Form FDU 1049—Certificate of Death

pubd gaz 25 January 2002 p 248

Form FDU 1050—Application for Compensation

pubd gaz 25 January 2002 p 248

Form FDU 1051—Certificate of Valuation

pubd gaz 25 January 2002 p 248

Form FDU 1052—Notice to Claimant

pubd gaz 25 January 2002 p 248

Form FDU 1054—Certificate of Authority

pubd gaz 25 January 2002 p 248

Form FDU 1055—Application to Ground Warrant to Enter

pubd gaz 25 January 2002 p 248

Form FDU 1056—Warrant to Enter

pubd gaz 25 January 2002 p 248