



New South Wales

Exotic Diseases of Animals Regulation 2008

under the

Exotic Diseases of Animals Act 1991

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

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

The object of this Regulation is to remake, with minor changes, the provisions of the *Exotic Diseases of Animals Regulation 2003* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the purposes for which a person must be acting in order to have the benefit of an authority from the Chief Veterinary Officer to possess an exotic disease agent,
- (b) the particulars that must be specified in a claim for compensation under section 61 of the *Exotic Diseases of Animals Act 1991* (**the Act**) and the method of lodgement of such claims,
- (c) the persons to whom the Minister may delegate the Minister's powers under the Act,
- (d) savings and formal matters.

This Regulation is made under the *Exotic Diseases of Animals Act 1991*, including sections 9 (2), 61, 67 and 78 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*—namely, matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Exotic Diseases of Animals Regulation 2008

under the

Exotic Diseases of Animals Act 1991

1 Name of Regulation

This Regulation is the *Exotic Diseases of Animals Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

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 This Regulation replaces the *Exotic Diseases of Animals Regulation 2003* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

- (1) In this Regulation:
the Act means the *Exotic Diseases of Animals Act 1991*.
- (2) Notes in this Regulation do not form part of this Regulation.

4 Possession of exotic disease agent

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

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

5 Claims for compensation

- (1) For the purposes of section 61 (a) of the Act, a claim for compensation must contain (but need not be limited to) the particulars specified in Schedule 1.
- (2) The claim must be signed by the following people:
 - (a) the person making the claim,

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- (b) an adult witness to the signature of the person making the claim,
 - (c) the inspector approved by the Chief Veterinary Officer to agree with the owner on the market value of the animal or property or the person jointly nominated by the Minister and the owner to determine the market value of the animal or property.
- (3) For the purposes of section 61 (b) of the Act, the manner of making the claim is by causing it to be delivered to an office of the Department of Primary Industries.

6 Delegation

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

- (a) Executive Director, Fisheries, Compliance and Regional Relations,
- (b) Director, Animal and Plant Biosecurity,
- (c) Director, Emergencies, Weeds and Pest Animals,
- (d) Director, Compliance Operations, Agriculture and Fisheries,
- (e) Deputy Director-General, Agriculture, Biosecurity and Mine Safety,
- (f) Director, Extensive Industries Development,
- (g) Director, Intensive Industries Development and Primex,
- (h) Director, Wild Harvest Fisheries,
- (i) Director, Fisheries Conservation and Aquaculture,
- (j) Director, Compliance Standards and RLPB Alliance.

7 Saving

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

Schedule 1 Claims for compensation

(Clause 5 (1))

Date of claim

Details of ownership

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

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

Details of animals in respect of which the claim is made

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

Details of property in respect of which the claim is made

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

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

Value of animals or property

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

Details of inspector who certified the death of an animal

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

Details of valuation

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

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Schedule 1 Claims for compensation

Declaration by each owner

Declaration by each owner:

- (a) that the particulars and descriptions in the claim are correct, and
- (b) that the value is correct (*if the value was reached by agreement with the owner*)

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

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

BY AUTHORITY
