



New South Wales

Exotic Diseases of Animals Amendment Regulation 2008

under the

Animal Diseases (Emergency Outbreaks) Act 1991

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Animal Diseases (Emergency Outbreaks) Act 1991*.

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

Explanatory note

The objects of this Regulation are as follows:

- (a) to change the name of the *Exotic Diseases of Animals Regulation 2008* to the *Animal Diseases (Emergency Outbreaks) Regulation 2008* and to replace the terms “exotic disease” and “exotic disease agent” with the terms “emergency animal disease” and “animal disease agent”, respectively, as a consequence of recent amendments to the *Animal Diseases (Emergency Outbreaks) Act 1991 (the Act)*,
- (b) to prescribe certain offences under the Act as penalty notice offences and to prescribe the penalties payable for those offences when dealt with by way of penalty notice,
- (c) to prescribe inspectors, who are authorised in writing by the Chief Veterinary Officer, as authorised officers who may issue penalty notices,
- (d) to modify the particulars that must be included in a claim for compensation made under section 61 of the Act by an owner of an animal that has died or been destroyed,
- (e) to amend the titles of certain positions within the Department of Primary Industries to whom the functions of the Minister under the Act may be delegated.

This Regulation is made under the *Animal Diseases (Emergency Outbreaks) Act 1991*, including sections 61, 67, 71A and 78 (the general regulation-making power).

2008 No 381

Clause 1 Exotic Diseases of Animals Amendment Regulation 2008

Exotic Diseases of Animals Amendment Regulation 2008

under the

Animal Diseases (Emergency Outbreaks) Act 1991

1 Name of Regulation

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

2 Commencement

This Regulation commences on 1 September 2008.

3 Amendment of Exotic Diseases of Animals Regulation 2008

The *Exotic Diseases of Animals Regulation 2008* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 1 Name of Regulation

Omit “*Exotic Diseases of Animals Regulation 2008*”.

Insert instead “*Animal Diseases (Emergency Outbreaks) Regulation 2008*”.

[2] Clause 3 Definition

Omit the definition of *the Act* in clause 3 (1). Insert instead:

the Act means the *Animal Diseases (Emergency Outbreaks) Act 1991*.

[3] Clause 4 Possession of animal disease agent

Omit “exotic disease agent”. Insert instead “animal disease agent”.

[4] Clause 6 Delegation

Omit clause 6 (f) and (g). Insert instead:

(f) Director, Extensive Industries Development and Education,

(g) Director, Intensive Industries Development,

[5] Clause 6A

Insert after clause 6:

6A Penalty notices

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

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Schedule 1 Amendments

[6] Schedule 1 Claims for compensation

Omit “exotic disease” wherever occurring in the matter relating to “**Details of animals in respect of which the claim is made**”.

Insert instead “emergency animal disease”.

[7] Schedule 1

Omit the matter relating to “**Details of inspector who certified the death of an animal**”.

Insert instead:

Details of certification of the death of the animal

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

[8] Schedule 2

Insert after Schedule 1:

Schedule 2 Penalty notice offences

(Clause 6A)

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

Column 1	Column 2
Provision of the Act	Penalty
Section 38A (4)	\$1,100
Section 40	\$1,100
Section 46 (4)	\$1,100
Section 69 (3)	\$220
