

Animal Diseases and Animal Pests (Emergency Outbreaks) Regulation 2012

[2012-449]



New South Wales

Status Information

Currency of version

Repealed version for 4 July 2014 to 30 June 2017 (accessed 18 July 2024 at 2:25)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

This Regulation was impliedly repealed by repeal of the *Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991* by Sch 6 to the *Biosecurity Act 2015 No 24* with effect from 1.7.2017.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.

File last modified 1 July 2017

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Animal Diseases and Animal Pests (Emergency Outbreaks) Regulation 2012



New South Wales

1 Name of Regulation

This Regulation is the *Animal Diseases and Animal Pests (Emergency Outbreaks) Regulation 2012*.

2 Commencement

This Regulation commences on 10 September 2012 and is required to be published on the NSW legislation website.

3 Definition

(1) In this Regulation:

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

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

4 Possession of animal disease agent

A person who has the authority of the Chief Veterinary Officer to be in possession of an animal disease agent is exempt from section 9 of the Act if 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 a written authority from the Chief Veterinary Officer.

5 Possession of emergency animal pests

A person who has the authority of the Secretary to be in possession of an emergency animal pest is exempt from section 27B of the Act if the person has possession of the pest

for the purpose of undertaking or assisting in:

- (a) veterinary, medical or scientific research, or
- (b) activities of a kind specified in a written authority from the Secretary.

6 Claims for compensation

- (1) For the purposes of section 61 (a) of the Act, a claim for compensation must contain (but need not be limited to) the particulars specified in Schedule 1.
- (2) The claim must be signed by the following people:
 - (a) the person making the claim,
 - (b) an adult witness to the signature of the person making the claim,
 - (c) the inspector approved by the Chief Veterinary Officer to agree with the owner on the market value of the animal or property or the person jointly nominated by the Minister and the owner to determine the market value of the animal or property.
- (3) For the purposes of section 61 (b) of the Act, the manner of making the claim is by causing it to be delivered to an office of the Department.

7 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.

8 Repeal and saving

- (1) The *Animal Diseases (Emergency Outbreaks) Regulation 2008* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Animal Diseases (Emergency Outbreaks) Regulation 2008*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Claims for compensation

(Clause 6 (1))

Date of claim

Details of ownership

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

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

Details of animals in respect of which the claim is made

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

Details of property in respect of which the claim is made

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

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 certification of the death of the animal

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

Details of valuation

- (a) Name of the inspector with whom the owner agreed, under section 59 (1) of the Act, on the value

of the animal or property, or

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

Declaration by each owner

Declaration by each owner:

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

(b) that the value is correct (*if the value was reached by agreement with the owner*)

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

(a) Name, residential and postal address of the person making the claim

(b) Description of the claimant's interest in the claim and how that interest was obtained

(c) Declaration by the claimant:

(i) that the claimant has the authority of each owner to make the claim, and

(ii) that all the particulars and descriptions in the claim are correct

Schedule 2 Penalty notice offences

(Clause 7)

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 27B (1)	\$1,100
Section 27D (1)	\$1,100
Section 27G (1)	\$1,100
Section 27J (5)	\$1,100
Section 27L (2)	\$1,100
Section 27M (5)	\$220

Section 270	\$220
Section 31	\$1,100
Section 38	\$1,100
Section 38A (4)	\$1,100
Section 40	\$1,100
Section 46 (4)	\$1,100
Section 69 (3)	\$220