

Animal Diseases (Import Restriction) Declaration 2016

Disallowable instrument DI2016–313

made under the

Animal Diseases Act 2005, s 15 (Import restrictions)

EXPLANATORY STATEMENT

Section 15 (1) of the *Animal Diseases Act 2005* (the *Act*) authorises the Minister to declare an area outside the ACT to be subject to an import restriction if the Minister has reasonable grounds for believing that an animal in the area is infected with an exotic disease and the declaration is necessary to prevent the spread of the disease.

This instrument declares the area within a 10km radius of the mouth of the Logan River, south of Brisbane, to be an import restriction area in response to an outbreak of whitespot disease in 4 prawn farms operating on the banks of the river.

White spot disease is a highly contagious disease of prawns. The disease causes high rates of prawn mortality in affected stock. Whitespot disease is a declared exotic disease in the ACT under the *Animal Diseases (Exotic Diseases) Declaration 2011 (No 1)*.

The declaration follows the Queensland Government placing a movement control order on uncooked crustaceans from the Logan and Albert Rivers, and the New South Wales Government prohibiting the import from the Logan River of prawns or fittings used in connection with prawns.

Section 15 (3) of the Act prescribes the contents of an import restriction declaration, including that it states—

- (a) the animals to which the declaration applies;
- (b) the disease in relation to which the declaration is made;
- (c) the area to which the declaration applies;
- (d) the restrictions on importing into the ACT an animal, animal product or other thing that has, at any time during a stated period, been in the area;
- (e) the restrictions on sale in the ACT of an animal, animal product or thing that has, at any time during a stated period, been in the area; and
- (f) if the declaration is to have effect for a limited period—the period.

Applying section 15 (3) of the Act, the declaration provides that—

- (a) it applies to penaeid prawns, defined as crustaceans of the family Penaeidae;

- (b) it applies to whitespot disease;
- (c) it applies to the area within a 10km radius of the mouth of the Logan River in Queensland;
- (d) restrictions are placed on importing into the ACT—
 - (i) penaeid prawns from the import restriction area; and
 - (ii) equipment that has been in contact with prawns—
from the import restriction area;
- (e) restrictions are placed on the sale in the ACT of penaeid prawns sourced from the import restriction area; and
- (f) the declaration is only to have effect in relation to prawns or prawn equipment that have been in the import restriction area since 1 November 2016. The declaration expires on 1 June 2017.

The prawn import and sales restrictions do not apply to prawns from the import restriction area that have been processed for human consumption as cooked prawns, are securely packaged and are transported directly to a point of sale for human consumption.

The equipment import restriction does not apply to equipment that has been cleaned and disinfected to remove all traces of prawn or prawn products.

Although the declaration applies to prawns and prawn equipment that have been present in the import restriction area since 1 November 2016, the declaration does not have retrospective effect. That is, the declaration does not apply to any prawns or prawn equipment that were imported into the ACT before the commencement of the instrument. Prawns that have been imported into the ACT from the import restriction area before the commencement of the declaration may be sold if they are cooked first.

Pursuant to section 15 (5) of the Act, a person commits an offence if the person contravenes a restriction in an import restriction declaration. The maximum penalty on conviction of this offence is 50 penalty units, imprisonment for 6 months or both.

A declaration of import restriction is a disallowable instrument, for which the Minister must give additional public notice, such as notice on an ACT government website or in a daily newspaper circulating in the ACT.