

Animal Diseases (Exotic Diseases) Declaration 2018

Disallowable instrument DI2018–33

made under the

Animal Diseases Act 2005, section 12 (Declaration of exotic disease)

EXPLANATORY STATEMENT

Background

Section 12 (1) of the *Animal Diseases Act 2005* (the **Act**) authorises the Minister to declare a list of exotic animal diseases.

This list facilitates the monitoring, control and reporting, both nationally and internationally, of diseases that are of public health concern and/ or have a significant economic impact. The list needs to be updated at periodic intervals to reflect the changing status of known diseases and to incorporate new and emerging diseases.

Pursuant to section 13 (1) of the Act, a person commits an offence if the person has reasonable grounds for believing that an animal is infected with an exotic disease and does not immediately tell the chief veterinary officer in writing. The maximum penalty on conviction of this offence is 50 penalty units, imprisonment for 6 months or both.

Overview

The previous list in DI2011-296 has been repealed as a number of updates were required. The list of exotic diseases has been updated to:

1. Ensure consistency with the National Lists of Notifiable Diseases for terrestrial animals, bees and aquatic animals; and
2. Ensure consistency with the definition of an “endemic disease” under ACT legislation; and
3. Consider the Memorandum of Understanding (Collaborative cooperation on cross border Biosecurity management between ACT and NSW.

This instrument has been updated to reflect diseases exotic to the ACT. The changes to the instrument are detailed below.

The following diseases have been added to the declaration to ensure consistency with the National Lists of Notifiable Diseases.

Terrestrial Animals

Porcine epidemic diarrhoea virus

Aquatic Animals

Acute hepatopancreatic necrosis disease (AHPND)

Candidatus (*Hepatobacter penaei*)

Enterocytozoon hepatopenaei

White tail disease of crustaceans

Infection with Ostrid herpesvirus-1 microvariant

The following diseases have been deleted from the declaration to ensure consistency with the National Lists of Notifiable Diseases:

Aquatic Animals

Akoya oyster disease

Milky haemolymph disease of spiny lobster (*Panulirus* spp.)

The following diseases have been relocated from the endemic diseases declaration made under s 16 of the Act to this declaration of exotic diseases to ensure consistency with the definition of endemic disease under ACT legislation:

Terrestrial animals

Anaplasmosis in tick free areas

Anthrax

Babesiosis in tick free areas

Cattle tick (*Boophilus microplus*)

Enzootic bovine leucosis

Equine infectious anemia

Equine viral arteritis

Porcine Myocarditis (Bungowannah virus infection)

Pullorum disease (*Salmonella pullorum*)

Salmonella enteritidis infection in poultry

Aquatic Animals

Enteric septicaemia of catfish (*Edwardsiella ictaluri*)

Infectious hypodermal and haematopoietic necrosis

Gill-associated virus

White tail disease

Abalone viral ganglioneuritis

Infection with *Bonamia* species

Infection with *Marteilia sydneyi*

Infection with *Perkinsus olseni/atlanticus*

In consideration of the Memorandum of Understanding between the ACT and NSW, the following diseases have been added to the declaration:

Aquatic animals

Winter mortality (of Sydney Rock Oysters)

The declaration does not provide an expiry date. It is intended to review the declared lists of diseases periodically and update them as and if the need arises in line with national and jurisdictional requirements.

The declaration 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.

A regulatory impact statement is not required as this instrument does not impose appreciable costs on the community or a part of the community (see s 34(1) of the *Legislation Act 2001*). Further, the declaration of endemic diseases does not operate to the disadvantage of anyone by adversely affecting their rights or imposing liabilities on the person (see s 36(1) *Legislation Act*).

Outline of Provisions

Section 1 – Name of instrument

This section names the instrument as the *Animal Diseases (Exotic Diseases) Declaration 2018*.

Section 2 – Commencement

This section states that the instrument commences on the day after it is notified.

Section 3 – Declaration

Under this section, the Minister declares the diseases listed in schedule 1 as exotic diseases under the Act.

Section 4 – Revocation

This section provides that the previous instrument, the *Animal Diseases (Endemic Diseases) Declaration 2011 (No 1)* (DI2011—296), is revoked.

Schedule 1

Schedule 1 to the instrument contains a list of diseases that are declared to be exotic diseases. The listed diseases are categorised to assist the reader.