

Animal Diseases (Endemic Diseases) Declaration 2018

Disallowable instrument DI2018–34

made under the

Animal Diseases Act 2005, section 16 (Declaration of endemic disease)

EXPLANATORY STATEMENT

Background

Section 16 (1) of the *Animal Diseases Act 2005* (the **Act**) authorises the Minister to declare a list of endemic animal diseases.

This list facilitates the monitoring, control and reporting, both nationally and internationally, of animal diseases that are of public health concern and/ or have a significant economic impact. This 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 17 (1) of the Act, a person commits an offence if the person has reasonable grounds for believing that an animal is infected with an endemic 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The previous list in DI2014-289 has been repealed as a number of updates were required. The list of endemic diseases has been updated to:

1. Ensure consistency with the definition of an endemic disease under ACT legislation; and
2. Consider the Memorandum of Understanding (Collaborative cooperation on cross border Biosecurity management) between ACT and NSW.

This instrument has been updated to reflect diseases endemic to the ACT. Diseases not found in the ACT have been removed and are now listed under the exotic diseases declaration made under section 12 of the Act. These diseases are listed below:

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*

The ACT has entered into a Memorandum of Understanding (Collaborative cooperation on cross border biosecurity management) (MOU) with NSW. This MOU recognises the need:

1. for each agency to assist with ongoing development of contemporary policy that will best facilitate market access and trade for primary producers in each state and territory; and
2. to consider management of significant biosecurity threats, risks or incursions to mitigate the impact of such events on the economy, environment and community.

The following diseases have been added to the endemic diseases declaration to respond to the requirements of the MOU:

Terrestrial animals

Nosemosis (*Nosema apis* and *Nosema ceranae*)
Avian Influenza (low pathogenicity)

Aquatic animals

Thelohaniosis of crustaceans

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 (Endemic 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 endemic diseases under the Act.

Section 4 – Revocation

This section provides that the previous instrument, the *Animal Diseases (Endemic Diseases) Declaration 2014 (No 1)* (DI2014—289), is revoked.

Schedule 1

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