

Animal Diseases (Import Restriction) Declaration 2017

Disallowable instrument DI2017–188

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 in Queensland defined below and outlined in red in the map at Schedule 1 to be subject to an import restriction. The import restriction area represented in the map is:

- (1) the local government areas of Redland City Council, Moreton Bay Regional Council, Logan City Council, Brisbane City Council, Ipswich City Council, Gold Coast City Council and the following localities from Sunshine Coast Regional Council: Bells Creek, Beerburrum, Beerwah, Boorobin, Bribie Island North, Caloundra, Caloundra West, Coochin Creek, Crohamhurst, Kings Beach, Glass House Mountains, Golden Beach, Mount Mellum, Moffat Beach, Landsborough, Peachester, Pelican Waters and Shelly Beach, and
- (2) the waters of Moreton Bay Marine Park bounded by Redland City Council, Brisbane City Council, Moreton Bay Regional Council and a line running generally north westerly from Amity on North Stradbroke Island to the southern most point of Moreton Island and a line running generally westerly from Comboyuro Point Moreton Island to Skirmish Point on Bribie Island.

White spot disease (WSD) is a highly contagious viral disease of farmed penaid prawns, including tiger, kuruma, banana and school prawns. It is associated with high mortalities, sometimes approaching 100%. All decapod crustaceans from marine, brackish or freshwater environments are considered susceptible to WSD and polychaete worms have been implicated in its spread. White spot 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 high risk species, including marine worms, over an area extending from Caloundra to the NSW border, and the New South Wales Government prohibiting the import of decapod crustaceans, polychaete worms or equipment used in connections with these, from a defined area associated with the outbreak outlined in Schedule 1.

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 decapod crustaceans and polychaete worms (the Declared Animals);
- (b) it applies to white spot disease;
- (c) it applies to the area defined by the Map at Schedule 1;
- (d) restrictions are placed on importing into the ACT—
 - (i) live or dead decapod crustaceans and polychaete worms from the import restriction area; and
 - (ii) equipment that has been in contact with these animals, or with water in which these animals were kept or were wild—
from the import restriction area;
- (e) restrictions are placed on the sale in the ACT of decapod crustaceans and polychaete worms sourced from the import restriction area; and
- (f) the declaration is only to have effect in relation to the animals and the equipment used in the connection with these animals that have been in the import restriction area since 1 November 2016.

The import and sales restrictions do not apply to

- a. cooked decapod crustaceans from the import restriction area that have been processed for human consumption, are securely packaged and are transported directly to a point of sale for human consumption.
- b. uncooked decapods crustaceans moved through the declared area if they originated from outside of the declared area and comply with stipulated safeguards.

- c. Gamma irradiation treated product that is treated in the Import Restriction Area and moved directly to the ACT provided that it is packaged and labelled correctly and meets other conditions relating to transport of the product and notifying ACT authorities of its intended arrival.

The equipment import restriction does not apply to equipment that has been cleaned and disinfected to remove all traces of prawn or prawn products in accordance with a protocol approved by the ACT Chief Veterinary Officer.

Although the declaration applies to decapod crustaceans, polychaete worms and equipment associated with these species 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 decapod crustaceans, polychaete worms or equipment associated with these species that were imported into the ACT before the commencement of the instrument. Decapod crustaceans 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.

The declaration does not provide an expiry date for the import restrictions. It is intended to review the necessity of the restrictions into the future and revoke the declaration at the appropriate time.

Pursuant to section 15 (5) of the Act, a person commits an offence in 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.

Outline of Provisions

Section 1 – Name of Instrument

This section names the instrument.

Section 2 – Commencement

This section states that the instrument commences on the day after its notification day.

Section 3 – Declaration

This section declares the area outlined in the map in schedule 1 to be subject to an import restriction (the Import Restriction Area).

Section 4 – Declared animals to which declaration applies

This section declares decapod crustaceans and polychaete worms to be subject to the import restriction. This applies to the Declared Animals whether dead or alive.

Section 5 – Disease to which the declaration applies

This section states that the declaration applies to white spot disease. White spot disease is defined in s 10 of the instrument as meaning the disease that is caused by the virus *Whispovirus* (Family *Nimaviridae*) (also known as infection with white spot syndrome virus).

Section 6 – Restrictions on importing declared animals

This section declares restrictions on importing Declared Animals. Specifically, the instrument declared the import into the ACT of Declared Animals as prohibited if the animals have been in the Import Restriction Area at any time since 1 November 2016, or, if the animals have been in contact with water that has held the animals or equipment previously used in connection with the animals unless that equipment has been cleaned and disinfected.

The cleaning and disinfecting of equipment must remove all traces of the Declared Animals and be in accordance with a protocol approved by the ACT Chief Veterinary Officer.

In section 6(2) the instrument further provides that the prohibition on importing Declared Animals under s 6(1) does not apply to decapod crustaceans that have been processed for human consumption as a cooked product, and are securely packaged, and are transported directly to a point of sale in the ACT for human consumption.

Further, the prohibition in s 6(1) does not apply to uncooked decapod crustaceans that have been moved through the Import Restriction Area if they originated from outside the area and meet other packaging and labelling requirements specified in s 6(3).

The prohibition in s 6(1) also does not apply to gamma irradiation treated product that is treated within the Import Restriction Area and meets the stated conditions for packaging, labelling, transport and notifying relevant authorities.

The instrument provides an example to assist the reader.

Section 7 – Restrictions on importing equipment or other things

This section declares that the importation of equipment or other things used in connection with the Declared Animals in s 6(1)(a) is also prohibited. This includes equipment or other things used to cultivate or catch the Declared Animals in s 7(1) and also equipment or other things that may have been used in water where Declared Animals were kept or were wild.

This provision intends to extend the import restrictions to any equipment that may have come into contact with the white spot disease.

As above in s 6, the prohibition does not apply where the equipment has been cleaned and disinfected to remove all traces of the Declared Animals in accordance with a protocol approved by the ACT Chief Veterinary Officer.

Section 8 – Restrictions on sale of declared animals, equipment or other things

This section declares the sale of those things prohibited under sections 6 and 7 to be prohibited in the ACT.

Section 9 – Authorised person

This section provides that sections 6(1) and 7(1) do not apply to an authorised person acting in the ordinary course of his or her duties under the Act.

Section 10 – Definitions

This section provides definitions for key terms used in the instrument.

New definitions have been added to the instrument to support the inclusion of an exception to the import restriction for gamma irradiation treated product.