

Animal Diseases (Endemic Diseases) Declaration 2021

Disallowable instrument DI2021–198

made under the

Animal Diseases Act 2005, s 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 environmental or 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 notify 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The *Animal Diseases (Endemic Diseases) Declaration 2018* [DI2018-34] has been repealed as a number of updates were required. The list of endemic diseases has been updated to consider the Memorandum of Understanding (Collaborative cooperation on cross-border biosecurity management) between ACT and NSW.

This Memorandum of Understanding 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:

Avian Diseases

Chlamydiosis in poultry and other birds
Infectious laryngotracheitis.

The declaration does not provide an expiry date. It is intended to review the declared lists of diseases periodically and to 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*).

There are no human rights implications arising from the declaration of endemic diseases. The instrument does not engage any rights under the *Human Rights Act 2004*.

Outline of Provisions

Section 1 – Name of instrument

This section names the instrument as the *Animal Diseases (Endemic Diseases) Declaration 2021*.

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 2018* [DI2018-34] 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.