

Western Australia

Exotic Diseases of Animals Act 1993

**Exotic Diseases (Emergency Powers)
Regulations**

As at 07 Feb 2003

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Western Australia

Exotic Diseases (Emergency Powers) Regulations

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7 February 2003

Western Australia

Exotic Diseases of Animals Act 1993 ²

Exotic Diseases (Emergency Powers) Regulations

1. Citation

These regulations may be cited as the *Exotic Diseases (Emergency Powers) Regulations* ¹.

2. Interpretation

In these regulations unless the contrary intention appears —

Dangerous Contact Premises means any premises that are for the time being so declared under regulation 11 of the *Exotic Diseases (General) Regulations 1970* ³ in force under the Act;

Infected Area means any area so declared under regulation 4;

Infected Place means any premises that are for the time being an Infected Place under regulation 8 of the *Exotic Diseases (General) Regulations 1970* ³ in force under the Act;

the Act means the *Stock Diseases (Regulations) Act 1968* ⁴.

3. State of emergency (section 12)

- (1) Where a state of emergency has been declared to exist pursuant to section 12 of the Act, no cloven footed animals, horses, poultry, eggs, meat, edible offal, animal casings, stomach

extracts, dried blood or blood albumen, bones, wool, fertilizer and stock feeds of animal origin, semen, milk, butter, cheese, diagnostic specimens, second hand saddlery, second hand bags, livestock vehicles, canned meats, pasteurized milk or milk products and vehicles used to convey milk products, shall be brought or sent from one place in the State to another place in the State, except in accordance with the terms and conditions of a permit in writing granted for the purpose by the Chief Inspector of Stock.

- (2) Where a state of emergency has been declared to exist pursuant to section 12 of the Act in respect of any of the following diseases, namely, Foot-and-Mouth disease, Vesicular Stomatitis, Vesicular Exanthema, Swine Fever, Swine Vesicular Disease, African swine fever, Rinderpest, Aujeszky's disease or Trichinosis, a person shall not cause or permit the swill feeding of pigs or whey feeding of calves anywhere in the State except in accordance with, and in the manner specified in, a direction given for the purpose by the Chief Inspector.

[Regulation 3 amended in Gazette 14 Jun 1974 p. 1937.]

4. Chief Inspector of Stock

The Chief Inspector of Stock may —

- (a) define an area around premises that have been declared to be an Infected Place under the *Exotic Diseases (General) Regulations 1970*³, and the area so defined shall be known as an Infected Area;
- (b) define an area around the Infected Area to be known as a Control Area;
- (c) arrange for the publication, in a newspaper circulating in the district, of a notice setting out any Infected Area and Control Area so established and the restrictions on movement therein;
- (d) arrange for a supply of small scale maps marked with the Infected Areas and Control Areas defined in accordance with paragraphs (a) and (b); and

- (e) order the setting up of an Emergency Centre and appoint thereto a Senior Veterinary Officer in charge of eradication procedures and a Senior Officer in Charge of the administration of the Emergency Centre.

5. Establishing an Emergency Centre

- (1) The Senior Veterinary Officer in charge of eradication procedures appointed by the Chief Inspector of Stock in accordance with regulation 4(e) shall arrange for the establishment of the Emergency Centre at the nearest suitable town and may, by notice in writing to the owner or occupier, requisition any building or facility for use during the emergency.
- (2) The Senior Officer in Charge of the administration of the Emergency Centre shall, as directed by the Chief Inspector of Stock, carry out the following functions —
 - (a) establish and maintain a supply plan, and procure and despatch all items requested by the Chief Inspector of Stock or the Senior Veterinary Officer appointed at the Emergency Centre;
 - (b) maintain a list of valuers approved by the Minister whose services are available;
 - (c) be responsible for the employment of slaughtermen, contractors, disinfection teams, and any other labour required at the Infected Place or at the Dangerous Contact Premises;
 - (d) maintain labour time sheets;
 - (e) maintain an accounting system in relation to all matters controlled by the Emergency Centre;
 - (f) make arrangements with Government Departments or private organisations for the use of heavy earth moving equipment which is considered to be necessary;

- (g) make arrangements for emergency billeting and messing for personnel connected with the eradication of the disease;
- (h) arrange with the Chief Vermin Control Officer to send Vermin Control Officers to the Infected Place or Dangerous Contact Premises to destroy vermin thereon.
- (i) set up and maintain a communications plan in liaison with the Commonwealth Postmaster-General's Department⁵ and the Civil Defence Authority;
- (j) post quarantine signs and warning notices at places considered necessary; and
- (k) arrange for the setting up of road-blocks or checkpoints at the periphery of Infected Areas and Control Areas to enforce the restrictions on movements of people, animals, poultry, animal and poultry carcasses and animal and poultry products out of and into those areas.

6. Restrictions relating to an Infected Area

- (1) A person shall not enter or leave an Infected Area unless he has been granted a permit for the purpose by the Senior Veterinary Officer and, upon the grant of a permit, in accordance with the restrictions placed on movement into and out of that area by these regulations.
- (2) A person shall not enter or leave an Infected Area other than by way of road-blocks or checkpoints set up for the Infected Area pursuant to regulation 5(2)(k) and a person leaving an Infected Area shall stop at the road-block or checkpoint for footwear disinfection and the inspection of any goods and things which he is taking with him.
- (3) Every road-block or checkpoint so set up shall have cleansing and disinfection facilities for vehicles and footwear.
- (4) Where goods or things are sealed in the manner approved by the Chief Inspector of Stock upon entry into an Infected Area for through transit, those goods or things may be exempt from

- disinfection upon being removed from the Infected Area if the seals are intact.
- (5) The Officer in Charge of a road-block or checkpoint may question any person leaving the Infected Area by means of any public or private transport as to his movements and activities while in the Infected Area, and any person so questioned shall not fail to answer to the best of his knowledge and belief any question so asked of him.
- (6) A person shall not within an Infected Area, load any goods or things for transportation beyond the Infected Area —
- (a) until he has obtained a written permit for the purpose from the Chief Inspector of Stock or the Senior Officer in Charge of the Emergency Centre; and
 - (b) except in accordance with any condition imposed on the granting of that permit.
- (7) A person shall not cause or permit —
- (a) any animal;
 - (b) any fodder;
 - (c) any thing contaminated by soil; or
 - (d) any animal product or manure,
- to leave or be removed from an Infected Area —
- (e) until he has obtained a written permit for that purpose from the Chief Inspector of Stock or the Senior Veterinary Officer in charge of eradication procedures; and
 - (f) except in accordance with any conditions imposed on the granting of that permit.
- (8) Without limiting the operation of any other provision of these regulations, the Chief Inspector of Stock may impose such further prohibitions, restrictions or limitations on the movement of persons, animals, goods and things, in or out of any Infected Area or Control Area, as he considers necessary in any

particular case and a person shall not fail to comply with any prohibition, restriction or limitation imposed on or in relation to him pursuant to this subregulation.

7. Inspection of livestock in Infected Area

The Chief Inspector of Stock or an officer acting on his behalf may inspect any livestock on premises within an Infected Area or Control Area, and the owner, occupier or other person in charge of those premises shall muster all livestock according to the directions of the Chief Inspector of Stock or that officer.

8. Chief Inspector of Stock may impose further restrictions, etc.

The Chief Inspector of Stock may, if he deems it necessary for preventing the spread of exotic disease —

- (a) place quarantine restrictions on milk factories;
- (b) prohibit in any district the holding of exhibitions of stock and the sale of stock in public markets and in private sale yards;
- (c) close any abattoirs;
- (d) order the complete cessation of all activity at any place where livestock, poultry or their products are assembled, sold, slaughtered, exhibited or used for public or private purposes;
- (e) require the cessation of artificial insemination;
- (f) order the vaccination of livestock or poultry in any part of the State, and the owner or person in charge of any place or thing affected by the exercise, by the Chief Inspector of Stock, of any power under this regulation shall carry out any order of the Chief Inspector of Stock.

9. Slaughter of exposed or affected animals

The Chief Inspector of Stock may, if he thinks fit, cause to be slaughtered —

- (a) any animal or poultry affected with exotic disease or suspected of being so affected;
- (b) any animal being or having been in the same field, shed, or other place or in the same herd or flock or otherwise in contact with animals affected with exotic disease, or being or having been in the opinion of the Chief Inspector of Stock in any way exposed to the infection of exotic disease.

10. Disposal of slaughtered stock

Animals which die, or are slaughtered, at an Infected Place or at Dangerous Contact Premises, shall be buried or incinerated and the site and manner of their disposal shall be those determined by the Chief Inspector of Stock.

11. Abattoirs

Where the Chief Inspector of Stock so directs, the person in control of any abattoir shall cause all offal at the abattoir to be digested, burnt or buried on the abattoir site.

12. Disinfecting Infected Areas

- (1) The owner, occupier or other person in charge of any or all premises in an Infected Area or Control Area shall disinfect, and treat with insecticides, those premises and such items therein as the Chief Inspector of Stock directs.
- (2) The methods of disinfection and treatment with insecticides and the disinfectants and insecticides used in accordance with subregulation (1) shall be those approved by the Chief Inspector of Stock.

13. Milk within Infected Areas

Milk shall not be collected within or from an Infected Area or Control Area unless the Chief Inspector of Stock issues a permit specifying —

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- (a) the type of vehicle to be used to transport the milk;
- (b) the route to be used by the vehicle transporting the milk;
- (c) the place to which the milk may be transported; and
- (d) the use to which the milk may be put and the treatments to which it must be subjected,

and the milk shall not be collected or transported except in accordance with the terms of the permit.

14. Meat within Infected Areas

No meat or meat products shall be moved within or removed from an Infected Area or Control Area except in accordance with the terms of a permit granted by the Chief Inspector of Stock.

14A. Restrictions if rabies is confirmed

Without limiting the operation of any other provision of these regulations, the Chief Inspector of Stock may, where the existence of rabies has been confirmed impose rules and restrictions on the movements of all animals within a proclaimed Infected Area as follows: —

- Rule 1. The provisions of regulation 6(7) shall not apply to an animal which is transported through an Infected Area travelling directly between 2 places outside an Infected Area provided the animal is not unloaded within the Infected Area from the vehicle or vessel which is carrying it or permitted to come into contact with any other animal within the Infected Area.
- Rule 2. Subject to rules 3 and 4, the owner or person in charge of a dog or cat or any other animal which in the opinion of the Chief Inspector of Stock is in danger of being infected with, or transmitting, rabies and the occupier of the premises at which such animal is normally kept, or at which it may be temporarily staying, shall ensure that that animal —

- (a) is at all times securely confined within the premises, and does not stray or escape therefrom;
- (b) does not come into contact with any other such animal, other than one with which it is normally in contact on the premises.

Rule 3. Notwithstanding the requirements of rule 2, a dog or cat may —

- (a) be exercised outside the premises within which it is confined, on condition that, throughout the period of exercise, it is —
 - (i) held securely on a leash by the person in charge of the dog or cat and in no circumstances permitted to run free; and
 - (ii) in the case of a dog, securely fitted with a muzzle;
- (b) be moved to other premises within the Infected Area, on condition that —
 - (i) whilst being so moved, it is either controlled in the manner specified in rule 3(a), or carried in a suitable container which does not permit it to come into contact with any other animal, other than one with which it is normally in contact at the premises at which it is confined; and
 - (ii) it does not (except under the authority of a permit granted by the Chief Inspector of Stock, or an officer acting on his behalf, and in accordance with the terms and conditions subject to which it was granted) come into contact with any other animal at any premises to which it may be moved.

- Rule 4. Notwithstanding the requirements of rule 2, an animal which in the opinion of the Chief Inspector of Stock is in danger of being infected with, or transmitting, rabies, and which is normally exercised outside the premises within which it is confined may be so exercised, on condition that, throughout the period of exercise —
- (i) it is closely controlled and properly restrained by the person in charge of the animal, and in no circumstances permitted to run free; and
 - (ii) it does not (except under the authority of a permit granted by the Chief Inspector of Stock, or an officer acting on his behalf and in accordance with the terms and conditions subject to which it was granted) come into contact with any other animal or constitutes a risk to persons.
- Rule 5. The Chief Inspector of Stock, or an officer acting on his behalf, may serve on the owner or other person in charge of a dog or cat or any other animal which in the opinion of the Chief Inspector of Stock is in danger of being infected with, or of transmitting rabies or on the occupier of the premises at which the animal is or should be confined, a notice in writing setting out such requirements and prescribing such conditions, with respect to the control and confinement of the animal as the Chief Inspector of Stock may consider appropriate and the person on whom the notice is served shall take all necessary steps to comply with the provisions thereof.
- Rule 6. Where the Chief Inspector of Stock is satisfied that having regard to the purpose for which a particular animal to which these rules apply is kept, any of the requirements of these rules would unduly restrict its use for that purpose, he may by permit exempt the owner or other person in charge of that animal from all or any of those requirements, subject to compliance by that person

with any such conditions as may be imposed in the permit.

[Regulation 14A inserted in Gazette 20 Feb 1976 p. 519-20.]

14B. Seizure of animals

- (1) Where an animal to which the rules set out in regulation 14A apply, is not confined or controlled as required by the rules or by a notice or permit thereunder, an inspector may seize and detain the animal.
- (2) An animal seized and detained by an inspector in accordance with subregulation (1) may be claimed by or on behalf of its owner within a period of 24 hours after it has been so seized and detained.
- (3) An animal seized in accordance with subregulation (1) and claimed within 24 hours of being so seized may be detained at the expense of the owner of the animal, at such place as the Chief Inspector of Stock directs and may also be further detained for such additional period as the Chief Inspector may direct.
- (4) Where —
 - (a) the owner of an animal which has been claimed within the period specified in subregulation (2) —
 - (i) fails to meet, within a period specified by the Chief Inspector of Stock, the reasonable expenses in seizing and detaining the animal; or
 - (ii) where required to leave the animal for an additional period, fails to enter into an arrangement satisfactory to the Chief Inspector of Stock for meeting the reasonable expenses incurred or to be incurred in connection with such additional period of detention, or fails to comply with the terms of such an arrangement;

or

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- (b) an animal seized in accordance with subregulation (1) is not claimed by or on behalf of its owner within the period specified in subregulation (2),

the Chief Inspector of Stock may cause the animal to be destroyed and may determine the manner or disposal of the carcase, or may otherwise dispose of the animal as he thinks fit.

- (5) The reasonable expenses incurred in seizing, detaining, destroying or disposing of an animal in accordance with the provisions of this regulation shall, without prejudice to any proceedings arising for an offence against the Act, be recoverable in any competent court from the owner of the animal by and in the name of the Chief Inspector of Stock or a person authorised on his behalf.
- (6) Where an animal which may be seized in accordance with subregulation (1) cannot after reasonable attempts by a Government Veterinary Officer or Stock Inspector be so seized, the animal may be destroyed.

[Regulation 14B inserted in Gazette 20 Feb 1976 p. 520-1.]

14C. No events to be organized if rabies confirmed

Where an outbreak of rabies has been confirmed, a person shall not cause or permit an event at which cats, dogs, or other animals at risk are gathered together to be organized or held within an Infected Area or Control Area until he has obtained a written permit for that purpose from the Chief Inspector of Stock and except in accordance with any conditions imposed on the granting of that permit, and where such a permit has not been obtained —

- (a) the occupier of any land on which such an event is held;
and
- (b) any person responsible for organizing or holding that event,

commits an offence.

[Regulation 14C inserted in Gazette 20 Feb 1976 p. 521.]

14D. Feral and native animals

- (1) Where the Chief Inspector of Stock considers it is expedient so to do, he may secure subject to the approval of the Minister the destruction in an Infected Area or in a Control Area, of feral and native animals (other than feral and native animals held in captivity) which, in his opinion may cause the spread of rabies.
- (2) A person shall not obstruct an inspector acting pursuant to subregulation (1), or interfere with the carcass of any animal so destroyed.

[Regulation 14D inserted in Gazette 20 Feb 1976 p. 521.]

14E. Carcasses to be reported

- (1) Any person in an Infected Area or Control Area who knows of the death of an animal, or who finds the carcass of an animal shall report the fact to the Chief Inspector of Stock or an officer acting on his behalf, unless he has reasonable grounds to believe that the animal did not die from rabies, or that the fact of its death had already been reported.
- (2) The Chief Inspector of Stock may cause to be seized the carcass of any animal reported pursuant to subregulation (1) and may determine the manner of disposal of the carcass.

[Regulation 14E inserted in Gazette 20 Feb 1976 p. 521.]

14F. Inspector may enter land

An inspector may enter any land for the purpose of seizing or destroying an animal or the carcass of an animal which is liable to be seized or destroyed under these regulations.

[Regulation 14F inserted in Gazette 20 Feb 1976 p. 521.]

15. Offence

Any person who contravenes or fails to comply with —

- (a) any provision of these regulations; or
- (b) any provision of a condition imposed by or under these regulations,

commits an offence.

Penalty: Not less than \$200 or more than \$2 000 or imprisonment for 12 months and, in addition, in the case of a continuing offence, to a further penalty of \$10 for every day that the offence continues after the offender is convicted.

Notes

- ¹ This reprint is a compilation as at 7 February 2003 of the *Exotic Diseases (Emergency Powers) Regulations* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Exotic Diseases (Emergency Powers) Regulations</i>	24 Jun 1970 p. 1820-3	24 Jun 1970
	14 Jun 1974 p. 1937	14 Jun 1974
	20 Feb 1976 p. 519-21	20 Feb 1976

- ² These regulations were originally made under the *Stock Diseases (Regulations) Act 1968*. By virtue of the *Exotic Diseases of Animals Act 1993* s. 59(2), these regulations continue as if they had been made under that Act.
- ³ Formerly referred to the *Exotic Diseases (General) Regulations*. The citation was changed to the *Exotic Diseases (General) Regulations 1970* by the *Exotic Diseases (General) Amendment Regulations 2000* r. 4. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).
- ⁴ Repealed by the *Exotic Diseases of Animals Act 1993*.
- ⁵ Department no longer exists. Its former functions are substantially performed by the Australian Postal Commission Service or the Australian Telecommunications Service.