

Second Reading

The Hon. HENRY TSANG (Parliamentary Secretary) [3.35 p.m.]: I move:

That this bill be now read a second time.

The Exotic Diseases of Animals Amendment Bill 2008 amends the Exotic Diseases of Animals Act 1991. The amendments will improve the operation of the Act and provide for a more streamlined response to the outbreak of emergency animal diseases in this State. The need for many of the amendments was identified during the outbreak of equine influenza in 2007, which has been successfully eradicated by the New South Wales Government. I remind the House that horse industries across the country ground to a halt when equine influenza was detected. It is only because of the hard work of those involved in the control and eradication of the disease that these industries are up and running again.

The success of the Government's containment and vaccination strategy is remarkable. It is due to the massive effort of the Department of Primary Industries, rural lands protection boards, the police, the State Emergency Service, the Rural Fire Service, New South Wales Health, and other members of the community. The horse industry, both recreational and professional, must also be thanked for their valuable contribution to the successful eradication of equine influenza. Without their commitment, assistance and professionalism the disease would not have been eradicated so quickly and efficiently.

Equine influenza had a devastating effect on industries associated with horses, not just in New South Wales but also across eastern Australia. The proposed amendments will enable faster and more effective responses to emergency disease outbreaks, such as equine influenza, foot and mouth disease, and avian influenza. This will minimise the impact on industry and the community of any future disease outbreaks. Further, nationally agreed policy changes to the management of emergency diseases have also resulted in the need to amend the Act.

The Exotic Diseases of Animals Act 1991 is the main instrument for dealing with exotic disease outbreaks in animals in New South Wales. It provides for the detection, containment and eradication of certain serious diseases affecting livestock and other animals. Currently, the Act imposes a duty on stock owners and veterinary practitioners to notify the New South Wales Department of Primary Industries if they suspect an animal is infected with an exotic disease. The Act also provides for actions to be taken to contain and eradicate such a disease. As well, it sets up a fund to provide compensation to owners of animals or equipment that need to be destroyed because of disease.

The Exotic Diseases of Animals Amendment Bill 2008 will improve the way emergency animal disease outbreaks are managed in New South Wales. One way in which it will do this is by aligning the Act more closely with the national "Government and Livestock Industry Cost Sharing Deed in Respect of Emergency Animal Disease Responses", or the Cost Sharing Deed. The Cost Sharing Deed is a national agreement entered into in 2002 by the Commonwealth, State and Territory governments and peak livestock industry bodies such as the Cattle Council of Australia Incorporated, Australian Pork Limited, the Sheep Meat Council of Australia Incorporated, and the Australian Chicken Meat Federation Incorporated.

The deed outlines how costs and responsibilities will be shared between Government and the livestock industry in the management of emergency animal disease outbreaks. The deed covers endemic and exotic animal diseases that are likely to have a significant effect on livestock and the community. In some cases, such diseases may also have an impact on human health and the environment. However, the New South Wales Act only applies to exotic diseases. This is because it reflects an earlier national agreement.

Exotic diseases are introduced or foreign diseases, such as foot and mouth disease, rabies and equine influenza. Exotic diseases can either be deliberately or accidentally introduced to an uninfected area. The current provisions of the Act cannot be used to manage major outbreaks of endemic diseases that might fall within the definition of "emergency animal diseases" under the national Cost Sharing Deed. To overcome this unintended limitation, two amendments are proposed.

The first is to extend the emergency powers under the Act to outbreaks of all emergency animal diseases. This will allow the Act to cover emergency endemic as well as exotic diseases. It will also ensure that the Act is consistent with the national Cost Sharing Deed. The second change, which reflects the expanded focus of the Act, is its title. It will now be known as the Animal Diseases (Emergency Outbreaks) Act 1991.

Identification of a disease is a critical step in ensuring a response can be launched as quickly as possible. The bill extends the reporting requirements for veterinary practitioners. Veterinary practitioners will have a duty to report diseases that they suspect are new or emerging diseases, are not endemic to New South Wales, or do not usually occur in the species of animal or animal product that the practitioner is examining. Veterinary practitioners will be required to report the findings to a stock inspector by the quickest means of communication

available.

About a decade ago, Hendra virus killed a trainer and a number of horses in Queensland. This disease was not endemic to New South Wales at the time. Under the new legislation veterinary practitioners would now have a duty to report such instances of unknown diseases. This change recognises that some of the key biosecurity threats to New South Wales are from new and emerging diseases that may not have been previously recorded.

The next significant proposed amendment will strengthen the provisions of the Act to control the spread of disease. The bill allows for the destruction of an animal in certain circumstances, even if the animal is not yet showing signs of the declared disease. Destruction of the animal is an option if it is at risk of contracting and spreading the disease so that an effective buffer can be established between an infected area and an area free of infection.

I stress to the House that this power will only be used as a last resort where other disease control mechanisms, such as vaccination, are not available or are not effective and moving the animal is not an option. The power would be invoked with the agreement of industry and other governments in accordance with the national Cost Sharing Deed. Compensation would be payable to owners whose animals are destroyed using this power. There are already similar powers in the New South Wales Stock Diseases Act 1923 and the Victorian Livestock Disease Control Act 1994.

The bill also includes an amendment to require persons to disinfect themselves when leaving any premises, place or vehicle. Currently the Act only provides for disinfection orders for persons entering premises. The bill also introduces controls and restrictions to prevent the movement of soil where a disease can be transmitted through the movement of soil. Taken together, these changes will provide the most effective means of controlling the spread of unwanted and potentially devastating diseases that damage our livestock industries.

I now turn to the payment of compensation under the Exotic Diseases of Animals Act. Currently, the eligibility criteria under the Act differ from the more limited criteria in the national Cost Sharing Deed. This means that not all compensation paid under the Act can be cost shared between the New South Wales Government and other governments and industry. Currently, the Act provides compensation to the owner of animals that have died of an exotic disease and to the owner of animals destroyed in order to control a disease. However, the Cost Sharing Deed only pays compensation for animals that have died of an emergency disease if the animal would have been destroyed had they not died. The bill establishes two eligibility categories for the payment of compensation. The first category retains the existing eligibility criteria under the Act. The second category is consistent with the eligibility criteria in the national Cost Sharing Deed.

The bill outlines a number of minor amendments to streamline processes during an outbreak of an emergency animal disease. For example, the Minister will now have the power to make control orders. Currently, the Minister must direct an inspector to make a control order. This process is cumbersome and time consuming. This amendment will remove unnecessary delays during an emergency response. The amendments proposed to the Act will improve this State's framework for controlling emergency disease outbreaks in animals. In addition, they will strengthen the enforcement powers under the Act. This will be done in several ways.

Firstly, on-the-spot fines, known as penalty notices, will be introduced for minor offences. Secondly, the bill extends the current six-month period to commence proceedings for an offence under the Act to two years. The six-month time frame has proved to be inadequate for investigating and commencing proceedings. Department of Primary Industries staff and resources are focused on disease management and eradication during a disease outbreak. This means that resources may not be immediately available to investigate alleged breaches of the Act. Thirdly, it is proposed to make similar amendments to other New South Wales biosecurity legislation to ensure consistency. The Acts that will be amended are: the Apiaries Act 1985; the Exhibited Animals Protection Act 1986; the Non-indigenous Animals Act 1987; the Noxious Weeds Act 1993; the Plant Diseases Act 1924; and the Stock Diseases Act 1923.

The next major proposal I now outline relates to cost recovery. Currently the Act does not provide for the collection of fees or charges to cover the costs of issuing permits to allow movement of stock and equipment and other Government activities. The bill introduces a regulation making power to impose fees and charges. This will enable the New South Wales Government to recover its costs, which will in turn lead to improvements in service delivery. To ensure consistency, similar amendments will be made to the biosecurity legislation I mentioned earlier. By moving to a cost recovery model, some additional minor costs may be imposed on industry. Overall, however, costs to industry will be reduced as a result of improving the effectiveness of responses to disease outbreaks.

The bill provides for orders to be published on the New South Wales Department of Primary Industries' website. This process is cost effective, immediate, and accessible to most. Along with the existing means of notification such as newspaper and radio, the website will help to ensure that everybody knows about the orders. The bill introduces the concept of a "general permit" which can be applied to classes of people or, if the case requires, all people in New South Wales. General permits will be notified on the department's website. General permits will allow, for example, the movement of specified items that are unlikely to spread the disease.

I am pleased to inform the House that the New South Wales Farmers Association, the New South Wales Apiarists Association, the Deer Industry Association, the Australian Veterinary Association and the New South Wales Veterinary Practitioners Board have been consulted on the proposals in this bill. These organisations support the amendments. Further consultation will be carried out with industry groups as to the setting of fees and charges. The bill will amend the Exotic Diseases of Animals Act 1991 to improve its operation and provide for a more streamlined response to emergency animal disease outbreaks in this State, thereby limiting the impact of animal diseases on the New South Wales agricultural industry. Farms may face greater restrictions on movement of stock and equipment during a disease response. However, this inconvenience is outweighed by the significant benefits to the industry of a quicker and more effective response during the early stages of disease outbreaks. I commend the bill to the House.