



# Victoria Government Gazette

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## Livestock Disease Control Act 1994

### ORDER DECLARING A CONTROL AREA FOR THE PREVENTION, CONTROL AND ERADICATION OF SPONGIFORM ENCEPHALOPATHIES IN RUMINANTS

I, Jaala Pulford, Minister for Agriculture and Minister responsible for the administration of the **Livestock Disease Control Act 1994** (the Act) make the following Order under section 29 of that Act.

#### 1 Objectives

The objectives of this Order are to –

- (a) declare the whole of Victoria to be a control area for the purpose of preventing, controlling or eradicating the exotic disease Spongiform Encephalopathies in ruminants; and
- (b) specify the prohibitions, restrictions and requirements which are to operate in the control area including requirements relating to specific ruminants: cattle, sheep and goats.

#### 2 Authorising provision

This Order is made under section 29 of the **Livestock Disease Control Act 1994**.

#### 3 Duration of Order

This Order comes into operation on, and has effect for 12 months from, the date of publication in the Government Gazette.

#### 4 Revocation

The Order declaring a control area for the purposes of ruminants that have consumed restricted animal material and for sheep and goat identification made by the Minister for Agriculture and Food Security on 24 June 2014 and published in the Government Gazette S210 on 27 June 2014, is revoked.

#### 5 Definitions

In this Order –

‘**abattoir operator**’ means a person licensed as the operator of an abattoir whether a domestic or export establishment;

‘**approved NLIS device**’ means an NLIS device approved by the Secretary under section 9A of the Act for the permanent identification of cattle or prescribed livestock;

‘**Chief Veterinary Officer**’ (**CVO**) means the Chief Veterinary Officer of the Department of Economic Development, Jobs, Transport and Resources, Victoria;

‘**domestic RAM**’ means RAM of Australian or New Zealand origin;

‘**domestic slaughter**’ means slaughter at an abattoir other than one registered for export by the Department of Agriculture (Commonwealth);

‘**export registered establishment**’ means an establishment registered for export by the Department of Agriculture (Commonwealth);

‘**Goats**’ means goats that are domesticated;

‘**mob-based movement information**’ means in the case of sheep and goats sold or passed in at public or private sale or auction, for each vendor consignment –

- (i) the date of sale;
- (ii) the total number of animals for each vendor consignment sold or passed in;

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- (iii) the PIC of the place of sale, auction or movement;
- (iv) the PIC of the property from which the consignment was dispatched;
- (v) the NVD serial number;
- (vi) the PIC of the destination property or abattoir;
- (vii) the PICs present on all tags attached by previous owners for all sheep or goats in the vendor consignment (in the case of non-vendor bred sheep or goats where pink post-breeder NLIS sheep tags have not been affixed by the vendor); and
- (viii) the PIC and serial number sequence of the tags applied (in the case of untagged sheep or goats that arrive at saleyards and are tagged with saleyard post-breeder NLIS sheep tags);

**‘National Vendor Declaration’ (NVD)** means a national vendor declaration for sheep and goats to which section 18A of the **Stock (Seller Liability and Declarations) Act 1993** applies;

**‘NLIS’** means National Livestock Identification System;

**‘NLIS (Sheep and Goats) approved Breeder tag’** means an ear tag on which is imprinted the NLIS logo (registered Trade Mark 781314) belonging to National Livestock Identification System Limited ACN 134 745 038 and which is accredited by NLIS Limited as a device suitable for the identification of sheep and goats that are still on their property of birth;

**‘NLIS (Sheep and Goats) approved Post-breeder tag’** means an ear tag on which is imprinted the NLIS logo (registered Trade Mark 781314) belonging to National Livestock Identification System Limited ACN 134 745 038 and which is designated by NLIS Limited as a device suitable for the identification of sheep and goats that have left their property of birth;

**‘NLIS (Sheep and Goats) approved electronic device’** means an ear tag or rumen bolus which is designated by National Livestock Identification System Limited ACN 134 745 038 as a device suitable for the electronic identification of sheep and goats;

**‘non-domestic RAM’** means RAM imported into Australia from a country other than New Zealand, or RAM of undetermined provenance;

**‘PIC’** means the Property Identification Code number allocated under section 9B of the Act, or where sheep or goats are consigned from a property outside of Victoria, the Property Identification Code number allocated under the relevant Act in the State or Territory in which the property of dispatch is located;

**‘post-sale summary’** means a printed summary of the mob-based movement information for each vendor consignment;

**‘PrimeSafe’** means PrimeSafe established under section 43 of the **Meat Industry Act 1993**;

**‘RAM’** means ‘restricted animal material’ as defined in the Agricultural and Veterinary Chemicals (Control of Use) (Ruminant Feed) Regulations 2005;

**‘RAM derived from ruminants’** means RAM known to include RAM from a ruminant animal, or which may include RAM from a ruminant animal;

**‘required manner’** means accessing the NLIS database system through the NLIS internet site [www.nlis.com.au](http://www.nlis.com.au) and sending the movement information in a form capable of being received and downloaded onto the NLIS database system;

**‘ruminant’** means any animal that chews its cud;

**‘saleyard operator’** means a person who operates a facility for the purposes of sale or auction, whether public or private, of sheep or goats, which includes any business which operates such a facility.

**6 Control area**

The whole of Victoria is declared to be a control area for Spongiform Encephalopathies (including Bovine Spongiform Encephalopathy and Scrapie) in ruminants.

**7 Prohibitions, restrictions and requirements relating to all ruminants**

- (1) The prohibitions, restrictions and requirements specified in sub-clause (2) relating to all ruminants are to operate in the control area.

***Inspection of livestock***

- (2) The owner of any ruminant that has or is suspected to have consumed RAM must submit the animal for inspection by an inspector of livestock in accordance with any directions that may be issued by the Chief Veterinary Officer.

**8 Prohibitions, restrictions and requirements relating to cattle**

- (1) The prohibitions, restrictions and requirements specified in this clause relating to cattle are to operate in the control area.

***Consumption or suspected consumption of domestic RAM by cattle***

- (2) The owner of any cattle that has or is suspected to have consumed domestic RAM must, prior to sale or movement of the cattle from the property on which consumption occurred or is suspected, and within any time period determined by the Chief Veterinary Officer –
- (i) ensure that each of such cattle are permanently identified with an approved NLIS device; and
  - (ii) provide to an inspector of livestock a list of the livestock identification numbers corresponding to each approved NLIS device so applied.
- (3) The owner of any cattle that has or is suspected to have consumed domestic RAM must, if selling the cattle, provide to the purchaser, prior to or at the time of sale, written advice that the cattle has or is suspected to have consumed domestic RAM.

***Consumption or suspected consumption of non-domestic RAM by cattle***

- (4) The owner of any cattle that has or is suspected to have consumed non-domestic RAM must, prior to sale or movement of the cattle from the property on which consumption occurred or is suspected, and within any time period determined by the Chief Veterinary Officer –
- (i) advise an inspector of livestock of the earliest date of known, possible or suspected consumption of non-domestic RAM; and
  - (ii) ensure that each of such cattle is permanently identified with an approved NLIS device; and
  - (iii) provide to an inspector of livestock a list of the livestock identification numbers corresponding to each approved NLIS device so applied.
- (5) The owner of any cattle that has or is suspected to have consumed non-domestic RAM must, if selling the cattle –
- (i) provide to the purchaser, prior to or at the time of sale, written advice that the cattle has or is suspected to have consumed non-domestic RAM; and
  - (ii) whether or not the non-domestic RAM contained RAM derived from a ruminant.
- (6) The owner of any cattle that has or is suspected to have consumed non-domestic RAM that consisted of or contained RAM derived from a ruminant, must ensure that the cattle is humanely destroyed and disposed of on the property or at a knackery or is slaughtered within 30 months of the earliest date of consumption, or possible or suspected consumption of the non-domestic RAM.

- (7) The owner of any cattle referred to in sub-clause (6) is not in breach of that clause if the cattle dies without human intervention prior to being humanely destroyed or slaughtered.

**9 Prohibitions, restrictions and requirements relating to ruminants, other than cattle**

- (1) The prohibitions, restrictions and requirements specified in this clause relating to ruminants, other than cattle, are to operate in the control area.

***Consumption or suspected consumption of domestic RAM by ruminants, other than cattle***

- (2) The owner of any ruminant, other than cattle, that has or is suspected to have consumed domestic RAM must, prior to sale or movement of the animal from the property on which consumption occurred or is suspected, and within any time period determined by the Chief Veterinary Officer –
- (i) ensure that each such animal is permanently identified in a manner approved by the Chief Veterinary Officer; and
  - (ii) provide to an inspector of livestock a list of the livestock identification numbers corresponding to each approved tag or device so applied.
- (3) The owner of any ruminant, other than cattle, that has or is suspected to have consumed domestic RAM must, if selling the animal –
- (i) provide to the purchaser, prior to or at the time of sale, written advice that the animal has or is suspected to have consumed domestic RAM and whether or not the domestic RAM contained RAM derived from a ruminant; and
  - (ii) provide to an inspector of livestock, within 7 days of sale, written advice of the name, address and telephone contact details of the purchaser, and for each animal sold the livestock identification number of the device applied to each animal; and
  - (iii) provide written advice to an officer of the Department of Agriculture (Commonwealth) that the animal has or is suspected to have consumed domestic RAM, and whether or not the domestic RAM contained RAM derived from a ruminant, prior to or at the time of a sale if the animal is sold or is to be sold for slaughter at an export registered establishment; and
  - (iv) provide written advice to an officer of PrimeSafe that the animal has or is suspected to have consumed domestic RAM, and whether or not the domestic RAM contained RAM derived from a ruminant, prior to or at the time of sale if the animal is sold or to be sold for domestic slaughter.

***Consumption or suspected consumption of non-domestic RAM by ruminants, other than cattle***

- (4) The owner of any ruminant, other than cattle, that has or is suspected to have consumed non-domestic RAM, must, prior to sale or movement of the animal from the property on which consumption occurred or is suspected to have occurred, and within any time period determined by the Chief Veterinary Officer –
- (i) advise an inspector of livestock of the earliest date of known, possible or suspected consumption of non-domestic RAM; and
  - (ii) ensure that each such animal is permanently identified in a manner approved by the Chief Veterinary Officer; and
  - (iii) provide to an inspector of livestock a list of the livestock identification numbers corresponding to each device so applied.
- (5) The owner of any ruminant, other than cattle, that has or is suspected to have consumed non-domestic RAM must, if selling such stock –
- (i) provide to the purchaser, prior to or at the time of sale, written advice that the animals have or are suspected to have consumed non-domestic RAM, and whether or not the non-domestic RAM contained RAM derived from ruminants; and

- (ii) notify an inspector of livestock, within 7 days of sale, in writing, of the name, address and telephone contact details of the purchaser, and a list of the livestock identification numbers of any identification device applied to the animal; and
  - (iii) provide written advice to an officer of the Department of Agriculture (Commonwealth) that the animal has or is suspected to have consumed non-domestic RAM, and whether or not the non-domestic RAM contained RAM derived from a ruminant, prior to or at the time of sale if the animal is sold or to be sold for slaughter at an export registered establishment; and
  - (iv) provide written advice to an officer of PrimeSafe that the animal has or is suspected to have consumed non-domestic RAM, and whether or not the non-domestic RAM contained RAM derived from a ruminant, prior to or at the time of sale if the animal is sold or to be sold for domestic slaughter.
- (6) The owner of any ruminant, other than cattle, that has consumed non-domestic RAM that consisted of or contained RAM derived from a ruminant, must ensure that the animal is humanely destroyed and disposed of on the property or at a knackery or is slaughtered within 30 months of the earliest date of consumption, or possible or suspected consumption of the non-domestic RAM.
- (7) The owner of any ruminant referred to in clause (6) is not in breach of that clause if the ruminant dies without human intervention prior to being humanely destroyed or slaughtered.

#### **10 Prohibitions, restrictions and requirements relating to sheep and goats**

- (1) The prohibitions, restrictions and requirements specified in this clause relating to sheep and goats are to operate in the control area.

##### ***Identification of sheep and goats in the control area***

- (2) The owner of sheep or goats must identify such sheep or goats before they are dispatched to another property, or to a saleyard, an abattoir or a knackery by means of –
- (i) an NLIS (Sheep and Goat) approved Breeder or Post-breeder tag on which is imprinted the PIC assigned to the property of birth; or
  - (ii) an NLIS (Sheep and Goat) approved electronic device that is registered on a database maintained by the Department of Economic Development, Jobs, Transport and Resources, Victoria, against the PIC of the property on which it was used; or
  - (iii) if the sheep or goat is untagged and no longer on its property of birth, an NLIS (Sheep and Goats) approved Post-breeder tag on which is imprinted the PIC assigned to the property on which the sheep or goat is kept prior to dispatch.
- (3) The owner of sheep or goats that are to be consigned to another property, a saleyard or an abattoir must provide the person receiving the sheep or goats, no later than at the time of their arrival, with a correctly completed NVD form on which is recorded the PIC or PICs of the NLIS (Sheep and Goats) approved Breeder or Post-breeder tags affixed, that have been used to identify the sheep or goats, and the PIC of the property from which the sheep or goats were dispatched.
- (4) A person receiving sheep or goats that have been identified with an NLIS (Sheep and Goats) approved Breeder tag, Post-breeder tag or electronic device must not remove or damage the tag or device unless –
- (i) the person is an operator of an abattoir or knackery; or
  - (ii) the person has the written approval of an inspector of livestock.
- (5) A sheep or goat purchaser who receives a NVD form with a consignment of sheep or goats must retain the form for at least seven years.

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- (6) A purchaser of sheep or goats must –
- (i) in the case of purchase at a sale or auction at a saleyard, whether public or private, provide the selling agent with the PIC of the destination property or abattoir before the livestock leave the saleyard; or
  - (ii) in the case of the PIC of the destination property or abattoir not being known and the purchaser being an agent, the agent may provide the agent's PIC to the saleyard operator before the livestock leave the saleyard, conditional upon the agent transferring the sheep or goats to the PIC of the destination property or abattoir and notifying the Secretary of the PIC of the destination property or abattoir by midday the next working day.
- (7) An auctioneer or selling agent must, for each vendor lot of sheep or goats –
- (i) that are either sold or passed in, provide the correct and complete mob-based movement information to the saleyard operator before the livestock leave the saleyard or property or no later than midday of the next working day; and
  - (ii) that are sold and consigned for slaughter, provide a correct and complete post-sale summary or a legible copy of the NVD for the vendor consignment to the abattoir operator by midnight on the day of sale; or
  - (iii) that are sold and consigned to a property other than for slaughter, either provide a correct and complete post-sale summary or a legible copy of the NVD for the vendor consignment to the purchaser within 2 working days or provide an electronic image of the NVD in the required manner to the Secretary or person nominated by the Secretary.
- (8) A saleyard operator, for each vendor lot of sheep or goats sold or passed in, must –
- (i) record the required mob-based movement information; and
  - (ii) transmit the mob-based movement information in the required manner to the Secretary or person nominated by the Secretary, before close of business on the second working day following the sale.
- (9) An abattoir operator receiving sheep and goats must –
- (i) in the case of sheep and goats received from a saleyard, record the date of slaughter, the saleyard PIC, the total number of sheep or goats received; or
  - (ii) in the case of sheep or goats received other than from saleyards, record the date of slaughter, the total number of sheep or goats received, the PIC of the property from which the sheep or goats were dispatched, the NVD serial number; and
  - (iii) transmit the information required under (9)(i) or (9)(ii) in the required manner.
- (10) Clause 10 requirements for identification of sheep and goats in the control area do not apply to dairy goats of the breed Saanen, British Alpine, Toggenburg, Anglo Nubian, Melaan or Australian Brown.

Dated 24 June 2015

HON. JAALA PULFORD MP  
Minister for Agriculture

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