



# 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 LDC Act), being of the belief that it is necessary to prevent, control and eradicate the exotic disease, spongiform encephalopathies, in ruminants, 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.

#### 2 Authorising provision

This Order is made under section 29 of the LDC Act.

#### 3 Duration of Order

The Order comes into operation upon signing and has effect for 12 months.

#### 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 on 24 June 2015 and published in the Government Gazette S173 on 25 June 2015, 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 LDC 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 and Water Resources (Commonwealth);

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

‘**Goat**’ means a goat that is 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;
- (iii) the PIC of the place of sale, auction or movement;
- (iv) the PIC of the property from which the consignment was dispatched;

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- (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 unknown origin;

**‘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 2015;

**‘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 a public or private sale or auction of sheep or goats.

## 6 Control area

The whole of Victoria is declared to be a control area for spongiform encephalopathies 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 ruminants that have or are suspected to have consumed RAM must submit the animals for inspection by an inspector 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 have or are suspected to have consumed domestic RAM must –
- (a) prior to sale or movement of the cattle from the property on which consumption occurred or is suspected; and
  - (b) within any time period determined by the chief veterinary officer –
  - (c) ensure that the cattle are permanently identified with approved NLIS devices; and
  - (d) provide to an inspector –
    - (i) in the case of one animal, the livestock identification numbers corresponding to the approved tag or device applied to the animal; or
    - (ii) in the case of more than one animal, a list of the livestock identification numbers corresponding to each approved NLIS device applied to the cattle.
- (3) The owner of any cattle that have or are 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 have or are suspected to have consumed domestic RAM.

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

- (4) The owner of any cattle that have or are suspected to have consumed non-domestic RAM must –
- (a) prior to sale or movement of the cattle from the property on which consumption occurred or is suspected; and
  - (b) within any time period determined by the chief veterinary officer –
  - (c) advise an inspector of the earliest date of known, possible or suspected consumption of non-domestic RAM; and
  - (d) ensure that the cattle are permanently identified with an approved NLIS devices; and
  - (e) provide to an inspector –
    - (i) in the case of one animal, the livestock identification numbers corresponding to the approved tag or device applied to the animal; or
    - (ii) in the case of more than one animal, a list of the livestock identification numbers corresponding to each approved NLIS device applied to the cattle.
- (5) The owner of any cattle that have or are suspected to have consumed non-domestic RAM must, if selling the cattle, provide to the purchaser, prior to or at the time of sale, written advice that –
- (a) the cattle have or are suspected to have consumed non-domestic RAM; and
  - (b) whether or not the non-domestic RAM contained RAM derived from a ruminant.
- (6) The owner of any cattle that have or are suspected to have consumed non-domestic RAM must ensure that the cattle are slaughtered within 30 months of the date that is determined that the cattle have consumed non-domestic RAM or is suspected of having consumed non-domestic RAM.

- (7) Sub-clause (6) does not apply to an owner of any cattle if the cattle die without human intervention prior to the date that is determined that the cattle have consumed non-domestic RAM or is suspected of having consumed non-domestic RAM.

**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 ruminants, other than cattle, that have or are suspected to have consumed domestic RAM must –
- (a) prior to sale or movement of the ruminants from the property on which consumption occurred or is suspected; and
  - (b) within any time period determined by the chief veterinary officer –
  - (c) ensure that the ruminants are permanently identified in a manner approved by the chief veterinary officer; and
  - (d) provide to an inspector –
    - (i) in the case of one ruminant, the livestock identification numbers corresponding to the approved tag or device applied to the ruminant; or
    - (ii) in the case of more than one ruminant, a list of the livestock identification numbers corresponding to each approved tag or device applied to the ruminants.
- (3) The owner of ruminants, other than cattle, that have or are suspected to have consumed domestic RAM must –
- (a) if selling the ruminants, provide to the purchaser, prior to or at the time of sale, written advice –
    - (i) that the ruminants have or are suspected to have consumed domestic RAM; and
    - (ii) whether or not the domestic RAM contained RAM is derived from a ruminant; and
  - (b) within 7 days of sale of the ruminants, provide to an inspector, written advice of the name, address and telephone contact details of the purchaser, and the livestock identification numbers of the devices applied to the ruminants; and
  - (c) prior to or at the time of a sale, if the ruminants are sold or are to be sold for slaughter at an export registered establishment, provide written advice to an officer of the Department of Agriculture and Water Resources (Commonwealth) that the ruminants have or are suspected to have consumed domestic RAM, and whether or not the domestic RAM contained RAM derived from a ruminant; and
  - (d) prior to or at the time of sale, if the ruminants are sold or are to be sold for domestic slaughter, provide written advice to an officer of PrimeSafe that the ruminants have or are suspected to have consumed domestic RAM, and whether or not the domestic RAM contained RAM derived from a ruminant.

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

- (4) The owner of ruminants, other than cattle, that have or are suspected to have consumed non-domestic RAM, must –
- (a) prior to sale or movement of the ruminants from the property on which consumption occurred or is suspected to have occurred; and

- (b) within any time period determined by the chief veterinary officer; and
  - (c) advise an inspector of the earliest date of known, possible or suspected consumption of non-domestic RAM; and
  - (d) ensure that the ruminants are permanently identified in a manner approved by the chief veterinary officer; and
  - (e) provide to an inspector –
    - (i) in the case of one ruminant, the livestock identification numbers corresponding to the approved tag or device applied to the ruminant; or
    - (ii) in the case of more than one ruminant, a list of the livestock identification numbers corresponding to each approved tag or device applied to the ruminants.
- (5) The owner of ruminants, other than cattle, that have or are suspected to have consumed non-domestic RAM must, if selling the animal, provide written advice –
- (a) to the purchaser, prior to or at the time of sale, that the ruminants have or are suspected to have consumed non-domestic RAM, and whether or not the non-domestic RAM contained RAM derived from a ruminant; and
  - (b) to an inspector, within 7 days of sale, of the name, address and telephone contact details of the purchaser, and a list of the livestock identification numbers of any identification devices applied to the ruminants; and
  - (c) to an officer of the Department of Agriculture and Water Resources (Commonwealth), prior to or at the time of sale, if the ruminants are sold or are to be sold for slaughter at an export registered establishment, that the ruminants have or are suspected to have consumed non-domestic RAM, and whether or not the non-domestic RAM contained RAM derived from a ruminant; and
  - (d) to an officer of PrimeSafe, prior to or at the time of sale, if the ruminants are sold or are to be sold for domestic slaughter, that the ruminants have or are suspected to have consumed non-domestic RAM, and whether or not the non-domestic RAM contained RAM derived from a ruminant.
- (6) The owner of ruminants, other than cattle, that have consumed non-domestic RAM that contained RAM derived from a ruminant, must ensure that the ruminants are slaughtered within 30 months of the earliest date of consumption, or possible or suspected consumption of the non-domestic RAM.
- (7) Sub-clause (6) does not apply to the owner of ruminants referred to in that sub-clause if the ruminants die 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.
- (2) Sub-clause (1) does not apply to dairy goats of the breed Saanen, British Alpine, Toggenburg, Anglo Nubian, Melaan or Australian Brown.
- (3) In the case of a sheep or goat consigned from a property outside of Victoria, any reference to a PIC in this clause is also a reference to a property identification code or number allocated to the property of dispatch of the sheep or goat issued under corresponding legislation in the State or Territory where the sheep or goat has been consigned from.

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

- (4) The owner of sheep or goats must identify each sheep or goat before they are dispatched to another property, or to a saleyard, an abattoir or a knackery by means of –
  - (a) an NLIS (Sheep and Goat) approved Breeder or Post-breeder tag on which is imprinted the PIC assigned to the property of birth; or
  - (b) 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
  - (c) 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.
- (5) 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) 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
  - (b) the PIC of the property from which the sheep or goats were dispatched.
- (6) 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.
- (6A) Sub-clause (5) does not apply to a person who –
  - (a) is an operator of an abattoir or knackery; or
  - (b) has the written approval of an inspector.
- (7) 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.
- (8) A purchaser of sheep or goats must, in the case of purchase at a public or private sale or auction at a saleyard, provide the selling agent with the PIC of the destination property or abattoir before the livestock leave the saleyard.
- (9) If the destination property or abattoir is not known and the purchaser of sheep or goats is an agent, the agent must –
  - (a) provide his or her PIC to the saleyard operator before the livestock leave the saleyard, and
  - (b) transfer the sheep or goats to the PIC of the destination property or abattoir and notify the Secretary of the PIC of the destination property or abattoir by midday the next working day.
- (10) An auctioneer or selling agent must, for each vendor lot of sheep or goats –
  - (a) that is either sold or passed in, provide the correct and complete mob-based movement information to the saleyard operator no later than midday of the next working day; and
  - (b) that is 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.

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- (11) An auctioneer or selling agent must, for each vendor lot of sheep or goats –
- (a) that is sold and consigned to a property other than for slaughter –
    - (i) 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
    - (ii) provide an electronic image of the NVD in the required manner to the Secretary or person nominated by the Secretary.
- (12) A saleyard operator, for each vendor lot of sheep or goats sold or passed in, must –
- (a) record the required mob-based movement information; and
  - (b) 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.
- (13) An abattoir operator receiving sheep and goats must, for each sheep or goat –
- (a) in the case of sheep and goats received from a saleyard, record –
    - (i) the date of slaughter;
    - (ii) the saleyard PIC;
    - (iii) the total number of sheep or goats received; or
  - (b) in the case of sheep or goats received other than from saleyards, record –
    - (i) the date of slaughter;
    - (ii) the total number of sheep or goats received;
    - (iii) the PIC of the property from which the sheep or goats were dispatched;
    - (iv) the NVD serial number.
- (14) An abattoir operator receiving sheep and goats must transmit the information required under sub-clause (10) in the required manner.

Dated 20 June 2016

HON. JAALA PULFORD MP  
Minister for Agriculture

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