



Victoria Government Gazette

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Livestock Disease Control Act 1994

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

I, Jaala Pulford, Minister for Agriculture and Minister responsible for the administration of the **Livestock Disease Control Act 1994**, being of the belief that it is necessary to prevent, control and eradicate transmissible 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, transmissible 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 **Livestock Disease Control Act 1994**.

3 Duration of Order

The Order comes into operation upon publication in the Government Gazette and has effect for 12 months.

4 Revocation

The Order declaring a control area for the purposes of prevention, control and eradication of transmissible spongiform encephalopathies in ruminants published in number S 243 of the Government Gazette on 13 July 2017, is **revoked**.

5 Definitions

In this Order –

‘**approved NLIS device**’ means a NLIS device approved by the Secretary under section 9 of the **Livestock Disease Control Act 1994**;

‘**approved NLIS ear tag**’ means a NLIS ear tag approved by the Secretary under section 9 of the **Livestock Disease Control Act 1994**;

‘**chief veterinary officer**’ 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) (DAWR);

‘**export registered establishment**’ means an establishment registered for export by the DAWR;

‘**goat**’ means a goat that is domesticated;

‘**livestock identification numbers**’ means the numbers and or letters that can be read visually on the ear tag or the numbers and or letters that can be retrieved electronically from the microchip contained in an NLIS device;

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

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

SPECIAL

‘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;

‘transmissible spongiform encephalopathies’ means an exotic group of diseases affecting the structure and or functions of the brain (including bovine spongiform encephalopathies, chronic wasting disease of deer, feline spongiform encephalopathy and scrapie).

6 Control area

The whole of Victoria is declared to be a control area for transmissible 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 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 NLIS 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 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 device; and

- (e) provide to an inspector –
 - (i) in the case of one animal, the livestock identification numbers corresponding to the approved NLIS 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 (if known).
- (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 it 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 cattle being 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 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 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 –
 - A. the approved NLIS ear tag or the approved NLIS device; or
 - B. any other form of identification, approved by the chief veterinary officer, that identify an individual animal and which is applied to that animal; or
 - (ii) in the case of more than one ruminant, a list of the livestock identification numbers corresponding to –
 - A. each approved NLIS ear tag or approved NLIS device; or
 - B. any other form of identification, approved by the chief veterinary officer, that identifies each animal and which is applied to those animals.

- (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 derived from a ruminant (if known); 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 approved NLIS ear tags or the approved NLIS devices or any other form of identification, approved by the chief veterinary officer, that identifies each individual animal and which is applied to those animals; 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 DAWR 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 (if known); 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 (if known).

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 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 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 —
 - A. the approved NLIS ear tag or the approved NLIS device; or
 - B. any other form of identification, approved by the chief veterinary officer, that identify an individual animal and which is applied to that animal; or
 - (ii) in the case of more than one ruminant, a list of the livestock identification numbers corresponding to —
 - A. each approved NLIS ear tag or approved NLIS device; or
 - B. any other form of identification, approved by the chief veterinary officer, that identifies each animal and which is applied to those animals.

- (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 (if known); 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 the approved NLIS ear tags or the approved NLIS devices or any other form of identification, approved by the chief veterinary officer, that identifies each individual animal and which is applied to those animals; and
 - (c) to an officer of the DAWR, 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 (if known); 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 (if known).
- (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 the ruminants being slaughtered.

Dated 12 June 2018

HON. JAALA PULFORD MP
Minister for Agriculture

Notes

1. Section 30(1) of the **Livestock Disease Control Act 1994** provides that a person who knows, or has reason to believe, that any land, premises, place or area has been declared to be a control area must not contravene any prohibition, restriction or requirement specified in the order which declared the control area unless the person is authorised to do so under a permit issued by an inspector and complies with any conditions set out in the permit. The penalty for non-compliance is 240 penalty units or 24 months imprisonment or both.
 2. Section 30(1A) of the **Livestock Disease Control Act 1994** provides that a person who contravenes any prohibition, restriction or requirement specified in an order declaring any land, premises, place or area to be a control area, where that person is not liable for an offence under subsection (1) in respect of that contravention, is guilty of an offence and liable to a penalty not exceeding 60 penalty units.
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