



# Victoria Government Gazette

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No. S 381 Friday 31 July 2020  
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## **Livestock Disease Control Act 1994**

### ORDER CERTIFYING AN OUTBREAK OF AVIAN INFLUENZA IN VICTORIA

I, Graeme Cooke, Chief Veterinary Officer, as delegate of the Secretary of the Department of Jobs, Precincts and Regions, hereby certify under section 105(1) of the **Livestock Disease Control Act 1994** that an outbreak of the exotic disease, Avian Influenza, exists in Victoria.

Dated 31 July 2020

GRAEME COOKE  
Chief Veterinary Officer

**\*Note**

Section 105(2) of the **Livestock Disease Control Act 1994** provides that, when an order of this kind has been made, no proceedings for an injunction, or for any order in the nature of a prerogative writ or of any other kind may be instituted or continued in any court against the Minister, the Secretary, an inspector or any other person that would stop prevent or restrain the Minister, Secretary, inspector or other persons from taking or purporting to take any action or making any declaration or authorisation under this Act in relation to or in consequence of an outbreak or suspected outbreak of an exotic disease.

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**SPECIAL**

**Livestock Disease Control Act 1994****ORDER DECLARING A RESTRICTED AREA IN RELATION TO AVIAN INFLUENZA**

I, Graeme Cooke, Chief Veterinary Officer as delegate of the Minister of Agriculture, make this Order under section 26 of the **Livestock Disease Control Act 1994**, being of the belief or suspecting that there is a possibility that the exotic disease, Avian Influenza, is present on or in or may be introduced into the restricted area declared under clause 5 of this Order.

**1. Objectives**

The objectives of this Order are –

- (a) to declare an area to be a restricted area; and
- (b) to specify the prohibitions, restrictions and requirements that are to operate in the restricted area.

**2. Authorising provision**

This Order is made under section 26 of the **Livestock Disease Control Act 1994**.

**3. Duration of Order**

The Order comes into operation on the date and at the time it is signed and has effect for 72 hours.

**4. Definitions**

In this Order –

**affected livestock** means the livestock described in clause 6(1) of this Order;

**affected livestock product** means any livestock product described in clause 6(2) of this Order;

**affected fittings** means any fitting described in clause 6(3) of this Order;

**affected vehicle** means any vehicle described in clause 6(4) of this Order;

**chief veterinary officer** means chief veterinary officer of the Department of Jobs, Precincts and Regions;

**cleaned and disinfected** with respect to –

- (a) **vehicles in contact with livestock and/or livestock products** – means the washing down of the livestock crate, flooring, trailer and wheels to remove all organic matter, faecal material and urine, followed by the spray application of a disinfectant solution appropriate for Avian influenza virus, to the crate, flooring, wheels, wheel arches and tyres.
- (b) **feed trucks** – means the washing of wheels and tyres and the spray application of a disinfectant solution appropriate for Avian influenza virus, to the wheels, wheel arches and tyres.

**movement** means any movement except movement within a premises;

**poultry** has the same meaning as in regulation 5 of the Livestock Disease Control Regulations 2017;

**5. Declaration of restricted area**

The area marked on the map set out in Schedule 1 to this Order is declared to be a restricted area in respect of the exotic disease, Avian influenza.

**6. Identification of livestock, livestock products, fittings and vehicles affected by this Order**

- (1) The livestock affected by this Order are poultry.
- (2) Livestock products affected by this Order are livestock products of affected livestock and includes –
  - (a) the carcase or the portion of a carcase of affected livestock;

- (b) the meat, blood, feathers, skin, feet or offal of affected livestock;
  - (c) the fat, or other food or foodstuffs derived from affected livestock;
  - (d) the secretions, excretions, manure, effluent and other wastes (including composted material containing livestock products) of affected livestock;
  - (e) eggs and egg product of affected livestock, including the contents of an egg in any form including egg pulp, dried egg, liquid egg white and liquid egg yolk.
- (3) Fittings affected by this Order are –
- (a) any facilities or materials used for housing, restraining or confining affected livestock; and
  - (b) equipment, clothing, or other articles which have been brought into contact with affected livestock; and
  - (c) equipment and other articles which are normally used in connection with livestock and which have been brought into contact with any affected livestock product; and
  - (d) equipment or other articles which are used in the processing or manufacture of livestock products and which have been brought into contact with any affected livestock product.
- (4) Vehicles affected by this Order are any vehicle that has been in contact with any affected livestock or affected livestock product.

**7. Prohibitions, restrictions and requirements in the restricted area**

The prohibitions, restrictions and requirements that are to operate in the restricted area are set out in clauses 8 to 15 of this Order.

**8. Movement of livestock and livestock products**

- (1) A person must not cause or permit the movement of livestock into, out of, or within the restricted area.
- (2) A person must not cause or permit the movement of affected livestock product into, out of, or within the restricted area.
- (3) Sub-clauses (1) and (2) do not apply to –
  - (a) a person who holds a permit issued by an inspector that authorises the movement; or
  - (b) meat or offal obtained from a retail outlet and intended for human consumption and not fed to livestock.

**9. Sales, markets etc prohibited**

- (1) A person must not hold, or allow the presence of affected livestock or expose affected livestock at, sales, markets, auctions, shows, exhibitions, competitions or any other event or gathering involving the aggregation of affected livestock within the restricted area.
- (2) Sub-clause (1) does not apply to a person who holds a permit issued by an inspector that authorises the holding of, or the presence or exposure of affected livestock at, an event described in subclause (1).

**10. Confinement of livestock**

All affected livestock on premises in the restricted area must be confined and kept apart from other affected livestock from neighbouring premises.

**11. Treatment of vehicles**

- (1) The operator of an affected vehicle on a premises in the restricted area must ensure that the vehicle is **cleaned and disinfected** before leaving the premises.

- (2) Sub-clause (1) does not apply to a person who holds a permit issued by an inspector which permits the vehicle to leave the premises without being cleaned and disinfected.
- (3) An operator of a feed truck who delivers stockfeed to premises in the restricted area must –
  - (a) not drive the feed truck on tracks used by affected livestock; and
  - (b) ensure all wheels of the feed trucks are **cleaned and disinfected** on entry to and exit from the premises; and
  - (c) ensure they maintain personal biosecurity procedures, including cleaning and disinfecting of boots on entry to and exit from the premises, and does not have contact with any affected livestock.

#### **12. Treatment of protective clothing, footwear and fittings**

- (1) A person must ensure that any protective clothing, footwear or fittings that has come into contact with affected livestock or affected livestock products at a livestock processing plant or other premises in the restricted area is not moved from the processing plant or premises.
- (2) Sub-clause (1) does not apply to a person who –
  - (a) washes and disinfects the clothing, footwear or fittings before it is moved from the processing plant or premises; or
  - (b) holds a permit issued by an inspector that authorises the movement.

#### **13. Obligation to report illness in livestock**

A person must immediately report to an inspector any illness of affected livestock in the restricted area that have clinical signs consistent with Avian influenza.

#### **14. Testing of livestock for Avian influenza**

An owner of affected livestock in the restricted area must –

- (a) submit his or her affected livestock to a registered veterinary practitioner, an inspector or a person authorised by the chief veterinary officer for testing or sampling for Avian influenza in accordance with a direction issued by the chief veterinary officer; and
- (b) take all reasonable steps to provide the facilities and assistance required to ensure the safe and efficient handling of affected livestock during any testing or sampling for Avian influenza directed by the chief veterinary officer; and
- (c) provide information on the movement of affected livestock into and out of the owner's premises to an inspector upon request.

#### **15. Powers of inspector**

The chief veterinary officer may direct the destruction of birds or bird products in the restricted area if he has a reasonable suspicion that the affected livestock or affected livestock products:

- (a) have been kept in the vicinity of a place where the presence of Avian influenza has been confirmed; or
- (b) pose a risk to the control of Avian influenza.

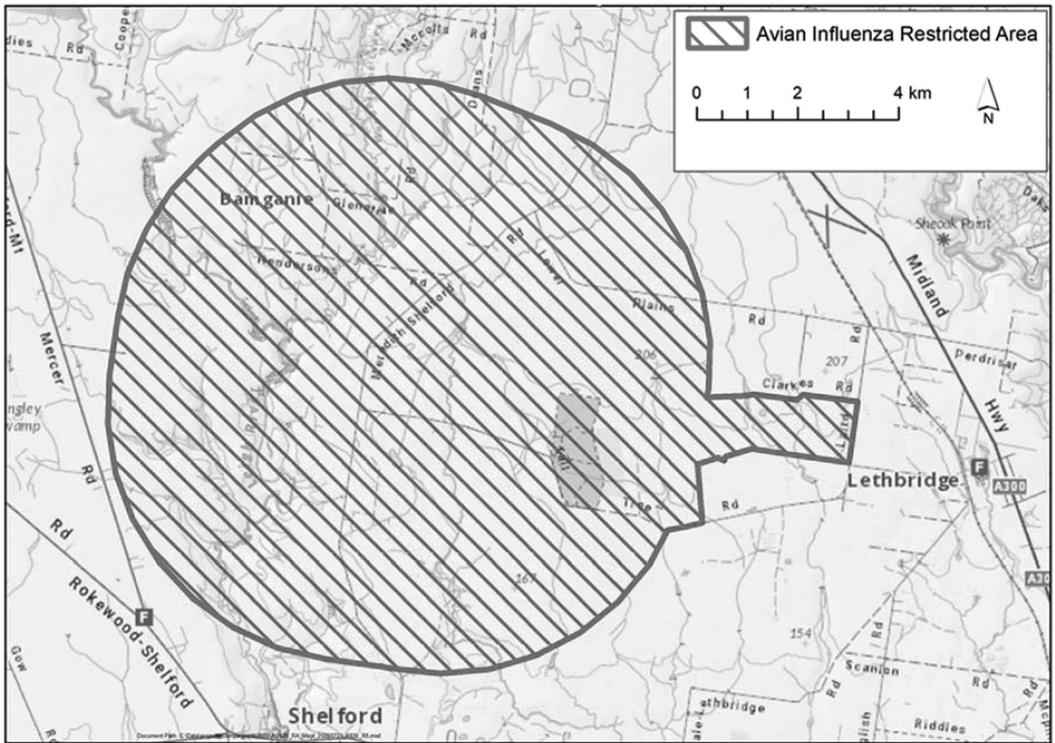
Dated 31 July 2020

Time: 12.46 pm

GRAEME COOKE  
Chief Veterinary Officer

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Schedule 1



### **Livestock Disease Control Act 1994**

#### ORDER DECLARING A CONTROL AREA IN RELATION TO AVIAN INFLUENZA

I, Graeme Cooke, Chief Veterinary Officer as delegate of the Minister of Agriculture, make this Order under section 29 of the **Livestock Disease Control Act 1994**, being of the belief or suspecting that there is a possibility that the exotic disease, Avian Influenza, is present on or in or may be introduced into the control area declared under clause 5 of this Order.

**1. Objectives**

The objectives of this Order are –

- (a) to declare an area to be a control area; and
- (b) to specify the prohibitions, restrictions and requirements that 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 on the date and at the time it is signed and has effect for 72 hours.

**4. Definitions**

In this Order –

**affected livestock** means the livestock described in clause 6(1) of this Order;

**affected livestock product** means any livestock product described in clause 6(2) of this Order;

**affected fittings** means any fitting described in clause 6(3) of this Order;

**affected vehicle** means any vehicle described in clause 6(4) of this Order;

**chief veterinary officer** means chief veterinary officer of the Department of Jobs, Precincts and Regions;

**cleaned and disinfected** with respect to –

- (a) **vehicles in contact with livestock and/or livestock products** – means the washing down of the livestock crate, flooring, trailer and wheels to remove all organic matter, faecal material and urine, followed by the spray application of a disinfectant solution appropriate for Avian influenza virus, to the crate, flooring, wheels, wheel arches and tyres.
- (b) **feed trucks** – means the washing of wheels and tyres and the spray application of a disinfectant solution appropriate for Avian influenza virus, to the wheels, wheel arches and tyres.

**movement** means any movement except movement within a premises;

**poultry** has the same meaning as in regulation 5 of the Livestock Disease Control Regulations 2017;

**5. Declaration of control area**

The area marked on the map set out in Schedule 1 to this Order is declared to be a control area in respect of the exotic disease, Avian influenza.

**6. Identification of livestock, livestock products, fittings and vehicles affected by this Order**

- (1) The livestock affected by this Order are poultry.
- (2) Livestock products affected by this Order are livestock products of affected livestock and includes –
  - (a) the carcase or the portion of a carcase of affected livestock;
  - (b) the meat, blood, feathers, skin, feet or offal of affected livestock;
  - (c) the fat, or other food or foodstuffs derived from affected livestock;

- (d) the secretions, excretions, manure, effluent and other wastes (including composted material containing livestock products) of affected livestock;
  - (e) eggs and egg product of affected livestock, including the contents of an egg in any form including egg pulp, dried egg, liquid egg white and liquid egg yolk.
- (3) Fittings affected by this Order are –
- (a) any facilities or materials used for housing, restraining or confining affected livestock; and
  - (b) equipment, clothing, or other articles which have been brought into contact with affected livestock; and
  - (c) equipment and other articles which are normally used in connection with livestock and which have been brought into contact with any affected livestock product; and
  - (d) equipment or other articles which are used in the processing or manufacture of livestock products and which have been brought into contact with any affected livestock product.
- (4) Vehicles affected by this Order are any vehicle that has been in contact with any affected livestock or affected livestock product.

#### **7. Prohibitions, restrictions and requirements in the control area**

The prohibitions, restrictions and requirements that are to operate in the control area are set out in clauses 8 to 15 of this Order.

#### **8. Movement of livestock and livestock products**

- (1) A person must not cause or permit the movement of livestock into, out of, or within the control area.
- (2) A person must not cause or permit the movement of affected livestock product into, out of, or within the control area.
- (3) Sub-clauses (1) and (2) do not apply to –
  - (a) a person who holds a permit issued by an inspector that authorises the movement; or
  - (b) meat, eggs or offal obtained from a retail outlet and intended for human consumption and not fed to livestock.

#### **9. Sales, markets etc prohibited**

- (1) A person must not hold, or allow the presence of affected livestock or expose affected livestock at, sales, markets, auctions, shows, exhibitions, competitions or any other event or gathering involving the aggregation of affected livestock within the control area.
- (2) Sub-clause (1) does not apply to a person who holds a permit issued by an inspector that authorises the holding of, or the presence or exposure of affected livestock at, an event described in subclause (1).

#### **10. Confinement of livestock**

All affected livestock on premises in the control area must be confined and kept apart from other affected livestock from neighbouring premises.

#### **11. Treatment of vehicles**

- (1) The operator of an affected vehicle on a premises in the control area must ensure that the vehicle is **cleaned and disinfected** before leaving the premises.
- (2) Sub-clause (1) does not apply to a person who holds a permit issued by an inspector which permits the vehicle to leave the premises without being cleaned and disinfected.

- (3) An operator of a feed truck who delivers stockfeed to premises in the control area must –
- (a) not drive the feed truck on tracks used by affected livestock; and
  - (b) ensure all wheels of the feed trucks are **cleaned and disinfected** on entry to and exit from the premises; and
  - (c) ensure they maintain personal biosecurity procedures, including cleaning and disinfecting of boots on entry to and exit from the premises, and does not have contact with any affected livestock.

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- (b) take all reasonable steps to provide the facilities and assistance required to ensure the safe and efficient handling of affected livestock during any testing or sampling for Avian influenza directed by the chief veterinary officer; and
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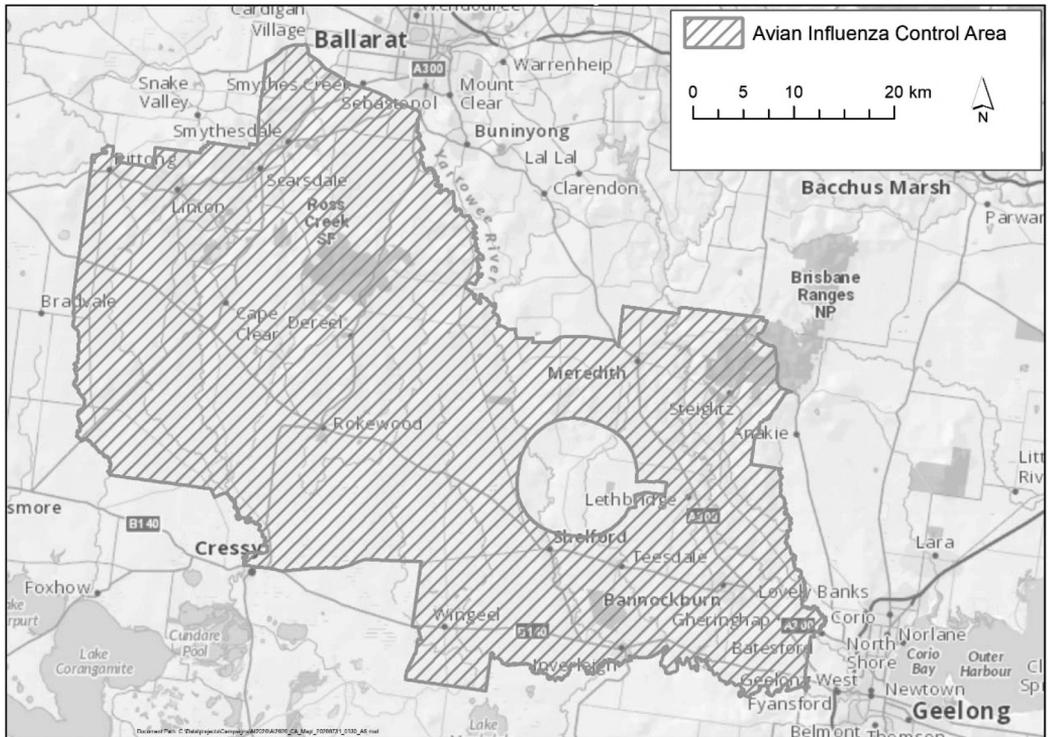
Dated 31 July 2020

Time: 2.43 pm

GRAEME COOKE  
Chief Veterinary Officer

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Schedule 1



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