



Victoria Government Gazette

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Interpretation of Legislation Act 1984

REVOCATION OF ORDER DECLARING A CONTROL AREA IN RELATION TO ABALONE VIRAL GANGLIONEURITIS

I, Mary-Anne Thomas, Minister for Agriculture, acting under section 41A of the **Interpretation of Legislation Act 1984** hereby revoke the Order made under section 29 of the **Livestock Disease Control Act 1994** and dated 11 May 2021.

ORDER DECLARING A CONTROL AREA IN RELATION TO ABALONE VIRAL GANGLIONEURITIS

I, Mary-Anne Thomas, Minister for Agriculture, make this Order under section 29 of the **Livestock Disease Control Act 1994**, being of the belief that it is reasonably necessary for the purpose of preventing, controlling or eradicating the exotic disease, abalone viral ganglioneuritis.

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 it is signed and has effect until 31 August 2021.

4. Definitions

In this Order-

abalone has the same meaning as it has in the **Fisheries Act 1995**;

affected livestock means the livestock described in clause 6 of this Order;

aquatic invertebrate has the same meaning as it has in the **Fisheries Act 1995**;

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

commercial abalone equipment has the same meaning as it has in the **Fisheries Act 1995**;

commercial fishing equipment has the same meaning as it has in the **Fisheries Act 1995**;

dive equipment includes any mask, snorkel or underwater breathing apparatus;

inspector means an inspector of livestock appointed under the **Livestock Disease Control Act 1994**;

recreational fishing equipment has the same meaning as it has in the **Fisheries Act 1995**;

rock lobster has the same meaning as it has in the **Fisheries Act 1995**;

sea urchin has the same meaning as it has in the *Fisheries Regulations 2019*;

shellfish means all species of the phylum mollusca except squid, octopus and cuttlefish;

substrate means any part of the seabed and sub-soil lying beneath the waters.

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, abalone viral ganglioneuritis.

SPECIAL

6. Identification of livestock affected by this Order

The classes of livestock affected by this Order are abalone, rock lobster, shellfish, sea urchins and all other aquatic invertebrates.

7. Prohibitions, restrictions and requirements in the control area

- (1) The following activities in the control area are prohibited, unless the activity is in accordance with a permit issued by an inspector –
 - (a) All line fishing from shore or boat;
 - (b) The use of all commercial fishing equipment;
 - (c) The use of all commercial abalone equipment;
 - (d) The use of all recreational fishing equipment;
 - (e) The use of all dive equipment;
 - (f) The collection or attempted collection of abalone (including the shell), whether alive or dead;
 - (g) The collection or attempted collection of any other affected livestock;
 - (h) The collection or attempted collection of all substrates;
 - (i) Anchoring of vessels and use of anchored vessels in the control area;
- (2) Sub-clause (1)(i) does not apply to a commercial boat greater than 35 metres in length anchoring in the area marked on the map in the Schedule as the Portland Anchorage with approval of the Harbour Master for the port waters of Portland.
- (3) Sub-clause (1)(a) does not apply to a person who uses a rod and line or handline from the Port of Portland Breakwater structures for recreational fishing.
- (4) The removal of any affected livestock and substrate out of the control area is prohibited unless the removal is in accordance with a permit issued by an inspector.
- (5) The prohibitions in this clause do not apply to an inspector or authorised officer under the **Fisheries Act 1995** or a police officer engaged in abalone viral ganglioneuritis surveillance or control activities.
- (6) The prohibitions in this clause do not apply to contractors engaged by the Victorian Fisheries Authority (VFA) or the Department of Jobs, Precincts and Regions (DJPR) to undertake at the direction of the VFA or DJPR, abalone viral ganglioneuritis surveillance or control activities, including destruction of livestock as directed by the chief veterinary officer under clause 9.

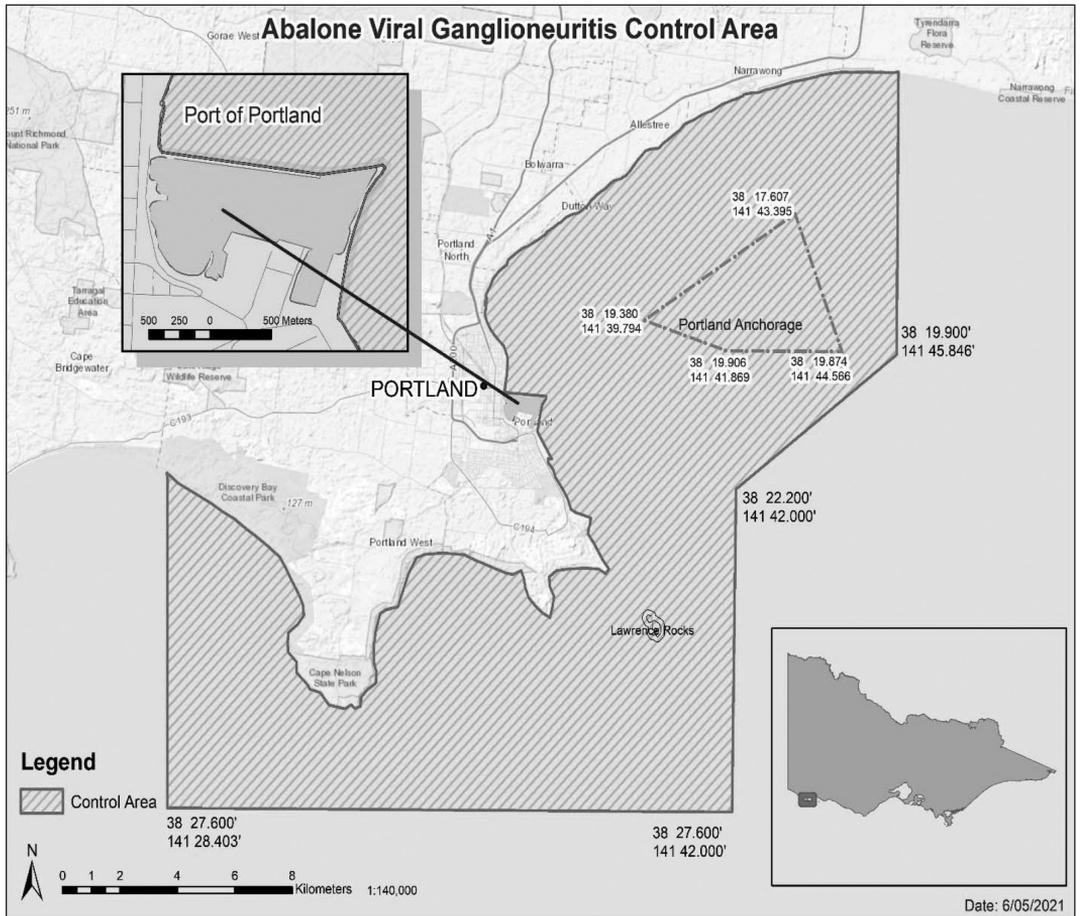
8. Obligation to report illness in or death of abalone

A person must immediately report to an inspector any illness in or death of abalone in the control area that have clinical signs consistent with abalone viral ganglioneuritis.

9. Powers of chief veterinary officer

- (1) The chief veterinary officer may direct the destruction of affected livestock in the control area if he has a reasonable suspicion that the affected livestock –
 - (a) have been or are detected in the vicinity of a place or area where the presence of abalone viral ganglioneuritis has been confirmed; or
 - (b) pose a risk to the control of abalone viral ganglioneuritis.

Schedule 1



MARY-ANNE THOMAS
Minister for Agriculture

Livestock Disease Control Act 1994**ORDER DECLARING A CONTROL AREA IN RELATION TO
ABALONE VIRAL GANGLIONEURITIS**

I, Graeme Cooke, Chief Veterinary Officer, as delegate of the Minister for Agriculture, make this Order under section 29 of the **Livestock Disease Control Act 1994**, being of the belief that it is reasonably necessary for the purpose of preventing, controlling or eradicating the exotic disease, abalone viral ganglioneuritis.

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 it is signed and has effect until 11.59 pm on Monday 17 May 2021.

4. Definitions

In this Order-

abalone has the same meaning as it has in the **Fisheries Act 1995**;

affected livestock means the livestock described in clause 6 of this Order;

aquatic invertebrate has the same meaning as it has in the **Fisheries Act 1995**;

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

commercial abalone equipment has the same meaning as it has in the **Fisheries Act 1995**;

commercial fishing equipment has the same meaning as it has in the **Fisheries Act 1995**;

dive equipment includes any mask, snorkel or underwater breathing apparatus;

inspector means an inspector of livestock appointed under the **Livestock Disease Control Act 1994**;

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rock lobster has the same meaning as it has in the **Fisheries Act 1995**;

sea urchin has the same meaning as it has in the *Fisheries Regulations 2019*;

shellfish means all species of the phylum mollusca except squid, octopus and cuttlefish;

substrate means any part of the seabed and sub-soil lying beneath the waters.

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, abalone viral ganglioneuritis.

6. Identification of livestock affected by this Order

The classes of livestock affected by this Order are abalone, rock lobster, shellfish, sea urchins and all other aquatic invertebrates.

7. Prohibitions, restrictions and requirements in the control area

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 - (b) The use of all commercial fishing equipment;

- (c) The use of all commercial abalone equipment;
 - (d) The use of all recreational fishing equipment;
 - (e) The use of all dive equipment;
 - (f) The collection or attempted collection of abalone (including the shell), whether alive or dead;
 - (g) The collection or attempted collection of any other affected livestock;
 - (h) The collection or attempted collection of all substrates;
 - (i) Anchoring of vessels and use of anchored vessels in the control area;
- (2) Sub-clause (1)(i) does not apply to a commercial boat greater than 35 metres in length anchoring in the area marked on the map in the Schedule as the Portland Anchorage with approval of the Harbour Master for the port waters of Portland.
 - (3) Sub-clause (1)(a) does not apply to a person who uses a rod and line or handline from the Port of Portland Breakwater structures for recreational fishing.
 - (4) The removal of any affected livestock and substrate out of the control area is prohibited unless the removal is in accordance with a permit issued by an inspector.
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 - (6) The prohibitions in this clause do not apply to contractors engaged by the Victorian Fisheries Authority (VFA) or the Department of Jobs, Precincts and Regions (DJPR) to undertake at the direction of the VFA or DJPR, abalone viral ganglioneuritis surveillance or control activities, including destruction of livestock as directed by the chief veterinary officer under clause 9.

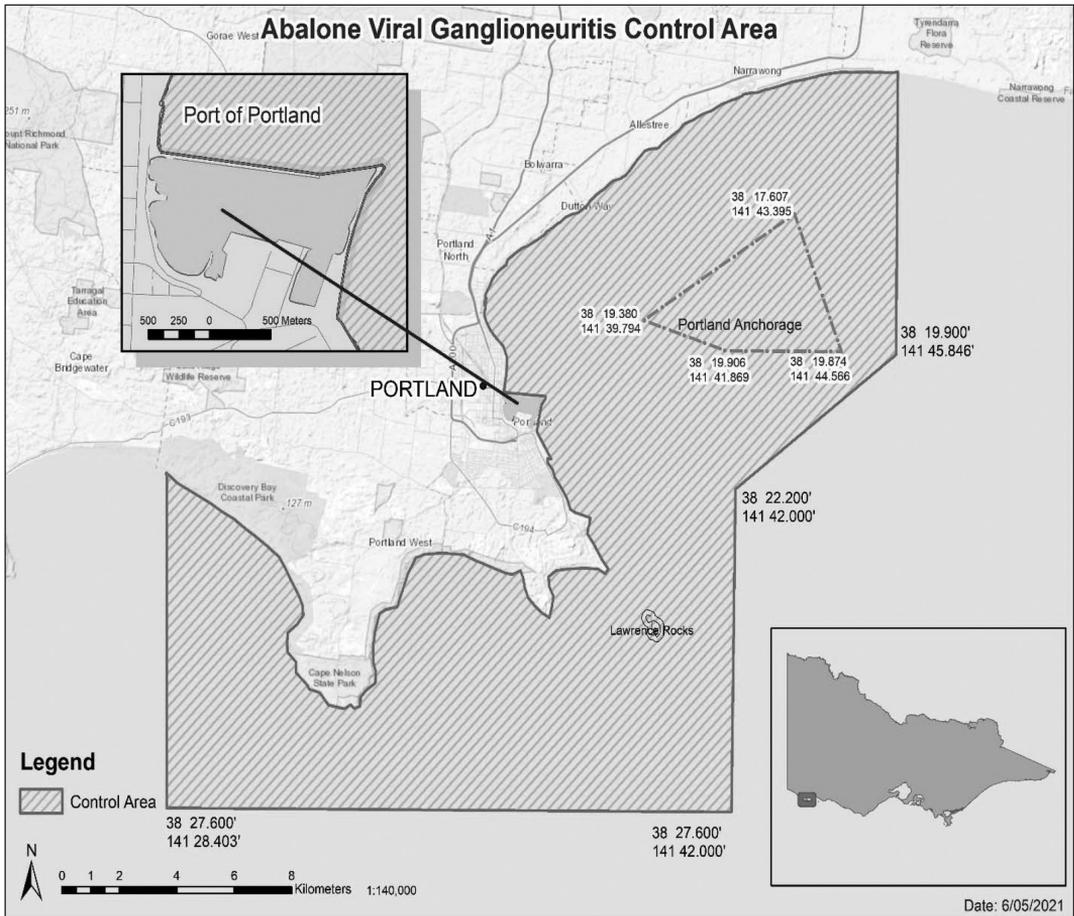
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9. Powers of chief veterinary officer

- (1) The chief veterinary officer may direct the destruction of affected livestock in the control area if he has a reasonable suspicion that the affected livestock –
 - (a) have been or are detected in the vicinity of a place or area where the presence of abalone viral ganglioneuritis has been confirmed; or
 - (b) pose a risk to the control of abalone viral ganglioneuritis.

Schedule 1



Geocentric Datum of Australia (GDA) 94
 Coordinate Labels: Degrees and Decimal Minutes
 Dated 11 May 2021

GRAEME COOKE
 Chief Veterinary Officer

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