Victoria Government Gazette

No. S 490 Thursday 3 September 2026
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Livestock Disease Control Act 1994

Section 29(1)

ORDER DECLARING A CONTROL AREA FOR AVIAN INFLUENZA

I, Charlotte Austin, Executive Director, Biosecurity Victoria as delegate of the Minister for Agriculture make the following Order under section 29 of the **Livestock Disease Control Act 1994**, believing that it is reasonably necessary to prevent, control or eradicate the exotic disease, H5 avian influenza.

Part 1 – Preliminary

1 Objectives

The objectives of this Order are –

(a) to declare the area specified in this Order to be a control area; and

(b) to specify the prohibitions, restrictions and requirements that are to operate in the control area.

2 Citation

This Order may be referred to as the Avian Influenza Control Area (Wildlife – Private Land) Order 2026 (No. 02).

3 Authorising provision

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

4 Commencement

This Order commences on 3 September 2026 and ends at 11.59 on 29 September 2026 unless revoked earlier.

5 Revocation

The Order referred to as Avian Influenza Control Area (Wildlife – Private Land) Order 2026 (No. 01), dated 2 September 2026 and published in Government Gazette No. S 487 on 2 September 2026, is revoked.

6 Definitions

In this Order –

applicable wildlife means the livestock specified in clause 6(1) of this Order;

control area means the area declared under clause 7 of this Order;

land manager means a person or body responsible for the management of public land, including –

(a) the Secretary within the meaning of the **Conservation, Forests and Land Act 1987**;

(b) Parks Victoria within the meaning of the **Parks Victoria Act 2018**;

(c) an Authority within the meaning of the **Catchment and Land Protection Act 1994**;

(d) the Great Ocean Road Coast and Parks Authority established under Part 5 of the **Great Ocean Road and Environs Protection Act 2020**;

(e) a Game Management Authority established under Part 2 of the **Game Management Authority Act 2014**;

(f) Alpine Resorts Victoria within the meaning of the **Alpine Resorts (Management) Act 1997**;

(g) a Council within the meaning of the **Local Government Act 2020**;

(h) a committee of management or land manager within the meaning of the **Crown Land (Reserves) Act 1978**;

(i) the Royal Botanic Gardens Board established under Part 2 of the **Royal Botanic Gardens Act 1991**;

(j) a water corporation within the meaning of the **Water Act 1989**;

(k) a port authority within the meaning of the **Port Management Act 1995**;

private land means any land other than public land;

public authority means anybody (including any trust) established by or under an Act for a public purpose;

public land means –

(a) land under the **Crown Land (Reserves) Act 1978** including any alpine resort within the meaning of the **Alpine Resorts Act 1983**;

(b) land in any park within the meaning of the **National Parks Act 1975**;

(c) state forest within the meaning of the **Forests Act 1958**;

(d) unreserved Crown land under the **Land Act 1958**;

(e) land in any State Wildlife Reserve or Nature Reserve within the meaning of the **Wildlife Act 1975**;

(f) land that is owned or leased by, or vested in, a land manager; and

(g) any other land that is used or managed for a public purpose;

the Act means the **Livestock Disease Control Act 1994** (Vic);

wildlife has the same meaning as in the **Wildlife Act 1975**.

7 Application of Order

(1) This Order applies to the following classes of applicable wildlife –

(a) wildlife within the meaning of the **Wildlife Act 1975** that is

(i) a bird; and

(ii) not captive wildlife; and

(iii) dead; and

(iv) on private land.

8 Declaration of control area

(1) The whole State of Victoria is declared to be a control area for the purpose of preventing, controlling or eradicating the exotic disease, H5 avian influenza.

(2) The prohibitions, restrictions, requirements and controls specified in Part 2 of this Order apply to the control area.

9 Interaction with other orders and notices

(1) In the event of inconsistency between this Order and an Avian Influenza Restricted Area Order made under section 26 of the Act which operates within the control area for the purposes of preventing, controlling or eradicating the exotic disease, avian influenza, the Avian Influenza Restricted Area Order prevails to the extent of the inconsistency.

(2) In the event of inconsistency between this Order and Quarantine Notice(s) issued under section 110 of the Act in respect of any premises, place or vehicle in the control area for the purposes of preventing the spread of the exotic disease avian influenza, the Quarantine Notice(s) prevails to the extent of the inconsistency.

(3) In the event of inconsistency between this Order and an Infected Place Order made under section 21 of the Act or an Infected Vehicle Order made under section 22 of the Act, or a notice issued under section 25 of the Act which operates in the control

area for the purposes of preventing, controlling or eradicating the exotic disease, avian influenza, the Infected Place Order, Infected Vehicle Order or section 25 notice prevails to the extent of the inconsistency.

(4) If another Order made under section 29 of the Act operates in the control area for the purposes of preventing, controlling or eradicating the exotic disease, avian influenza each order applies concurrently to the extent that they are capable of doing so.

(5) To the extent of any inconsistency between this Order and another control area order made under section 29 of the Act that operates in the control area for the purposes of preventing, controlling or eradicating the exotic disease, avian influenza (concurrent order), the concurrent order prevails only if it expressly provides that it prevails over this Order.

Part 2 – Control area – prohibitions, restrictions and requirements

10 Person disposing of dead applicable wildlife

(1) For the purposes of prevention, control or eradication of the exotic disease, H5 avian influenza, this order authorises an owner or manager of private land, or a person lawfully permitted to be on that land to take, acquire, receive, possess and dispose of dead applicable wildlife found on that land. This authorisation applies only where the person reasonably suspects the cause of death for the applicable wildlife to be the exotic disease, H5 avian influenza.

(2) This clause authorises the disposal of applicable wildlife that is already dead and does not authorise the taking, destruction, killing or harming of wildlife.

(3) Disposal of dead applicable wildlife must be in accordance with guidance for land managers published on the Agriculture Victoria website, unless specifically directed otherwise by the Chief Veterinary Officer.

Dated 3 September 2026

CHARLOTTE AUSTIN
Executive Director, Biosecurity Victoria

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