

Livestock Disease Control Act 1994

Section 29(1)

ORDER DECLARING A CONTROL AREA FOR AVIAN INFLUENZA

I, Graeme Cooke, Chief Veterinary Officer 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, avian influenza.

Part 1 – Preliminary**1 Objective**

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 Order 2024 (No. 8).

3 Authorising provision

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

4 Commencement

- (1) This Order commences on 20 June 2024 and ends at 11.59 pm on 17 July 2024 unless revoked earlier.

5 Definitions

In this Order –

applicable fittings means the fittings specified in clause 6(3) of this Order;

applicable fodder means the fodder specified in clause 6(4) of this Order;

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

applicable livestock products means the livestock products specified in clause 6(2) of this Order;

applicable vehicle means a vehicle, including any aircraft or vessel, that has been in contact with any applicable livestock, applicable livestock product, applicable fodder or applicable fittings;

chief veterinary officer means chief veterinary officer of the Department of Energy, Environment and Climate Action;

clean means –

- (a) in the case of a vehicle that has been in contact with applicable livestock or the carcase of applicable livestock or applicable livestock products, to remove all animal excretions and secretions, including but not limited to faecal material, urine, saliva and blood, and any visible dirt by –
 - (i) washing down with water and detergent the livestock crate, flooring, trailer and wheels of the vehicle until they are visibly clean; and
 - (ii) disinfecting the livestock crate, flooring, trailer and wheels of the vehicle;
- (b) in the case of a vehicle that is a feed truck that has been on a property with applicable livestock or the carcase of applicable livestock, to remove all animal excretions and secretions, including but not limited to faecal material, urine, saliva and blood, and any visible dirt by –
 - (i) washing down with water and detergent the wheels and tyres of the vehicle until they are visibly clean; and
 - (ii) disinfecting the wheels and tyres of the vehicle;

- (c) in the case of fittings and footwear that have been in contact with applicable livestock or the carcase of applicable livestock or the excretions or secretions of applicable livestock, to wash down all surfaces to remove any visible dirt and disinfect;
- (d) in the case of containers of meat or meat products and associated equipment, to wash down with water and detergent all external surfaces to remove any visible dirt and disinfect;

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

dangerous contact premises means a premises (other than an abattoir or knackery), that the chief veterinary officer has assessed as posing an unacceptable risk to the prevention, control or eradication of avian influenza –

- (a) that contains an animal that is likely to be infected with avian influenza virus; or
- (b) that contains or has been exposed to animal products, waste or things likely to be contaminated by avian influenza virus;

disinfect means to disinfect in accordance with the listed decontamination strategies for avian influenza in section 5.3 (Decontamination strategies for specific EAD agents) of the AUSVETPLAN Operational manual Decontamination (Version 5.0);

food business has the same meaning as in the **Food Act 1984**;

livestock has the same meaning as in the Act and includes any non-human animal, and any fish or bird, whether wild or domesticated, egg intended for hatching or bee;

meat processing facility has the same meaning as in the **Meat Industry Act 1993**;

movement means any movement of applicable livestock, applicable livestock products, applicable vehicles, applicable fodder or applicable fittings other than movement within a premises;

owner has the same meaning as in the Act;

permit means a permit issued by an inspector under section 30(2) of the Act;

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

registered veterinary practitioner has the same meaning as in the **Veterinary Practice Act 1997**;

specified livestock means livestock the subject of a declaration under clause 19 of this Order;

suspect premises means a premises that contain an animal that may have been exposed to avian influenza virus, and is showing clinical signs similar to avian influenza;

the Act means the **Livestock Disease Control Act 1994**.

6 Application of Order

- (1) This Order applies to the following classes of livestock –
 - (a) poultry.
- (2) This Order applies to the following classes of livestock products –
 - (a) the carcase or the portion of a carcase of applicable livestock;
 - (b) the meat, blood, feathers, skin, feet or offal of applicable livestock;
 - (c) the fat, or other food or foodstuffs derived from applicable livestock;
 - (d) eggs and egg product of applicable livestock, including the contents of an egg in any form including egg pulp, dried egg, liquid egg white and liquid egg yolk;
 - (e) the secretions, excretions, manure, effluent and other wastes of applicable livestock.
- (3) This Order applies to the following classes of fittings –
 - (a) any facilities or materials used for housing, restraining or confining applicable livestock; or

- (b) clothes, buckets, containers or other articles which have been brought into contact with applicable livestock; or
- (c) equipment and other articles which have been:
 - (i) used in connection with applicable livestock and which have been brought into contact with any applicable livestock products or
 - (ii) used in the processing or manufacture of applicable livestock products and which have been brought into contact with any applicable livestock product.
- (4) This Order applies to the following classes of fodder –
 - (a) any food, drinking water or bedding used by or which has been brought into contact with applicable livestock.

7 Declaration of control area

- (1) The area shown on the plan in the Schedule to this Order is declared to be a control area for the purpose of preventing, controlling or eradicating the exotic disease, avian influenza.
- (2) The prohibitions, restrictions, requirements and controls specified in this Order apply to the control area.

8 Interaction with other orders and notices

- (1) In the event of conflict between this Order and an Avian Influenza Restricted Area Order issued 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 shall prevail.
- (2) In the event of conflict 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 and for the purposes of preventing the spread of the exotic disease, avian influenza, the Quarantine Notice(s) prevails.

Part 2 – Control area – prohibitions, restrictions and requirements

9 Prohibition – movement of applicable livestock

- (1) A person must not move applicable livestock into, within or out of the control area.
- (2) Subclause (1) does not apply to a person if –
 - (a) the movement of applicable livestock is in accordance with the conditions of a permit; or
 - (b) the person is an employee of the Department of Energy, Environment and Climate Action and the movement of dead applicable livestock is for the purposes of moving it to another premises for disease testing or diagnosis.

10 Prohibition, restrictions and requirements – collection, processing and packaging of eggs

- (1) A person must not collect, process or package eggs on a premises within the control area for the purposes of the eggs being moved to another premises in the control area, unless a risk assessment has been conducted and the eggs are packed in or onto –
 - (a) new clean cardboard fillers or packaging; or
 - (b) new or cleaned plastic fillers or packaging; or
 - (c) new or cleaned transport pallets.
- (2) A person must not collect, process or package eggs on a premises within the control area for the purposes of the eggs being moved out of the control area.
- (3) A person receiving eggs onto a premises in the control area must safely dispose of any associated non-plastic packaging and must clean other packaging before it is reused.
- (4) Subclause (1) and subclause (2) do not apply to a person who is the holder of a permit issued by an inspector.

11 Prohibition and requirements – movement of applicable livestock carcasses, meat, offal, skins, feathers and field-shot applicable livestock

- (1) A person must not move into, out of or within the control area –
 - (a) a carcass or any portion of a carcass of applicable livestock; or
 - (b) meat, offal, skin, feathers of applicable livestock; or
 - (c) field-shot applicable livestock.
- (2) Subclause (1) does not apply to a person who satisfies the following requirements –
 - (a) the movement of the carcass or any portion of a carcass of applicable livestock, meat, offal, skin, or feathers of applicable livestock or field-shot applicable livestock is in accordance with the conditions of a permit; or
 - (b) the meat or offal or eggs of applicable livestock is obtained from a meat processing facility licensed under the **Meat Industry Act 1993**, other than an abattoir, or a food business registered or notified in accordance with the **Food Act 1984**, or other supplier authorised by law to provide food for human consumption or consumption by animals and the meat or offal or eggs is not fed to livestock (excluding dogs and cats).

12 Prohibition and restrictions – sales, markets

- (1) A person must not hold a sale, market, auction, show, exhibition, gathering or competition involving applicable livestock or applicable livestock products within the control area.
- (2) Subclause (1) does not apply to a person who satisfies the following requirements –
 - (a) that the sale, market, auction, show, exhibition, gathering or competition involving applicable livestock or applicable livestock products is held in accordance with the conditions of a permit; or
 - (b) the applicable livestock products are obtained from a meat processing facility licensed under the **Meat Industry Act 1993**, other than an abattoir, or a food business registered or notified in accordance with the **Food Act 1984**, or other supplier authorised by law to provide food for human consumption or consumption by animals and the applicable livestock products are not fed to livestock (excluding dogs and cats).

13 Prohibition and requirements – confinement of applicable livestock

All applicable livestock on premises in the control area must be confined so as not to have contact with livestock that is from outside the premises.

14 Prohibition and requirements – use of applicable vehicles

- (1) A person must not leave a premises in a control area in or with an applicable vehicle that has come into contact with applicable livestock or applicable livestock products on the premises, unless the vehicle is cleaned before leaving the premises.
- (2) Subclause (1) does not apply to a person who satisfies the requirement that the person holds a permit, that authorises the person to leave the premises in the control area in or with an applicable vehicle without cleaning the applicable vehicle.
- (3) Subclause (1) does not apply to a driver or passenger of an applicable vehicle that is a truck that delivers stockfeed to livestock at a premises, if the driver or any passenger satisfies the following requirements –
 - (a) the driver does not drive the truck on tracks used by applicable livestock;
 - (b) the driver cleans the wheels of the truck on entering and leaving the premises;
 - (c) the driver or any passenger maintains personal procedures that minimise biosecurity risks, including the cleaning of their boots on entering and leaving the premises; and
 - (d) the driver or any passenger does not have contact with any applicable livestock or applicable livestock products on the premises.

- 15 Prohibition and requirements – treatment of protective clothing, footwear and fittings**
- (1) A person must not remove from a livestock processing plant or any other premises in the control area any protective clothing, footwear and fittings that have come into contact with applicable livestock or applicable livestock products.
 - (2) Subclause (1) does not apply to a person who satisfies the requirements that the person removes the protective clothing, footwear and fittings from the livestock processing plant or any other premises in accordance with the conditions of a permit.
- 16 Requirements – reporting illness in livestock consistent with avian influenza**
- (1) A person who knows, or suspects applicable livestock is infected with avian influenza in the control area must immediately notify an inspector.
 - (2) A person who knows or suspects applicable livestock has clinical signs consistent with avian influenza in the control area must immediately notify an inspector.
 - (3) To avoid doubt, these requirements are in addition to any obligations to notify diseases under the Act.
- 17 Requirements – testing of livestock for avian influenza**
- An owner of applicable livestock in the control area must –
- (a) present upon request their applicable livestock to one of the following persons, for samples to be taken and testing conducted, to determine if avian influenza is present in the applicable livestock –
 - (i) a registered veterinary practitioner; or
 - (ii) an inspector; or
 - (iii) the person nominated by an inspector in a direction given to the owner of the livestock; and
 - (b) take all reasonable steps to provide a person referred to in paragraph (a) with the facilities and assistance required to enable the safe and efficient handling of the applicable livestock during any testing or sampling for avian influenza; and
 - (c) give any information requested by an inspector regarding the movement of applicable livestock into and out of the owner’s premises.
- 18 Requirements and controls – inspector**
- (1) An inspector may require the destruction of applicable livestock or applicable livestock products on a premises in the control area if –
 - (a) the applicable livestock are being held on –
 - (i) a dangerous contact premises; or
 - (ii) a suspect premises; or
 - (b) an inspector reasonably believes that the applicable livestock or applicable livestock products pose a risk to the control of avian influenza.
 - (2) An inspector may direct that applicable livestock held at a saleyard in the control area, or applicable livestock in transit from the control area, be disposed of by being slaughtered at an abattoir.
- 19 Prohibition and control – transport of specified livestock**
- (1) The chief veterinary officer may declare, by instrument in writing published in the Government Gazette, any livestock species not susceptible to avian influenza to be **specified livestock** if –
 - (a) the specified livestock originate from a place outside the control area which has been declared to be a control area or restricted area or infected area under legislation of another State or Territory or the specified livestock have been in contact with applicable livestock from any such area; and/or
 - (b) the chief veterinary officer reasonably believes the movement of such specified livestock would pose a risk for the spread of avian influenza.

- (2) A person must not transport specified livestock into, out of, or within the control area.
- (3) Subclause (2) does not apply to a person if the movement of specified livestock is in accordance with the conditions of a permit.

20 Penalties

Penalties apply for contravention of this Order. Section 30(1) and (1A) of the Act provide –

Permit for activity in the control area

- (1) 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.

Penalty: 1200 penalty units or 24 months imprisonment or both.

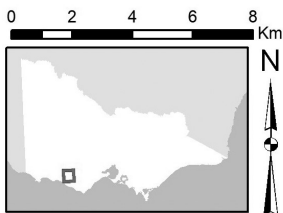
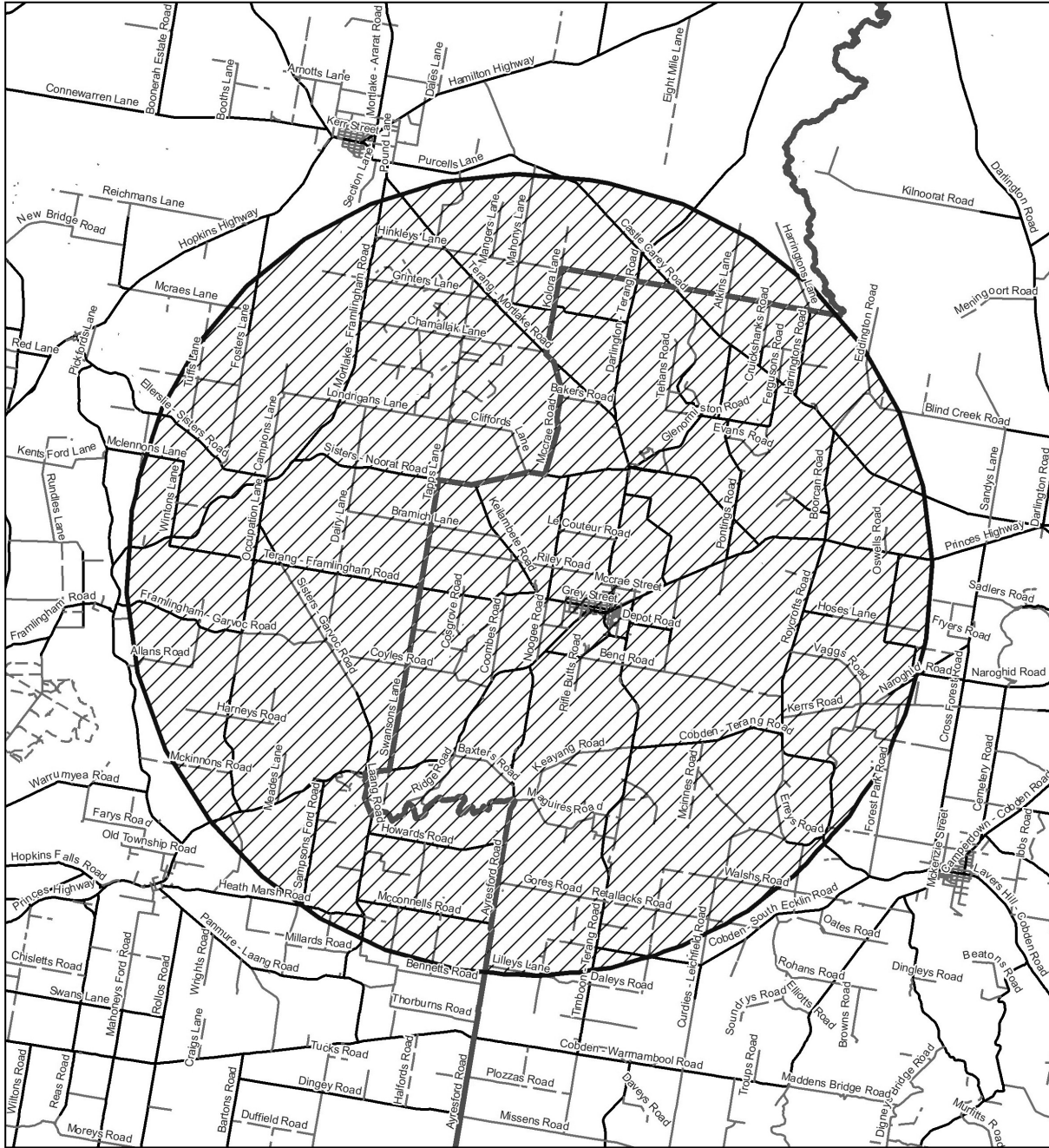
- (1A) A person who contravenes any prohibition, restriction or requirement specified in an order declaring any land, premises, place or area to be a control area, where that person is not liable for an offence under subsection (1) in respect of that contravention, is guilty of an offence and liable to a penalty not exceeding 120 penalty units.

Dated 19 June 2024

GRAEME COOKE
Chief Veterinary Officer

SCHEDULE

Avian Influenza Control Area (Terang)
18 June 2024



 Control Area
 Local Government Area

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 Agriculture Victoria
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