

Draft Orders submitted to the Governor in Council by the Honourable the Minister for Agriculture

Livestock Disease Control Act 1994

Recommending to the Governor in Council, under section 139 of the **Livestock Disease Control Act 1994**, that the Livestock Disease Control Amendment Regulations 2024, be made.



(Signature of Secretary).....

John Bradley, Secretary, Department of Energy, Environment and Climate Action



(Signature of Minister).....

The Hon. Ros Spence MP, Minister for Agriculture



For Executive Council

- 6 FEB 2024



APPROVED BY THE
GOVERNOR IN COUNCIL



Clerk of the Executive Council

Livestock Disease Control Act 1994

Livestock Disease Control Amendment Regulations 2024

EXPLANATORY MEMORANDUM

Summary

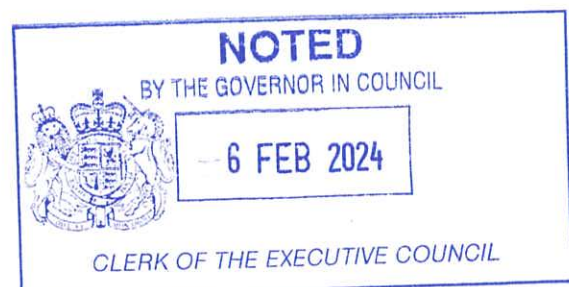
- The proposed Livestock Disease Control Amendment Regulations 2024 (proposed Regulations) make amendments to the Livestock Disease Control Regulations 2017 (Principal Regulations) and the amendments will come into effect on 7 February 2024.
- The proposed Regulations enhance livestock traceability requirements, manage emerging risks, strengthen enforcement capabilities and include consequential amendments following passage of the **Agriculture Legislation Amendment Act 2022**.

Recommendation

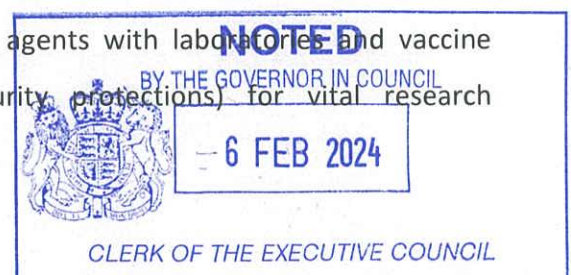
1. It is recommended to the Governor in Council that the Livestock Disease Control Amendment Regulations 2024 (proposed Regulations) be made.

Background to proposed Regulations and their effect

2. The **Livestock Disease Control Act 1994** provides the legislative framework for, among other things:
 - a. protecting public health by preventing, monitoring and controlling diseases transmissible from livestock to humans; and
 - b. identification and tracing programs for livestock disease and residue control and market access.
3. The **Livestock Disease Control Act 1994** was amended by the **Agriculture Legislation Amendment Act 2022** which, among other things —
 - a. modernised the governance arrangements for the livestock compensation funds by revising the structure of the advisory committees to improve openness and transparency; and



- b. introduced notification provisions in relation to exposed cattle or pigs on land used for depositing or spreading sewage or sewage treatment products, and relatedly, new offences for the sale of exposed pigs and cattle.
4. The **Agriculture Legislation Amendment Act 2022** made changes to the **Livestock Disease Control Act 1994**, requiring consequential amendments to the Principal Regulations, including –
- a. prescribing the manner, time period and details to be provided in notifications to the Secretary about cattle and pigs exposed to sewage.
 - b. prescribing to whom, and in what circumstances, the Secretary may make records available (related to the administration of the **Livestock Disease Control Act 1994**) to persons.
 - c. prescribing advertising and publishing requirements relating to advertisements to sell livestock.
 - d. revoking inoperative and redundant regulations as a result of changes to the governance arrangements for the livestock compensation funds, which revised the structure of the advisory committees.
5. Further, in light of recent biosecurity threats, including the varroa mite outbreak in NSW and the detections of both foot and mouth disease and lumpy skin disease in Indonesia, Agriculture Victoria (as part of the Department of Energy, Environment and Climate Action) has conducted an internal review of the regulatory framework related to Victoria's emergency animal disease preparation and preparedness to inform the development of the proposed Regulations. In doing so, it also considered lessons learned from recent emergency animal disease responses.
6. The proposed Regulations are made under section 139 of the **Livestock Disease Control Act 1994**, and include –
- a. removing outdated regulations allowing the identification of sheep and goats with visually readable National Livestock Identification System (NLIS) ear tags. This reflects the final transition to electronic identification of sheep and goats and is expected by industry.
 - b. streamlining the sharing of exotic disease agents with laboratories and vaccine manufacturers (with appropriate biosecurity protections) for vital research

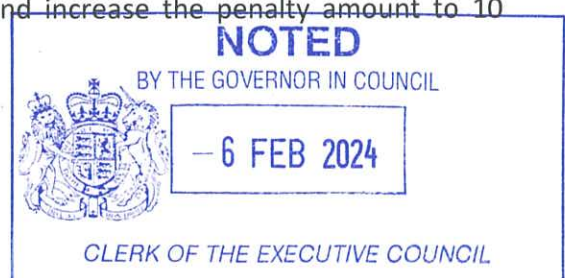


purposes. Two exemption Orders under section 6(3A) of the **Livestock Disease Control Act 1994**, facilitating this sharing with the Peter Doherty Institute and Seqirus Pty Ltd, will no longer be required as a result of the amendment and can lapse.

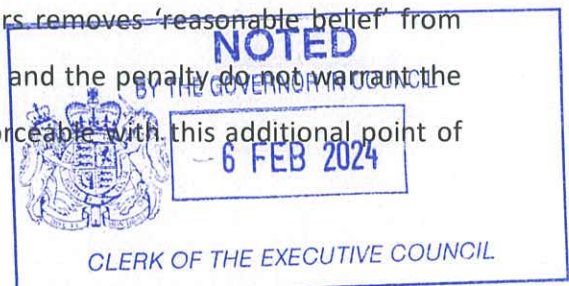
- c. updating traceability requirements to improve compliance and enforcement, for example, clarifying temporary tail tag use for cattle in situations where it is unsafe to use a NLIS device.
- d. amending requirements related to beekeeping, incorporating lessons learned from the current varroa mite response.
- e. increasing penalty amounts to achieve consistency across the Principal Regulations and improve deterrence.

Overview of the proposed Regulations

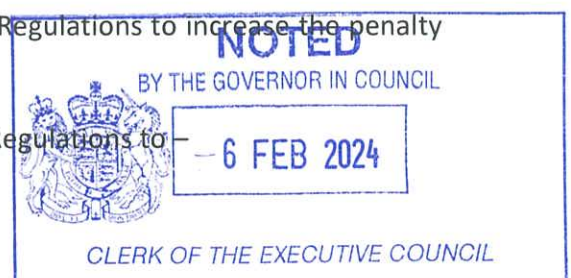
- 7. Regulation 1 sets out the objectives of the proposed Regulations, which include amending requirements related to the introduction of livestock, livestock products, fodder or fittings into Victoria, increasing the penalty amounts for certain offences and making other minor and technical amendments.
- 8. Regulation 2 identifies section 139 of the **Livestock Disease Control Act 1994** as the head of power under which the proposed Regulations may be made.
- 9. Regulation 3 provides that the proposed Regulations come into operation on 7 February 2024.
- 10. Regulation 4 specifies that in the proposed Regulations, the current Regulations are referred to as the Principal Regulations.
- 11. Regulation 5 amends definitions in the Principal Regulations for the purposes of revoking definitions that are no longer required, updating references to documents, organisation names and current legislation. The following defined terms have been inserted, amended, or revoked: 'ANZSDP', 'approved NLIS ear tag', 'ASDT', 'chief veterinary officer', 'Newcastle Disease Management Plan', 'NLIS device', 'NLIS ear tag', and 'pollen'.
- 12. Regulation 6 substitutes regulation 6(3) of the Principal Regulations with 2 offence provisions to make the offences infringeable and increase the penalty amount to 10 penalty units for each provision.



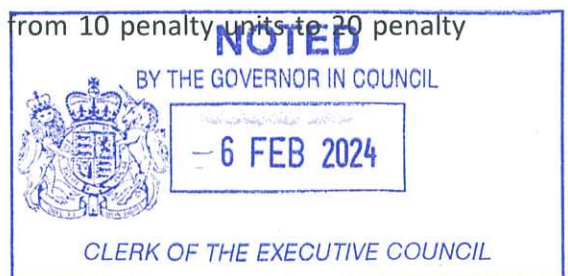
13. Regulation 7 substitutes regulation 8(d) of the Principal Regulations to remove reference to regulation 23, which is to be revoked, but ensures the sub-regulation continues to apply to sheep and goats arriving from another State or Territory in accordance with regulation 38(c).
14. Regulation 8 substitutes regulation 14A(h) of the Principal Regulations to remove reference to regulation 23, which is to be revoked, but ensures the provision continues to apply to sheep and goats arriving from another State or Territory in accordance with regulation 38(c).
15. Regulation 9 substitutes regulation 15 of the Principal Regulations to include an exemption from the requirement to provide a vendor declaration or a document provided to the abattoir operator under section 8A of the **Livestock Disease Control Act 1994** and be identified in accordance with section 9A of the **Livestock Disease Control Act 1994**, for animal welfare purposes and increases the penalty from 5 penalty units to 10 penalty units.
16. Regulation 10 amends regulation 17(2) of the Principal Regulations to omit 'reasonable belief', as the wording of the offence and the penalty do not warrant the inclusion of this element and the offence is unenforceable with this additional point of proof. It also increases the penalty amount from 10 penalty units to 20 penalty units.
17. Regulation 11 substitutes regulation 20 of the Principal Regulations to distinguish between pigs that weigh more and less than 25 kilograms, and also make provision for pigs to be identified with NLIS breeder and NLIS post-breeder ear tags, consistent with the 'NLIS Pig Standards'. This amendment is required as a result of the revocation of regulation 30 of the Principal Regulations.
18. Regulation 12 revokes regulation 23 of the Principal Regulations which permits sheep and goats born in Victoria to be identified by visually readable NLIS ear tags. Sheep and goats born in Victoria must now only be identified by electronic NLIS devices, unless an exemption applies.
19. Regulation 13 substitutes regulation 24 of the Principal Regulations. It substitutes the heading to remove the reference to 1 January 2017, as that timeframe no longer applies, owing to the revocation of regulation 23. It further removes 'reasonable belief' from sub-regulation 24(2), as the wording of the offence and the penalty do not warrant the inclusion of this element and the offence is unenforceable with this additional point of



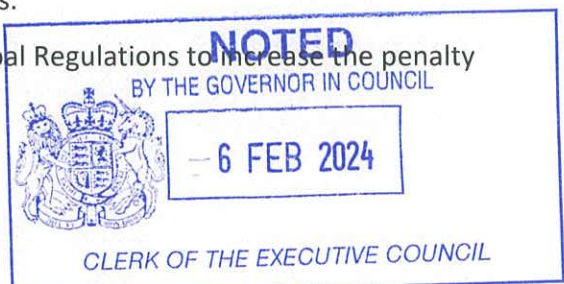
- proof. It also increases the penalty for regulation 24(2) from 10 penalty units to 20 penalty units.
20. Regulation 14 amends regulation 25 of the Principal Regulations, removing reference to regulation 23, as it is to be revoked.
21. Regulation 15 substitutes regulation 26 of the Principal Regulations to better align with similar regulations that set out the requirements in circumstances where livestock are dispatched in an emergency (specifically regulations 19 and 22) and provides for notification to be given to the Secretary within 7 days of the dispatch occurring.
22. Regulation 16 revokes regulation 30 of the Principal Regulations. Instead of pigs being identified in accordance with this provision, pigs are to be identified in accordance with regulation 20.
23. Regulation 17 amends regulation 32(2) of the Principal Regulations to increase the penalty amount from 5 penalty units to 10 penalty units.
24. Regulation 18 amends regulation 33(2) of the Principal Regulations to increase the penalty amount from 5 penalty units to 10 penalty units.
25. Regulation 19 amends regulation 34 of the Principal Regulations to –
- insert “serial” after “unique” and makes a grammatical correction.
 - amend the requirements set out in subparagraph 34(1)(b) so that the selling agent or scale operator are to record the property identification code of the property of destination for the cattle.
 - insert a penalty of 10 penalty units at the foot of sub-regulation 34(2).
 - Substitute the timeframe in sub-regulation 34(3) from “as soon as practicable” with “within 2 business days”.
 - substitute the penalty amount in regulation 34(3) from 5 penalty units to 10 penalty units.
26. Regulation 20 amends regulation 35(1A) of the Principal Regulations to increase the penalty amount from 5 penalty units to 10 penalty units.
27. Regulation 21 amends regulation 36 of the Principal Regulations to increase the penalty amount from 5 penalty units to 10 penalty units.
28. Regulation 22 amends regulation 37 of the Principal Regulations to increase the penalty amount from 5 penalty units to 10 penalty units.
29. Regulation 23 amends regulation 42 of the Principal Regulations to –



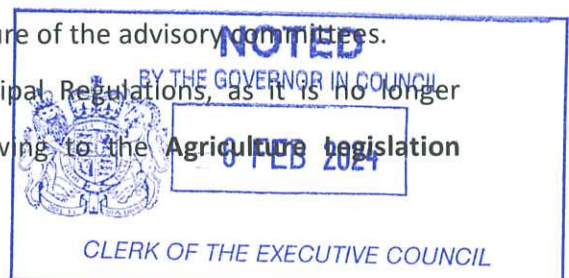
- a. substitute the department name in regulation 42(1)(b) with the correct department name.
 - b. substitute regulation 42(2) so that it includes specific information that businesses are prescribed to include when applying for a property identification code under section 9B(3)(b) of the **Livestock Disease Control Act 1994**, as distinguished from natural persons.
30. Regulation 24 amends regulation 43 of the Principal Regulations by increasing the penalty amount from 5 penalty units to 10 penalty units.
31. Regulation 25 amends regulation 44 to of the Principal Regulations by increasing the penalty amount from 5 penalty units with 10 penalty units.
32. Regulation 26 amends regulation 45 of the Principal Regulations by increasing the penalty amount from 10 penalty units to 20 penalty units.
33. Regulation 27 amends regulation 47(2) of the Principal Regulations to clarify that health certificates in the form set out in the relevant schedules must be completed no less than 72 hours before the introduction of bees, bee products, pollen or used beekeeping fittings into Victoria.
34. Regulation 28 amends regulation 49 of the Principal Regulations to increase the penalty amount from 5 penalty units to 10 penalty units.
35. Regulation 29 amends regulation 53 of the Principal Regulations to –
- a. substitute the heading to reflect the provision more appropriately; and
 - b. clarify that regulation 53(1) does not apply if the person has an approval under the relevant provision of Part 3 of the **Livestock Disease Control Act 1994** or an order made under that Part, that authorises the movement of the bees, bee products, pollen or used beekeeping fittings into Victoria and the person complies with the approval.
36. Regulation 30 revokes regulation 55 of the Principal Regulations, as Braula fly has been detected in Victoria and there is no longer a need for this regulation.
37. Regulation 31 amends regulation 58 of the Principal Regulations to increase the penalty amount from 5 penalty units to 10 penalty units.
38. Regulation 32 amends regulation 63 of the Principal Regulations to increase the penalty amount for sub-regulations 63(1) through to 63(5) from 10 penalty units to 20 penalty units.



39. Regulation 33 amends regulation 64 of the Principal Regulations to increase the penalty amount for sub-regulations 64(1) through to 64(3) from 10 penalty units to 20 penalty units.
40. Regulation 34 amends regulation 67 of the Principal Regulations to increase the penalty amount from 10 penalty units to 20 penalty units.
41. Regulation 35 amends regulation 68 of the Principal Regulations to increase the penalty amount from 10 penalty units to 20 penalty units.
42. Regulation 36 amends regulation 69 of the Principal Regulations to increase the penalty amount from 10 penalty units to 20 penalty units.
43. Regulation 37 amends regulation 70 of the Principal Regulations to increase the penalty amount from 10 penalty units to 20 penalty units.
44. Regulation 38 amends regulation 71 of the Principal Regulations to allow for the handling and use of exotic disease agents under conditions approved by the Secretary, and for purposes approved by the Secretary which is limited to handling and using the exotic disease agent to perform tests, prepare reagents for tests or to undertake research to prevent, monitor and control exotic diseases for livestock or public health, consistent with the purposes of the **Livestock Disease Control Act 1994**.
45. Regulation 39 is a consequential amendment owing to the **Agriculture Legislation Amendment Act 2022**, prescribing the manner, time period and details to be provided in notifications to the Secretary about cattle and pigs exposed to sewage for the purposes of section 44A of the **Livestock Disease Control Act 1994**.
46. Regulation 40 amends regulation 74A of the Principal Regulations to increase the penalty amount from 10 penalty units to 20 penalty units.
47. Regulation 41 amends regulation 74B of the Principal Regulations to increase the penalty amount for sub-regulations 74B(1) and 74B(2) from 10 penalty units to 20 penalty units.
48. Regulation 42 amends regulation 74C of the Principal Regulations to increase the penalty amount from 10 penalty units to 20 penalty units.
49. Regulation 43 amends regulation 74D of the Principal Regulations to increase the penalty amount from 10 penalty units to 20 penalty units.
50. Regulation 44 amends regulation 74E of the Principal Regulations to increase the penalty amount from 10 penalty units to 20 penalty units.

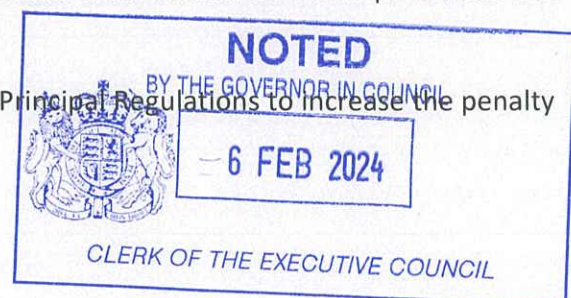


51. Regulation 45 amends regulation 74F(1) of the Principal Regulations to increase the penalty amount 10 penalty units to 20 penalty units.
52. Regulation 46 amends regulation 74G of the Principal Regulations to increase the penalty amount 10 penalty units to 20 penalty units.
53. Regulation 47 amends regulation 74H of the Principal Regulations to increase the penalty amount for sub-regulations 74(1) and 74(2) from 10 penalty units to 20 penalty units.
54. Regulation 48 amends regulation 74I of the Principal Regulations to omit reference to “suspected infection” and increase the penalty amount from 10 penalty units to 20 penalty units.
55. Regulation 49 amends regulation 74J of the Principal Regulations to increase the penalty amount from 10 penalty units to 20 penalty units.
56. Regulation 50 amends regulation 74K of the Principal Regulations to increase the penalty amount from 10 penalty units to 20 penalty units.
57. Regulation 51 amends regulation 74L of the Principal Regulations to increase the penalty amount from 10 penalty units to 20 penalty units.
58. Regulation 52 amends regulation 74M of the Principal Regulations to increase the penalty amount from 10 penalty units to 20 penalty units.
59. Regulation 53 amends regulation 74N of the Principal Regulations to increase the penalty amount for sub regulations 74N(1) and 74N(2) from 10 penalty units to 20 penalty units.
60. Regulation 54 amends regulation 74O of the Principal Regulations to increase the penalty amount from 10 penalty units to 20 penalty units.
61. Regulation 55 amends regulation 74P of the Principal Regulations to increase the penalty amount for sub regulations 74P(1) and 74P(2) from 10 penalty units to 20 penalty units.
62. Regulation 56 revokes regulation 77 of the Principal Regulations, as it is no longer required. This is a consequential amendment owing to the **Agriculture Legislation Amendment Act 2022** which provided for different governance arrangements for the livestock compensation funds by revising the structure of the advisory committees.
63. Regulation 57 revokes regulation 78 of the Principal Regulations, as it is no longer required. This is a consequential amendment owing to the **Agriculture Legislation**



Amendment Act 2022, which provided for different governance arrangements for the livestock compensation funds by revising the structure of the advisory committees.

64. Regulation 58 substitutes regulation 84A of the Principal Regulation to restructure the provision and permit a livestock agent to provide their name and contact details in an advertisement for sale of livestock, instead of the property identification code identifying the property at which the cattle or livestock are kept.
65. Regulation 59 amends subparagraphs 85(a)(vii) and (b)(vii) of the Principal Regulations to remove reference to regulation 23, which is also to be revoked, but ensures that these requirements still apply to a sheep or goat, identified by means of a NLIS ear tag, introduced into Victoria from another State or Territory, providing the sheep or goat is identified in accordance with any laws of the State or Territory from which the sheep or goat was dispatched.
66. Regulation 60 amends regulation 90(d)(viii) of the Principal Regulations to remove reference to regulation 23, which is also to be revoked but ensures that these requirements still apply to a sheep or goat, identified by means of a NLIS ear tag, introduced into Victoria from another State or Territory, providing the sheep or goat is identified in accordance with any laws of the State or Territory from which the sheep or goat was dispatched.
67. Regulation 61 amends regulation 99 of the Principal Regulation to increase the penalty unit amounts —
- a. for sub-regulation 99(1) from 5 penalty units to 10 penalty units; and
 - b. for sub-regulation 99(2) from 10 penalty units to 20 penalty units.
68. Regulation 62 amends regulation 107 of the Principal Regulations, a consequential amendment owing to the **Agriculture Legislation Amendment Act 2022** Act. The changes correct a reference to the section in the **Livestock Disease Control Act 1994** that prescribes the persons listed in the Regulations and amends outdated references to departments.
69. Regulation 63 amends regulation 108 of the Principal Regulations, a consequential amendment, owing to the **Agriculture Legislation Amendment Act 2022** that corrects a reference to the section in the **Livestock Disease Control Act 1994** that prescribes the persons listed in the Regulations.
70. Regulation 64 amends regulation 111 of the Principal Regulations to increase the penalty

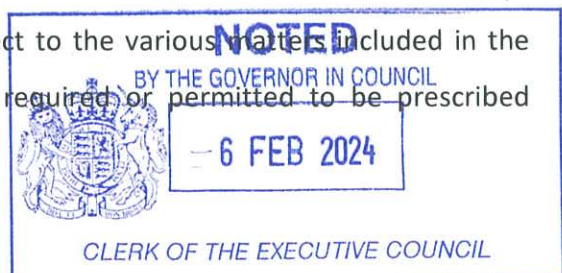


amounts, which have been determined in consultation with the Department of Justice and Community Safety (DJCS).

71. Regulation 65 amends regulation 112 of the Principal Regulations, including offences introduced by the **Agriculture Legislation Amendment Act 2022**, which have been included in consultation with the DJCS.
72. Regulation 66 amends Schedule 2 of the Principal Regulations to update disease names and infectious agents.
73. Regulation 67 amends Schedule 3 of the Principal Regulations to —
 - a. substitute "NLIS Limited" with "Integrity Systems Company Limited" (whenever occurring).
 - b. make changes to the Parts to reflect the changes made to regulation 20.
 - c. make corrections to Part F.
 - d. insert, after the final paragraph, "Carbon based tattooing paste or ink must be used."
 - e. revoke Parts G and H, which are parts that prescribe requirements for NLIS ear tags for sheep and goats.
74. Regulation 68 amends Schedule 4 of the Principal Regulations to update reference to the correct department name.
75. Regulation 69 amends Schedule 5 of the Principal Regulations to update reference to the correct department name.
76. Regulation 70 amends Schedule 6 of the Principal Regulations to update reference to the correct department name.
77. Regulation 71 amends Schedule 7 of the Principal Regulations to update reference to the correct department name.
78. Regulation 72 amends Schedule 10 of the Principal Regulations to update legislation references to those that are currently in force.

Authorising Legislation

79. The proposed Regulations are made under section 139 of the **Livestock Disease Control Act 1994**.
80. Section 139(1) of the **Livestock Disease Control Act 1994** enables the Governor in Council to make regulations for or with respect to the various matters included in the proposed Regulations, including any matter required or permitted to be prescribed



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

Certificates provided in accordance with the Subordinate Legislation Act 1994

81. The following certificates are attached for the proposed Regulations in accordance with the **Subordinate Legislation Act 1994**:

- a. a consultation certificate under section 6 of the **Subordinate Legislation Act 1994**.
- b. an exemption certificate under section 8(1)(a) of the **Subordinate Legislation Act 1994**, advising that the proposed Regulations will not impose a significant economic or social burden on a sector of the public, for the reasons set out under the 'Regulatory Impact Statement exemption' subheading below.
- c. a human rights certificate under section 12A of the **Subordinate Legislation Act 1994**, advising that the proposed Regulations do not limit any human rights set out in the **Charter of Human Rights and Responsibilities Act 2006**.
- d. an infringement offence consultation certificate under section 6A of the **Subordinate Legislation Act 1994**, advising that the Department of Justice and Community Safety has been consulted about the enforcement of the offences referred to in the proposed Regulations, and the Attorney-General's guidelines within the meaning of the **Infringements Act 2006** have been taken into account.

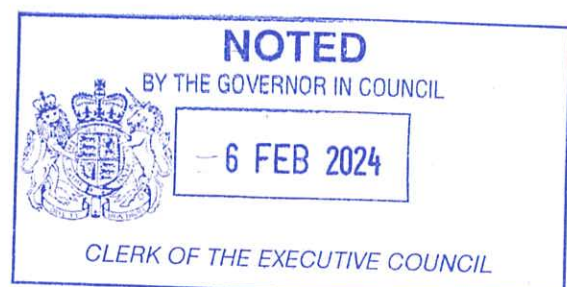
National Competition Policy

82. In accordance with the guidelines contained in the Victorian Guide to Regulation (published by the Office of the Commissioner for Better Regulation), the proposed Regulations are not required to be tested under competition policy assessment requirements as they are exempt from the Regulatory Impact Statement (RIS) process.

Gazettal

83. The proposed Regulations will be published in a Special Gazette on the day of their making.

Contact Name: Gerard Goodyear
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The Hon. Ros Spence MP

Minister for Agriculture
Minister for Community Sport
Minister for Carers and Volunteers

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LIVESTOCK DISEASE CONTROL ACT 1994

Livestock Disease Control Amendment Regulations 2024

RECOMMENDATION

It is recommended to the Governor in Council that, under section 139 of the **Livestock Disease Control Act 1994**, the Livestock Disease Control Amendment Regulations 2024 be made.

Advice from the Office of the Chief Parliamentary Counsel is submitted as required by section 13 of the **Subordinate Legislation Act 1994**.

A Regulatory Impact Statement for the proposed Livestock Disease Control Amendment Regulations 2024 has not been prepared. As the Minister responsible for the administration of the **Livestock Disease Control Act 1994**, I have issued an exemption certificate under section 8 of the **Subordinate Legislation Act 1994**, and it is attached.

Under my hand, the following, additional, certificates are attached:

- a consultation certificate under section 6 of the **Subordinate Legislation Act 1994**;
- an exemption certificate under section 8 of the **Subordinate Legislation Act 1994**;
- a Human Rights certificate under section 12A of the **Subordinate Legislation Act 1994**; and
- an infringement offence consultation certificate under section 6A of the **Subordinate Legislation Act 1994**.

Dated: 25/1/24

The Hon. Ros Spence
Minister for Agriculture





The Hon. Ros Spence MP

Minister for Agriculture
Minister for Community Sport
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Subordinate Legislation Act 1994

CONSULTATION CERTIFICATE

(Section 6)

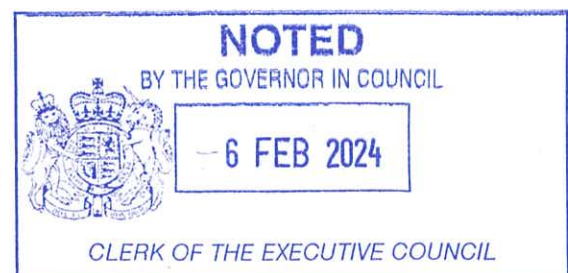
Livestock Disease Control Amendment Regulations 2024

I, The Hon. Ros Spence, Minister for Agriculture, and Minister responsible for administering the **Livestock Disease Control Act 1994**, certify that in accordance with the guidelines made under the **Subordinate Legislation Act 1994** there has been consultation with:

- a. every other Minister whose area of responsibility may be affected by the proposed Livestock Disease Control Amendment Regulations 2024 and there is no overlap or conflict with any other existing or proposed statutory rule, legislation or stated government policy; and
- b. sectors of the public on which a significant economic or social burden may be imposed by the proposed Livestock Disease Control Amendment Regulations 2024, so that the need for and the scope of the proposed Livestock Disease Control Amendment Regulations 2024 have been considered.

The sectors of the public that have been consulted are:

- Agriculture industry organisations, including:
 - Australian Chicken Meat Federation
 - Australian Dairy Farmers
 - Australian Livestock and Property Agents Association
 - Australian Livestock Saleyards Association
 - Australian Lot Feeders' Association
 - Australian Meat Industry Council
 - Australian Pork Limited
 - Dairy Australia
 - Livestock and Rural Transporters Association
 - Livestock Saleyards Association of Victoria



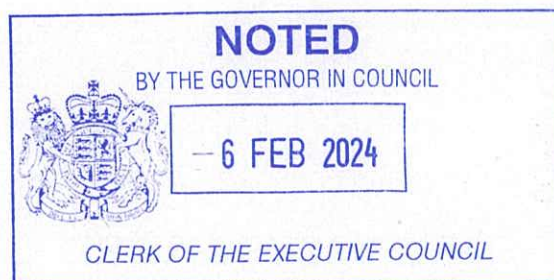
- Meat and Livestock Australia
- Stock Feed Manufacturers Council of Australia
- Victorian Farmers Federation
- Wool Producers Australia
- Other animal health and welfare organisations, including:
 - Australian Veterinary Association.

The proposed amendments are broadly supported by the above stakeholder organisations.

Dated: 25/1/24



The Hon. Ros Spence
Minister for Agriculture





The Hon. Ros Spence MP

Minister for Agriculture
Minister for Community Sport
Minister for Carers and Volunteers

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Subordinate Legislation Act 1994

EXEMPTION CERTIFICATE

(Section 8)

Livestock Disease Control Amendment Regulations 2024

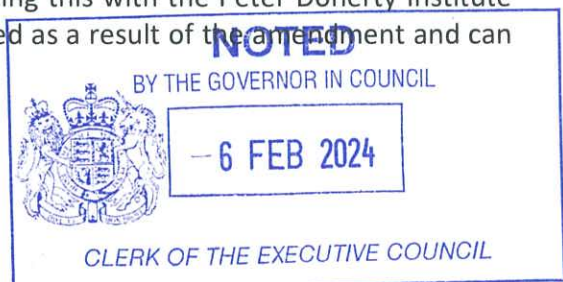
I, The Hon. Ros Spence, Minister for Agriculture, and Minister responsible for administering the **Livestock Disease Control Act 1994**, certify under section 8(1)(a) of the **Subordinate Legislation Act 1994** that in my opinion, the proposed statutory rule would not impose a significant economic or social burden on a sector of the public.

The reasons for forming this opinion are –

The **Livestock Disease Control Act 1994** provides requirements to protect livestock from disease and maintain and enhance domestic and international market access. It also aims to protect public health by preventing diseases that are transmissible to humans, providing compensation for certain livestock losses and supporting the operation of livestock traceability systems for the purposes of market access and disease and residue control. The Livestock Disease Control Regulations 2017 (the Principal Regulations) are established under, and prescribe matters required by the **Livestock Disease Control Act 1994**.

The Livestock Disease Control Amendment Regulations 2024 (proposed Regulations) are made under section 139 of the **Livestock Disease Control Act 1994**, and include –

- a. removing outdated regulations which allow for the identification of sheep and goats with visually readable National Livestock Identification System (NLIS) ear tags. This reflects the final transition to electronic identification of sheep and goats and is expected by industry. This reform is consistent with an exemption Order and Secretarial Notice made under the **Livestock Disease Control Act 1994** in March 2022, which currently permits sheep and goats born in Victoria to be identified by NLIS device that is electronically readable.
- b. streamlining the sharing of exotic livestock disease agents with laboratories and vaccine manufacturers (with appropriate biosecurity protections) for vital public health research purposes. Two exemption Orders under section 6(3A) of the **Livestock Disease Control Act 1994** facilitating this with the Peter Doherty Institute and Seqirus Pty Ltd will no longer be required as a result of the amendment and can lapse on 22 February 2024.



- c. updating traceability requirements to improve compliance and enforcement, for example clarifying temporary tail tag use for cattle in situations where it is unsafe to use a NLIS device.
- d. amending requirements related to beekeeping and incorporating lessons learned from the recent varroa mite response.
- e. increasing penalty amounts to achieve consistency across the current Regulations and improve deterrence.
- f. consequential amendments to the current Regulations are also required owing to the passage of the **Agriculture Legislation Amendment Act 2022**.

In consultation with Better Regulation Victoria (BRV), Agriculture Victoria undertook a preliminary regulatory burden analysis which estimated that the additional annual costs imposed on industry by the proposed Regulations is well under the indicative threshold of \$2 million per year provided within the **Subordinate Legislation Act 1994** Guidelines 2020 (the Guidelines). The Guidelines advise that where preliminary analysis suggests that the measurable social or economic costs to any sector of the public are likely to be less than \$2 million per year, then there is unlikely to be a significant burden.

BRV supported Agriculture Victoria's assessment.

Accordingly, a Regulatory Impact Statement is not required for these Regulations.

Dated: 25/1/24



The Hon. Ros Spence
Minister for Agriculture





The Hon. Ros Spence MP

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Subordinate Legislation Act 1994

HUMAN RIGHTS CERTIFICATE

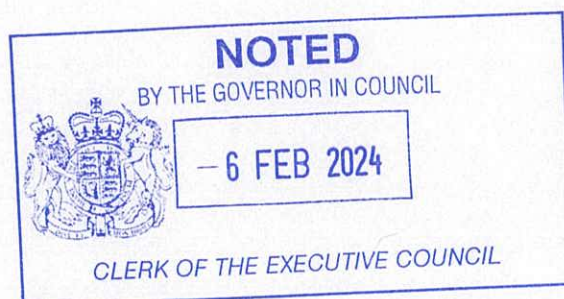
(Section 12A)

Livestock Disease Control Amendment Regulations 2024

I, the Hon. Ros Spence, Minister for Agriculture, and Minister responsible for administering the **Livestock Disease Control Act 1994** certify that, in my opinion the proposed Livestock Disease Control Amendment Regulations 2024 do not limit any human right set out in the **Charter of Human Rights and Responsibilities Act 2006**.

Dated: 25/1/24

The Hon. Ros Spence
Minister for Agriculture





The Hon. Ros Spence MP

Minister for Agriculture
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Subordinate Legislation Act 1994

INFRINGEMENTS OFFENCE CONSULTATION CERTIFICATE

(Section 6A)

Livestock Disease Control Amendment Regulations 2024

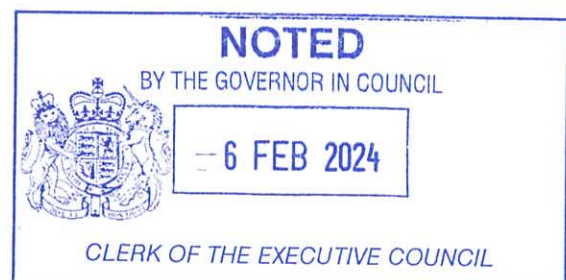
I, the Hon. Ros Spence, Minister for Agriculture, and Minister responsible for administering the **Livestock Disease Control Act 1994**, certify under section 6A of the **Subordinate Legislation Act 1994** that:

- (a) the Department of Justice and Community Safety has been consulted about the enforcement of the offences referred to in the proposed Livestock Disease Control Amendment Regulations 2024 by infringement notice and the suitability of the offence referred to in the Livestock Disease Control Amendment Regulations 2024 to be infringement offence enforced under the **Infringements Act 2006**;
- (b) the Attorney-General's guidelines within the meaning of the **Infringements Act 2006** have been taken into account in the preparation of the Livestock Disease Control Amendment Regulations 2024; and
- (c) I am satisfied that the proposed Livestock Disease Control Amendment Regulations 2024 meet the requirements of those guidelines insofar as they relate to infringement offences.

Dated:

25/1/24

The Hon. Ros Spence
Minister for Agriculture





PARLIAMENTARY COUNSEL VICTORIA

Your Reference:

Parliamentary Counsel's Chambers
Level 2, 1 Macarthur Street, Melbourne, VIC 3002

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Our Reference: 23-100: JP

Tel: (03) 9651 2103 Fax: (03) 9651 2107

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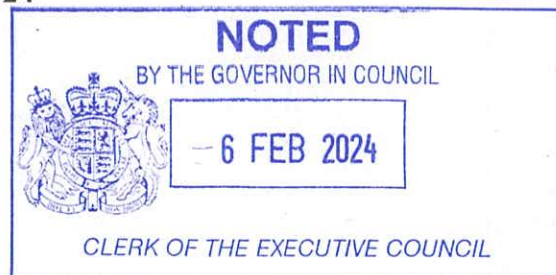
SUBORDINATE LEGISLATION ACT 1994 SECTION 13 CERTIFICATE

Proposed statutory rule : **Livestock Disease Control Amendment Regulations
2024**

Authorising Act : **Livestock Disease Control Act 1994**

Date of print of proposed statutory rule : **17 January 2024**

A proposed statutory rule that is to be made by, or with the consent or approval of, the Governor in Council must be submitted to the Chief Parliamentary Counsel for the issue of a certificate by the Chief Parliamentary Counsel specifying whether the proposed statutory rule —

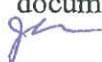


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|---|---|
| (a) <i>appears to be within the powers conferred by the authorising Act;</i> | (a) so appears; |
| (b) <i>appears without clear and express authority being conferred by the authorising Act —</i> | (b) |
| (i) <i>to have a retrospective effect; or</i> | (i) if made on or before 7 February 2024, does not so appear; |
| (ii) <i>to impose a tax, fee, fine, imprisonment or other penalty; or</i> | (ii) does not so appear; |
| (iii) <i>to shift the legal burden of proof to a person accused of an offence; or</i> | (iii) does not so appear; |
| (iv) <i>to sub-delegate powers delegated by the authorising Act;</i> | (iv) does not so appear; |
| (c) <i>appears to be consistent with the general objectives of the authorising Act;</i> | (c) so appears; |

- | | |
|--|-------------------------|
| (d) <i>appears to be consistent with and to achieve the objectives set out in the proposed statutory rule and, if the proposed statutory rule is to amend an existing statutory rule, appears to be consistent with the objectives set out in the existing statutory rule;</i> | (d) so appears; |
| (e) <i>appears to be inconsistent with principles of justice and fairness;</i> | (e) does not so appear; |
| (f) <i>appears significantly or substantially to overlap or conflict with any other statutory rule or legislation;</i> | (f) does not so appear; |
| (g) <i>is expressed as clearly and unambiguously as is reasonably possible.</i> | (g) is so expressed. |

NOTE: This certificate relates only to the proposed statutory rule as attached to this certificate.

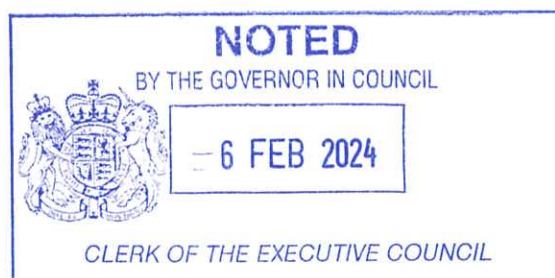
Nothing in this certificate applies to the documents referred to in the Table of Applied, Adopted or Incorporated Matter that appears at the end of the statutory rule nor to any other document applied, adopted or incorporated by the statutory rule. No opinion has been formed in relation to those documents.



JAYNE ATKINS

Chief Parliamentary Counsel

Date : 17 January 2024



This certificate relates to the circumstances as at the date of the certificate.