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## **Animal Health Regulations 2016**

Version current from 23 August 2016 to date (accessed 28 September 2018 at 14:29)

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## **Animal Health Regulations 2016**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the Animal Health Act 1995 .

22 August 2016

C. WARNER

Governor

By Her Excellency's Command,

JEREMY ROCKLIFF

Minister for Primary Industries and Water

# PART 1 - Preliminary

## 1. Short title

These regulations may be cited as the Animal Health Regulations 2016 .

## 2. Commencement

These regulations take effect on 23 August 2016.

## 3. Interpretation

In these regulations, unless the contrary intention appears –

*Act* means the Animal Health Act 1995 ;

*bag* includes a container and package;

*commercially sterile*, in relation to pet food, means pet food that is free from micro-organisms that are capable of growing in, or on, the pet food in the conditions to which the pet food is likely to be subjected during its storage and distribution;

*fowl* means a domesticated fowl of the genus *Gallus*;

*manufactured animal feed* means feed that has undergone a manufacturing process that is used, or intended to be used, as feed for animals, but does not include hay, straw, chaff, milk or products derived from milk;

*meal* includes any meal made –

(a) by rendering material of animal origin using a process that complies with the Rendering Standard; and

(b) entirely from plant material;

*offal* means the whole, or any part, of the contents of the thoracic, abdominal or pelvic cavities of any cattle, sheep, goats or pigs;

*Rendering Standard* means the Australian Standard entitled *Australian Standard for Hygienic Rendering of Animal Products AS5008:2007* published by Standards Australia on 31 December 2007, as amended or substituted from time to time;

*restricted animal material* means an animal product, or meal made from an animal product, derived from a bird, mammal or fish;

*tallow* means a product (including, but not limited to, a product known as tallow, yellow grease or acid oil) that –

(a) contains –

(i) rendered fats and oils from an animal; or

(ii) used cooking oil that is filtered or otherwise treated to remove visible particulate matter; and

(b) contains a combination of insoluble impurities and moisture that does not exceed 2% of the volume of the product;

*thermally treated* means treated by the application of a thermal process of lethality that is equivalent to one minute at 100 degrees Celsius at the slowest heating point within the product that is being treated.

## 4. Compliance with hygienic rendering of animal products standard

(1) A person who produces, or packages, fodder that contains rendered material of animal origin must comply with the Rendering Standard in relation to the production, or packaging, of the fodder.

Penalty: Fine not exceeding 100 penalty units.

(2) A certificate signed by the Chief Veterinary Officer, or an inspector, certifying that a person was complying with the Rendering Standard on the date specified in the certificate is evidence of that fact.

## **PART 2 - Vaccination**

### **5. Vaccination of fowls**

A person who owns more than 1 000 fowls must vaccinate the fowls against Newcastle disease in a manner determined by the Chief Veterinary Officer.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

## **PART 3 - Infection and Infected Animals &c.**

### **6. Prescribed exposure period**

For the purposes of paragraph (c) of the definition of *infected* in section 3(1) of the Act, the prescribed exposure period in respect of a disease specified in column 1 of Schedule 1 is the period specified adjacent to that disease in column 2 of that Schedule.

### **7. Authority to sell or give away certain List B disease-infected animals**

A person is authorised to sell, or give away, an animal, or animal material, that the person knows or has reason to suspect is infected with one of the following List B diseases if the person has first advised the prospective purchaser, or recipient, that the person knows or has reason to suspect that the animal, or animal material, is infected with that disease:

- (a) paratuberculosis (Johne's disease);
- (b) ovine brucellosis (*Brucella ovis*);
- (c) infection of bees with *Melissococcus plutonius* (European foulbrood);
- (d) infection of bees with *Paenibacillus larvae* (American foulbrood).

## PART 4 - Artificial Breeding

### 8. Record to be kept of artificial breeding

(1) On each day on which a person carries out artificial breeding, or otherwise receives, uses or discards, semen, embryos or ova, the person must make a record containing the following information:

- (a) the identification (including batch number), and the quantity, of semen, embryos or ova received, used, on hand or discarded on that day;
- (b) the name and address of each person who supplied semen, embryos or ova on that day;
- (c) for each owner of an animal inseminated or impregnated on that day –
  - (i) the name and address of the owner; and
  - (ii) the number of animals inseminated or impregnated on that day; and
  - (iii) the identification of each of the animals inseminated or impregnated on that day and the identification (including batch number) of the semen, embryos or ova used in that insemination or impregnation;
- (d) for each ovum fertilised on that day for the purpose of creating an embryo to be implanted in a recipient animal, the identification (including batch number) of the semen used to fertilise the ovum.

Penalty: Fine not exceeding 5 penalty units and, in the case of a continuing offence, a further fine not exceeding 0.5 penalty units for each day during which the offence continues.

(2) A person who carries out artificial breeding must keep a record made under subregulation (1) for 2 years.

Penalty: Fine not exceeding 5 penalty units and, in the case of a continuing offence, a further fine not exceeding 0.5 penalty units for each day during which the offence continues.

(3) If the Chief Veterinary Officer or an inspector requests, in writing, a person who carries out artificial breeding to provide a copy of a record made under subregulation (1) to the officer or inspector, the person must provide the record at, or within, the time, and at the place, specified in the request.

Penalty: Fine not exceeding 5 penalty units and, in the case of a continuing offence, a further fine not exceeding 0.5 penalty units for each day during which the offence continues.

(4) If on any day a person carries out artificial breeding or otherwise receives, uses or discards semen, embryos or ova as an owner, employee or agent of a business –

- (a) it is sufficient compliance with subregulation (1) if another person who is an owner, employee or agent of the business makes the record on that day; and
- (b) it is sufficient compliance with subregulation (2) if another person who is an owner, employee or agent of the business keeps the record for 2 years; and
- (c) it is sufficient compliance with subregulation (3) if another person who is an owner, employee or agent of the business provides the copy of the record at or within the time, and at the place, specified in the requirement.

## PART 5 - Restricted Animal Material

### 9. Application of Part 5

This Part does not apply to –

- (a) feed supplied or sold as pet food for –
  - (i) caged birds, other than poultry; and
  - (ii) aquarium fish; or
- (b) feed supplied to non-ruminant laboratory animals; or
- (c) tallow; or
- (d) gelatin; or
- (e) milk or milk protein.

### 10. Person not to sell manufactured animal feed without relevant statement

(1) In this regulation –

*tag* means a tag that measures at least 45 millimetres by 120 millimetres.

(2) A person must not sell bulk manufactured animal feed that contains restricted animal material to another person unless the following statement is printed on the invoice or other document relating to the sale and is printed in accordance with subregulation (6) :

"This product contains restricted animal material – DO NOT FEED TO CATTLE, SHEEP, GOATS, DEER OR OTHER RUMINANTS"

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 0.5 penalty units for each day during which the offence continues.

(3) A person must not sell bulk manufactured animal feed that does not contain restricted animal material to another person unless the following statement is printed on the invoice or other document relating to the sale and is printed in accordance with subregulation (6) :

"This product does not contain restricted animal material"

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 0.5 penalty units for each day during which the offence continues.

(4) A person must not sell bagged manufactured animal feed that contains restricted animal material to another person unless the following statement is printed on the bag, a label on the bag or a tag attached to the bag and is printed in accordance with subregulation (6) :

"This product contains restricted animal material – DO NOT FEED TO CATTLE, SHEEP, GOATS, DEER OR OTHER RUMINANTS"

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 0.5 penalty units for each day during which the offence continues.

(5) A person must not sell bagged manufactured animal feed that does not contain restricted animal material to another person unless the following statement is printed on the bag, a label on the bag or a tag attached to the bag and is printed in accordance with subregulation (6) :

"This product does not contain restricted animal material"

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 0.5 penalty units for each day during which the offence continues.

- (6) A statement mentioned in this regulation must be printed on a background of contrasting colour and –
- (a) if the statement is on a woven bag, be prominently displayed in letters of at least 10 millimetres in height; or
  - (b) in any other case, be prominently displayed in letters of at least 3 millimetres in height.

#### **11. Person not to feed restricted animal material to ruminants**

- (1) A person must not –
- (a) feed restricted animal material or manufactured animal feed that contains restricted animal material to a ruminant; or
  - (b) allow a ruminant to have access to restricted animal material.

Penalty: Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 0.5 penalty units for each day during which the offence continues.

- (2) For the purposes of subregulation (1) –
- (a) bulk manufactured animal feed is taken to contain restricted animal material if the following statement is printed on the invoice or other document relating to the purchase of the feed:  
  
"This product contains restricted animal material – DO NOT FEED TO CATTLE, SHEEP, GOATS, DEER OR OTHER RUMINANTS"
  - (b) bagged manufactured animal feed is taken to contain restricted animal material if the following statement is printed on the bag, a label on the bag or a tag attached to the bag:  
  
"This product contains restricted animal material – DO NOT FEED TO CATTLE, SHEEP, GOATS, DEER OR OTHER RUMINANTS"
- (3) Subregulation (1) does not apply to a person who, for research purposes and with the written consent of the Chief Veterinary Officer, feeds a ruminant –
- (a) restricted animal material; or
  - (b) manufactured animal feed that contains restricted animal material.

#### **12. Producing or packaging animal products**

- (1) A person who produces or packages meal that contains restricted animal material and meal that is not intended to contain restricted animal material must ensure that –
- (a) the equipment and facilities used for the production or packaging of the meal that contains restricted animal material are not also used for the production or packaging of the meal that is not intended to contain restricted animal material; or
  - (b) the meal that is not intended to contain restricted animal material is not contaminated by –
    - (i) restricted animal material; or
    - (ii) meal that contains restricted animal material.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 0.5 penalty units for each day during which the offence continues.

- (2) A person who produces or packages manufactured animal feed that contains restricted animal material and manufactured animal feed that is not intended to contain restricted animal material must ensure that –
- (a) the equipment and facilities used for the production or packaging of the manufactured animal feed that contains restricted animal material are not also used for the production or packaging of the manufactured animal feed that is not intended to contain restricted animal material; or

(b) the manufactured animal feed that is not intended to contain restricted animal material is not contaminated by –

(i) restricted animal material; or

(ii) manufactured animal feed that contains restricted animal material.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 0.5 penalty units for each day during which the offence continues.

**13. Label or tag not to be removed from bag**

A person must not remove, or cause to be removed, from a bag that contains meal or manufactured animal feed a label, or tag, that indicates that the meal or feed contains, or does not contain, restricted animal material.

Penalty: Fine not exceeding 20 penalty units.

**14. Obscuring statement on invoice**

A person must not mark or deface an invoice, or other document relating to a sale, so as to obscure the statement that is required to be printed on the invoice, or other document relating to a sale, under regulation 10(2) or (3) .

Penalty: Fine not exceeding 20 penalty units.

## **PART 6 - Prohibition on Feeding Certain Fodder to Animals**

### **15. Prohibition on feeding offal to dogs**

A person must not feed offal to a dog, or allow offal to be fed to a dog, unless –

- (a) the offal is contained in pet food and the pet food is commercially sterile; or
- (b) the offal is contained in pet food and the pet food, or the offal component of the pet food, has been thermally treated; or
- (c) the offal is contained in pet food and the pet food, or the offal component of the pet food, has been treated by the application of a process approved by the Chief Veterinary Officer.

Penalty: Fine not exceeding 100 penalty units.

### **16. Prohibition on feeding chicken litter to ruminants**

A person must not feed chicken litter to a ruminant or allow chicken litter to be fed to a ruminant.

Penalty: Fine not exceeding 100 penalty units.

## **PART 7 - Records**

### **17. Records to be kept of thermally treated fodder**

- (1) A person who thermally treats fodder must make a record of that thermal treatment –
  - (a) containing a description of the thermal treatment which includes –
    - (i) the type of equipment used in the thermal treatment; and
    - (ii) the temperature used in the thermal treatment; and
    - (iii) the duration of the thermal treatment; and
  - (b) specifying the date of the thermal treatment.

Penalty: Fine not exceeding 20 penalty units.

- (2) A person must keep a record of thermal treatment, made in accordance with subregulation (1) , for 2 years after the date specified in that record in accordance with subregulation (1)(b) .

Penalty: Fine not exceeding 20 penalty units.

- (3) If the Chief Veterinary Officer, or an inspector, requests a person to provide the Chief Veterinary Officer, or the inspector, with a copy of a record of thermal treatment, made and kept by the person in accordance with this regulation, that person must comply with that request.

Penalty: Fine not exceeding 20 penalty units.

## **PART 8 - Infringement Notices**

### **18. Prescribed offences and penalties**

(1) For the purposes of section 91B of the Act –

(a) an offence against a provision of the Act specified in column 1 of Part 1 of Schedule 2 is a prescribed offence; and

(b) an offence against a provision of the regulations specified in column 1 of Part 2 of Schedule 2 is a prescribed offence.

(2) The penalty specified in column 2 of Parts 1 and 2 of Schedule 2 , in relation to a prescribed offence specified in column 1, is the penalty payable by an individual under an infringement notice served in respect of that offence.

(3) The penalty specified in column 3 of Parts 1 and 2 of Schedule 2 , in relation to a prescribed offence specified in column 1, is the penalty payable by a corporation under an infringement notice served in respect of that offence.

## **PART 9 - Miscellaneous**

### **19. Materials that are not swill**

For the purposes of paragraph (e) of the definition of *swill* in section 3 of the Act, the following materials are exempted:

- (a) meal;
- (b) tallow.

### **20. Fees**

The fees specified in Schedule 3 are prescribed as the fees that are payable for the matters to which they respectively relate.

## SCHEDULE 1 - Exposure periods

Regulation 6

| <b>Disease</b>                             | <b>Exposure period</b> |
|--|------------------------|
| Bovine spongiform encephalopathy           | 8 years                |
| Bovine tuberculosis                        | 3 years                |
| Hydatid disease in dogs                    | 1 year                 |
| Hydatid disease in animals other than dogs | 5 years                |
| Johne's disease                            | 5 years                |
| Scrapie                                    | 5 years                |
| Any other List A disease or List B disease | 1 year                 |
| Any other disease                          | 6 months               |

## SCHEDULE 2 - Prescribed offences and penalties

Regulation 18

### PART 1 - Offences under Act

| Column 1<br>Section number | Column 2<br>Penalty units – individual                                      | Column 3<br>Penalty units – body corporate                                   |
|----------------------------|---|--|
| 12                         | 1   | 5  |
| 16(3)                      | 1   | 3  |
| 17(1)                      | 2   | 10   |
| 17(2)                      | In the case of a List A disease – 2<br>In the case of any other disease – 1 | In the case of a List A disease – 10<br>In the case of any other disease – 5 |
| 17(3)                      | In the case of a List A disease – 2<br>In the case of any other disease – 1 | In the case of a List A disease – 10<br>In the case of any other disease – 5 |
| 23(1)                      | 2   | 10   |
| 23(2)                      | 1   | 5  |
| 27(1)(a)                   | 2   | 10   |
| 27(1)(b)                   | 2   | 10   |
| 27(2)(a)                   | 2   | 10   |
| 27(2)(b)                   | 2   | 10   |
| 28(1)                      | 1   | 5  |
| 29                         | 1   | 5  |
| 30(1)(a)                   | 1   | 5  |
| 30(1)(b)                   | 1   | 5  |
| 30(2)                      | 1   | 5  |
| 30A                        | 1   | 5  |
| 34                         | In the case of a List A disease – 2<br>In the case of any other disease – 1 | In the case of a List A disease – 10<br>In the case of any other disease – 5 |
| 38(1)                      | In the case of a List A disease – 2<br>In the case of a List B disease – 1  | In the case of a List A disease – 10<br>In the case of a List B disease – 5  |
| 41(1)                      | In the case of a List A disease – 2<br>In the case of any other disease – 1 | In the case of a List A disease – 10<br>In the case of any other disease – 5 |
| 45(1)                      | In the case of a List A disease – 2<br>In the case of any other disease – 1 | In the case of a List A disease – 10<br>In the case of any other disease – 5 |
| 51(1)                      | 2   | 10   |
| 51A(1)                     | 2   | 10   |
| 51A(2)                     | In the case of a List A disease – 2<br>In the case of a List B disease – 1  | In the case of a List A disease – 10<br>In the case of a List B disease – 5  |
| 52(1)                      | In the case of a List A disease – 2<br>In any other case – 1                | In the case of a List A disease – 10<br>In any other case – 5                |
| 52(2)                      | 1   | 5  |
| 52A(3)                     | 2   | 10   |
| 53(4)(a)                   | 2   | 10   |
| 53(4)(b)                   | 2   | 10   |
| 53(5)(a)                   | 1   | 5  |
| 53(5)(b)                   | 1   | 5  |
| 54(1)(a)                   | 2   | 10   |
| 54(1)(b)                   | 2   | 10   |
| 54(1)(c)                   | 2   | 10   |
| 55                         | 1   | 5  |
| 70(2)                      | 2   | 10   |
| 70(3)                      | 1   | 5  |
| 76(1)(a)(i)                | 1   | 5  |
| 76(1)(a)(ii)               | 1   | 5  |
| 76(1)(b)                   | 1   | 5  |
| 76(1)(c)                   | 1   | 5  |
| 76(1)(d)                   | 1   | 5  |
| 76(1)(e)                   | 1   | 5  |
| 76(1)(f)                   | 1   | 5  |
| 76(1)(g)                   | 1   | 5  |
| 76(1)(h)                   | 1   | 5  |
| 76(1)(i)                   | 1   | 5  |
| 78(6)                      | 1   | 5  |

## PART 2 - Offences under regulations

| <b>Column 1</b><br><b>Regulation number</b> | <b>Column 2</b><br><b>Penalty units – individual</b> | <b>Column 3</b><br><b>Penalty units – body corporate</b> |
|---|--|--|
| 10(2)                                       | 2  | 10   |
| 10(3)                                       | 2  | 10   |
| 10(4)                                       | 2  | 10   |
| 10(5)                                       | 2  | 10   |
| 11(1)(a)                                    | 2  | 10   |
| 11(1)(b)                                    | 2  | 10   |
| 12(1)(a)                                    | 2  | 10   |
| 12(1)(b)                                    | 2  | 10   |
| 12(2)(a)                                    | 2  | 10   |
| 12(2)(b)                                    | 2  | 10   |
| 13  | 2  | 10   |
| 14  | 2  | 10   |
| 15  | 2  | 10   |
| 16  | 2  | 10   |
| 17(3)                                       | 2  | 10   |

## SCHEDULE 3 - Fees

Regulation 20

|   | Fee units |
|---|-----------|
| 1. Application for a special authority  | 25        |
| 2. Application for a licence mentioned in section 61 of the Act to collect, process or collect and process semen, embryos and ova | 85        |

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 23 August 2016

These regulations are administered in the Department of Primary Industries, Parks, Water and Environment.