



Bovine Johne's Disease: Legal Requirements?

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This Agriculture Note describes the legal implications associated with bovine Johne's disease (BJD), for all cattle industries.

BJD is a notifiable disease

The Victorian Livestock Disease Control Act, 1994, requires that certain diseases, regarded as important for economic, public health and/or trade reasons must be notified to animal health staff at the Department of Primary Industries (DPI).

All persons involved with stock have a legal obligation to notify DPI in accordance with the Act if they know or have reason to suspect that a disease is present in livestock or livestock products. For BJD, the notification to DPI must be within 7 days of suspecting that an animal has the disease. The "persons" referred to in the Act are: the owner, any other person in possession, control or charge of livestock, a veterinary surgeon, a meat inspector, a laboratory owner, a knacker or a stock agent or other person dealing with livestock. A person can be prosecuted for failure to notify a disease such as BJD and the court may impose a fine up to 120 penalty units, currently \$13,214.40.



Figure 1. BJD is a notifiable disease

When DPI is notified of a suspicion of BJD on a property, it will be investigated by DPI Animal Health staff. If the disease is confirmed, the herd and property will be assigned a Status "INFECTED" or "SUSPECT" for BJD. If BJD is not confirmed, the herd status will remain as it was.

Selling BJD affected cattle or land

Vendors of BJD affected cattle or land have responsibilities in the following areas:

1. *Implied Contract Warranty.* The vendor implies that all animals sold will meet a basic standard of "fitness for purpose".
2. *Common Law Fraud.* The vendor must not misrepresent, (this includes by silence) the value or desirability of the cattle or land.
3. *Negligence.* The vendor has a duty of care to prevent foreseeable damage caused by the spread of livestock diseases.
4. *Fair Trading Act.* The vendor must not engage in practices that are misleading or deceptive. Goods (including cattle) must be fit for purpose.

Penalties for not meeting these responsibilities may not be limited to any decrease in value of the land or livestock actually sold. They may extend to include an assessment by a court of consequential damages caused by the spread of the disease or restrictions imposed on livestock trade.

Section 32 of the Sale of Land Act, 1962

This is a vendor's statement used when land is sold and covers all factors that could affect the value of that land. The occurrence of BJD may affect the land.

The vendor's statement is required to include "particulars of any notice, order, declaration, report or recommendation of a public authority or Government department" which affects the land.

Any owner of cattle or land who has received notification or written recommendations regarding BJD in the herd or on the land that currently affects the land is required under section 32(2)(e) of the Sale of Land Act to declare this information in the vendor's statement.

Further information

For further information about the legal aspects of BJD, consult your legal adviser.

The previous version of this note was published in December 2005.

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