

Animal Diseases Regulation 2006

SL2006-39

made under the

Animal Diseases Act 2005

Republication No 10

Effective: 17 January 2019

Republication date: 17 January 2019

Last amendment made by A2018-28

About this republication

The republished law

This is a republication of the *Animal Diseases Regulation 2006*, made under the *Animal Diseases Act 2005* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 17 January 2019. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 17 January 2019.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the Legislation Act 2001 applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol $\boxed{\textbf{U}}$ appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Animal Diseases Regulation 2006*.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere in this regulation.

For example, the signpost definition, '*brood*, for part 4 (Honey bees)—see section 47.' means that the term 'brood' is defined in that section for part 4.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 3 Poultry—Newcastle diseases

40 Definitions—pt 3

In this part:

chicken means a domestic fowl.

commercial poultry flock means a managed group of—

- (a) at least 1 000 chickens; or
- (b) chickens kept for the sale of their eggs (whether for resale or hatching); or
- (c) chickens grown for commercial meat processing.

vaccinate means to vaccinate with an approved vaccine.

41 Codes of practice

- (1) The Minister may approve a code of practice for the prevention and control of Newcastle disease.
- (2) An approved code of practice may apply, adopt or incorporate an instrument, as in force from time to time.
 - Note 1 The text of an applied, adopted or incorporated instrument, whether applied as in force from time to time or as at a particular time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disapplied (see s 47 (7)).
 - Note 2 A notifiable instrument must be notified under the Legislation Act.
 - Note 3 A reference to an instrument includes a reference to a provision of an instrument (see Legislation Act, s 14 (2)).
- (3) An approval is a disallowable instrument.

Note A disallowable instrument must be notified and presented to the Legislative Assembly, under the Legislation Act.

42 Vaccination of commercial poultry flock

- (1) A person commits an offence if—
 - (a) the person is in charge of a commercial poultry flock; and
 - (b) the person fails to vaccinate each chicken in the flock.

Maximum penalty: 10 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) This section does not apply in relation to a chicken that is less than the age prescribed by an approved code of practice in relation to the vaccine.

43 Offence to introduce unvaccinated commercial poultry flock

- (1) A person commits an offence if—
 - (a) the person brings a commercial poultry flock, or part of a commercial poultry flock into the ACT; and
 - (b) the flock, or part of the flock, has not been vaccinated.

Maximum penalty: 10 penalty units.

(2) This section does not apply in relation to a chicken that is less than the age prescribed by an approved code of practice in relation to the vaccine.

44 Seller declaration

- (1) This section applies if a person—
 - (a) owns a commercial poultry flock; and
 - (b) sells the flock or part of the flock to someone else (the *buyer*).

- (2) The person must give the buyer a written statement (a *seller declaration*) that includes details of the vaccination of the flock (including the kind of vaccines given, the dates of vaccination and the age of the poultry when vaccinated).
 - *Note* If a form is approved under the Act, s 89 for this provision, the form must be used.
- (3) A person who gives a seller declaration must give the chief veterinary officer a copy of the declaration no later than 14 days after giving it to the buyer.
- (4) A person commits an offence if the person fails to comply with subsection (2) or (3).
 - Maximum penalty: 10 penalty units.
 - *Note* Giving false information is an offence against the Criminal Code, s 338.
- (5) An offence against this section is a strict liability offence.

45 Testing of vaccinated commercial poultry flock

- (1) The person in charge of a commercial poultry flock must, using a diagnostic test of a representative sample of the flock, test for signs of a Newcastle disease in accordance with any approved code of practice.
- (2) A person commits an offence if the person fails to comply with subsection (1).
 - Maximum penalty: 10 penalty units.
- (3) An offence against this section is a strict liability offence.

46 Record keeping

- (1) The owner of a commercial poultry flock must keep records in accordance with an applicable approved code of practice.
- (2) Without limiting subsection (1), the owner must keep records of the following:
 - (a) the kind of vaccine given to the flock;
 - (b) the dates of vaccination of the flock;
 - (c) where the vaccinations took place;
 - (d) the age of the chickens vaccinated;
 - (e) the number of chickens vaccinated;
 - (f) testing of the chickens done for section 45;
 - (g) any seller declarations given for the flock or part of the flock.
- (3) The owner must keep a record under this section for 3 years after the day the record is made.
- (4) A person commits an offence if the person fails to comply with subsection (1), (2) or (3).
 - Maximum penalty: 10 penalty units.
- (5) An offence against this section is a strict liability offence.

Part 4 Honey Bees

47 Definitions—pt 4

In this part:

brood means the eggs, larvae and pupae of a bee colony.

broodbox means the part of a frame hive—

- (a) through which bees may enter the hive; and
- (b) where a queen bee may live; and
- (c) that may contain brood; and
- (d) that can be identified as the structure that makes up the lower box of the hive.

frame hive means a beehive in which a bee colony may live that—

- (a) contains only moveable frames that can be readily and separately removed for examination; or
- (b) contains—
 - (i) at least 1 honey superbox; and
 - (ii) at least 1 broodbox; and
 - (iii) devices fitted immediately above a broodbox that excludes any queen bee from entering the honey superboxes of the hive.

honey superbox means a removable part of a frame hive—

- (a) in which bees store honeycomb and honey within removable frames; and
- (b) that can be identified as a box separated from a broodbox within a frame hive by a device preventing any queen bee entering the part from the broodbox.

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48 Honey bees to be kept in frame hives

- (1) A person must not keep honey bees other than in a frame hive.
 - Maximum penalty: 10 penalty units.
- (2) An offence against this section is a strict liability offence.

49 Honey and honeycomb not to be exposed

- (1) A person commits an offence if—
 - (a) the person is either—
 - (i) a beekeeper; or
 - (ii) a person who harvests honey from a frame hive; and
 - (b) the person permits bees to access honey or honeycomb in a way other than by allowing bees to enter a frame hive through a broodbox.

Maximum penalty: 10 penalty units.

(2) An offence against this section is a strict liability offence.

Part 5 Miscellaneous

50 Reviewable decisions—Act, s 85, def reviewable decision

A decision mentioned in schedule 1, column 3, under a provision mentioned in column 2 in relation to the decision is prescribed.

51 Right of review and notice—Act, s 86 and 86A (a)

An entity mentioned in schedule 1, column 4 is prescribed.

Schedule 1 Reviewable decisions

(see s 50 and s 51)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	Act, 11 (2)	refuse to issue certificate that premises are free of disease	applicant for certificate
2	Act, 18 (1)	give direction to prevent or control spread of endemic disease	owner or person in charge of animal given direction
3	Act, 18 (3)	give direction to keep animal at stated premises for stated time	owner or person in charge of animal given direction
4	Act, 23 (4)	refuse to give consent to alteration etc of quarantine notice	entity that seeks consent
5	Act, 24 (2)	refuse to give approval for animal to enter or leave quarantine area	entity that seeks approval
6	Act, 32 (2)	refuse to give approval to thing that communicates disease or disease agent	entity that seeks approval
7	Act, 33 (2)	refuse to give approval to use— (a) virus, vaccine or other biological product containing living organisms for treatment or prevention of exotic or endemic disease; or (b) biological product containing something derived from living	entity that seeks approval
		organism for diagnosis of exotic or endemic disease	

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column 1 item	column 2 section	column 3 decision	column 4 entity
8	Act, 35 (3)	refuse to give approval to— (a) sell, move, abandon, hide or leave animal carcass, part of carcass near road, creek or waterhole; or (b) dispose of animal carcass or part of carcass	entity that seeks approval
9	Act, 36 (2)	refuse to give approval to damage, interfere with or remove fence or other structure securing animal	entity that seeks approval
10	Act, 38 (1)	fail to allocate property identification code	applicant for property identification code
11	Act, 38 (2)	fail to allocate agent identification code	applicant for agent identification code
12	Act, 44 (2)	inactivate or cancel property identification code or agent identification code	holder of identification code
13	Act, 60 (5)	refuse to give approval to feed restricted animal material to ruminant for research purposes	applicant for approval
14	Act, 62C (3)	refusal to register beekeeper	applicant for approval
15	Act, 62I	suspension of registration	registered beekeeper
16	Act, 62J	cancellation of registration	registered beekeeper

Dictionary

(see s 3)

- Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.
- *Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:
 - director-general (see s 163)
 - must (see s 146)
 - penalty unit (see s 133)
 - person (see s 160)
 - State
 - under
 - working day.
- Note 3 Terms used in this regulation have the same meaning that they have in the *Animal Diseases Act 2005* (see Legislation Act, s 148). For example, the following terms are defined in the *Animal Diseases Act 2005*, dict:
 - authorised person
 - chief veterinary officer
 - endemic disease
 - exotic disease.

approved code of practice, means a code of practice approved under section 41.

approved vaccine means a vaccine approved by the chief veterinary officer for this regulation.

brood, for part 4 (Honey Bees)—see section 47.

broodbox, for part 4 (Honey Bees)—see section 47.

chicken, for part 3 (Poultry—Newcastle diseases)—see section 40.

commercial poultry flock, for part 3 (Poultry—Newcastle diseases)—see section 40.

R10 17/01/19 *frame hive*, for part 4 (Honey Bees)—see section 47. *honey super-box*, for part 4 (Honey Bees)—see section 47. *vaccinate*, for part 3 (Poultry—Newcastle diseases)—see section 40.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act NI = Notifiable instrument

AF = Approved form o = order om = omitted/repealed

amdt = amendment ord = ordinance
AR = Assembly resolution orig = original

ch = chapter par = paragraph/subparagraph

CN = Commencement notice pres = present

def = definition prev = previous
DI = Disallowable instrument (prev...) = previously

dict = dictionary pt = part
disallowed = disallowed by the Legislative r = rule/subrule
Assembly reloc = relocated

Assembly reloc = relocated
div = division renum = renumbered
exp = expires/expired R[X] = Republication No

Gaz = gazette RI = reissue
hdg = heading s = section/subsection
IA = Interpretation Act 1967 sch = schedule
ins = inserted/added schedule

ins = inserted/added sdiv = subdivision

LA = Legislation Act 2001 SL = Subordinate law

LR = legislation register sub = substituted

LRA = Legislation (Republication) Act 1996 <u>underlining</u> = whole or part not commenced

mod = modified/modification or to be expired

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3 Legislation history

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notified LR 13 July 2006 s 1, s 2 commenced 13 July 2006 (LA s 75 (1)) remainder commenced 14 July 2006 (s 2)

as amended by

Statute Law Amendment Act 2007 (No 3) A2007-39 sch 3 pt 3.3

notified LR 6 December 2007

s 1, s 2 commenced 6 December 2007 (LA s 75 (1)) sch 3 pt 3.3 commenced 27 December 2007 (s 2)

Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.2

notified LR 12 August 2008

s 1, s 2 commenced 12 August 2008 (LA s 75 (1)) sch 3 pt 3.2 commenced 26 August 2008 (s 2)

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.7

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1)) sch 1 pt 1.7 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.9

notified LR 30 June 2011

s 1, s 2 commenced 30 June 2011 (LA s 75 (1)) sch 1 pt 1.9 commenced 1 July 2011 (s 2 (1))

Statute Law Amendment Act 2011 (No 3) A2011-52 sch 3 pt 3.4

notified LR 28 November 2011

s 1, s 2 commenced 28 November 2011 (LA s 75 (1)) sch 3 pt 3.4 commenced 12 December 2011 (s 2)

Statute Law Amendment Act 2013 A2013-19 sch 3 pt 3.2

notified LR 24 May 2013

s 1, s 2 commenced 24 May 2013 (LA s 75 (1)) sch 3 pt 3.2 commenced 14 June 2013 (s 2)

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Territory and Municipal Services Legislation Amendment Act 2013 A2013-42 sch 1 pt 1.2

notified LR 6 November 2013 s 1, s 2 commenced 6 November 2013 (LA s 75 (1)) sch 1 pt 1.2 commenced 7 November 2013 (s 2)

Animal Diseases (Beekeeping) Amendment Act 2015 A2015-53 s 7

notified LR 26 November 2015

s 1, s 2 commenced 26 November 2015 (LA s 75 (1))

s 7 commenced 24 May 2016 (s 2, CN2016-10 and see LA s 77 (3))

Animal Diseases Amendment Act 2018 A2018-28 pt 3

notified LR 15 August 2018

s 1, s 2 commenced 15 August 2018 (LA s 75 (1)) pt 3 commenced 17 January 2019 (s 2 and CN2019-1)

Amendment history

4 **Amendment history**

Commencement

om LA s 89 (4) s 2

Dictionary

am A2013-42 amdt 1.20; A2018-28 s 23 s 3

Identification of stock

pt 2 hdg om A2018-28 s 24

Approved tags

div 2.1 hdg om A2018-28 s 24

Approved tags—Act, dict, def approved tag

am A2011-22 amdt 1.37, A2013-42 amdt 1.19

om A2018-28 s 24

Chief veterinary officer may approve tag

am A2011-22 amdt 1.37, A2013-42 amdt 1.19 s 7 hdg

s 7 am A2011-22 amdt 1.34, amdt 1.37, A2013-42 amdt 1.19

om A2018-28 s 24

Approved ways of using tags

am A2011-22 amdt 1.37; A2013-19 amdt 3.2, A2013-42 s 8

amdt 1.19 om A2018-28 s 24

NLIS devices

div 2.2 hdg om A2018-28 s 24

Chief veterinary officer may approve NLIS device

s 9 hdg am A2011-22 amdt 1.37, A2013-42 amdt 1.19

am A2011-22 amdt 1.35, amdt 1.37, A2013-42 amdt 1.19 s 9

om A2018-28 s 24

Registering details of approved NLIS device

am A2011-22 amdt 1.37, A2013-42 amdt 1.19, amdt 1.20

om A2018-28 s 24

Sale and supply of NLIS device

s 11 om A2018-28 s 24

Use of NLIS device

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s 12 om A2018-28 s 24

Loss or theft of approved NLIS device

om A2018-28 s 24

Alteration of NLIS equipment

s 14 om A2018-28 s 24

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When stock must be tagged with approved NLIS device

s 15 am A2007-39 amdt 3.6; A2011-22 amdt 1.37; A2013-19

amdt 3.6, A2013-42 amdt 1.20

om A2018-28 s 24

Stock already identified

s 16 om A2018-28 s 24

Information about NLIS tagable stock—saleyards

s 17 am A2013-42 amdt 1.20

om A2018-28 s 24

Information about NLIS tagable stock—stock and station agents

s 18 om A2018-28 s 24

Information about NLIS tagable stock—abattoirs

s 19 om A2018-28 s 24

Information about NLIS tagable stock—lost etc

s 20 om A2018-28 s 24

Information about NLIS tagable stock—holdings without property

identification code

s 21 hdg am A2013-42 amdt 1.20 s 21 am A2013-42 amdt 1.20

om A2018-28 s 24

Information about NLIS tagable stock—exports

s 22 om A2018-28 s 24

Information about NLIS tagable stock—arrival at holding

s 23 am A2013-42 amdt 1.20 om A2018-28 s 24

Marks

div 2.3 hdg om A2018-28 s 24

Application—div 2.3

s 24 om A2018-28 s 24

Approved marks—tags

s 25 am A2011-22 amdt 1.37, A2013-42 amdt 1.19, amdt 1.20

om A2018-28 s 24

Sale of untagged stock etc

s 26 om A2018-28 s 24

Stock sent for sale or slaughter

s 27 om A2018-28 s 24

Exceptions to s 26 and s 27

s 28 am A2013-19 amdt 3.6

om A2018-28 s 24

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4 Amendment history

Special purpose tags

div 2.4 hdg om A2018-28 s 24

Approval of special purpose tag

s 29 am A2011-52 amdt 3.8, A2013-42 amdt 1.20

om A2018-28 s 24

Offences

div 2.5 hdg om A2018-28 s 24

Alteration of approved tags

s 30 om A2018-28 s 24

Selling altered approved tag etc

s 31 om A2018-28 s 24

Transfer of approved tags

s 32 om A2018-28 s 24

Transfer of stock with approved tags

s 33 om A2018-28 s 24

Removal of approved tag

s 34 am A2008-28 amdt 3.15

om A2018-28 s 24

Miscellaneous

div 2.6 hdg reloc and renum as pt 5 hdg

Inspection of slaughtered stock—Act, s 48

s 35 am A2008-28 amdt 3.16; A2013-19 amdt 3.6

om A2018-28 s 24

Property identification codes

s 36 hdg am A2013-42 amdt 1.20

s 36 am A2011-22 amdt 1.37; A2011-52 amdt 3.8, A2013-42

amdt 1.19, amdt 1.20 om A2018-28 s 24

Evidentiary certificates

s 37 am A2011-22 amdt 1.37, A2013-42 amdt 1.19, amdt 1.20

om A2018-28 s 24

Reviewable decisions—Act, s 85, def reviewable decision

s 38 reloc and renum as s 50

Right of review and notice—Act, s 86 and 86A (a)

s 39 reloc and renum as s 51

Codes of practice

s 41 am A2013-19 amdt 3.2

Seller declaration

s 44 am A2013-19 amdt 3.6

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Miscellaneous

pt 5 hdg (prev div 2.6 hdg) reloc and renum as pt 5 hdg A2018-28 s 25

Reviewable decisions—Act, s 85, def reviewable decision (prev s 38) sub A2008-37 amdt 1.22 s 50

reloc and renum as s 50 A2018-28 s 25

Right of review and notice—Act, s 86 and 86A (a)

(prev s 39) sub A2008-37 amdt 1.22 s 51 reloc and renum as s 51 A2018-28 s 25

Reviewable decisions

ins A2008-37 amdt 1.23 sch 1

> am A2013-42 amdt 1.16, amdt 1.20; A2015-53 s 7; items renum R9 LA; A2018-28 s 26, s 27; items renum R10 LA

Dictionary

dict am A2011-22 amdt 1.36; A2013-19 amdts 3.3-3.5; A2018-28

s 28

def approved manufacturer om A2018-28 s 29 def approved NLIS device om A2018-28 s 29 def approved vaccine am A2013-19 amdt 3.6 def authorised administrator am A2011-52 amdt 3.9

om A2018-28 s 29

def corresponding law om A2018-28 s 29

def identification particulars am A2013-42 amdt 1.20

om A2018-28 s 29 def NLIS om A2018-28 s 29 def NLIS device om A2018-28 s 29

def property identification code ins A2013-42 amdt 1.17

om A2018-28 s 29

def property identifier code om A2013-42 amdt 1.18 def stock and station agent om A2018-28 s 29

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 14 July 2006	14 July 2006– 26 Dec 2007	not amended	new regulation
R2 27 Dec 2007	27 Dec 2007– 25 Aug 2008	A2007-39	amendments by A2007-39
R3 26 Aug 2008	26 Aug 2008– 1 Feb 2009	A2008-28	amendments by A2008-28
R4 2 Feb 2009	2 Feb 2009– 30 Jun 2011	A2008-37	amendments by A2008-37
R5 1 July 2011	1 July 2011– 11 Dec 2011	A2011-22	amendments by A2011-22
R6 12 Dec 2011	12 Dec 2011– 13 June 2013	A2011-52	amendments by A2011-52
R7 14 June 2013	14 June 2013– 6 Nov 2013	A2013-19	amendments by A2013-19
R8 7 Nov 2013	7 Nov 2013– 23 May 2016	A2013-42	amendments by A2013-42
R9 24 May 2016	24 May 2016– 16 Jan 2019	A2015-53	amendments by A2015-53

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