

1992—No. 489

STOCK DISEASES ACT 1923—REGULATION

(Stock Diseases (General) Regulation 1992)

NEW SOUTH WALES



[Published in Gazette No. 105 of 28 August 1992]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Stock Diseases Act 1923, has been pleased to make the Regulation set forth hereunder.

WAL MURRAY,
Acting Minister for Agriculture and Rural Affairs.

PART I—PRELIMINARY

Citation

1. This Regulation may be cited as the Stock Diseases (General) Regulation 1992.

Commencement

2. This Regulation commences on 1st September, 1992.

Definitions

3. (1) In this Regulation:

“**permit**” means a permit in force under Part 6;

“**protested area**” means any land declared to be a protected area by a notification in force under section 11A of the Act;

“**quarantine area**” means any land declared to be a quarantine area by a notification in force under section 10 of the Act;

“**quarantine line**” means a line declared to be a quarantine line by a notification in force under section 15 of the Act;

“rural lands protection district” has the same meaning as it has in the Rural Lands Protection Act 1989;

“the Act” means the Stock Diseases Act 1923.

(2) In this Regulation, a reference to a form is a reference to a form set out in Schedule 1.

PART 2—QUARANTINE AREAS ETC.

Permit for movement of stock etc.

4. (1) A person must not, otherwise than in accordance with a permit, move out of any quarantine area any stock or thing of a kind that is specified, in the notification by which the quarantine area is declared, as a kind of stock or thing that must not be so moved.

Maximum penalty: 50 penalty units.

(2) A person must not, otherwise than in accordance with a permit, move across any quarantine line any stock or thing of a kind that is specified, in the notification by which the quarantine line is declared, as a kind of stock or thing that must not be so moved.

Maximum penalty: 50 penalty units.

(3) A person who is the holder of a permit that has been revoked is not guilty of an offence against this clause if the person establishes that, at all material times, he or she was unaware, and could not reasonably be expected to have been aware, that the permit had been revoked.

PART 3—PROTECTED AREAS

Division 1—Footrot

Movement of sheep or goats into a protected area

5. (1) A person must not move any sheep or goats into a protected area with respect to footrot in sheep or goats if the sheep or goats are infected with footrot.

Maximum penalty: 20 penalty units.

(2) A person who moves any sheep or goats into a protected area with respect to footrot in sheep or goats must cause written notice of that fact to be given:

- (a) to the district veterinarian; or
- (b) to a ranger or footrot advisory officer,

for the rural lands protection district within which the protected area, or that part of the protected area to which the sheep or the goats have been or are to be moved, is situated.

Maximum penalty: 20 penalty units.

(3) The notice must be given within 7 days before or after the sheep or goats are so moved and must include the following particulars:

- (a) the name and address of the owner of the sheep or goats;
- (b) the name of the person having control or in charge of the sheep or goats;
- (c) the number of sheep or goats that have been or are to be moved;
- (d) the date on which the sheep or goats have been or are to be moved;
- (e) the place from which the sheep or goats have been or are to be moved;
- (f) the place to which the sheep or goats have been or are to be moved;
- (g) the place of origin of the sheep or goats:
 - if it is within New South Wales, by reference to the rural lands protection district within which it is situated; or
 - if it is outside New South Wales, by reference to the State, and the local government area in the State, within which it is situated;
- (h) the description of the sheep or goats, by reference to their class, breed, brands and earmarks.

Notification of footrot

6. An occupier of land within a protected area with respect to footrot in sheep or goats who becomes aware that any sheep or goats kept on that land are infected with footrot must, within 48 hours after becoming aware of that fact, cause written notice of that fact to be given:

- (a) to the district veterinarian; or
- (b) to a ranger or footrot advisory officer,

for the rural lands protection district in which the sheep or goats are located.

Maximum penalty: 20 penalty units.

Vaccination against footrot

7. A person must not, in a protected area with respect to footrot in sheep or goats, vaccinate sheep or goats against footrot except with the

approval of a person authorised by the Chief, Division of Animal Industries, to give such an approval.

Maximum penalty: 10 penalty units.

Division 2—Sheep lice

Return to be furnished before shearing of sheep in protected area

8. (1) A person having control or in charge of sheep in a protected area with respect to sheep lice must not cause or permit the sheep to be shorn unless notice of the proposed shearing has, at least 7 but not more than 14 days before the sheep are shorn, been given:

- (a) to the district veterinarian; or
- (b) to a ranger,

for the rural lands protection district within which the sheep are located.

Maximum penalty: 10 penalty units.

(2) The notice must include the following particulars:

- (a) the number of sheep to be shorn;
- (b) the current location of the sheep to be shorn;
- (c) the place where the sheep are to be shorn;
- (d) the date on which shearing is expected to begin;
- (e) the date by which shearing is expected to finish.

(3) The notice may be given orally or in writing but, if given orally, must be confirmed in writing within 7 days after the oral notice is given.

(4) If for any reason the shearing is not going to begin on the date or at the place specified in the notice, the person having control or in charge of the sheep must, as soon as practicable, cause notice of that fact to be given (either orally or in writing) to the inspector concerned.

Maximum penalty: 10 penalty units.

(5) This clause does not apply to:

- (a) the shearing of less than 50 sheep in a flock of more than 1,000; or
- (b) the shearing of 50 or more sheep in a flock of more than 1,000 where the shearing is expected to finish within a single day; or
- (c) the shearing of sheep for the purpose of treating them for flystrike.

(6) In this clause:

“sheep lice” means the parasitic insects known as *Damalinia ovis*.

PART 4—TREATMENT OF STOCK GENERALLY**Division 1—Cattle tick and tick fever****Marking of treated stock**

9. (1) If stock within a quarantine area in respect of cattle tick or tick fever have been treated for cattle tick or tick fever, an inspector may mark the stock with a yellow mark.

(2) A person, other than an inspector, must not mark stock with a yellow mark.

Maximum penalty: 20 penalty units.

(3) In this clause:

“**cattle tick**” means cattle tick infestation due to *Boophilus microplus*;

“**tick fever**” means either or both of the diseases anaplasmosis and babesiosis (bovine).

Division 2—Anthrax**Movement of vaccinated stock**

10. (1) During the period of the 42 days following the vaccination of stock against anthrax:

(a) a person must not move the stock from the place where they were vaccinated; and

(b) the owner of the stock must take all practical steps to ensure that the stock are not moved from the place where they were vaccinated,

otherwise than in accordance with a permit.

Maximum penalty: 20 penalty units.

(2) A person who is the holder of a permit that has been revoked is not guilty of an offence against this clause if the person establishes that, at all material times, he or she was unaware, and could not reasonably be expected to have been aware, that the permit had been revoked.

Disposal of deceased stock

11. The person having control or in charge of any stock that die of anthrax must take all practical steps to ensure that the carcasses of the

dead stock are destroyed by burning or are buried at least 1 metre beneath the surface of the ground.

Maximum penalty: 50 penalty units.

Division 3—Brucellosis

Vaccination against brucellosis

12. A person must not vaccinate stock against brucellosis unless the person is authorised to do so by the Chief, Division of Animal Industries.

Maximum penalty: 20 penalty units.

Division 4—Tuberculosis

Testing of stock

13. A person must not test stock for tuberculosis unless the person is a veterinary surgeon who is authorised to do so by the Chief, Division of Animal Industries.

Maximum penalty: 10 penalty units.

Restriction on movement of stock

14. (1) A person must not, otherwise than in accordance with a permit:

- (a) move or destroy any stock that have been (or, pursuant to the order of an inspector, are to be) tested for tuberculosis; or
- (b) remove or destroy the carcasses of any such stock,

unless all stock on the same land that have been, or are to be so tested have given a negative reaction to the test.

Maximum penalty: 50 penalty units.

(2) A person who is the holder of a permit that has been revoked is not guilty of an offence against this clause if the person establishes that, at all material times, he or she was unaware, and could not reasonably be expected to have been aware, that the permit had been revoked.

Notification of suspected tuberculosis

5. (1) An owner or person having control or in charge of any stock or the carcass of any stock, who suspects that the stock or carcass is infected with tuberculosis must, as soon as practicable:

- (a) cause notice of that suspicion to be given (either orally or in writing) to an inspector; and
- (b) cause to be sent to such laboratory or other place as the inspector may direct specimens taken from the carcass in accordance with the directions of the inspector.

Maximum penalty: 10 penalty units.

(2) For the purposes of this clause:

- (a) a meat inspector (within the meaning of the Meat Industry Act 1978) engaged in inspecting any stock or carcass; and
- (b) a veterinary surgeon engaged in treating or examining any stock or carcass,

are taken to have control or be in charge of the stock or carcass.

Vaccination against tuberculosis etc.

16. A person must not:

- (a) vaccinate stock against tuberculosis; or
- (b) use any drug to treat stock for tuberculosis or for suspected tuberculosis,

otherwise than in accordance with an approval given by an inspector.

Maximum penalty: 20 penalty units.

Division 5—Rabies

Vaccination against rabies

17. A person must not vaccinate stock against rabies unless the person is authorised to do so by the Chief, Division of Animal Industries.

Maximum penalty: 10 penalty units.

PART 5—IDENTIFICATION OF CATTLE AND OF SWINE

Identification of cattle

18. (1) For the purposes of section 19C (1) of the Act:

- (a) the manner of applying a ratchet tag is by fitting the tag securely around the tail immediately above the brush or, if there is no tail or the tail is of such size as to prevent the tag from being attached to it securely, by fitting the tag securely through the ear; and

- (b) the manner of applying a wrap-around tag is by wrapping the tag securely around the tail so that the tag is securely attached to the tail.
- (2) A tag must be so applied as to ensure that the particulars of identification on the tag are clearly visible.

Identification of swine

19. (1) For the purposes of section 19C (1A) of the Act, swine are to be identified by being branded, by means of a device (in this clause referred to as an “**approved device**”) of a kind approved by the Chief, Division of Animal Industries:

- (a) with a carbon-based ink or paste; or
- (b) with any other ink or paste of a kind so approved.

(2) The approved device is to be kept in good condition.

(3) The approved device is to be applied so as to impress the characters of the brand through the skin over one or both shoulders.

(4) Swine are taken not to be identified if, at the time they are sold or sent or delivered to an abattoir, the characters of the brand are not clearly readable.

Other marking of swine

20. (1) An inspector may brand or otherwise mark swine for the purposes of the Act in such manner as the inspector considers appropriate.

(2) A person must not brand or otherwise mark swine in such a manner as to conceal or obliterate any brand or mark applied by an inspector.

Maximum penalty: 10 penalty units.

Sec. 19A: exempted persons

21. Section 19A (3) of the Act does not apply to the following persons:

- (a) a person who sells stud stock at, or who sends or delivers stud stock to, an agricultural show or exhibition;
- (b) a person who sells stock as an incident to the sale of land or a business where it is proposed that the stock will remain on the land or be retained as part of the business;

- (c) a person who sells stock (otherwise than at a saleyard) to a purchaser where the purchaser states that the stock will travel directly to a holding occupied by the purchaser for the purpose of restocking that holding;
- (d) a person who sells, or who sends or delivers to an abattoir or saleyard or any other place for sale:
 - stock that has been introduced into New South Wales during the period of 28 days (or, in the case of swine, 7 days) immediately preceding the sale, sending or delivery, being stock that is identified, in accordance with the law in force in the State or Territory from which it has been introduced, in a manner similar to that required by section 19C of the Act; or
 - stock that has been purchased within the period of 28 days (or, in the case of swine, 7 days) immediately preceding the sale, sending or delivery, being stock that was duly identified at the time of purchase and remains identified in the same manner as it was at the time of purchase; or
 - stock for which, no later than the day before, approval has been given by an inspector to its sale, sending or delivery, being stock that is duly identified prior to slaughter or sale;
- (e) a person who sends or delivers stock to an abattoir that receives stock exclusively from that person or that person's holding, where the sending or delivery is approved by the Chief, Division of Animal Industries;
- (f) a person who sends or delivers swine to an abattoir for the return of the carcass to that person for personal consumption or use.

Sec. 19D: allotment of particulars of identification

22. (1) For the purposes of section 19D (1) and (1A) of the Act, the prescribed form of application for allotment of particulars of identification is:

- (a) Form 1 for cattle; and
- (b) Form 2 for swine.

(2) For the purposes of section 19D (1A) of the Act, the prescribed fee to accompany an application that relates to swine is \$10.

(3) For the purposes of section 19D (2) of the Act, the prescribed form of certificate of allotment of particulars of identification is:

- (a) Form 3 for cattle; and
- (b) Form 4 for swine.

Sec. 19E: renewal of particulars of identification for swine

23. For the purposes of section 19E (2A) of the Act:

- (a) the prescribed period (being the period for which a certificate under section 19D of the Act has effect) is 2 years; and
- (b) the prescribed form of application for renewal of registration of the particulars of identification to which such a certificate relates is Form 5; and
- (c) the prescribed fee to accompany such an application is \$10.

Sec 19F: prescribed officers

24. For the purposes of section 19F (1) (a) of the Act, the prescribed officer is the Chief, Division of Animal Industries.

Sec. 19G: records of untagged stock

25. For the purposes of section 19G (1) of the Act, the prescribed particulars are the following:

- (a) the date of slaughter of the stock;
- (b) a description of the class or breed of the stock;
- (c) a description of any brand or other mark on the stock;
- (d) the name of the person on whose behalf the stock was delivered to the abattoir.

PART 6—PERMITS**Application for permit**

26. (1) An application for a permit may be made to an inspector by the owner of the stock to which the application relates or by the person for the time being having control or in charge of the stock.

(2) An application may be made orally or in writing.

(3) On receiving an application, an inspector:

- (a) may grant the permit, either unconditionally or subject to conditions specified in the permit; or
- (b) may refuse the application.

(4) An inspector who refuses an application must inform the applicant of the reasons for the refusal.

(5) A permit is to be in the form approved by the Chief, Division of Animal Industries.

Inspector may order treatment or test before issuing permit

27. Before issuing a permit with respect to any stock or thing, an inspector may require:

- (a) the stock or the thing to be treated or tested in such manner; and
- (b) the treatment or test to be carried out at such time and place, as the inspector may determine.

Revocation of permit

28. (1) If an inspector believes on reasonable grounds:

- (a) that any condition imposed by a permit has not been complied with; or
- (b) that the holder of the permit has contravened any provision of the Act or of this Regulation applicable to the stock or the thing to which the permit relates; or
- (c) that the revocation of the permit is necessary in order to prevent the spread of disease,

the inspector may revoke the permit by notice in writing served on the owner of the stock concerned or on any person having control or in charge of the stock.

(2) The notice must specify the reasons for the revocation and may require the holder of the permit to return the permit to an inspector.

(3) The holder of the permit must not fail to comply with the requirements of the notice with respect to the return of the permit.

Maximum penalty (subclause (3)): 5 penalty units.

Appeal against refusal of application or revocation of permit

29. (1) Any person may appeal to the Chief, Division of Animal Industries, against an inspector's decision:

- (a) to refuse an application for a permit; or
- (b) to revoke a permit.

(2) An appeal is to be made in writing within 7 days after the appellant receives notice of the decision against which the appeal is made.

(3) An appeal is to be heard and determined by, or by some other person authorised by, the Chief, Division of Animal Industries.

(4) The person by whom an appeal is heard is to determine the appeal:

- (a) by confirming the decision against which the appeal is made; or

(b) by granting or restoring the permit concerned, either conditionally or unconditionally.

Production of permit by person having control or in charge of stock

30. A person having control or in charge of any stock or thing in respect of which the person claims that a permit is in force must, on demand by an inspector, produce the permit for inspection.

Maximum penalty: 10 penalty units.

PART 7—MISCELLANEOUS

Sec. 3: definition of “Tag”

31. (1) For the purposes of the definition of “Tag” in section 3 (1) of the Act, ratchet tags and wrap-around tags made wholly from orange plastic material, or from other orange material of a kind approved by the Chief, Division of Animal Industries, are prescribed kinds of tags.

(2) In this clause:

“**ratchet tag**” means a tag that contains a ratchet mechanism that can be securely attached to the tail of the stock concerned or through its ear;

“**wrap-around tag**” means a tag that consists of an adhesive strip that can be securely attached to the tail of the stock concerned by wrapping it around its tail.

Sec. 12A: evidence of inspector’s appointment

32. For the purposes of section 12A (3) of the Act, the prescribed evidence of an inspector’s appointment is a certificate in or to the effect of Form 6.

Sec. 12A: prescribed type of traffic sign

33. (1) For the purposes of section 12A of the Act, the prescribed type of traffic sign is a stop sign in or to the effect of the sign illustrated by Form 7.

(2) The sign must, if not illuminated, be fitted with reflectors or other retro-reflecting material.

(3) The stop sign must be used in conjunction with a warning sign, in or to the effect of the sign illustrated in Form 8, erected between 200 metres and 400 metres before the location at which the stop sign is used.

Sec. 20A: communicating disease to stock

34. (1) For the purposes of section 20A of the Act, a person may communicate a disease to stock:

- (a) for the purpose of preventing the stock from contracting that or any other disease; or
- (b) for the purpose of treating stock for that or any other disease, in the circumstances set out in subclause (2).

(2) The circumstances in which a disease may be communicated to stock are that the person concerned:

- (a) is in the course of treating stock with a stock medicine approved by the Chief, Division of Animal Industries, where the treatment is carried out in accordance with the manufacturer's directions for administering the stock medicine; or
- (b) is in the course of vaccinating stock with a vaccine approved by the Chief, Division of Animal Industries, where the vaccination is carried out:
 - by a person authorised by the Chief, Division of Animal Industries, to vaccinate stock with that vaccine; and
 - in accordance with the manufacturer's directions for administering the vaccine.

(3) This clause does not authorise a person to treat or vaccinate stock in contravention of any other provision of this Regulation.

Feeding of refuse etc. to swine

35. (1) A person must not feed to swine or cause or permit swine to feed on:

- (a) the meat, bones, blood, offal or other part of the carcass of any animal or bird; or
- (b) the eggs or excreta of any animal or bird; or
- (c) any substance produced from or containing a substance referred to in paragraph (a) or (b), other than:
 - a stock food or medicine registered or approved under an Act; or
 - a substance that has been processed at premises, and in a manner, approved by the Chief, Division of Animal Health; or

(d) any household or commercial waste, foodstuffs, garbage or other food refuse, other than:

- bakery, fruit or vegetable waste; or
- refuse that has not been kept in, and is not fed to the swine from, a receptacle that contains or has contained a substance included in paragraph (a), (b) or (c).

Maximum penalty: 50 penalty units.

(2) The owner and any person having control or in charge of swine must take all steps that are reasonably practicable to prevent the swine from having access to any such substance.

Maximum penalty: 50 penalty units.

(3) A person does not commit an offence against this clause if the person uses such a substance in a manner approved by the Chief, Division of Animal Health, for the suppression or destruction of feral pigs.

Defence to proceedings for certain offences

36. In any proceedings for an offence against a provision of this Regulation, it is a sufficient defence if the defendant establishes that the act or omission giving rise to the alleged offence was done or omitted in accordance with an order or direction of an inspector.

Repeal

37. The Stock Diseases Regulations 1936 are repealed.

Savings and transitional

38. Any order, permit, notice, approval or authorisation in force under the Stock Diseases Regulations 1936 immediately before the commencement of this Regulation is taken to have been given or issued under this Regulation.

SCHEDULE 1—FORMS

(C1. 3)

Form 1

(C1. 22)

APPLICATION FOR PARTICULARS OF IDENTIFICATION FOR CATTLE TAGS

(Stock Diseases Act 1923)

To: the Registrar of Brands

I,
of
apply, on my own behalf/on behalf of:
of
for allotment of particulars of identification for use on cattle tags for the purposes of the Stock Diseases Act 1923.

Date: Signed:

Form 2

(C1. 22)

APPLICATION FOR PARTICULARS OF IDENTIFICATION FOR SWINE BRANDS

(Stock Diseases Act 1923)

To: the Registrar of Brands

I,
of

apply, on my own behalf/on behalf of:

.....
of

.....
for allotment of particulars of identification for use on swine brands for the purposes of the Stock Diseases Act 1923.

Date: Signed:

Form 3

(C1. 22)

CERTIFICATE OF PARTICULARS OF IDENTIFICATION FOR CATTLE TAGS

(Stock Diseases Act 1923)

I certrfy that the following particulars of identification:

have been issued to:

.....
of

.....
for use on cattle tags for the purposes of the Stock Diseases Act 1923.

Date: Signed:
(*Registrar of Brands*)

Form 4

(C1. 22)

CERTIFICATE OF PARTICULARS OF IDENTIFICATION FOR SWINE BRANDS**(Stock Diseases Act 1923)**

I certify that the following particulars of identification:

have been issued to:

.....
of

.....
for use on swine brands for the purposes of the Stock Diseases Act 1923.

Date:

Signed:

*(Registrar of Brands)***Form 5**

(C1. 23)

APPLICATION FOR RENEWAL OF PARTICULARS OF IDENTIFICATION FOR SWINE BRANDS**(Stock Diseases Act 1923)**

To: the Registrar of Brands

I,

of

.....

apply, on my own behalf/on behalf of

.....
of

.....
for renewal of particulars of identification for use on swine brands for the purposes of the Stock Diseases Act 1923.

Date: Signed:

Form 6

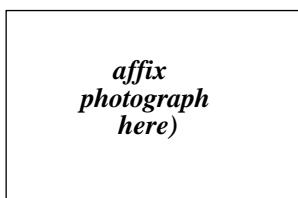
(C1. 32)

CERTIFICATE OF AUTHORITY

(Stock Diseases Act 1923)

This is to certify that,
(insert name of inspector)

whose signature appears below, is an inspector for the purposes of the Stock Diseases Act 1923.



.....
(signature of inspector)

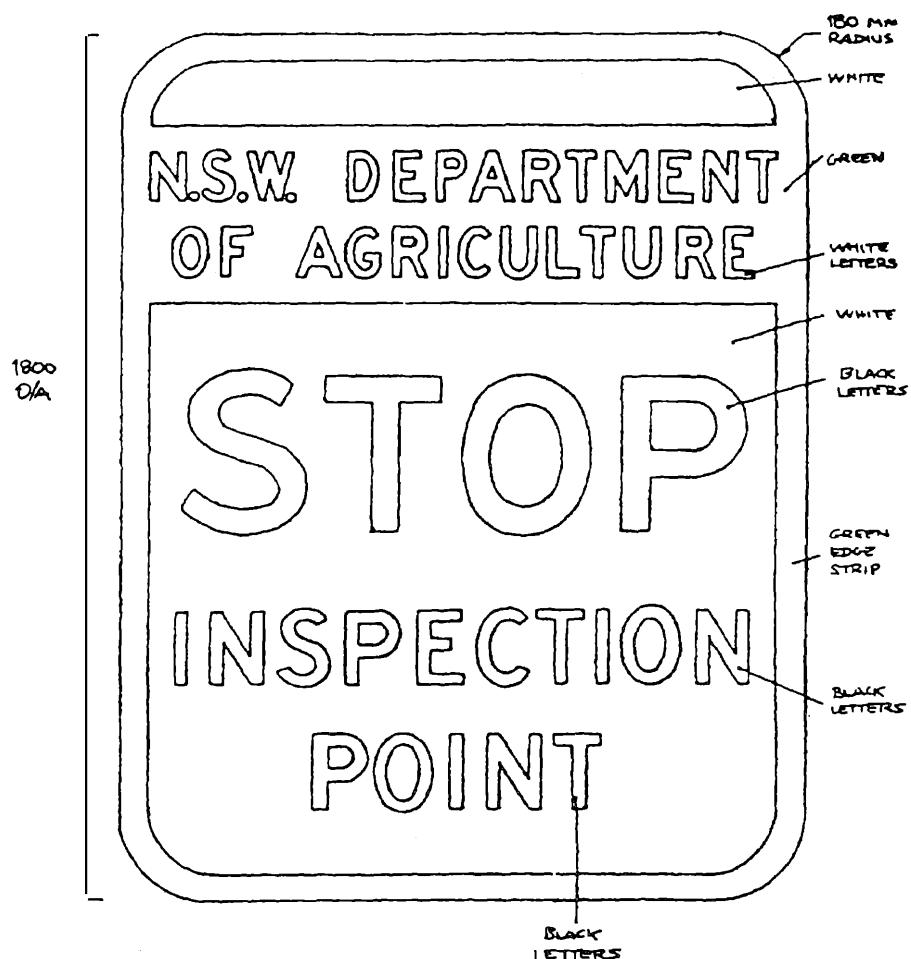
.....
(for Director-General)

Date:

Form 7

(C1. 33)

STOP SIGN



Form 8

(C1. 33)

WARNING SIGN

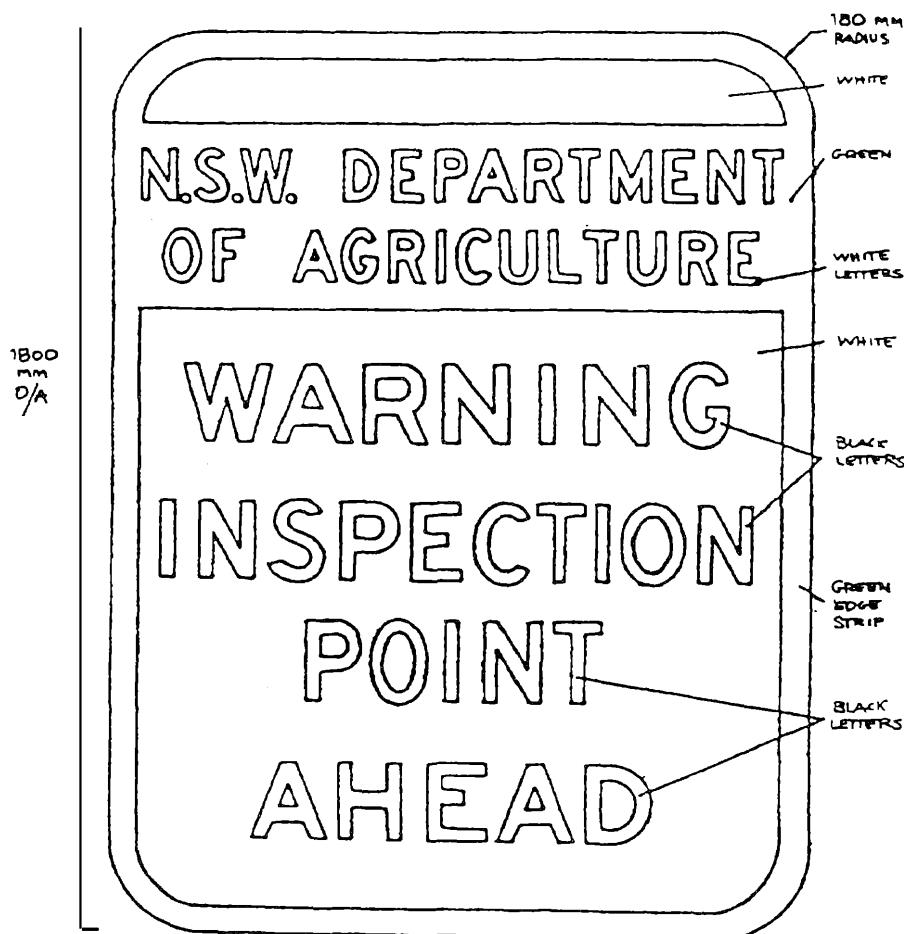


TABLE OF PROVISIONS**PART 1—PRELIMINARY**

1. Citation
2. Commencement
3. Definitions

PART 2—QUARANTINE AREAS ETC.

4. Permit for movement of stock etc.

PART 3—PROTECTED AREAS

Division 1—Footrot

5. Movement of sheep and goats into a protected area
6. Notification of footrot
7. Vaccination against footrot

Division 2—Sheep lice

8. Return to be furnished before shearing of sheep in protected area

PART 4—TREATMENT OF STOCK GENERALLY

Division 1—Cattle tick and tick fever

9. Marking of treated stock

Division 2—Anthrax

10. Movement of vaccinated stock
11. Disposal of deceased stock

Division 3—Brucellosis

12. Vaccination against brucellosis

Division 4—Tuberculosis

13. Testing of stock
14. Restriction on movement of stock
15. Notification of suspected tuberculosis
16. Vaccination against tuberculosis etc.

Division 5—Rabies

17. Vaccination against rabies

PART 5—IDENTIFICATION OF CATTLE AND SWINE

18. Identification of cattle
19. Identification of swine
20. Other marking of swine
21. Sec. 19A: exempted persons
22. Sec. 19D: allotment of particulars of identification
23. Sec. 19E: renewal of particulars of identification for swine
24. Sec. 19F: prescribed officers
25. Sec. 19G: records of untagged stock

PART 6—PERMITS

26. Application for permit
27. Inspector may order treatment or test before issuing permit
28. Revocation of permit
29. Appeal against refusal of application or revocation of permit
30. Production of permit by person having control or in charge of stock

PART 7—MISCELLANEOUS

31. Sec. 3: definition of “Tag”
32. See. 12A: evidence of inspector’s appointment
33. Sec. 12A: prescribed type of traffic sign
34. Sec. 20A: communicating disease to stock
35. Feeding of refuse etc. to swine
36. Defence to proceedings for certain offences
37. Repeal
38. Savings and transitional

SCHEDULE 1—FORMS**EXPLANATORY NOTE**

The object of this Regulation is to repeal the Stock Diseases Regulations 1936 under the Stock Diseases Act 1923 and to replace them with a new Regulation. The new Regulation contains provisions:

- (a) regulating the movement of stock out of quarantine areas and across quarantine lines (Part 2); and
- (b) regulating the movement of stock within protected areas with respect to footrot (Division 1 of Part 3) and sheep lice (Division 2 of Part 3); and
- (c) regulating the treatment of stock for the following diseases:
 - cattle tick and tick fever (Division 1 of Part 4);
 - anthrax (Division 2 of Part 4);
 - brucellosis (Division 3 of Part 4);
 - tuberculosis (Division 4 of Part 4);
 - rabies (Division 5 of Part 4); and

1992—No. 489

- (d) providing for the tagging of cattle and the branding of swine (Part 5); and
- (e) providing for the granting of permits for the purposes of the Regulation (Part 6); and
- (f) providing for other matters of an ancillary or consequential nature (Parts 1 and 7).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
