



New South Wales

# Stock Diseases (General) Regulation 1997

under the  
Stock Diseases Act 1923

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Stock Diseases Act 1923*.

RICHARD AMERY, MP,  
Minister for Agriculture

## Explanatory note

The object of this Regulation is to repeal and remake, with various changes, the provisions of the *Stock Diseases Regulation 1992*. The new Regulation deals with the following matters:

- (a) the testing of stock for disease, the notification of diseases in stock, the vaccination of stock and the restriction of movement of vaccinated stock (Part 2):
  - (i) for anthrax (Division 1 of Part 2),
  - (ii) for brucellosis (Division 2 of Part 2),
  - (iii) for tuberculosis (Division 3 of Part 2),
  - (iv) for rabies (Division 4 of Part 2),
  - (v) for footrot (Division 5 of Part 2),
- (b) the means by which stock is to be identified (Part 3),
- (c) permits for the movement of things (other than stock) out of quarantine areas (Part 4),
- (d) permits generally (Part 5),
- (e) other provisions of a minor, consequential or ancillary nature (Parts 1 and 6).

This Regulation is made under the *Stock Diseases Act 1923*, including section 23 (the general regulation-making power) and sections 12A, 19C, 19E, 19F, 19H, 19Q, 20A, 20FB and 20O.

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

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## Stock Diseases (General) Regulation 1997

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Stock Diseases (General) Regulation 1997*.

#### 2 Commencement

This Regulation commences on 1 September 1997.

#### 3 Definitions

In this Regulation:

permit means a permit in force under Part 5.

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*.

#### 4 Notes

The explanatory note and table of contents do not form part of this Regulation.

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Clause 5            Stock Diseases (General) Regulation 1997

Part 2             Treatment of stock generally  
Division 1

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**Part 2        Treatment of stock generally**

**Division 1    Anthrax**

**5    Movement of vaccinated stock**

- (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.

**6    Disposal of deceased stock**

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:

- (a)    in accordance with the requirements of any relevant order given in respect of the stock under section 8 of the Act, or
- (b)    in accordance with the terms of any relevant undertaking given in respect of the stock under section 11 of the Act, or
- (c)    if no such order or undertaking applies to the stock, by burning or by being buried at least one metre beneath the surface of the ground.

Maximum penalty: 50 penalty units.

## **Division 2 Brucellosis**

### **7 Vaccination against brucellosis**

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 3 Tuberculosis**

### **8 Testing of stock**

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.

### **9 Restriction on movement of stock**

- (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.

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Part 2                Treatment of stock generally  
Division 3

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### 10 Notification of suspected tuberculosis

- (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.

### 11 Vaccination against tuberculosis

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 the Chief, Division of Animal Industries.

Maximum penalty: 20 penalty units.

## Division 4 Rabies

### 12 Vaccination against rabies

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.



## **Division 5 Footrot in protected areas**

### **13 Notification of footrot**

An occupier of land within a protected area with respect to footrot in sheep and 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.

### **14 Vaccination against footrot**

A person must not, in a protected area with respect to footrot in sheep and 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.

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Clause 15 Stock Diseases (General) Regulation 1997

Part 3 Identification of stock

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### Part 3 Identification of stock

#### 15 Definitions

In this Part:

*ear tag* means a tag that can be securely attached through the ear of the stock concerned but does not include a ratchet tag.

*ratchet tag* means a tag that incorporates a ratchet mechanism that can be securely attached to the tail or through the ear of the stock concerned.

*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 the tail.

#### 16 Nature of tag: section 19C

For the purposes of the definition of tag in section 19C of the Act, the prescribed kind of tag is an ear tag, ratchet tag or wrap-around tag, in each case made of material that is:

- (a) coloured orange or such other colour as is approved by the Chief, Division of Animal Industries, and
- (b) made of plastic or such other substance as is approved by the Chief, Division of Animal Industries.

#### 17 Exemptions: section 19E

- (1) A sale, sending or delivery of any of the following classes is prescribed as exempt pursuant to section 19E of the Act:
  - (a) the sale of stud stock at, or the sending or delivery of stud stock to, an agricultural show or exhibition,
  - (b) the sale of stock as an incident of the sale of land or the sale of a business under which the stock will remain on the land or be retained as part of the business,
  - (c) the sale of stock (otherwise than at a saleyard) to a purchaser where the seller believes on reasonable grounds that the stock will travel directly to a holding occupied by the purchaser for the purpose of restocking that holding,

- (d) the sale, or the sending or delivery to an abattoir or saleyard or any other place for sale, of:
    - (i) 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 a provision of the law in force in the State or Territory from which it has been introduced that corresponds to section 19F of the Act, or
    - (ii) 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 identified in accordance with the Act at the time of purchase and remains identified in the same manner as it was at the time of purchase,
  - (e) the sending or delivery to an abattoir or saleyard or any other place for sale of stock for which, no later than the day before the sending or delivery, approval has been given by an inspector to its sending or delivery, being stock that is identified in accordance with the Act prior to slaughter or sale,
  - (f) the sending or delivery by a person of 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,
  - (g) the sending or delivery by a person of swine to an abattoir under an agreement with that person for the slaughter of the swine and the return of the carcass to that person for personal consumption or use.
- (2) In this clause, *saleyard* means any premises used or established for use wholly or partly for the sale of stock to the public.

#### 18 Further requirements for identification of stock: section 19F

- (1) The following are prescribed under section 19F (4) of the Act as further requirements as to the manner of identification of stock other than swine:

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Part 3                Identification of stock

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- (a) a tag, if it is an ear tag, must be attached securely through the left (near side) ear and be of a size and kind approved by the Chief, Division of Animal Industries,
  - (b) a tag, if it is a ratchet tag, must be attached securely around the tail immediately before 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, the tag must be attached securely through the ear,
  - (c) a tag, if it is a wrap-around tag, must be in the form approved by the Chief, Division of Animal Industries and must be attached securely around the tail,
  - (d) a tag must be so attached as to ensure that the particulars of identification on the tag are clearly visible,
  - (e) the height of the particulars of identification on the tag must be not less than 7 millimetres in the case of tail tags, and not less than 10 millimetres in the case of ear tags.
- (2) The following are prescribed under section 19F (4) of the Act as further requirements as to the manner of identification of swine:
- (a) the branding device is to be applied so as to impress the character of the brand through the skin over one or both shoulders,
  - (b) the characters of the brand must be clearly legible.

### **19 Application fee for particulars of identification: section 19H**

For the purposes of section 19H (2) of the Act, the prescribed fee is \$25.

### **20 Records of untagged stock delivered to abattoir: section 19Q**

For the purposes of section 19Q of the Act, the prescribed information is the following:

- (a) the date when the stock are, or are expected to be, slaughtered,
- (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.

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## **Part 4      Movement of things out of quarantine areas**

### **21 Permit for movement of things other than stock**

- (1) A person must not, otherwise than in accordance with a permit, move out of any quarantine area anything of a kind that is specified:
- (a) in the notification by which the quarantine area is declared, or
  - (b) in an order in force under section 8 of the Act, or
  - (c) in an undertaking in force under section 11 of the Act,
- as a kind of 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 anything of a kind that is specified:
- (a) in the notification by which the quarantine line is declared, or
  - (b) in an order in force under section 8 of the Act, or
  - (c) in an undertaking in force under section 11 of the Act,
- as a kind of 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.

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Clause 22      Stock Diseases (General) Regulation 1997

Part 5          Permits

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### **Part 5      Permits**

#### **22    Application of Part**

This Part applies to:

- (a) any permit of the kind referred to in section 7 (6) of the Act, and
- (b) any permit of a kind required by this Regulation.

#### **23    Application for permit**

- (1) An application for a permit is to be made to an inspector and may be made orally or in writing.
- (2) 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.
- (3) An inspector who refuses an application must inform the applicant of the reasons for the refusal.
- (4) A permit is to be in the form approved by the Chief, Division of Animal Industries.

#### **24    Inspector may order treatment or test before issuing permit**

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.

#### **25    Revocation of permit**

- (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.

## **26 Appeal against refusal of application or revocation of permit**

- (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.

## **27 Production of permit by person having control or in charge of stock**

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.

## 1997 No 468

Clause 28      Stock Diseases (General) Regulation 1997

Pari 6          Miscellaneous

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## Part 6      Miscellaneous

### 28 Evidence of inspector's appointment: section 12A

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 1 in Schedule 1.

### 29 Communicating disease to stock: section 20A

- (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,but only in the circumstances set out in subclause (2), (3) or (4).
- (2) The person may communicate the disease in the course of treating stock with a stock medicine approved by the Chief, Division of Animal Industries, but only if the treatment is carried out in accordance with the manufacturer's directions for administering the stock medicine.
- (3) The person may communicate the disease in the course of vaccinating stock with a vaccine approved by the Chief, Division of Animal Industries, but only where the vaccination is carried out:
  - (a) by a person authorised by the Chief, Division of Animal Industries, to vaccinate stock with that vaccine, and
  - (b) in accordance with the manufacturer's directions for administering the vaccine,and not in the circumstances referred to in subclause (4).
- (4) The person may communicate the disease in the course of vaccinating export stock with tick fever vaccine, but only if
  - (a) vaccination is carried out with the prior approval of an authorised officer for each animal to be vaccinated, and
  - (b) vaccination is carried out by a veterinary surgeon, and



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- (c) vaccination is carried out elsewhere than in:
    - (i) a cattle tick quarantine area, or
    - (ii) a tick fever protected area, and
  - (d) vaccinated stock are not permitted to enter:
    - (i) a cattle tick quarantine area, or
    - (ii) a tick fever protected area, and
  - (e) all stock to be vaccinated are, at the time of vaccination, individually identified in a manner approved by the authorised officer, and
  - (f) all unused vaccine is destroyed by the person carrying out the vaccination by boiling or microwave heating.
- (5) This clause does not authorise a person to treat or vaccinate stock in contravention of any other provision of this Regulation.
- (6) In this clause:

***authorised officer*** means any of the following officers of the Department of Agriculture:

- (a) the Chief, Division of Animal Industries,
- (b) the Program Manager (Quality Assurance),
- (c) the Senior Regulatory Officer,
- (d) a Senior Field Veterinary Officer.

***cattle tick quarantine area*** means a quarantine area declared on account of the infestation of stock by cattle tick (*Boophilus microplus*).

***export stock*** means stock whose export out of the State is imminent.

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

***tick fever protected area*** means a protected area declared on account of the presence or suspected presence of tick fever.

***tick fever vaccine*** means a vaccine to prevent tick fever obtained from the Tick Fever Research Centre of the Department of Primary Industries of Queensland.

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Clause 30            Stock Diseases (General) Regulation 1997

Part 6                Miscellaneous

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**30 Feeding of ruminant tissue to ruminants: section 20FB**

- (1) For the purposes of section 20FB of the Act, ruminant tissue is prescribed as a prohibited substance in relation to ruminant animals.
- (2) For the purposes of section 20FB (3) of the Act, all ruminant animals are prescribed in relation to the substances prescribed by subclause (1) in circumstances in which those substances are fed to them for a purpose, and in a manner, approved by the Chief, Division of Animal Industries.
- (3) In this clause:  
ruminant animal means an animal that has a rumen, and includes an animal belonging to any of the following classes of animal, namely, cattle, sheep, goats and deer.  
ruminant tissue means tissue or blood (other than tallow) derived from the carcass of a ruminant animal, and includes any substance produced from or containing any such tissue or blood.

**31 Feeding of substances to swine: section 20FB**

- (1) For the purposes of section 20FB of the Act, the following substances are prescribed as prohibited substances in relation to swine:
  - (a) any tissue or blood derived from the carcass of any animal or bird,
  - (b) the eggs or excreta of any animal or bird,
  - (c) any substance produced from or containing a substance referred to in paragraph (a) or (b), other than:
    - (i) a stock food or medicine registered or approved under an Act, or
    - (ii) a substance that has been processed at premises, and in a manner, approved by the Chief, Division of Animal Industries,
  - (d) any household or commercial waste, foodstuffs, garbage or other food refuse, other than:
    - (i) bakery, fruit or vegetable waste, or
    - (ii) commercial waste that has been processed at premises, and in a manner, approved by the Chief, Division of Animal Industries,

- (e) any household or commercial waste, foodstuffs, garbage or other food refuse that has been kept in, and is fed to swine from, a receptacle that contains or has contained a substance included in paragraph (a), (b) or (c).
- (2) For the purposes of section 20FB (3) of the Act, feral pigs are prescribed in relation to the substances prescribed by subclause (1) in circumstances in which those substances are fed to them for the purpose of suppressing or controlling their numbers, but only if those substances are fed to them in a manner approved by the Chief, Division of Animal Industries.

### 32 Penalty notice offences: section 20O

For the purposes of section 20O (Penalty notices) of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 2 is declared to be a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 3 of Schedule 2.

### 33 Short descriptions

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 2 is:
  - (a) the expression specified in Column 2 of that Schedule, or
  - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 2, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.

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Clause 33            Stock Diseases (General) Regulation 1997

Part 6                Miscellaneous

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- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

### **34 Defence to proceedings for certain offences**

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.

### **35 Repeal**

- (1) The *Stock Diseases Regulation 1992* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Stock Diseases Regulation 1992*, had effect under that Regulation continues to have effect under this Regulation.

## Schedule 1 Forms

### Form 1 Certificate of authority

(Clause 28)

(Stock Diseases Act 1923)

This is to certify that .....  
*(name of inspector)*

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

*(affix  
photograph  
here)*

.....  
*(signature of inspector)*

.....  
*(for Director-General)*

Date:

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Schedule 2 Penalty notice offences

**Schedule 2 Penalty notice offences**

(Clauses 32, 33)

| <b>Column 1</b>                               | <b>Column 2</b>  | <b>Column 3</b> |
|---|--|-----------------|
| <b>Provision</b>                              | <b>Short description</b>   | <b>Penalty</b>  |
| <b>Offences under Stock Diseases Act 1923</b> |  |                 |
| Section 9 (1)                                 | being occupier of landowner of stock/<br>person in charge of stock fail to notify<br>disease               | \$400           |
| Section 9 (2)                                 | being veterinary surgeon/person attending<br>Stock/person consulted on stock fail to<br>notify disease     | \$400           |
| Section 12A (5) (a)                           | fail to stop vehicle/keep vehicle stationary   | \$200           |
| Section 19D (1)                               | sell/cause/permit sale of unidentified stock   | \$400           |
| Section 19D (2)                               | send/deliver/cause/permit sending/delivery<br>of unidentified stock  | \$400           |
| Section 19FA (1)                              | attach wrong identifying tag to stock/<br>cause/permit wrong identifying tag to be<br>attached to stock    | \$400           |
| Section 19FA (2)                              | mark swine with wrong identifying brand<br>cause/permit swine to be marked with<br>wrong identifying brand | \$400           |
| Section 20                                    | illegally introduce stock  | \$200           |
| Section 20C (1) (a)                           | move stock across quarantine line/cause/<br>permit stock to be moved across<br>quarantine line             | \$300           |
| Section 20C (1) (b)                           | move stock into protected area/cause/<br>permit stock to be moved into protected<br>area                   | \$300           |
| Section 20C (1) (c)                           | move stock/cause/permit stock to be<br>moved in/within/out of quarantine area/<br>infected land            | \$300           |
| Section 20C (2) (a)                           | move infected stock/cause/permit infected<br>stock to be moved on/along/across public<br>road/railway      | \$400           |
| Section 20C (2) (b)                           | move infected stock/cause/permit infected<br>stock to be moved in/through public place                     | \$400           |

## Stock Diseases (General) Regulation 1997

Penalty notice offences

Schedule 2

| <b>Column 1</b>     | <b>Column 2</b>   | <b>Column 3</b> |
|---------------------|---|-----------------|
| <b>Provision</b>    | <b>Short description</b>  | <b>Penalty</b>  |
| Section 20C (2) (c) | move infected stock/cause/permit infected stock to be moved to/on/across land                 | \$400           |
| Section 20B (1)     | Owner/person in charge of stock straying inside/outside quarantine area/inside protected area | \$200           |
| Section 20D (2)     | Owner/person in charge of infected stock straying   | \$200           |
| Section 20FB (1)    | feed prohibited substance to stock  | \$400           |
| Section 20FB (1)    | cause/permit stock to feed on prohibited substance  | \$400           |
| Section 20FB (2)    | fail to prevent stock access to prohibited substance  | \$400           |

**Offences under Stock Diseases (General) Regulation 1997**

|               |   |       |
|---------------|---|-------|
| Clause 13     | fail to notify footrot in sheep/goats                 | \$200 |
| Clause 21 (1) | move thing out of quarantine area in breach of permit | \$300 |
| Clause 21 (2) | move thing across quarantine line in breach of permit | \$300 |