

# Stock Diseases (General) Regulation 2004

[2004-434]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **See also**  
[Statute Law \(Miscellaneous Provisions\) Bill \(No 2\) 2004](#)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Stock Diseases (General) Regulation 2004



New South Wales

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# Stock Diseases (General) Regulation 2004



New South Wales

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

IAN MICHAEL MACDONALD, M.L.C., Minister for Primary Industries

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Stock Diseases (General) Regulation 2004*.

### 2 Commencement

This Regulation commences on 1 July 2004.

### 3 Definitions

(1) In this Regulation:

**Chief Veterinary Officer** means the person appointed under the *Exotic Diseases of Animals Act 1991* to be the Chief Veterinary Officer.

**permit** means a permit in force under Part 5.

**the Act** means the *Stock Diseases Act 1923*.

(2) Notes in the text of this Regulation do not form part of this Regulation.

### 4 Repeal

(1) The *Stock Diseases (General) Regulation 1997* is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the *Stock Diseases (General) Regulation 1997*, had effect under that Regulation continues to have effect under this Regulation.

## **Part 2 Treatment of stock**

### **Division 1 Anthrax**

#### **5 Movement of stock vaccinated against anthrax**

During the period of the 42 days following the vaccination of stock against anthrax:

- (a) a person must not move the stock from the holding or other place where it was vaccinated, and
- (b) the owner of the stock must take all practical steps to ensure that the stock is not moved from the holding or other place where it was vaccinated,

otherwise than in accordance with a permit.

Maximum penalty: 50 penalty units.

#### **6 Disposal of stock that has died of anthrax**

The person having control or who is in charge of any stock that dies of anthrax must take all practical steps to ensure that the carcass is 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:
  - (i) by burning the carcass, or
  - (ii) if burning poses a bushfire risk or for some other reason is not practicable, by burying the carcass at least one metre beneath the surface of the ground, and, before filling in the grave, either liberally treating the carcass with quick lime (with a pH level of between 11-13, inclusive) or covering it with a soil mixture comprising one part chloride of lime (containing 25% activated chlorine) to 3 parts of soil.

Maximum penalty: 50 penalty units.

### **Division 2 Tuberculosis**

#### **7 Testing of stock for tuberculosis**

- (1) A person must not test stock for tuberculosis unless the person is:
  - (a) a veterinary surgeon, or

- (b) a veterinary officer who (if not a veterinary surgeon) is authorised to do so by the Chief Veterinary Officer.

Maximum penalty: 50 penalty units.

- (2) In this clause:

**veterinary officer** means a veterinary officer of the Department of Primary Industries.

### **8 Restriction on movement or destruction of stock tested for tuberculosis**

A person must not, otherwise than in accordance with a permit:

- (a) move or destroy any stock that has been (or, pursuant to the order of an inspector, is to be) tested for tuberculosis, or
- (b) remove or destroy the carcass of any such stock,

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

Maximum penalty: 50 penalty units.

### **9 Notification of suspected tuberculosis**

- (1) An owner or person having control or in charge of the carcass of any stock who suspects that the 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: 50 penalty units.

- (2) For the purposes of this clause:

- (a) a person engaged in inspecting any carcass for the purposes of the [Food Act 2003](#), or
  - (b) a veterinary surgeon engaged in examining any carcass,
- is taken to have control or be in charge of the carcass.

### **10 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 Veterinary Officer.
- Maximum penalty: 50 penalty units.

## **Division 3 Vaccination against certain other diseases**

### **11 Authorised vaccination of stock**

- (1) **Brucellosis** A person must not vaccinate stock against brucellosis unless the person is authorised to do so by the Chief Veterinary Officer.
- (2) **Rabies** A person must not vaccinate stock against rabies unless the person is authorised to do so by the Chief Veterinary Officer.
- (3) **Footrot** A person must not, in a protected area or protected (control) area with respect to footrot in sheep and goats, vaccinate sheep or goats against footrot except with the approval of:
  - (a) the Chief Veterinary Officer, or
  - (b) a Senior Field Veterinary Officer (being an officer of the Department of Primary Industries).

Maximum penalty: 50 penalty units.

## **Part 3 Identification of stock**

### **Division 1 Preliminary**

#### **12 Definitions**

In this Part:

**agent identification code**, in relation to a stock and station agent, means:

- (a) the code assigned to the agent under Division 5, or
- (b) any identification code assigned to or in respect of the agent under the law of another State or Territory (being a law that is similar to the provisions of this Part).

**approved identifier** means a permanent identifier or a transaction identifier, and includes a special identifier or a special brand.

**attached** includes implanted, inserted, administered or applied.

**authorised administrator** means the person or body approved for the time being by the

Director-General under clause 35.

**board** means the rural lands protection board established under the [Rural Lands Protection Act 1998](#) for a district.

**brand** means a tattoo brand.

**district** means a rural lands protection district within the meaning of the [Rural Lands Protection Act 1998](#).

**district code**, in relation to a district, means the code assigned to the district under Division 5.

**district registrar** means:

- (a) the person who is the most senior administrative officer of the board for the district concerned (or who is for the time being acting in the capacity of most senior administrative officer of the board), or
- (b) any other person appointed by the board to act in the capacity of district registrar of the board.

**food inspector** means an authorised officer within the meaning of the [Food Act 2003](#).

**identification code** means an agent identification code, district code or property identification code.

**identifier** means a tag, label, brand, mark, implant or other means of identification of stock.

**permanent identifier** means an identifier that is approved by the Director-General under Division 3 or 4.

**property** means an area of land (including an area comprising one or more parcels of land that are proximate) that is worked as a single property, and includes any of the following:

- (a) a saleyard or abattoir,
- (b) a travelling stock reserve, or public land, within the meaning of the [Rural Lands Protection Act 1998](#),
- (c) a public road to which a stock permit under the [Rural Lands Protection Act 1998](#) relates.

**property identification code**, in relation to a property, means:

- (a) the code assigned to the property under Division 5, or
- (b) any identification code assigned to or in respect of the property under the law of

another State or Territory (being a law that is similar to the provisions of this Part).

**saleyard** means any place where stock is sold by public auction.

**sell** includes offer for sale, assist in selling and attempt to sell.

**send** includes transfer or deliver.

**special brand** means a brand referred to in clause 37.

**special identifier** means an identifier referred to in clause 36.

**State Council** means the State Council of Rural Lands Protection Boards constituted by the *Rural Lands Protection Act 1998*.

**stock and station agent** means a person who is licensed as a stock and station agent under the *Property, Stock and Business Agents Act 2002* or under a similar law of another State or Territory.

**transaction identifier** means an identifier that is approved by the Director-General under Division 2.

### **13 General provisions relating to orders made under this Part**

- (1) An order made under this Part may:
  - (a) apply generally or be limited in its application by reference to specified exceptions or factors, or
  - (b) apply differently according to different factors of a specified kind.
- (2) Any such order takes effect:
  - (a) on the day it is published in the Gazette, or
  - (b) on a later date specified in the order.
- (3) An order may be made under this Part combining any 2 or more of the provisions authorised by this Part (including provisions authorised under different clauses).

## **Division 2 Identification of stock for transaction purposes**

### **14 Stock to which this Division applies**

- (1) This Division applies to the following stock:
  - (a) cattle,
  - (b) pigs weighing 25 kilograms or more.
- (2) This Division ceases to apply to cattle on and after 1 July 2006.

## 15 Manner in which stock must be identified for transaction purposes

- (1) For the purposes of this Division, stock must be identified by attaching to the stock, in the manner approved by the Director-General by order published in the Gazette:
  - (a) a transaction identifier that contains the property identification code of the appropriate property, or
  - (b) a special identifier (but only in the circumstances referred to in clause 36 (3)), or
  - (c) a special brand (but only in the circumstances referred to in clause 37 (2)).
- (2) An identifier to be used for the purposes of this Division must be of such type, and comply with such specifications, as the Director-General may approve by order published in the Gazette.
- (3) Nothing in subclause (2) allows a brand to be approved as a transaction identifier except in relation to pigs.
- (4) Except as provided by subclause (5), the **appropriate property**, in relation to which stock sold or sent for sale or slaughter is to be identified, is:
  - (a) the last property at which the stock was kept for a period of more than 28 continuous days (if that period ended during the relevant period), or
  - (b) the property determined by an appropriate inspector.
- (5) For stock that has been previously sold or sent or delivered for sale during the relevant period, the **appropriate property** is:
  - (a) the property that was the appropriate property at the time the stock was previously sold or sent for sale (if at that time of that previous sale the stock was identified in accordance with this clause), or
  - (b) the property determined by an appropriate inspector.
- (6) In this clause:

**appropriate inspector** means an inspector holding office as the district veterinarian or ranger for the district from which the stock was sent for sale or slaughter.

**relevant period**, in relation to stock sold or sent for sale or slaughter, is the period of 28 days immediately preceding the arrival of the stock at the saleyard where the stock is to be sold or at the abattoir where it is to be slaughtered.

## 16 Requirement for stock to be identified for transaction purposes

- (1) A person must not sell or buy any stock to which this Division applies, or cause or permit any such stock to be sold or bought, unless the stock is identified in accordance with clause 15.

- (2) A person must not send any stock to which this Division applies, or cause or permit any such stock to be sent:
- (a) to an abattoir for slaughter, or
  - (b) to a saleyard for sale,
- unless the stock is identified in accordance with clause 15.
- (3) If any stock to which this Division applies:
- (a) is at a saleyard for sale, and
  - (b) is not identified in accordance with clause 15,
- the person who is the owner of the stock is guilty of an offence.
- (4) This clause does not apply in relation to the following:
- (a) the sale of stud stock at, or the sending of stud stock to, an agricultural show or exhibition,
  - (b) the sale of stock incidental to 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 property occupied by the purchaser for the purpose of restocking that property,
  - (d) the sale, or the sending to an abattoir or saleyard, of stock that:
    - (i) has been purchased during the preceding period of 28 days, and
    - (ii) was identified in accordance with clause 15 at the time of purchase, and is still so identified,
  - (e) the sale, or the sending to an abattoir or saleyard, of stock that has been:
    - (i) brought into New South Wales during the preceding period of 28 days, and
    - (ii) identified under the law in force in the State or Territory from which the stock has been brought, being a law that is similar to the provisions of this Division,
  - (f) the sending to an abattoir or saleyard of stock:
    - (i) for which prior approval has been given by an inspector to the stock being so sent, and
    - (ii) that has been identified in accordance with clause 15 before being slaughtered or sold,

- (g) the sending of stock to an abattoir from the property on which the stock was born if the stock is identified by a permanent identifier in accordance with Division 3 or, in the case of stock that is required to be identified under Division 4, in accordance with that Division,
- (h) the sale or purchase of stock, or the sending of stock, in such circumstances as may be approved by the Director-General in any particular case or class of case.

Maximum penalty: 100 penalty units.

### **Division 3 Voluntary permanent identification of stock**

**Note—**

This Division does not require the permanent identification of the stock to which the Division applies. However, if any such stock is permanently identified on a voluntary basis, the identification must be done in accordance with the scheme approved by the Director-General under this Division.

#### **17 Stock to which this Division applies**

- (1) This Division applies to the following stock:
  - (a) cattle,
  - (b) sheep.
- (2) This Division ceases to apply to cattle on and after 1 July 2005.

#### **18 Approval and use of “voluntary” permanent identifiers**

- (1) The Director-General may, by order published in the Gazette, approve of:
  - (a) the types of identifiers to be permanently attached to stock to which this Division applies (including the specifications in respect of which such identifiers must comply), and
  - (b) any terms or conditions for the use of any such permanent identifiers.
- (2) A person must not use a permanent identifier approved under subclause (1) except in accordance with the Director-General’s approval.

Maximum penalty: 100 penalty units.

### **Division 4 Mandatory permanent identification of stock**

#### **19 Definitions**

- (1) In this Division:

***identifiable stock*** means cattle.

***relevant identification particulars***, in relation to stock, means:

- (a) the identification code of the property on or in respect of which the stock has been (or is to be) permanently identified, and
- (b) the characters that enable each animal to be individually identified.

**relevant information**, for the purposes of clause 24 or 25, means the following:

- (a) the type of event concerned,

**Note—**

The events referred to in clauses 24 and 25 include the arrival of stock at a saleyard, the arrival of stock at a property, the slaughter of stock at an abattoir, the receipt of stock by a stock and station agent, the exporting of stock, the loss, theft or death of stock or the loss or theft of an unattached permanent identifier.

- (b) the date the event occurred,
  - (c) the relevant identification particulars of the stock concerned,
  - (d) the identification code of the property or stock and station agent concerned,
  - (e) if the event occurs in relation to stock at a saleyard:
    - (i) the identification code of the property where the stock was last held, or of the stock and station agent who last held the stock, before it was sent to the saleyard, and
    - (ii) the identification code of the property where, or of the stock and station agent to whom, the stock is sent,
  - (f) if the event occurs in relation to stock held by a stock and station agent—the identification code of the property where the stock is sent.
- (2) A reference in this Division to a property includes, if a property identification code has not been assigned to the property, a reference to the district in which the property is located.

## **20 Approval, use and sale of “mandatory” permanent identifiers**

- (1) The Director-General may, by order published in the Gazette, approve of the types of identifiers to be permanently attached to identifiable stock for the purposes of this Division (including the specifications in respect of which such identifiers must comply).
- (2) A person must not use a permanent identifier approved under subclause (1) except in accordance with the Director-General’s approval.
- (3) If a person sells or supplies a permanent identifier approved under subclause (1), the person must, by the close of business on the next working day after selling or supplying the identifier, provide the authorised administrator with the following information:

- (a) the relevant identification particulars contained on or in the permanent identifier,
- (b) the date on which the permanent identifier was sold or supplied.

Maximum penalty: 100 penalty units.

## **21 Manner of permanently identifying stock**

For the purposes of this Division, identifiable stock is identified by attaching to the stock, in the manner approved by the Director-General by order published in the Gazette:

- (a) a permanent identifier that contains the relevant identification particulars of the stock, or
- (b) a special identifier (but only in the circumstances referred to in clause 36 (3)).

## **22 Requirement to identify stock**

- (1) The owner of any identifiable stock born on or after 1 July 2004 must identify the stock (or cause the stock to be identified) in accordance with clause 21:
  - (a) before the stock leaves the property on which the stock was born, or
  - (b) if directed to do so by an inspector in such circumstances as the Director-General may specify by order published in the Gazette.
- (2) On and after 1 July 2005, the owner of any identifiable stock (regardless of the date on which the stock was born) must identify the stock, or cause the stock to be identified, in accordance with clause 21:
  - (a) before the stock leaves any property on which the stock is kept (whether or not that property is the one on which the stock was born), or
  - (b) within 7 days of arrival of the stock in New South Wales (or, on and after 1 July 2006, on arrival of the stock in New South Wales), or
  - (c) if directed to do so by an inspector in such circumstances as the Director-General may specify by order published in the Gazette.

Maximum penalty: 100 penalty units.

## **23 Sale, purchase or sending of stock that is required to be identified**

A person must not:

- (a) buy or sell, or send to any location, any stock that is required to be identified under this Division, or
- (b) cause or permit any such stock to be bought or sold or sent to any location, unless the stock is identified in accordance with clause 21.



Maximum penalty: 100 penalty units.

**24 Information in relation to identifiable stock—requirements applying as from 1 July 2005**

- (1) This clause commences on 1 July 2005.
- (2) **Arrival of stock at saleyard** On arrival of any identifiable stock at a saleyard, the owner or person in charge of the stock must provide the owner or person in charge of the saleyard with:
  - (a) if the stock was held at a property before being sent to the saleyard—the property identification code of the property (or the address of the property if it has not been assigned a property identification code), or
  - (b) if the stock was held by a stock and station agent before being sent to the saleyard—the agent identification code of the agent.
- (3) **Stock leaving saleyard** Before any identifiable stock leaves a saleyard, the person who has bought or taken possession of the stock must provide the owner or person in charge of the saleyard with:
  - (a) if the stock is to be sent to a property—the property identification code of the property (or the address of the property if it has not been assigned a property identification code), or
  - (b) if a stock and station agent has taken possession of the stock—the agent identification code of the stock and station agent.
- (4) **Notification by saleyard of sale of stock** The owner or person in charge of a saleyard must, by the close of business on the next working day after the sale of any identifiable stock at the saleyard, provide the authorised administrator with the relevant information.
- (5) **Stock sent to stock and station agent** If any identifiable stock is sent to a stock and station agent, the agent must:
  - (a) make a record of:
    - (i) the relevant identification particulars of the stock, and
    - (ii) the address at which the stock is held before being sent to a property, abattoir or saleyard as required under subclause (6),by the close of business on the next working day after receiving the stock, and
  - (b) keep any such record for a period of at least 2 years from the date on which it was made, and
  - (c) if requested to do so by an inspector, produce the record for inspection.

- (6) **Stock held by stock and station agent** If any identifiable stock is sent to a stock and station agent, the agent must, within 7 days of receiving the stock:
- (a) send the stock, or cause the stock to be sent, to a property, abattoir or saleyard, and
  - (b) provide the authorised administrator with the relevant information.
- (7) **Stock slaughtered at abattoir** If any identifiable stock is sent to an abattoir, the owner or person in charge of the abattoir must, by the close of business on the next working day after the stock is slaughtered, provide the authorised administrator with the relevant information.
- (8) **Loss, death or theft of identifiable stock** If:
- (a) any identifiable stock is sent to a saleyard, abattoir or stock and station agent, and
  - (b) the authorised administrator has been advised of the sending, and
  - (c) the stock subsequently dies or is lost or stolen,
- the owner or person in charge of the abattoir or saleyard, or the stock and station agent, as the case may be, must, by the close of business on the next working day after the death, loss or theft, provide the authorised administrator with the relevant information.
- (9) **Stock sent from property without property identification code** If any identifiable stock is sent to an abattoir, saleyard or stock and station agent from a property that has not been assigned a property identification code, the owner or person in charge of the abattoir or saleyard, or the stock and station agent, as the case may be, must:
- (a) make a record of:
    - (i) the relevant identification particulars of the stock, and
    - (ii) the address of the property from which the stock was sent,by the close of business on the next working day after receiving the stock, and
  - (b) keep any such record for a period of at least 7 years from the date on which it was made, and
  - (c) if requested to do so by an inspector, produce the record for inspection.
- (10) **Stock sent to property without property identification code** If any identifiable stock is sent from a saleyard or by a stock and station agent to a property that has not been assigned a property identification code, the owner or person in charge of the saleyard or the agent, as the case may be, must:

- (a) make a record of:
  - (i) the relevant identification particulars of the stock, and
  - (ii) the address of the property to which the stock is sent,by the close of business on the next working day after sending the stock, and
- (b) keep any such record for a period of at least 7 years from the date on which it was made, and
- (c) if requested to do so by an inspector, produce the record for inspection.

- (11) **Arrival of stock from interstate** If any identifiable stock arrives at a property from another State or Territory before 1 January 2006, the owner or person in charge of the stock at the property of arrival must, within 14 days of the arrival of the stock, provide the authorised administrator with the relevant information.
- (12) **Export of stock overseas** If any identifiable stock embarks for overseas export, the owner or person in charge of the stock must, within 7 days of the date of embarkation, provide the authorised administrator with the relevant information.
- (13) **Loss or theft of unattached permanent identifier** If any unattached permanent identifier is lost or stolen, the owner or person in charge of the property or stock in respect of which the permanent identifier was issued must, within 7 days of becoming aware of the loss or theft, provide the authorised administrator with the relevant information.
- (14) A reference in this clause to the owner or person in charge of stock or any abattoir or saleyard includes a reference to any stock and station agent (or other person) who is acting on behalf of the owner or person in charge of the stock, abattoir or saleyard.

Maximum penalty: 100 penalty units.

## **25 Additional requirements applying as from 1 January 2006**

- (1) This clause commences on 1 January 2006.
- (2) **Arrival of stock at property** If any identifiable stock arrives at a property, the owner or person in charge of the stock at the property must:
  - (a) within 7 days of the arrival of the stock—provide the authorised administrator with the relevant information unless the stock has arrived directly from a saleyard or stock and station agent, and
  - (b) in the case where the stock has arrived from a property that does not have a property identification code:
    - (i) make a record of:

- (A) the relevant identification particulars of the stock, and
  - (B) the address of the property from which the stock has been sent, within 7 days after the arrival of the stock, and
- (ii) keep any such record for a period of at least 7 years from the date on which it was made, and
  - (iii) if requested to do so by an inspector, produce the record for inspection.

Maximum penalty: 100 penalty units.

- (3) A reference in this clause to the owner or person in charge of stock includes a reference to any stock and station agent (or other person) who is acting on behalf of the owner or person in charge of the stock.

## **26 Exemptions from requirements of Division**

The Director-General may, by order published in the Gazette, exempt a specified person or class of persons from any specified provision of this Division.

## **27 Double jeopardy**

A person who has been convicted of an offence under this Division in respect of any particular stock is not, if that offence would also constitute an offence under Division 2 in respect of that stock, liable to be convicted of an offence under that Division in respect of that stock.

## **Division 5 Identification codes**

### **28 Assigning of identification codes by district registrars**

- (1) **Property identification codes** A district registrar may assign a property identification code to:
  - (a) any property that is wholly or partly in the district, or
  - (b) any travelling stock reserve or public land (within the meaning of the [Rural Lands Protection Act 1998](#)) in the district, or
  - (c) any public road in the district to which a stock permit under that Act relates, or
  - (d) any saleyard or abattoir in the district.
- (2) **District codes** A district registrar may assign a district code to a district. A district code only has effect, and may only be used, in relation to a property in the district if the property has not been assigned a property identification code.
- (3) **Agent identification codes** A district registrar may assign an agent identification code to

a stock and station agent whose registered office is located in the district or who carries on business in the district.

- (4) **Initiation of assignment of identification codes** Subject to subclause (6), an identification code may be assigned by a district registrar:
- (a) on the district registrar's own motion, or
  - (b) on application by:
    - (i) the owner or occupier of a property, or
    - (ii) the owner or person in charge of a saleyard or abattoir, or
    - (iii) a stock and station agent.
- (5) **Application fees** An application for an identification code must be accompanied by the application fee (if any) specified by the board for the relevant district. Any such fee must not exceed the maximum fee determined by the State Council.
- (6) **Identification codes to be determined by Director-General** The Director-General is to determine the identification codes that are assigned under this clause and the manner in which they are assigned.
- (7) **Transfer of identification codes** An identification code cannot be transferred except:
- (a) in the case of a property identification code—to another property that comprises all or part of the property to which the code was assigned, or
  - (b) in the case of a district code—to another district that comprises all or part of the district to which the code was assigned, or
  - (c) in the case of an agent identification code—to another stock and station agent who has taken over the business of the agent to whom the code was assigned.

## **29 Renewal of identification codes assigned on application**

- (1) An identification code that has been assigned on application ceases to be in force unless it is renewed:
- (a) at such intervals as may be determined by the State Council, and
  - (b) on payment of such renewal fee (if any) as may be specified by the board for the relevant district.
- (2) Any such renewal fee must not exceed the maximum fee determined by the State Council.

### **30 Suspension or cancellation of identification codes and assignment of new codes**

- (1) A district registrar may suspend or cancel the operation of an identification code.
- (2) If an identification code is cancelled, it may only be re-assigned in such circumstances, and in such manner, as the Director-General determines.

## **Division 6 Registers**

### **31 Purposes of registers**

The purposes for which registers are to be maintained under this Part include the following:

- (a) to facilitate and assist the operation of the stock identification schemes established under this Part,
- (b) to protect public health and safety,
- (c) to assist in controlling disease and residues in stock or in animal products,
- (d) to assist in enabling the disease and residue status of stock or any animal products to be ascertained,
- (e) to facilitate the determination of ownership of stock or any animal products,
- (f) to assist in tracing the movement of stock or any animal products,
- (g) to assist in the investigation of the theft of stock,
- (h) to facilitate the dissemination of information in relation to the marketing of stock or any animal products.

### **32 District registers**

- (1) A district registrar must maintain a register (**a district register**) in which the following information is to be recorded:
  - (a) the particulars of each property identification code assigned by the district registrar, along with the name and location of the property to which the code has been assigned, the lot and DP numbers of the property and the name and address of the owner or occupier (or person in charge) of the property,
  - (b) the particulars of each district code assigned by the district registrar,
  - (c) the particulars of each agent identification code assigned by the district registrar, along with the name and address of the stock and station agent to whom the code has been assigned,
  - (d) the status of each identification code assigned by the district registrar.

- (2) The Director-General may, from time to time, request a district registrar to provide such information as is recorded in the district register that is of a kind specified by the Director-General in the request.
- (3) A district registrar must, within 7 days of recording any information in the district register that is of a kind specified in the Director-General's request, provide the Director-General with that information.
- (4) A district registrar must, if requested to do so:
  - (a) allow an inspector, the Director-General or a food inspector to have access to the information recorded in the district register free of charge at any time, and
  - (b) provide any such information to an inspector or the Director-General in the manner and time as so requested.
- (5) A district registrar may allow any other person to have access at any reasonable time to the information recorded in a district register on payment of such fee (if any) as the board for the district may determine.
- (6) Any such fee must not exceed the maximum fee determined by the State Council.

### **33 Central register**

- (1) The Director-General is to maintain a register (***the central register***) of the information provided to the Director-General by district registrars in accordance with clause 32.
- (2) The authorised administrator, may from time to time, request the Director-General to provide such information as is recorded in the central register that is of a kind specified by the authorised administrator in the request.
- (3) The Director-General must, within 7 days of recording any information in the central register that is of a kind specified in the authorised administrator's request, provide the authorised administrator with that information.
- (4) The Director-General must, if requested to do so:
  - (a) allow an authorised person to have access to the information recorded in the central register free of charge at any time, and
  - (b) provide any such information to the authorised person in the manner and time as so requested.
- (5) The Director-General may allow any other person to have access at any reasonable time to the information recorded in the central register on payment of such fee (if any) as the Director-General may determine.
- (6) Contributions for the purposes of maintaining the central register are payable by the

boards in such amounts, and at such times, as may be agreed between the Director-General and the State Council or, in the absence of such agreement, as may be determined by the Minister.

(7) The contributions are to be paid to the Director-General out of the money paid to the boards as rates under the *Rural Lands Protection Act 1998* and out of money collected under this Part.

(8) In this clause:

**authorised person** means any of the following:

- (a) the authorised administrator,
- (b) a district registrar,
- (c) an inspector,
- (d) a food inspector.

#### **34 Permanent identification register**

(1) The authorised administrator must maintain a register (***the permanent identification register***) of the information that is provided to the authorised administrator under this Part.

(2) If requested to do so, the authorised administrator must:

- (a) allow an authorised person to have access at any time to the information recorded in the permanent identification register free of charge, and
- (b) provide that information to the authorised person in the manner and time requested by the person.

(3) The authorised administrator may allow any other person to have access at any reasonable time to the information recorded in the permanent identification register on payment of such fee (if any) as the authorised administrator may determine. Any such fee must not exceed the maximum fee determined by the Director-General.

(4) The authorised administrator is not authorised to provide any information recorded in the permanent identification register to a person under subclause (3) unless the authorised administrator is satisfied that the information is to be used for a purpose that relates to a purpose referred to in clause 31.

(5) In this clause:

**authorised person** means any of the following:

- (a) the Director-General,



- (b) a district registrar,
- (c) an inspector,
- (d) a food inspector.

## **Division 7 Miscellaneous provisions**

### **35 Authorised administrator**

- (1) The Director-General may, from time to time, approve of a person or body to be the authorised administrator for the purposes of this Part.
- (2) The approval of a person or body as the authorised administrator:
  - (a) is subject to such conditions as the Director-General thinks fit to impose, and
  - (b) may be revoked for such reasons as the Director-General thinks fit.

### **36 Special identifiers**

- (1) The Director-General may determine the specifications and particulars in relation to special identifiers for the purposes of this Part.
- (2) The production and supply of special identifiers as determined by the Director-General is to be arranged by district registrars. Any such identifier may be supplied by a district registrar, an inspector or a person authorised by a district registrar.
- (3) A special identifier may be attached to stock if:
  - (a) a transaction identifier or permanent identifier for identifying the stock in accordance with Division 2, 3 or 4:
    - (i) is not readily available, or
    - (ii) cannot be safely attached to the stock, or
    - (iii) if already attached to the stock—is unreadable or has ceased to work, or
    - (iv) if previously attached to the stock—has been lost, or
  - (b) the property on which the stock is located has not been assigned a property identification code,and the fee determined by the relevant board is paid to that board.
- (4) Any such fee must not exceed the maximum fee determined by the State Council.
- (5) A person who is supplied with a special identifier under this clause:
  - (a) must attach the identifier without delay to the stock for which the identifier was

supplied, and

- (b) must not use the identifier on any stock other than the stock for which the identifier was supplied, and
- (c) must not use the identifier contrary to the directions of the district registrar, inspector or authorised person who supplied it.

Maximum penalty (subclause (5)): 100 penalty units.

- (6) A district registrar may from time to time authorise, or revoke the authorisation of, persons for the purposes of subclause (2).
- (7) A person who is for the time being so authorised must keep such records, and preserve them for such time, as the Director-General may determine.

Maximum penalty (subclause (7)): 100 penalty units.

### **37 Special brands for unidentified pigs**

- (1) The Director-General may determine the identification particulars to be used on special brands.
- (2) An inspector may apply a special brand to a pig:
  - (a) if:
    - (i) the pig is required to be identified under this Part, and
    - (ii) another type of approved identifier is not readily available for identification of the pig, and
    - (iii) the fee determined by the relevant board has been paid, or
  - (b) in such other circumstances as may be determined by the Director-General.
- (3) Any such fee must not exceed the maximum fee determined by the State Council.

### **38 Sale and supply of approved identifiers**

- (1) A person must not sell or supply an approved identifier unless:
  - (a) the approved identifier has been ordered by a person referred to in subclause (2), and
  - (b) the order has been endorsed by a district registrar or by the State Council on payment of such fee as may be determined by the relevant board or State Council.

Maximum penalty: 100 penalty units.

- (2) For the purposes of subclause (1), an approved identifier may be ordered by:

- (a) a person who is entitled to apply for a property identification code to be assigned to the property to which the approved identifier relates, or
  - (b) a person who is the owner of stock on the property to which the approved identifier relates, or
  - (c) a person who has been authorised by a person referred to in paragraph (a) or (b) to act as an agent for the person.
- (3) Any fee determined by a board under subclause (1) (b) must not exceed the maximum fee determined by the State Council.

### **39 Records of unidentified stock sent to abattoirs**

- (1) If any stock that is required to be identified under this Part is sent to an abattoir for slaughter but is not identified as required, the owner or person in charge of the abattoir must, on the day on which the stock is slaughtered, make or cause to be made a record containing the following information:
- (a) the property identification code, or address, of the property on which the stock was last held before being sent to the abattoir,
  - (b) the date on which the stock arrived at the abattoir,
  - (c) a description of the class or breed of the stock,
  - (d) a description of any brand or other mark on the stock,
  - (e) the name and address of the person on whose behalf the stock was sent to the abattoir.
- (2) The owner or person in charge of the abattoir must:
- (a) keep the record for a period of at least 7 years from the date on which it was made, and
  - (b) if requested to do so by an inspector, produce the record for inspection.

Maximum penalty: 100 penalty units.

### **40 Alteration or removal of approved identifiers**

- (1) In this clause:

***alter*** includes deface.

***approved identifier*** includes, in the case of any stock that has been brought into New South Wales, any means by which the stock has been identified in accordance with the law of the State or Territory from which the stock has been brought.

- (2) A person must not alter, or cause or permit the alteration of:
- (a) an approved identifier that is attached, or intended to be attached, to any stock, or
  - (b) any equipment that is used for the purposes of attaching or reading an approved identifier.
- (3) A person must not remove an approved identifier that is attached to any stock, or cause or permit an approved identifier to be removed from any stock, except in the following circumstances:
- (a) if the stock has been slaughtered at an abattoir,
  - (b) if the person has been authorised by an inspector to remove the approved identifier and does so in accordance with any conditions specified in the authorisation,
  - (c) if the person removes the approved identifier in such circumstances as may be approved by the Director-General by order published in the Gazette and in accordance with any conditions specified in the order.
- (4) A person must not:
- (a) buy, sell or send any stock, or
  - (b) cause or permit any stock to be sold, bought or sent,
- if an approved identifier in relation to the stock has been altered or removed from the stock in contravention of this clause.
- (5) Nothing in this clause prevents an inspector or food inspector from removing an approved identifier, or causing an approved identifier to be removed, from any stock.

Maximum penalty: 100 penalty units.

#### **41 Attaching permanent identifiers to stock already identified**

A person must not attach a permanent identifier, or cause a permanent identifier to be attached, to any stock that is already identified with a permanent identifier.

Maximum penalty: 100 penalty units.

#### **42 Attaching approved identifiers that have been previously attached**

A person must not, except in such circumstances as may be approved by the Director-General by order published in the Gazette, attach an approved identifier, or cause or permit an approved identifier to be attached, to any stock if the identifier has previously been attached to any other stock.

Maximum penalty: 100 penalty units.

#### **43 Approved identifiers attached to slaughtered stock**

If any stock to which an approved identifier is attached is slaughtered at an abattoir, the owner or person in charge of the abattoir must deal with the approved identifier, or cause the identifier to be dealt with, in the manner specified by the Director-General by order published in the Gazette.

Maximum penalty: 100 penalty units.

#### **44 Attachment of approved identifiers for wrongful purpose**

A person must not attach an approved identifier, or cause or permit an approved identifier to be attached, to any stock unless the attachment of the approved identifier would result in the stock being identified in accordance with the requirements of this Part.

Maximum penalty: 100 penalty units.

#### **45 Manufacture etc of certain things that are not approved identifiers**

(1) A person must not, knowing that it is or may be intended to be attached to any stock, make, sell, supply or use any thing that is not, but could reasonably be mistaken for, an approved identifier.

Maximum penalty: 100 penalty units.

(2) A person is not guilty of an offence under this clause if the court is satisfied that the person did not realise, and could not reasonably be expected to have realised, that the thing the person made, sold, supplied or used could reasonably be mistaken for an approved identifier.

#### **46 Inspector may take possession of unattached identifiers or branding devices**

(1) An inspector may take possession of an approved identifier that is not attached to any stock, or a branding device, on which there are particulars of a property identification code and that the inspector believes on reasonable grounds:

(a) is for sale or supply otherwise than in accordance with clause 38, or

(b) is to be used or is in use in contravention of this Part, or

(c) is not being used for the purposes of this Part, or

(d) is in the possession of a person without the approval of:

(i) the owner or occupier of the property for which the code was assigned, or

(ii) the owner of the stock, or

(e) has been abandoned.

- (2) If an inspector takes possession of an approved identifier or branding device under this clause, and the owner or occupier of the property in respect of which the property identification code specified on the identifier or device was assigned does not claim it within 3 months, the identifier or device may be disposed of in a manner approved by the Director-General.

#### **47 Inspection of records**

An inspector may:

- (a) at any reasonable time, inspect any record under this Part that is required to be produced for inspection by an inspector, and
- (b) make copies of the record or take extracts or notes from it.

#### **48 Certificate as to identification codes**

A certificate that:

- (a) purports to be signed by a district registrar, and
- (b) states that a specified identification code was in force at a specified time in relation to any specified property, district or stock and station agent,

is admissible in evidence in any proceedings and is evidence of the matters stated in it.

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

#### **49 Definition**

In this Part:

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

#### **50 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.
- (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.

## **Part 5 Permits**

### **51 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.

### **52 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.

### **53 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.

### **54 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)): 50 penalty units.

#### **55 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 a 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.

#### **56 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: 50 penalty units.



## **Part 6 Miscellaneous**

### **57 Evidence of inspector's appointment**

- (1) For the purposes of section 12A (3) of the Act, the prescribed evidence of an inspector's appointment is a certificate of authority issued by the Director-General or a person authorised by the Director-General to issue such certificates.
- (2) The certificate of authority must:
  - (a) state that it is issued under the Act, and
  - (b) state the name of the person to whom it is issued and bear a photograph of that person and the person's signature, and
  - (c) include words to the effect that the person to whom it is issued is an inspector for the purposes of the Act, and
  - (d) state the date (if any) on which it expires, and
  - (e) bear the signature of the person by whom it is issued and the capacity in which the person is acting in issuing the certificate.

### **58 Communicating disease to stock**

- (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 but only if:
  - (a) the stock medicine is approved for use in New South Wales by the Chief Veterinary Officer, and
  - (b) 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 (other than a tick fever vaccine) but only if:
  - (a) the vaccine is approved for use in New South Wales by the Chief Veterinary Officer, and

- (b) the vaccination is carried out in accordance with the manufacturer's directions for administering the vaccine.
- (4) The person may communicate the disease in the course of vaccinating stock with tick fever vaccine, but only if:
  - (a) the stock is intended for export, and
  - (b) vaccination is carried out with the prior approval of an authorised officer for each animal to be vaccinated, and
  - (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 is not permitted to enter:
    - (i) a cattle tick quarantine area, or
    - (ii) a tick fever protected area, and
  - (e) all stock to be vaccinated is, at the time of vaccination, individually identified in a manner approved by the authorised officer.
- (5) For the purposes of section 20A of the Act, a person may communicate a disease to stock for training, research or diagnostic purposes, but only if the Chief Veterinary Officer:
  - (a) has approved of the training or research or diagnostic activity being carried out in New South Wales, and
  - (b) has authorised the person (whether as an individual or as a member of a class of persons) to carry out the training or research or diagnostic activity.
- (6) This clause does not authorise a person to treat or vaccinate stock in contravention of any other provision of this Regulation.
- (7) In this clause:

**authorised officer** means:

  - (a) any of the following officers of the Department of Primary Industries:
    - (i) the Chief, Division of Animal Industries,
    - (ii) the Program Manager (Quality Assurance),
    - (iii) a Senior Field Veterinary Officer, or

(b) the Chief Veterinary Officer.

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

**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.

### 59 Feeding of certain material to ruminants

- (1) For the purposes of section 20FB of the Act, restricted animal material is prescribed as a prohibited substance in relation to ruminants.
- (2) For the purposes of section 20FB (3) of the Act, all ruminants are prescribed in relation to restricted animal material in circumstances in which such material is fed to them for a purpose, and in a manner, approved by the Director-General.
- (3) In this clause:

**restricted animal material** means the following:

- (a) tissue, blood or feathers derived from the carcass of an animal, including any substance produced from or containing any such tissue, blood or feathers (but not including tallow or gelatin, or oil derived from fish or poultry),
- (b) any oil that has been used for cooking meat, poultry or fish (unless it has subsequently been filtered to remove all particulate matter).

**Note—**

Milk products are not regarded as restricted animal material as they are not tissue or blood derived from the carcass of an animal.

**ruminant** 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.

### 60 Feeding of substances to pigs

- (1) For the purposes of section 20FB of the Act, the following substances are prescribed as prohibited substances in relation to pigs:
  - (a) any carcass or part of a carcass (including any carcase, meat, offal, tissue, blood or bone) of any mammal or bird,

**Note—**

Milk and eggs do not fall within paragraph (a).

- (b) the excreta of any mammal or bird,
  - (c) any substance produced from or containing any substance referred to in paragraph (a) or (b) other than the following:
    - (i) tallow or gelatin,
    - (ii) manufactured dry dog or dry cat food,
    - (iii) dry meal derived from meat, blood, bone or feathers (or from any combination of those substances) that has been produced by means of a hot rendering process,
    - (iv) a substance that has been processed at premises, and in a manner, approved by the Director-General,
  - (d) any household, commercial or industrial waste (including garbage or surplus foodstuffs) other than the following:
    - (i) non-meat bakery waste (being bakery waste that does not contain any prohibited substance referred to in paragraph (a)),
    - (ii) fruit, vegetable, cereal or legume waste,
    - (iii) vegetable oil or oilseed waste,
  - (e) any substance that has come into contact with a prohibited substance referred to in any of the preceding paragraphs (for example, through being collected, stored or transported in, or being fed out from, a receptacle that contains or has contained a substance referred to in any of those paragraphs).
- (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 Director-General or by a person authorised by the Director-General to give such an approval.

## **61 Providing false or misleading information**

The following matters are prescribed for the purposes of section 20J (2) (c) of the Act:

- (a) the matter of whether any particular stock has or has not been fed with a substance prescribed as a prohibited substance under section 20FB of the Act in relation to that stock,
- (b) the matter of whether or not any particular stock has or has not been vaccinated.

**Note—**

It is an offence under section 20J (2) of the Act for a person, in connection with the sale or disposition (or proposed sale or disposition) of stock, to make a statement or to provide information in relation to certain matters (including any matter prescribed under the regulations) that is false or misleading in a material particular.

**62 Penalty notice offences**

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

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

**63 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.

**Schedule 1 Penalty notice offences**

(Clause 62)

**Offences under the Act**

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Section 9 (1) and (2)	\$550
Section 12A (5) (a)	\$550
Section 20	\$550
Section 20C (1) (a), (b) and (c) and (2)	\$550
Section 20D	\$550
Section 20FB	\$550
Section 20H (1) (b) and (c)	\$550

**Offences under this Regulation**

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 5	\$550
Clause 6	\$550

Clause 7	\$550
Clause 8	\$550
Clause 9	\$550
Clause 10	\$550
Clause 11	\$550
Clause 16	\$550
Clause 18	\$550
Clause 20	\$550
Clause 22	\$550
Clause 23	\$550
Clause 24	\$550
Clause 25	\$550
Clause 36 (5) and (7)	\$550
Clause 38	\$550
Clause 39	\$550
Clause 40	\$550
Clause 41	\$550
Clause 42	\$550
Clause 43	\$550
Clause 44	\$550
Clause 45	\$550
Clause 54 (3)	\$550
Clause 56	\$550