

# Stock Diseases Regulation 2004

[2004-434]



New South Wales

## Status Information

### Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

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

### Notes—

- **Previously named**  
Stock Diseases (General) Regulation 2004
- **Does not include amendments by**  
[Veterinary Practice Act 2003 No 87](#) (amended by [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2004 No 91](#)) (not commenced)
- **See also**  
[Parliamentary Electorates and Elections Amendment Bill 2006](#)

### 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](#).

File last modified 30 August 2006

# Stock Diseases Regulation 2004



New South Wales

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# Stock Diseases Regulation 2004



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

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(1) The *Stock Diseases (General) Regulation 1997* is repealed.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 (Repealed)**

## **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 2A Bovine Spongiform Encephalopathy**

### **10A Testing of Stock for Bovine Spongiform Encephalopathy**

(1) A person must not test, or attempt to test, stock for Bovine Spongiform Encephalopathy (**BSE**) unless:

(a) the test is carried out in a veterinary laboratory that has been accredited by the National Association of Testing Authorities, Australia for such testing, and:

(i) the test is performed in accordance with the Australian and New Zealand Standard Diagnostic Procedure for Transmissible Spongiform Encephalopathies (to the extent that the standard procedure relates to BSE), issued by the Subcommittee on Animal Health Laboratory Standards of the Animal Health Committee in October 2003, and

(ii) the results of the test are released by a veterinary pathologist, or

(b) the test is carried out for diagnostic purposes and the Chief Veterinary Officer has approved:

(i) the diagnostic technique to be used, and

(ii) the laboratory at which the testing will be conducted, and



- (iii) the person or persons who will be conducting the testing, or
- (c) the test is carried out for research or training purposes and:
  - (i) the research or training has been approved by the Chief Veterinary Officer, and
  - (ii) the research or training is to be conducted by a person or class of persons approved by the Chief Veterinary Officer.

Maximum penalty: 50 penalty units.

- (2) A person must not release or otherwise publish the results of a test for BSE (whether conducted under subclause (1) or otherwise) in relation to stock in New South Wales, that appear to be positive or inconclusive without the approval of the Chief Veterinary Officer.

Maximum penalty: 50 penalty units.

- (3) For the purpose of this section, a person is taken to have tested, or attempted to test, stock for BSE if the person has conducted any test that may be used to determine if stock has, or may have, been exposed to BSE.

## **Division 2B Avian influenza**

### **10B Testing of stock for avian influenza**

- (1) A person must not test, or attempt to test, stock for avian influenza unless:
  - (a) the test is carried out in a veterinary laboratory that has been accredited by the National Association of Testing Authorities, Australia for such testing, and the results of the test are released by a veterinary pathologist, or
  - (b) the test is carried out for diagnostic purposes and the Chief Veterinary Officer has approved:
    - (i) the diagnostic technique to be used, and
    - (ii) the laboratory at which the testing will be conducted, and
    - (iii) the person or persons who will be conducting the testing, or
  - (c) the test is carried out for research or training purposes and:
    - (i) the research or training has been approved by the Chief Veterinary Officer, and
    - (ii) the research or training is to be conducted by a person or class of persons approved by the Chief Veterinary Officer.

Maximum penalty: 50 penalty units.

- (2) A person must not release or otherwise publish the results of a test for avian influenza (whether conducted under subclause (1) or otherwise) in relation to stock in New South Wales, that appear to be positive or inconclusive without the approval of the Chief Veterinary Officer.

Maximum penalty: 50 penalty units.

- (3) For the purpose of this clause, a person is taken to have tested, or attempted to test, stock for avian influenza if the person has conducted any test that may be used to determine if stock has, or may have, been exposed to avian influenza.

## 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

### Note—

A board may charge and recover a reasonable fee under section 57 of the [Rural Lands Protection Act 1989](#) for services it provides under this Part.

## 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 manager, executive officer or administrative officer of the board for the district concerned (or the person who is for the time being acting in the capacity of the manager, executive officer or administrative officer of the board), or
- (b) any person appointed by the board to exercise any or all of the functions of the 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 identification register** has the same meaning as in clause 34.

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

- (4) The Director-General is to ensure that any order made under this Part is placed on the Department's website on the Internet as soon as practicable after its publication in the Gazette.

**Note—**

[www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au)

- (5) Failure to comply with subclause (4) does not invalidate an order.

**13A Provision of information to authorised administrator and other persons**

- (1) A person who is required to provide information to the authorised administrator under this Part is required to provide that information:
  - (a) in an electronic form that permits it to be readily uploaded to the permanent identification register, or
  - (b) in some other form approved by the authorised administrator.
- (2) The Director-General may specify, by order published in the Gazette, the form in which information is to be provided under this Part to a person other than the authorised administrator.
- (3) A requirement in this Part that information be provided to a person other than the authorised administrator includes a requirement that the information be provided in a form that complies with any relevant order of the Director-General under subclause (2).

**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 required to be identified under Division 4 and is identified 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

### 17, 18 (Repealed)

## Division 4 Mandatory permanent identification of stock

### Subdivision 1 Preliminary

#### 19 Definitions

(1) In this Division:

**cattle** means cattle, and includes carcasses of cattle.

**identifiable goats** means goats that are required under this Division to be identified in accordance with clause 21.

**identifiable sheep** means sheep that are required under this Division to be identified in accordance with clause 21.

**identifiable stock** means cattle, identifiable goats and identifiable sheep.

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

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

**relevant identification particulars**, in relation to sheep and goats, means the property identification code of the property on or in respect of which the sheep or goats have been (or are to be) permanently identified.

- (2) A reference in this Division to the owner or person in charge of identifiable stock or any saleyard or abattoir 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, saleyard or abattoir.
- (3) A requirement in this Division to provide or record a property identification code is satisfied, in the case of a property that has not been assigned a property identification code, by providing or recording, as the case requires, the relevant district code (if practicable) and the address of the property.
- (4) A reference in this Division to the date on which stock left from, or arrived at, a particular place, means, in the case of stock leaving or arriving over more than one day, the first of those days.

### Subdivision 2 Identifiable stock



## **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 sheep or goat born on or after 1 January 2006 must ensure that the sheep or goat is identified in accordance with clause 21:
  - (a) before the sheep or goat leaves the property in New South Wales on which it is born, or
  - (b) on arrival of the sheep or goat 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.
- (2) On and after 1 January 2009, the owner of any sheep or goat (regardless of the date on which the sheep or goat was born) must ensure that the sheep or goat is identified in accordance with clause 21:
  - (a) before the sheep or goat leaves any property in New South Wales on which it is kept (whether or not that property is the one on which it was born), or

- (b) on arrival of the sheep or goat 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.
- (3) The owner of any cattle (regardless of the date on which the cattle were born) must ensure that the cattle are identified in accordance with clause 21:
- (a) before the cattle leaves any property in New South Wales on which the cattle are kept (whether or not that property is the one on which the cattle were born), or
  - (b) on arrival of the cattle 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 sell, buy or send to any location any stock that is required to be identified under this Division, or cause or permit any such stock to be sold, bought or sent to any location, unless the stock is identified in accordance with clause 21.

Maximum penalty: 100 penalty units.

## **Subdivision 3 Additional requirements for cattle**

### **24 Information in relation to cattle at saleyards**

- (1) On arrival of any cattle at a saleyard, the owner or person in charge of the cattle must provide the owner or person in charge of the saleyard with:
  - (a) if the cattle were held at a property before being sent to the saleyard—the property identification code of the property, or
  - (b) if the cattle were held by a stock and station agent before being sent to the saleyard—the agent identification code of the agent.
- (2) Before any cattle leave a saleyard, the person who has bought or taken possession of the cattle must provide the owner or person in charge of the saleyard with:
  - (a) if the cattle are to be sent to a property or abattoir—the property identification code of the property or abattoir, or
  - (b) if a stock and station agent has taken possession of the cattle—the agent identification code of the stock and station agent.
- (3) If any cattle are sent to a saleyard from a property that has not been assigned a property identification code, the owner or person in charge of the saleyard must:

- (a) by the close of business on the next working day after receiving the cattle, make a record of the relevant identification particulars of the cattle and the address of the property from which the cattle were sent, 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.
- (4) If any cattle are sent from a saleyard to a property that has not been assigned a property identification code, the owner or person in charge of the saleyard must:
- (a) by the close of business on the next working day after sending the cattle, make a record of the relevant identification particulars of the cattle and the address of the property to which the cattle are sent, 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.
- (5) 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 cattle at the saleyard, provide the authorised administrator with the following information:
- (a) that the cattle have been sold,
  - (b) the date the sale occurred,
  - (c) the relevant identification particulars of the cattle concerned,
  - (d) if the cattle were held at a property before being sent to the saleyard—the property identification code of the property,
  - (e) if the cattle were held by a stock and station agent before being sent to the saleyard—the agent identification code of the agent,
  - (f) if the cattle are to be sent to a property or abattoir—the property identification code of the property or abattoir,
  - (g) if a stock and station agent has taken possession of the cattle—the agent identification code of the stock and station agent.

Maximum penalty: 100 penalty units.

## **25 Information in relation to cattle held by stock and station agent**

- (1) On the delivery of any cattle to a stock and station agent, the owner or person in charge of the cattle must provide the stock and station agent with the property

identification code of the property at which the cattle were held before being sent to the stock and station agent (the ***previous property***).

- (2) If any cattle are sent to a stock and station agent, the agent must, within 7 days of receiving the cattle, provide the authorised administrator with the following:
  - (a) the relevant identification particulars of the cattle concerned,
  - (b) the agent identification code of the agent,
  - (c) if the agent is still in possession of the cattle—the property identification code of the property at which the cattle are being held,
  - (d) if the agent is no longer in possession of the cattle, the following information:
    - (i) that the cattle were sent to a property, saleyard or abattoir,
    - (ii) the date the cattle were sent,
    - (iii) the property identification code of the property, saleyard or abattoir.
- (3) If any cattle are sent to a stock and station agent, the agent must:
  - (a) make a record of:
    - (i) the relevant identification particulars of the cattle concerned, and
    - (ii) each movement of those cattle from the time they left the previous property until their arrival at the property, saleyard or abattoir notified to the authorised administrator under subclause (2), including the property identification code of each property at which they may have been held during that time, and
  - (b) keep any such record for a period of at least 2 years from the date on which it was made or for a period of at least 7 years if the cattle have been sent from a property that has not been assigned a property identification code, and
  - (c) if requested to do so by an inspector, produce the record for inspection.
- (4) If any cattle are sent to a stock and station agent from a property that has not been assigned a property identification code, the agent must:
  - (a) by the close of business on the next working day after receiving the cattle, make a record of the relevant identification particulars of the cattle and the address of the property from which the cattle were sent, 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.

- (5) If any cattle are sent by a stock and station agent to a property that has not been assigned a property identification code, the agent must:
- (a) by the close of business on the next working day after sending the cattle, make a record of the relevant identification particulars of the cattle and the address of the property to which the cattle are sent, 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.

Maximum penalty: 100 penalty units.

### **25A Information in relation to cattle at abattoir**

- (1) On arrival of any cattle at an abattoir, the owner or person in charge of the cattle must provide the owner or person in charge of the abattoir with:
- (a) if the cattle were held at a property before being sent to the abattoir—the property identification code of the property, or
  - (b) if the cattle were held by a stock and station agent before being sent to the abattoir—the agent identification code of the agent.
- (2) If any cattle are 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 cattle are slaughtered, provide the authorised administrator with the following information:
- (a) that the cattle were slaughtered,
  - (b) the date the cattle were slaughtered,
  - (c) the relevant identification particulars of the cattle concerned,
  - (d) if the cattle were held at a property before being sent to the abattoir—the property identification code of the property,
  - (e) if the cattle were held by a stock and station agent before being sent to the abattoir—the agent identification code of the agent,
  - (f) the weight of each carcass before chilling and after bleeding, skinning, evisceration and trimming.
- (3) A person is not required to provide the authorised administrator with the information set out in subclause (2) (f) for carcasses of cattle slaughtered at a knackery or if the cattle were less than 6 weeks old when slaughtered.
- (4) If any cattle are sent to an abattoir from a property that has not been assigned a

property identification code, the owner or person in charge of the abattoir must:

- (a) by the close of business on the next working day after receiving the cattle, make a record of the relevant identification particulars of the cattle and the address of the property from which the cattle are sent, 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.

Maximum penalty: 100 penalty units.

### **25B Information in relation to cattle arriving at property**

- (1) On arrival of any cattle at a property, the owner or person in charge of the cattle must provide the owner or person in charge of the cattle at the property with:
  - (a) if the cattle were held at another property (the **previous property**) before being sent to the property—the property identification code of the previous property, or
  - (b) if the cattle were held by a stock and station agent before being sent to the property—the agent identification code of the agent.
- (2) If any cattle arrives at a property, the owner or person in charge of the cattle at the property must, within 7 days of the arrival of the cattle, provide the authorised administrator with the following information unless the cattle have arrived directly from a saleyard or stock and station agent:
  - (a) that the cattle have arrived at the property,
  - (b) the date the cattle arrived at the property,
  - (c) the relevant identification particulars of the cattle concerned,
  - (d) the property identification code of the property,
  - (e) if the cattle were held at a previous property before being sent to the property—the property identification code of the previous property.
- (3) If any cattle arrives at a property from a previous property that does not have a property identification code, the owner or person in charge of the cattle at the property must:
  - (a) within 7 days after the arrival of the cattle, make a record of the relevant identification particulars of the cattle and the address of the previous property, 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.

Maximum penalty: 100 penalty units.

### **25C Information in relation to export of living cattle**

If any living cattle embark for overseas export, the owner or person in charge of the cattle must, within 7 days of the date of embarkation, provide the authorised administrator with the following information:

- (a) that the cattle have embarked for overseas export,
- (b) the date the cattle embarked,
- (c) the relevant identification particulars of the cattle concerned,
- (d) if the cattle were held at a property before embarking for overseas export—the property identification code of the property,
- (e) if the cattle were held by a stock and station agent before embarking for overseas export—the agent identification code of the agent.

Maximum penalty: 100 penalty units.

### **25D Information in relation to loss, death or theft of cattle**

(1) The owner or person in charge of a saleyard or an abattoir, or a stock and station agent, to which cattle have been sent, must, by the close of business on the next working day after the death, loss or theft of any of those cattle, provide the authorised administrator with the following information:

- (a) that the cattle have died or been lost or stolen,
- (b) the date on which the cattle died or were lost or stolen, or if this is not known, the date the person became aware of the death, loss or theft,
- (c) the relevant identification particulars of the cattle concerned.

(2) Subclause (1) applies only if the authorised administrator has been advised of the sending and the cattle subsequently die or are lost or stolen.

Maximum penalty: 100 penalty units.

### **25E 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 cattle 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 following information:

- (a) that the permanent identifier has been lost or stolen,
- (b) the date that the identifier was lost or stolen, or if this is not known, the date the person became aware of the loss or theft,
- (c) details of the identifier.

Maximum penalty: 100 penalty units.

## **Subdivision 4 Additional requirements for sheep and goats**

### **25F Information in relation to sheep and goats at saleyard**

- (1) On the arrival of any sheep or goats at a saleyard, the owner or person in charge of the sheep or goats must provide the stock and station agent who is to sell the sheep or goats with the following information:
  - (a) the number and type of sheep or goats,
  - (b) the date the sheep or goats left the property at which they were last held (the **previous property**) before being sent to the saleyard,
  - (c) the property identification code or address of the previous property,
  - (d) if the sheep or goats are identifiable stock—the relevant identification particulars of the sheep or goats concerned.
- (2) The person providing the information under subclause (1) and the stock and station agent each must:
  - (a) keep a record of that information and the property identification code or address of the saleyard for a period of at least, 2 years in the case of the agent, or 7 years in the case of the person providing the information, from the date on which it was provided, and
  - (b) if requested to do so by an inspector, produce the record for inspection.
- (3) A stock and station agent must not sell any sheep or goats unless he or she has kept a record under subclause (2) (a) in relation to the sheep or goats.
- (4) A stock and station agent must, within 28 days after selling any sheep or goats, provide the purchaser with a copy of the record under subclause (2) (a) in relation to the sheep or goats.

Maximum penalty: 100 penalty units.



### **25G Information in relation to sheep or goats at abattoir**

- (1) On arrival of any sheep or goats at an abattoir, the owner or person in charge of the sheep or goats must provide the owner or person in charge of the abattoir with the following information:
  - (a) the number and type of sheep or goats,
  - (b) the date the sheep or goats left the property at which they were last held (the **previous property**) before being sent to the abattoir,
  - (c) the property identification code or address of the previous property,
  - (d) if the sheep or goats are identifiable stock—the relevant identification particulars of the sheep or goats concerned.
- (2) The person providing the information under subclause (1) and the owner or person in charge of the abattoir each must:
  - (a) keep a record of that information and the property identification code or address of the abattoir for a period of at least, 2 years in the case of the owner or person in charge of the abattoir, or 7 years in the case of the person providing the information, from the date on which it was provided, and
  - (b) keep a record of that information for a period of at least 2 years from the date on which it was provided, and
  - (c) if requested to do so by an inspector, produce the record for inspection.

Maximum penalty: 100 penalty units.

### **25H Information in relation to sheep or goats arriving at property**

- (1) On arrival of any sheep or goats at a property (the **current property**), the owner or person in charge of the sheep or goats must provide the owner or person in charge of the sheep or goats at the current property with the following information:
  - (a) the number and type of sheep or goats,
  - (b) the date the sheep or goats left the property at which they were last held (the **previous property**) before being sent to the current property,
  - (c) the property identification code or address of the previous property,
  - (d) if the sheep or goats are identifiable stock—the relevant identification particulars of the sheep or goats concerned.
- (2) The person providing the information under subclause (1) and the owner or person in charge of the sheep or goats at the current property each must:

- (a) keep a record of that information and the property identification code or address of the current property for a period of at least 7 years from the date on which it was provided, and
- (b) if requested to do so by an inspector, produce the record for inspection.

Maximum penalty: 100 penalty units.

## **Subdivision 5 Miscellaneous**

### **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 or on behalf of:
  - (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) (Repealed)
- (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**

An identification code remains in force for 3 years or for the period specified in writing by the district registrar, whichever is the shorter, and may be renewed by application to the district registrar.

## **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 production and 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 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.

(6) (Repealed)

### 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.

(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.
- (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) (Repealed)
- (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 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.
- (4) (Repealed)
- (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 (subject to such conditions as the district registrar thinks fit), or revoke the authorisation of, persons for the purposes of subclause (2).
- (7) A person who is for the time being so authorised:
  - (a) must keep such records as the Director-General may determine, and
  - (b) must prepare such records within such time, and preserve them for such time, as the Director-General may determine, and

- (c) if requested to do so by an inspector, produce the record for inspection, and
- (d) must comply with the conditions, if any, of the authorisation.

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, or
    - (iii) (Repealed)
  - (b) in such other circumstances as may be determined by the Director-General.
- (3) (Repealed)

### **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:
    - (i) the district registrar or a person authorised by the district registrar, or
    - (ii) a person authorised by the State Council, or
    - (iii) a person authorised by the Director-General.
  - (c) (Repealed)

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) (Repealed)

### **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 or food 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 cattle already identified**

A person must not attach a permanent identifier, or cause a permanent identifier to be attached, to any cattle, or carcasses of cattle, that are 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.

#### **42A Selling or supplying 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, sell or supply an approved identifier, or cause or permit the sale or supply of an approved identifier, 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 Director-General.

### **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 Director-General, 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 Director-General.

(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**

### **56A Authorised officers: section 7 of Act**

For the purposes of section 7 (4) of the Act, the persons holding the following positions within the Department are prescribed:

- (a) Senior Regional Animal Health Manager,
- (b) Director Surveillance and Biosecurity Operations,
- (c) Director Compliance Operations Agriculture and Fisheries,
- (d) Manager Field Veterinary Services and Product Integrity,
- (e) Manager Animal and Plant Regulatory Services.

### **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.

### **57A Inspectors: section 17 of Act**

For the purposes of section 17 (4) (b) of the Act, an inspector who is the Chief Veterinary Officer or who holds any the following positions within the Department is prescribed:

- (a) Senior Regional Animal Health Manager,
- (b) Director Surveillance and Biosecurity Operations,
- (c) Director Compliance Operations Agriculture and Fisheries,
- (d) Manager Field Veterinary Services and Product Integrity,

- (e) Manager Animal and Plant Regulatory Services.

**57B Authorised officers: section 18 of Act**

For the purposes of section 18 (3) of the Act, the Chief Veterinary Officer and the persons holding the following positions within the Department are prescribed:

- (a) Senior Regional Animal Health Manager,
- (b) Director Surveillance and Biosecurity Operations,
- (c) Director Compliance Operations Agriculture and Fisheries,
- (d) Manager Field Veterinary Services and Product Integrity,
- (e) Manager Animal and Plant Regulatory Services.

**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 Director-General,
  - (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),
- (b) any tallow that has been used for the cooking of 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.

**tallow** means any product (including, but not limited to, a product known as tallow, yellow grease or acid oil) containing rendered fats and oils from any animal, or containing used cooking oil, being a product that complies with a specification of 2 per cent maximum moisture plus insoluble impurities.

## 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—**

Section 20J of the *Stock Diseases Act 1923* and Part 5, Division 3 of the *Crimes Act 1900* contain offences in relation to the giving of false and misleading information.

## 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.

## 64 Nominations and elections for Board of Tick Control

Schedule 2 has effect.

## Schedule 1 Penalty notice offences

(Clause 62)

### Offences under the Act

Column 1	Column 2
Offence	Penalty
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

Column 1	Column 2
Offence	Penalty
Clause 5	\$550
Clause 6	\$550

Clause 7	\$550
Clause 8	\$550
Clause 9	\$550
Clause 10	\$550
Clause 10A	\$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 25A	\$550
Clause 25B	\$550
Clause 25C	\$550
Clause 25D	\$550
Clause 25E	\$550
Clause 25F	\$550
Clause 25G	\$550
Clause 25H	\$550
Clause 36 (5) and (7)	\$550
Clause 38	\$550
Clause 39	\$550
Clause 40	\$550
Clause 41	\$550
Clause 42	\$550
Clause 42A	\$550
Clause 43	\$550
Clause 44	\$550

Clause 45	\$550
Clause 54 (3)	\$550
Clause 56	\$550

## Schedule 2 Nominations and elections for Board of Tick Control

(Clause 64)

### Part 1 Preliminary

#### 1 Definitions

(1) In this Schedule:

**calling of nominations**, in relation to the appointment of the PSA member, means the date on which notice is first published in respect of that appointment under clause 4 of this Schedule.

**calling of the ballot** for an election means the date on which a notice is first published for the election under clause 22 of this Schedule.

**calling of the election** for an election means the date on which notice is published for the election under clause 13 of this Schedule.

**close of enrolments** for an election means the final time and date fixed by the returning officer for the close of enrolments in the election.

**close of nominations** means:

- (a) in relation to the appointment of the PSA member, the final time and date fixed by the returning officer for the close of nominations for that appointment, or
- (b) in relation to the election of a stock owner member, the final time and date fixed by the returning officer for the close of nominations for the election.

**close of the ballot** for an election means the final time and date fixed by the returning officer for the close of the ballot for the election.

**close of the exhibition of the roll** for an election means the final time and date fixed by the returning officer for the close of exhibition of the roll.

**election** means an election conducted for the purpose of appointing one or more stock owner members.

**final roll** for an election means the roll prepared by the returning officer under Division 5 of Part 3 of this Schedule.

**preliminary roll** for an election means the roll provided to the returning officer under

clause 21 of this Schedule.

**PSA** means the Public Service Association of New South Wales.

**PSA member** means the member of the Board appointed under section 5 (5) (b) of the Act.

**Public Sector Notices** means any document titled “Public Sector Notices” published under the authority of the Government.

**returning officer** means:

- (a) the Electoral Commissioner for New South Wales, or
- (b) a person nominated by the Electoral Commissioner for the purpose of exercising the functions of a returning officer.

**Secretary** means the Secretary of the Board of Tick Control.

**stock owner member** means a member of the Board appointed under section 5 (5) (c) of the Act.

**temporary employee** means a person employed under section 24 or 27 of the [Public Sector Employment and Management Act 2002](#).

- (2) In this Schedule, a reference to a Form is a reference to a form set out in Schedule 3.

## **Part 2 Nominations**

### **Division 1 Preliminary**

#### **2 Nomination of member to represent PSA**

The PSA member is to be nominated in accordance with this Part.

#### **3 Prescribed qualifications**

A person has the prescribed qualifications for the purposes of the nomination of the PSA member if the person:

- (a) is employed in the Department of Primary Industries (other than a temporary employee), and
- (b) exercises functions, in relation to the control and eradication of cattle tick, conferred or imposed on the person by or under the Act, and
- (c) is a member of the PSA.

## **Division 2 Calling of nominations**

### **4 Notice of proposed appointment**

- (1) Whenever a PSA member is required to be appointed, the Secretary must cause notice of that fact to be published in the Public Sector Notices.
- (2) The notice:
  - (a) must specify that a PSA member is required to be appointed, and
  - (b) must call for nominations of candidates, and
  - (c) must fix the time and date for the close of nominations, and
  - (d) must advise where nomination forms may be obtained and where nominations may be lodged, and
  - (e) must specify the qualifications that qualify a person to nominate a candidate.
- (3) The date fixed for the close of nominations must not be earlier than 21 days, or later than 28 days, after the date on which the notice is first published.

### **5 Postponement of close of nominations**

- (1) The Secretary may postpone the close of nominations for a period not exceeding 14 days by a notice similar to, and published in the same manner as, the notice calling for the nomination of candidates.
- (2) The power conferred on the Secretary by this clause may be exercised more than once in respect of a proposed appointment.

## **Division 3 Nominations**

### **6 Qualifications for nominating candidates**

A person is qualified to nominate a candidate for appointment as the PSA member if the person has the prescribed qualifications.

### **7 Eligibility for nomination**

A person is eligible for nomination as a candidate for appointment as the PSA member if the person has the prescribed qualifications.

### **8 Nomination of candidates**

- (1) The nomination of a candidate:
  - (a) must be in Form 1, and
  - (b) must be made by at least 2 persons (other than the candidate) who each have the



prescribed qualifications, and

(c) must be lodged with the Secretary before the close of nominations.

- (2) If the Secretary is of the opinion that an insufficient number of the persons by whom a candidate has been nominated are qualified to nominate a candidate, the Secretary must, as soon as practicable, cause notice of that fact to be given to the candidate.
- (3) A candidate who has been nominated for appointment may withdraw the nomination at any time before the close of nominations by notice in writing addressed to the Secretary.

## **9 Selection of members**

In the appointment of the PSA member, the member to be appointed must be selected by the PSA from the persons duly nominated as at the close of nominations.

## **Part 3 Elections**

### **Division 1 Preliminary**

#### **10 Election of members to represent stock owners**

The stock owner members are to be elected, one for each electoral district, in accordance with this Part.

#### **11 Prescribed qualifications**

A person has the prescribed qualifications for the purposes of the election of a stock owner member if:

- (a) on the date fixed for the close of nominations for the election, or at any time during the 12 months before that date, the person owned cattle kept within the electoral district to which the election relates, and
- (b) at any time during the 18 months before the date fixed for the close of nominations for the election, the person paid an animal health rate (or such instalments of the rate as were due and payable) levied on the person under the *Rural Lands Protection Act 1998* in respect of cattle kept within the electoral district to which the election relates.

#### **12 Constitution of electoral districts**

- (1) There are to be 6 electoral districts.
- (2) The Minister may, by order published in the Gazette, constitute an electoral district and may, by the same order or by a further order so published, give a name to the electoral district.
- (3) An order by which an electoral district is constituted must describe the land

comprised in the electoral district.

- (4) An order that was in force under clause 14 of the *Stock Diseases (Nominations and Elections) Regulation 2000* immediately before the repeal of that Regulation is taken to be an order in force under this Schedule.

## **Division 2 Calling of the election**

### **13 Notice of election**

- (1) As soon as practicable after having been notified in writing by or on behalf of the Minister that one or more stock owner members are required to be elected, the returning officer must cause notice of that fact:
- (a) to be sent to the Secretary, and
  - (b) to be published in a newspaper circulating generally throughout the electoral district.
- (2) The notice to be sent to the Secretary:
- (a) must state that an election is to be held for the purpose of appointing one or more stock owner members, and
  - (b) must fix a time and date for the close of nominations.
- (3) The notice to be published in the newspaper:
- (a) must state that an election is to be held for the purpose of appointing one or more stock owner members, and
  - (b) must specify the number of members required to be appointed to represent stock owners, and
  - (c) must call for nominations of candidates, and
  - (d) must specify the time and date for the close of nominations, and
  - (e) must advise where nomination forms may be obtained and where nominations may be lodged, and
  - (f) must specify the qualifications that qualify a person to nominate a candidate.
- (4) The date fixed for the close of nominations must not be earlier than 21 days, or later than 28 days, after the date on which the notice is published in the newspaper.

### **14 Postponement of close of nominations**

- (1) The returning officer may postpone the close of nominations for a period not exceeding 14 days by a notice in a form similar to, and published in the same manner

as, a notice calling for the nomination of candidates.

- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

## **Division 3 Nominations**

### **15 Qualifications for nominating candidates**

A person is qualified to nominate a candidate for election as a stock owner member if the person has the prescribed qualifications.

### **16 Eligibility for nomination**

A person is eligible for nomination as a candidate for election as a stock owner member if the person has the prescribed qualifications.

### **17 Nomination of candidates**

- (1) The nomination of a candidate:
  - (a) must be in Form 2, and
  - (b) must be made by at least 5 persons (other than the candidate) who each have the prescribed qualifications, and
  - (c) must be lodged with the returning officer before the close of nominations.
- (2) If the returning officer is of the opinion that an insufficient number of the persons by whom a candidate has been nominated are qualified to nominate a candidate, the returning officer must, as soon as practicable, cause notice of that fact to be given to the candidate.
- (3) For the purpose of enabling the returning officer to form an opinion as to whether a person by whom a candidate in an election has been nominated is qualified to nominate a candidate, the returning officer may require the Secretary to furnish the returning officer with such information regarding the person as the returning officer may specify.
- (4) The Secretary must comply with such a requirement as soon as practicable.
- (5) A candidate who has been nominated in an election may withdraw the nomination at any time before the close of nominations by notice in writing addressed to the returning officer.

### **18 Uncontested elections**

If the number of persons who have been duly nominated as candidates by the close of nominations does not exceed the number of persons to be elected, each of those persons

is taken to have been elected.

## **19 Contested elections**

If the number of persons who have been duly nominated as candidates by the close of nominations exceeds the number of persons to be elected, a ballot must be held.

## **20 Candidate information sheets**

- (1) At any time before the close of nominations, a candidate may submit to the returning officer a statutory declaration, in Form 3, containing information intended for inclusion in a candidate information sheet.
- (2) If more than the required number of persons have been nominated as candidates by the close of nominations, the returning officer must draw up a candidate information sheet consisting of the information contained in the statutory declarations submitted by the candidates.
- (3) In drawing up a candidate information sheet, the returning officer may omit (or, with the consent of the candidate, correct) so much of the information contained in the candidate's statutory declaration as the returning officer considers:
  - (a) to be false or misleading, or
  - (b) to be inappropriate for inclusion in the candidate information sheet, or
  - (c) to exceed the maximum amount of information that is suitable for inclusion in the candidate information sheet.
- (4) If a candidate does not submit a statutory declaration to the returning officer, the returning officer may, in drawing up a candidate information sheet, include in the sheet in respect of the candidate the words "NO INFORMATION RECEIVED".
- (5) The names of the candidates must be listed on the candidate information sheet in the same order as they are listed on the ballot-paper for the election.

## **Division 4 Calling of the ballot**

### **21 Preparation of preliminary roll**

- (1) As soon as practicable after it becomes apparent to the returning officer that a ballot is required to be held in respect of an election, the returning officer must cause notice of that fact to be sent to the Secretary.
- (2) The Secretary must provide the returning officer with:
  - (a) in the case of an election of one or more members to represent stock owners, a preliminary roll of the persons who, in the opinion of the Secretary, are qualified to vote in the election, and

(b) an appropriately addressed label or an appropriately addressed envelope for each person whose name is included in that roll.

(3) The preliminary roll:

(a) must contain the names (consecutively numbered and listed in alphabetical order) and addresses of the persons whose names are included in the roll, and

(b) must be certified by the Secretary in accordance with Form 4.

(4) This clause does not apply to an election held as a consequence of an earlier election that has failed if a preliminary roll for the earlier election has already been provided to the returning officer.

## **22 Notice of ballot**

(1) As soon as practicable after receiving the preliminary roll for the election, the returning officer:

(a) must cause notice that a ballot is to be held to be published in a newspaper circulating generally throughout the electoral district, and

(b) must cause copies of the preliminary roll to be exhibited for public inspection for at least 14 days (ending at the close of the exhibition of the roll) at a place specified in the notice as a place where the roll will be exhibited.

(2) The notice:

(a) must state that a ballot is to be held, and

(b) must fix a time and date for the close of exhibition of the roll, and

(c) must fix a time and date for the close of enrolments, and

(d) must fix a time and date for the close of the ballot, and

(e) must advise where copies of the preliminary roll will be exhibited, and

(f) must specify the qualifications that qualify a person to vote, and

(g) must state that only a natural person who is not already enrolled (and who will not be enrolled in some other capacity) on the roll may be nominated as the representative on the roll of a corporation, partnership, trustee or legal personal representative of a person or the estate of a person, and

(h) must advise where applications for enrolment and objections against enrolment may be lodged.

(3) The close of the exhibition of the roll must be no earlier than 14 days after the calling of the ballot.

- (4) The close of the ballot must be no earlier than 28 days after the calling of the ballot.
- (5) The close of enrolments must be no earlier than the close of exhibition of the roll and no later than 14 days before the close of the ballot.

### **23 Postponement of ballot**

- (1) The returning officer may postpone (for a period not exceeding 14 days) the close of the exhibition of the roll, the close of enrolments or the close of the ballot by a notice published in the same way as the notice stating that a ballot is to be held.
- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

## **Division 5 Preparation of the final roll**

### **24 Qualifications for voting**

- (1) A person is qualified to vote in an election if the person has the prescribed qualifications.
- (2) This clause does not entitle a person (whether in his or her own capacity or in his or her capacity as the representative of some other person):
  - (a) to vote more than once in any election, or
  - (b) to vote in 2 or more elections if elections are being held simultaneously in different electoral districts.

### **25 Enrolment of representatives of stock owners**

- (1) If, in the opinion of the returning officer, cattle are owned and an animal health rate has been paid:
  - (a) on behalf of a corporation—the corporation may be taken to be enrolled, or to apply for enrolment, in the relevant final roll for an election only if a nominee of the corporation is enrolled, or has applied for enrolment, in that roll as a representative of the corporation, or
  - (b) on behalf of a partnership—the partnership may be taken to be enrolled, or to apply for enrolment, in the relevant final roll for an election only if at least one nominee (but not more than 2 nominees) of the partnership is or are enrolled, or applies or apply for enrolment, in that roll as a representative or representatives of the partnership, or
  - (c) by trustees or by legal personal representatives (whether as agents, administrators or executors or otherwise) on behalf of a person or the estate of a person—the person or estate may be taken to be enrolled, or to apply for enrolment, in the relevant final roll for an election if a nominee of those trustees or

representatives is enrolled, or applies for enrolment, in that roll as the representative of the person or estate.

- (2) A nominee of a corporation, partnership, person or estate does not need to have the prescribed qualifications but must be a natural person who is not already enrolled in the relevant final roll for the election in some other capacity.

**Note—**

For example, a person is not eligible to be nominated as the representative of a corporation if the person is already enrolled as the representative of another corporation, or if the person is already enrolled as a stock owner in his or her own right. A nominee must be an individual, not a body corporate or other legal entity.

- (3) A representative of a corporation, partnership, person or estate is taken to be a stock owner for the purposes of enrolment and of any election in which the corporation, partnership, person or estate is qualified to vote.
- (4) In this clause, a reference to a **partnership** includes a reference to any group of persons who, in the opinion of the returning officer, are engaged in a single enterprise in raising cattle.
- (5) In forming such an opinion in respect of a group of persons, the returning officer may ignore the existence of any legal entity that consists of or includes persons who form part of the group.

## **26 Applications for enrolment**

- (1) A person whose name does not appear on the preliminary roll for an election may apply for enrolment in the final roll for the election.
- (2) The application must be in Form 5 and must be lodged with the returning officer before the close of enrolments.
- (3) On receipt of the application, the returning officer:
  - (a) if satisfied that the applicant is qualified to vote, must accept the application and enter the name and address of the applicant in the relevant final roll, or
  - (b) if not so satisfied, must reject the application and inform the applicant in writing that the application has been rejected, or
  - (c) if the application is not in the proper form or is incomplete, must return the application for correction or completion and consider the duly corrected or completed application in accordance with this clause.

## **27 Objections to enrolment**

- (1) Before the close of enrolments, the returning officer and any person who is qualified to vote in an election may object to the inclusion of the name of any person in the relevant final roll.

- (2) An objection:
  - (a) must be in Form 6, and
  - (b) must state the grounds on which the objection is made, and
  - (c) must be signed by the objector, and
  - (d) must be lodged with the returning officer.
- (3) The returning officer must send particulars of an objection to the person to whom the objection relates.
- (4) The person to whom an objection relates may lodge a written reply with the returning officer within 14 days after the date on which particulars of the objection were sent to that person.
- (5) The returning officer must consider each objection, and any reply received within that 14-day period, and may make such inquiries as the returning officer thinks fit.
- (6) The returning officer may accept or reject an objection.
- (7) If the returning officer accepts an objection, the returning officer must exclude from the relevant final roll for the election the name of the person to whom the objection relates and must inform that person and the objector, in writing, that the name is so excluded.
- (8) If the returning officer rejects an objection, the returning officer must notify the person to whom the objection relates and the objector, in writing, that the returning officer has rejected the objection.
- (9) The returning officer may require a person who lodges an objection, or who replies to an objection, to verify the objection or reply by statutory declaration.

## **28 Postponement of ballot not to affect final roll**

The validity of the final roll for an election is not affected by the postponement of the close of the ballot by a notice published after the close of the roll, and the roll remains the final roll for the election.

## **Division 6 The ballot**

### **29 Printing of ballot-papers**

- (1) As soon as practicable after the close of enrolments in an election, the returning officer:
  - (a) must determine the order in which the candidates' names are to be listed on a ballot-paper by means of a ballot held in accordance with the procedure



prescribed for the purposes of section 82A of the *Parliamentary Electorates and Elections Act 1912*, and

- (b) must cause sufficient ballot-papers to be printed to enable a ballot-paper to be sent to each person included in the final roll for the election, and
- (c) if a candidate information sheet has been drawn up, must cause sufficient copies to be printed so that a copy may be sent to each person included in that roll.

(2) A ballot-paper for an election must contain:

- (a) the names of the candidates arranged in the order determined in accordance with subclause (1) (a), with a small square set opposite each name, and
- (b) if the returning officer considers that the names of 2 or more of the candidates are so similar as to cause confusion, such other matter as the returning officer considers will distinguish between the candidates, and
- (c) such directions as to the manner in which a vote is to be recorded and returned to the returning officer as the returning officer considers appropriate.

(3) The directions to voters must include a direction that:

- (a) the voter must record a vote for at least the number of candidates to be elected by placing consecutive numbers (beginning with the number “1” and ending with the number equal to the number of candidates to be elected) in the squares set opposite their names in the order of the voter’s preferences for them, and
- (b) the voter may, but is not required to, vote for additional candidates by placing consecutive numbers (beginning with the number next higher than the number of candidates to be elected) in the square set opposite their names in the order of the voter’s preferences for them.

### **30 Distribution of ballot-papers**

As soon as practicable after the printing of the ballot-papers for an election, the returning officer must send to each person included in the final roll for the election:

- (a) a ballot-paper initialled by the returning officer (or by a person authorised by the returning officer) or that bears a mark prescribed as an official mark for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912*, and
- (b) an unsealed reply-paid envelope addressed to the returning officer and bearing on the back the words “NAME AND ADDRESS OF VOTER” and “SIGNATURE OF VOTER”, together with appropriate spaces for the insertion of a name, address and signature, and
- (c) if applicable, a candidate information sheet.

### **31 Duplicate ballot-papers**

- (1) At any time before the close of the ballot, the returning officer may issue to a voter a duplicate ballot-paper and envelope if the voter satisfies the returning officer by statutory declaration:
  - (a) that the original ballot-paper has been spoiled, lost or destroyed, and
  - (b) that the voter has not already voted in the election to which the ballot-paper relates.
- (2) The returning officer must maintain a record of all duplicate ballot-papers issued under this clause.

### **32 Recording of votes**

In order to vote in an election, a person:

- (a) must record a vote on the ballot-paper in accordance with the directions shown on it, and
- (b) must place the completed ballot-paper (folded so that the vote cannot be seen) in the envelope addressed to the returning officer, and
- (c) must seal the envelope, and
- (d) must complete the person's full name and address on, and must sign, the back of the envelope, and
- (e) must return the envelope to the returning officer so as to be received before the close of the ballot.

## **Division 7 The scrutiny**

### **33 Receipt of ballot-papers**

- (1) The returning officer must reject (without opening it) any envelope purporting to contain a ballot-paper if the envelope is not received before the close of the ballot or is received unsealed.
- (2) The returning officer must examine the name on the back of the envelope and, without opening the envelope:
  - (a) must accept the ballot-paper in the envelope and draw a line through the name on the roll that corresponds to the name on the back of the envelope, if satisfied that a person of that name is included in the relevant final roll for the election, or
  - (b) must reject the ballot-paper in the envelope, if not so satisfied or if a name, address or signature does not appear on the back of the envelope.

- (3) The returning officer may reject a ballot-paper in an envelope without opening the envelope if, after making such inquiries as the returning officer thinks fit:
- (a) the returning officer is unable to identify the signature on the back of the envelope, or
  - (b) it appears to the returning officer that the signature on the back of the envelope is not the signature of the person whose name and address appear on the back of the envelope.

#### **34 Ascertaining result of ballot**

The result of a ballot must be ascertained by the returning officer as soon as practicable after the close of the ballot.

#### **35 Scrutineers**

Each candidate in a ballot is entitled to appoint, by notice in writing, a scrutineer to represent the candidate at all stages of the scrutiny.

#### **36 Scrutiny of votes**

- (1) The scrutiny of votes in a ballot is to be conducted as follows:
- (a) the returning officer must produce unopened the envelopes containing the ballot-papers accepted for scrutiny,
  - (b) the returning officer must then open each such envelope, extract the ballot-paper and (without unfolding it) place it in a locked ballot-box,
  - (c) when the ballot-papers from all the envelopes so opened have been placed in the ballot-box, the returning officer must then unlock the ballot-box and remove the ballot-papers,
  - (d) the returning officer must then examine each ballot-paper and reject those that are informal,
  - (e) the returning officer must then proceed to count the votes and ascertain the result of the election.
- (2) At the scrutiny of votes in a ballot, a ballot-paper must be rejected as informal:
- (a) if it is neither initialled by the returning officer (or by a person authorised by the returning officer in that behalf) nor bears a mark prescribed as an official mark for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912*, or
  - (b) if it has on it any mark or writing which the returning officer considers could enable any person to identify the voter who completed it, or

(c) if it has not been completed in accordance with the directions shown on it.

(3) A ballot-paper must not be rejected as informal:

(a) merely because there is any mark or writing on it that is not authorised or required by this Regulation (not being a mark or writing referred to in subclause (2) (b)) if, in the opinion of the returning officer, the voter's intention is clearly indicated on the ballot-paper, or

(b) if the voter has recorded a vote by placing in one square the number "1":

(i) merely because the same preference (other than a first preference) has been recorded on the ballot-paper for more than one candidate, or

(ii) merely because there is a break in the order of preferences recorded on the ballot-paper.

### **37 Counting of votes**

In any election:

(a) the method of counting the votes so as to ascertain the result of the election is as provided in Part 2 of the Seventh Schedule to the *Constitution Act 1902*, and

(b) for the purpose of applying the provisions of that Part to any such election, a reference in those provisions to the returning officer is to be read as a reference to the returning officer under this Schedule.

### **38 Notice of result of election**

As soon as practicable after a candidate in an election has been elected, the returning officer must notify the Minister and the Secretary, in writing, of the name of the candidate elected.

## **Division 8 General**

### **39 Decisions of returning officer final**

If the returning officer is permitted or required by the Act or this Schedule to make a decision on any matter relating to the taking of a ballot in an election, the decision of the returning officer on that matter is final.

### **40 Death of a candidate**

If a candidate dies after the close of nominations and before the close of the ballot:

(a) the returning officer is to cause notice of the death to be published in the Gazette, and

(b) all proceedings taken after the Minister notified the returning officer that the election

was required to be held are of no effect and must be taken again.

#### 41 Offences

A person must not:

- (a) vote, or attempt to vote, more than once in any election, or
- (b) vote, or attempt to vote, in an election in which the person is not entitled to vote, or
- (c) make a false or wilfully misleading statement (not being a statement verified by statutory declaration):
  - (i) to the returning officer in connection with an election, or
  - (ii) in any document that the person furnishes for the purposes of an election, or
- (d) apply for enrolment in respect of an election in respect of which the person is already enrolled.

Maximum penalty: 5 penalty units.

#### 42 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Stock Diseases (Nominations and Elections) Regulation 2000* by the *Stock Diseases (General) Amendment Regulation 2005*, had effect under that Regulation is taken to have effect under the corresponding provision of this Schedule.

### Schedule 3 Forms

(Schedule 2, clause 1 (2))

#### Form 1 Nomination of candidate for appointment as the PSA member

(Schedule 2, clause 8 (1) (a))

(*Stock Diseases Act 1923*)

We hereby nominate [*name in full*] of [*postal address*] as a candidate for appointment to the Board of Tick Control as the PSA member.

We declare that we are each qualified to make this nomination.

[*Name in full*], [*address*], [*signature*]

#### Note—

This nomination must be completed by 2 or more persons (other than the candidate), each of whom is qualified to nominate a candidate in accordance with clause 8 of Schedule 2 to the *Stock Diseases Regulation 2004*.

I, [*name*] hereby consent to being a candidate for appointment to the Board of Tick Control.

Postal address:

Postcode:

Telephone No:

Date of birth:

Dated:

Signed:

## Form 2 Nomination of candidate for election as a stock owner member

(Schedule 2, clause 17 (1) (a))

*(Stock Diseases Act 1923)*

We hereby nominate *[name in full]* of *[postal address]* as a candidate for election to the Board of Tick Control as a stock owner member.

We declare that we are each qualified to make this nomination.

*[Name in full], [address], [signature]*

### Note—

This nomination must be completed by 5 or more persons (other than the candidate), each of whom is qualified to nominate a candidate in accordance with clause 17 of Schedule 2 to the *Stock Diseases Regulation 2004*.

I, *[name]* hereby consent to being a candidate for election to the Board of Tick Control.

Postcode:

Telephone No:

Postal address:

Date of birth:

Dated:

Signed:

## Form 3 Statutory declaration

(Schedule 2, clause 20 (1))

*(Stock Diseases Act 1923)*

I, *[name]* of *[address]* do solemnly and sincerely declare that:

1 My full name is:

2 My residential address is:

3 My date of birth is:

4 I am self-employed\*/employed by\*:  
as *[specify nature of employment]*:

5 I hold the following qualifications (academic/trade/professional):

6 I am a member of the following organisations:

7 (See Note)

*\*Strike out whichever does not apply*

### Note.

A candidate may include further information relating to the candidacy. The information should not exceed 100 words.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at *[place]*, *[date]*

*[Signature]*

Before me:

*[Justice of the Peace]*

#### **Form 4 Certificate**

(Schedule 2, clause 21 (3) (b))

*(Stock Diseases Act 1923)*

I certify that this roll contains the names (consecutively numbered and listed in alphabetical order) and addresses of those persons who in my opinion are entitled to vote in the election for which this roll has been prepared.

The first and last entries in the roll are as follows:

First entry:

No:

Name:

Address:

Last entry:

No:

Name:

Address:

Dated:

Signed:

#### **Form 5 Application for enrolment**

(Schedule 2, clause 26 (2))

*(Stock Diseases Act 1923)*

Surname:

Given names:

Postal address:

Postcode:

Telephone No:

I hereby apply to be enrolled as a stock owner:

(a) \*in my own right, or

(b) \*as a nominee of another person

*\*Strike out whichever does not apply*

Particulars of the person or persons for whom I am a nominee are as follows:

Name:

Postal address:

I declare that I am\*/the person I represent is\* entitled to enrol in accordance with clause 25 of Schedule 2 to the [Stock Diseases Regulation 2004](#).

I further declare that, to the best of my knowledge, the information contained in this application is true.

Dated:

Signed:

#### **Form 6 Objection to enrolment**

(Schedule 2, clause 27 (2))

*(Stock Diseases Act 1923)*

I hereby object to the inclusion in the final roll for the following election:

*[specify the election to which the objection relates]*

of the name of *[name in full]* of *[address]*

This objection is based on the following grounds:

*[specify the grounds of the objection]*

Name of objector:

Postal address:

Postcode:

Telephone No:

Dated:

Signed: