

# Stock Diseases Regulation 2004

[2004-434]



New South Wales

## Status Information

### Currency of version

Repealed version for 7 December 2007 to 31 August 2009 (accessed 17 July 2024 at 22:22)

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
- **Repeal**  
The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2009.

### 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 1 September 2009

# 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(1) The *Stock Diseases (General) Regulation 1997* is repealed.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## **6 (Repealed)**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 practitioner, or  
(b) a veterinary officer who (if not a veterinary practitioner) 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 practitioner 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 Division applies**

- (1) This Division applies to the following stock:
  - (a) cattle,
  - (b) pigs weighing 25 kilograms or more.
- (2) Despite subclause (1), this Division does not apply in relation to stock or any class of stock in such circumstances as may be specified by the Director-General, by order published in the Gazette.

### **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) (Repealed)

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, slaughter or sending of stock that is required to be identified**

- (1) A person must not sell, buy, slaughter 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, slaughtered or sent to any location, unless the stock is identified in accordance with clause 21.

Maximum penalty: 100 penalty units.

- (2) Despite subclause (1), a person may slaughter unidentified stock without committing an offence, but only if the person is required to slaughter the stock for humane reasons on the direction of an inspector or a veterinary practitioner.

**Note—**

A person may still be guilty of an offence in relation to stock that was slaughtered for humane reasons if the person buys, sells or moves the stock or its carcass in breach of subclause (1).

## **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 (or, if the cattle are sold for the purpose of slaughter at an abattoir, by the close of business on the day of the sale), 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 the property identification code of the property (other than a saleyard or an abattoir) at which the cattle were last held.
- (1A) The owner or person in charge of an abattoir must not sell, dispose of or process the carcass of any cattle, or cause or permit the sale, disposal or processing of any such carcass, unless he or she has obtained the information referred to in subclause (1) in relation to the cattle.

**Note—**

This would not prevent the owner of an abattoir from slaughtering cattle.

- (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) the property identification code of the property (other than a saleyard or an

abattoir) at which the cattle were last held,

(e) (Repealed)

(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



obtained the information referred to in subclause (1) 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.
- (5) A purchaser of sheep or goats must keep a copy of any record provided to the purchaser under subclause (4) for a period of at least 7 years from the date of the purchase.

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.
- (1A) The owner or person in charge of an abattoir must not sell, dispose of or process the carcass of any sheep or goat, or cause or permit the sale, disposal or processing of any such carcass, unless he or she has obtained the information referred to in subclause (1) in relation to the sheep or goat.
- (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) (Repealed)
  - (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.

(1A) A person, other than a person referred to in subclause (2), must not order an approved identifier.

Maximum penalty: 100 penalty units.

(2) For the purposes of subclauses (1) and (1A), 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 pigs sent to abattoirs**

(1) If any pig 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 pig 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 pig was last held before being sent to the abattoir,
- (b) the date on which the pig arrived at the abattoir,
- (c) a description of the class or breed of the pig,
- (d) a description of any brand or other mark on the pig,
- (e) the name and address of the person on whose behalf the pig 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 2 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.

#### **45A Additional identifiers**

- (1) A person must not attach, or cause or permit the attachment of, an identifier to any stock to which an approved identifier is required to be attached, if the identifier contains information that is reasonably likely to mislead a person as to the relevant identification particulars of the stock.

Maximum penalty: 100 penalty units.

- (2) A person must not alter, or cause or permit the alteration of, any identifier that is attached to stock to which an approved identifier is required to be attached, if the identifier as altered is reasonably likely to mislead a person as to the relevant identification particulars of the stock.

Maximum penalty: 100 penalty units.

- (3) In this clause:

**identifier** means an identifier other than an approved identifier.

**relevant identification particulars** has the same meaning as in Division 4.

#### **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 the Chief Veterinary Officer or the Director-General 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 Chief Veterinary Officer or the Director-General.
- (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:

**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 200 (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 (Repealed)**

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## Schedule 1 Penalty notice offences

(Clause 62)

### Offences under the Act

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

### Offences under this Regulation

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 5	\$550
Clause 6	\$550
Clause 7	\$550
Clause 8	\$550
Clause 9	\$550
Clause 10	\$550
Clause 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 45A	\$550
Clause 54 (3)	\$550
Clause 56	\$550

### **Schedules 2, 3 (Repealed)**