

# Stock Diseases (General) Regulation 1997

As at 5 April 2004

## Does not include amendments by:

*Veterinary Practice Act 2003 No 87* (not commenced)

## Reprint history:

Reprint No 1 11 September 2001

## Part 1 - Preliminary

### 1 Name of Regulation

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

### 2 Commencement

This Regulation commences on 1 September 1997.

### 3 Definitions

In this Regulation:

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

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

**rural lands protection district** has the same meaning as it has in the *Rural Lands Protection Act 1998* .

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

### 4 Notes

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

## Part 2 - Treatment of stock generally

### Division 1 - Anthrax

#### 5 Movement of vaccinated stock

- (1) During the period of the 42 days following the vaccination of stock against anthrax:
  - (a) a person must not move the stock from the place where they were vaccinated, and
  - (b) the owner of the stock must take all practical steps to ensure that the stock are not moved from the place where they were vaccinated,otherwise than in accordance with a permit.

Maximum penalty: 20 penalty units.

- (2) A person who is the holder of a permit that has been revoked is not guilty of an offence against this clause if the person establishes that, at all material times, he or she was unaware, and could not reasonably be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

had been revoked.

## **6 Disposal of deceased stock**

The person having control or in charge of any stock that die of anthrax must take all practical steps to ensure that the carcasses of the dead stock are destroyed:

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

Maximum penalty: 50 penalty units.

## **Division 2 - Brucellosis**

### **7 Vaccination against brucellosis**

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

Maximum penalty: 20 penalty units.

## **Division 3 - Tuberculosis**

### **8 Testing of stock**

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

Maximum penalty: 10 penalty units.

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

- (1) A person must not, otherwise than in accordance with a permit:
  - (a) move or destroy any stock that have been (or, pursuant to the order of an inspector, are to be) tested for tuberculosis, or
  - (b) remove or destroy the carcasses of any such stock,unless all stock on the same land that have been or are to be so tested have given a negative reaction to the test.

Maximum penalty: 50 penalty units.

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

### **10 Notification of suspected tuberculosis**

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

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

Maximum penalty: 10 penalty units.

- (2) For the purposes of this clause:
  - (a) a person engaged in inspecting any stock or carcass for the purposes of the *Food Act 2003*, and
  - (b) a veterinary surgeon engaged in treating or examining any stock or carcass,are taken to have control or be in charge of the stock or carcass.

### **11 Vaccination against tuberculosis**

A person must not:

(a) vaccinate stock against tuberculosis, or  
(b) use any drug to treat stock for tuberculosis or for suspected tuberculosis,  
otherwise than in accordance with an approval given by the Chief, Division of Animal Industries.  
Maximum penalty: 20 penalty units.

## **Division 4 - Rabies**

### **12 Vaccination against rabies**

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

Maximum penalty: 10 penalty units.

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

### **13 (Repealed)**

### **14 Vaccination against footrot**

A person must not, in a protected area with respect to footrot in sheep and goats, vaccinate sheep or goats against footrot except with the approval of a person authorised by the Chief, Division of Animal Industries, to give such an approval.

Maximum penalty: 10 penalty units.

## **Part 3 - Identification of stock**

### **Division 1 - Preliminary**

#### **15 Stock to which this Part applies**

This Part applies to the following stock:

- (a) cattle,
- (b) pigs weighing 25 kilograms or more.

#### **15A Definitions**

In this Part:

**approved identifier** means a permanent identifier or a transaction identifier.

**board** means a rural lands protection board established under the *Rural Lands Protection Act 1989*.

**brand** means a tattoo brand.

**district** means, in relation to a board, the rural lands protection district for which the board is established.

**district registrar** means the administrative officer of a board, or any other person appointed by the board.

**holding** means:

- (a) land (whether consisting of one or several parcels) within a district that is in the same ownership or that is worked as a single property, or
- (b) land (whether consisting of one parcel or several contiguous parcels) within two or more adjacent districts that is in the same ownership or that is worked as a single property, or
- (c) a collection of travelling stock routes that, under clause 18A, is taken to be a holding.

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

**permanent identifier** means an identifier of a type approved by the Director-General under Division 3.

**property identification code** means a code allotted under Division 4 that identifies a holding.

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

**special tag** means a tag for use as prescribed by clause 16F.

**transaction identifier** means an identifier of a type approved by the Director-General under Division 2.

## **Division 2 - Identification for the purposes of transactions**

### **16 Stock to be identified at time of sale or delivery**

(1) A person must not sell any stock, or cause or permit any stock to be sold, unless at the time of the sale the stock are identified as prescribed by clause 16A.

Maximum penalty: 100 penalty units.

(2) A person must not send or deliver any stock, or cause or permit any stock to be sent or delivered:

- (a) to an abattoir for slaughter, or
- (b) to a saleyard or other place for sale,

unless at the time the stock are so sent or delivered they are identified as prescribed by clause 16A.

Maximum penalty: 100 penalty units.

(3) For the purposes of this clause, stock that are offered for sale by auction are taken to have been sold at the fall of the hammer.

(4) This clause does not apply to:

- (a) the sale of stud stock at, or the sending or delivery of stud stock to, an agricultural show or exhibition,
- (b) the sale of stock as an incident of the sale of land or the sale of a business under which the stock will remain on the land or be retained as part of the business,
- (c) the sale of stock (otherwise than at a saleyard) to a purchaser where the seller believes on reasonable grounds that the stock will travel directly to a holding occupied by the purchaser for the purpose of restocking that holding,
- (d) the sale, or the sending or delivery to an abattoir, or to a saleyard or other place for sale, of stock:

- (i) that have been purchased during the preceding period of 28 days (or, in the case of pigs, 7 days), and

- (ii) that were identified as prescribed by clause 16A at the time of purchase, and still are so identified,

- (e) the sale, or the sending or delivery to an abattoir, or to a saleyard or other place for sale, of stock:

- (i) that have been introduced into New South Wales during the preceding period of 28 days (or, in the case of pigs, 7 days), and

- (ii) that are identified in accordance with a law in force in the State or Territory from which they have been introduced, being a law whose provisions are similar to the provisions of this Division,

- (f) the sending or delivery to an abattoir for slaughter of stock:

- (i) that were purchased during the preceding period of 7 days, and

- (ii) that were identified as prescribed by clause 16A at the time of purchase,
- (g) the sending or delivery to an abattoir, or to a saleyard or other place for sale, of stock:
  - (i) for which, no later than the day before the sending or delivery, approval has been given by an inspector to their being so sent or delivered, and
  - (ii) that are identified as prescribed by clause 16A before slaughter or sale,
- (h) the sending or delivery of stock directly to an abattoir for slaughter from the holding on which they were born, if the stock are identified by a permanent identifier in accordance with Division 3,
- (i) the sending or delivery of stock from a holding to an abattoir that receives stock exclusively from that holding, where the sending or delivery is approved by the Director-General,
- (j) the sending or delivery by a person of pigs to an abattoir under an agreement with that person for the slaughter of the pigs and the return of the carcasses to that person for personal consumption or use.

### **16A Manner of identification of stock**

- (1) For the purposes of clause 16, stock are to be identified by attaching to them, in the manner referred to in subclause (2):
  - (a) a transaction identifier that contains the property identification code for the appropriate holding, or
  - (b) a special tag, in the circumstances referred to in clause 16F.
- (2) A transaction identifier or special tag is to be attached to stock:
  - (a) in the case of a tag (including a special tag)--in the manner prescribed by clause 16B, and
  - (b) in the case of a brand--in the manner prescribed by clause 16C, and
  - (c) in the case of any other transaction identifier, by applying, administering, inserting or otherwise using it in accordance with the manufacturer's specifications.
- (3) Except as provided by subclause (4), the appropriate holding, in relation to which stock sold or sent or delivered for sale or slaughter are to be identified, is:
  - (a) the last holding at which the stock were depastured for a period of more than 28 continuous days, if that period ended during the prescribed period, or
  - (b) the holding determined by an appropriate inspector.
- (4) For stock that have previously been sold or sent or delivered for sale during the prescribed period, the appropriate holding is:
  - (a) the holding that was the appropriate holding at the time the stock were previously sold or sent or delivered for sale, if at that time of that previous sale they were identified in accordance with this clause, or
  - (b) the holding determined by an appropriate inspector.
- (5) In this clause:

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

**prescribed period** , in relation to stock sold or sent or delivered for sale or slaughter, is the period of 28 days immediately preceding their arrival at the saleyard or other place where they are to be sold or at the abattoir where they are to be slaughtered.

### **16B Tags**

- (1) A tag used as a transaction identifier or special tag for cattle is to be attached in accordance with this clause.

- (2) An ear tag must be attached securely through the left (near side) ear.
- (3) A ratchet tag must be attached securely around the tail immediately before the brush or, if there is no tail or the tail is of such size as to prevent the tag from being attached to it securely, must be attached securely through the left ear.
- (4) A wrap-around tag (including a special tag) must be attached securely around the tail.
- (5) Any tag must be so attached as to ensure that the property identification code on the tag is clearly visible.
- (6) In this clause:

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

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

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

### **16C Brands**

A brand used as a transaction identifier for pigs is to be applied so that its characters are impressed through the skin of the stock over one or both shoulders and are clearly legible.

### **16D Stock depastured at other holding**

(1) The occupier of a holding at which any stock belonging to another person have been depastured for a period of more than 28 days must, at the request of the owner of the stock, procure, and supply at cost to the owner, sufficient transaction identifiers, containing the property identification code for the holding, to enable the stock to be sold without contravention of clause 16.

(2) If no property identification code has been allotted to the holding, an occupier to whom a request is made under subclause (1) must immediately take all reasonable steps to have one allotted.

(3) If an occupier fails to comply, within a reasonable time, with subclause (1), the district registrar, on application by:

- (a) the owner of the stock, or
- (b) any person entitled to apply for a property identification code in respect of the holding,

and on being satisfied of the facts alleged in the application, may endorse an order for the manufacture of sufficient transaction identifiers, containing the property identification code for the holding, to enable the stock to be sold without contravention of clause 16.

(4) In order to grant an application under subclause (3), the district registrar may, if need be, allocate a property identification code to the holding concerned.

(5) The provisions of Divisions 4 and 5 apply to an application under subclause (3) in the same way as they apply to an application under clause 18 (1).

(6) Amounts payable by way of the cost of manufacture of transaction identifiers in accordance with an order endorsed under this clause (and, if subclause (4) applies, by way of the application fee payable under clause 18) are, if paid by the owner of the stock, a debt due to the owner from the occupier of the holding where the stock were depastured.

(7) When the stock are removed from the holding, their owner must hand over to the occupier of the holding any unused transaction identifiers supplied in accordance with this clause.

Maximum penalty (subclause (7)): 20 penalty units.

## **16E Approval of transaction identifiers**

- (1) An identifier to be used for the purposes of this Division must be of a type and comply with specifications approved by the Director-General.
- (2) A brand is not to be approved as an identifier except for pigs.
- (3) The Director-General is to approve of the inks to be used with any brand that is an approved identifier. Only ink approved by the Director-General may be used with an approved identifier.

## **16F Special tags**

- (1) Each district registrar is to determine the particulars of identification to be used on special tags and to arrange for the production and supply of those tags.
- (2) Special tags may be supplied by a district registrar, an inspector or any person authorised by the district registrar, for use on specific stock if:
  - (a) the stock are cattle, and
  - (b) the stock are required to be identified under this Part, and
  - (c) approved identifiers containing the property identification code for the appropriate holding (as determined under clause 16A) are not readily available for identification of the stock, and
  - (d) the fee determined by the relevant board is paid for payment to that board.
- (3) A fee determined under subclause (2) (d) must not exceed the maximum fee determined by the Director-General.
- (4) A person who is supplied with tags under this clause:
  - (a) must attach the tags without delay to the stock for which they were supplied, and
  - (b) must not use them on stock other than those for which they were supplied, and
  - (c) must not use them contrary to the directions of the district registrar, inspector or authorised person who supplied them.
- (5) A district registrar may from time to time authorise, or rescind the authorisation of, persons for the purposes of subclause (2).
- (6) A person for the time being so authorised must keep such records, and preserve them for such time, as the Director-General may determine.

Maximum penalty (subclause (6)): 20 penalty units.

## **16G Transaction identifiers or special tags not to be altered or removed**

- (1) A person must not remove a transaction identifier or special tag attached to any cattle, or cause or permit such a device to be removed, while the cattle:
  - (a) are being moved to an abattoir for slaughter, or
  - (b) are being moved to a saleyard or other place where they are to be kept for sale, or
  - (c) are being moved from a saleyard or other place where they have been kept for sale, or
  - (d) are being sold.
- (2) A person must not remove a transaction identifier or special tag attached to any cattle, or cause or permit a transaction identifier to be removed, if the cattle have been sold during the previous period of 28 days, unless the cattle have been taken to a holding where they are kept for the purpose of restocking that holding.

Maximum penalty: 100 penalty units.

- (3) A person must not:
  - (a) sell any stock, or cause or permit any stock to be sold, or
  - (b) send or deliver any stock, or cause or permit any stock to be sent or delivered, to an abattoir for slaughter or to a saleyard or other place for sale,knowing that a transaction identifier or special tag has been removed from the stock, in

contravention of this clause, within the previous period of 28 days.

Maximum penalty: 100 penalty units.

(4) Nothing in this clause prevents an inspector, or an authorised officer under the *Food Act 2003*, from removing a transaction identifier or special tag, or causing a transaction identifier or special tag to be removed, from any stock.

(5) In this clause, **transaction identifier** includes any means by which stock to which clause 16 (4) (e) applies are identified as required by the law of another State or Territory.

### **Division 3 - Permanent identifiers**

#### **17 Approval and use of permanent identifiers**

(1) The Director-General may, by notice published in the Gazette, approve of:

(a) an identifier to be permanently attached to stock, and

(b) any terms or conditions for the use of any such permanent identifier.

(2) A person must not use a permanent identifier otherwise than in accordance with the Director-General's approval.

Maximum penalty: 100 penalty units.

### **Division 4 - Property identification codes**

#### **18 Allotment of codes**

(1) The owner or occupier of a holding may apply to a district registrar for a property identification code for the holding.

(2) The application must be in the form approved by the Director-General and accompanied by an application fee specified by the board, being a fee of no more than \$25.

(3) The district registrar must, on receipt of an application that complies with subclause (2) and that is lodged in respect of a holding for which there is currently no property identification code:

(a) allot a property identification code to the holding, and

(b) issue a notice to the applicant setting out the particulars of the code, and

(c) record particulars of the notice.

(4) The district registrar may, however, decline to allot more than one property identification code identifying the same holding.

(5) The district registrar:

(a) must preserve, for a period of not less than 2 years, all application forms received under this clause, and

(b) on request made at any time by the Director-General, provide the Director-General with any requested particulars submitted in an application form.

#### **18A Travelling stock routes**

(1) The board may determine that all, or a specified class, of the travelling stock routes in the district are taken to be a holding for the purposes of this Part.

(2) A property identification code is to be allocated to any holding so created, and the code registered, by the district registrar.

(3) Clause 18B does not apply to any such holding.

#### **18B Renewal of codes**

(1) The property identification code for any holding, unless it is renewed, ceases to be in force on the day (in this clause called the **expiry date**) that is the first anniversary of:

(a) its allotment, or

(b) its last renewal, if it has already been renewed once or more.

(2) The property identification code allotted to a holding by a district registrar is renewed if:

(a) in the 15 months ending on the day before the expiry date, the board for the

district has levied a general rate on the occupier of the holding and the rate has been paid, or

(b) before the expiry date, the renewal fee determined by the board for the district in respect of the year during which the payment is made has been paid, or

(c) before the expiry date:

(i) the renewal fee is waived in whole by the board, or

(ii) the renewal fee is waived in part by the board, and the remainder of the fee is paid.

(3) The renewal fee must be waived to the extent of an amount equal to the annual fee paid to the district registrar under section 196 of the *Rural Lands Protection Act 1989* for continuance of the registration of the owner of the holding as a proprietor of a brand or earmark under that Act.

(4) The renewal fee determined by the board in respect of any year cannot exceed the minimum general rate last levied by the board before that determination.

(5) In this clause, **general rate** means, in relation to a board, the general rate levied under section 53 of the *Rural Lands Protection Act 1989* .

### **18C Cancellation or amendment of codes**

(1) If satisfied on information received from the owner or occupier of a holding, or from the person who applied for a property identification code in respect of the holding, that the holding has no further need of the code, the district registrar may cancel the code.

(2) On cancelling a property identification code, the district registrar (unless it is known that the owner or occupier has died) must send by post to the owner and occupier of the holding a notice in writing that the code has been cancelled.

(3) A property identification code cannot be transferred, but a district registrar may re-allot a cancelled code (to the same or a different holding).

(4) A district registrar may amend a property identification code and, on doing so, must serve on the owner and occupier of the holding to which the code has been allotted a notice in writing setting out the particulars of the amended code.

(5) If the property identification code allotted to a holding has been amended, the code (as in force immediately before that amendment) may be used until the date specified by the district registrar by notice to the owner and occupier of the holding as the date from which the code (as so amended) must be used.

## **Division 5 - Administration**

### **19 Registers**

(1) The Director-General is to maintain a central register of all property identification codes allotted by district registrars.

(2) The district registrar must maintain a register in which:

(a) particulars of applications received for allotment of property identification codes, and

(b) particulars of property identification codes allotted, amended or cancelled, and

(c) particulars of identification determined by the district registrar for use on special tags supplied by or on behalf of the district registrar,

are to be recorded.

(3) The district registrar must, within 7 days after allocating, cancelling or amending a property identification code, forward to the Director-General particulars of the code allocated or of the cancellation or amendment.

(4) The district registrar must, on request made at any time by the Director-General, provide the Director-General with any requested particulars of a matter recorded by the district registrar.

(5) The district registrar must supply to an inspector (or an authorised officer under the *Food Act 2003* ) free of charge, and to any approved person on payment of such

reasonable fee (if any) as the board for the district within which the holding is situated may determine:

- (a) the name and particulars of the location of the holding to which a specified property identification code is allotted, and
  - (b) the names and addresses (if available) of the owner and occupier of the holding, and of the person who applied for the allotment.
- (6) The Director-General may allow approved persons access to, or supply such persons with particulars from, the central register, at no cost or at a cost approved by the Director-General.
- (7) In a provision of this clause, **approved person** means a person, or one of a class of persons, approved by the Director-General for the purposes of that provision.
- (8) A fee determined under subclause (5) must not exceed the maximum fee determined by the Director-General.

### **19A Directions by Director-General**

District registrars are to comply with any directions given by the Director-General as to:

- (a) the property identification codes that they may allot to holdings, and the manner of their allotment, amendment and cancellation, and
- (b) the determination of particulars of identification for use on special tags and the records to be kept in connection with their issue, and
- (c) the form of any order for the manufacture of approved identifiers, and
- (d) any aspect of the exercise of their functions under this Part.

### **19B Maintenance of central register**

- (1) The boards are to pay contributions for the maintenance of the central register.
- (2) Contributions are payable in such amounts as may be agreed between the Director-General and the Council of Advice under the *Rural Lands Protection Act 1989* or, in default of such agreement, as may be determined by the Minister.
- (3) 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 1989* and out of the money collected under this Part.
- (4) The contributions are to be paid at such times as the Director-General determines.

## **Division 6 - Miscellaneous**

### **20 Requirements for manufacture of tags and brands**

- (1) The Director-General may in writing authorise a person to make approved identifiers (or, where the approved identifier is a brand, to make branding devices).
- (2) The authorisation:
  - (a) may be conditional or unconditional, and
  - (b) may be general or limited to devices of a specified type, and
  - (c) may be cancelled by the Director-General, by notice in writing served on the authorised person, at any time.
- (3) The Director-General must not, however, cancel such an authority unless:
  - (a) a notice in writing has been sent by post to the holder of the authority (at the address shown on the authority), or given to that holder, inviting the holder to show cause why the authority should not be cancelled, and
  - (b) a period of at least 28 days has elapsed since the sending of the notice, and
  - (c) the Director-General has taken into consideration any representations made by the holder of the authority and by any person on the holder's behalf.

### **20A Manufacture and supply of identifiers**

- (1) A person must not make an approved identifier unless the person is authorised by the Director-General to make them.

Maximum penalty: 100 penalty units.
- (2) A person, whether or not authorised under subclause (1), must not make, or sell or

supply, an approved identifier unless the person is in receipt of an order for it endorsed by the district registrar or a person authorised by the district registrar.

Maximum penalty: 100 penalty units.

(3) An order referred to in subclause (2) may be made by the district registrar on application by (or by the authorised agent of):

- (a) a person entitled to apply for a property identification code for a holding, or
- (b) an owner of stock to which clause 16D applies,

on payment of such reasonable fee (if any) as the board for the district within which the relevant holding is situated may determine.

(4) A fee determined under subclause (3) must not exceed the maximum fee determined by the Director-General.

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

Maximum penalty: 100 penalty units.

(6) A person is not guilty of an offence under subclause (5) 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 or supplied, as the case may be, could reasonably be mistaken for an approved identifier.

## **20B Records of untagged stock**

(1) If stock are delivered to an abattoir for slaughter and are not identified in accordance with this Part, the person in charge of the abattoir must make or cause to be made a record containing the following information:

- (a) the date when the stock are, or are expected to be, slaughtered,
- (b) a description of the class or breed of the stock,
- (c) a description of any brand or other mark on the stock,
- (d) the name of the person on whose behalf the stock was delivered to the abattoir.

The person in charge of the abattoir must comply with this subsection within 24 hours after the delivery of the stock (or, in the case of pigs, within 24 hours after the slaughter of the stock).

Maximum penalty: 50 penalty units.

(2) The person in charge of the abattoir:

- (a) must keep the record for a period of 2 years after it is made, and
- (b) on request by an inspector, must produce the record to the inspector.

Maximum penalty: 50 penalty units.

(3) An inspector may at any reasonable time inspect the record and may make copies of it or take extracts or notes from it.

## **20C Approved identifiers not to be defaced**

A person must not:

- (a) alter or deface an approved identifier attached, or intended to be attached, to stock for the purposes of this Part, or
- (b) cause or permit such alteration or defacement.

Maximum penalty: 100 penalty units.

## **20D Wrongful attachment of identifiers**

A person must not attach an approved identifier to any stock, or cause or permit the attachment to any stock of an approved identifier, unless by the attachment of the identifier to them the stock are identified in accordance with this Part.

Maximum penalty: 100 penalty units.

## **20E Inspector may take possession of misplaced identifiers**

(1) An inspector may take possession of any identifier, or 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

- (b) is to be used or is in use contrary to this Act, or is not being used for the purposes of this Act, or
- (c) is in the possession of a person without the approval of the owner or occupier of the holding for which the code was allotted, or
- (d) has been abandoned.

(2) If an inspector takes possession of anything under this clause, and the owner or occupier of the holding for which the identification code on it was allotted does not claim it within 3 months, it may be disposed of in a manner approved by the Director-General.

#### **20F Certificate as to identity code**

A certificate that purports to be signed by a district registrar or by the Director-General, and that states that a specified property identification code for a holding was in force at a specified time, is admissible in evidence in any proceedings and is evidence of the matters stated in it.

#### **20G Savings**

(1) Clause 16 does not apply to the sale of stock on or after 2 August 2000, or the sending or delivery of stock on or after that date, to an abattoir or saleyard or other place for sale, if the stock:

- (a) were purchased within the period of 28 days (or, in the case of pigs, 7 days) immediately preceding the sale, sending or delivery, and
- (b) were, at the time of purchase, identified in accordance with the Act as in force at that time and are still so identified at the time of the sale, sending or delivery.

(2) A tag or brand of a kind that, immediately before 2 August 2000, was prescribed or approved for use for the purposes of Part 4A of the Act is taken to be a transaction identifier.

(3) Particulars of identification in force under this Part immediately before 2 August 2000:

- (a) that were issued to a person who is the occupier or owner of a holding, and
- (b) that, by a record maintained by the district registrar, are related to the holding concerned,

are taken to be a property identification code for the purposes of this Part, as in force after that date, for that holding, renewable on the date on which the particulars of identification would have expired if Part 4A of the Act had continued in force.

(4) A special tag that was attached to stock under Division 3 of Part 4A of the Act before 2 August 2000 and that is still attached to the stock on that date is taken to be a special tag attached under clause 16F.

(5) Directions of the Chief, Division of Animal Industries that were in force immediately before 2 August 2000 are taken to be directions of the Director-General in force under clause 19A.

(6) An authorisation of the Chief, Division of Animal Industries that was in force under section 19O of the Act immediately before 2 August 2000 is taken to be an authorisation of the Director-General in force under clause 20.

(7) An order in writing that, on 2 August 2000, is in the possession of a person authorised, immediately before that date, under section 19O of the Act is taken to be an order endorsed by the district registrar under clause 20A.

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

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

(1) A person must not, otherwise than in accordance with a permit, move out of any quarantine area anything of a kind that is specified:

- (a) in the notification by which the quarantine area is declared, or
- (b) in an order in force under section 8 of the Act, or

(c) in an undertaking in force under section 11 of the Act, as a kind of thing that must not be so moved.

Maximum penalty: 50 penalty units.

(2) A person must not, otherwise than in accordance with a permit, move across any quarantine line anything of a kind that is specified:

(a) in the notification by which the quarantine line is declared, or

(b) in an order in force under section 8 of the Act, or

(c) in an undertaking in force under section 11 of the Act, as a kind of thing that must not be so moved.

Maximum penalty: 50 penalty units.

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

## **Part 5 - Permits**

### **22 Application of Part**

This Part applies to:

(a) any permit of the kind referred to in section 7 (6) of the Act, and

(b) any permit of a kind required by this Regulation.

### **23 Application for permit**

(1) An application for a permit is to be made to an inspector and may be made orally or in writing.

(2) On receiving an application, an inspector:

(a) may grant the permit, either unconditionally or subject to conditions specified in the permit, or

(b) may refuse the application.

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

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

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

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

(a) the stock or the thing to be treated or tested in such manner, and

(b) the treatment or test to be carried out at such time and place,

as the inspector may determine.

### **25 Revocation of permit**

(1) If an inspector believes on reasonable grounds:

(a) that any condition imposed by a permit has not been complied with, or

(b) that the holder of the permit has contravened any provision of the Act or of this Regulation applicable to the stock or the thing to which the permit relates, or

(c) that the revocation of the permit is necessary in order to prevent the spread of disease,

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

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

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

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

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

(1) Any person may appeal to the Chief, Division of Animal Industries, against an

inspector's decision:

- (a) to refuse an application for a permit, or
  - (b) to revoke a permit.
- (2) An appeal is to be made in writing within 7 days after the appellant receives notice of the decision against which the appeal is made.
- (3) An appeal is to be heard and determined by, or by some other person authorised by, the Chief, Division of Animal Industries.
- (4) The person by whom an appeal is heard is to determine the appeal:
- (a) by confirming the decision against which the appeal is made, or
  - (b) by granting or restoring the permit concerned, either conditionally or unconditionally.

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

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

Maximum penalty: 10 penalty units.

## **Part 6 - Miscellaneous**

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

For the purposes of section 12A (3) of the Act, the prescribed evidence of an inspector's appointment is a certificate in or to the effect of Form 1 in Schedule 1.

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

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

- (a) for the purpose of preventing the stock from contracting that or any other disease, or

- (b) for the purpose of treating stock for that or any other disease,

but only in the circumstances set out in subclause (2), (3) or (4).

(2) The person may communicate the disease in the course of treating stock with a stock medicine approved by the Chief, Division of Animal Industries, but only if the treatment is carried out in accordance with the manufacturer's directions for administering the stock medicine.

(3) The person may communicate the disease in the course of vaccinating stock with a vaccine approved by the Chief, Division of Animal Industries, but only where the vaccination is carried out:

- (a) by a person authorised by the Chief, Division of Animal Industries, to vaccinate stock with that vaccine, and

- (b) in accordance with the manufacturer's directions for administering the vaccine, and not in the circumstances referred to in subclause (4).

(4) The person may communicate the disease in the course of vaccinating export stock with tick fever vaccine, but only if:

- (a) vaccination is carried out with the prior approval of an authorised officer for each animal to be vaccinated, and

- (b) vaccination is carried out by a veterinary surgeon, and

- (c) vaccination is carried out elsewhere than in:

- (i) a cattle tick quarantine area, or

- (ii) a tick fever protected area, and

- (d) vaccinated stock are not permitted to enter:

- (i) a cattle tick quarantine area, or

- (ii) a tick fever protected area, and

- (e) all stock to be vaccinated are, at the time of vaccination, individually

identified in a manner approved by the authorised officer, and

(f) all unused vaccine is destroyed by the person carrying out the vaccination by boiling or microwave heating.

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

(6) In this clause:

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

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

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

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

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

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

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

### **30 Feeding of certain material to ruminants: section 20FB**

(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 Chief, Division of Animal Industries.

(3) Nothing in this clause prevents a person who acquired stock food that complied with clause 9 of the *Stock Foods Regulation 1997*, as in force immediately before the commencement of the *Stock Foods Amendment (Ruminants' Feed) Regulation 2001*, from feeding such stock food to an animal in accordance with a statement contained on a label attached to, or provided with, such stock food.

(4) Subclause (3) ceases to have effect on 1 January 2002.

(5) In this clause:

**restricted animal material** means tissue, blood or feathers derived from the carcass of an animal and includes any substance produced from or containing any such tissue, blood or feathers, but does not include tallow or gelatin.

**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.

### **31 Feeding of substances to pigs: section 20FB**

(1) For the purposes of section 20FB of the Act, the following substances are prescribed

as prohibited substances in relation to pigs:

- (a) any tissue or blood derived from the carcass of any animal or bird,
- (b) the eggs or excreta of any animal or bird,
- (c) any substance produced from or containing a substance referred to in paragraph (a) or (b), other than:
  - (i) a stock food or medicine registered or approved under an Act, or
  - (ii) a substance that has been processed at premises, and in a manner, approved by the Chief, Division of Animal Industries,
- (d) any household or commercial waste, foodstuffs, garbage or other food refuse, other than:
  - (i) bakery, fruit or vegetable waste, or
  - (ii) commercial waste that has been processed at premises, and in a manner, approved by the Chief, Division of Animal Industries,
- (e) any household or commercial waste, foodstuffs, garbage or other food refuse that has been kept in, and is fed to pigs from, a receptacle that contains or has contained a substance included in paragraph (a), (b) or (c).

(2) For the purposes of section 20FB (3) of the Act, feral pigs are prescribed in relation to the substances prescribed by subclause (1) in circumstances in which those substances are fed to them for the purpose of suppressing or controlling their numbers, but only if those substances are fed to them in a manner approved by the Chief, Division of Animal Industries.

### **32 Penalty notice offences: section 20O**

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

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

### **33 Short descriptions**

(1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 2 is:

- (a) the expression specified in Column 2 of that Schedule, or
- (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.

(2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 2, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.

(3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.

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

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

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

### **35 Repeal**

- (1) The *Stock Diseases Regulation 1992* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Stock Diseases*

Regulation 1992, had effect under that Regulation continues to have effect under this Regulation.

## Schedule 1 Forms

### Form 1 - Certificate of authority

(Clause 28)

( *Stock Diseases Act 1923* )

This is to certify that

of inspector)

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

photograph here)      re of inspector)

ector-General)

Date:

## Schedule 2 Penalty notice offences

(Clauses 32, 33)

1 1 Provision	1 2 Short description	1 3 Penalty
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	on/along/across public road/railway
20C (2) (b)	infected stock/cause/permit infected stock to be in/through public place
20C (2) (c)	infected stock/cause/permit infected stock to be to/on/across land
20D (1)	person in charge of stock straying inside/outside line area/inside protected area
20D (2)	person in charge of infected stock straying
20FB (1)	prohibited substance to stock
20FB (1)	permit stock to feed on prohibited substance
20FB (2)	prevent stock access to prohibited substance
20H (1) (b)	general terms of order/notice
20H (1) (c)	general terms and conditions of undertaking

as under Stock Diseases  
 (d) Regulation 1997

13	notify footrot in sheep/goats
16 (1)	unidentified stock
16 (1)	permit sale of unidentified stock
16 (2)	deliver unidentified stock for slaughter/sale
16 (2)	permit sending/delivery of unidentified stock for slaughter/sale
16D (7)	return identifiers
16F (4) (a)	attach special tag
16F (4) (b)	tag on wrong stock
16F (4) (c)	special tag
16F (6)	keep tag records
16F (6)	preserve tag records
16G (1)	identifier
16G (1)	permit removal of identifier

16G (2)	identifier from sold cattle
16G (2)	permit removal of identifier from sold cattle
16G (3)	to deliver stock after removal of identifier
16G (3)	permit sale/sending/delivery of stock after removal of identifier
17 (2)	permanent identifier
20A (1)	to supply identifier without authorisation
20A (2)	to sell/supply identifier without order
20A (5)	to sell/supply fake identifier
20B (1)	to make abattoir record as required
20B (2) (a)	to keep abattoir record as required
20B (2) (b)	to produce abattoir record
20C	to deface identifier
20C	to permit alteration/defacement of identifier
20D	to use wrong identifier
20D	to permit wrong identifier to be attached
21 (1)	to cross quarantine area in breach of permit
21 (2)	to cross quarantine line in breach of permit

### Historical notes

Table of amending instruments *Stock Diseases (General) Regulation 1997* published in Gazette No 95 of 29.8.1997, p 7352 and amended by Act No 143, 1998, in Gazette No 141 of 17.12.1999, p 11962 and as follows: *Stock Diseases (General) Amendment (Stock Identification) Regulation 2000* (GG No 100 of 2.8.2000, p 7146) *Stock Diseases (General) Amendment (Footrot) Regulation 2000* (GG No 105 of 18.8.2000, p 7802) *Stock Diseases (General) Amendment (Ruminants' Feed) Regulation 2001* (GG No 171 of 2.11.2001, p 8933) *Statute Law (Miscellaneous Provisions) Act (No 2) 2003 No 82* . Assented to 27.11.2003. Date of commencement of Sch 1.41, assent, sec 2 (2). *Food Legislation Amendment Act 2004 No 16* . Assented to 24.3.2004. Date of commencement, 5.4.2004, sec 2 and GG No 69 of 2.4.2004, p 1795.

Table of amendments

Act No 143, Sch 6.28.

Act No 16, Sch 2.12 [1].

.8.2000.

.8.2000.

Div 1, heading 2000.

.8.2000. Am 2003 No 82, Sch 1.41 [1].

2000.

Div 2, heading 2000.

.8.2000. Am 2003 No 82, Sch 1.41 [1].

, 16B 2000.

2000. Am 2003 No 82, Sch 1.41 [1].

2000.

2000. Am 2003 No 82, Sch 1.41 [1].

2000.

2000. Am 2004 No 16, Sch 2.12 [2].

Div 3, heading 2000.

.8.2000.

Div 4, heading 2000.

.8.2000.

-18C 2000.

Div 5, heading 2000.

.8.2000. Am 2004 No 16, Sch 2.12 [2].

, 19B 2000.

Div 6, heading 2000.

.8.2000.

2000.

2000. Am 2003 No 82, Sch 1.41 [1].

-20F 2000.

2000. Am 2003 No 82, Sch 1.41 [1].

7.12.1999. Am 2.11.2001.

03 No 82, Sch 1.41 [1] [2].

.2000.