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NEW SOUTH WALES

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SPECIAL SUPPLEMENT

The Cabinet Office, Sydney
1 July 2004

HER Excellency the Governor directs that it be notified that she has accepted the resignation of the Honourable Michael Costa, MLC as Minister Assisting the Minister for Natural Resources (Forests).

By Her Excellency's Command,

BOB CARR
Premier

Ministers' full titles are now as follows:

The Honourable Robert John Carr MP
Premier, Minister for the Arts, and Minister for Citizenship

The Honourable Andrew John Refshauge MP
Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs

The Honourable Michael Rueben Egan MLC
Treasurer, Minister for State Development, and Vice-President of the Executive Council

The Honourable John Joseph Della Bosca MLC
Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast

The Honourable Craig John Knowles MP
Minister for Infrastructure and Planning, and Minister for Natural Resources

The Honourable Robert John Debus MP
Attorney General, and Minister for the Environment

The Honourable Patrick Carl Scully MP
Minister for Roads, and Minister for Housing

The Honourable Morris Iemma MP
Minister for Health

The Honourable Michael Costa MLC
Minister for Transport Services, and Minister for the Hunter

The Honourable John Arthur Watkins MP
Minister for Police

The Honourable Carmel Mary Tebbutt MLC
Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth

The Honourable Frank Ernest Sartor MP
Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts

The Honourable Sandra Christine Nori MP
Minister for Tourism and Sport and Recreation, and Minister for Women

The Honourable Anthony Bernard Kelly MLC
Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands

The Honourable David Andrew Campbell MP
Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business

The Honourable Ian Michael Macdonald MLC
Minister for Primary Industries

The Honourable Diane Beamer MP
Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)

The Honourable Reba Paige Meagher MP
Minister for Fair Trading, and Minister Assisting the Minister for Commerce

The Honourable John Hatzistergos MLC
Minister for Justice, and Minister Assisting the Premier on Citizenship

The Honourable Grant Anthony McBride MP
Minister for Gaming and Racing

The Honourable Kerry Arthur Hickey MP
Minister for Mineral Resources

By Her Excellency's Command

BOB CARR
Premier

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997

Order

I, the Honourable Bob Debus, Attorney General of the State of New South Wales, in pursuance of section 14 (2) of the Children (Protection and Parental Responsibility) Act 1997, do, by this my Order, declare the following area to be an operational area for the purposes of Division 2 of Part 3 of that Act:

the part of the local government area of Coonamble that is shown on Sheet 2 of the map marked "Shire of Coonamble Local Environmental Plan 1997" deposited in the office of the Coonamble Shire Council.

This Order takes effect on 1 July 2004 and the declaration of the operational area remains in force until 31 December 2004.

Signed at Sydney, this 30th day of June 2004.

BOB DEBUS
Attorney General

STOCK MEDICINES ACT 1989

Order No. 2004/1 – Gudair Vaccine

Order under section 46

I, RICHARD FREDERICK SHELDRAKE, Director-General of the Department of Agriculture, pursuant to section 46 of the Stock Medicines Act 1989 amend Order No. 2003/2 published in the Government Gazette No. 198 of 24 December 2003 at pages 11693-11695 as follows:

- (a) by omitting clause 2A.
- (b) by omitting from clauses 5B, 5C and 5D the words "a District Veterinarian, an Ovine Johne's Disease Officer, or a Ranger who is an inspector under the Stock Diseases Act 1923".

Signed this 30th day of June 2004.

RICHARD FREDERICK SHELDRAKE
Director-General



Stock Diseases (General) Regulation 2004

under the

Stock Diseases Act 1923

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

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

Explanatory note

The object of this Regulation is to repeal and remake (with some modifications) the *Stock Diseases (General) Regulation 1997* (the **1997 Regulation**) which is due to be repealed on 1 September 2004 under section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation deals with the following matters:

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

The provisions relating to the identification of stock in Part 3 of this Regulation are largely based on the provisions contained in Part 3 of the 1997 Regulation with the addition of a new scheme for mandatory permanent identification of stock.

Other modifications made by this Regulation to the 1997 Regulation include removing a defence to offences relating to the movement of stock vaccinated against anthrax or tested for tuberculosis, and the movement of things out of quarantine areas, allowing the

Stock Diseases (General) Regulation 2004

Explanatory note

Chief Veterinary Officer and the Director-General to give certain authorities and approvals, extending the circumstances in which disease may lawfully be communicated to stock, providing for the content of certificates of authorisation for inspectors, recasting what are prohibited substances in relation to the feeding of ruminants and pigs, and omitting redundant references and provisions.

This Regulation is made under the *Stock Diseases Act 1923*, including section 23 (the general regulation-making power) and, in particular, section 23 (1) (c).

Stock Diseases (General) Regulation 2004

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Clause 1 Stock Diseases (General) Regulation 2004

Part 1 Preliminary

Stock Diseases (General) Regulation 2004

under the

Stock Diseases Act 1923

Part 1 Preliminary

1 Name of Regulation

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

2 Commencement

This Regulation commences on 1 July 2004.

3 Definitions

(1) In this Regulation:

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

permit means a permit in force under Part 5.

the Act means the *Stock Diseases Act 1923*.

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

4 Repeal

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

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

Stock Diseases (General) Regulation 2004

Clause 5

Treatment of stock

Part 2

Part 2 Treatment of stock

Division 1 Anthrax

5 Movement of stock vaccinated against anthrax

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

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

otherwise than in accordance with a permit.

Maximum penalty: 50 penalty units.

6 Disposal of stock that has died of anthrax

The person having control or who is in charge of any stock that dies of anthrax must take all practical steps to ensure that the carcass is destroyed:

- (a) in accordance with the requirements of any relevant order given in respect of the stock under section 8 of the Act, or
- (b) in accordance with the terms of any relevant undertaking given in respect of the stock under section 11 of the Act, or
- (c) if no such order or undertaking applies to the stock:
 - (i) by burning the carcass, or
 - (ii) if burning poses a bushfire risk or for some other reason is not practicable, by burying the carcass at least one metre beneath the surface of the ground, and, before filling in the grave, either liberally treating the carcass with quick lime (with a pH level of between 11–13, inclusive) or covering it with a soil mixture comprising one part chloride of lime (containing 25% activated chlorine) to 3 parts of soil.

Maximum penalty: 50 penalty units.

Clause 7 Stock Diseases (General) Regulation 2004

Part 2 Treatment of stock

Division 2 Tuberculosis

7 Testing of stock for tuberculosis

- (1) A person must not test stock for tuberculosis unless the person is:
- (a) a veterinary surgeon, or
 - (b) a veterinary officer who (if not a veterinary surgeon) is authorised to do so by the Chief Veterinary Officer.

Maximum penalty: 50 penalty units.

- (2) In this clause:

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

8 Restriction on movement or destruction of stock tested for tuberculosis

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

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

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

Maximum penalty: 50 penalty units.

9 Notification of suspected tuberculosis

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

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

Maximum penalty: 50 penalty units.

- (2) For the purposes of this clause:

- (a) a person engaged in inspecting any carcass for the purposes of the *Food Act 2003*, or

Stock Diseases (General) Regulation 2004

Clause 10

Treatment of stock

Part 2

-
- (b) a veterinary surgeon engaged in examining any carcass, is taken to have control or be in charge of the carcass.

10 Vaccination against tuberculosis

A person must not:

- (a) vaccinate stock against tuberculosis, or
(b) use any drug to treat stock for tuberculosis or for suspected tuberculosis,

otherwise than in accordance with an approval given by the Chief Veterinary Officer.

Maximum penalty: 50 penalty units.

Division 3 Vaccination against certain other diseases

11 Authorised vaccination of stock

(1) **Brucellosis**

A person must not vaccinate stock against brucellosis unless the person is authorised to do so by the Chief Veterinary Officer.

(2) **Rabies**

A person must not vaccinate stock against rabies unless the person is authorised to do so by the Chief Veterinary Officer.

(3) **Footrot**

A person must not, in a protected area or protected (control) area with respect to footrot in sheep and goats, vaccinate sheep or goats against footrot except with the approval of:

- (a) the Chief Veterinary Officer, or
(b) a Senior Field Veterinary Officer (being an officer of the Department of Primary Industries).

Maximum penalty: 50 penalty units.

Clause 12 Stock Diseases (General) Regulation 2004

Part 3 Identification of stock

Part 3 Identification of stock

Division 1 Preliminary

12 Definitions

In this Part:

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

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

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

attached includes implanted, inserted, administered or applied.

authorised administrator means the person or body approved for the time being by the Director-General under clause 35.

board means the rural lands protection board established under the *Rural Lands Protection Act 1998* for a district.

brand means a tattoo brand.

district means a rural lands protection district within the meaning of the *Rural Lands Protection Act 1998*.

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

district registrar means:

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

food inspector means an authorised officer within the meaning of the *Food Act 2003*.

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

Stock Diseases (General) Regulation 2004

Clause 13

Identification of stock

Part 3

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

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

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

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

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

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

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

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

send includes transfer or deliver.

special brand means a brand referred to in clause 37.

special identifier means an identifier referred to in clause 36.

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

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

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

13 General provisions relating to orders made under this Part

- (1) An order made under this Part may:
 - (a) apply generally or be limited in its application by reference to specified exceptions or factors, or

Clause 14 Stock Diseases (General) Regulation 2004

Part 3 Identification of stock

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

Division 2 Identification of stock for transaction purposes

14 Stock to which this Division applies

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

15 Manner in which stock must be identified for transaction purposes

- (1) For the purposes of this Division, stock must be identified by attaching to the stock, in the manner approved by the Director-General by order published in the Gazette:
 - (a) a transaction identifier that contains the property identification code of the appropriate property, or
 - (b) a special identifier (but only in the circumstances referred to in clause 36 (3)), or
 - (c) a special brand (but only in the circumstances referred to in clause 37 (2)).
- (2) An identifier to be used for the purposes of this Division must be of such type, and comply with such specifications, as the Director-General may approve by order published in the Gazette.
- (3) Nothing in subclause (2) allows a brand to be approved as a transaction identifier except in relation to pigs.
- (4) Except as provided by subclause (5), the *appropriate property*, in relation to which stock sold or sent for sale or slaughter is to be identified, is:

Stock Diseases (General) Regulation 2004

Clause 16

Identification of stock

Part 3

-
- (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,

Clause 16 Stock Diseases (General) Regulation 2004

Part 3 Identification of stock

- (b) the sale of stock incidental to the sale of land or the sale of a business under which the stock will remain on the land or be retained as part of the business,
- (c) the sale of stock (otherwise than at a saleyard) to a purchaser where the seller believes on reasonable grounds that the stock will travel directly to a property occupied by the purchaser for the purpose of restocking that property,
- (d) the sale, or the sending to an abattoir or saleyard, of stock that:
 - (i) has been purchased during the preceding period of 28 days, and
 - (ii) was identified in accordance with clause 15 at the time of purchase, and is still so identified,
- (e) the sale, or the sending to an abattoir or saleyard, of stock that has been:
 - (i) brought into New South Wales during the preceding period of 28 days, and
 - (ii) identified under the law in force in the State or Territory from which the stock has been brought, being a law that is similar to the provisions of this Division,
- (f) the sending to an abattoir or saleyard of stock:
 - (i) for which prior approval has been given by an inspector to the stock being so sent, and
 - (ii) that has been identified in accordance with clause 15 before being slaughtered or sold,
- (g) the sending of stock to an abattoir from the property on which the stock was born if the stock is identified by a permanent identifier in accordance with Division 3 or, in the case of stock that is required to be identified under Division 4, in accordance with that Division,
- (h) the sale or purchase of stock, or the sending of stock, in such circumstances as may be approved by the Director-General in any particular case or class of case.

Maximum penalty: 100 penalty units.

Division 3 Voluntary permanent identification of stock

Note.

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

Stock Diseases (General) Regulation 2004

Clause 17

Identification of stock

Part 3

17 Stock to which this Division applies

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

18 Approval and use of "voluntary" permanent identifiers

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

Maximum penalty: 100 penalty units.

Division 4 Mandatory permanent identification of stock**19 Definitions**

- (1) In this Division:

identifiable stock means cattle.

relevant identification particulars, in relation to stock, means:

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

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

- (a) the type of event concerned,

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

Clause 20 Stock Diseases (General) Regulation 2004

Part 3 Identification of stock

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

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

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

Maximum penalty: 100 penalty units.

Stock Diseases (General) Regulation 2004

Clause 21

Identification of stock

Part 3

21 Manner of permanently identifying stock

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

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

22 Requirement to identify stock

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

Maximum penalty: 100 penalty units.

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

A person must not:

- (a) buy or sell, or send to any location, any stock that is required to be identified under this Division, or

Clause 24 Stock Diseases (General) Regulation 2004

Part 3 Identification of stock

(b) cause or permit any such stock to be bought or sold or sent to any location,

unless the stock is identified in accordance with clause 21.

Maximum penalty: 100 penalty units.

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

(1) This clause commences on 1 July 2005.

(2) **Arrival of stock at saleyard**

On arrival of any identifiable stock at a saleyard, the owner or person in charge of the stock must provide the owner or person in charge of the saleyard with:

(a) if the stock was held at a property before being sent to the saleyard—the property identification code of the property (or the address of the property if it has not been assigned a property identification code), or

(b) if the stock was held by a stock and station agent before being sent to the saleyard—the agent identification code of the agent.

(3) **Stock leaving saleyard**

Before any identifiable stock leaves a saleyard, the person who has bought or taken possession of the stock must provide the owner or person in charge of the saleyard with:

(a) if the stock is to be sent to a property—the property identification code of the property (or the address of the property if it has not been assigned a property identification code), or

(b) if a stock and station agent has taken possession of the stock—the agent identification code of the stock and station agent.

(4) **Notification by saleyard of sale of stock**

The owner or person in charge of a saleyard must, by the close of business on the next working day after the sale of any identifiable stock at the saleyard, provide the authorised administrator with the relevant information.

Stock Diseases (General) Regulation 2004

Clause 24

Identification of stock

Part 3

(5) Stock sent to stock and station agent

If any identifiable stock is sent to a stock and station agent, the agent must:

- (a) make a record of:
 - (i) the relevant identification particulars of the stock, and
 - (ii) the address at which the stock is held before being sent to a property, abattoir or saleyard as required under subclause (6),by the close of business on the next working day after receiving the stock, and
- (b) keep any such record for a period of at least 2 years from the date on which it was made, and
- (c) if requested to do so by an inspector, produce the record for inspection.

(6) Stock held by stock and station agent

If any identifiable stock is sent to a stock and station agent, the agent must, within 7 days of receiving the stock:

- (a) send the stock, or cause the stock to be sent, to a property, abattoir or saleyard, and
- (b) provide the authorised administrator with the relevant information.

(7) Stock slaughtered at abattoir

If any identifiable stock is sent to an abattoir, the owner or person in charge of the abattoir must, by the close of business on the next working day after the stock is slaughtered, provide the authorised administrator with the relevant information.

(8) Loss, death or theft of identifiable stock

If:

- (a) any identifiable stock is sent to a saleyard, abattoir or stock and station agent, and
- (b) the authorised administrator has been advised of the sending, and
- (c) the stock subsequently dies or is lost or stolen,

the owner or person in charge of the abattoir or saleyard, or the stock and station agent, as the case may be, must, by the close of business on the next working day after the death, loss or theft, provide the authorised administrator with the relevant information.

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Part 3 Identification of stock

(9) Stock sent from property without property identification code

If any identifiable stock is sent to an abattoir, saleyard or stock and station agent from a property that has not been assigned a property identification code, the owner or person in charge of the abattoir or saleyard, or the stock and station agent, as the case may be, must:

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

(10) Stock sent to property without property identification code

If any identifiable stock is sent from a saleyard or by a stock and station agent to a property that has not been assigned a property identification code, the owner or person in charge of the saleyard or the agent, as the case may be, must:

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

(11) Arrival of stock from interstate

If any identifiable stock arrives at a property from another State or Territory before 1 January 2006, the owner or person in charge of the stock at the property of arrival must, within 14 days of the arrival of the stock, provide the authorised administrator with the relevant information.

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Clause 25

Identification of stock

Part 3

(12) **Export of stock overseas**

If any identifiable stock embarks for overseas export, the owner or person in charge of the stock must, within 7 days of the date of embarkation, provide the authorised administrator with the relevant information.

(13) **Loss or theft of unattached permanent identifier**

If any unattached permanent identifier is lost or stolen, the owner or person in charge of the property or stock in respect of which the permanent identifier was issued must, within 7 days of becoming aware of the loss or theft, provide the authorised administrator with the relevant information.

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

Maximum penalty: 100 penalty units.

25 Additional requirements applying as from 1 January 2006

(1) This clause commences on 1 January 2006.

(2) **Arrival of stock at property**

If any identifiable stock arrives at a property, the owner or person in charge of the stock at the property must:

- (a) within 7 days of the arrival of the stock—provide the authorised administrator with the relevant information unless the stock has arrived directly from a saleyard or stock and station agent, and
- (b) in the case where the stock has arrived from a property that does not have a property identification code:
 - (i) make a record of:
 - (A) the relevant identification particulars of the stock, and
 - (B) the address of the property from which the stock has been sent,within 7 days after the arrival of the stock, and
 - (ii) keep any such record for a period of at least 7 years from the date on which it was made, and

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Part 3 Identification of stock

- (iii) if requested to do so by an inspector, produce the record for inspection.

Maximum penalty: 100 penalty units.

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

26 Exemptions from requirements of Division

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

27 Double jeopardy

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

Division 5 Identification codes

28 Assigning of identification codes by district registrars

(1) Property identification codes

A district registrar may assign a property identification code to:

- (a) any property that is wholly or partly in the district, or
- (b) any travelling stock reserve or public land (within the meaning of the *Rural Lands Protection Act 1998*) in the district, or
- (c) any public road in the district to which a stock permit under that Act relates, or
- (d) any saleyard or abattoir in the district.

(2) District codes

A district registrar may assign a district code to a district. A district code only has effect, and may only be used, in relation to a property in the district if the property has not been assigned a property identification code.

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Clause 28

Identification of stock

Part 3

(3) **Agent identification codes**

A district registrar may assign an agent identification code to a stock and station agent whose registered office is located in the district or who carries on business in the district.

(4) **Initiation of assignment of identification codes**

Subject to subclause (6), an identification code may be assigned by a district registrar:

- (a) on the district registrar's own motion, or
- (b) on application by:
 - (i) the owner or occupier of a property, or
 - (ii) the owner or person in charge of a saleyard or abattoir, or
 - (iii) a stock and station agent.

(5) **Application fees**

An application for an identification code must be accompanied by the application fee (if any) specified by the board for the relevant district. Any such fee must not exceed the maximum fee determined by the State Council.

(6) **Identification codes to be determined by Director-General**

The Director-General is to determine the identification codes that are assigned under this clause and the manner in which they are assigned.

(7) **Transfer of identification codes**

An identification code cannot be transferred except:

- (a) in the case of a property identification code—to another property that comprises all or part of the property to which the code was assigned, or
- (b) in the case of a district code—to another district that comprises all or part of the district to which the code was assigned, or
- (c) in the case of an agent identification code—to another stock and station agent who has taken over the business of the agent to whom the code was assigned.

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Part 3 Identification of stock

29 Renewal of identification codes assigned on application

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

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

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

Division 6 Registers

31 Purposes of registers

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

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

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Clause 32

Identification of stock

Part 3

32 District registers

- (1) A district registrar must maintain a register (*a district register*) in which the following information is to be recorded:
 - (a) the particulars of each property identification code assigned by the district registrar, along with the name and location of the property to which the code has been assigned, the lot and DP numbers of the property and the name and address of the owner or occupier (or person in charge) of the property,
 - (b) the particulars of each district code assigned by the district registrar,
 - (c) the particulars of each agent identification code assigned by the district registrar, along with the name and address of the stock and station agent to whom the code has been assigned,
 - (d) the status of each identification code assigned by the district registrar.
- (2) The Director-General may, from time to time, request a district registrar to provide such information as is recorded in the district register that is of a kind specified by the Director-General in the request.
- (3) A district registrar must, within 7 days of recording any information in the district register that is of a kind specified in the Director-General's request, provide the Director-General with that information.
- (4) A district registrar must, if requested to do so:
 - (a) allow an inspector, the Director-General or a food inspector to have access to the information recorded in the district register free of charge at any time, and
 - (b) provide any such information to an inspector or the Director-General in the manner and time as so requested.
- (5) A district registrar may allow any other person to have access at any reasonable time to the information recorded in a district register on payment of such fee (if any) as the board for the district may determine.
- (6) Any such fee must not exceed the maximum fee determined by the State Council.

Clause 33 Stock Diseases (General) Regulation 2004

Part 3 Identification of stock

33 Central register

- (1) The Director-General is to maintain a register (*the central register*) of the information provided to the Director-General by district registrars in accordance with clause 32.
- (2) The authorised administrator, may from time to time, request the Director-General to provide such information as is recorded in the central register that is of a kind specified by the authorised administrator in the request.
- (3) The Director-General must, within 7 days of recording any information in the central register that is of a kind specified in the authorised administrator's request, provide the authorised administrator with that information.
- (4) The Director-General must, if requested to do so:
 - (a) allow an authorised person to have access to the information recorded in the central register free of charge at any time, and
 - (b) provide any such information to the authorised person in the manner and time as so requested.
- (5) The Director-General may allow any other person to have access at any reasonable time to the information recorded in the central register on payment of such fee (if any) as the Director-General may determine.
- (6) Contributions for the purposes of maintaining the central register are payable by the boards in such amounts, and at such times, as may be agreed between the Director-General and the State Council or, in the absence of such agreement, as may be determined by the Minister.
- (7) The contributions are to be paid to the Director-General out of the money paid to the boards as rates under the *Rural Lands Protection Act 1998* and out of money collected under this Part.
- (8) In this clause:

authorised person means any of the following:

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

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Clause 34

Identification of stock

Part 3

34 Permanent identification register

- (1) The authorised administrator must maintain a register (*the permanent identification register*) of the information that is provided to the authorised administrator under this Part.
- (2) If requested to do so, the authorised administrator must:
 - (a) allow an authorised person to have access at any time to the information recorded in the permanent identification register free of charge, and
 - (b) provide that information to the authorised person in the manner and time requested by the person.
- (3) The authorised administrator may allow any other person to have access at any reasonable time to the information recorded in the permanent identification register on payment of such fee (if any) as the authorised administrator may determine. Any such fee must not exceed the maximum fee determined by the Director-General.
- (4) The authorised administrator is not authorised to provide any information recorded in the permanent identification register to a person under subclause (3) unless the authorised administrator is satisfied that the information is to be used for a purpose that relates to a purpose referred to in clause 31.
- (5) In this clause:

authorised person means any of the following:

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

Division 7 Miscellaneous provisions**35 Authorised administrator**

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

Clause 36 Stock Diseases (General) Regulation 2004

Part 3 Identification of stock

(b) may be revoked for such reasons as the Director-General thinks fit.

36 Special identifiers

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

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

- (6) A district registrar may from time to time authorise, or revoke the authorisation of, persons for the purposes of subclause (2).

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Clause 37

Identification of stock

Part 3

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- (7) A person who is for the time being so authorised must keep such records, and preserve them for such time, as the Director-General may determine.

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

37 Special brands for unidentified pigs

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

38 Sale and supply of approved identifiers

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

Maximum penalty: 100 penalty units.

- (2) For the purposes of subclause (1), an approved identifier may be ordered by:
- (a) a person who is entitled to apply for a property identification code to be assigned to the property to which the approved identifier relates, or
- (b) a person who is the owner of stock on the property to which the approved identifier relates, or

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Part 3 Identification of stock

- (c) a person who has been authorised by a person referred to in paragraph (a) or (b) to act as an agent for the person.
- (3) Any fee determined by a board under subclause (1) (b) must not exceed the maximum fee determined by the State Council.

39 Records of unidentified stock sent to abattoirs

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

Maximum penalty: 100 penalty units.

40 Alteration or removal of approved identifiers

- (1) In this clause:
 - alter* includes deface.
 - approved identifier* includes, in the case of any stock that has been brought into New South Wales, any means by which the stock has been identified in accordance with the law of the State or Territory from which the stock has been brought.
- (2) A person must not alter, or cause or permit the alteration of:
 - (a) an approved identifier that is attached, or intended to be attached, to any stock, or

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Identification of stock

Part 3

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- (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 indentifiers to stock already identified

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

Maximum penalty: 100 penalty units.

42 Attaching approved identifiers that have been previously attached

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

Maximum penalty: 100 penalty units.

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Part 3 Identification of stock

43 Approved identifiers attached to slaughtered stock

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

Maximum penalty: 100 penalty units.

44 Attachment of approved identifiers for wrongful purpose

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

Maximum penalty: 100 penalty units.

45 Manufacture etc of certain things that are not approved identifiers

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

Maximum penalty: 100 penalty units.

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

46 Inspector may take possession of unattached identifiers or branding devices

- (1) An inspector may take possession of an approved identifier that is not attached to any stock, or a branding device, on which there are particulars of a property identification code and that the inspector believes on reasonable grounds:
- (a) is for sale or supply otherwise than in accordance with clause 38, or
 - (b) is to be used or is in use in contravention of this Part, or
 - (c) is not being used for the purposes of this Part, or
 - (d) is in the possession of a person without the approval of:

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Identification of stock

Part 3

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- (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.

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Part 4 Movement of things out of quarantine areas

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.

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Clause 51

Permits

Part 5

Part 5 Permits

51 Application of Part

This Part applies to:

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

52 Application for permit

- (1) An application for a permit is to be made to an inspector and may be made orally or in writing.
- (2) On receiving an application, an inspector:
 - (a) may grant the permit, either unconditionally or subject to conditions specified in the permit, or
 - (b) may refuse the application.
- (3) An inspector who refuses an application must inform the applicant of the reasons for the refusal.
- (4) A permit is to be in the form approved by the Chief, Division of Animal Industries.

53 Inspector may order treatment or test before issuing permit

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

- (a) the stock or the thing to be treated or tested in such manner, and
- (b) the treatment or test to be carried out at such time and place, as the inspector may determine.

54 Revocation of permit

- (1) If an inspector believes on reasonable grounds:
 - (a) that any condition imposed by a permit has not been complied with, or
 - (b) that the holder of the permit has contravened any provision of the Act or of this Regulation applicable to the stock or the thing to which the permit relates, or

Clause 55 Stock Diseases (General) Regulation 2004

Part 5 Permits

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

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

- (2) The notice must specify the reasons for the revocation and may require the holder of the permit to return the permit to an inspector.
- (3) The holder of the permit must not fail to comply with the requirements of the notice with respect to the return of the permit.

Maximum penalty (subclause (3)): 50 penalty units.

55 Appeal against refusal of application or revocation of permit

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

56 Production of permit by person having control or in charge of stock

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

Maximum penalty: 50 penalty units.

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Clause 57

Miscellaneous

Part 6

Part 6 Miscellaneous

57 Evidence of inspector's appointment

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

58 Communicating disease to stock

- (1) For the purposes of section 20A of the Act, a person may communicate a disease to stock:
 - (a) for the purpose of preventing the stock from contracting that or any other disease, or
 - (b) for the purpose of treating stock for that or any other disease, but only in the circumstances set out in subclause (2), (3) or (4).
- (2) The person may communicate the disease in the course of treating stock with a stock medicine but only if:
 - (a) the stock medicine is approved for use in New South Wales by the Chief Veterinary Officer, and
 - (b) the treatment is carried out in accordance with the manufacturer's directions for administering the stock medicine.
- (3) The person may communicate the disease in the course of vaccinating stock with a vaccine (other than a tick fever vaccine) but only if:
 - (a) the vaccine is approved for use in New South Wales by the Chief Veterinary Officer, and

Clause 58 Stock Diseases (General) Regulation 2004

Part 6 Miscellaneous

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

Stock Diseases (General) Regulation 2004

Clause 59

Miscellaneous

Part 6

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

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

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

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

59 Feeding of certain material to ruminants

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

restricted animal material means the following:

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

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

ruminant means an animal that has a rumen, and includes an animal belonging to any of the following classes of animal, namely, cattle, sheep, goats and deer.

60 Feeding of substances to pigs

- (1) For the purposes of section 20FB of the Act, the following substances are prescribed as prohibited substances in relation to pigs:

Clause 61 Stock Diseases (General) Regulation 2004

Part 6 Miscellaneous

-
- (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,

Stock Diseases (General) Regulation 2004

Clause 62

Miscellaneous

Part 6

-
- (b) the matter of whether or not any particular stock has or has not been vaccinated.

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

62 Penalty notice offences

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

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

63 Defence to proceedings for certain offences

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

Stock Diseases (General) Regulation 2004

Schedule 1 Penalty notice offences

Schedule 1 Penalty notice offences

(Clause 62)

Offences under the Act

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

Offences under this Regulation

Column 1	Column 2
Offence	Penalty
Clause 5	\$550
Clause 6	\$550
Clause 7	\$550
Clause 8	\$550
Clause 9	\$550
Clause 10	\$550
Clause 11	\$550

Stock Diseases (General) Regulation 2004

Penalty notice offences

Schedule 1

Column 1	Column 2
Offence	Penalty
Clause 16	\$550
Clause 18	\$550
Clause 20	\$550
Clause 22	\$550
Clause 23	\$550
Clause 24	\$550
Clause 25	\$550
Clause 36 (5) and (7)	\$550
Clause 38	\$550
Clause 39	\$550
Clause 40	\$550
Clause 41	\$550
Clause 42	\$550
Clause 43	\$550
Clause 44	\$550
Clause 45	\$550
Clause 54 (3)	\$550
Clause 56	\$550

STOCK DISEASES (GENERAL) REGULATION 2004**ORDER PURSUANT TO CLAUSE 15****MANNER OF ATTACHMENT, TYPE AND SPECIFICATIONS FOR
TRANSACTION IDENTIFIERS**

I, BARRY DESMOND BUFFIER, Director-General of the Department of Primary Industries, make this order pursuant to clause 15 of the *Stock Diseases (General) Regulation 2004* (“the regulation”).

CATTLE**1. Definitions:**

“*bobby calf*” means a calf that is less than six (6) weeks old and that is not accompanied by its dam.

“*bobby calf ear tag*” means a tag that can be securely attached through the ear of a bobby calf.

“*ear tag*” means a tag that can be securely attached through the ear of the stock concerned.

“*ratchet tail tag*” means a tag that incorporates a ratchet mechanism that can be securely attached to the tail of the stock concerned.

“*special tag*” means a tag that has been approved by the Director-General as a special identifier for transaction purposes.

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

2. Manner of Attachment of Identifiers for Cattle for Transaction Purposes

For the purposes of clause 15(1) of the regulation, a transaction identifier or special tag is to be attached to the cattle in the following manner:

- a) An ear tag must be attached securely through the animal’s ear;
- b) A bobby calf ear tag must be attached securely through the animal’s ear and may only be attached to a bobby calf;
- c) A ratchet tail 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 in a manner approved by an inspector.
- d) A wrap-around tail tag must be attached securely around the tail immediately before the brush.
- e) Any tag must be attached so that the identification code on the tag is clearly visible.

3. Type and Specifications of Identifiers for Cattle for Transaction Purposes

For the purposes of clause 15(2) of the regulation, an identifier that is of a type and that complies with the following specifications is approved as an identifier for cattle for transaction purposes:

- a) Colour: Transaction identifiers must be orange, white, pink or lime green.
- b) Material: Transaction identifiers must be made of plastic.
- c) Printing: The printing on a transaction identifier must include an identification code and must be black. All letters must be in upper case.
- d) In the case of an ear tag, other than a bobby calf ear tag:
 - i) the tag must be at least 57mm wide and 40mm high (excluding neck or shank); and
 - ii) each character in the property identification code must be at least 10mm high.
- e) In the case of a bobby calf ear tag:
 - i) the tag must be white;
 - ii) the tag must be at least 10mm wide and 70mm long when not attached; and
 - iii) each character in the property identification code must be at least 5mm high.
- f) In the case of a ratchet tail tag:
 - i) the tag must be at least 170mm long (when not attached) and 12mm wide; and
 - ii) each character in the property identification code must be at least 7mm high.
- g) In the case of a wrap-around tail tag:
 - i) the tag must be at least 190mm long (when not attached) and 25mm wide; and
 - ii) each character in the property identification code must be at least 7mm high.

PIGS

BRANDS

1) Manner of Attachment of Brands for Pigs for Transaction Purposes

For the purposes of clause 15(1) of the regulation, a brand, including a special brand, is to be applied to pigs in the following manner:

- a) by using a carbon based ink or paste;
- b) so that the characters are impressed through the skin over one or both shoulders; and
- c) so that all characters are clearly visible.

2. Type and Specifications of Brands for Pigs for Transaction Purposes

For the purposes of clause 15(2) of the regulation, a brand that is of a type and that complies with the following specifications is approved as an identifier for transaction purposes for pigs:

- a) the brand is to be a maximum width of 53mm;
- b) each character in the property identification code must be at least 20mm high and the spacing between characters must be between 2 and 3mm; and
- c) the characters in the property identification code are to be set out in two rows with an equal number of characters in each row.

This Order commences on 1 July 2004

Signed this 1st day of July 2004.

B D BUFFIER
DIRECTOR-GENERAL

STOCK DISEASES (GENERAL) REGULATION 2004**ORDER PURSUANT TO CLAUSE 16****EXEMPTIONS FROM THE REQUIREMENT FOR STOCK TO BE IDENTIFIED FOR TRANSACTION PURPOSES**

I, BARRY DESMOND BUFFIER, Director-General of the Department of Primary Industries, make this order pursuant to clause 16(4)(h) of the *Stock Diseases (General) Regulation 2004* (“the regulation”).

Definitions:

“*NLIS*” means the National Livestock Identification System or the National Livestock Identification Scheme.

“*Special NLIS device*” means a special identifier that is approved by the SAFEMEAT NLIS Standards Committee as a post breeder device and which contains either a district code or a property identification code that has been assigned to a saleyard.

Stock sold, purchased or sent in any of the following circumstances is not required to be identified with a transaction identifier:

- 1) Stock sold and consigned directly for export,

OR

- 2) Stock consigned directly from a property to an abattoir that receives stock exclusively from that property,

OR

- 3) Stock consigned directly to an abattoir for slaughter and the carcass returned to the stock owner for their personal consumption or use,

OR

- 4) Stock that:

- a) is from a cattle herd accredited under the National Feedlot Accreditation Scheme (NFAS) or the European Union Cattle Accreditation Scheme (EUCAS), CATTLECARE, or a dairy herd that is owned or managed by a licensed dairy farmer with the meaning of Schedule 1 of the *Food Production (Dairy Food Safety Scheme) Regulation 1999*,
- b) is consigned directly to an abattoir from the property,
- c) has a management ear tag securely attached to the animal’s ear, and
- d) the relevant property identification code is legibly printed on the management ear tag.

OR

- 5) The stock is:
- a) a calf that is less than 6 weeks of age and is not accompanied by its dam (“a bobby calf”),
 - b) identified with a permanent identifier or special NLIS device before leaving its property of birth in accordance with Division 4 of the regulation, and
 - c) consigned from its property of birth directly to a saleyard for sale or an abattoir for slaughter.

This Order commences on 1 July 2004

Signed this 1st day of July 2004.

B D BUFFIER
DIRECTOR-GENERAL

STOCK DISEASES (GENERAL) REGULATION 2004**ORDER PURSUANT TO CLAUSES 18, 20 AND 21****APPROVAL AND USE OF IDENTIFIERS FOR THE PERMANENT IDENTIFICATION OF CATTLE**

I, BARRY DESMOND BUFFIER, Director-General of the Department of Primary Industries, make this order pursuant to clauses 18, 20 and 21 of the *Stock Diseases (General) Regulation 2004* (“the regulation”).

1. Definitions:

“*breeder device*” means a permanent identification device which carries the property identification code of the property of birth.

“*post-breeder device*” means a permanent identification device which carries a property identification code of a property other than the property of birth.

“*NLIS*” means the National Livestock Identification Scheme or the National Livestock Identification System.

“*NLIS Business Rules*” means the NLIS Business Rules developed by Meat and Livestock Australia Limited and approved from time to time by SAFEMEAT.

“*Standard*” means the NLIS Permanent Identification Device Standard (Cattle) as approved from time to time by the Standards Committee.

“*Standards Committee*” means the SAFEMEAT NLIS Standards Committee.

2. Type and Specifications of Identifiers for the Permanent Identification of Cattle

Pursuant to clauses 18(1)(a) and 20(1) of the regulation, devices that are approved by the Standards Committee for use as breeder or post-breeder devices are approved as identifiers for cattle for the purposes of Divisions 3 and 4 of the Regulation.

3. Manner of Attachment and Use of Identifiers for the Permanent Identification of Cattle

Pursuant to clauses 18(1)(b) and 21 of the regulation, an identifier approved pursuant to paragraph 2 of this Order may only be attached to cattle in accordance with the Standard, the NLIS Business Rules and the manufacturer’s instructions.

This Order commences on 1 July 2004

Signed this 1st day of July 2004.

B D BUFFIER
DIRECTOR-GENERAL

STOCK DISEASES (GENERAL) REGULATION 2004**ORDER PURSUANT TO CLAUSE 18****APPROVAL AND USE OF IDENTIFIERS FOR THE PERMANENT IDENTIFICATION OF SHEEP**

I, BARRY DESMOND BUFFIER, Director-General of the Department of Primary Industries, make this order pursuant to clause 18 of the *Stock Diseases (General) Regulation 2004* (“the regulation”).

1) Definitions:

“*breeder tag*” means a permanent identification tag which carries the property identification code of the property of birth.

“*post-breeder tag*” means a permanent identification tag which carries a property identification code of a property other than the property of birth.

“*NLIS*” means the National Livestock Identification Scheme or the National Livestock Identification System.

“*NLIS Business Rules*” means the NLIS Business Rules developed by Meat and Livestock Australia Limited and approved from time to time by SAFEMEAT.

“*Standard*” means the National Flock Identification Scheme (NFIS) Tag Standard as approved from time to time by the Standards Committee.

“*Standards Committee*” means the SAFEMEAT NLIS Standards Committee.

2) Type and Specifications of Identifiers for the Permanent Identification of Sheep

Pursuant to clause 18(1)(a) of the regulation, tags that are approved by the Standards Committee for use as breeder or post-breeder tags are approved as identifiers for sheep for the purposes of Division 3 of the regulation.

3) Manner of Attachment and Use of Identifiers for the Permanent Identification of Sheep

Pursuant to clause 18(1)(b) of the regulation, an identifier approved pursuant to paragraph 2 of this Order may only be attached to sheep in accordance with the Standard, the NLIS Business Rules and the manufacturer’s instructions.

This Order commences on 1 July 2004

Signed this 1st day of July 2004.

B D BUFFIER
DIRECTOR-GENERAL

STOCK DISEASES (GENERAL) REGULATION 2004**ORDER PURSUANT TO CLAUSE 26****EXEMPTIONS FROM THE REQUIREMENT FOR STOCK TO BE IDENTIFIED WITH A PERMANENT IDENTIFIER**

I, BARRY DESMOND BUFFIER, Director-General of the Department of Primary Industries, make this order pursuant to clause 26 of the *Stock Diseases (General) Regulation 2004* (“the regulation”).

Definition:

In this Order,

“*NLIS*” means the National Livestock Identification Scheme or the National Livestock Identification System.

“*Special NLIS device*” means a special identifier that is approved by the SAFEMEAT NLIS Standards Committee as a post breeder device and which contains either a district code or a property identification code that has been assigned to a saleyard.

The following exemptions from the requirements of Division 4 of the Regulation are approved:

Exemption from all of Division 4 (Mandatory Permanent Identification of Stock)

Division 4 of the Regulation does not apply to:

- i. owners or persons in charge of identifiable stock,
- ii. buyers or persons in possession of identifiable stock,
- iii. owners or persons in charge of a saleyard or
- iv. stock and station agents

where those persons are dealing with or handling identifiable stock that is:

- 1) a calf of less than 6 weeks of age that is not accompanied by its dam (“a bobby calf”);

OR

- 2) (a) an unweaned calf,
(b) moved with its dam, or moved and sold with its dam, and
(c) the dam and calf both have transaction identifiers as required by Division 2 of the regulation;

OR

- 3) a) located on a property that does not have a property identification code or does not have facilities to allow permanent identifiers to be attached safely,
b) moved directly from a property to a saleyard or abattoir in accordance with the prior approval of an inspector and

OR

- 4) moved to a contiguous property and returned to the original property within 28 days;

OR

- 5) a) born on a travelling stock reserve, saleyard or other public place,
b) unweaned, and
c) sent directly to a property owned or occupied by the owner of the stock or, if the stock is born in a saleyard, sent to a property owned or occupied by the buyer of the stock;

OR

- 6) a) owned by a mobile exhibition or animal display establishment which is licensed under the *Exhibited Animals Protection Act 1986*,
b) not moved to a saleyard or abattoir, and
c) not sold;

OR

- 7) a) only moved between different parts of the same property across or along a public road, and
b) moved in accordance with the provisions of the *Rural Lands Protection Act 1998* either:
i. directly in a vehicle and accompanied by a correctly completed transported stock statement, or
ii. by walking in accordance with a stock permit;

OR

- 8) a) born while on agistment on a property that is not owned or occupied by the owner of the stock, and
b. returned directly to a property owned or occupied by the owner of the stock by 31 December 2005;

OR

- 9) a) sent to a saleyard (other than for sale), or other place in accordance with the prior approval of an inspector, and
b) identified in accordance with clause 21 before it leaves the saleyard or other place.

- 10) a) identified in accordance with Division 2 of the regulation, and
- b) was previously identified in accordance with Division 4 of the regulation but has subsequently lost that identifier.

This Order commences on 1 July 2004

Signed this 1st day of July 2004.

B D BUFFIER
DIRECTOR-GENERAL

STOCK DISEASES (GENERAL) REGULATION 2004**APPROVAL OF AUTHORISED ADMINISTRATOR****CLAUSE 35**

I, BARRY DESMOND BUFFIER, Director-General of the Department of Primary Industries, pursuant to clause 35 of the *Stock Diseases (General) Regulation 2004* (“the regulation”), approve Meat and Livestock Australia Limited, ACN 081 678 364, as the authorised administrator for the purposes of Part 3 of the regulation.

This Approval commences on 1 July 2004

Signed this 1st day of July 2004.

B D BUFFIER
DIRECTOR-GENERAL

STOCK DISEASES (GENERAL) REGULATION 2004**ORDER PURSUANT TO CLAUSE 40****CIRCUMSTANCES IN WHICH AN APPROVED IDENTIFIER
CAN BE REMOVED**

I, BARRY DESMOND BUFFIER, Director-General of the Department of Primary Industries, make this order pursuant to clause 40(3)(c) of the *Stock Diseases (General) Regulation 2004* ("the regulation").

1. Definitions for the purposes of the Order:
 - "NLIS" means the National Livestock Identification Scheme or the National Livestock Identification System.
 - "Special NLIS device" means a special identifier that is approved by the SAFEMEAT NLIS Standards Committee as a post breeder device and which contains either a district code or a property identification code that has been assigned to a saleyard.
2. A person may remove an approved identifier that is attached to stock ONLY in the following circumstances:
 - a) on the death of the stock, unless there is suspicion that the death was due to a notifiable disease pursuant to section 9 of the *Stock Diseases Act 1923* or section 7 of the *Exotic Diseases of Animals Act 1991*,

OR

 - b) in the case of a transaction identifier or a special identifier that is a tail tag, the identifier may be removed:
 - i) 28 days after the purchase of the relevant stock; or
 - ii) if the stock is taken to a property for the purpose of restocking that property, on arrival at that property;

OR

 - c) in the case of a permanent identifier or a special NLIS device, if the identifier cannot be read visually or electronically and, immediately after removal, a new permanent identifier or special NLIS device is attached.

This Order commences on 1 July 2004

Signed this 1st day of July 2004.

B D BUFFIER
DIRECTOR-GENERAL

**STOCK DISEASES (GENERAL) REGULATION 2004
ORDER PURSUANT TO CLAUSE 43**

APPROVED IDENTIFIERS – MANNER OF DESTRUCTION BY ABATTOIRS

I, BARRY DESMOND BUFFIER, Director-General of the Department of Primary Industries, make this order pursuant to clause 43 of the *Stock Diseases (General) Regulation 2004*.

1. If an approved identifier is attached to stock that is slaughtered at an abattoir, the approved identifier is to be dealt with, so as to prevent it's reuse, in the following manner:
 - a) deep burial,
 - b) destruction by heat, or
 - c) disposal at a waste management facility that is authorised under State Legislation to take solid waste.

This Order commences on 1 July 2004

Signed this 1st day of July 2004.

**B D BUFFIER
DIRECTOR-GENERAL**

STOCK DISEASES (GENERAL) REGULATION 2004**REVOCATION OF ORDERS, NOTICES, AUTHORISATIONS AND
APPROVALS MADE PURSUANT TO THE
STOCK DISEASES (GENERAL) REGULATION 1997**

I, BARRY DESMOND BUFFIER, Director-General of the Department of Primary Industries, hereby revoke:

1. all orders, notices, authorisations and approvals made pursuant to the provisions of Part 3 of the *Stock Diseases (General) Regulation 1997*; and
2. all orders, notices, authorisations and approvals revoked as a result of this revocation.

This Revocation commences on 1 July 2004

Signed this 1st day of July 2004.

**B D BUFFIER
DIRECTOR-GENERAL**



New South Wales

Agricultural Industry Services (Interstate Arrangements) Regulation 2004

under the

Agricultural Industry Services Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Agricultural Industry Services Act 1998*.

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

Explanatory note

The *Agricultural Industry Services Amendment (Interstate Arrangements) Act 2002* amends the *Agricultural Industry Services Act 1998* to enable regulations to provide for a committee established under an Act of Victoria corresponding to the 1998 Act to represent the interests of producers of citrus fruit grown or produced in the Murray Valley production area by recognition of a foundation instrument of Victoria under section 32D of the 1998 Act.

The object of this Regulation is declare the *Murray Valley Citrus Industry Development Order 2004* made under section 8 of the *Agricultural Industry Development Act 1990* of Victoria to be such a recognised foundation instrument.

This Regulation is made under the *Agricultural Industry Services Act 1998*, including section 32D and Part 3 of Schedule 4 to the Act and section 51 (the general regulation-making power).

The Regulation relates to matters arising under legislation that is complementary with legislation of another State.

Clause 1 Agricultural Industry Services (Interstate Arrangements) Regulation 2004

Agricultural Industry Services (Interstate Arrangements) Regulation 2004

under the

Agricultural Industry Services Act 1998

1 Name of Regulation

This Regulation is the *Agricultural Industry Services (Interstate Arrangements) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Definitions

(1) In this Regulation:

the Act means the *Agricultural Industry Services Act 1998*.

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

4 Declaration of Murray Valley Citrus Industry Development Order 2004 (Vic) as recognised foundation instrument

(1) For the purposes of section 32D (1) of the Act, the *Murray Valley Citrus Industry Development Order 2004* made under section 8 of the *Agricultural Industry Development Act 1990* of Victoria is declared to be a recognised foundation instrument for the purposes of the Act.

(2) For the purposes of section 32D (3) of the Act, the instrument referred to in subclause (1) is declared:

- (a) to apply in the area of New South Wales comprising the local government areas of Balranald, Murray, Wakool and Wentworth, and
- (b) to apply to and in relation to the commodities oranges, grapefruit and mandarins, and
- (c) to apply to and in relation to primary producers of those commodities.

STOCK DISEASES ACT 1923**PROCLAMATION No. 549-BJD**

PROCLAMATION to restrict the importation and introduction into the State of cattle on account of Johne's disease.

Her Excellency Professor MARIE BASHIR AC,
Governor

I, Professor MARIE BASHIR AC, Governor of the State of New South Wales with the advice of the Executive Council,

- I. in pursuance of sections 3(2)(a) and 11B of the Stock Diseases Act 1923 ("the Act"), revoke Stock Diseases Proclamation No 543-BJD published in *Government Gazette* No 19 of 11 January 2002 at pages 97-100, restricting the importation of certain stock into New South Wales due to Johne's disease, and any Proclamation revived as a result of that revocation; and
- II. in pursuance of section 11B of the Act, and being of the opinion that any cattle originating from or which have moved through a control or residual zone might be infected with Johne's disease (specifically bovine strains of *Mycobacterium paratuberculosis* - commonly known as bovine Johne's disease) or might carry or spread Johne's disease, restrict the importation and introduction into the State of any cattle from a control or residual zone, as set out in the Schedule.

This Proclamation commences on 1 July 2004.

SCHEDULE**Movement from or through a control zone outside of the State into the Protected Area of the State**

- A. A person must not bring cattle originating from or which have moved through a control zone outside of the State, or cause or permit such cattle to be brought, into the Protected Area of the State, unless:
 - (a) the cattle:
 - are transported in a vehicle directly, or via an approved facility, to:
 - an abattoir, where the cattle are slaughtered, or
 - a slaughter-only sale, or
 - an approved feedlot, or
 - a Protected (Control) Area, or
 - are steers and originate from a non-assessed herd; or

- (b) the cattle:
- originate from a monitored negative herd, and
 - have not subsequently lost their status of monitored negative, and
 - are transported in a vehicle directly, or via an approved facility, into the Protected Area of the State, and
 - are accompanied by a completed Declaration form, indicating details of their status of monitored negative, which is given to the person to whom the cattle are delivered; or
- (c) the cattle:
- originate from a non-assessed herd that has been subjected to an approved test with negative results, and
 - are transported in a vehicle directly, or via an approved facility, into the Protected Area of the State, and
 - are accompanied by a completed Declaration form, indicating those results, which is given to the person to whom the cattle are delivered; or
- (d) the cattle:
- originate from a non-assessed or monitored negative herd in a protected zone or in a free zone outside of the State, and
 - are transported through the control zone in a vehicle directly or via an approved facility, into the Protected Area of the State; or
- (e) the cattle are moved in accordance with a written permit issued by an inspector in circumstances that are of a kind approved from time to time by the Chief, Division of Animal Industries; or
- (f) the cattle:
- are beef breed cattle and satisfy the (*Beef Only*) criteria, and
 - are transported from the property of origin in a vehicle directly, or via an approved facility, into the Protected Area of the State, and
 - are accompanied by a completed Declaration form, indicating that the cattle satisfy the (*Beef Only*) criteria, which is given to the person to whom the cattle are delivered.

Movement from or through a residual zone outside of the State into the Protected Area of the State

B. A person must not bring cattle originating from or which have moved through a residual zone outside of the State, or cause or permit such cattle to be brought into the Protected Area of the State, unless:

- (a) the cattle are transported in a vehicle directly to:
- an abattoir, where the cattle are slaughtered, or
 - an approved feedlot, or
 - a slaughter-only sale; or
- (b) the cattle:

- originate from a monitored negative herd, and
 - have not subsequently lost their status of monitored negative, and
 - are transported in a vehicle directly, or via an approved facility, into the Protected Area of the State, and
 - are accompanied by a completed Declaration form, indicating details of their status of monitored negative, which is given to the person to whom the cattle are delivered; or
- (c) the cattle:
- originate from a non-assessed herd that has been subjected to an approved test with negative results, and
 - are transported in a vehicle directly, or via an approved facility, into the Protected Area of the State, and
 - are accompanied by a completed Declaration form, indicating those results, which is given to the person to whom the cattle are delivered; or
- (d) the cattle:
- originate from a non-assessed or monitored negative herd in a control zone or in a protected zone or in a free zone outside of the State, and
 - are transported through the residual zone in a vehicle directly, or via an approved facility, into the Protected Area of the State; or
- (e) the cattle are moved in accordance with a written permit issued by an inspector in circumstances that are of a kind approved from time to time by the Chief, Division of Animal Industries.

Movement from or through a control zone outside of the State into a Protected (Control) Area of the State

- C. A person must not bring cattle originating from or which have moved through a control zone outside of the State, or cause or permit such cattle to be brought, into a Protected (Control) Area of the State, unless:
- (a) the cattle:
- are transported in a vehicle directly, or via an approved facility, to:
 - an abattoir, where the cattle are slaughtered, or
 - a slaughter-only sale, or
 - an approved feedlot, or
 - are steers and originate from a non-assessed herd; or
- (b) the cattle:
- originate from a non-assessed or monitored negative herd, and
 - are accompanied by a completed Declaration form indicating that status, which is given to the person to whom the cattle are delivered; or
- (c) the cattle:

- originate from a non-assessed or monitored negative herd in a protected zone or in a free zone outside of the State, and
 - are transported through the control zone in a vehicle directly, or via an approved facility, into the Protected (Control) Area of the State; or
- (d) the cattle are moved in accordance with a written permit issued by an inspector in circumstances that are of a kind approved from time to time by the Chief, Division of Animal Industries.

Movement from or through a residual zone outside of the State into a Protected (Control) Area of the State

- D. A person must not bring cattle originating from or which have moved through a residual zone outside of the State, or cause or permit such cattle to be brought, into a Protected (Control) Area of the State, unless:
- (a) the cattle:
- are transported in a vehicle directly, or via an approved facility, to:
 - an abattoir, where the cattle are slaughtered, or
 - a slaughter-only sale, or
 - an approved feedlot, or
 - are steers and originate from a non-assessed herd;
- (b) the cattle:
- originate from a monitored negative herd, and
 - have not subsequently lost their status of monitored negative, and
 - are transported in a vehicle directly, or via an approved facility, into the Protected (Control) Area of the State, and
 - are accompanied by a completed Declaration form, indicating details of their status of monitored negative, which is given to the person to whom the cattle are delivered; or
- (c) the cattle:
- originate from a non-assessed herd that has been subjected to an approved test with negative results, and
 - are transported in a vehicle directly, or via an approved facility, into the Protected (Control) Area of the State, and
 - are accompanied by a completed Declaration form, indicating those results, which is given to the person to whom the cattle are delivered; or
- (d) the cattle:
- originate from a non-assessed or monitored negative herd in a control zone or in a protected zone or in a free zone outside of the State, and
 - are transported through the residual zone in a vehicle directly, or via an approved facility, into the Protected (Control) Area of the State; or

- (e) the cattle are moved in accordance with a written permit issued by an inspector in circumstances that are of a kind approved from time to time by the Chief, Division of Animal Industries.

General conditions relating to cattle infected or suspected to be infected with bovine Johne's disease

- E. A person must not bring, or cause or permit to be brought, into New South Wales, or transport, or cause or permit to be transported, within New South Wales, cattle from a bovine Johne's disease infected or suspect herd, unless those cattle are brought into New South Wales and transported within New South Wales directly by vehicle for slaughter, directly or via an approved feedlot or a slaughter-only sale, or otherwise in accordance with a written permit issued by an inspector in circumstances that are of a kind approved from time to time by the Chief, Division of Animal Industries.

Definitions

In this Proclamation:

approved facility means a facility that is approved from time to time by a District Veterinarian;

approved feedlot means a feedlot that transports all its stock directly to slaughter, and is authorised in writing by the Chief, Division of Animal Industries as a feedlot to which stock from a control or residual zone may be moved;

approved test means a test that is approved from time to time by the Chief, Division of Animal Industries;

(Beef Only) criteria – The criteria for *(Beef Only)* cattle are that the cattle:

- are beef breed cattle; and
- originate from a non-assessed herd; and
- originate from a herd that has had no contact with dairy cattle or dairy-cross cattle at any time during the previous 5 years, unless those dairy cattle were enrolled, at the time of the contact, in the Australian Johne's Disease Market Assurance Program for Cattle (CattleMAP); and
- originate from a herd that has not, at any time grazed on land that in the previous 12 months has been grazed by adult dairy cattle (2 years old or older) that were not at the time of grazing from a herd that was enrolled in the Australian Johne's Disease Market Assurance Program for Cattle; and
- if introduced into a herd or onto a property, the cattle have come from herds which are of the same status *(Beef Only)* status, or higher monitored negative status (BC-TAS, MN1, MN2, MN3) for Bovine Johne's Disease (BJD), and came with a completed Declaration confirming that status, and
- are individually identified under the National Livestock Identification Scheme.

control zone means Victoria and that part of South Australia other than the bovine Johne's disease protected zone as established from time to time under South Australian legislation;

Declaration form means a Declaration form for Johne's disease status as approved from time to time by the Chief, Division of Animal Industries;

directly means without off-loading cattle from a vehicle en route;

free zone means Western Australia;

herd means a group of animals maintained as a discrete unit;

monitored negative has the same meaning as in the Australian Johne's Disease Market Assurance Program for Cattle published from time to time by Animal Health Australia, 26-28 Napier Close, Deakin ACT 2600;

non-assessed in relation to a herd, means a herd that is not infected or suspected of being infected with Johne's disease, that is not in quarantine on account of Johne's disease, and that is not monitored negative;

Protected Area means the Protected Area, as regards Johne's disease in cattle, as declared by the Minister pursuant to section 11A of the Act;

Protected (Control) Area means a Protected (Control) Area, as regards Johne's disease in cattle, as declared by the Minister pursuant to section 11A of the Act;

protected zone means Queensland, the Northern Territory, Flinders Municipality within the State of Tasmania, and that part of South Australia declared to be a bovine Johne's disease protected zone as established from time to time under South Australian legislation;

residual zone means Tasmania, other than the Flinders Municipality;

slaughter-only sale means a sale for stock that is held in accordance with the written approval of a Senior Field Veterinary Officer.

Note.

- It is an offence under section 20 of the Act to contravene a provision of this Proclamation. Maximum penalty for such an offence is \$11,000 and \$22,00 if the sheep are diseased.
- There are also restrictions on the movement of cattle from a Protected (Control) Area of the State into the Protected Area of the State. These restrictions are contained in a Notification in which the Minister for Agriculture, pursuant to section 11A of the Act, has declared the Protected Area and Protected (Control) Areas, as regards Johne's disease in cattle.
- A Protected (Control) area is an area of New South Wales with a moderate prevalence of a disease (section 11A(1A) of the Act). A Protected Area is an area of the New South Wales where there is a lower prevalence of a disease (section 11A(1B) of the Act).
- A person who receives a completed Owner/Vendor Declaration form is advised to retain it as evidence of compliance with this Proclamation.
- A map of the Protected Area and the Protected (Control) Area as regards Johne's disease in cattle is published in the NSW Department of Agriculture internet web site at
- P549-BJD is the NSW Department of Agriculture's reference.
- For further information, contact the New South Wales Department of Agriculture on (02) 3691 3689.

Signed and sealed at Sydney this 30th day of June 2004.

By Her Excellency's Command

**IAN MACDONALD MLC
MINISTER FOR PRIMARY INDUSTRIES**

GOD SAVE THE QUEEN!

STOCK DISEASES ACT 1923**PROCLAMATION No. 551-OJD**

PROCLAMATION to restrict the importation and introduction into the State of sheep on account of Johne's disease.

HER EXCELLENCY PROFESSOR MARIE BASHIR AC, Governor

I, Professor MARIE BASHIR AC, Governor of the State of New South Wales, with the advice of the Executive Council,

- A. in pursuance of sections 3(2)(a) and 11B of the Stock Diseases Act 1923 ("the Act"), revoke the Stock Diseases Proclamation No. 545-OJD published in *Government Gazette* No 170 of 11 October 2002 at page 8714, and any Proclamation revived as a result of that revocation; and
- B. in pursuance of section 11B of the Act, and being of the opinion that certain sheep might be infected with or carry or spread Johne's disease (commonly known as ovine Johne's disease or OJD), restrict the importation and introduction into the State of sheep as set out in the Schedule.

This Proclamation commences on 1 July 2004.

SCHEDULE**Bringing of sheep into the OJD Exclusion Area of New South Wales**

1. A person must not bring or cause or permit sheep to be brought into the part of New South Wales known as the "OJD Exclusion Area" unless:
- (a) the sheep are accompanied by a completed Animal Health Statement (AHS) that is given to the person to whom the sheep are delivered; or
 - (b) the sheep are exempt sheep; or
 - (c) the sheep are moved in accordance with:
 - a written permit issued by an inspector under section 7(6) of the Stock Diseases Act 1923, or
 - an order in writing given by an inspector under section 8(1)(a) of the Stock Diseases Act 1923
- in circumstances that are of a kind approved from time to time by the Chief, Division of Animal Industries.

Bringing of sheep for sale or agistment into the OJD Management Area of New South Wales

2. A person must not bring or cause or permit sheep to be brought into the part of New South Wales known as the "OJD Management Area" for sale or agistment unless:
- (a) the sheep are accompanied by a completed Animal Health Statement that is given to the person to whom the sheep are delivered; or
 - (b) the sheep are for sale and are exempt sheep; or
 - (c) the sheep are moved in accordance with:

- a written permit issued by an inspector under section 7(6) of the Stock Diseases Act 1923, or
 - an order in writing given by an inspector under section 8(1)(a) of the Stock Diseases Act 1923
- in circumstances that are of a kind approved from time to time by the Chief, Division of Animal Industries.

Definitions

In this Proclamation:

completed Animal Health Statement means:

- an original numbered document sourced from a booklet titled “NSW Animal Health Statement Sheep 1st Edition February 2004” or from a subsequent edition as approved by the Chief, Division of Animal Industries of the NSW Department of Agriculture, or
- a document approved from time to time by the Chief, Division of Animal Industries of the NSW Department of Agriculture,

completed by the owner or person in charge of the sheep, in which sections 1,2,3 and 5 are entirely completed, and with section 6 completed so that:

- (a) where the total credit score for the consignment is 0, a “0” is written in the “total credit rating for this consignment of sheep” box; or
 - (b) where the total credit score for the consignment is greater than 0, the boxes in the categories A, B, C and D relevant to the consignment are filled in, the “possible credits” added and the total credit points written in the “total credit rating for this consignment of sheep” box,
- and
- (c) where the consignment sheep are terminal “T” tag lambs, the statement to this effect is ticked; and
 - (d) where sheep that are of a lower credit score than the consignment sheep have, in the last two years, been introduced into the flock from which the consignment sheep are being consigned, the statement to this effect is ticked; and
 - (e) where there is an OJD vaccination program in place in the flock from which the consignment sheep are being consigned, the statement to this effect is ticked,

and which does not by omission or misstatement of any relevant information render the Statement false or misleading in any material particular.

exempt sheep means:

- sheep being moved to slaughter, directly or via a slaughter-only sale;
- lambs accompanied by a National Vendor Declaration on which section 7 has been filled in with the words “PRIME LAMBS FOR SLAUGHTER ONLY”; and
- sheep delivered to an Animal Health Statement exempt sale approved by a Senior Field Veterinary Officer no later than 48 hours before the sale.

“OJD Exclusion Area” means the part of New South Wales declared by Notification from time to time to be a Protected Area as regards Johne’s disease in sheep.

“OJD Management Area” means the part of New South Wales declared by Notification from time to time to be a Protected (Control) Area as regards Johne’s disease in sheep.

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

Note.

It is an offence under section 20 of the Act to contravene a provision of this Proclamation. Maximum penalty for such an offence is \$11,000.

NSW Animal Health Statement Sheep booklets are published by NSW Agriculture.

A map of the “OJD Exclusion Area” and the “OJD Management Area” as regards Johne’s disease in sheep, is published on the NSW Department of Agriculture web site at www.ojdinfo.nsw.gov.au

P551-OJD is the NSW Department of Agriculture's reference.

For further information, contact the New South Wales Department of Agriculture on (02) 6391 3691.

Signed and sealed at Sydney this 30th day of June 2004.

By Her Excellency’s Command,

**IAN MACDONALD MLC
NSW MINISTER FOR PRIMARY INDUSTRIES**

GOD SAVE THE QUEEN!

STOCK DISEASES ACT 1923**NOTIFICATION No. 1788-OJD**

Declaration of a Protected Area, a Protected (Control) Area as regards Johne's disease in sheep (known as ovine Johne's disease or OJD)

I, IAN MACDONALD MLC, Minister for Primary Industries:

- A. pursuant to Section 3(2)(a) and 11A of the Stock Diseases Act 1923 ("the Act") revoke Stock Diseases Notification No. 1783-OJD published in Government Gazette No. 8 of 9 January 2004 at page 108-111; and
- B. pursuant to section 11A of the Act, declare the lands described in the Schedule to be a Protected Area (to be known as the "OJD Exclusion Area"), and all other lands in New South Wales to be a Protected (Control) Area (to be known as the "OJD Management Area"), as regards Johne's disease in sheep (known as ovine Johne's disease or OJD); and
- C. pursuant to sections 3(2)(a), 10 and 11 of the Act:
- revoke all Notifications declaring land in New South Wales to be a quarantine area on account of the presence or suspected presence of Johne's disease in sheep, goats and deer (other than fallow deer); and
 - release all owners or occupiers of land in New South Wales from an undertaking given by them on account of the presence or suspected presence of Johne's disease in sheep, goats and deer (other than fallow deer); and
- D. pursuant to section 11A of the Act prohibit the bringing into the Protected Area of any sheep from any part of the Protected (Control) Area unless:
- (a) the sheep are accompanied by a completed Animal Health Statement (AHS) that is given to the person to whom the sheep are delivered; or
 - (b) the sheep are "exempt sheep"; or
 - (c) the sheep originate from the Protected Area and are transported in a vehicle through the Protected (Control) Area without unloading, and back into Protected Area; or
 - (d) the sheep are moved in accordance with:
 - a written permit issued by an inspector under section 7(6) of the Stock Diseases Act 1923, or
 - an order in writing given by an inspector under section 8(1)(a) of the Stock Diseases Act 1923.

This Notification commences on 1 July 2004.

In this Notification:

completed Animal Health Statement means:

- an original numbered document sourced from a booklet titled “NSW Animal Health Statement Sheep 1st Edition February 2004” or from a subsequent edition as approved by the Chief, Division of Animal Industries of the NSW Department of Agriculture, or
- a document approved from time to time by the Chief, Division of Animal Industries of the NSW Department of Agriculture,

completed by the owner or person in charge of the sheep, in which sections 1,2,3 and 5 are entirely completed, and with section 6 completed so that:

- (a) where the total credit score for the consignment is 0, a “0” is written in the “total credit rating for this consignment of sheep” box; or
- (b) where the total credit score for the consignment is greater than 0, the boxes in the categories A, B, C and D relevant to the consignment are filled in, the “possible credits” added and the total credit points written in the “total credit rating for this consignment of sheep” box,

and

- (c) where the consignment sheep are terminal “T” tag lambs, the statement to this effect is ticked; and
- (d) where sheep that are of a lower credit score than the consignment sheep have, in the last two years, been introduced into the flock from which the consignment sheep are being consigned, the statement to this effect is ticked; and
- (e) where there is an OJD vaccination program in place in the flock from which the consignment sheep are being consigned, the statement to this effect is ticked,

and which does not by omission or misstatement of any relevant information render the Statement false or misleading in any material particular.

exempt sheep means:

- sheep being moved to slaughter, directly or via a slaughter-only sale;
- lambs accompanied by a National Vendor Declaration on which section 7 has been filled in with the words “PRIME LAMBS FOR SLAUGHTER ONLY”; and
- sheep delivered to an Animal Health Statement exempt sale approved by a Senior Field Veterinary Officer no later than 48 hours before the sale.

SCHEDULE

PROTECTED AREA

The whole of the lands contained in the Armidale, Balranald, Bourke, Brewarrina, Broken Hill, Cobar, Condobolin, Coonabarabran, Coonamble, Hay, Hillston, Milparinka, Moree, Narrabri, Northern New England, Northern Slopes, Nyngan, Walgett, Wanaaring, Wentworth, and Wilcannia Rural Lands Protection Districts.

Notes:

It is an offence under section 20H(1)(a) of the Act to contravene a provision of this Notification. Maximum penalty for such an offence is \$11,000.

A map of the “OJD Exclusion Area” and the “OJD Management Area” as regards Johne’s disease in sheep, is published on the NSW Department of Agriculture web site at www.ojdinfo.nsw.gov.au

The course of action to be taken by the owner or occupier of the land in the “OJD Exclusion Area”, and in the “OJD Management Area”, and by the owner of the sheep, the owner’s agent, or by any other person in charge of the sheep in each of those areas shall be as ordered by an inspector.

NSW Animal Health Statement Sheep booklets are published by NSW Agriculture.

Notification No. 1788-OJD is the NSW Department of Agriculture’s reference. For further information, contact the Department on (02) 63913691.

Dated: 24th June 2004

IAN MACDONALD MLC
NSW MINISTER FOR PRIMARY INDUSTRIES