

AG302\*

Stock Diseases (Regulations) Act 1968

## **Enzootic Diseases Amendment Regulations (No. 2) 2005**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Enzootic Diseases Amendment Regulations (No. 2) 2005*.

### **2. The regulations amended**

The amendments in these regulations are to the *Enzootic Diseases Regulations 1970\**.

[\* Reprinted as at 13 August 1999.

For amendments to 19 May 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 391.*]

### **3. Regulation 4 amended**

Regulation 4 is amended by deleting the definitions of “holding” and “the Act” and inserting in the appropriate alphabetical positions the following definitions —

“

“**export**”, in relation to stock, means to export live stock overseas;

“**export depot**” means any non-farming property where stock is kept for export;

“**holding yard**” means a non-farming property except a saleyard, abattoir or export depot;

- “**NLIS database**” means the electronic database maintained under regulation 78C;
- “**NLIS device**” has the meaning given to that term in regulation 77;
- “**NLIS post breeder device**”, in relation to an animal, means an NLIS device that is, or is to be, applied under these regulations to the animal on a property except the animal’s property of birth;
- “**non-farming property**” means a property where stock is kept by a person to whom section 13 of the *Stock (Identification and Movement) Act 1970* does not apply;
- “**operator**”, in relation to a property includes —
- (a) a person who is the agent of the operator; or
  - (b) any other person who is in possession or in charge of stock, or otherwise has control or management of stock, on the property;
- “**PIC**” means a property identification code specified in the register in relation to a property;
- “**property**” means any land or collection of lands constituting or worked as one parcel of land —
- (a) that is a run as defined in section 5 of the *Stock (Identification and Movement) Act 1970*; or
  - (b) on which stock is otherwise kept;
- “**register**” means the register of brands and earmarks kept under section 20 of the *Stock (Identification and Movement) Act 1970*;
- “**registered**” means entered in the register;
- “**saleyard**” means a property where stock is sold by public auction;
- “**update the NLIS database**”, in relation to an NLIS device, means to update information on the database in relation to that device in accordance with regulation 78C(4);

”.

#### 4. Regulation 75 amended

- (1) Regulation 75(1) is amended by deleting “ear mark” and inserting instead —  
“ earmark ”.
- (2) Regulation 75(2) is amended as follows:
  - (a) by deleting “ear mark” in the first place where it occurs and inserting instead —  
“ earmark ”;

- (b) by deleting “ear mark registered under the *Stock (Brands and Movement) Act 1970*.” and inserting instead —  
“ registered earmark. ”.
- (3) Regulation 75(3) is amended by deleting “ear mark” and inserting instead —  
“ earmark ”.

**5. Part 8A inserted**

After regulation 75 the following Part is inserted —

“

**Part 8A — NLIS devices**

**76. Interpretation**

In this section —

“**animal**” means stock;

“**identification number**”, in relation to an NLIS device, means a number, referred to in regulation 77(2), of the device;

“**manufacture**”, in relation to an NLIS device, includes to recycle the device;

“**sell**” includes to supply;

“**visible identification number**”, in relation to an NLIS device, means the number, referred to in regulation 77(2)(b), of the device.

**77. NLIS device**

- (1) For the purposes of these regulations an NLIS (which stands for “National Livestock Identification System”) device is an approved electronic device —
- (a) that is able to identify an animal for the whole of its life; and
- (b) that complies with this regulation.
- (2) An NLIS device must have —
- (a) a unique number that is encoded in the device so that it can be read electronically; and
- (b) a unique number that is displayed on the exterior of the device so that it is visible to the naked eye and legible.
- (3) The visible identification number must include a PIC.

**78. Manufacture and sale of NLIS devices generally**

- (1) A person must not manufacture an NLIS device unless the person is an approved manufacturer.  
Penalty: \$5 000.

- (2) A person must not sell an NLIS device unless it has been manufactured by an approved manufacturer.  
Penalty: \$5 000.

**78A. Sale of NLIS devices by approved manufacturers**

- (1) An approved manufacturer must not sell an NLIS device to a person unless —
- (a) the person has applied to the manufacturer for an NLIS device that will identify stock owned by that person or stock to which NLIS post breeder devices must be applied;
  - (b) the person has given the manufacturer —
    - (i) his or her full name and address; and
    - (ii) the PIC of the property on which the stock is kept by the person;
  - (c) the manufacturer has confirmed that the PIC relates to a property where the person keeps the stock —
    - (i) by sighting the code in an original certificate of registration of a brand under section 23 of the *Stock (Identification and Movement) Act 1970* in relation to a brand registered for that stock;
    - (ii) by application to the Chief Inspector; or
    - (iii) by reference to the internet website maintained under regulation 78I(3) of these regulations or regulation 12(4) of the *Stock (Identification and Movement) Regulations 1972*;
  - (d) the manufacturer has kept a written or electronic record of that confirmation; and
  - (e) the NLIS device includes that PIC in its visible identification number.

Penalty: \$5 000.

- (2) The Chief Inspector may request an approved manufacturer to make available to an approved person any record of confirmation kept under subregulation (1)(d).
- (3) An approved manufacturer must comply with a request under subregulation (2) as soon as practicable after the request is made.  
Penalty: \$5 000.
- (4) An approved manufacturer who sells an NLIS device must, after the sale but before giving the device to the purchaser —
- (a) encode in the device a number referred to in regulation 77(2)(a);

- (b) display on the device a visual identification number that includes the PIC of the property of the purchaser; and
- (c) update the NLIS database in relation to that device by recording the numbers referred to in paragraphs (a) and (b) and the date on which the device is to be given to the purchaser.

Penalty: \$5 000.

- (5) If an approved manufacturer gives an NLIS device to a purchaser on a date that is different to a date recorded under subregulation (4)(c), the approved manufacturer must, as soon as practicable after the device is given to the purchaser, update the database by recording the correct date.

Penalty: \$5 000.

**78B. Sale of NLIS devices by persons except approved manufacturers**

- (1) A person except an approved manufacturer must not sell an unused NLIS device unless the sale is approved in writing by the Chief Inspector or another inspector.

Penalty: \$5 000.

- (2) If an approval is given under subregulation (1), the Chief Inspector or other inspector is to update the NLIS database in relation to the device by recording the PIC of the property on which the purchaser keeps any stock to which the device is applied.

- (3) A person except an approved manufacturer must not sell a used NLIS device unless the device is sold to an approved manufacturer.

Penalty: \$5 000.

**78C. NLIS database**

- (1) The Chief Inspector is to ensure that an electronic database of NLIS devices is maintained in accordance with this regulation by an approved person.
- (2) The database is to record in relation to each NLIS device —
  - (a) the identification numbers of the device;
  - (b) if the device is not applied to an animal — the PIC of the property in relation to which the device was issued;
  - (c) if the device is applied to an animal —
    - (i) the PIC of the property on which the animal is kept for the time being by its owner; and

- (ii) any slaughter or death in other circumstances of the animal, or export of the animal;
  - and
  - (d) any other approved information.
- (3) The information recorded in the database is to be made accessible on an internet website to —
- (a) persons who are required by these regulations to update the database; and
  - (b) inspectors for the purposes of administering the Act.
- (4) A person except the approved person who is required by these regulations to update the database may do so by —
- (a) accessing the internet website; or
  - (b) sending the updated information to the approved person electronically or in another approved form.
- (5) A person must not enter false or misleading information into the database.  
Penalty: \$5 000.
- (6) A copy or print-out of an entry in the database is evidence of the facts stated in the copy or print-out and, in the absence of evidence to the contrary, is proof of those facts.

**78D. Applying an NLIS device**

- (1) A person must not, without the written approval of an inspector, apply an NLIS device to an animal unless —
- (a) the person is the owner of the animal or is otherwise required or enabled by these regulations to apply the device;
  - (b) the animal is on the property in relation to which the device was issued and the visible identification number of the device includes the PIC of that property;
  - (c) in the case of an NLIS device other than a NLIS post breeder device, the animal is on the animal's property of birth;
  - (d) in the case of an NLIS post breeder device, the animal is not on the animal's property of birth; and
  - (e) the device is applied in the approved manner.

Penalty: \$5 000.

- (2) A person must not apply more than one NLIS device to an animal at any one time.

Penalty: \$5 000.

- (3) A person must not apply an NLIS device to an animal if an NLIS device is already applied to the animal.

Penalty: \$5 000.

**78E. Unapplied NLIS devices to be returned or given up**

If a person possesses an NLIS device that is not applied to an animal and —

- (a) the device does not include in its visible identification number the PIC of a property on which stock is kept, sold, slaughtered or exported by the person; or
- (b) the person does not possess the device with the approval of a person who is lawfully entitled to the possession,

the person must, as soon as practicable after coming into that possession, give the device to an inspector.

Penalty: \$5 000.

**78F. Removal, damage and replacement of NLIS devices**

- (1) A person must not remove an NLIS device from an animal unless it is done —

- (a) after the animal has been slaughtered in an abattoir;
- (b) after the animal is slaughtered or otherwise dies on any other property, by the operator of the property;
- (c) after the device ceases functioning, by the operator of the property on which the animal is kept; or
- (d) by an approved person.

Penalty: \$5 000.

- (2) A person must not damage or deface an NLIS device except by disposing of it in accordance with subregulation (3).

Penalty: \$5 000.

- (3) A person must not dispose of an NLIS device unless —

- (a) the person has removed it in accordance with subregulation (1); and
- (b) it is disposed of in an approved manner.

Penalty: \$5 000.

- (4) If an NLIS device is removed from a live animal under subregulation (1)(c), the operator of the property on which the animal is kept may apply a replacement NLIS device to the animal.
- (5) If a replacement NLIS device is applied to an animal after it has been moved from the property where the original device was applied, the operator must update the database by recording —
  - (a) the visible identification number of the replacement device; and
  - (b) if possible, the visible identification number of the original device.

Penalty: \$5 000.

**78G. False representation that something is an NLIS device**

A person must not falsely represent that something is an NLIS device.

Penalty: \$5 000.

**78H. Responsibilities of owners and purchasers**

- (1) Except as provided in subregulation (3), if an owner of an animal to which an NLIS device is applied moves the animal to a property with a different PIC from that recorded on the database, the owner must, within the period specified in subregulation (2), update the NLIS database in relation to the device by recording —
  - (a) the PIC of the property on which the animal is to be kept;
  - (b) the serial number of the waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* relating to the movement of the animal; and
  - (c) the date the animal was moved.

Penalty: \$5 000.
- (2) The owner must comply with the requirements of subregulation (1) within 48 hours after the animal has been moved.
- (3) Subregulation (1) does not apply if —
  - (a) the owner moves the animal to a holding yard;
  - (b) the owner moves the animal to a saleyard;
  - (c) the owner moves the animal from a saleyard after purchasing the animal there;
  - (d) the owner moves the animal directly to an abattoir for slaughter;

- (e) the owner moves the animal directly to an export depot for export; or
  - (f) an inspector has, in a particular case, given written approval for the owner to move the animal to another property without updating the database.
- (4) If an animal at a saleyard has an NLIS device applied to it, a purchaser of the animal must, when requested by the saleyard operator, provide the PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the purchaser.
- Penalty: \$5 000.

**78I. Responsibilities of non-farming property operators**

- (1) A person operating, or intending to operate, a non-farming property may apply to the Chief Inspector to issue an identification code in respect of that property.
  - (2) On an application under subregulation (1), the Chief Inspector may issue an identification code in respect of the property and that code is to be taken to be the PIC of the property for the purposes of these regulations.
  - (3) The Chief Inspector is to keep a register of the identification codes issued under subregulation (2) and publish the register on an internet website maintained by or for the Chief Inspector.
  - (4) An operator of a non-farming property must not permit an animal to which an NLIS device has been applied to be moved to the property unless the property has an identification code issued under subregulation (2).
- Penalty: \$5 000.

**78J. Responsibilities of saleyard operators**

- (1) Unless an inspector in a particular case approves otherwise, if an animal to which an NLIS device is applied is moved to a saleyard, the saleyard operator must, as soon as practicable after the animal has been moved there, check, and if necessary update, the NLIS database to ensure that the PIC recorded in relation to the device is that of the property on which the owner of the animal kept it before it was moved to the saleyard.
- Penalty: \$5 000.
- (2) A saleyard operator must not move, or permit to be moved, from the saleyard an animal to which an NLIS device is applied unless —
    - (a) it is moved back to the property from where it came or to another property with a PIC; and

- (b) within 48 hours after it is moved, the saleyard operator updates the NLIS database in relation to the device by recording —
- (i) the PIC of the property to which the animal has been moved;
  - (ii) the serial number of the waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* relating to the movement of the animal; and
  - (iii) the date the animal was moved.

Penalty: \$5 000.

- (3) If an animal to which an NLIS device is applied is moved to a saleyard, a person must not, without the approval of an inspector, sell the animal, or permit the animal to be sold, unless the device is functioning.

Penalty: \$5 000.

- (4) If an animal at a saleyard has an NLIS device applied to it, a person must not sell the animal, or permit the animal to be sold, at the saleyard unless the person has obtained from the proposed purchaser the PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the purchaser.

Penalty: \$5 000.

**78K. Responsibilities of abattoir operators**

- (1) If an animal to which an NLIS device is applied is moved to an abattoir except from a saleyard, the abattoir operator must —
- (a) as soon as practicable after the animal has been slaughtered; or
  - (b) before it is otherwise moved from the abattoir, check, and if necessary update, the NLIS database to ensure that the PIC recorded in relation to the device is that of the property on which the owner of the animal kept it before it was moved to the abattoir.

Penalty: \$5 000.

- (2) If an animal to which an NLIS device is applied is slaughtered in an abattoir, the abattoir operator must, within 7 days after the slaughter, update the NLIS database in relation to the device by recording the slaughter of the animal.

Penalty: \$5 000.

- (3) An abattoir operator must not move, or permit to be moved, from the abattoir a live animal to which an NLIS device is applied unless —
- (a) it is moved back to the property from where it came or to another property with a PIC; and
  - (b) within 48 hours after it is moved, the abattoir operator updates the NLIS database in relation to the device by recording —
    - (i) the PIC of the property to which the animal has been moved;
    - (ii) the serial number of the waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* relating to the movement of the animal; and
    - (iii) the date the animal was moved.

Penalty: \$5 000.

**78L. Responsibilities of export depot operators**

- (1) If an animal to which an NLIS device is applied is moved to an export depot, the export depot operator must, within the period specified in subregulation (2), check, and if necessary update, the NLIS database to ensure that the PIC recorded in relation to the device is that of the property on which the owner of the animal kept it before it was moved to the export depot.

Penalty: \$5 000.

- (2) The export depot operator must comply with the requirements of subregulation (1) within —
- (a) 48 hours after the animal has been moved to the export depot; or
  - (b) if the animal is exported or otherwise moved from the export depot within that period, as soon as practicable after the animal has been exported or moved.

- (3) If an animal to which an NLIS device is applied is exported from an export depot, the export depot operator must, within 7 days after the export, update the NLIS database in relation to the device by recording the export of the animal.

Penalty: \$5 000.

- (4) An export depot operator must not, except by export, move, or permit to be moved, from the export depot an animal to which an NLIS device is applied unless —
- (a) it is moved back to the property from where it came or to another property with a PIC; and

- (b) within 48 hours after it is moved, the export depot operator updates the NLIS database in relation to the device by recording —
- (i) the PIC of the property to which the animal has been moved;
  - (ii) the serial number of the waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* relating to the movement of the animal; and
  - (iii) the date the animal was moved.

Penalty: \$5 000.

**78M. NLIS devices on animals that die while being moved to another property**

If an animal to which an NLIS device is applied dies except by slaughter on, or while being moved to, a property with a different PIC from that recorded on the database, the operator of the property to which the animal was moved must, within 48 hours after the death, update the NLIS database in relation to the device by recording the death of the animal.

Penalty: \$5 000.

”.

**6. Regulation 79 amended**

Regulation 79 is amended by deleting “a tail tag of an approved kind,” and inserting instead —

“ a tailtag of an approved kind, an NLIS device, ”.

**7. Regulation 85 inserted**

After regulation 84 the following regulation is inserted into Part 9 —

“

**85. Application of regulations 81 to 84**

Regulations 81, 82, 83 and 84 do not apply to NLIS devices.

”.

**8. Regulation 115 amended**

Regulation 115(1)(a) is amended by inserting after “regulations” —

“ except regulations 78B(2), 78C(1) and 78I(3) ”.

**9. Schedule 2 amended**

- (1) Schedule 2 item 15 is amended by deleting “tail”.

- (2) Schedule 2 item 29(1) is amended by deleting “tail”.
- (3) Schedule 2 item 29(2) is amended by deleting “tail-tag, ear mark” and inserting instead —  
“ tag ”.

**10. Schedule 3 amended**

Schedule 3 Form No. 3 is amended by deleting “TAIL”.

**11. Schedule 5 amended**

- (1) Schedule 5 is amended in the definition of “provisionally clear herd” by deleting “holding” and inserting instead —  
“ property ”.
- (2) Schedule 5 Division 2 is amended as follows:
  - (a) in item 13 by deleting “red tail” and inserting instead —  
“ approved ”;
  - (b) in item 14 by deleting “red tail” and inserting instead —  
“ approved ”;
  - (c) in item 16 by deleting “ear mark” and inserting instead —  
“ earmark ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

---