



Western Australia

Stock (Identification and Movement) Act 1970

Stock (Identification and Movement) Regulations 1972

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Western Australia

Stock (Identification and Movement) Regulations 1972

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Defined Terms



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Western Australia

Stock (Identification and Movement) Act 1970

Stock (Identification and Movement) Regulations 1972

1. Citation

These regulations may be cited as the *Stock (Identification and Movement) Regulations 1972* ¹.

*[Regulation 1 amended in Gazette 3 Apr 1987 p. 1263;
2 May 1995 p. 1651.]*

2. Terms used

In these regulations —

property means a parcel, or a group of parcels, of land that is operated as a farming unit;

property identification code means a code issued by the Registrar to the owner of a brand and specified in the register to identify a property on which the brand may be used.

[Regulation 2 inserted in Gazette 15 Apr 2011 p. 1412-13.]

3. Persons and circumstances prescribed for use of registered brands and earmarks (Act s. 8(3))

(1) For the purposes of section 8(3) of the Act —

- (a) the persons who may use a brand or earmark registered by the Registrar are —

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- (i) veterinary officers and stock inspectors employed by the Department of Agriculture²; and
 - (ii) veterinary surgeons who, for the purpose of this regulation, have been approved by the Chief Inspector of Stock appointed under the *Stock Diseases (Regulations) Act 1968*; and
 - (iii) any person given written approval by the Registrar to use the brand or earmark, if that approval has not been cancelled under subregulation (1a);
- and
- (b) the circumstances in which a brand or earmark referred to in section 8(3) of the Act may be used are —
 - (i) any circumstances relating to the monitoring, control or eradication of stock diseases; and
 - (ii) any circumstances relating to the conduct of research programmes in respect of stock.
- (1a) The Registrar may give written notice to a person referred to in subparagraph (iii) of subregulation (1)(a) that cancels the approval given to the person under that subparagraph to use a brand or earmark.
- (2) A person, not being a person referred to in subregulation (1), who uses a brand or earmark registered by the Registrar for use in connection with the monitoring, control or eradication of stock diseases or the conduct of research programmes in respect of stock commits an offence against these regulations.

[Regulation 3 amended in Gazette 3 Apr 1987 p. 1263; 2 May 1995 p. 1651-2.]

4. Sheep, goats and camelids, branding

- (1) Where goats or sheep are branded by means of a firebrand, the letters and numeral shall be not less than 25 mm in height.

- (2) Where sheep, goats or camelids are branded by means of a tattoo —
 - (a) the letters and numeral shall be placed in the left or near ear of male sheep, goats or camelids and in the right or off ear of female sheep, goats or camelids; and
 - (b) each tattoo letter and numeral shall not be less than 6 mm nor greater than 25 mm in height.

- (3) A person must not brand a sheep, goat or camelid by means of an eartag unless —
 - (a) the person is, or is acting on behalf of, the owner of the animal; and
 - (b) the colour of the eartag is —
 - (i) if the animal is being branded on the property of birth — approved by the Registrar for the year in which the tag is applied; or
 - (ii) if the animal is being branded on any other property of origin — pink.

- (4) Subject to subregulation (4a), where sheep, goats or camelids are branded by means of an eartag —
 - (a) the eartag shall be an eartag that has been manufactured in accordance with subregulation (3) of this regulation and regulation 4A; and
 - (b) the eartag shall be clearly impressed with the letters and numeral of the registered brand and shall be placed in the left or near ear of a male sheep, goat or camelid and in the right or off ear of a female sheep, goat or camelid.

- (4a) Where sheep, goats and camelids are branded by means of an eartag under subregulation (3)(b)(ii) the eartag is to be placed in the right or off ear of a male sheep, goat or camelid and in the left or near ear of a female sheep, goat or camelid.

- (5) Where sheep are branded by means of a woolbrand —
 - (a) each letter and numeral whether upright or horizontal shall be not less than 75 mm in height or length as the

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case may be, and shall be spaced not less than 20 mm from any adjacent letter or numeral and the overall size of any wool brand shall be not less than 175 mm by 75 mm; and

- (b) the device used to impress the woolbrand shall be capable of producing a legible and permanent brand; and
- (c) the woolbrand shall be placed on the wool of the sheep between the withers and the rump and across, or parallel and as close as practicable to, the backbone.

- (6) In this regulation —

property of origin, in relation to a sheep, goat or camelid that is being branded, means a property that has the property identification code specified in the register in relation to the brand.

[Regulation 4 amended in Gazette 14 Sep 1973 p. 3478; 17 Jan 1986 p. 232; 2 May 1995 p. 1652; 14 Jun 2005 p. 2620.]

4A. Sheep, goats and camelids, manufacture and sale etc. of eartags for

- (1) In this regulation —

approved manufacturer, in relation to an eartag, means a manufacturer of an eartag approved under subregulation (2);

eartag means an eartag for identifying sheep, goats or camelids for the purposes of these regulations.

- (2) A person must not manufacture an eartag unless the person is approved by the Registrar.

Penalty: \$5 000.

- (3) A person must not sell an eartag unless it has been manufactured by an approved manufacturer.

Penalty: \$5 000.

- (4) An approved manufacturer must not sell an eartag unless —

- (a) a person has applied to the manufacturer for an eartag that will identify sheep, goats or camelids owned by that person; and
- (b) the person has given the manufacturer —
 - (i) his or her full name and postal address; and
 - (ii) a copy of the registered brand owned by that person;and
- (c) the manufacturer has confirmed that the registered brand relates to a property where the person keeps the sheep, goats or camelids —
 - (i) by sighting the brand in an original certificate of registration of a brand under section 23 of the Act in relation to a brand registered for the sheep, goats or camelids; or
 - (ii) by application to the Registrar; or
 - (iii) by reference to the internet website maintained under regulation 12(4);and
- (d) the manufacturer has kept a written or electronic record of that confirmation; and
- (e) the eartag displays the registered brand.

Penalty: \$5 000.

- (5) An approved manufacturer who sells an eartag must keep a written or electronic record of the confirmation under subregulation (4)(c) for a period of 2 years after the sale of the eartag.

Penalty: \$5 000.

- (6) The Registrar may request an approved manufacturer to make available to an approved person any record of confirmation kept under subregulation (5) and in that event the approved

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manufacturer must comply with the request as soon as practicable after the request is made.

Penalty: \$5 000.

[Regulation 4A inserted in Gazette 14 Jun 2005 p. 2621-2.]

5. Sheep, age marks for

- (1) The proprietor of any sheep who is also the breeder of the sheep may earmark the sheep to denote the year of the birth of the sheep by an earmark, called an age mark, on the off or right ear for female sheep and on the near or left ear for male sheep, but an age mark shall not be made except during the period of 3 months immediately succeeding the expiration of the year to which the age mark relates.
- (2) The age mark for sheep —
 - (a) lambled in 1995 and every sixth year after that year shall consist of 3 notches on the back (bottom) of the ear; and
 - (b) lambled in 1996 and every sixth year after that year shall consist of one notch on the front (top) of the ear; and
 - (c) lambled in 1997 and every sixth year after that year shall consist of 2 notches on the front (top) of the ear; and
 - (d) lambled in 1998 and every sixth year after that year shall consist of 3 notches on the front (top) of the ear; and
 - (e) lambled in 1999 and every sixth year after that year shall consist of one notch on the back (bottom) of the ear; and
 - (f) lambled in 2000 and every sixth year after that year shall consist of 2 notches on the back (bottom) of the ear.

[Regulation 5 amended in Gazette 2 May 1995 p. 1653.]

6. Cattle, buffalo, deer and stud cattle, branding

- (1) A person who brands cattle, buffalo or deer by means of a firebrand or freezebrand —
 - (a) shall, in the case of cattle or deer, apply the brand on the near or left rump or shoulder; or

- (b) shall, in the case of buffalo, apply the brand on the near or left rump or shoulder or to the horn,

and, when the brand is to be applied on the near or left rump or shoulder and the animal has been previously branded, or has an age mark, on that rump or shoulder, the brand shall be applied immediately below the existing brand or age mark.

- (2) For the purposes of section 30(4) of the Act, the prescribed manner of marking stud cattle, other than stud Friesian cattle, is by tattooing the Breed Society mark in the ear or applying an NLIS device in accordance with Part 8A of the *Enzootic Diseases Regulations 1970*.
- (3) For the purposes of section 30(4) of the Act, registered stud Friesian cattle which are positively identified by photography in a manner complying with the requirements of the Friesian breed society shall be deemed to be marked in the prescribed manner.

[Regulation 6 amended in Gazette 2 May 1995 p. 1653;
19 Sep 2006 p. 3707.]

7. Horses, branding

A registered brand for horses shall be applied —

- (a) to the near or left shoulder if the horse has not previously been branded;
- (b) if the horse has previously been branded, on the near or left shoulder if there is sufficient room, and in any other case, on the off or right shoulder.

7A. Ostriches, marking; manufacture of tags etc. for

- (1) In this regulation —
Breed Society mark, in relation to an ostrich, means the mark registered by a Breed Society as the mark of the proprietor of the ostrich.

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- (2) An ostrich that is 6 months or over or is one metre high or over must be marked by means of a neck tag or a metal or plastic leg band.
- (3) The neck tag or leg band must —
 - (a) be clearly embossed with the letters and numeral of the registered brand or the Breed Society mark of the proprietor of the ostrich; and
 - (b) be manufactured by a person who holds an approval under subregulation (9); and
 - (c) be identical with the approved sample in all material respects.
- (4) A neck tag must be secured to the base of the neck above the feather line of the ostrich.
- (5) A leg band must be secured to a leg of the ostrich.
- (6) The proprietor of ostriches shall apply to the Registrar for a registered brand for the ostriches.
- (7) The Registrar may register as the proprietor's brand a brand allocated by the Registrar that consists of 2 letters and a numeral.
- (8) If a proprietor has ostriches on 2 or more runs, the proprietor may apply under regulation 14 for a different registered brand for use on each of the runs.
- (9) A person must not manufacture a neck tag or a metal or plastic leg band for use in the marking of ostriches unless —
 - (a) the person has first submitted a sample of the tag or band to the Registrar for inspection and the Registrar has approved of the sample; and
 - (b) the tag or band is identical in type to that sample.
- (10) If an ostrich chick is transported or moved from the premises where it was incubated, the chick must be transported or moved in a box bearing the registered brand or Breed Society mark of the proprietor of the chick.

- (11) If an ostrich which is not marked by means of a neck tag or a metal or plastic band is transported or moved from one place to another place by any means, the ostrich must be transported or moved in a container bearing the registered brand or Breed Society mark of the proprietor of the ostrich.
- (12) This regulation does not prevent a proprietor of an ostrich from marking the ostrich by means of a neck tag or a leg band marked with any Arabic numerals —
- (a) to denote the year of the birth of the ostrich; or
 - (b) as a cullmark.
- (13) If a proprietor of an ostrich marks the ostrich with a neck tag or a leg band —
- (a) to denote the year of the birth of the ostrich; or
 - (b) as a cullmark,
- the mark must not be on the same side of the tag or band as the proprietor's registered brand or Breed Society mark.
- (14) This regulation does not prevent a proprietor of an ostrich from using a microchip to identify the ostrich.

[Regulation 7A inserted in Gazette 23 Jun 1998 p. 3321-2.]

8. Cullmarks, Breed Society marks etc. (Act s. 16(a), 30(4), 30(5), 53A and 53B)

- (1) Cullmarks referred to in section 16(a) of the Act and Breed Society marks referred to in section 30(4) may be imprinted on any portions of cattle not specifically designated for the imprint of the registered brand.
- (2) The prescribed manner of marking a spayed bovine female animal for the purposes of section 53A of the Act is the making of a circular hole not less than 20 mm nor more than 40 mm in diameter completely within the ear not allocated for the application of a registered ear mark.

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- (3) Where Breed Society marks as referred to in section 30(5) of the Act are imprinted on a stud horse they shall be imprinted in a manner and place approved by the Breed Society concerned.
- (4) For the purposes of section 53B of the Act the prescribed manner of marking uncoloured sheep which are the progeny of a coloured parent or of a parent known to be a carrier of a gene for coloured wool is an earmark in the form of 3 circular holes in line, each being not less than 6 mm and not more than 10 mm in diameter completely within the ear not allocated for the application of a registered earmark.

[Regulation 8 amended in Gazette 6 May 1977 p. 1350; 22 Dec 1978 p. 4838; 7 Dec 1979 p. 3851; 24 Dec 1980 p. 4404.]

9. Cattle, buffalo and deer, age marks for (Act s. 16(a))

- (1) A person who marks any cattle, buffalo or deer with an age mark under section 16(a) of the Act shall imprint the age mark on the near or left rump or shoulder and, if the animal has been branded on that rump or shoulder, immediately below the registered brand.
- (2) Where an owner imprints the age mark on the rump of a calf or fawn younger than that required to be branded with the registered brand, the age mark shall be so imprinted as to allow space above for the imprint of the registered brand.

[Regulation 9 amended in Gazette 2 May 1995 p. 1654.]

9A. Certain brands and earmarks, required size of

- (1) The brand on a horse or deer shall be not less than 100 mm long and 30 mm in height at the time when the brand is applied.
- (2) Subject to subregulation (2a), the brand for cattle or buffalo shall be not less than 150 mm long and 50 mm in height at the time when the brand is applied.
- (2a) The brand for buffalo, if applied to the horn, shall be of sufficient size to be clearly legible.

- (3) The earmark symbol for cattle or buffalo shall be not less than 12 mm across its maximum dimension at the time when the earmark symbol is applied.
- (4) The earmark symbol for sheep, goats, deer or camelids shall be not less than 12 mm across its maximum dimension at the time when the earmark symbol is applied.

*[Regulation 9A inserted in Gazette 14 Sep 1973 p. 3479;
amended in Gazette 2 May 1995 p. 1654-5.]*

10. Pigs, branding

- (1) Every brand applied to a pig shall be applied by means of a tattooing instrument which uses carbon black paste or such tattooing ink or dye of such colour as the Registrar may approve or direct.
- (2) The tattoo branding instrument shall consist of needles set in a metal block to form the 5 numerals constituting the registered brand.
- (3) Each symbol of the brand shall be 20 mm long by 12 mm wide with a minimum of 5 mm between each symbol.
- (4) Where —
 - (a) a pig is branded by the breeder of the pig, the brand shall be applied to the left shoulder of the pig;
 - (b) a pig is branded by a person who is not the breeder of the pig, the brand shall be applied to the right shoulder of the pig.

*[Regulation 10 amended in Gazette 14 Sep 1973 p. 3479;
22 Dec 1978 p. 4838; 2 May 1995 p. 1655.]*

11. Pigs registered with Australian Pig Society, branding

The owner of a pig that is registered with the Australian Pig Society and that has the registered stud prefix marked on its ear is not required to otherwise brand the pig unless the pig is

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forwarded to a sale other than a stud pig sale or is forwarded direct to an abattoirs for slaughter.

11A. Details of identification of calves prescribed for waybills (Act s. 30(2))

For the purposes of section 30(2) of the Act, the prescribed details of identification that are to appear on an appropriate waybill are —

- (a) in the case of a calf under the age of 2 weeks —
 - (i) the sex, breed and colour of the calf; and
 - (ii) the registered brand of the proprietor of the calf; and
 - (iii) if the calf is required to be identified by an NLIS device under regulation 84B of the *Enzootic Diseases Regulations 1970*, the relevant PIC, as defined in those regulations, of the property in relation to which the device was issued;

or

- (b) in the case of a calf (other than a calf referred to in paragraph (a)) under the age of 6 months, the details of identification referred to in regulation 20(1a).

[Regulation 11A inserted in Gazette 23 Apr 1993 p. 2178; amended in Gazette 2 May 1995 p. 1655; 23 Apr 2004 p. 1313; 14 Jun 2005 p. 2622; 19 Sep 2006 p. 3707-8.]

11B. Stock prescribed (Act s. 50)

For the purposes of section 50 of the Act, the animals that are prescribed stock are any horse, cattle, sheep, swine, goat, buffalo, deer, ostrich or camelid.

[Regulation 11B inserted in Gazette 28 Oct 1994 p. 5463; amended in Gazette 23 Jun 1998 p. 3322.]

**11C. Stock prescribed; ostriches required to be marked
(Act s. 53B)**

For the purposes of section 53B of the Act —

- (a) ostriches are prescribed stock; and
- (b) the proprietor of an ostrich is required to cause it to be marked in the manner prescribed by regulation 7A.

[Regulation 11C inserted in Gazette 23 Jun 1998 p. 3322.]

11D. Stock prescribed (Act s. 62(1a)(a))

Under section 62(1a)(a) of the Act, ostriches are prescribed to be stock for the purposes of the Act.

[Regulation 11D inserted in Gazette 23 Jun 1998 p. 3322.]

12. Register (Sch. 1)

- (1) The register kept by the Registrar shall record or store the appropriate details referred to in Schedule 1 for all brands and earmarks registered under the Act.
- (2) Details recorded or stored in the register may be recorded or stored by means of a mechanical, electronic or other device, but so that the details so recorded or stored remain in the register in the form in which they were originally recorded or stored for at least 10 years and are capable of being reproduced at any time in written form in the English language.
- (3) The Registrar may amend, add to or correct the register in any manner that the Registrar considers necessary to make the register an accurate record of the details it records or stores.
- (4) The register is to be published on an internet website maintained by or for the Registrar.

*[Regulation 12 inserted in Gazette 2 May 1995 p. 1656;
amended in Gazette 14 Jun 2005 p. 2622.]*

13. Information in register, fee for

The fee payable for the furnishing of —

- (a) a print; or
- (b) an electronic copy,

of information concerning any registered brand contained in the register shall be the appropriate fee set out in Schedule 2.

[Regulation 13 inserted in Gazette 17 Jan 1986 p. 232; amended in Gazette 5 Jun 2001 p. 2847.]

14. Brands, application and fee for

- (1) An application to the Registrar for a brand is to be made in a form approved by the Registrar.
- (2) The fee for the application for registration of a brand shall be the appropriate fee set out in Schedule 2.

[Regulation 14 amended in Gazette 27 Apr 1979 p. 1126; 2 Jul 1982 p. 2395; 13 Jan 1984 p. 101; 17 Jan 1986 p. 232; 14 Jun 2005 p. 2622.]

15. Certificate of registration of brand, form of

The certificate of registration of a brand is to be in a form approved by the Registrar.

[Regulation 15 amended in Gazette 17 Jan 1986 p. 233; 14 Jun 2005 p. 2622.]

16. Duplicate certificate, fee for

The fee for a duplicate certificate issued in accordance with section 23 shall be the appropriate fee set out in Schedule 2.

[Regulation 16 inserted in Gazette 17 Jan 1986 p. 233.]

17. Memorandum of transfer of right to registration of brand, form of and fee for

- (1) The memorandum of a transfer of the right to the registration of a brand is to be in a form approved by the Registrar.

- (2) The fee payable for the registration of the transfer of the right to a registered brand from one owner to another shall be the appropriate fee set out in Schedule 2.

[Regulation 17 amended in Gazette 1 Oct 1976 p. 3611; 27 Apr 1979 p. 1126; 2 Jul 1982 p. 2395; 13 Jan 1984 p. 101; 17 Jan 1986 p. 233; 14 Jun 2005 p. 2622.]

17A. Cancelling joint registration, procedure for (Act s. 28(1))

- (1) If an application is made under section 28(1)(a) of the Act for the cancellation of the registration of the ownership of a brand or earmark by a person who is registered with another person, or with other persons, as the owner of the brand or earmark, the person making the application shall include with it a written statement, signed by the other registered person or each of the other registered persons, agreeing to the cancellation.
- (2) If, under section 28(1)(b) of the Act, the Registrar serves notice that registration will be cancelled on a person who is registered with another person, or with other persons, as the owner of a brand or earmark, the Registrar shall serve a copy of the notice on the other registered person or each of the other registered persons.

[Regulation 17A inserted in Gazette 2 May 1995 p. 1656.]

18. Re-registration, applying for (Act s. 28(2))

A person may apply for the re-registration of the ownership of a brand or earmark under section 28(2) of the Act by making an application —

- (a) to, and in a form approved by, the Registrar at least 21 days before the registration, or any previous re-registration, of the ownership of the brand or earmark expires under section 24 of the Act; and
- (b) with the fee set out in item 5 in Schedule 2.

[Regulation 18 inserted in Gazette 2 May 1995 p. 1656.]

19. Permit to use branding equipment etc. on other property

- (1) An Inspector appointed under the Act may on receipt of an application in a form approved by the Registrar, from the proprietor of any stock, grant a permit for branding equipment or earmarking equipment, or branding equipment and earmarking equipment, as the case requires, to be used on a property other than the property for which the equipment is registered, subject to such limitations and conditions as the Inspector may, in writing, impose thereon.
- (2) The permit referred to in subregulation (1) is to be in a form approved by the Registrar.

[Regulation 19 amended in Gazette 17 Jan 1986 p. 233; 2 May 1995 p. 1656-7; 14 Jun 2005 p. 2623.]

19A. Requirement under Act s. 37(3)(fa) or (fb), notice of to be given

- (1) If, under section 37(3)(fa) or (fb) of the Act, an Inspector or Police officer requires the proprietor of any stock or the person who is, or appears to be, in charge of any stock to take any action in relation to the stock, the Inspector or Police officer shall give the proprietor or other person written notice of the requirement.
- (2) The proprietor of any stock who is given written notice of a requirement under section 37(3)(fa) of the Act shall be taken to have been granted a permit under regulation 19 —
 - (a) that is valid for a period of 24 hours; and
 - (b) that enables the stock, during that period, to be identified in accordance with the Act at the place where the stock are located.

[Regulation 19A inserted in Gazette 2 May 1995 p. 1657.]

19B. Name, address etc., duty of stock owner to give on request

- (1) An Inspector or Police officer may, in the exercise or performance of functions under the Act, request the proprietor of any stock or the person who is, or appears to be, in charge of any stock to —
 - (a) state his or her full name and residential address; and
 - (b) produce for inspection evidence of the correctness of the name and address stated.
- (2) A person must comply with a request made under subregulation (1), unless he or she has a reasonable excuse for not doing so.

[Regulation 19B inserted in Gazette 29 May 2009 p. 1831-2.]

20. Waybill, form of; stock prescribed (Act s. 46)

- (1) For the purposes of section 46 of the Act, a document (by whatever name called) that complies with section 46 and subregulation (1a) may be used in place of a waybill referred to in that section.
 - (1a) The document must contain —
 - (a) the full name or trading name and address, in block letters, of the proprietor and any other person for the time being having custody and control of the stock to be removed; and
 - (b) the full name of the person driving or carrying the stock; and
 - (c) the signatures of the persons referred to in paragraphs (a) and (b); and
 - (d) the full name of the person to whom the stock are consigned; and
 - (e) a distinguishing serial number; and
 - (f) particulars of the run or other place from which the stock are to be removed; and

- (g) the property identification code of —
 - (i) the property from which the stock is being removed; or
 - (ii) if the stock is being removed from a saleyard, the property from which the stock was moved to the saleyard;and
 - (h) the total number of the stock; and
 - (i) the number of stock of each type referred to in subregulation (2); and
 - (j) the breed, sex and age of the stock; and
 - (k) except as provided in subregulation (1c), the information required to be recorded under regulation 20C relating to brands and earmarks on the stock; and
 - (l) if the stock are identified under Part 8A of the *Enzootic Diseases Regulations 1970*, the type of identification and any number on it; and
 - (m) the destination of the stock; and
 - (na) the property identification code (if any) for the property that is the destination of the stock; and
 - (n) the number plate for each vehicle (if any) in which the stock are to be carried; and
 - (o) the date of the movement of the stock.
- (1b) In this regulation —
- number plate** means a number plate, identification tablet, special plate or name plate within the meaning of the *Road Traffic (Licensing) Regulations 1975* or a corresponding written law of another State or a Territory.
- (1c) The information referred to in regulation 20C(2a) is not required on the document if the information —
- (a) is recorded in some other document; and
 - (b) is provided to an inspector on request.

- (2) The types of stock prescribed for the purposes of section 46 of the Act are cattle, sheep, swine, goats, buffalo, deer, ostriches and camelids.

[Regulation 20 amended in Gazette 17 Jan 1986 p. 233; 2 May 1995 p. 1657; 23 Jun 1998 p. 3322; 23 Apr 2004 p. 1314; 14 Jun 2005 p. 2623-4; 19 Sep 2006 p. 3708; 15 Apr 2011 p. 1413.]

20A. Imported stock, branding of etc.

- (1) The proprietor of stock that are imported into the State shall brand, earmark or otherwise identify the stock in accordance with the Act within 14 days after the stock are imported.
- (2) For the purposes of subregulation (1), any animal that has been branded or earmarked outside the State shall be taken to have been branded or earmarked in accordance with the Act.

[Regulation 20A inserted in Gazette 2 May 1995 p. 1657.]

20B. When waybill etc. not required for stock movement

The proprietor or any other person for the time being having the custody and control of any stock of any type prescribed for the purposes of section 46 of the Act which are on a run or on any place where stock are sold or disposed of, may cause or permit the stock to be removed from the run or place without a waybill or other document —

[(a), (b) deleted]

- (c) where the stock are being moved under the direction of an inspector and are accompanied by a “Permit to Move Stock/Animal Products” in the form of Form 3 in the *Enzootic Diseases Regulations 1970* under the provisions of the *Stock Diseases (Regulations) Act 1968*;
- (d) where the stock are being introduced into Western Australia from another State or Territory of the Commonwealth and are accompanied by a valid interstate stock health certificate issued in the State or

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Territory of origin or by a “Permit to Enter (Stock)” in the form of Form 5 in the *Enzootic Diseases Regulations 1970*;

- (e) where the stock are being exported from Western Australia and are accompanied by a valid stock health certificate in the form required by the State or Territory into which the stock are to be introduced.

[Regulation 20B inserted in Gazette 14 Sep 1973 p. 3479; amended in Gazette 27 Jun 1975 p. 2157; 17 Jan 1986 p. 233; 22 May 1987 p. 2203; 2 May 1995 p. 1657; 23 Apr 2004 p. 1314.]

20C. Which brand etc. to be recorded in waybills

- (1) If stock are branded with the registered brand of the owner of the stock, a person furnishing a waybill or other document in relation to the stock must record that brand.
- (2) If stock are not branded with the registered brand of the owner of the stock, a person furnishing a waybill or other document in relation to stock must record —
 - (a) every brand or earmark on the stock; or
 - (b) in the case of cattle, if it is impracticable to record every brand or earmark, the word “various”.
- (2a) A person furnishing a waybill or other document on which the word “various” is recorded under subregulation (2)(b) must record —
 - (a) the total number of cattle in respect of which the word “various” is recorded under subregulation (2)(b); and
 - (b) the number and description of the cattle that have been identified with a brand or earmark in respect of each of the 4 brands or earmarks with which the greatest number of cattle have been identified; and
 - (c) a description of the 4 brands or earmarks referred to in paragraph (b).

Example

If there is a total number of 60 stock to be recorded under paragraph (a), and 20 animals are identified with brand A, 15 animals with earmark B, 10 animals with earmark C, 7 animals with brand D, 5 animals with brand E and 3 animals with earmark F, the information required under paragraph (b) is —

20	(Description of stock)	Brand A
15	(Description of stock)	Earmark B
10	(Description of stock)	Earmark C
7	(Description of stock)	Brand D

- (3) In this regulation and regulations 20D, 20E and 20F, **other document** means a permit or any other document, other than a waybill, that authorises the movement of stock under the Act.

[Regulation 20C inserted in Gazette 14 Sep 1973 p. 3479; amended in Gazette 2 May 1995 p. 1658; 10 Mar 2000 p. 1119-20; 14 Jun 2005 p. 2624-5.]

20D. Persons who must sign waybill etc.

The original and each copy of a waybill or other document shall be signed by the person having custody of the stock at the time of initiating the movement of the stock and by the person accepting delivery of the stock for transport.

[Regulation 20D inserted in Gazette 27 Jun 1975 p. 2158; amended in Gazette 2 May 1995 p. 1658-9; 23 Apr 2004 p. 1315.]

20E. Documents to accompany stock being moved; retention periods for documents

- (1) Subject to regulation 20F, the original and first copy of a waybill or other document shall accompany the stock during the whole of the movement and the original shall be retained by the purchaser or where there is no purchaser by the consignee for a period of 3 years.

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- (2) The first copy shall be retained for a period of 3 years by the carrier or other person delivering the stock.
- (3) The second copy shall be retained for a period of 3 years by the proprietor of the stock.

[Regulation 20E inserted in Gazette 14 Sep 1973 p. 3479; amended in Gazette 27 Jun 1975 p. 2158; 2 May 1995 p. 1659.]

20F. Documents to accompany stock moved by rail; retention period for documents

Where stock are being moved by rail the original waybill or other document shall accompany the stock, together with the railway consignment note and the person delivering the stock to the railway shall retain the first copy for a period of 3 years.

[Regulation 20F inserted in Gazette 14 Sep 1973 p. 3479; amended in Gazette 2 May 1995 p. 1659.]

20G. Certain documents to be produced if required by Inspector or Police officer

Any document that a person is required to retain for a period of 3 years under regulation 20E, 20F, 20H(3) or 20I(2) shall be produced within a reasonable time by the person to an Inspector or Police officer if, during the period of 3 years, the person is required by an Inspector or Police officer to do so.

[Regulation 20G inserted in Gazette 2 May 1995 p. 1659.]

20H. Identification exemption certificates, application for and issue of (Act s. 36A(1))

- (1) If the proprietor of stock applies for an identification exemption certificate under section 36A(1) of the Act, the proprietor shall include with the application evidence that the proprietor intends to export the stock from Australia.

- (2) The Registrar shall issue an identification exemption certificate to an applicant only if satisfied that the applicant intends to export the stock.
- (3) A proprietor of stock to whom an identification exemption certificate is issued shall retain the certificate for a period of 3 years.
- (4) If stock specified in an identification exemption certificate are not going to be exported before the certificate expires, the proprietor of the stock may re-apply under section 36A(1) of the Act —
 - (a) if the application is made not less than 21 days before the certificate expires; and
 - (b) if evidence referred to in subregulation (1) is included with the application.
- (5) In subregulation (1), *evidence* includes a written contract, or a copy of a written contract, entered into by the proprietor of the stock for the stock to be exported from Australia.

[Regulation 20H inserted in Gazette 2 May 1995 p. 1659-60; amended in Gazette 10 Mar 2000 p. 1120.]

20I. Movement permits (Act s. 49A and 49B)

- (1) A movement permit referred to in section 49A or 49B of the Act may be issued in a form approved by the Registrar.
- (2) The drover or carrier of stock who, under section 49A(1)(b) or 49B(1)(b) of the Act, is provided with a movement permit, a copy of a movement permit or a written statement of the number and date of issue of a movement permit —
 - (a) shall ensure that the permit, the copy of the permit or the written statement accompanies the stock during the whole of the movement of the stock; and
 - (b) shall retain the permit, the copy of the permit or the written statement for a period of 3 years.

[Regulation 20I inserted in Gazette 2 May 1995 p. 1660.]

r. 20J

20J. Countries prescribed (Act s. 49A)

The countries set out in the Table to this regulation are prescribed for the purposes of section 49A(1)(aa) and (bb) of the Act.

Table

Algeria	Jordan	Qatar
Bahrain	Kuwait	Saudi Arabia
Ceuta	Lebanon	Singapore
Cyprus	Libya	Syria
Egypt	Malaysia	Tunisia
Indonesia	Melilla	Turkey
Iran	Morocco	United Arab Emirates
Iraq	Oman	Yemen

[Regulation 20J inserted in Gazette 2 May 1995 p. 1660.]

21. Offences and penalty

Any person who contravenes or fails to comply with any provision of these regulations except regulation 12 commits an offence.

Penalty: \$3 000.

*[Regulation 21 amended in Gazette 2 May 1995 p. 1661;
14 Jun 2005 p. 2625.]*

Schedule 1 — Form of the register

[r. 12(1)]

[Heading inserted in Gazette 14 Jun 2005 p. 2625.]

Stock (Identification and Movement) Act 1970

Section 20(3)

Part A

General brands and earmarks register

Reg. no. / Pig tattoo	Brand	Earmark	Date of registration	Expiry of registration	Brand owner's name and/or trading name	Postal address of brand owner	Name of run or farm / Property address	Property identification code for brand

[Part A inserted in Gazette 15 Apr 2011 p. 1413.]

Part B

Brands and earmarks registered by Registrar under section 8(3)

Division 1 — Identification of diseased stock

Registration Number	Brand/Earmark	Date of Registration	Circumstances for use

Stock (Identification and Movement) Regulations 1972
Schedule 1 Form of the register

Division 2 — Testing and inspection for disease in stock requiring health certificate for export

Registration Number	Brand/Earmark	Date of Registration	Circumstances for use

[Part B inserted in Gazette 3 Apr 1987 p. 1264; amended in Gazette 2 May 1995 p. 1661.]

[Forms 2-6 deleted in Gazette 14 Jun 2005 p. 2625.]

[Form 7 deleted in Gazette 23 Apr 2004 p. 1315.]

[Forms 8-11 deleted in Gazette 2 May 1995 p. 1662.]

Schedule 2 — Fees

[r. 13, 14, 16, 17, 18]

[Heading inserted in Gazette 30 Jun 2011 p. 2704.]

Item	Reg.	Description	Fee (\$)
1.	13	Information concerning a registered brand	
		(a) single brand	no charge
		(b) 2 – 200 brands or 1 – 10 pages	17.30
		(c) 201 – 1 500 brands or 11 – 200 pages....	35.75
		(d) more than 1 500 brands or 200 pages	
		(i) printed copy	178.00
		(ii) electronic copy	177.00
2.	14(2)	Application to register a brand	64.00
3.	16	Provision of a duplicate certificate	19.50
4.	17(2)	Application to transfer a registered brand	64.00
5.	18	Application to re-register a brand	64.00

[Schedule 2 inserted in Gazette 30 Jun 2011 p. 2704.]

Notes

- ¹ This reprint is a compilation as at 3 February 2012 of the *Stock (Identification and Movement) Regulations 1972* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Stock (Brands and Movement) Act Regulations</i> ³	30 Jun 1972 p. 2205-12	30 Jun 1972
Amending regulations	14 Sep 1973 p. 3478-81	14 Sep 1973
Amending regulations	27 Jun 1975 p. 2157-8	27 Jun 1975
Amending regulations	1 Oct 1976 p. 3611-12	1 Oct 1976
Amending regulations	6 May 1977 p. 1350	6 May 1977
Amending regulations	22 Dec 1978 p. 4838	22 Dec 1978 (see <i>Gazette</i> 22 Dec 1978 p. 4772)
Amending regulations	27 Apr 1979 p. 1126	27 Apr 1979
Amending regulations	11 May 1979 p. 1262-4	11 May 1979
Amending regulations	7 Dec 1979 p. 3851	7 Dec 1979
<i>Stock (Brands and Movement) Act Amendment Regulations 1980</i>	24 Dec 1980 p. 4404	24 Dec 1980
<i>Stock (Brands and Movement) Amendment Regulations (No. 2) 1981</i>	20 Nov 1981 p. 4781	20 Nov 1981
<i>Stock (Brands and Movement) Amendment Regulations 1981</i>	18 Jun 1982 p. 2045	18 Jun 1982
<i>Stock (Brands and Movement) Amendment Regulations 1982</i>	2 Jul 1982 p. 2395	2 Jul 1982 ⁴ (see r. 2)
<i>Stock (Brands and Movement) Amendment Regulations 1983</i>	13 Jan 1984 p. 101	13 Jan 1984 ⁵ (see r. 2)
<i>Stock (Brands and Movement) Amendment Regulations 1985</i>	17 Jan 1986 p. 232-3	1 Feb 1986 (see r. 2)

Stock (Identification and Movement) Regulations 1972

Citation	Gazettal	Commencement
<i>Stock (Brands and Movement) Amendment Regulations (No. 2) 1986</i>	13 Jun 1986 p. 2001	1 Jul 1986 (see r. 2)
<i>Stock (Brands and Movement) Amendment Regulations 1987</i>	3 Apr 1987 p. 1263-4	3 Apr 1987
<i>Stock (Brands and Movement) Amendment Regulations (No. 2) 1987</i>	22 May 1987 p. 2203	22 May 1987
<i>Stock (Brands and Movement) Amendment Regulations (No. 4) 1987</i>	13 Nov 1987 p. 4196-7	13 Nov 1987
<i>Stock (Brands and Movement) Amendment Regulations 1988</i>	10 Jun 1988 p. 1938	10 Jun 1988
<i>Stock (Brands and Movement) Amendment Regulations (No. 2) 1988</i>	14 Oct 1988 p. 4208	14 Oct 1988
<i>Stock (Brands and Movement) Amendment Regulations 1990</i>	3 Aug 1990 p. 3669-70 (erratum 10 Aug 1990 p. 3829)	3 Aug 1990
<i>Stock (Brands and Movement) Amendment Regulations 1991</i>	18 Oct 1991 p. 5316-17	18 Oct 1991
<i>Stock (Brands and Movement) Amendment Regulations (No. 2) 1992</i>	24 Jul 1992 p. 3608-9	24 Jul 1992
<i>Stock (Brands and Movement) Amendment Regulations 1993</i>	23 Apr 1993 p. 2178	23 Apr 1993
<i>Stock (Brands and Movement) Amendment Regulations (No. 2) 1993</i>	17 Sep 1993 p. 5048	17 Sep 1993
<i>Stock (Brands and Movement) Amendment Regulations 1994</i>	24 Jun 1994 p. 2838-9	1 Jul 1994 (see r. 2)
<i>Stock (Brands and Movement) Amendment Regulations (No. 2) 1994</i>	28 Oct 1994 p. 5463	17 May 1995 (see r. 2 and <i>Gazette</i> 16 May 1995 p. 1839)
<i>Stock (Brands and Movement) Amendment Regulations 1995</i>	2 May 1995 p. 1651-62	17 May 1995 (see r. 2 and <i>Gazette</i> 16 May 1995 p. 1839)
Reprint of the Stock (Identification and Movement) Regulations 1972 as at 7 Jun 1995 (includes amendments listed above)		
<i>Stock (Identification and Movement) Amendment Regulations 1995</i>	21 Jul 1995 p. 3067-8	21 Jul 1995
<i>Stock (Identification and Movement) Amendment Regulations 1996</i>	3 Sep 1996 p. 4378	4 Sep 1996 (see r. 2)
<i>Stock (Identification and Movement) Amendment Regulations 1997</i>	19 Aug 1997 p. 4717	19 Aug 1997

Stock (Identification and Movement) Regulations 1972

Citation	Gazettal	Commencement
<i>Stock (Identification and Movement) Amendment Regulations (No. 2) 1998</i>	23 Jun 1998 p. 3311	23 Jun 1998
<i>Stock (Identification and Movement) Amendment Regulations 1998</i>	23 Jun 1998 p. 3321-2	23 Jun 1998
<i>Stock (Identification and Movement) Amendment Regulations 1999</i>	16 Jul 1999 p. 3184	16 Jul 1999
<i>Stock (Identification and Movement) Amendment Regulations 2000</i>	10 Mar 2000 p. 1119-20	10 Mar 2000
Reprint of the Stock (Identification and Movement) Regulations 1972 as at 10 Mar 2000 (includes amendments listed above)		
<i>Stock (Identification and Movement) Amendment Regulations (No. 2) 2000</i>	20 Jun 2000 p. 3001	1 Jul 2000 (see r. 2)
<i>Stock (Identification and Movement) Amendment Regulations 2001</i>	5 Jun 2001 p. 2846-7	1 Jul 2001 (see r. 2)
<i>Stock (Identification and Movement) Amendment Regulations 2002</i>	28 Jun 2002 p. 3047-8	1 Jul 2002 (see r. 2)
<i>Stock (Identification and Movement) Amendment Regulations 2003</i>	17 Jun 2003 p. 2205-6	1 Jul 2003 (see r. 2)
<i>Stock (Identification and Movement) Amendment Regulations 2004</i>	23 Apr 2004 p. 1313-15	23 Apr 2004
<i>Stock (Identification and Movement) Amendment Regulations (No. 2) 2004</i>	18 May 2004 p. 1564-5	1 Jul 2004 (see r. 2)
<i>Stock (Identification and Movement) Amendment Regulations (No. 2) 2005</i>	31 May 2005 p. 2403-4	1 Jul 2005 (see r. 2)
<i>Stock (Identification and Movement) Amendment Regulations 2005</i>	14 Jun 2005 p. 2619-25	14 Jun 2005
Reprint 3: The Stock (Identification and Movement) Regulations 1972 as at 7 Oct 2005 (includes amendments listed above)		
<i>Stock (Identification and Movement) Amendment Regulations (No. 2) 2006</i>	16 Jun 2006 p. 2120-1	1 Jul 2006 (see r. 2)
<i>Stock (Identification and Movement) Amendment Regulations 2006</i>	19 Sep 2006 p. 3707-8	19 Sep 2006
<i>Stock (Identification and Movement) Amendment Regulations 2007</i>	15 Jun 2007 p. 2761-2	r. 1 and 2: 15 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b))

Stock (Identification and Movement) Regulations 1972

Citation	Gazettal	Commencement
<i>Stock (Identification and Movement) Amendment Regulations 2008</i>	20 May 2008 p. 1941	r. 1 and 2: 20 May 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
Reprint 4: The Stock (Identification and Movement) Regulations 1972 as at 14 Nov 2008 (includes amendments listed above)		
<i>Stock (Identification and Movement) Amendment Regulations 2009</i>	29 May 2009 p. 1831-2	r. 1 and 2: 29 May 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 30 May 2008 (see r. 2(b))
<i>Stock (Identification and Movement) Amendment Regulations (No. 2) 2009</i>	26 Jun 2009 p. 2617-18	r. 1 and 2: 26 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))
<i>Stock (Identification and Movement) Amendment Regulations 2010</i>	30 Jun 2010 p. 3125-6	r. 1 and 2: 30 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2010 (see r. 2(b))
<i>Stock (Identification and Movement) Amendment Regulations 2011</i>	15 Apr 2011 p. 1412-13	r. 1 and 2: 15 Apr 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Apr 2011 (see r. 2(b))
<i>Stock (Identification and Movement) Amendment Regulations (No. 2) 2011</i>	30 Jun 2011 p. 2703-4	r. 1 and 2: 30 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))
Reprint 5: The Stock (Identification and Movement) Regulations 1972 as at 3 Feb 2012 (includes amendments listed above)		

- ² Under the *Alteration of Statutory Designations Order 2006* a reference in any law to the Department of Agriculture is read and construed as a reference to the Department of Agriculture and Food.
- ³ Now known as the *Stock (Identification and Movement) Regulations 1972*; citation changed (see note under r. 1).
- ⁴ The commencement date of 1 Jul 1982 that was specified was before the date of gazettal.
- ⁵ The commencement date of 1 Oct 1983 that was specified was before the date of gazettal.

Defined Terms

Defined Terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined Term	Provision(s)
approved manufacturer	4A(1)
Breed Society mark.....	7A(1)
eartag.....	4A(1)
evidence	20H(5)
number plate	20(1b)
other document	20C(3)
property.....	2
property identification code	2
property of origin	4(6)