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STOCK DISEASES (REGULATIONS) ACT 1968

**ENZOOTIC DISEASES
AMENDMENT REGULATIONS
2006**

Western Australia

Enzootic Diseases Amendment Regulations 2006

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Stock Diseases (Regulations) Act 1968

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Made by the Governor in Executive Council.

1. Citation

These regulations are the *Enzootic Diseases Amendment Regulations 2006*.

2. The regulations amended

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

[* *Reprint 4 as at 28 October 2005.*

For amendments to 17 August 2006 see Western Australian Legislation Information Tables for 2005, Gazette 16 June 2006.]

3. Regulation 4 amended

- (1) Regulation 4 is amended by inserting before “In” the subregulation designation “(1)”.
- (2) Regulation 4 is amended as follows:
 - (a) by deleting the definitions of “NLIS Database”, “NLIS device”, “NLIS post breeder device” and “update the NLIS database”;

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- (b) by deleting the definition of “PIC” and inserting instead —

“

“PIC”, in relation to a property, means —

- (a) a property identification code specified in the register in respect of the property; or
- (b) an identification code issued under regulation 4A in respect of the property;

”.

- (c) by inserting in the appropriate alphabetical position —

“

“relevant PIC” in respect of a property —

- (a) on which animals are kept; or
 - (b) from which animals are moved; or
 - (c) to which animals are delivered,
- means a PIC relating to the person keeping, moving, or accepting delivery of, the animals on, from or to the property, as the case may be;

”.

- (3) At the end of regulation 4 the following subregulation is inserted —

“

- (2) For the purposes of these regulations, an animal is moved from one property to another if it is moved between places that have different PICs.

”.

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r. 4**4. Regulation 4A inserted**

After regulation 4 the following regulation is inserted —

“

4A. Identification codes for non-farming properties

- (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.
- (3) The Chief Inspector is to keep a register of the identification codes issued under subregulation (2) and publish the register on a website maintained by or for the Chief Inspector.

”.

5. Parts 8A and 9 replaced

Parts 8A and 9 are repealed and the following Parts are inserted instead —

“

Part 8A — Cattle or buffalo identification**Division 1 — Interpretation****76. Terms used in this Part**

In this Part —

“**animal**” means cattle or buffalo;

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“approved identification”, in relation to an animal that is being moved from a property to another, means an approved means of identification, except an NLIS device, that —

- (a) displays the PIC of the property from which the animal is being moved; and
- (b) in the case of animals being moved to an abattoir, takes the form of an eartag or tailtag; and
- (c) in the case of animals being moved to an export depot, takes the form of an eartag;

“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;

“NLIS database” means the electronic database maintained under regulation 81;

“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;

“sell” includes to supply;

“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 81(4);

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

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r. 5**77. NLIS devices**

- (1) For the purposes of this Part 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.

Division 2 — Manufacture and sale of NLIS devices**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.

79. 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 animals owned by that person or animals to which NLIS post breeder devices must be applied; and

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- (b) the person has given the manufacturer —
 - (i) his or her full name and address; and
 - (ii) the relevant PIC of the property on which the animals are kept by the person;and
- (c) the manufacturer has confirmed that the PIC is a relevant PIC relating to a property where the person keeps the animals —
 - (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 those animals; or
 - (ii) by application to the Chief Inspector; or
 - (iii) by reference to the internet website maintained under regulation 81(3) of these regulations or regulation 12(4) of the *Stock (Identification and Movement) Regulations 1972*;and
- (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).

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- (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); and
- (b) display on the device a visual identification number that includes the relevant 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.

80. 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.

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- (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 relevant PIC of the property on which the purchaser keeps any animal 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.

Division 3 — NLIS database**81. 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; and
 - (b) if the device is not applied to an animal — the relevant PIC of the property in relation to which the device was issued; and
 - (c) if the device is applied to an animal —
 - (i) the relevant 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.

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- (3) The information recorded in the database is to be made accessible on a 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 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.
- (7) The Chief Inspector or a person approved by the Chief Inspector may update the database to correct any errors.

Division 4 — Offences relating to the use of NLIS devices and approved identification**82. Application of NLIS devices**

- (1) A person must not, without the written approval of an inspector, apply an NLIS device to an animal unless —
 - (a) the person is, or is acting on behalf of, the owner of the animal or is otherwise required or

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enabled by these regulations to apply the device; and

- (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 relevant PIC of that property; and
- (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; and
- (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.

83. 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 relevant PIC of a property on which animals are 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,

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

Penalty: \$5 000.

84. Removal, damage and replacement of NLIS devices

- (1) A person must not remove an NLIS device or other approved identification from an animal unless it is done —
- (a) after the animal has been slaughtered in an abattoir; or
 - (b) after the animal is slaughtered or otherwise dies on any other property, by the operator of the property; or
 - (c) in the case of an NLIS device, 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.

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- (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.

84A. False representation that something is an NLIS device

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

Penalty: \$5 000.

Division 5 — Responsibilities of owners

84B. Responsibilities of owners before moving animals

- (1) Except as provided in subregulation (2), an owner of an animal must not move the animal, or permit the animal to be moved, from one property to another unless —
- (a) the animal has an NLIS device applied to it at the time it is moved; and
 - (b) the PIC recorded on the NLIS database in relation to the device is the relevant PIC of the property from which the animal is to be moved.

Penalty: \$5 000.

- (2) Subject to regulation 84C, subregulation (1) does not apply if —
- (a) the animal is being moved to an export depot or an abattoir from the animal's property of birth; or

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- (b) the animal is being moved to a saleyard, an export depot or an abattoir from a property that is contiguous with the animal's property of birth and that is not in an area referred to in section 30(1)(a) of the *Stock (Identification and Movement) Act 1970*; or
- (c) the Chief Inspector approves the movement of the animal without an NLIS device being applied to it.

84C. Exemptions from responsibilities under regulation 84B

- (1) The owner cannot rely upon the exemption in regulation 84B(2)(a) or (b) unless approved identification is applied to the animal.
- (2) The owner cannot rely upon the exemption in regulation 84B(2)(a) or (b) unless the owner has furnished to the drover or carrier of the animal a waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* that applies to all the animals moved under that subregulation at that time and no other animals.
- (3) The owner cannot rely upon the exemption in regulation 84B(2)(b) unless the owner has furnished to the drover or carrier of the animal a waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* that displays the relevant PIC of the property of birth of the animal.
- (4) The owner cannot rely upon the exemption in regulation 84B(2) unless the owner has taken all practicable measures to ensure that while the animal is being moved it is kept separate from —
 - (a) animals to which NLIS devices have been applied; and

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- (b) animals being moved from another property.

84D. Responsibilities of owners after moving animals

- (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 relevant PIC of the property to which the animal has been moved; and
 - (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; or
 - (b) the owner moves the animal to a saleyard; or
 - (c) the owner moves the animal from a saleyard after purchasing the animal there; or
 - (d) the owner moves the animal directly to an abattoir for slaughter; or
 - (e) the owner moves the animal directly to an export depot for export; or

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- (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.

Division 6 — Responsibilities of drovers, carriers or purchasers**84E. Responsibilities of drovers or carriers**

- (1) In this regulation —
“**transport document**” means —
 - (a) a waybill; or
 - (b) a document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970*; or
 - (c) a note referred to in section 50(3) of the *Stock (Identification and Movement) Act 1970*.
- (2) A drover or carrier moving animals from a property to a holding yard must, as soon as practicable after arriving at the holding yard, endorse on the transport document —
 - (a) the relevant PIC of the holding yard; and
 - (b) the relevant PIC of the property to which the animals are to be taken from the holding yard.

Penalty: \$5 000.
- (3) A drover or carrier moving animals from one property to another must, as soon as practicable after arriving there, give a copy of any transport document relating to the animals to the operator of the property.

Penalty: \$5 000.

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- (4) If a drover or carrier moves animals from a property and the animals have approved identification applied to them, the drover or carrier must keep the animals separate from —

- (a) animals to which NLIS devices have been applied; and
- (b) animals being moved from another property.

Penalty: \$5 000.

84F. Responsibilities of purchasers

- (1) 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 relevant 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.

- (2) If animals are sold to a person, the person must not take possession of the animals unless they are moved in accordance with this Part.

Penalty: \$5 000.

Division 7 — Responsibilities of property operators**Subdivision 1 — General****84G. Responsibilities of property operators before animals are moved**

An operator of a property must not permit an animal to which an NLIS device has been applied to be moved to the property unless the property has a PIC.

Penalty: \$5 000.

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r. 5**84H. Responsibility of operators if animals die while being moved to the 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.

Subdivision 2 — Holding yards**84I. Responsibilities of holding yard operators**

- (1) When animals are moved to a holding yard from a particular property and are kept there for more than 48 hours, the operator of the holding yard must keep a record, in an approved form, of —
 - (a) the relevant PIC of the property from which animals were moved to the holding yard; and
 - (b) the date on which animals were moved to the holding yard from the property; and
 - (c) the number of animals moved to the holding yard from the property on that date; and
 - (d) the date on which the animals were moved from the holding yard; and
 - (e) the relevant PIC of the property to which the animals are to be consigned from the holding yard.

Penalty: \$5 000.

- (2) The operator is to make the record available for inspection by an inspector during normal business hours.

Penalty: \$5 000.

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Subdivision 3 — Saleyards**84J. Responsibilities of saleyard operators if no identification is applied**

- (1) Unless an inspector in a particular case approves otherwise, if an animal is moved to a saleyard and an NLIS device is not applied to the animal, the saleyard operator must, within the period specified in subregulation (2) —
 - (a) apply an NLIS post breeder device to the animal; and
 - (b) update the NLIS database in relation to the device by recording —
 - (i) the relevant PIC of the property from which the animal was moved to the saleyard; and
 - (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.

- (2) The saleyard operator must comply with the requirements of subregulation (1) as soon as practicable after the movement of the animal to the saleyard and before it is sold or otherwise moved from the saleyard.
- (3) If animals are moved to a saleyard and more than 10% of the animals have neither NLIS devices nor approved identification applied to them, the operator of the saleyard must —
 - (a) hold the animals at the saleyard without selling them; and

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- (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under regulation 84K.

Penalty: \$5 000.

84K. Directions by inspectors

- (1) The inspector may make any necessary or convenient direction in relation to the animals including —
 - (a) to hold the animals at the saleyard; and
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for regulation 84J(1) to be complied with.
- (2) A saleyard operator must comply with a direction given by an inspector under subregulation (1).

Penalty: \$5 000.

84L. Responsibilities of saleyard operators if animal is born at saleyard

If an animal is born on, or while being moved to, a saleyard the saleyard operator must —

- (a) as soon as practicable after its birth and before it is sold or otherwise moved from the saleyard, apply an NLIS post breeder device to the animal; and
- (b) within 48 hours after the device is applied, update the NLIS database in relation to the device by recording —
 - (i) the relevant PIC of the property from which the mother of the animal was moved to the saleyard; and

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- (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's mother; and
- (iii) the date the animal was born.

Penalty: \$5 000.

84M. Responsibilities of saleyard operators before animals are moved from the saleyard

- (1) 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 relevant PIC of the property to which the animal has been moved; and
 - (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.

- (2) 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.

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r. 5**84N. Other responsibilities of saleyard operators if NLIS devices are applied to animals**

- (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 the relevant PIC of the property on which the owner of the animal kept it before it was moved to the saleyard.

Penalty: \$5 000.

- (2) 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 relevant 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.

Subdivision 4 — Abattoirs**84O. Meaning of “inspector”**

In this Subdivision —

“**inspector**” includes an officer of an agency responsible under a written law of this State or the Commonwealth for —

- (a) the inspection of animals before they are slaughtered; and
- (b) giving consent for the animals to be slaughtered after inspection,

who is authorised by the agency to exercise the functions of an inspector under this regulation.

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84P. Responsibilities of abattoir operators if no identification is applied

- (1) Unless an inspector in a particular case approves otherwise, if an animal is moved to an abattoir and neither an NLIS device nor approved identification is applied to the animal, the abattoir operator must, within the period specified in subregulation (2) —
 - (a) apply to the animal —
 - (i) an NLIS post breeder device; or
 - (ii) an approved tag displaying the relevant PIC of the property from which the animal was moved to the abattoir;and
 - (b) if the operator applies a tag to the animal —
 - (i) keep an approved record of the consignment in which the animal was moved to the abattoir; and
 - (ii) make the record available for inspection by an inspector during normal business hours.

Penalty: \$5 000.
- (2) The abattoir operator must comply with the requirements of subregulation (1) as soon as practicable after the movement of the animal to the abattoir and before it is slaughtered or otherwise moved from the abattoir.
- (3) If animals are moved to an abattoir and more than 10% of the animals have neither NLIS devices nor approved identification applied to them, the operator of the abattoir must —
 - (a) hold the animals at the abattoir without slaughtering them; and

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- (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under regulation 84Q.

Penalty: \$5 000.

84Q. Directions by inspectors

- (1) The inspector may make any necessary or convenient direction in relation to the animals including —
 - (a) to hold the animals at the abattoir; and
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for regulation 84R(1) to be complied with.

- (2) An abattoir operator must comply with a direction given by an inspector under subregulation (1).

Penalty: \$5 000.

84R. Responsibilities of abattoir operators if NLIS devices are applied to animals

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 the relevant PIC of the property on which the owner of the animal kept it before it was moved to the abattoir.

Penalty: \$5 000.

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84S. Responsibilities of abattoir operators if approved identification is applied

- (1) If an animal to which approved identification is applied is moved to an abattoir, the abattoir operator must —
 - (a) keep a record in accordance with subregulation (2) of the movement of the animal to the abattoir and any subsequent slaughter, or other movement from the abattoir, of the animal; and
 - (b) make the record available for inspection by an inspector during normal business hours.

Penalty: \$5 000.

- (2) A record under subregulation (1) is to be in an approved form and is to include the relevant PIC of the property from which the animal was moved to the abattoir and the name and address of the operator of that property.
- (3) If an animal to which approved identification is applied is moved to an abattoir but is not slaughtered, the abattoir operator must not move the animal from the abattoir to another property unless —
 - (a) before the animal is moved, the abattoir operator applies an NLIS post breeder device to the animal; and
 - (b) as soon as practicable after the NLIS device is applied, the abattoir operator updates the NLIS database in relation to the device by recording —
 - (i) the relevant PIC of the property from which the animal was moved to the abattoir; and
 - (ii) the relevant PIC of the abattoir; and

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- (iii) 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 to the abattoir; and
 - (iv) the date the animal was moved to the abattoir;
- and
- (c) within 48 hours after the animal is moved to the other property, the abattoir operator updates the NLIS database in relation to the device by recording —
 - (i) the relevant PIC of the property; and
 - (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.

84T. Responsibilities of abattoir operators before animals are moved from the abattoir

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 relevant PIC of the property to which the animal has been moved; and

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- (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.

84U. Responsibilities of abattoir operators after animals are slaughtered

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.

Subdivision 5 — Export depots

84V. Responsibilities of export depot operators if no identification is applied

- (1) Unless an inspector in a particular case approves otherwise, if an animal is moved to an export depot and neither an NLIS device nor approved identification is applied to the animal, the export depot operator must, within the period specified in subregulation (2) —
 - (a) apply to the animal —
 - (i) an NLIS post breeder device; or
 - (ii) an approved tag displaying the relevant PIC of the property from which the animal was moved to the export depot;
- and

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- (b) if the operator applies a tag to the animal —
 - (i) keep an approved record of the consignment in which the animal was moved to the export depot; and
 - (ii) make the record available for inspection by an inspector during normal business hours.

Penalty: \$5 000.

- (2) The export depot operator must comply with the requirements of subregulation (1) as soon as practicable after the movement of the animal to the export depot and before it is exported or is otherwise moved from the depot.
- (3) If animals are moved to an export depot and more than 10% of the animals have neither NLIS devices nor approved identification applied to them, the operator of the export depot must —
 - (a) hold the animals at the export depot; and
 - (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under regulation 84W.

Penalty: \$5 000.

84W. Directions by inspectors

- (1) The inspector may make any necessary or convenient direction in relation to the animals including —
 - (a) to hold the animals at the export depot; and
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for regulation 84V(1) to be complied with.

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- (2) An export depot operator must comply with a direction given by an inspector under subregulation (1).

Penalty: \$5 000.

84X. Responsibilities of export depot operators if animal is born at export depot

If an animal is born on, or while being moved to, an export depot the export depot operator must as soon as practicable after its birth or movement to the depot, as the case may be, and before it is sold or otherwise moved from the depot, apply an approved eartag to the animal.

Penalty: \$5 000.

84Y. Responsibilities of export depot operators if NLIS devices are applied to animals

- (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 the relevant PIC 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.

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- (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 relevant PIC of the property to which the animal has been moved; and
 - (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.

84Z. Responsibilities of export depot operators if approved identification is applied

- (1) If an animal to which approved identification is applied is moved to an export depot, the export depot operator must —
- (a) keep a record in accordance with subregulation (2) of the movement of the animal to the export depot and any subsequent export, or other movement from the export depot, of the animal; and

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- (b) make the record available for inspection by an inspector during normal business hours.

Penalty: \$5 000.

- (2) A record under subregulation (1) is to be in an approved form and is to include the relevant PIC of the property from which the animal was moved to the export depot and the name and address of the operator of that property.

85. Responsibilities of export depot operators before animals are moved from the export depot

- (1) If an animal to which approved identification is applied is moved to an export depot but is not exported, the export depot operator must not move the animal from the export depot unless —
 - (a) the animal is moved to an abattoir; or
 - (b) if the animal is moved to any other property, the export depot operator complies with subregulation (2).

Penalty: \$5 000.

- (2) The export depot operator must not move the animal to the other property unless —
 - (a) before the animal is moved, the export depot operator applies an NLIS post breeder device to the animal; and
 - (b) as soon as practicable after the NLIS device is applied, the export depot operator updates the NLIS database in relation to the device by recording —
 - (i) the relevant PIC of the property from which the animal was moved to the export depot; and

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- (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 to the export depot; and
 - (iii) the date the animal was moved;
- and
- (c) within 48 hours after the animal is moved to the other property, the export depot operator updates the NLIS database by recording —
 - (i) the relevant PIC of the property; and
 - (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.

Part 9 — Sheep or goat identification**Division 1 — Interpretation****85A. Terms used in this Part**

In this Part —

“**animal**” means sheep or goat;

“**brand**” has the meaning given to that term in section 5 of the *Stock (Identification and Movement) Act 1970*;

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

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“NLIS post breeder tag”, in relation to an animal, means an NLIS tag that is, or is to be, applied under these regulations to the animal on a property except the animal’s property of birth;

“NLIS tag” has the meaning given to that term in regulation 85B;

“sell” includes to supply.

85B. NLIS tags

- (1) For the purposes of this Part an NLIS (which stands for “National Livestock Identification System”) tag is an eartag —
 - (a) that is able to identify an animal for the whole of its life; and
 - (b) that complies with this regulation.
- (2) An NLIS tag must —
 - (a) be clearly impressed with the letters and numeral of a brand or, if it is to be applied on a non-farming property, a PIC and a serial number; and
 - (b) in the case of an NLIS post breeder tag, be pink; and
 - (c) in the case of any other NLIS tag, be of a colour approved for the year in which the animal was born.

Division 2 — Manufacture and sale of NLIS tags**85C. Manufacture of NLIS tags**

A person must not manufacture an NLIS tag unless the person is approved.

Penalty: \$5 000.

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- (1) A person must not sell an NLIS tag unless it has been manufactured by an approved manufacturer.
Penalty: \$5 000.
- (2) An approved manufacturer must not sell an NLIS tag unless —
 - (a) a person has applied to the manufacturer for an NLIS tag that will identify animals owned or, in the case of a non-farming property, kept, slaughtered or exported 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 a brand for the animals registered in the name of the person or, if the person is the operator of a non-farming property, the relevant PIC of the property where the animals will be kept or slaughtered or from which the animals will be exported;and
 - (c) the manufacturer has confirmed that the PIC is a relevant PIC relating to a property, or that the brand relates to a property, where the person keeps the animals —
 - (i) by sighting the brand in an original certificate of registration under section 23 of the *Stock (Identification and Movement) Act 1970*; or
 - (ii) by application to the Registrar; or

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- (iii) by reference to the internet website maintained under regulation 12(4) of the *Stock (Identification and Movement) Regulations 1972*;

and

- (d) the manufacturer has kept a written or electronic record of that confirmation; and
- (e) the NLIS tag displays the registered brand or relevant PIC, as the case may be.

Penalty: \$5 000.

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

Penalty: \$5 000.

- (4) The Chief Inspector may request an approved manufacturer to make available to an approved person any record of confirmation kept under subregulation (3) and in that event the approved manufacturer must comply with the request as soon as practicable after the request is made.

Penalty: \$5 000.

Division 3 — Offences relating to the use of NLIS tags**85E. Application of NLIS tags**

- (1) A person must not, without the written approval of an inspector, apply an NLIS tag to an animal unless —
 - (a) the person is, or is acting on behalf of, the owner of the animal or is otherwise required or enabled by these regulations to apply the tag;and

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- (b) the animal is on the property in relation to which the tag was issued; and
- (c) in the case of an NLIS tag other than a NLIS post breeder tag, the animal is on the animal's property of birth; and
- (d) in the case of an NLIS post breeder tag, the animal is not on the animal's property of birth.

Penalty: \$5 000.

- (2) A person must not apply an NLIS tag to an animal unless the tag displays —
 - (a) a brand corresponding to the relevant 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 person; or
 - (b) if no brand is registered in relation to the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the person, the relevant PIC of the property.

Penalty: \$5 000.

- (3) A person must not apply an NLIS post breeder tag to an animal unless the tag is placed in the right or off ear of a male animal and in the left or near ear of a female animal.

Penalty: \$5 000.

- (4) A person must not apply an NLIS tag, except an NLIS post breeder tag, to an animal unless the tag is placed in the left or near ear of a male animal and in the right or off ear of a female animal.

Penalty: \$5 000.

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85F. Removal, damage and replacement of NLIS tags

- (1) A person must not remove an NLIS tag from an animal unless it is done —
- (a) after the animal has been slaughtered in an abattoir; or
 - (b) after the animal is slaughtered or otherwise dies on any other property, by the operator of the property; or
 - (c) after the tag is damaged or defaced so that the brand or PIC, as the case may be, is no longer legible, 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 tag except by disposing of it in accordance with subregulation (3).

Penalty: \$5 000.

- (3) A person must not dispose of an NLIS tag 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 tag 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 tag to the animal.

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r. 5**85G. False representation that something is an NLIS tag**

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

Penalty: \$5 000.

Division 4 — Responsibilities of owners**85H. Responsibilities of owners before moving animals**

- (1) Except as provided in subregulation (3), an owner of an animal must not move the animal, or permit the animal to be moved, from a property to another unless the animal has applied to it an NLIS tag displaying —
 - (a) the brand corresponding to the relevant PIC of the property from which the animal is to be moved; or
 - (b) if no brand is registered in relation to the property from which the animal is to be consigned, the relevant PIC of the property.

Penalty: \$5 000.

- (2) Until 31 December 2008 a tag that does not display a brand or a PIC is to be taken to be an NLIS tag complying with subregulation (1) if it —
 - (a) was applied to the animal before 1 January 2006; and
 - (b) is clearly impressed with the name of the owner of the property from which the animal is to be moved, or the address of that property; and
 - (c) is coloured in accordance with regulation 85B(2)(b) or (c), as the case requires.

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- (3) Subject to subregulation (4), subregulation (1) does not apply in respect of an animal if —
- (a) the animal is a lamb being moved to an abattoir from the animal's property of birth; or
 - (b) the animal is a goat being moved from an area referred to in section 30(1)(a) of the *Stock (Identification and Movement) Act 1970* to a contiguous property or an abattoir; or
 - (c) the Chief Inspector approves the movement of the animal without an NLIS tag being applied to it.
- (4) The owner cannot rely upon the exemption in subregulation (3) unless the owner has taken all practicable measures to ensure that while the animal is being moved it is kept separate from —
- (a) animals to which NLIS devices have been applied; and
 - (b) animals being moved from another property.
- (5) An owner moving animals from one property to another must furnish to the drover or carrier of the animals a waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* that applies to all of the animals being moved at that time and no other animals.

Penalty: \$5 000.

Division 5 — Responsibilities of drovers, carriers or purchasers**85I. Responsibilities of drovers or carriers**

- (1) In this regulation —
- “**transport document**” means —
- (a) a waybill; or

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- (b) a document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970*; or
 - (c) a note referred to in section 50(3) of the *Stock (Identification and Movement) Act 1970*.
- (2) A drover or carrier moving animals from a property to a holding yard must, as soon as practicable after arriving at the holding yard, endorse on the transport document —
 - (a) details of the brand corresponding to the relevant PIC of the holding yard or, if no brand is registered in relation to the holding yard, the relevant PIC of the holding yard; and
 - (b) details of the brand corresponding to the relevant PIC of the property to which the animals are to be taken from the holding yard or, if no brand is registered in relation to the property, the relevant PIC of the property.

Penalty: \$5 000.
- (3) A drover or carrier moving animals from one property to another must, as soon as practicable after arriving there, give a copy of any transport document relating to the animals to the operator of the property.

Penalty: \$5 000.
- (4) If a drover or carrier moves animals from a property and the animals do not have NLIS tags applied to them, the drover or carrier must keep the animals separate from —
 - (a) animals to which NLIS tags have been applied; and
 - (b) animals being moved from another property.

Penalty: \$5 000.

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85J. Responsibilities of purchasers

- (1) A purchaser of the animal at a saleyard must, when requested by the saleyard operator, provide details of —
 - (a) the brand corresponding to the relevant 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; or
 - (b) if no brand is registered in relation to the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the purchaser, the relevant PIC of the property.

Penalty: \$5 000.

- (2) If animals are sold to a person, the person must not take possession of the animals unless they are moved in accordance with this Part.

Penalty: \$5 000.

Division 6 — Responsibilities of property operators**Subdivision 1 — General****85K. Responsibilities of property operators before animals are moved**

An operator of a property must not permit an animal to which an NLIS tag has been applied to be moved to the property unless the property has a PIC.

Penalty: \$5 000.

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r. 5**Subdivision 2 — Holding yards****85L. Responsibilities of holding yard operators**

- (1) When animals are moved to a holding yard from a particular property and are kept there for more than 48 hours, the operator of the holding yard must keep a record, in an approved form, of —
 - (a) the brand corresponding to the relevant PIC of the property from which animals were moved to the holding yard or if there is no brand registered in relation to the property, the relevant PIC of the property; and
 - (b) the date on which animals were moved to the holding yard from the property; and
 - (c) the number of animals moved to the holding yard from the property on that date; and
 - (d) the date on which the animals were moved from the holding yard; and
 - (e) the relevant PIC of the property to which the animals are to be consigned from the holding yard.

Penalty: \$5 000.

- (2) The operator is to make the record available for inspection by an inspector during normal business hours.

Penalty: \$5 000.

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Subdivision 3 — Saleyards**85M. Responsibilities of saleyard operators if NLIS tags are not applied to animals**

- (1) In this regulation —
“**NLIS tag**”, in relation to an animal that has been moved to a saleyard, means an NLIS tag relating to —
 - (a) the brand corresponding to the relevant PIC of the property from which the animal was moved to the saleyard; or
 - (b) if no brand is registered in relation to the property from which the animal was moved to the saleyard, the relevant PIC of the property.
- (2) Unless an inspector in a particular case approves otherwise, if an animal is moved to a saleyard and an NLIS tag is not applied to the animal, the saleyard operator must, within the period specified in subregulation (3) apply to the animal an NLIS post breeder tag.
Penalty: \$5 000.
- (3) The saleyard operator must comply with the requirements of subregulation (2) as soon as practicable after the movement of the animal to the saleyard and before it is sold or otherwise moved from the saleyard.
- (4) If animals are moved to a saleyard and more than 10% of the animals do not have NLIS tags applied to them, the operator of the saleyard must —
 - (a) hold the animals at the saleyard without selling them; and

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- (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under regulation 85N.

Penalty: \$5 000.

85N. Directions by inspectors

- (1) The inspector may make any necessary or convenient direction in relation to the animals including —
 - (a) to hold the animals at the saleyard; and
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for NLIS tags, as defined in regulation 85M(1), to be applied to the animals.
- (2) A saleyard operator must comply with a direction given by an inspector under subregulation (1).

Penalty: \$5 000.

85O. Responsibilities of saleyard operators if animal is born at saleyard

If an animal is born on, or while being moved to, a saleyard, the saleyard operator must as soon as practicable after its birth and before it is sold or otherwise moved from the saleyard, apply an NLIS post breeder tag to the animal.

Penalty: \$5 000.

85P. Responsibilities of saleyard operators before animals are moved from the saleyard

- (1) A saleyard operator must not move, or permit to be moved, from the saleyard an animal to which an NLIS tag is applied unless it is moved back to the property from where it came or to another property with a PIC.

Penalty: \$5 000.

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- (2) If an animal to which an NLIS tag 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 tag is legible.

Penalty: \$5 000.

85Q. Other responsibilities of saleyard operators if NLIS tags are applied to animals

- (1) If an animal at a saleyard has an NLIS tag applied to it, the saleyard operator must —
- (a) keep a record in accordance with subregulation (2) of the movement of the animal to the saleyard and any subsequent sale, or other movement from the saleyard, of the animal; and
 - (b) make the record available for inspection by an inspector during normal business hours.

Penalty: \$5 000.

- (2) A record under subregulation (1) is to be in an approved form and is to include —
- (a) any serial number recorded on an NLIS tag applied at the saleyard; and
 - (b) details of —
 - (i) the brand corresponding to the relevant PIC of the property from which the animal was moved to the saleyard; or
 - (ii) if no brand is registered in relation to the property from which the animal was moved to the saleyard, the relevant PIC of the property,and the name and address of the operator of the property from which the animal was moved to the saleyard; and

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- (c) details of —
 - (i) the brand corresponding to the relevant PIC of the property to which the animal was consigned from the saleyard; or
 - (ii) if no brand is registered in relation to the property to which the animal was consigned from the saleyard, the relevant PIC of the property,and the name and address of the operator of the property to which the animal was consigned from the saleyard; and
- (d) 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.

Penalty: \$5 000.

Subdivision 4 — Abattoirs**85R. Meaning of “inspector”**

In this Subdivision —

“**inspector**” includes an officer of an agency responsible under a written law of this State or the Commonwealth for —

- (a) the inspection of animals before they are slaughtered; and
- (b) giving consent for the animals to be slaughtered after inspection,

who is authorised by the agency to exercise the functions of an inspector under this regulation.

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85S. Responsibilities of abattoir operators if NLIS tags are not applied to animals

- (1) In this regulation —
“**NLIS tag**”, in relation to an animal that has been moved to an abattoir, means an NLIS tag relating to —
 - (a) the brand corresponding to the relevant PIC of the property from which the animal was moved to the abattoir; or
 - (b) if no brand is registered in relation to the property from which the animal was moved to the abattoir, the relevant PIC of the property.
- (2) Unless an inspector in a particular case approves otherwise, if an animal, except an animal to which regulation 85H(3)(a) applies, is moved to an abattoir and an NLIS tag is not applied to the animal, the abattoir operator must, within the period specified in subregulation (3) —
 - (a) apply to the animal an NLIS post breeder tag; and
 - (b) keep an approved record of the consignment in which the animal was moved to the abattoir; and
 - (c) make the record available for inspection by an inspector during normal business hours.

Penalty: \$5 000.
- (3) The abattoir operator must comply with the requirements of subregulation (2) as soon as practicable after the movement of the animal to the abattoir and before it is slaughtered or otherwise moved from the abattoir.

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- (4) If animals, except animals to which regulation 85H(3)(a) applies, are moved to an abattoir and more than 10% of the animals do not have NLIS tags applied to them, the operator of the abattoir must —
- (a) hold the animals at the abattoir without slaughtering them; and
 - (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under regulation 85T.

Penalty: \$5 000.

- (5) If animals to which regulation 85H(3)(a) applies are moved to an abattoir and are not slaughtered, the operator of the abattoir must —
- (a) hold the animals at the abattoir; and
 - (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under regulation 85T.

Penalty: \$5 000.

85T. Directions by inspectors

- (1) The inspector may make any necessary or convenient direction in relation to the animals including —
- (a) to hold the animals at the abattoir; and
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for NLIS tags, as defined in regulation 85S(1), to be applied to the animals.
- (2) An abattoir operator must comply with a direction given by an inspector under subregulation (1).

Penalty: \$5 000.

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85U. Responsibilities of abattoir operators if animal is born at abattoir

If an animal is born on, or while being moved to, an abattoir, the abattoir operator must as soon as practicable after its birth and before it is sold or otherwise moved from the abattoir, apply an NLIS post breeder tag to the animal.

Penalty: \$5 000.

85V. Responsibilities of abattoir operators if NLIS tags are applied to animals

(1) In this regulation —

“**previous property**”, in relation to an animal at an abattoir, means —

- (a) the last property, other than a non-farming property, at which the animal was kept; and
- (b) each non-farming property at which the animal was kept —
 - (i) after being moved from the property referred to in paragraph (a); and
 - (ii) before being moved to the abattoir.

(2) If an animal at an abattoir has an NLIS tag applied to it, the abattoir operator must —

- (a) keep a record in accordance with subregulation (3) of the movement of the animal to the abattoir and any subsequent slaughter, or other movement from the abattoir, of the animal; and
- (b) make the record available for inspection by an inspector during normal business hours.

Penalty: \$5 000.

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- (3) A record under subregulation (2) is to be in an approved form and is to include —
- (a) any serial number recorded on an NLIS tag applied at the abattoir; and
 - (b) details of —
 - (i) the brand corresponding to the relevant PIC of each previous property; or
 - (ii) if no brand is registered in relation to a previous property, the relevant PIC of the property;
- and
- (c) the name and address of the operator of each previous property; and
 - (d) 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.
- (4) An abattoir operator must not move, or permit to be moved, from the abattoir a live animal to which an NLIS tag is applied unless it is moved back to the property from where it came or to another property with a PIC.

Penalty: \$5 000.

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Subdivision 5 — Export depots**85W. Responsibilities of export depot operators if NLIS tags are not applied to animals**

- (1) In this regulation —
“**NLIS tag**”, in relation to an animal that has been moved to an export depot, means an NLIS tag relating to —
 - (a) the brand corresponding to the relevant PIC of the property from which the animal was moved to the export depot; or
 - (b) if no brand is registered in relation to the property from which the animal was moved to the export depot, the relevant PIC of the property.
- (2) Unless an inspector in a particular case approves otherwise, if an animal is moved to an export depot and an NLIS tag is not applied to the animal, the export depot operator must, within the period specified in subregulation (3) —
 - (a) apply to the animal an NLIS post breeder tag; and
 - (b) keep an approved record of the consignment in which the animal was moved to the export depot; and
 - (c) make the record available for inspection by an inspector during normal business hours.

Penalty: \$5 000.
- (3) The export depot operator must comply with the requirements of subregulation (2) as soon as practicable after the movement of the animal to the export depot and before it is exported or is otherwise moved from the depot.

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- (4) If animals are moved to an export depot and more than 10% of the animals do not have NLIS tags applied to them, the operator of the export depot must —
- (a) hold the animals at the export depot; and
 - (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under regulation 85X.

Penalty: \$5 000.

85X. Directions by inspectors

- (1) The inspector may make any necessary or convenient direction in relation to the animals including —
- (a) to hold the animals at the export depot; and
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for NLIS tags, as defined in regulation 85W(1), to be applied to the animals.
- (2) An export depot operator must comply with a direction given by an inspector under subregulation (1).

Penalty: \$5 000.

85Y. Responsibilities of export depot operators if animal is born at export depot

If an animal is born on, or while being moved to, an export depot, the export depot operator must as soon as practicable after its birth or movement to the depot, as the case may be, and before it is sold or otherwise moved from the depot, apply an NLIS post breeder tag to the animal.

Penalty: \$5 000.

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85Z. Responsibilities of export depot operators if NLIS tags are applied to animals

- (1) In this regulation —
“**previous property**”, in relation to an animal at an export depot, means —
 - (a) the last property, other than a non-farming property, at which the animal was kept; and
 - (b) each non-farming property at which the animal was kept —
 - (i) after being moved from the property referred to in paragraph (a); and
 - (ii) before being moved to the export depot.
- (2) If an animal at an export depot has an NLIS tag applied to it, the export depot operator must —
 - (a) keep a record in accordance with subregulation (3) of the movement of the animal to the export depot and any subsequent export, or other movement from the export depot, of the animal; and
 - (b) make the record available for inspection by an inspector during normal business hours.

Penalty: \$5 000.
- (3) A record under subregulation (2) is to be in an approved form and is to include —
 - (a) any serial number recorded on an NLIS tag applied at the export depot; and
 - (b) details of —
 - (i) the brand corresponding to the relevant PIC of each previous property; or

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- (ii) if no brand is registered in relation to a previous property, the relevant PIC of the property;
 - and
 - (c) the name and address of the operator of each previous property; and
 - (d) 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.
- (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 tag is applied unless it is moved back to the property from where it came or to another property with a PIC.
- Penalty: \$5 000.

”.

6. Schedule 2 amended

- (1) Schedule 2 clause 15 is amended by deleting “identification approved under regulation 80(3).” and inserting instead —
- “
- approved identification, as those terms are defined in regulation 76.
- ”.
- (2) Schedule 2 clause 25 is amended by deleting “a wool brand, ear tag, tattoo or some other approved identification.” and inserting instead —
- “ an NLIS tag as defined in regulation 85A. ”.

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- (3) Schedule 2 clause 29(1) is amended by deleting “in the case of cattle each animal is identified by an NLIS device.” and inserting instead —

“

each animal is identified to the property from which it was moved —

- (a) in the case of cattle, by an NLIS device or approved identification, as those terms are defined in regulation 76; and
- (b) in the case of sheep, by an NLIS tag as defined in regulation 85A.

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By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.



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