

## AGRICULTURE

### AG301

#### STOCK (BRANDS AND MOVEMENT) ACT 1970 STOCK (BRANDS AND MOVEMENT) AMENDMENT REGULATIONS 1995

Made by His Excellency the Governor in Executive Council.

#### Citation

1. These regulations may be cited as the *Stock (Brands and Movement) Amendment Regulations 1995*.

#### Commencement

2. These regulations come into operation on the day the *Stock (Brands and Movement) Amendment Act 1994* comes into operation.

#### Regulation 1 amended

3. Regulation 1 of the principal regulations is amended by deleting "Stock (Brands and Movement) Regulations 1972" and substituting the following —

" *Stock (Identification and Movement) Regulations 1972* ".

#### Regulation 2 repealed

4. Regulation 2 of the principal regulations is repealed.

#### Regulation 3 amended

5. Regulation 3 (1) of the principal regulations is amended —

(a) in paragraph (a) —

(i) by inserting after "use a brand" the following —

" or earmark ";

(ii) by deleting "and" after subparagraph (i); and

(iii) by inserting after subparagraph (ii) the following —

" (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

";

and

(b) in paragraph (b) —

(i) by inserting after "in which a brand" the following —

" or earmark ";

(ii) by deleting subparagraphs (i) and (ii) and substituting the following subparagraphs —

" (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.

### Regulation 3 further amended

#### 6. Regulation 3 of the principal regulations is further amended —

- (a) by inserting after subregulation (1) the following subregulation —

“

(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.

”;

and

- (b) in subregulation (2) —

(i) by deleting “of this regulation”;

(ii) by inserting after “uses a brand” the following —

“ or earmark ”; and

(iii) by deleting “control of stock diseases” and substituting the following —

“

monitoring, control or eradication of stock diseases or the conduct of research programmes in respect of stock

”.

### Regulation 4 amended

#### 7. Regulation 4 of the principal regulations is amended —

- (a) in subregulations (2), (3) and (4), by deleting “goats or sheep” in each place where it occurs and substituting in each case the following —

“ sheep, goats or camelids ”;

- (b) in subregulation (4) (b), by deleting “goat or sheep” in both places where it occurs and substituting in each case the following —

“ sheep, goat or camelid ”; and

- (c) in subregulation (5) —

(i) by deleting the full stop at the end of paragraph (a) and substituting a semi colon;

(ii) by deleting the full stop at the end of paragraph (b) and substituting the following —

“ ; and ”; and

- (iii) by inserting after paragraph (b) the following paragraph —

“

(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.

”.

**Regulation 5 amended**

8. Regulation 5 of the principal regulations is amended by repealing subregulation (2) and substituting the following subregulation —

“

(2) The age mark for sheep —

- (a) lambed in 1995 and every sixth year after that year shall consist of 3 notches on the back (bottom) of the ear;
- (b) lambed in 1996 and every sixth year after that year shall consist of one notch on the front (top) of the ear;
- (c) lambed in 1997 and every sixth year after that year shall consist of 2 notches on the front (top) of the ear;
- (d) lambed in 1998 and every sixth year after that year shall consist of 3 notches on the front (top) of the ear;
- (e) lambed in 1999 and every sixth year after that year shall consist of one notch on the back (bottom) of the ear; and
- (f) lambed in 2000 and every sixth year after that year shall consist of 2 notches on the back (bottom) of the ear.

”

**Regulation 6 amended**

9. Regulation 6 of the principal regulations is amended —

- (a) by repealing subregulation (1) and substituting the following subregulation —

“

(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.

”

and

- (b) in subregulation (3), by deleting the following —

“

while those cattle remain on the run, but where those cattle are removed from the run for the purpose of display at an agricultural show, or for the purpose of sale as registered stud cattle, the cattle shall be identified by a tail tag of a type approved by the Registrar on which is imprinted the rotary-number of the registered brand of the owner

”

**Regulation 9 amended****10. Regulation 9 of the principal regulations is amended —**

- (a) by repealing subregulation (1) and substituting the following subregulation —

“  
 (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. ”;

and

- (b) in subregulation (2), by inserting after “calf” the following —

“ or fawn ”.

**Regulation 9A amended****11. Regulation 9A of the principal regulations is amended —**

- (a) in subregulation (1) —

- (i) by inserting after “horse” the following —

“ or deer ”; and

- (ii) by deleting “when the animal is fully grown” and substituting the following —

“ at the time when the brand is applied ”;

- (b) in subregulation (2) —

- (i) by deleting “The brand for cattle” and substituting the following —

“  
 Subject to subregulation (2a), the brand for cattle or buffalo ”;

and

- (ii) by deleting “when the animal is fully grown” and substituting the following —

“ at the time when the brand is applied ”;

- (c) by inserting after subregulation (2) the following subregulation —

“  
 (2a) The brand for buffalo, if applied to the horn, shall be of sufficient size to be clearly legible. ”;

- (d) in subregulation (3) —

- (i) by inserting after “cattle” the following —

“ or buffalo ”; and

- (ii) by deleting “in any dimension when the animal is fully grown” and substituting the following —

“  
 across its maximum dimension at the time when the earmark symbol is applied ”;

and

- (e) by repealing subregulation (4) and substituting the following subregulation —

“

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

”.

### Regulation 10 amended

12. Regulation 10 of the principal regulations is amended —

- (a) in subregulation (2) —
- (i) by deleting “Subject to sections 15 and 21 of the Act, the” and substituting the following —
- “ The ”; and
- (ii) by deleting “two letters and the numeral” and substituting the following —
- “ 5 numerals ”;
- and
- (b) in subregulation (3), by deleting “20 millimetres between” and substituting the following —
- “ a minimum of 5 millimetres between ”.

### Regulation 11A amended

13. Regulation 11A of the principal regulations is amended —

- (a) by deleting “section 30 (2) (a)” and substituting the following —
- “ section 30 (2) ”;
- (b) in paragraph (a) —
- (i) by inserting after “in the case of a calf” the following —
- “ under the age of 2 weeks ”; and
- (ii) by deleting subparagraph (iv) and substituting the following subparagraph —
- “
- (iv) the number of the certificate referred to in section 30 (2) (a) (i) of the Act;
- ”;
- and
- (c) by deleting paragraph (b) and substituting the following paragraph —
- “
- (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 Form No. 7 in Schedule 1.
- ”.

**Regulation 12 repealed and a regulation substituted**

14. Regulation 12 of the principal regulations is repealed and the following regulation is substituted —

“

**The register**

12. (1) The register kept by the Registrar shall record or store the appropriate details referred to in Form No. 1 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.

”

**Regulation 18 repealed and regulations 17A and 18 substituted**

15. Regulation 18 of the principal regulations is repealed and the following regulations are substituted —

“

**Cancellation and joint owners**

17A. (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.

**Application for re-registration**

18. 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 19 amended**

16. Regulation 19 of the principal regulations is amended —

(a) by deleting “a stock owner or his agent” and substituting the following —

“ the proprietor of any stock ”;

(b) by inserting after "branding equipment" the following —

"  
or earmarking equipment, or branding equipment and  
earmarking equipment, as the case requires,

and

(c) by deleting "it is registered" and substituting the following —

" the equipment is registered "

#### **Regulation 19A inserted**

**17.** After regulation 19 of the principal regulations the following regulation is inserted —

"

#### **Inspector or Police officer to give written notice of requirement**

**19A.** (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 20 amended**

**18.** Regulation 20 (2) of the principal regulations is amended by deleting "goats, sheep and pigs" and substituting the following —

" sheep, swine, goats, buffalo, deer and camelids "

#### **Regulation 20A repealed and a regulation substituted**

**19.** Regulation 20A of the principal regulations is repealed and the following regulation is substituted —

"

#### **Identification of imported stock**

**20A.** (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 20B amended**

**20.** Regulation 20B of the principal regulations is amended by deleting paragraphs (a) and (b).

**Regulation 20C amended****21. Regulation 20C of the principal regulations is amended —**

- (a) by inserting after the regulation designation "20C." the subregulation designation "(1)";
- (b) by deleting "Where" and substituting the following —  
" Subject to subregulation (2), if ";
- (c) by deleting "permit to move stock" and substituting the following —  
" other document ";
- (d) by deleting "permit." and substituting the following —  
" other document. "; and
- (e) by inserting the following subregulations —

" (2) A person furnishing a waybill or other document on which the word "various" is recorded under subregulation (1) shall also record on the waybill or other document —

- (a) the total number of stock in respect of which the word "various" is recorded under subregulation (1);
- (b) the number and description of the stock 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 stock 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 authorizes the movement of stock under the Act.

**Regulation 20D amended****22. Regulation 20D of the principal regulations is amended —**

- (a) by deleting "permit to move stock" and substituting the following —  
" other document "; and



- (b) by deleting "movement and" and substituting the following —  
" movement of the stock and by ".

#### **Regulation 20E amended**

**23. Regulation 20E of the principal regulation is amended —**

- (a) in subregulation (1) —
- (i) by deleting "permit to move stock" and substituting the following —  
" other document "; and
- (ii) by deleting "six months" and substituting the following —  
" 3 years ";
- (b) in subregulation (2), by deleting "six months" and substituting the following —  
" 3 years "; and
- (c) in subregulation (3), by deleting "six months by the owner or" and substituting the following —  
" 3 years by the ".

#### **Regulation 20F amended**

**24. Regulation 20F of the principal regulations is amended —**

- (a) by deleting "permit to move stock" and substituting the following —  
" other document ";
- (b) by deleting "will" and substituting the following —  
" shall "; and
- (c) by deleting "six months" and substituting the following —  
" 3 years ".

#### **Regulation 20G repealed and regulations 20G, 20H, 20I and 20J substituted**

**25. Regulation 20G of the principal regulations is repealed and the following regulations are substituted —**

"

#### **Certain documents to be produced if required by Inspector or Police officer**

**20G.** 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.

#### **Application for and issue of identification exemption certificates**

**20H.** (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 and —

- (a) in respect of stock that have not attained the age of 6 months;
- (b) in respect of stock that have attained the age of 6 months but have not attained the age of 18 months, if the stock would be required to be branded under section 30 (1) (b) of the Act if not specified in an identification exemption certificate; or
- (c) in respect of stock referred to in subregulation (4).

(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.

#### **Movement permits**

**20I.** (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.

#### **Prescribed countries**

**20J.** 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 21 amended**

26. Regulation 21 of the principal regulations is amended by deleting "One hundred dollars" and substituting the following —

" \$3 000 "

**Schedule 1 amended**

27. Schedule 1 to the principal regulations is amended —

(a) in Form No. 1 —

(i) by deleting "STOCK (BRANDS AND MOVEMENT) ACT, 1970" and substituting the following —

" STOCK (IDENTIFICATION AND MOVEMENT) ACT 1970 ";

(ii) by inserting after "BRANDS" in both places where it occurs in the headings to Part A and Part B the following —

" AND EARMARKS "; and

(iii) in Part B by deleting "Brand" in both places where it occurs and substituting in each case the following —

" Brand/Earmark ";

(b) in Form No. 2 —

(i) by deleting "STOCK (BRANDS AND MOVEMENT) ACT, 1970" and substituting the following —

" STOCK (IDENTIFICATION AND MOVEMENT) ACT 1970 ";

and

(ii) by deleting "stock brands" and substituting the following —

" stock brands and/or earmarks ";

(c) in Form No. 3, by deleting "STOCK (BRANDS AND MOVEMENT) ACT 1970" and substituting the following —

" STOCK (IDENTIFICATION AND MOVEMENT) ACT 1970 ";

(d) in Form No. 4 —

(i) by deleting "STOCK (BRANDS AND MOVEMENT) ACT, 1970" and substituting the following —

" STOCK (IDENTIFICATION AND MOVEMENT) ACT 1970 ";

(ii) by deleting "Brand" and substituting the following —

" Brand/Earmark "; and

(iii) by inserting after "BRANDS" the following —

" AND/OR EARMARKS ";

- (e) in Form No. 5 —
- (i) by deleting "Stock (Brands and Movement) Act, 1970" and substituting the following —
- " STOCK (IDENTIFICATION AND MOVEMENT) ACT 1970 "
- (ii) by inserting after "BRANDING" the following —
- " OR EARMARKING "; and
- (iii) by deleting "Brand" in both places where it occurs and substituting in each case the following —
- " Brand/Earmark ";
- (f) in Form No. 6 —
- (i) by deleting "Stock (Brands and Movement) Act, 1970" and substituting the following —
- " STOCK (IDENTIFICATION AND MOVEMENT) ACT 1970 "
- (ii) by inserting after "BRANDING" the following —
- " OR EARMARKING ";
- (iii) by deleting "BRANDS" in both places where it occurs and substituting in each case the following —
- " BRANDS/EARMARKS "; and
- (iv) by deleting "Branding" and substituting the following —
- " Branding/Earmarking ";
- (g) in Form No. 7 —
- (i) by deleting "Stock (Brands and Movement) Act, 1970" and substituting the following —
- " STOCK (IDENTIFICATION AND MOVEMENT) ACT 1970 "
- and
- (ii) by deleting "6 months" and substituting the following —
- " 3 years ";
- and
- (h) by deleting Form 8, Form 9, Form 10 and Form 11.

#### Schedule 2 amended

28. Schedule 2 to the principal regulations is amended by deleting item 5 and substituting the following item —

"

5.	18	Application to re-register a brand .....	33.00	".
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By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.