



Queensland

Stock Identification Regulation 2005

Subordinate Legislation 2005 No. 101

made under the

Chemical Usage (Agricultural and Veterinary) Control Act 1988

State Penalties Enforcement Act 1999

Stock Act 1915

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Part 1 Preliminary

Division 1 Introduction

1 Short title

This regulation may be cited as the *Stock Identification Regulation 2005*.

2 Commencement

This regulation commences on 1 July 2005.

3 Purposes of regulation and their achievement

- (1) The main purpose of this regulation is to help the prevention, control and eradication of disease by giving effect to the system known as the 'national livestock identification system' (*NLIS*), agreed to by the Commonwealth and the States under a resolution of the Primary Industries Ministerial Council of 2 October 2003.¹
- (2) The main purpose is achieved principally by requirements that create the capacity to trace livestock movements.
- (3) A secondary purpose of this regulation is to help to identify the chemical residue status, disease status or HGP status of holdings and other particular places, and of stock on or from the places and, potentially, of downstream animal products from the stock.
- (4) The secondary purpose is achieved mainly by provisions for the registration of the chemical residue status, disease status or HGP status.

¹ A copy of the resolution may be obtained, free of charge, from the department's office at 80 Ann Street, Brisbane.

Division 2 Interpretation

Subdivision 1 Dictionary

4 Definitions

The dictionary in the schedule defines particular words used in this regulation.

Subdivision 2 Key definitions

5 What are *designated stock*

Designated stock are buffalo, cattle, deer, goats, members of the camel family, pigs, poultry and sheep.

Examples of members of the camel family—

alpacas, Arabian camels and llamas

6 What is the *threshold number* of designated stock

The *threshold number*, of designated stock, is—

- (a) for designated stock other than poultry—1; or
- (b) for poultry—100.

7 What is a *registrable place*

(1) A *registrable place* is any of the following—

- (a) a holding;
- (b) a local government reserve or commonage;
- (c) a pound;
- (d) an animal refuge;
- (e) a stock route;
- (f) a saleyard;
- (g) a spelling facility for stock;

- (h) a yard used as a dip for travelling stock;
 - (i) a reserve for travelling stock;
 - (j) a meat processing facility;
 - (k) a transit facility for drafting, weighing, reconsigning or transshipping designated stock;
 - (l) a live export holding;
 - (m) a showground for designated stock;
 - (n) a sporting ground for designated stock;
 - (o) a local government area;
 - (p) an animal park, theme park or zoo.
- (2) To remove any doubt, it is declared that a place mentioned in subsection (1) is still a registrable place even if it is part of, or included in, another place mentioned in subsection (1).

Division 3 Maximum penalties

8 Maximum penalty for offence against s 37(1)(k) of Act about particular breaches of regulation

For an offence against section 37(1)(k) of the Act about a breach of section 12(2), 24(1), 39, 40, 71(2) or (3), 75(2) or (4) or 76(1), the maximum penalty is 20 penalty units.²

² Section 12 (Correction and updating of register), 24 (New owner's obligation to give notice of transfer), 39 (Restrictions on removing transaction tag or HGP free tag), 40 (Restrictions on removing saleyard tag), 71 (Additional obligation of selling agent if permanent tag is malfunctioning), 75 (Owner's obligation to remove transaction tag of cattle travelled from relevant place of destination) or 76 (Obligation to notify)

For the maximum penalty for the offence against section 37(1)(k) of the Act about a breach of any other provision of this regulation, see section 42(4)(a) (Offences generally and penalty) of the Act.

Part 2 Registration of holdings and other places

Division 1 The register

9 Chief inspector's obligation to keep register

The chief inspector must keep a register of registered places.

10 Information required to be registered

- (1) The register must include all of the following information for each registered place—
 - (a) a unique property identification code (*PIC*);
 - (b) its owner's name;
 - (c) if it has a name—the name;
 - (d) its address and locality;
 - (e) if, under section 11, a chemical residue status, disease status or HGP status has been decided for the place and of stock on or from the place—the status.
- (2) Subject to sections 21 and 25,³ the PIC may take any form the chief inspector considers appropriate.
- (3) The chief inspector may record other information the chief inspector considers appropriate about a registered place.

11 Deciding chemical residue status, disease status or HGP status

- (1) The chief inspector may decide the chemical residue status, disease status or HGP status of a registered place and of stock on or from the place.

³ Sections 21 (Provisions for PIC for registrable place) and 25 (Deciding PIC for transferred place)

- (2) The chief inspector must, as soon as practicable after registering the status under section 10, give the owner of the place a notice stating—
 - (a) what the registered status is; and
 - (b) that the owner may, within a stated reasonable period, make written submissions to the chief inspector about the registered status.
- (3) The chief inspector must consider any written submissions made by the owner within the stated period.
- (4) If, because of the submissions, the chief inspector decides the actual chemical residue status, disease status or HGP status is different from its registered status, the chief inspector must amend the registered status to reflect the decision.
- (5) If the amended registered chemical residue status, disease status or HGP status is the same as a status proposed by the owner in the submissions, the chief inspector must give the owner notice of the amended status.
- (6) If, after complying with subsections (3) to (5), the registered chemical residue status, disease status or HGP status is other than any status proposed by the owner in the submissions, the chief inspector must give the owner an information notice about the decision.

12 Correction and updating of register

- (1) This section applies to information registered under section 10 other than its chemical residue status, disease status or HGP status.⁴
- (2) If the owner of the registered place becomes aware of a change that affects or may affect the accuracy of the information as registered, the owner must, as soon as practicable, give the chief inspector notice of the change (a *change notice*).

⁴ For changes to information registered under section 11, see the *Acts Interpretation Act 1954*, section 24AA(b) (Power to make instrument or decision includes power to amend or repeal).

- (3) The chief inspector may correct registered information if satisfied the information is incorrect or that the correction is necessary to ensure the traceability of designated stock on or from the place.
- (4) The correction may be made at the chief inspector's own initiative, at the owner's request, or because of a change notice or transfer notice.
- (5) If the correction is made at the chief inspector's own initiative, and without the owner's request or consent and not because of a change notice or transfer notice, the chief inspector must give the owner an information notice about the decision.
- (6) in this section—
correct includes amend, and for a PIC, cancelling and replacing it.

13 Evidentiary aids for register

- (1) This section applies to a proceeding under or relating to the Act.⁵
- (2) A certificate purporting to be signed by the chief inspector stating that a stated document is a copy of all or part of any of the following on a stated day or during a stated period, is evidence of the matters stated in the document on the day or during the period—
 - (a) the register, or an extract from it;
 - (b) the NLIS database.

⁵ For offences about breaches of this regulation, see section 37(1)(k) (Offences) of the Act.

Division 2 Access to the register

14 Power to disclose registered information to approved NLIS administrator

- (1) The chief inspector may, by gazette notice, approve, for this regulation, an entity as the administrator of the NLIS database (the *approved NLIS administrator*).
- (2) The chief inspector may, of the chief inspector's own initiative, give the approved NLIS administrator any registered information.
- (3) The information may be given subject to conditions the chief inspector considers appropriate, including, for example, a condition that the authorised NLIS administrator gives, and continues to give, the chief inspector access to information in the NLIS database.
- (4) If the authorised administrator is a corporation, the information may be given by giving it to a director or employee of the corporation or another person authorised in writing by its directors.

15 Public access to register

- (1) The chief inspector must—
 - (a) keep the register open for inspection by members of the public, by appointment or the giving of reasonable written or oral notice, at the chief inspector's office and at each other inspector's office; and
 - (b) allow anyone, on payment of any fee requested, to take extracts from the register; and
 - (c) give, on payment of any fee requested, anyone who asks for it, a copy of the register.
- (2) However, for registered information about the chemical residue status, disease status or HGP status of a registered place or of stock on or from the place, access only applies if—
 - (a) the person is—
 - (i) an owner of the place; or

- (ii) the authorised NLIS administrator; or
- (iii) carrying out functions under an Act administered by the department or under a law of another State or the Commonwealth that provides for the same or similar matters as an Act administered by the department; or
- (b) an owner of the place consents in writing; or
- (c) disclosing the information is expressly permitted or required under the Act or another Act; or
- (d) the chief inspector is satisfied disclosing the information—
 - (i) will contribute to the traceability of stock and disease or compliance with a food safety scheme or market access or reporting or product integrity standard; or
 - (ii) is essential for the administration of a food safety or animal health control or accreditation program.
- (3) A fee requested under subsection (1) must not be more than the actual cost of allowing the taking of the extract or giving the copy.

Division 3 Registration of registrable places

Subdivision 1 Who must or may apply for registration

16 When owner of registrable place must apply for registration

- (1) This section applies to each owner of a registrable place, other than a local government area—
 - (a) that is not registered;⁶ and

⁶ For holdings registered under the repealed *Stock Identification Regulation 1985*, see section 101 (Register of holdings becomes the register under this regulation).

- (b) on which the threshold number, or a greater number, of designated stock are held; and
 - (c) for which an approval under section 17 has not been given.
- (2) The owner must apply to register the place within 14 days after the threshold number of designated stock is first held on the place.

17 Approval for particular registrable places to remain unregistered

- (1) The owner of a registrable place may apply to the chief inspector for approval for the place to remain unregistered.
- (2) The application must be in the approved form.
- (3) The approval may be given only if the chief inspector is satisfied—
 - (a) the only designated stock held at the place are pets or are held for personal consumption; and
 - (b) the number of the designated stock mentioned in paragraph (a) is, other than for poultry, no more than 2; and
 - (c) the holding of the designated stock at the place is lawful.
- (4) If the chief inspector decides to refuse the application, the chief inspector must give the applicant an information notice about the decision.

18 Owner of registrable place may apply for registration even if not required

An owner of a registrable place, other than a local government area, may apply to register the place, even if no designated stock, or less than the threshold number of designated stock, are held at the place.

Subdivision 2 Applying for and obtaining registration

19 Applying for registration

- (1) An application to register a registrable place must be—
 - (a) made to an inspector by an owner of the place; and
 - (b) in the approved form; and
 - (c) state—
 - (i) the real property description, address, locality and any name of the place; and
 - (ii) the owner's name, address and telecommunication details; and
 - (iii) the approximate numbers of each type of designated stock held at the place.
- (2) If the application is for 2 or more registrable places, it must—
 - (a) state—
 - (i) who owns each of the places; and
 - (ii) in which local government area each of the places are located; and
 - (iii) whether they are worked as 1 unit; and
 - (b) if the places are worked as 1 unit—be accompanied by evidence of that fact.

20 Deciding application

If the application complies with section 19, the inspector must—

- (a) give the registrable place a PIC that complies with section 21; and
- (b) register the place; and
- (c) give the applicant a notice stating that the place has been registered and its PIC.

21 Provisions for the PIC for registrable place

- (1) If the application is for only 1 registrable place, despite how many owners it has, the place must only be given 1 PIC.
- (2) However, if—
 - (a) there is another registered place that—
 - (i) is owned by the applicant; or
 - (ii) has at least 1 common owner with the registrable place; and
 - (b) the registrable place and the registered place are in the same locality; and
 - (c) the registered place and the registrable place are worked as 1 unit;

the registrable place, when registered, must be given the same PIC as the registered place.
- (3) If the application is for more than 1 registrable place, each of them must be given the same PIC if they—
 - (a) are in the same locality; and
 - (b) are owned by the same person, or have at least 1 common co-owner; and
 - (c) are worked as 1 unit.
- (4) For subsections (2) and (3), places are in the same locality if they are in the same or adjoining local government areas, whether or not the places are contiguous.
- (5) However, if the places are not contiguous and are in different local government areas, they are in the same locality only if the centroid of any of the places is no more than 20 km from the boundary between the areas.

Subdivision 3 Discretionary registration

22 Chief inspector may register registrable place

- (1) The chief inspector may register a registrable place and give it a PIC if satisfied the place holds designated stock or the owner of the place proposes to hold designated stock.
- (2) Subsection (1) applies even if—
 - (a) the owner of the place has not applied to register it; and
 - (b) the stock are only being held, or to be held, temporarily.
- (3) However, before registering the place, the chief inspector must do each of the following—
 - (a) give the owner a notice stating—
 - (i) that the chief inspector proposes to register the place because it holds designated stock; and
 - (ii) a reasonable period within which the owner may make written submissions to the chief inspector about whether the place holds designated stock;
 - (b) consider any written submissions made by the owner within the stated reasonable period.
- (4) On registering the place, the chief inspector must—
 - (a) give it a PIC that complies with section 21;⁷ and
 - (b) give an information notice stating that the place has been registered, and stating its PIC, to—
 - (i) if the place is a local government area—the local government; or
 - (ii) otherwise—the owner of the place.

23 Special purpose PIC

The chief inspector may give a person a PIC other than for a particular place, and register the PIC, if satisfied it is necessary for the integrity of NLIS or for training purposes.

⁷ Section 21 (Provisions for the PIC for registrable place)

Subdivision 4 Transfer of registration

24 New owner's obligation to give notice of transfer

- (1) If a registered place is sold or otherwise disposed of, its new owner must, within 14 days, give an inspector a notice of the transfer (a *transfer notice*).
- (2) The transfer notice must be in the approved form.

25 Deciding PIC for transferred place

- (1) If—
 - (a) the new owner of the registrable place the subject of the transfer notice (the *transferred place*) is the owner of another registrable place (the *existing place*); and
 - (b) had the transfer notice been an application to register the transferred place section 21⁸ would have required the transferred place and the existing place to have the same PIC;the inspector must amend the register so that the transferred place and the existing place have the same PIC.⁹
- (2) Otherwise, the PIC for the transferred place must not be changed only because of the transfer.¹⁰
- (3) On registering information under section 10¹¹ because of the sale or disposition the subject or the notice, the inspector must give the new owner notice of the PIC for the transferred place.

8 Section 21 (Provisions for the PIC for registrable place)

9 If the PIC of the existing place is changed, see section 41 (Approval to use different PIC for permanent tags for cattle).

10 See also section 12(4) (Correction and updating of register).

11 Section 10 (Information required to be registered)

Subdivision 5 Deregistration

26 Owner may apply to deregister

- (1) If a registered place no longer holds the threshold number or a greater number of designated stock, the owner of the place may apply to an inspector to deregister the place.
- (2) The application must be in the approved form.
- (3) The inspector must remove the place from the register if satisfied the threshold number of designated stock is no longer held, or proposed to be held, at the registered place.
- (4) Otherwise, the inspector must refuse the application.
- (5) If the inspector decides to refuse the application, the inspector must give the applicant an information notice about the decision.

Part 3 General provisions for the stock identification system

Division 1 Approval of tags and their purposes

27 Chief inspector's power to approve tags

- (1) The chief inspector may, for designated stock that are, or are proposed to be, travelled, approve tags for the types of tags mentioned in section 28 for the purpose provided for under that section.
- (2) A tag approved under subsection (1) is an *approved tag*.
- (3) However, the approval of an HGP free tag is subject to section 93.¹²

12 Section 93 (When HGP free tag stops being an approved tag)

- (4) A type of approved tag may take any form the chief inspector considers appropriate.
- (5) However—
 - (a) the approval of a tag of a particular type must require each tag of that type to be unique, by colour coding, lettering or numbering or any combination of colour coding, lettering or numbering; and
 - (b) if an approved tag of a particular type includes an electronic microchip, the approval must require each microchip of that type to show a unique number or letter, or any combination of lettering or numbering.
- (6) The chief inspector must, on the department's website on the internet,¹³ publish details of approved tags, other than information that is unique for particular tags or registered places.

28 Types of approved tags and their purposes

- (1) The following are the types of approved tags for designated stock that are, or are proposed to be, travelled and the purpose of each type—
 - (a) the following tags (*permanent tags*)—
 - (i) *breeder tags* to show designated stock—
 - (A) were born at a particular place identified by a PIC recorded on or shown by the tag; and
 - (B) have not previously been travelled from the place;
 - (ii) *post-breeder tags* to show designated stock—
 - (A) were not born at the place identified by the PIC recorded on or shown by the tag; or
 - (B) were born at a particular place identified by a PIC recorded on or shown by the tag but

¹³ At the commencement of this regulation, the department's website on the internet for NLIS was <<http://www.dpi.qld.gov.au/NLIS/>>.

have previously been travelled from the place;

- (iii) ***bolus ear tags*** for insertion into the ear of designated stock to show a rumen bolus has been inserted into their rumen or reticulum;
 - (iv) ***saleyard post-breeder tags*** for use at saleyards if designated stock arrive at saleyards untagged;
 - (v) ***district breeder tags*** and ***district post-breeder tags*** that inspectors may supply to the owners of designated stock held on registrable places that are not registered;
- (b) the following tags (***temporary tags***)—
- (i) ***transaction tags*** that are ear or tail tags for cattle and that, for the transaction relating to their travel, identify them to the last place on which they were held;
 - (ii) ***saleyard tags*** for use at saleyards to show that a permanent tag that designated stock bear is malfunctioning;
 - (iii) ***HGP free tags*** that are ear or tail tags for cattle to show, for the transaction relating to their travel from the place, they were free of any HGP.¹⁴
- (2) A post-breeder tag for sheep is a ***sheep property tag***.

Division 2 Dealings relating to approved tags

29 Approval required to manufacture tag for use as an approved tag

A person must not manufacture a tag for use as an approved tag, unless—

- (a) it is of a type of approved tag provided for under section 28; and

¹⁴ See also the *Chemical Usage (Agricultural and Veterinary) Control Regulation 1999*, part 5 (Hormonal growth promotants).

- (b) the chief inspector has given written approval for the person to manufacture tags of its type; and
- (c) all conditions of the approval have been complied with.

30 Obtaining approval to manufacture approved tags

- (1) A person may apply to the chief inspector for approval to manufacture approved tags of a stated type.
- (2) The application must be written.
- (3) The chief inspector may, by notice, require the applicant to give, within a stated reasonable period, stated information to allow the chief inspector to decide the application.
- (4) If the information is not given within the period, the application is taken to have lapsed.
- (5) Subject to subsections (3) and (4), the chief inspector must decide whether to grant or refuse the approval.
- (6) If the approval is granted and it is for electronic tags for cattle, the approval is subject to the condition that the approval holder must, before supplying the tags to anyone else, give the NLIS administrator notice of—
 - (a) the serial number shown by the tags; and
 - (b) the PIC of the place for which the tags are to be manufactured; and
 - (c) the number shown by each microchip included in the tags.
- (7) The approval may be granted subject to other stated conditions.
- (8) If the chief inspector decides to refuse the approval, the chief inspector must give the applicant an information notice about the decision.

31 Restrictions on supplying and buying approved tag

- (1) A supplier of an approved tag, other than an inspector supplying a district breeder tag or district post-breeder tag, must not supply it to a buyer and the buyer must not buy the tag, unless—

- (a) the buyer has given the supplier a written order for the tag; and
 - (b) the PIC recorded on or shown by the tag is the PIC of any registered place for which the tag is to be used.
- (2) A buyer must not buy a rumen bolus, unless it is supplied together with a bolus ear tag.
- (3) A buyer must not buy a bolus ear tag, unless it is supplied together with a rumen bolus.

32 Record-keeping obligations of supplier of approved tags

- (1) A supplier of an approved tag must, for 5 years from the supply, keep a record of all the following—
- (a) the name and address of its buyer;
 - (b) the day the tag was sold;
 - (c) any PIC recorded on or shown by the tag;
 - (d) how many approved tags were supplied to the buyer in the same transaction;
 - (e) if the relevant order for the tag under section 31 has an expiry date—the expiry date.
- (2) The person must, during the 5 years, produce the record to an inspector if the inspector asks the supplier to produce it for inspection, unless the supplier has a reasonable excuse.

Division 3 General prohibitions, restrictions and requirements relating to approved tags

Subdivision 1 Provisions for all approved tags

33 Restrictions on altering or defacing or destroying approved tag

- (1) A person must not alter or deface an approved tag or allow an approved tag to be altered or defaced, unless the alteration, or

defacing happens because of the removal of the tag, under this division or section 75 or 94.¹⁵

- (2) A person must not destroy an approved tag or allow an approved tag to be destroyed, unless—
 - (a) the destruction happens because of the removal of the tag, under this division or section 75 or 94; or
 - (b) the destruction—
 - (i) happens before the tag is applied to any designated stock; or
 - (ii) is required under section 38;¹⁶ or
 - (c) the tag is a temporary tag and the destruction happens after its removal under subdivision 3.
- (3) In this section—

alter, for an approved tag that is an electronic tag, includes doing anything that causes it to malfunction.

34 Prohibition on applying tag other than an approved tag

- (1) A person must not apply a tag to cattle or sheep that purports to be an approved tag, unless the tag is an approved tag.¹⁷
- (2) In this section—

apply, a tag, means attach or otherwise apply the tag in any way, whether or not in a way that an approved tag must be applied.

¹⁵ Section 75 (Owner's obligation to remove transaction tag of cattle travelled from relevant place of destination) or 94 (Obligation to remove HGP free tag)

¹⁶ Section 38 (Requirement to destroy removed permanent tag)

¹⁷ See also section 93 (When HGP free tag stops being an approved tag) and the *Agricultural Standards Act 1994*, section 14 (Offence about false or misleading representations about the use or non-use of hormonal growth promotants).

Subdivision 2 Permanent tags

35 Restrictions on applying permanent tag

A person must not apply a permanent tag (the *second tag*) to cattle or sheep if the cattle or sheep already bear a permanent tag (the *first tag*), unless—

- (a) the first tag is removed, and the removal is permitted under section 36;¹⁸ or
- (b) the second tag is a bolus ear tag, applied under section 49.¹⁹

36 Restrictions on removing permanent tag

(1) A person, other than an inspector, must not remove, or allow the removal of, a permanent tag that a head of cattle (whether living or dead) bears, unless—

- (a) the removal is with an inspector's oral or written approval; or
- (b) the person is a selling agent acting or proposing to act in the sale of the animal at a saleyard and—
 - (i) the tag is malfunctioning; and
 - (ii) the selling agent immediately replaces the tag with a saleyard post-breeder tag that shows the PIC of the saleyard; and
 - (iii) within 48 hours after the replacement, the selling agent gives the approved NLIS administrator notice of the serial numbers of each of the tags;²⁰ or
- (c) the person is the owner of the animal and—
 - (i) the tag is malfunctioning; and

18 Section 36 (Restrictions on removing permanent tag)

19 Section 49 (Additional requirement for bolus ear tag if applied permanent tag of another type is a rumen bolus)

20 See also section 71 (Additional obligation of selling agent if permanent tag is malfunctioning).

- (ii) the owner immediately replaces the tag with another permanent tag that may, under this regulation, be applied to the animal; and
 - (iii) within 48 hours after the replacement, the owner gives the approved NLIS administrator notice of the serial numbers of each of the tags; or
 - (d) the animal is killed at a meat processing facility and the tag is removed as part of the process to slaughter it; or
 - (e) the animal dies at a registered place (other than a meat processing facility) and the person is responsible for its husbandry.
- (2) A person, other than an inspector, must not remove, or allow the removal of, a permanent tag that a sheep (whether living or dead) bears, unless—
- (a) the removal is with an inspector's oral or written approval; or
 - (b) the sheep is killed at a meat processing facility and the tag is removed as part of the process to slaughter it; or
 - (c) the sheep dies at a registered place (other than a meat processing facility) and the person is responsible for its husbandry.

37 Restrictions on recycling or reusing permanent tag

A person must not recycle or reuse a permanent tag or part of a permanent tag, unless—

- (a) the chief inspector has given written approval for the recycling or reuse; and
- (b) all conditions of the approval have been complied with.

38 Requirement to destroy removed permanent tag

- (1) This section applies if, under section 36, a person removes a permanent tag from a head of cattle or a sheep at a registered place.
- (2) The person must destroy the tag as soon as practicable after the removal.

- (3) However, subsection (2) does not apply to the extent the tag may, under section 37, be recycled or reused.
- (4) If the tag or part of the tag may, under section 37, be recycled or reused, the owner of the registered place must take reasonable steps to ensure the tag or part is kept secure against theft.

Subdivision 3 Temporary tags

39 Restrictions on removing transaction tag or HGP free tag

A person, other than an inspector, must not remove, or allow the removal of, a transaction tag or HGP free tag that a head of cattle bears, unless—

- (a) the animal has arrived at the place of destination for the travel for the transaction for which the tag was applied;²¹
or
- (b) the tag's removal is required under section 94.²²

40 Restrictions on removing saleyard tag

A person, other than an inspector, must not remove, or allow the removal of, a saleyard tag that a head of cattle bears, unless the animal—

- (a) is travelled from the saleyard at which the tag was applied; and
- (b) has arrived at the place of destination for the travel.

21 See also section 75 (Owner's obligation to remove transaction tag of cattle travelled from relevant place of destination)

22 94 (Obligation to remove HGP free tag)

Division 4 Miscellaneous provisions

41 Approval to use different PIC for permanent tags for cattle

- (1) The owner of a registered place, other than a saleyard, may apply to the chief inspector for approval to apply, in relation to the place, particular permanent tags for cattle that show a PIC that is not the PIC of the place.
- (2) The application must be written and state the serial numbers of the tags.
- (3) If the chief inspector decides to refuse the application, the chief inspector must give the applicant an information notice about the decision.

42 Prohibition on giving approved NLIS administrator false or misleading information about particular matters

- (1) This section applies to a person who, under this regulation, must give information to the approved NLIS administrator.
- (2) The person must not, in complying or purporting to comply with the obligation, give the administrator information the person knows is false or misleading in a material particular.²³
- (3) In a proceeding for an offence against section 37(1)(k)²⁴ of the Act relating to subsection (2)—
 - (a) it is enough for the complaint starting the proceeding to state the information was ‘false or misleading’ to the defendant’s knowledge, without specifying which; and
 - (b) evidence that the information was given recklessly is evidence that it was given so as to be false or misleading.

23 For the giving of false or misleading information to an inspector, see section 37(1) (1) (Offences) of the Act.

24 Section 37 (Offences) of the Act

45 When obligation to apply an approved tag must be complied with

- (1) Subject to subsections (2) to (6), an obligation under this part to apply an approved tag to cattle must be complied with before the relevant travelling of the cattle starts.
- (2) If—
 - (a) cattle are travelled from a place (the *place of origin*) to a neighbouring holding of the place of origin and, within 48 hours after their arrival at the holding, are further travelled to another place (the *final destination*); and
 - (b) the purpose of the travel to the neighbouring holding is to comply, at the holding, with the obligation to apply an approved tag for their travel from the place of origin to the final destination;

the obligation may be complied with before the cattle leave the neighbouring holding.²⁷
- (3) If the cattle are sold by public auction at their place of departure and then travelled, the obligation to apply an approved tag must be complied with before the auction starts.
- (4) If the travel starts from a place outside the State, the obligation to apply an approved tag applies only when the cattle enter the State.
- (5) The obligation to apply an approved tag may be complied with at a later time approved by an inspector, orally or in writing.
- (6) However, the approval may be given only if—
 - (a) the cattle are to be travelled to a saleyard for sale; and
 - (b) the number of cattle being travelled is no more than 5; and
 - (c) the later time is no later than the day before the sale starts.

²⁷ See also section 52 (Travel to neighbouring holding for tagging for other travel).

Division 2 Identification requirements

46 Cattle first travelled from their place of birth

- (1) This section applies to the owner of cattle if—
 - (a) the cattle are to be travelled; and
 - (b) the place of departure for the travel is their place of birth; and
 - (c) the travel is their first travel from their place of birth; and
 - (d) the place of destination for the travel does not have the same PIC as the place of departure.
- (2) The owner must ensure the cattle bear—
 - (a) a permanent tag; and
 - (b) if the travel is to a saleyard or live export holding—a transaction tag.²⁸
- (3) The owner must ensure the permanent tag is—
 - (a) if the place of departure is registered—a breeder tag; or
 - (b) if the place of departure is not registered—a district breeder tag.
- (4) Also, if the tag is a breeder tag, the owner must ensure it shows—
 - (a) the PIC of the place of departure; or
 - (b) if an approval under section 41²⁹ has been given for the tag to show another PIC—the other PIC.
- (5) If the breeder tag is in the form of a rumen bolus, the information mentioned in subsection (4) is taken to be shown on the rumen bolus if—
 - (a) under section 49(1), a bolus ear tag is also applied to the cattle when the rumen bolus is applied; and
 - (b) the information is shown on the bolus ear tag.

28 See however, section 90 (When HGP free tag may be applied as a transaction tag).

29 Section 41 (Approval to use different PIC for permanent tags for cattle)

47 Other travelling of cattle

- (1) This section applies to the owner of cattle if—
 - (a) the cattle are to be travelled; and
 - (b) the place of departure for the travel is not their place of birth, or the travel is not their first travel from their place of birth; and
 - (c) the place of destination for the travel does not have the same PIC as the place of departure.
- (2) If the travel is to a saleyard or live export holding, the owner must ensure the cattle bear a transaction tag.³⁰
- (3) Subsection (4) applies if—
 - (a) the cattle did not bear a breeder tag, post-breeder tag, district breeder tag or district post-breeder tag when they arrived at the place of departure; or
 - (b) the cattle did bear a breeder tag, post-breeder tag, district breeder tag or district post-breeder tag when they arrived at the place of departure but they no longer bear the tag.
- (4) The owner must ensure the cattle bear the following permanent tag—
 - (a) if the place of departure is registered—a post-breeder tag;
 - (b) if the place of departure is not registered—a district post-breeder tag.
- (5) The owner must ensure a post-breeder tag applied under subsection (4)(a) shows—
 - (a) the PIC of the place of departure; or
 - (b) if an approval under section 41³¹ has been given for the tag to show another PIC—the other PIC.
- (6) For subsection (5), if the post-breeder tag is in the form of a rumen bolus, the information mentioned in the subsection is taken to be shown on the rumen bolus if—

30 See however, section 90 (When HGP free tag may be applied as a transaction tag).

31 Section 41 (Approval to use different PIC for permanent tags for cattle)

- (a) under section 49(1), a bolus ear tag is also applied to the cattle when the rumen bolus is applied; and
- (b) the information is shown on the bolus ear tag.

48 Transaction tag requirements

- (1) This section applies if, under this regulation, the owner of cattle must ensure the cattle bear a transaction tag.
- (2) The owner must ensure the transaction tag shows its serial number and the PIC of the place of departure of the cattle.
- (3) Also, the owner must ensure the transaction tag is in the form of an ear tag if—
 - (a) the travel is for live export; or
 - (b) the cattle are bobby calves under 6 weeks to be travelled to a meat processing facility for slaughter or to a saleyard for sale.
- (4) Otherwise, the transaction tag may be in the form of an ear tag or tail tag.

49 Additional requirement for bolus ear tag if applied permanent tag of another type is a rumen bolus

- (1) If—
 - (a) under section 46 or 47, a breeder tag, post-breeder tag, district breeder tag or district post-breeder tag is applied to cattle; and
 - (b) the tag applied to the cattle is in the form of a rumen bolus;

the owner of the cattle must ensure the bolus ear tag supplied together with the rumen bolus, under section 31(3),³² is also applied to the cattle when the rumen bolus is applied.

- (2) If—
 - (a) section 46 or 47 applies to the owner of cattle to be travelled; and

³² Section 31(2) and (3) (Restrictions on supplying and buying approved tag).

- (b) the cattle bear a breeder tag, post-breeder tag, district breeder tag or district post-breeder tag in the form of a rumen bolus; and
 - (c) under subsection (1), a bolus ear tag (the *old ear tag*) was applied when the rumen bolus was applied to the cattle; and
 - (d) the cattle no longer bear the old ear tag;
- the owner must ensure another bolus ear tag that shows the same information as the old ear tag is applied to the cattle.

Division 3 When particular identification requirements do not apply or are modified

Subdivision 1 Preliminary

50 Operation of div 3

- (1) This division provides for particular circumstances in which division 2 does not apply or particular obligations under division 2 that do not apply or are modified.
- (2) More than 1 provision of this division may apply for the same cattle to be travelled.
- (3) To remove any doubt, it is declared that if, under this division, a particular obligation under division 2 does not apply to the the owner of cattle to be travelled, or is modified, all other relevant obligations under division 2 must still be complied with.

Subdivision 2 When identification requirements do not apply at all

51 Temporary travel to neighbouring holding

Division 2 does not apply to cattle to be travelled, for ordinary stock management purposes, to a neighbouring holding of

their place of departure if they are returned to the place of departure within 48 hours.

Examples of ordinary stock management purposes for cattle—

dipping, branding and vaccinating

52 Travel to neighbouring holding for tagging for other travel

Division 2 does not apply to the travelling of cattle from a place (the *place of origin*) to a neighbouring holding of the place of origin if—

- (a) the cattle are, within 48 hours after their arrival at the neighbouring holding, further travelled to another place (the *final destination*); and
- (b) the purpose of the travel to the neighbouring holding is to comply with division 2 for their travel from the place of origin to the final destination.

Subdivision 3 When cattle need only bear a permanent tag or a transaction tag

53 Bobby calves under 6 weeks

A bobby calf under 6 weeks to be travelled to a meat processing facility for slaughter or to a saleyard for sale need only bear a permanent tag or a transaction tag.

Subdivision 4 When cattle need not bear a transaction tag

54 Cattle further travelled within 40 days

If—

- (a) cattle bearing a transaction tag (the *old tag*) are travelled to a place; and
- (b) the cattle are to be travelled from the place within 40 days after their arrival at the place; and

- (c) the cattle still bear the old tag when they leave the place; the cattle need not bear a further transaction tag for the travel from the place.³³

Subdivision 5 Chief inspectorial approval

55 Approval by chief inspector to travel without particular approved tag

If an approval under section 58 is in force, cattle the subject of the approval travelled to or from the place the subject of the approval need not bear the approved tag the subject of the approval.

56 Who may apply for approval

- (1) The owner of a registered place that is a saleyard may apply to the chief inspector for approval for cattle travelled to or from the place not to bear a transaction tag.
- (2) The owner of a registered place that is a showground or sporting ground, may apply to the chief inspector for approval for cattle travelled to or from the place not to bear a permanent tag.

57 Requirements for application

An application under section 56 must—

- (a) be in the approved form; and
- (b) state the proposed period of, and the cattle proposed to be subject to, the approval; and
- (c) demonstrate that, if the approval is granted, how the cattle will still be able to be traced under NLIS.

³³ If the cattle are travelled from the place more than 40 days after the arrival, see also section 75 (Owner's obligation to remove transaction tag of cattle travelled from relevant place of destination).

Example of how paragraph (c) may be complied with—

An application is proposed to be made under section 56(1) by the owner of a registered saleyard for all cattle travelled to or from the saleyard. Paragraph (c) may be complied with by showing that the saleyard has electronic readers or other facilities that are adequate to ensure part 6 will be complied with for all of the cattle.

58 Deciding application

- (1) The chief inspector may grant an approval sought in an application under section 56 only if satisfied the cattle proposed to be subject to the approval will still be traceable under NLIS.
- (2) Otherwise, the chief inspector must refuse the approval.
- (3) The approval may be granted for—
 - (a) a particular period or no particular period; or
 - (b) particular cattle, or all cattle, travelled to or from the place the subject of the approval.
- (4) If the chief inspector decides to refuse the approval, the chief inspector must give the applicant an information notice about the decision.

Part 5 Obligations of owners of travelling sheep

Division 1 Preliminary

59 Operation of div 1

- (1) This division imposes obligations on the owners of sheep that are to be travelled.
- (2) Generally, the obligations are those under division 2.

- (3) However, the obligations apply subject to division 3 and part 8, division 2.³⁴

60 How approved tag must be applied to sheep

If this regulation requires an approved tag to be applied to sheep, it must be securely attached to the ear of the sheep.

61 When obligation to apply an approved tag must be complied with

- (1) Subject to subsections (2) to (4), an obligation under this division to apply an approved tag to sheep must be complied with before the relevant travelling of the sheep starts.

- (2) If—

- (a) the sheep are travelled from a place (the *place of origin*) to a neighbouring holding of the place of origin and, within 48 hours after their arrival at the holding, are further travelled to another place (the *final destination*); and
- (b) the purpose of the travel to the neighbouring holding is to comply, at the holding, with the obligation to apply an approved tag for their travel from the place of origin to the final destination;

the obligation may be complied with before the sheep leave the neighbouring holding.³⁵

- (3) If the sheep are sold by public auction at their place of departure and then travelled, the obligation to apply an approved tag must be complied with before the auction starts.
- (4) If the travel starts from a place outside the State, the obligation to apply an approved tag applies only when the sheep enter the State.

34 Division 3 (When identification requirements do not apply) and part 8, division 2 (Transitional provisions for identification requirements for sheep)

35 See also section 66 (Travel to neighbouring holding for tagging for other travel).

Division 2 Identification requirements

62 Sheep first travelled from their place of birth

- (1) This section applies to the owner of sheep if—
 - (a) the sheep are to be travelled; and
 - (b) the place of departure for the travel is their place of birth; and
 - (c) the travel is their first travel from their place of birth; and
 - (d) the place of destination for the travel does not have the same PIC as the place of departure.
- (2) The owner must ensure the sheep bear the following permanent tag—
 - (a) if the place of departure is registered—a breeder tag;
 - (b) if the place of departure is not registered—a district breeder tag.
- (3) If the permanent tag is a breeder tag, the owner must ensure the tag shows the PIC of the place of departure.

63 Other travelling of sheep

- (1) This section applies to the owner of sheep if—
 - (a) the sheep are to be travelled; and
 - (b) the place of departure for the travel is not their place of birth, or the travel is not their first travel from their place of birth; and
 - (c) the place of destination for the travel does not have the same PIC as the place of departure; and
 - (d) either—
 - (i) the sheep did not bear a permanent tag when they arrived at the place of departure; or
 - (ii) the sheep did bear a permanent tag when they arrived at the place of departure but they no longer bear the tag.

- (2) The owner must ensure the sheep bear the following permanent tag—
 - (a) if the place of departure is registered—a sheep property tag;
 - (b) if the place of departure is not registered—a district post-breeder tag.
- (3) The sheep property tag must show the PIC of the place of departure.

Division 3 When identification requirements do not apply

64 Particular meat processing facility sales

Division 2 does not apply to sheep to be travelled for sale to a meat processing facility if—

- (a) the place of departure for the travel is the place of birth of the sheep; and
- (b) the sheep are taken directly from the place of departure to the facility; and
- (c) the sheep are not mixed with other sheep from when they leave the place of departure for the travel until they are slaughtered at the facility; and
- (d) the sale is an over the hooks sale; and
- (e) the travel is by a load of sheep that is at least 3 deck loads of the same class for slaughter.

65 Temporary travel to neighbouring holding

Division 2 does not apply to sheep to be travelled, for ordinary stock management purposes, to and from a neighbouring holding of their place of departure if they are returned to the place of departure within 48 hours.

Examples of ordinary stock management purposes for sheep—
crutching and shearing

66 Travel to neighbouring holding for tagging for other travel

Division 2 does not apply to the travelling of sheep from a place (the *place of origin*) to a neighbouring holding of the place of origin if—

- (a) the sheep are, within 48 hours after their arrival at the neighbouring holding, further travelled to another place (the *final destination*); and
- (b) the purpose of the travel to the neighbouring holding is to comply with division 2 for their travel from the place of origin to the final destination.

67 Travel to and from sporting venue

Division 2 does not apply to sheep to be travelled from a holding to a sporting event and then returned to the holding if—

- (a) no sheep from another holding are present while the sheep are at the sporting event; and
- (b) the sheep are returned within 48 hours.

Part 6 Obligations of persons receiving any travelling cattle or untagged sheep

Division 1 Cattle with an approved tag

68 Application and operation of div 1

- (1) This division applies if—
 - (a) travelling stock are cattle; and
 - (b) the place of destination for the cattle (the *relevant place of destination*)—

- (i) is not a neighbouring holding mentioned in section 51 or 52;³⁶ and
 - (ii) does not have the same PIC as the place of departure for the cattle; and
 - (c) the cattle bear an approved tag when they arrive at the relevant place of destination.
- (2) In this division, the *responsible person* means—
- (a) if the relevant place of destination is a saleyard—the owner of the saleyard; or
 - (b) if the relevant place of destination is not a saleyard—the person who receives the cattle at the place.

69 General obligations of responsible person

- (1) This section applies only if the relevant place of destination is not—
- (a) a spelling facility for stock; or
 - (b) a yard used as a dip for travelling stock; or
 - (c) a transit facility for drafting, weighing, reconsigning or transshipping designated stock.
- (2) Subject to section 72(3), the responsible person must, within the required period, give the approved NLIS administrator notice³⁷ of all of the following information about the cattle—
- (a) any PIC of the place of departure for the cattle;
 - (b) any PIC of the relevant place of destination;
 - (c) for cattle that bear a permanent tag that includes an electronic microchip—
 - (i) if the relevant place of destination is a saleyard or live export holding—the number shown by the microchip; or

³⁶ Section 51 (Temporary travel to neighbouring holding) or 52 (Travel to neighbouring holding for tagging for other travel)

³⁷ For the giving of the information electronically, see the *Electronic Transactions (Queensland) Act 2001*, sections 9 to 12.

- (ii) otherwise—the number shown by the tag or by the microchip;
 - (d) for cattle that do not bear a permanent tag—
 - (i) any PIC of each place from which they were travelled; and
 - (ii) how many cattle were received from each of the places;
 - (e) if the relevant place of destination is a meat processing facility and the cattle are slaughtered at the facility—the day they were slaughtered;
 - (f) if the relevant place of destination is a meat processing facility and the cattle are not slaughtered at the facility, or if the relevant place of destination is not a meat processing facility—the day they arrived at the place;
 - (g) the serial number of any relevant waybill given to the responsible person for the travel of the cattle to the relevant place of destination.
- (3) However, subsection (2)(g) does not apply if the relevant place of destination is a meat processing facility.
- (4) In this section—
- required period*** means—
- (a) if the relevant place of destination is a meat processing facility and the cattle were received by the facility for slaughter—
 - (i) the period that ends 48 hours after the cattle are slaughtered; or
 - (ii) if the chief inspector agrees to a longer period—the longer period; or
 - (b) otherwise—the period that ends 48 hours after the arrival of the cattle at the relevant place of destination.

70 **Alternate obligations of responsible person for particular places**

- (1) This section applies if—
 - (a) the relevant place of destination is—

- (i) a spelling facility for stock; or
 - (ii) a yard used as a dip for travelling stock; or
 - (iii) a transit facility for drafting, weighing, reconsigning or transshipping designated stock; and
- (b) the cattle leave the relevant place of destination.
- (2) The responsible person must, within 48 hours after the cattle leave the relevant place of destination, give the approved NLIS administrator notice of all of the following information—
- (a) any PIC of the place of departure for the cattle;
 - (b) any PIC of the relevant place of destination;
 - (c) how many cattle were received;
 - (d) the serial number of any relevant waybill given to the responsible person for the travel of the cattle to the relevant place of destination.
- (3) To remove any doubt, it is declared that this section does not affect an obligation under this division or division 2 of another person who later receives the cattle at another place.

71 Additional obligation of selling agent if permanent tag is malfunctioning

- (1) This section applies if—
- (a) the relevant place of destination is a saleyard, and, at the saleyard, a selling agent acts in the sale of a head of cattle that bears a breeder tag or post-breeder tag (the *existing tag*); and
 - (b) the existing tag is malfunctioning.
- (2) The selling agent must, before the animal leaves the saleyard—
- (a) ensure the animal bears a saleyard tag that shows the PIC of the saleyard; or

- (b) under section 36(1)(b),³⁸ replace the existing tag with a saleyard post-breeder tag.
- (3) If a saleyard tag is applied to the animal, the selling agent must, as soon as practicable after the animal leaves the saleyard, give the person who is to receive the animal notice that the animal bears the tag.

72 Additional obligations for out-going cattle at saleyard or particular live export holdings

- (1) This section applies if—
 - (a) the relevant place of destination is a saleyard or a live export holding; and
 - (b) the cattle leave the relevant place of destination; and
 - (c) if the relevant place of destination is a live export holding, the leaving of the place is for the purposes of being exported.
- (2) The responsible person must, within 48 hours after the cattle leave the place, give the approved NLIS administrator notice of all of the following information—
 - (a) the information mentioned in section 69(2)(a) to (d) for their travel (the *further travel*) from the saleyard or live export holding;³⁹
 - (b) the day they left the relevant place of destination;
 - (c) if the relevant place of destination is a live export holding—the serial number of the certificate under the *Export Control Act 1982* (Cwlth) for the export of the cattle;
 - (d) the serial number of any relevant waybill for the further travel.
- (3) If—
 - (a) the relevant place of destination is a saleyard; and

38 Section 36 (Restrictions on removing permanent tag)

39 Section 69 (General obligations of responsible person)

- (b) the relevant place of destination for the further travel is a farm, feedlot or station; and
- (c) the responsible person has complied with subsection (2);

section 69(2) does not apply to the responsible person for the further travel.

- (4) To remove any doubt, it is declared that subsection (3) does not affect an obligation under division 2, subdivision 1,⁴⁰ of the responsible person for the further travel.

73 Selling agent's obligation to ensure particular bobby calves bear a saleyard post-breeder tag

- (1) If the relevant place of destination is a saleyard and, at the saleyard—
 - (a) a selling agent acts in the sale of a head of cattle that is a bobby calf that only bears a transaction tag;⁴¹ and
 - (b) the sale is not to a meat processing facility for slaughter; the agent must ensure the calf bears a saleyard post-breeder tag that shows the PIC of the saleyard before it leaves the saleyard.
- (2) This section does not limit section 72.

74 Additional obligations of meat processing facility owners

- (1) This section applies if—
 - (a) the relevant place of destination is a meat processing facility; and
 - (b) the cattle are slaughtered at the facility.
- (2) The person who owns the facility must ensure each part of the carcase of each of the cattle initially slaughtered and dismembered is correlated to—

⁴⁰ Division 2, subdivision 1 (Obligation of particular persons to give inspector notice of particular consignments)

⁴¹ See also section 53 (Bobby calves under 6 weeks).

- (a) if the cattle only bear a transaction tag—the number recorded on or shown by the tag; or
- (b) if the cattle bear a permanent tag—
 - (i) the number recorded on or shown by the tag; or
 - (ii) the number shown by any microchip included in the tag.
- (3) The correlation may be done in any way the owner considers appropriate.

75 Owner's obligation to remove transaction tag of cattle travelled from relevant place of destination

- (1) This section applies only to those of the cattle that bear a transaction tag (the *old tag*).
- (2) The owner of the cattle must remove the old tag if—
 - (a) after their arrival at the relevant place of destination, the cattle are further travelled (the *second travel*); and
 - (b) the second travel starts more than 40 days after the arrival; and
 - (c) under section 47,⁴² the owner must, for the second travel, ensure the cattle bear a transaction tag.
- (3) Subsection (2) does not prevent the owner from, within the 40 days, applying another transaction tag (a *new tag*) for the second travel.
- (4) However, if the owner applies a new tag, the owner must ensure—
 - (a) the old tag is removed; and
 - (b) the new tag complies with section 48.⁴³

42 Section 47 (Other travelling of cattle)

43 Section 48 (Transaction tag requirements)

See also section 44 (How approved tags must be applied to cattle).

Division 2 Untagged cattle or sheep

Subdivision 1 Obligation of particular persons to give inspector notice of particular consignments

76 Obligation to notify

(1) If—

- (a) a consignment of cattle or sheep arrives at a registered place; and
- (b) any of them are unlawfully untagged;

the relevant person must, within 24 hours, give an inspector notice of the arrival.

(2) In this section—

relevant person means—

- (a) if the registered place is a saleyard—a selling agent who has been engaged to act in the sale of the consignment at the saleyard; or
- (b) if the registered place is a meat processing facility—its owner; or
- (c) if the registered place is a live export holding—the person in charge of stock at the holding; or
- (d) if the registered place is other than a meat processing facility, live export holding or a saleyard—the person responsible for stock at the place.

Subdivision 2 Further obligations of saleyard selling agents

77 Application of sdiv 2

This subdivision applies if—

- (a) a selling agent has been engaged to act in the proposed sale of cattle or sheep at a saleyard; and
- (b) the cattle or sheep do not bear a permanent tag when they arrive at the saleyard.

78 Obligation to ensure cattle or sheep bear a saleyard post-breeder tag

The selling agent must, before acting in the sale, ensure the cattle or sheep bear a saleyard post-breeder tag that shows the PIC of the saleyard.

79 Record-making and notification obligations

- (1) For cattle, the selling agent must within 48 hours after they leave the saleyard, make a record of all of the following information and give the approved NLIS administrator the information—
 - (a) any PIC of the place of departure for the cattle for their travel to the saleyard;
 - (b) the PIC of the saleyard;
 - (c) the number shown by the microchip included in the saleyard post-breeder tag applied under section 78;
 - (d) the day the cattle left the saleyard.
- (2) For sheep, the selling agent must within 48 hours after they leave the saleyard, make a record of all of the following information—
 - (a) any PIC of the place of departure for the sheep for their travel to the saleyard;
 - (b) the PIC of the saleyard;
 - (c) the number shown by the saleyard post-breeder tag applied under section 78;
 - (d) the day the sheep left the saleyard.
- (3) To remove any doubt, it is declared that subsections (1) and (2) apply whether or not the proposed sale is made or completed.

80 Record-keeping obligations

The selling agent must—

- (a) keep each record required to be made under section 79 for 5 years from when the notice is given under the section; and
- (b) during the 5 years, produce the record to an inspector if the inspector asks the agent to produce it for inspection, unless the selling agent has a reasonable excuse.

Subdivision 3 Further obligations of meat processing facility owners**81 Obligation not to mix untagged cattle or sheep with other animals**

- (1) This section applies if untagged cattle or sheep arrive at a meat processing facility.
- (2) The owner of the facility must ensure the cattle or sheep are, until they are slaughtered, not mixed with other animals at the facility other than animals that were in the same consignment as the untagged cattle or sheep.

82 Obligations relating to unlawfully untagged cattle or sheep

- (1) This section applies if unlawfully untagged cattle or sheep arrive at a meat processing facility.
- (2) Whether or not the cattle or sheep are slaughtered at the facility, the owner of the facility must, within the required period—
 - (a) make a record of any PIC of the last farm, feedlot or station on which the cattle or sheep were last held; and
 - (b) for cattle, give the approved NLIS administrator notice of the PIC.
- (3) If the unlawfully untagged animals are cattle and they are slaughtered at the facility, the owner must, within the required period—

- (a) give each of their carcasses a number and make a record of the numbers; and
 - (b) if the place of departure for the cattle for their travel to the meat processing facility has a PIC—correlate the PIC with the carcass numbers and make a record of the correlation.
- (4) The correlation may be done in any way the owner considers appropriate.
- (5) In this section—
- required period*** means—
- (a) if the cattle or sheep were received by the facility for slaughter—
 - (i) the period that ends 48 hours after the cattle or sheep are slaughtered; or
 - (ii) if the chief inspector agrees to a longer period—the longer period; or
 - (b) otherwise—the period that ends 48 hours after the owner receives the cattle or sheep.

83 Record-keeping obligations

- (1) This section applies to the person who from time to time is the owner of the meat processing facility during the period that ends 5 years after the last notice is given under section 82 for the arrival of the cattle or sheep.
- (2) The person must, unless the person has a reasonable excuse, ensure each record about the cattle or sheep made under the section is kept and produced to an inspector if the inspector asks the person to produce it for inspection.

Subdivision 4 Further obligations of persons in charge of stock at live export holdings

84 Application of sdiv 4

This subdivision applies if—

- (a) after 30 June 2005 untagged cattle arrive at a live export holding; or
- (b) after 31 December 2005 untagged sheep arrive at a live export holding.

85 Obligation to find out PIC of last farm, feedlot or station of cattle or sheep

The person in charge of stock at the live export holding must, unless the person has a reasonable excuse, find out the PIC of the last farm, feedlot or station on which the cattle or sheep were last held.

86 Obligation to apply tag to unlawfully untagged cattle or sheep

- (1) If the cattle or sheep were unlawfully untagged for their travel to the live export holding, the person in charge of stock at the live export holding must apply the following tag—
 - (a) for cattle—a transaction tag;
 - (b) for sheep—a sheep property tag.
- (2) The person in charge must ensure the transaction tag or sheep property tag show its serial number and the PIC of the live export holding.

87 Record-making and notification obligations

- (1) The person in charge of stock at the live export holding must, within 48 hours after the arrival of the cattle or sheep at the holding, make a record of all of the following information—

- (a) any PIC of the last farm, feedlot or station on which the cattle or sheep were last held, found out under section 85;
 - (b) the PIC of the live export holding;
 - (c) the number of the cattle or sheep to which an approved tag was applied under section 86;
 - (d) the day the cattle or sheep arrived at the live export holding.
- (2) Also, for cattle, the person in charge must, within the period mentioned in subsection (1), give the approved NLIS administrator the information mentioned the subsection.

88 Record-keeping obligations

- (1) This section applies to the person who from time to time is the person in charge of stock at the live export holding during the period that ends 5 years after the arrival of the cattle or sheep.
- (2) The person must, unless the person has a reasonable excuse, ensure each record about the cattle or sheep made under section 87 is kept and produced to an inspector if the inspector asks the person to produce it for inspection.

Subdivision 5 Further obligation of persons in charge of stock at other registered places

89 Obligation of person in charge to apply permanent tag to unlawfully untagged cattle or sheep

- (1) This section applies to the person in charge of stock at a registered place if unlawfully untagged cattle or sheep arrive at the place.
- (2) However, subsection (1) does not apply to the following places—
 - (a) a stock route;
 - (b) a saleyard;

91 Who may apply HGP free tag

The actual owner, or a person responsible for the husbandry, of a head of cattle that has not been treated with an HGP may apply an HGP free tag to it.⁴⁵

92 Prohibition on applying HGP free tag to cattle treated with hormonal growth promotant

A person must not apply an HGP free tag to a head of cattle treated with an HGP.⁴⁶

93 When HGP free tag stops being an approved tag

An HGP free tag stops being an approved tag if—

- (a) it is applied to a head of cattle treated with an HGP; or
- (b) a head of cattle that bears the approved tag is treated with an HGP.

94 Obligation to remove HGP free tag

The actual owner and the person responsible for the husbandry of, a head of cattle that bears an HGP free tag must ensure the tag is removed if the animal is treated with an HGP.

45 For how the tag must be applied, see section 44 (How approved tags must be applied to cattle).

46 See also the *Agricultural Standards Act 1994*, section 14 (Offence about false or misleading representations about the use or non-use of hormonal growth promotants).

Part 8 Transitional provisions

Division 1 Transitional provisions for identification requirements for cattle

95 Bulls over 2 years born before 1 July 2003

- (1) This section applies for the travelling, before 1 July 2009, of a bull born before 1 July 2003.
- (2) The bull need only bear a transaction tag or a permanent tag.

96 Particular cattle travelling to meat processing facility

- (1) This section applies for the travelling of cattle for sale to a meat processing facility if—
 - (a) the cattle come from the same registered place; and
 - (b) the cattle are not slaughter cattle mentioned in the *Stock Regulation 1988*, section 18(6);⁴⁷ and
 - (c) the sale—
 - (i) is an over the hooks sale; and
 - (ii) is not on a liveweight on scales basis; and
 - (d) the cattle are not mixed with other cattle from when they leave their place of departure for the travel until they are slaughtered at the facility; and
 - (e) the travel is by a load of cattle that is at least 1 deck load of the same class for slaughter.
- (2) Part 4, division 2 does not apply to the travel if it happens after 30 June 2005 and before 1 July 2006.
- (3) Part 4, division 2 does not apply to the travel if it—
 - (a) happens after 30 June 2006 and before 1 July 2007; and
 - (b) is the first travel from the place of birth of the cattle.

⁴⁷ The *Stock Regulation 1988*, section 18 (Introduction of cattle—tuberculosis)

- (4) In this section—

liveweight on scales basis, for the sale of cattle, means their sale is on the basis of their liveweight on scale before slaughter.

97 Particular cattle travelling to live export holding

- (1) This section applies for the travelling of cattle to a live export holding.
- (2) From 1 July 2005 to 30 June 2006, the owner of the cattle need only apply a permanent tag or a transaction tag to them.
- (3) From 1 July 2006 to 30 June 2007, the owner of the cattle need only apply a permanent tag or a transaction tag to them, but only if the travel is their first travel from their place of birth.

98 Election to apply permanent tag

- (1) If, under section 97, the owner of the cattle need only ensure they bear a transaction tag, the owner may elect to apply a permanent tag as well as the transaction tag.
- (2) However, if a permanent tag is applied under subsection (1) the owner must ensure the permanent tag is—
 - (a) the permanent tag otherwise required to be applied under part 4, division 2; and
 - (b) applied in a way and at a time that complies with part 4, division 1.

Division 2 Transitional provisions for identification requirements for sheep

99 Requirements do not apply from 1 July to 31 December 2005

Part 5, division 2, does not apply to sheep to be travelled to any place if the travel happens after 30 June 2005 and before 1 January 2006.

100 Election to apply permanent tag

- (1) If, under section 99, the owner of sheep need not ensure the sheep bear a permanent tag, the owner may elect to apply a permanent tag.
- (2) However, if a permanent tag is applied under subsection (1) the owner must ensure the permanent tag is—
 - (a) the permanent tag otherwise required to be applied under part 5, division 2; and
 - (b) applied in a way and a time that complies with part 5, division 1.

Division 3 Miscellaneous provisions**101 Register of holdings becomes the register under this regulation**

- (1) On the commencement of this section—
 - (a) the register of holdings under the repealed *Stock Identification Regulation 1985* (the *old register*) becomes the register under this regulation; and
 - (b) for section 10(1)—
 - (i) a place registered in the old register becomes a registered place; and
 - (ii) the person who was, in the old register, recorded as the owner of the place becomes the owner of the place.
- (2) However, the registration of the place, or the person as the owner of the place, is subject to any subsequent change permitted or required under part 2.

102 Tags under former regulation

On the commencement of this section a tag approved under the repealed *Stock Identification Regulation 1985* becomes an approved tag of its corresponding type under this regulation.

Part 9 Amendment and repeal provisions

Division 1 Amendment of Chemical Usage (Agricultural and Veterinary) Control Regulation 1999

103 Regulation amended in div 1

This division amends the *Chemical Usage (Agricultural and Veterinary) Control Regulation 1999*.

104 Amendment of s 15 (Definitions for pt 5)

Section 15, definition *HGP free tag*—

omit, insert—

‘*HGP free tag* means an HGP free tag under the *Stock Identification Regulation 2005*.’.

Division 2 Amendment of State Penalties Enforcement Regulation 2000

105 Regulation amended in div 2

This division amends the *State Penalties Enforcement Regulation 2000*.

106 Amendment of sch 5 (Other legislation)

Schedule 5—

insert—

‘Stock Act 1915

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)
s 37(1)(k), about a breach of the <i>Stock Identification Regulation 2005</i> , section 12(2), 24(1), 39, 40, 71(2) or (3), 75(2) or (4) or 76(1).	3
s 37(1)(k) about a breach of the <i>Stock Identification Regulation 2005</i> , section 16(2), 29, 31(1), (2) or (3), 32(1) or (2), 33(1) or (2), 34(1), 35, 36, 37, 38(2) or (4), 42(2), 46(2), (3) or (4), 47(2), (4) and (5), 48(2) or (3), 49, 62(2) or (3), 63(2) or (3), 69(2), 70(2), 72(2), 73(1), 74(2), 78, 79(1) or (2), 80, 81(2), 82(2) or (3), 83(2), 85, 86(1) or (2), 87(1) and (2), 88(2), 89(3) or (4), 92, 94, 98(2) or 100(2)	4

Authorised person for service of infringement notices—an inspector under the *Stock Act 1915*’.

Division 3 Amendment of Stock Regulation 1988

107 Regulation amended in div 3

This division amends the *Stock Regulation 1988*.

108 Amendment of s 5A (Definitions for pt 1A)

Section 5A, definition *MRL standard*, ‘National Registration Authority for Agricultural and Veterinary Chemicals’—

omit, insert—

‘Australian Pesticides and Veterinary Medicines Authority’.

109 Replacement of s 15 (Cattle, pigs and sheep)

Section 15—

*omit, insert—***‘15 Pigs**

‘(1) If—

- (a) pigs outside the State are proposed to be introduced; and
- (b) they are subject to an interstate identification requirement;

a person must not introduce them, unless the requirement has been complied with.

‘(2) In this section—

interstate identification requirement, for pigs proposed to be introduced, means any law of the State from which they are proposed to be introduced that requires them to be branded or otherwise identified.’.

110 Amendment of s 18 (Introduction of cattle—tuberculosis)

Section 18(6)(e)—

*omit.***111 Amendment of s 36 (Sale of diseased stock)**

Section 36(2), ‘approved by the Minister,’—

*omit.***112 Amendment of s 37 (Diseased stock at saleyards)**

Section 37(2), ‘approved by the Minister,’—

*omit.***113 Amendment of s 41 (Appointment of inspectors—Act, s 4D)**

Section 41(1)—

insert—

‘(h) police officers.’.

114 Amendment of s 46 (Identification of tested stock)

(1) Section 46(1)(c)(iii) and (2)(c)(iii), ‘post breeder tag’—

omit, insert—

‘post-breeder tag’.

(2) Section 46(3)—

omit, insert—

‘(3) In this section—

breeder tag means a breeder tag under the *Stock Identification Regulation 2005*.

post-breeder tag means a post-breeder tag under the *Stock Identification Regulation 2005*.’.

115 Amendment of s 49 (Compensation)

Section 49(5)(b)—

omit, insert—

‘(b) identified—

(i) by a brand under the *Brands Act 1915*; or

(ii) in a way required under section 46(1)(c) that shows the cattle are infected with tuberculosis;’.

116 Amendment of sch 8 (Dictionary)

Schedule 8, definition *approved tail tag*—

omit.

Division 4

**Repeal of Stock Identification
Regulation 1985**

117 Repeal

The Stock Identification Regulation 1985 is repealed.

Schedule Dictionary

section 4

apply, for an approved tag—

- (a) for cattle—means to attach the tag to, or insert the tag into, the cattle in the way provided for under section 44; or
- (b) for sheep—means to attach the tag to them in the way provided for under section 60.

approved NLIS administrator means the entity who, under section 14(1), is approved as the administrator of the NLIS database.

approved tag see section 27(2).

bear—

- 1 Cattle *bear* an approved tag if an approved tag has been attached to, or inserted into, them in the way provided for under section 44.
- 2 Sheep *bear* an approved tag if an approved tag has been attached to them in the way provided for under section 60.

bolus ear tag see section 28(1)(a)(iii).

breeder tag see section 28(1)(a)(i).

buy, an approved tag, means to buy or otherwise obtain the tag.

buyer, of an approved tag, means the person to whom the approved tag is supplied.

chemical residue status, of a registered place or stock on or from a registered place, means the absence or presence on or in the place or on or in the stock of any of the following, and, if any of the following is present, its level or risk of contamination to stock—

Schedule (continued)

- (a) an agricultural chemical product or veterinary chemical product under the *Agricultural and Veterinary Chemicals Code Act 1994* (Cwlth);
- (b) a metal or polychlorinated biphenyl mentioned in part 1.4, standard 1.4.1 of the Australia New Zealand Food Standards Code under the *Australia New Zealand Food Authority Act 1991* (Cwlth);⁴⁸
- (c) a substance mentioned in the document called 'MRL Standard Maximum Residue Limits in Food and Animal Feedstuffs of Agricultural and Veterinary Chemicals and Associated Substances', made by the Australian Pesticides and Veterinary Medicines Authority, published by Australian Government Publishing Service, Canberra;⁴⁹
- (d) chlorfluazuron;
- (e) tetrahydrocannabinol.

deck load, of cattle, means a load of conveyed cattle that is at least 12 m in length.

designated stock see section 5.

disease status, of a registered place or stock on or from a registered place, means the following for any disease, other than conditions prescribed, under the *Stock Regulation 1988*, section 5B, as diseases for section 4C of the Act⁵⁰—

- (a) its presence or absence on or in the place or on or in the stock;

48 Australia New Zealand Food Standards Code, part 1.4 (Contaminants and residues), standard 1.4.1 (Contaminants and natural toxicants)

A copy of the code may be inspected, free of charge, at the department's office at 80 Ann Street, Brisbane. At the commencement of this regulation, the code was available on-line at <www.foodstandards.gov.au/foodstandardscode>.

49 A copy of the standard may be inspected, free of charge, at the department's office at 80 Ann Street, Brisbane. At the commencement of this regulation, the standard was available on-line at <http://www.apvma.gov.au/residues/mrl_standard.shtml>.

50 Section 5B (Residue disease—Act, s 4C) of the *Stock Regulation 1988* and section 4C (Chemical or antibiotic residue may be prescribed as a disease) of the Act

Schedule (continued)

- (b) if any disease is present—its level or risk of infection or infestation.

district breeder tag see section 28(1)(a)(v).

district post-breeder tag see section 28(1)(a)(v).

first travel from place of birth, for cattle or sheep to be travelled, does not include their first travel mentioned in section 45(2) or 61(2) from their place of birth to a neighbouring holding.

HGP means hormonal growth promotant.

HGP free tag see section 28(1)(b)(iii).

HGP status, of a registered place or stock on or from a registered place, means whether or not —

- (a) stock at or from the place have, at any time or place, been treated with an HGP; or
- (b) an HGP has been bought to treat stock on the place.

hormonal growth promotant means a product that—

- (a) contains an anabolic substance or a hormone; and

Examples—

- 17 beta oestradiol
- oestradiol benzoate
- progesterone
- testosterone propionate
- trenbolone acetate
- zeranol

- (b) is used to promote the growth of bovines or bubalines.

information notice, about a decision, means a notice stating—

- (a) the decision, and the reasons for it; and
- (b) that its recipient may, within 30 days after receiving the notice, appeal to a Magistrates Court against the decision; and

Schedule (continued)

(c) how to appeal.⁵¹

lawfully untagged, for stock, means that—

- (a) the stock do not bear 1 or more approved tags required under this regulation (other than the following provisions) to be applied to them, because of a circumstance mentioned in any of the following provisions—
- (i) part 4, division 3;
 - (ii) part 5, division 3;
 - (iii) part 8, division 1 or 2; or
- (b) the stock did bear 1 or more approved tags required under this regulation to be applied to them but the stock no longer bear the tag because they lost it while they were travelling or for another reason other than removal in contravention of section 36, 39 or 40.

live export holding means a holding that is—

- (a) a depot for the live export of stock; or
- (b) an embarkation point for the export of live stock.

malfunctioning, for a tag, means the tag is not working properly or at all.

meat processing facility means an abattoir or other facility at which stock are killed for meat for trade or commerce.

neighbouring holding, of a place, means a holding any part of which is within 20 km of the place.

NLIS see section 3(1).

NLIS database means the database that the approved NLIS administrator keeps for NLIS.

notice means a notice in writing.

51 See section 36 (Appeals to Magistrates Courts) of the Act.

Schedule (continued)

over the hooks sale means a sale of stock to a meat processing facility for slaughter if the sale price is decided on weight and grade after slaughter of the stock.

owner, of stock travelled or to be travelled—

- 1 Generally, the *owner* of stock travelled or to be travelled is the person who, immediately before the travel starts, is their owner.
- 2 However, if the stock are sold before leaving their place of departure the *owner* is the person who was their owner immediately before the sale.

permanent tag see section 28(1)(a).

PIC see section 10(1)(a).

place of departure, for stock travelled or to be travelled, means the place from which the travel started or is to start.

place of destination, for stock travelled or to be travelled, means the place at which the travel ended or is to end.

post-breeder tag see section 28(1)(a)(ii).

record, when used as a noun, means a written record.

register, when used as a noun, means the register the chief inspector keeps under section 9.

registered means recorded in the register.

registered place means a place that, under part 2, division 3, is registered.

registrable place see section 7.

relevant place of destination, for part 6, division 1, see section 68(1)(b).

relevant waybill, for travelling stock, means—

- (a) a waybill for the stock given under section 22C of the Act; or
- (b) an alternative waybill for the stock given under section 30A of the *Stock Regulation 1988*.⁵²

responsible person, for part 6, division 1, see section 68(2).

Schedule (continued)

rumen bolus means an electronic or other type of breeder tag or post-breeder tag inserted or to be inserted into the rumen or reticulum of stock.

saleyard post-breeder tag see section 28(1)(a)(iv).

saleyard tag see section 28(1)(b)(ii).

selling agent means a licensee under the *Property Agents and Motor Dealers Act 2000* who, under that Act, is licensed to sell or deal with stock.

serial number, of an approved tag, means the number placed on the tag by the tag's manufacturer to identify the tag.

sheep property tag see section 28(2).

shown, for a microchip number, means shown electronically by an electronic reader.

stock, from a registered place, includes stock that, at any time, have come from the place.

supplier, of an approved tag, means the person who supplies the tag, whether by way of sale, gift or otherwise.

supply means to sell, give away or otherwise dispose of.

tag means a tag that is, or includes, a bar-coded, electronic microchip or an inert, or any other type of device, to identify designated stock, from which microchip or device information is capable of being reproduced.

Example—

an electronic rumen bolus

temporary tag see section 28(1)(b).

threshold number, of designated stock, see section 6.

transaction tag see section 28(1)(b)(i).

transfer notice see section 24(1).

52 Section 22C (Duties relating to waybill when stock delivered) of the Act or section 30A (Non-application of travel permit and waybill requirements—alternative waybills) of the *Stock Regulation 1988*

Schedule (continued)

unlawfully untagged, for stock, means that the stock do not bear 1 or more approved tags required under this regulation to be applied to them and no circumstance under part 4, division 3, part 5, division 3 or part 8, division 1 or 2 applies to the requirement.

untagged means lawfully untagged or unlawfully untagged.

ENDNOTES

- 1 Made by the Governor in Council on 26 May 2005.
- 2 Notified in the gazette on 27 May 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Primary Industries and Fisheries.