



Queensland

Stock Identification Regulation 2005

Explanatory Notes for SL 2005 No. 101

made under the

Chemical Usage (Agricultural and Veterinary) Control Act 1988
State Penalties Enforcement Act 1999
Stock Act 1915

General Outline

Short title

The short title of the regulation is the *Stock Identification Regulation 2005*.

Authorising law

The *Stock Identification Regulation 2005* is made under section 48 of the *Stock Act 1915*, which provides the Governor in Council the power to make regulations under this Act. Section 24AA of the *Acts Interpretation Act 1954* provides that if an Act authorises or requires the making of an instrument (which includes a regulation) the power includes power to amend or repeal the instrument.

Objectives of the regulation

The objective of the *Stock Identification Regulation 2005* is to introduce crucial enhancements to Queensland's animal biosecurity arrangements through the mandatory implementation of the National Livestock Identification System (NLIS).

A secondary objective of this regulation is to help identify the chemical residue, disease and hormonal growth promotant statuses of holdings and

other places and of stock on or from those places and the animal products from that stock.

Reasons for the regulation

The NLIS was agreed to by the Commonwealth and the States under a resolution of the Primary Industries Ministerial Council on 2 October 2003. As part of this agreement, the States all have to implement legislation implementing this scheme for commencement on 1 July 2005.

How will the policy objectives be achieved?

There are two alternative options for dealing with the above issues, they are—

Option 1 Implement a new legislative system to allow for the identification of stock and establish a way of tracing the particular movements stock have made in the case of disease outbreak. This is the preferred option.

Option 2 Do nothing. This would result in the current system of stock identification to remain in place, but would be contrary to the agreement made by the States and Commonwealth in October 2003. In the case of disease outbreak in Queensland, this would potentially close our markets to export. Even without a disease outbreak, some overseas markets demand the traceability system that the NLIS provides, before they will allow meat products and live exports to their country.

Estimated costs for government implementation

The implementation of the NLIS is a major project for the Department of Primary Industries. The costs of implementation for the past financial year have been estimated at around \$2 million. Costs estimations are still being calculated in regards to allocation of resources and staff time in regards to this implementation.

Is the regulation consistent with the authorising legislation?

Yes. The regulation is consistent with the authorising powers of the *Stock Act 1915*.

Is the regulation consistent with the policy objectives of the authorising law?

Yes. The regulation is consistent with the policy objectives of the *Stock Act 1915*.

Is the regulation about matter appropriate to subordinate legislation?

Yes. The regulatory provisions of the *Stock Identification Regulation 2005* are consistent with matters for which subordinate legislation can be drafted.

Does the regulation amend statutory instruments only?

Not applicable. The *Stock Identification Regulation 2005* is a new regulation.

Does the regulation sub delegate a power delegated by an Act only in appropriate cases and to appropriate persons and if authorised by law?

Not applicable.

Consistency with fundamental legislative principles

The regulation has sufficient regard to the rights and liberties of individuals and to the institution of Parliament and is consistent with the fundamental legislative principles outlined in section 4 of the *Legislative Standards Act 1992*.

Does the legislation have sufficient regard for the institution of Parliament? (Legislative Standards Act 1992 s 4 (4) and (5))

No infringements of the institution of Parliament have been identified in the regulation.

Consultation

Community

The community has been widely consulted on this proposal through the Regulatory Impact Statement (RIS) notification process in accordance with section 43 of the *Statutory Instruments Act 1992*.

The availability of the RIS was notified in the *Queensland Country Life* on 23 December 2004 and the *Courier Mail* on 24 December 2004. Nine thousand owners of registered holdings were sent an electronic copy of the RIS by email and all known media outlets across the State were targeted with Ministerial media releases. Due to a procedural error, the RIS was not published in the Government Gazette. It is the department's opinion that that adequate consultation with the community has occurred.

Consultation was also conducted with relevant industry representatives, including the Queensland NLIS Implementation Committee and AgForce. They are supportive of the regulation.

Government

There has been consultation with the Departments of the Premier and Cabinet, Justice and Attorney General, Natural Resources and Mines, Treasury, State Development, Health, Employment and Training, Local Government and Planning and Communities, the Queensland Police Service and the Office of the Queensland Parliamentary Counsel.

Results of consultation

Community

A total of 21 submissions were received for the RIS. Comments closed on 11 February 2005. Submissions by the industry representative bodies supported the proposed regulation. Fourteen submissions from commercial beef producers opposed the regulation.

A review of all submissions by the department concluded that there was no strong technical argument for not progressing with the proposed regulation.

Government

There is agreement within government to the proposed regulation.

Notes on provisions

Part 1 Preliminary

Division 1 Introduction

1 Short title

Section 1 provides that the short title of the regulation will be *Stock Identification Regulation 2005*.

2 Commencement

Section 2 provides that the regulation will commence on 1 July 2005.

3 Purposes of regulation and their achievement

Section 3 lists the main purpose of the regulation as helping the prevention and eradication of disease by giving effect to the NLIS, as agreed to by the Commonwealth and the States. This is achieved by requirements that create the capacity to trace the movements of livestock animals.

It also lists the secondary purpose of helping identify the chemical residue, disease and hormonal growth promotant (HGP) statuses of holdings and other places, as well as stock on or from those places and the products made from such animals. This is achieved by providing for the registration of such statuses in a central database.

Division 2 Interpretation

Subdivision 1 Dictionary

4 Definitions

Section 4 refers readers to the schedule for definitions of particular words used in the regulation.

Subdivision 2 Key definitions

5 What are designated stock

Section 5 defines what designated stock means for the purposes of this regulation.

6 What is the threshold number of designated stock

Section 6 sets out the number of stock that will render a property registrable under this regulation.

7 What is a registrable place

Section 7 lists the types of places that can be registered under this regulation.

8 Maximum penalty for offence against s37(1)(k) of Act about particular breaches of regulation

Section 8 limits the penalty for certain offences in the act to 20 penalty units. The maximum penalty for other offences is 40 penalty units, as prescribed under section 42(4)(a) of the *Stock Act 1915*.

Part 2 Registration of holdings and other places

Division 1 The register

9 Chief inspectors obligation to keep register

Section 9 obliges the chief inspector to keep a register of registered places.

10 Information required to be registered

Section 10 requires that the register contains information for registered places, including the property identification code (PIC), the

owner's name, the address and the chemical, disease or HGP status for the property.

11 Registering chemical residue status, disease status or HGP status

Section 11 allows the chief inspector to decide the chemical residue, disease and HGP status of any registered place and of stock from that place and put that status in the register.

After issuing a place with a particular status, the chief inspector must issue a notice stating the assigned status of the property and allowing the owner to make written submissions regarding that status, within a reasonable time. The chief inspector must then consider all submissions that are given to him or her within that period.

If the chief inspector, after reading the submissions believes that the status is other than that listed on the register, the chief inspector must modify the register accordingly and give notice of the change to the owner.

If the status on the register then is different to that as requested by the owner in the written submissions, the chief inspector must give the owner an information notice, which details the appeals process and the reasons for his or her decision.

12 Correction and updating of register

Section 12 allows the chief inspector to update, either on application of the owner or by his or her own initiative, information in the register if the information is incorrect.

If the change to the register is made of the chief inspector's own initiative, he or she must give the owner an information notice about the decision.

13 Evidentiary aids for register

Section 13 states that a certificate purporting to be signed by the chief inspector that a document is a copy of the register or NLIS database, is evidence of the matters stated in that document.

Division 2 Access to the register

14 Power to disclose registered information to approved NLIS administrator

Section 14 gives the chief inspector the power to approve an NLIS administrator and to give that administrator registered information under certain conditions.

15 Public access to register

Section 15 requires the chief inspector to keep the register open for inspection by members of the public, with restrictions on certain information for privacy reasons. It also allows the chief inspector to charge a fee for copies made of the register, with the limitation that they 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

Section 16 prescribes that the owner of a registrable place must apply to register that place within 14 days of there first being the threshold number of designated stock on the place.

17 Approval for particular registrable places to remain unregistered

Section 17 describes the process for applying to the chief inspector for permission for a registrable place to remain unregistered. This is only allowable if the designated stock held at the place, are either pets or held for personal consumption. The owner is required to apply in the approved form. No more than 2 of any form of designated stock (other than poultry) may be allowed on the property. For example, if

you have any of the following combinations 3 head of cattle; 2 goats and 1 sheep; or 1 sheep, 1 goat and 1 head of cattle—you can not remain unregistered under this section.

The keeping of the animals must also be lawful in that area. For example, if there are council by-laws that do not allow you to keep cattle within the city limits, then an application under this section with regards to cattle will be rejected.

If the application is rejected, the chief inspector is required to give the applicant an information notice outlining their appeal rights and his or her reasons regarding the decision.

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

Section 18 allows an owner of a registrable place to apply for registration even if they do not hold the threshold number of designated stock on that place.

Subdivision 2 Applying for and obtaining registration

19 Applying for registration

Section 19 requires that an application to register a registrable place is made to an inspector, in the approved form and states all the relevant required information for the NLIS database.

20 Deciding application

Section 20 requires that an inspector give a PIC to and register a registrable place and give the applicant a notice of that registration, if the owner has fulfilled all the requirements of section 19.

21 Provisions for the PIC for registrable place

Section 21 sets out the rules for the allocation of PICs. These include requiring each property to only have one PIC, and to allow adjoining properties which share at least one owner to be given the same PIC. Also, it requires that if there are two registrable places in the same

locality, that have at least one common owner and which are worked as 1 unit, they must share the same PIC.

Subdivision 3 Discretionary registration

22 Chief inspector may register registrable place

Section 22 gives the chief inspector the discretionary power to register any registrable place, even if the owner has not applied to register it. If the chief inspector is to exercise this power, he or she must give the owner a notice stating that the chief inspector proposes to register the place, and that the owner may make written submissions to the chief inspector about whether or not the place should be registered.

The chief inspector then must consider any written submissions made, before exercising the discretion. All other details regarding the registering of a property must be complied with by the chief inspector.

23 Special purpose PIC

Section 23 allows the chief inspector to issue PICS to a person for no particular place if he or she is satisfied that it is necessary for the integrity of NLIS or for training purposes.

Subdivision 4 Transfer of registration

24 New owner's obligation to give notice of the transfer

Section 24 requires new owners, within 14 days of transfer of ownership of a registered place, to give an inspector notice of that transfer. This notice must be in the approved form.

25 Deciding PIC for transferred place

Section 25 requires that an inspector must amend the register to amalgamate the PIC's of two properties, if a new owner of a property gives notice of the transfer and if the notice had been a new application for a PIC, the properties would have been given one PIC under section 21.

Otherwise, the inspector will reassign the old PIC to the new property owner. The inspector must then give notice of the PIC for the transferred place.

Subdivision 5 Deregistration

26 Owner may apply to deregister

Section 26 allows the owner of a registered place to apply for deregistration, as long as he or she no longer holds the threshold number of designated stock. The application must be in the approved form.

If an inspector receives such a request, and he or she is satisfied that the registered place no longer holds, or proposes to hold, the threshold number of designated stock, he or she must remove it from the register. If the inspector refuses such an application, he or she must provide an information notice relating to that 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

Section 27 gives the chief inspector power to approve tags of certain listed types. It defines the term approved tag and outlines the limits of the approval insofar as HGP tags are concerned.

The chief inspector may approve a tag in any form that he or she regards as appropriate. However, each approval of a type of tag must contain the requirement that each tag produced of that type be unique in some way. This may be by lettering or numbering as well as different colour-coding, to indicate the type and use of the tag.

Once a tag is approved, the chief inspector must publish details of the approved tag on the department's website.

28 Types of approved tag and their purposes

Section 28 lists the types of approved tags that may be approved by the chief inspector in the previous section.

These types are—

- Permanent tags
 - Breeder tags—to be applied to stock before they are first moved from their property of birth
 - Post-breeder tags—to be applied to stock either not at their property of origin, or who have been travelled previously from their place of birth.
 - Bolus ear tags—to mark cattle that have had a rumen bolus inserted in their rumen or reticulum.
 - Saleyard post-breeder tags—for use in saleyards as a permanent tag replacement for malfunctioning tags or on untagged cattle.
 - District breeder tags and district post-breeder tags—tags available only through inspectors, for cattle travelled from registrable places that are not registered.
- Temporary tags
 - Transaction tags—ear or tail tags that identify the cattle in the transaction to the last place they were held.
 - Saleyard tags—tags used at saleyards to show that the permanent tag applied to the cattle is malfunctioning.
 - HGP free tags—a type of transaction tag which also shows that the cattle wearing the tags are free of any HGP
 - A post-breeder tag for sheep is called a *sheep property tag*.

Division 2 Dealings relating to approved tags

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

Section 29 restricts persons from manufacturing a tag for use as an approved tag, a tag—

- that does not have the chief inspector's approval
- that is not one of the types listed in section 28
- or that does not comply with the conditions of the approval.

30 Obtaining approval to manufacture approved tags

Section 30 describes the process for obtaining an approval to manufacture tags. Applications to the chief inspector must be made in writing, by the person who seeks to manufacture the tags of one of the types in section 28. The chief inspector, on receiving the application, may issue a notice to that person, seeking further information necessary to decide the application. If this information is not given within the stated period, then the application is taken to have lapsed.

The chief inspector has discretion whether to grant or refuse the application. If the application is granted and the application is for electronic tags for cattle, the approval is subject to the person manufacturing tags giving certain information to the NLIS administrator, every time a tag is supplied. The approval may also be subject to other stated conditions.

If the chief inspector refuses the application, he or she must give the person an information notice about the decision.

31 Restrictions on supplying and buying approved tag

Section 31 restricts all suppliers of approved tags (whether they be manufacturers or third parties), other than an inspector supplying district breeder and post-breeder tags, to only supply tags to buyers with written orders, which states the correct PIC for the property requested.

Section 31 also restricts the buyer, from buying a tag without a written order which states the correct PIC for the property requested. A buyer also may not buy a tag that is a rumen bolus without the corresponding bolus ear tag and may not buy bolus ear tags unless they are supplied with a bolus.

32 Record-keeping obligations of supplier of approved tags

Section 32 obliges suppliers of approved tags to keep written records for 5 years of certain details of the buyers of approved tags. If requested the supplier must produce these documents to an inspector.

Division 3 General prohibitions, restrictions and requirements relating to approved tags.**Subdivision 1 Provisions for all approved tags****33 Restrictions on altering, defacing or destroying approved tag**

Section 33 restricts any person from (or allowing) altering, defacing or destroying an approved tag unless it happens because of the removal of the lawful removal of the tag, before the tag is applied to the cattle or after the cattle have died (under the conditions in section 38) or if the tag is a temporary tag, after the tag has been removed under sections 39 and 40).

Altering a tag includes doing anything to make it malfunction.

34 Prohibition on applying tag other than an approved tag

Section 34 prohibits persons from applying a tag to cattle that purports to be an approved tag, which is not an approved tag.

Subdivision 2 Permanent tags**35 Restrictions on applying permanent tag**

Section 35 restricts people from applying a second permanent tag to an already tagged animal, unless the first tag is lawfully removed or it is a bolus ear tag corresponding to a rumen bolus inserted in the animal.

36 Restrictions on removing permanent tag

Section 36 restricts a person (other than an inspector) from removing or allowing the removal of approved tags unless one of the following situations occurs—

- The removal is made with an inspectors oral or written approval.
- The person is a selling agent and they are replacing a malfunctioning tag with an approved saleyard post-breeder tag showing the PIC of the sale yard. The agent must then notify the NLIS administrator within 48 hours of replacing the tag, with the serial numbers of each tag.
- It is the owner removing the tag due to malfunction, and replacing the tag with another permanent tag. The owner must then notify the NLIS administrator within 48 hours of replacing the tag, with the serial numbers of each tag.
- The cattle or sheep are slaughtered at a meat processing facility and the tag is removed as part of the slaughtering process.
- The cattle or sheep die at a registered place other than a meat processing facility, and the tag is removed by someone responsible for the husbandry of that animal.

37 Restrictions on recycling or reusing permanent tag

Section 37 restricts a person from recycling or reusing a permanent tag, without the written approval of the chief inspector. This approval may be given subject to conditions.

38 Requirement to destroy removed permanent tag

Section 38 requires that a tag removed under section 36 must be destroyed as soon as practicable after its removal. However, this requirement does not apply if the tag is removed with the intent to recycle it under section 37. If this is the case, the owner of the registered place where the tag or part of the tag is kept must ensure the tag or its part is ensured against theft.

Subdivision 3 Temporary tags

39 Restrictions on removing transaction tag or HGP free tag

Section 39 restricts the situations when one can remove a transaction tag or HGP free tag from cattle. No person, other than an inspector, can remove either of those type of tag, unless it has arrived at the place of destination for the travel requiring the tag, or in the case of an HGP free tag, the cattle is no longer HGP free, as described in section 94.

40 Restrictions on removing saleyard tag

Section 40 restricts the removal of saleyard tags. No person, other than an inspector, may remove such a tag, unless the head of cattle with the tag applied has travelled from the saleyard to the place of destination for that travel.

Division 4 Miscellaneous provisions

41 Approval to use different PIC for permanent tags for cattle

Section 41 sets out the procedure for owners applying to the chief inspector to use tags displaying PICS from another property on their property. The application must be written, and if it is refused, the chief inspector must give an information notice to the applicant.

This is to cover the situation where tags have either been improperly printed, or there was a large stockpile of tags with certain PICS on them, and the corresponding property no longer holds cattle. It is not meant to be used generally.

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

Section 42 prohibits anyone from giving the NLIS administrator false or misleading information.

The accuracy of the database is the most important part of the traceability system. It is a serious offence to give false or inaccurate information to the NLIS administrator as it can cause the traceability system to collapse.

Part 4 Obligations of owners of travelling cattle

Division 1 Preliminary

43 Operation of pt 4

Section 43 describes the application of part 4 of the regulation.

44 How approved tags must be applied to cattle

Section 44 prescribes the appropriate way to attach tags or insert rumen boluses into cattle. This is to ensure that permanent tags remain attached to the appropriate part of the animal and that temporary tags are attached in a way that will ensure they remain attached to the head while required.

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

Section 45 provides that generally, tags must be applied to cattle before the relevant travel starts. There are alternate arrangements for the following—

- If cattle are travelled to a neighbouring holding for the purposes of putting a tag on the cattle, before travelling them to another place, they may remain untagged for the travel to the neighbouring holding.
- If the cattle are sold at a public auction where they were being kept previously, they must be sold before the auction begins (to ensure that the obligation is carried out by the first owner of the cattle).
- If the cattle start their travel in another state, they do not have to be tagged under this legislation (but may require it under their own) until they arrive in Queensland.
- If the owner has approval from an inspector to apply the tags at a later time. There are limited conditions when this will apply, most importantly the approval cannot be given for travel of more than 5 head of cattle.

Division 2 Identification requirements

46 Cattle first travelled from their place of birth

Section 46 regulates generally that if cattle are being travelled from their place of birth for the first time, they must be tagged with a breeder tag stating the PIC of that place before they are travelled, and if they are being travelled to a saleyard or live export holding, they also must be tagged with a transaction tag. If the owner of the cattle has decided to use a rumen bolus as the permanent tag, an appropriate bolus ear tag must be applied to the cattle that shows the PIC of the place of departure.

This does not apply if the property that the cattle are being travelled to has the same PIC as the place of departure. If the place of departure for does not have a PIC, the cattle must have a district breeder tag attached to them. These district breeder tags may be obtained from inspectors.

The only time when the tag may not show the PIC of the place where the tag is applied, is if there has been an approval given to the owner of the cattle to show the PIC of some other place under section 41.

47 Other travelling of cattle

Section 47 regulates generally that if cattle are being travelled and it is not their first travel from their place of birth, they must be tagged with a permanent tag and if they are being travelled to a live export holding or saleyard, they must also be tagged with a transaction tag.

If they have previously had a permanent tag applied to them and the tag is still attached to the cattle, there is no obligation on the owner to replace that tag with one of their own. If they do not have a tag attached, then the owner must apply a post-breeder tag, showing the PIC of the place of departure, unless they have approval to use some other permanent tag under section 41.

If the place of departure for the travel is not registered, the owner must obtain a district post-breeder tag to the cattle, which can be obtained from an inspector.

If the owner of the cattle has decided to use a rumen bolus as the permanent tag, an appropriate bolus ear tag must be applied to the cattle that shows the PIC of the place of departure.

48 Transaction tag requirements

Section 48 applies only if there is a requirement to apply a transaction tag somewhere else in the regulation. If this is the case, then a transaction tag must be applied to the cattle that shows a serial number, and the PIC of the place of departure for the travel.

The transaction tag must be an ear tag if the cattle are for live export, or if they are bobby calves under 6 weeks in age, going direct for slaughter or to a saleyard for sale. Otherwise, the tag may be either a tail or ear tag.

49 Additional requirement for bolus ear tag if permanent tag is a rumen bolus

Section 49 requires that if an owner chooses to use a rumen bolus as the identification method for his or her cattle, they must also attach a corresponding bolus ear tag to the ear of the cattle. This is so that it is clear that the cattle have been tagged to anyone looking at the cattle visually, and to provide a method of identification for the cattle if no electronic reader is available, or if there is a malfunction with the rumen bolus.

If a bolus ear tag is lost, under section 49, there is a requirement for owners to attach another bolus ear tag which shows the same information as the old tag. This is to ensure that there is no need to apply a further electronic tag to cattle which have already been inserted with a rumen bolus.

Division 3 When particular identification requirements do not apply or are modified**Subdivision 1 Preliminary****50 Operation of div 3**

Section 50 sets out the extent to which division 3 operates. Division 3 contains alternate requirements to the cattle tagging requirements in division 2. If the cattle are not required to be tagged under certain

provisions, but are required to be tagged under others, the cattle must be tagged.

Subdivision 2 When identification requirements do not apply at all

51 Temporary travel to neighbouring holding

Section 51 states that the tagging requirements from division 2 do not apply if the cattle are travelled to a neighbouring holding and returned within 48 hours, for the purposes of ordinary stock management purposes.

This allows owners to transport their cattle to a neighbouring property to do tasks such as dipping or branding their cattle, or even applying tags to the cattle.

52 Travel to neighbouring holding for tagging for other travel

Section 52 states that if the cattle are being travelled to a neighbouring holding for the purposes of tagging the cattle, and then the cattle are moved on again elsewhere, there is no requirement to tag the cattle before they leave their property of origin.

This provision has been included to stop inadvertent violations of the regulation by people moving their cattle to be tagged, and thus committing an offence for travelling without tags. This concession is to allow people to use stock handling facilities on neighbouring properties for the purposes of tagging, if their own facilities are inadequate.

Subdivision 3 When only a permanent tag or a transaction tag need be applied

53 Bobby calves under 6 weeks

Section 53 provides that a bobby calf under 6 weeks travelling either to a saleyard or a slaughterhouse, need only have one of a transaction tag or permanent tag applied to it.

This is to provide a cheaper alternative to tagging for the movement, which is regarded as low risk.

Subdivision 4 When a transaction tag need not be applied

54 Cattle further travelled within 40 days

Section 54 allows that cattle that have had a transaction tag applied to them for certain travel to a place and which are then moved on to another place within 40 days (and that second movement also requires a transaction tag) do not require a second transaction tag to be applied to them if they still have their transaction tag from the first travel attached. This provision makes it easier for the owners of travelling cattle who only hold the cattle temporarily before moving them again.

Subdivision 5 Chief inspectorial approval

55 Approval by chief inspector to travel without particular approved tag

Section 55 allows cattle to travel without an approved tag, if an approval given by the chief inspector applies to that cattle, for that travel.

56 Who may apply for approval

Section 56 restricts the people who can apply for approval to the owners of saleyards, showgrounds and sporting grounds. Saleyards can apply to have the requirement to use transaction tags removed for travel by cattle to and from that saleyard. This is included as an incentive for saleyards to comply with the NLIS permanent tag regime fully, so that transaction tags are not required. This can then be used as a tool for that saleyard to attract business. The sporting ground and showground exemptions are on a case by case basis, with regards to the risk of disease spread and other factors relevant to the chief inspector.

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

Section 61 provides that generally, tags must be applied to sheep before the relevant travel starts. There are alternate arrangements for the following—

- If the sheep are travelled from one place to a neighbouring holding, for the purposes of tagging the sheep for further travel from that place, the sheep do not have to be tagged for the travel to the neighbouring holding.
- If the sheep are sold at public auction at the place of departure, they must be tagged before the auction begins. This is to ensure that the obligation to tag is upon the first owner, to ensure traceability.
- If the travel begins in another state, the obligation to be tagged (under this regulation, there may still be obligations under the laws of that state) arise only when the sheep enter Queensland.

Division 2 Identification requirements

62 Sheep first travelled from their place of birth

Section 62 requires owners to ensure that each sheep first travelled from their place of birth, has a sheep breeder tag attached to it. This tag must show the PIC of the place of departure. This section does not apply if the place of departure and place of destination have the same PIC. If the place of departure is not registered, the owner must apply a district breeder tag to the sheep.

63 Other travelling of sheep

Section 63 requires owners to ensure that each sheep travelled (other than their first travel from place of birth) has a permanent tag attached to it. If the place of departure is registered, it must be a sheep breeder or sheep property tag and if the place of departure is not registered it must be a district breeder or district post-breeder tag.

If the sheep have no permanent tag attached immediately prior to departure, and have been travelled before, the sheep must be tagged with a sheep property tag.

Division 3 When identification requirements do not apply

64 Particular meat processing facility sales

Section 64 allows sheep to travel without identification if they are travelling directly from their place of birth to a meat processing facility. These sheep must not be mixed with other sheep from when they leave the place of departure until slaughter. The sale must be an over the hooks sale and there must be at least 3 deck loads of sheep of the same class for each travel.

65 Temporary travel to neighbouring holding

Section 65 allows sheep to remain untagged if they are travelling to a neighbouring holding for the purpose of ordinary stock management, and are returned to the place of departure within 48 hours. This is to allow owners to use a neighbour's facilities for activities such as shearing, without needing to tag every sheep.

66 Travel to neighbouring holding for tagging for other travel

Section 66 allows sheep to remain untagged if they are being travelled to a neighbouring holding for the purposes of tagging them for another movement.

This provision has been included to stop inadvertent violations of the regulation by people moving their sheep to be tagged, and thus committing an offence for travelling without tags. This concession is to allow people to use stock handling facilities on neighbouring properties for the purposes of tagging, if their own facilities are inadequate.

67 Travel to and from sporting venue

Section 67 allows sheep to remain untagged if they are travelling from one place, to and from a sporting event, if they are returned within 48 hours. This exception does not apply if there are sheep from more than one holding at the sporting venue.

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

Section 68 outlines the application of division 1. This division applies if cattle are being travelled, and it is not either travel to a neighbouring holding (for the purposes of section 51 or 52) or travel to a place with the same PIC as the place of departure.

If this is the case, there are obligations placed on the *responsible person* for the place of destination for the travel. The responsible person is either, if the place is a saleyard, the owner of the saleyard, or otherwise, the person who receives the cattle at the place of destination.

69 General obligations of responsible person

Section 69 describes the general obligations of the responsible person. It does not apply if the place of destination is a spelling facility, a yard used as a dip for travelling stock or a transit facility.

The responsible person must give the NLIS administrator certain information within 48 hours of receiving the cattle, or if at a meatworks 48 hours from when they were slaughtered, regarding cattle that have been travelled to that place of destination. This information includes—

- The PIC of the place of departure (if there is one).
- The PIC of the place of destination (if there is one).
- If the cattle have an electronic tag, the number shown when the tag is scanned or the number that can be viewed visibly on the tag or in the case of a rumen bolus, the number written on the bolus ear tag. Saleyards and live export holdings are required to give the microchip number, as it is expected that they will have scanning facilities.

- If the cattle do not have an electronic tag at all (for example, cattle going to live export that only require a transaction tag), the number of cattle from each PIC that have arrived at the place of destination.
- If the place of destination is a meat processing facility and the cattle are slaughtered, the day that slaughter takes place. If they are not slaughtered, the day they arrived at the facility.
- For anywhere except a meat processing facility, the serial number of any waybill that applied to the cattle for their travel.

This provision is the basis for the whole traceability system. Generally, when cattle are received, it is required that the NLIS database gets the above information, so we can trace where the cattle have been in their lifetimes from birth until death.

It is expected that many people receiving cattle will not have scanning facilities on their properties and may use third party providers to scan their cattle on the way from the place of departure to the place of destination. This is allowable under this provision, as the obligation is on the person who receives the cattle to ensure that the information is given to the NLIS administrator by the 48 hour cut off time. It may be sent any time before that, by another party, such as a third party provider.

70 Alternate obligations of responsible person for particular places

Section 70 provides lesser reporting obligations for spelling facilities, yards used as dips for travelling stock and transit facilities. These facilities are all places where the cattle will pass through regularly, on their way to other places.

If cattle travel to those particular places and leave again, the responsible person for the place only must record information to the database when the cattle leave that place. The information they must send is—

- The PIC of where the cattle had been previously to the arrival at the spelling facility, yard or transit facility.
- The PIC of that particular place (the spelling facility, yard or transit facility).
- How many cattle were received from that PIC.

- The serial number of any waybill for the journey, which had been given to the responsible person.

It is important to note that if a responsible person receives cattle from one of those three particular places, they still have to fulfil all requirements under 69, regardless of this section.

71 Additional obligation of selling agent if permanent tag is malfunctioning

Section 71 provides that if a selling agent at a saleyard finds that any of the cattle that they are selling have a malfunctioning electronic tag, they must either replace that tag with a saleyard post-breeder tag or attach a saleyard tag to the cattle. The agent must then notify the person who bought the cattle that they have done this.

As saleyards should all have electronic readers, it is often at this stage that a malfunctioning tag will be discovered. By ensuring that selling agents mark the cattle (or replace malfunctioning tags) that do not have a working tag, lifetime traceability can remain with the animal. Owners, on being informed that a tag is malfunctioning, can replace the tag with one of their own post-breeder tags and inform the NLIS administrator under section 36.

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

Section 72 prescribes greater reporting obligations on saleyard and live export holdings when cattle are being exported. If cattle are travelled to the saleyard or live export holding, and then leave, the responsible person for the saleyard or live export holding must give the NLIS administrator the following information:—

- The PIC of the saleyard or live export holding.
- The PIC of the place of destination (if there is one).
- If the cattle have an electronic tag, the number shown when the tag is scanned.
- If the cattle do not have an electronic tag at all (for example, cattle going to live export that only require a transaction tag), the number of cattle from each PIC that have arrived at the saleyard or live export holding.

- They day they left the saleyard or live export holding.
- If the place is a live export holding, the serial number of the export certificate that applies for the cattle.
- The serial number of any waybill that applies for the movement from the saleyard or live export holding.

Furthermore, if the cattle leave a saleyard and go to a farm, feedlot or station, and the responsible person for the saleyard has fulfilled his or her requirements under this section, the responsible person for the farm feedlot or station do not have to fulfil the reporting requirements under section 69.

This means that if a person buys cattle at a saleyard and takes it back to their farm, feedlot or station, ordinarily they will not have to do any further reporting to the database, as long as they are satisfied that the reporting was done at the saleyard for that particular travel.

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

Section 73 requires selling agents to tag bobby calves that do not have permanent tags applied to them if the calves are not going directly to a meat processing facility for slaughter. They agent must apply a saleyard post-breeder tag that shows the PIC of the saleyard, to each bobby calf before it leaves the saleyard.

74 Additional obligations of meat processing facility owners

Section 74 prescribes further obligations on meat processing facility owners when cattle are slaughtered at that facility. The owner of the facility must ensure that each part of the carcass is correlated to either the microchip or visible number on the permanent tag attached to the animal or, if they have no permanent tag, the number on the transaction tag applied to the animal.

This is to ensure traceability of meat further down the production line after slaughter.

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

Section 75 requires owners to remove transaction tags from cattle. If a head of cattle has a transaction tag attached from some previous journey, and they are to be moved again, and the movement is greater than 40 days from when they arrived after the previous journey, the owner must remove the transaction tag and replace it with another transaction tag. This will only apply if a transaction tag is necessary for both the first journey and the second journey.

There is nothing to stop an owner replacing a transaction tag within the 40 day period, however if this is done, the old tag must be removed and replaced by the new tag.

Division 2 Untagged cattle or sheep**Subdivision 1 Obligation of particular persons to give inspector notice of particular consignments****76 Obligation to notify**

Section 76 obliges relevant persons (selling agents, owners of meat processing facilities, the person in charge of stock at a live export facility and for any other registered place, the person responsible for the stock at the place) to inform an inspector within 24 hours, if a consignment of cattle or sheep arrive at a registered place, and any of those cattle or sheep are unlawfully untagged.

Subdivision 2 Further obligations of saleyard selling agents**77 Application of sdiv 2**

Section 77 limits the application of subdivision 2 to selling agents at a saleyard engaged to act in the sale of cattle or sheep.

78 Obligation to ensure saleyard post-breeder tag is applied

Section 78 obliges selling agents to place saleyard post-breeder tags with the PIC of the saleyard before acting in the sale of all unlawfully untagged sheep and cattle that he or she is engaged to sell.

79 Obligation to notify approved NLIS administrator

Section 79 requires selling agents to make a record and notify the NLIS administrator within 48 hours of application of a saleyard post-breeder tag, of the following—

- Any PIC of the place of departure of the cattle or sheep for the travel to the saleyard.
- The PIC of the saleyard.
- For cattle, the microchip number and for sheep the tag's serial number.

The agent must also make a record of the day the cattle or sheep left the saleyard. This obligation arises whether or not the cattle or sheep are actually sold by the agent.

80 Record-keeping obligations

Section 80 requires that the selling agent must keep the records mentioned in section 79 for 5 years and must produce them on request of an inspector.

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

Section 81 obliges the owners of meat processing facilities to keep untagged cattle or sheep separate from other animals at the facility, other than those which arrived at the facility with the same consignment as the untagged animals.

Keeping the untagged animals with ones from the same consignment both lowers the chance of disease spread, and makes it easier to ascertain where the animal may have originated.

82 Obligations relating to unlawfully untagged cattle or sheep

Section 82 obliges the owners of meat processing facilities, whether or not the unlawfully untagged cattle or sheep are actually slaughtered at the facility, to make a record of the PIC of the last farm, feedlot or station that held the cattle or sheep, and for cattle, advise the NLIS administrator of that PIC.

Also, for untagged cattle, the owner must within 48 hours of slaughter, give each of the carcasses a number and record that number, correlated to the above PIC. This period may be extended with the agreement of the chief inspector.

This is to ensure that there is still a level of traceability to meat products after slaughter, even if the cattle were untagged at the facility.

83 Record-keeping obligations

Section 83 requires the owners of meat processing facilities to keep the records mentioned in section 82 for 5 years, and to produce those records at the request of an inspector.

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

84 Application of sdiv 4

Section 84 limits the application of subdivision 4 to persons in charge of stock which have arrived at live export holdings. The subdivision applies for untagged cattle only after 30 June 2005 and for untagged sheep only after 31 December 2005.

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

Section 85 obliges the person in charge of the stock at the live export holding to find out the PIC of the last farm, feedlot or station where the untagged stock were last held.

86 Obligation to apply tag to unlawfully untagged cattle or sheep

Section 86 requires the person in charge of the stock at the live export holding to tag untagged cattle with a transaction tag, and untagged sheep with a sheep property tag. These tags must show the PIC of the live export holding.

87 Obligation to notify approved NLIS administrator

Section 87 requires the person in charge of the stock at the live export holding to within 48 hours of the arrival of the cattle, make a record of the following, and give it to the NLIS administrator:

- The PIC mentioned in section 85.
- The PIC of the live export holding.
- The number of cattle which tags were applied to, under section 86.
- The day the cattle arrived at the live export holding.

88 Record-keeping obligations

Section 88 requires the person in charge to keep the information mentioned in section 87 for 5 years and to produce such records on request of an inspector.

Subdivision 5 Further obligations 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

Section 89 generally requires any person in charge of stock at a registered place that is not one of the listed places (usually a property or farm) to tag untagged cattle or sheep that arrive at that place, with a post breeder tag or a sheep property tag that shows the PIC of that place.

Part 7 HGP free tags for cattle

90 When HGP free tag may be applied as transaction tag

Section 90 allows the use of a HGP free tag as a transaction tag for the purposes of the regulation.

91 Who may apply HGP free tag

Section 91 limits the persons who may apply a HGP free tag to the owner or person responsible for the husbandry of cattle that have not been treated with HGP.

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

Section 92 prohibits applying HGP free tags to cattle treated with an HGP.

93 When HGP free tag stops being an approved tag

Section 93 cancels the approval of an HGP free tag if it is applied to a head of a cattle that has been treated with HGP or the head is treated with HGP while the tag is attached.

94 Obligation to remove HGP free tag

Section 94 obliges persons to remove an HGP free tag, if the cattle no longer become HGP free.

Part 8 Transitional provisions**Division 1 Transitional provisions for identification requirements for cattle****95 Bulls over 2 years born before 1 July 2003**

Section 95 allows travelling bulls to only have one of a transaction tag or permanent tag applied to it until 30 June 2009, if they were born prior to 1 July 2003. This section was introduced to address concerns that tagging older bulls can be dangerous.

96 Particular cattle travelling to meat processing facility

Section 96 is a phase-in provision that allows certain cattle travelling to a meat processing facility to remain untagged. The following conditions apply—

- The cattle must all come from the same registered place.
- The cattle are not classified with respect to tuberculosis.
- The sale is an over the hooks sale that is not on a liveweight by scales basis.
- The cattle are not mixed with other cattle from when they leave their place of departure until they are slaughtered.
- The travel is by a load of cattle that is at least 1 deck load of the same class for slaughter.

This section applies to cattle from any registered place until 30 June 2006 and to the first travel of cattle from their place of birth until 30 June 2007.

97 Particular cattle travelling to live export holding

Section 97 is a phase-in provision that allows cattle travelling to a live export holding to only have one of a transaction tag or a permanent tag to them. This section applies to cattle from any registered place until 30 June 2006 and to the first travel of cattle from their place of birth until 30 June 2007.

98 Election to apply permanent tag

Section 98 clarifies that the owner of cattle under section 97 may apply a permanent tag to the cattle as well as a transaction tag, however if they do elect to apply such a tag, they must conform with the other identification requirements in this regulation. This section will expire at the same time as section 97.

**Division 2 Transitional provisions for
identification requirements for
sheep****99 Requirements to not apply from 1 July to 31 December
2005**

Section 99 prescribes that the identification requirements for sheep in this Regulation, do not apply until after 31 December 2005.

100 Election to apply permanent tag

Section 100 clarifies that owners of sheep may, regardless of section 99, apply permanent tags to their sheep. However, if they do elect to apply such a tag, they must abide by the requirements of this regulation.

101 Expiry of div 2

Section 101 states that division 2 will expire on 31 December 2005.

Division 3 Miscellaneous provisions

102 Register of holdings becomes the register under this provision

Section 102 prescribes that the register of holdings under the previous *Stock Identification Regulation 1985* continues to be the register when this regulation comes in force.

103 Tags under repealed regulation

Section 103 declares that an approved tag under the previous *Stock Identification Regulation 1985* remains 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)

104 Regulation amended in div 1

Section 104 specifies the regulation amended by this division.

105 Amendment of s 15 (Definitions for pt 5)

Section 105 amends the definition of *HGP free tag* to refer to this regulation.

Division 2 Amendment of State Penalties Enforcement Regulation 2000

106 Regulation amended in div 2

Section 106 specifies the regulation amended by this division.

107 Amendment of sch 5 (Other legislation)

Section 107 amends schedule 5 to that regulation by listing the offence provisions in this regulation. It allows inspectors to give out infringement notices to people who have contravened provisions of this regulation. Infringement notices allow for lesser penalties for contraventions than those prescribed in this regulation.

Divison 3 Amendment of Stock Regulation 1988

108 Regulation amended in div 3

Section 108 specifies the regulation amended by this division.

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

Section 109 amends section 5A for that regulation, to update the reference to the Australian Pesticides and Veterinary Medicines Authority, because of a recent name change.

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

Section 110 replaces section 15. The previous section contained identification requirements for cattle and sheep, which have now been replaced by requirements in this regulation.

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

Section 111 omits section 18(6)(e) which concerns marking cattle for tuberculosis.

112 Amendment of s 36 (Sale of disease stock)

Section 112 amends section 36(2) of that regulation to remove reference to the Minister for approval of brands.

113 Amendment of s 37 (Diseased stock at saleyards)

Section 113 amends section 37(2) of that regulation to remove reference to the Minister for approval of brands.

114 Amendment of s 41 (Appointment of inspectors—Act, s 4D)

Section 114 amends section 41, to allow police officers to be appointed as inspectors under the *Stock Act 1915*.

115 Amendment of s 46 (Identification of tested stock)

Section 115 amends minor references in section 46 to refer to the newly named tags in this regulation.

116 Amendment of s 49 (Compensation)

Section 116 replaces section 49(5)(b) in accordance with other amendments relating to tuberculosis.

117 Amendment of sch 8 (Dictionary)

Section 117 removes the definition of *approved tail tag*.

Division 4**Repeal of Stock Identification
Regulation 1985****118 Repeal**

Section 118 repeals the replaced *Stock Identification Regulation 1985*.

Schedule Dictionary

The schedule lists definitions for use in this regulation.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Primary Industries and Fisheries.