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**BIOSECURITY AND AGRICULTURE MANAGEMENT
ACT 2007**

**BIOSECURITY AND
AGRICULTURE MANAGEMENT
(IDENTIFICATION AND
MOVEMENT OF STOCK AND
APIARIES) REGULATIONS 2013**

Western Australia

Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013

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Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007* section 79 comes into operation.

3. Terms used

In these regulations, unless the contrary intention appears —
abattoir includes a pet food processing plant;

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accredited device means a device that is accredited by NLIS Ltd for use as an NLIS device;

accredited tag means a tag that is accredited by NLIS Ltd for use as an NLIS tag;

allotted means allotted under these regulations by the Director General;

apiary means a hive standing alone or 2 or more hives standing in a group;

appropriate fee, in relation to an application made under these regulations, means the appropriate fee for the application determined under the *Biosecurity and Agriculture Management Regulations 2013*;

approved means approved by the Director General;

approved database has the meaning given in regulation 43(3);

approved device has the meaning given in regulation 59(1);

approved identification equipment has the meaning given in regulation 59(1);

approved identifier has the meaning given in regulation 43(1);

approved manufacturer has the meaning given in regulation 60(1);

beekeeper has the meaning given in the *Biosecurity and Agriculture Management Regulations 2013* regulation 3;

BIC, in relation to a person, means a buyer identification code allotted to the person;

buffalo includes a buffalo cattle hybrid;

carrier means a person driving, carrying or otherwise in possession or control of an animal that is being moved from one place to another place;

cattle includes a cattle buffalo hybrid;

certificate of registration means a certificate of registration issued under regulation 20;

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corresponding PIC has the meaning given in regulation 16(2)(a)(v);

deer includes a deer hybrid;

electronic number has the meaning given in regulation 47(1)(c);

export depot means a non-farming property where stock is kept for export;

farming property means any land or premises —

- (a) operated by a person who is an owner of stock; and
- (b) at which the person's stock is ordinarily kept;

holding yard means a non-farming property other than —

- (a) an abattoir;
- (b) an export depot;
- (c) a pound;
- (d) a saleyard;

horse includes a horse hybrid;

identification equipment means any thing capable of being used to apply an identifier for stock to an animal;

identification exemption certificate means a certificate issued under regulation 70;

identifier —

- (a) for hives — means a marking used to identify a hive; and
- (b) for stock — means a brand, stencil, eartag, earmark, electronic device or other device or marking used to identify stock;

impound, in relation to an animal or stock, means to impound the animal, or stock, under the *Local Government (Miscellaneous Provisions) Act 1960* Part XX;

legible means capable of being read and accurately interpreted by an inspector;

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mortgage has the meaning given in regulation 28(1);

movement permit means a movement permit granted under regulation 196;

NLIS database has the meaning given in regulation 58;

NLIS device has the meaning given in regulation 47;

NLIS identifier means an NLIS device or an NLIS tag;

NLIS Ltd means National Livestock Identification System Limited ACN 134 745 038;

NLIS number has the meaning given in regulation 65(5)(b);

NLIS post breeder device means an NLIS device for identifying an animal that is not on its property of birth;

NLIS post breeder tag means an NLIS tag for identifying an animal that is not on its property of birth;

NLIS tag has the meaning given in regulation 51;

non-farming property means any land or premises where stock is kept, other than a farming property, and includes —

- (a) an abattoir;
- (b) an export depot;
- (c) a holding yard;
- (d) a pound;
- (e) a saleyard;

operator —

- (a) in relation to a pound — means a local government having the care, control and management of the pound; and
- (b) in relation to any other property — means a person who is in possession or in charge of the property, or otherwise has control or management of the property and includes a person who is the agent of that person;

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PIC means —

- (a) in relation to a farming property — a property identification code for the farming property allotted to an owner of stock who operates, and keeps stock on, the property; and
- (b) in relation to a non-farming property — a property identification code for the non-farming property allotted to the operator of the non-farming property;

port has the meaning given in the *Shipping and Pilotage Act 1967* section 3;

pound means a public pound within the meaning of the *Local Government (Miscellaneous Provisions) Act 1960* Part XX;

previous property, in relation to an animal at a property, means the last property at which the animal was kept before being moved to the property;

property means a farming property or a non-farming property;

purchaser, of stock, includes a person acting as the agent of a purchaser of stock;

ranger means a ranger appointed under the *Local Government (Miscellaneous Provisions) Act 1960* section 449;

register means the register kept under regulation 16(1);

registered beekeeper means a person who is registered as a beekeeper under regulation 13(7);

registered identifier —

- (a) for hives — means an identifier for hives allotted to a person for identifying the person's hives; and
- (b) for stock — means an identifier for stock allotted to a person for identifying the person's stock;

registered non-farming property operator means a person who is registered as a non-farming property operator under regulation 10(4);

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registered owner means —

- (a) in relation to an identifier for hives — a person to whom the identifier for hives is allotted; and
- (b) in relation to an identifier for stock — a person to whom the identifier for stock is allotted; and
- (c) in relation to a PIC for a farming property — a person to whom the PIC for the farming property is allotted; and
- (d) in relation to a PIC for a non-farming property — means a person to whom the PIC for the non-farming property is allotted;

registered owner of stock means a person who is registered as an owner of stock under regulation 7(4);

relevant PIC in respect of a property —

- (a) on which an animal is kept; or
- (b) from which an animal is moved; or
- (c) to which an animal is delivered,

means a PIC for the property that is allotted to the person keeping, moving or accepting delivery of the animal on, from or to the property, as the case may be;

saleyard means a property, other than a pound, where stock is sold by public auction;

south-west of the State means the area of the State —

- (a) within the South-west Division described in the *Land Administration Act 1997* Schedule 1; or
- (b) otherwise within the local government districts of —
 - (i) Dundas; or
 - (ii) Esperance; or
 - (iii) Merredin; or
 - (iv) Ravensthorpe; or
 - (v) Westonia;

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transport document means —

- (a) a waybill; or
- (b) a document referred to in regulation 190(4)(b); or
- (c) a movement notice, permit or approval referred to in regulation 195(b); or
- (d) a stock health certificate referred to in regulation 195(c);
or
- (e) a movement permit;

update the NLIS database, in relation to an NLIS device,
means to update information on the database in relation to the
device in accordance with regulation 58(5);

waybill means a waybill that meets the requirements of Part 8.

4. Animals to which these regulations apply

Unless these regulations provide otherwise, a reference in these
regulations to an animal, or stock, is a reference to each of the
following —

- (a) a buffalo;
- (b) cattle;
- (c) a deer;
- (d) a goat;
- (e) a horse;
- (f) an ostrich;
- (g) a pig;
- (h) a sheep;
- (i) a South American camelid.

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5. Meaning of consignment

For the purposes of these regulations —

- (a) a consignment of one or more animals moved from a property — means one or more animals of the same owner that are moved from the property on the same day for delivery to the same destination; and
- (b) a consignment of one or more animals moved to a property (other than a pound) — means one or more animals of the same owner that arrive at the property on the same day and were moved to the property from the same place; and
- (c) a consignment of one or more animals moved to a pound — means one or more animals (regardless of owner) that arrive at the pound on the same day and were moved to the pound from the same place.

6. Meaning of owner of stock

- (1) A local government or any other person in possession or control of stock for the purpose of impounding it, is not, for the purposes of these regulations, to be regarded as the owner of that stock.
- (2) The operator of a non-farming property in possession or control of stock on the non-farming property is not, for the purposes of these regulations, to be regarded as the owner of that stock.

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Part 2 — Registration

Division 1 — Owners and purchasers of stock

7. Owners and purchasers of stock to be registered

- (1) A person must not own or purchase stock unless the person is a registered owner of stock.
Penalty: a fine of \$2 000.
- (2) Subregulation (1) does not apply to an owner or purchaser of an ostrich if, at the relevant time, the person is not an owner or purchaser of any other species of stock.
- (3) A person may apply, in the approved form accompanied by the appropriate fee, to the Director General for registration as an owner of stock.
- (4) If a person makes an application under subregulation (3), the Director General may register, or refuse to register, the person as an owner of stock.

8. Director General may allot identifiers, PICs and BICs as required

- (1) The Director General may —
 - (a) as and when the Director General thinks appropriate; or
 - (b) upon application by a registered owner of stock made in the approved form accompanied by the appropriate fee,allot to the registered owner of stock all or any of the following —
 - (c) one or more identifiers for stock for use as a registered identifier for the person's stock;
 - (d) one or more property identification codes for the farming properties on which the person's stock are, or will be, kept;
 - (e) a buyer identification code.

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- (2) The Director General may, as and when the Director General thinks appropriate, cancel the allotment of a PIC for a farming property to an owner of stock by giving written notice of the cancellation to the owner of stock.

9. Review

A person aggrieved by a decision of the Director General to —

- (a) refuse to register the person as an owner of stock; or
- (b) cancel the allotment of a PIC under regulation 8(2),

may apply to the State Administrative Tribunal for a review of the decision.

Division 2 — Non-farming property operators

10. Non-farming property operators to be registered

- (1) A person must not be the operator of a non-farming property unless the person is —
- (a) a registered non-farming property operator; and
 - (b) the registered owner of a PIC for the non-farming property.

Penalty: a fine of \$2 000.

- (2) A person may apply to the Director General for registration as a non-farming property operator.
- (3) An application under subregulation (2) must —
- (a) be in the approved form accompanied by the appropriate fee; and
 - (b) specify each non-farming property operated by the applicant.
- (4) If a person makes an application under subregulation (2), the Director General may register, or refuse to register, the person as a non-farming property operator.

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11. Director General may allot PICs as required

- (1) The Director General may —
- (a) as and when the Director General thinks appropriate; or
 - (b) upon application by a registered non-farming property operator made in the approved form accompanied by the appropriate fee,

allot to the registered non-farming property operator a PIC for a non-farming property operated by that person.

- (2) The Director General may, as and when the Director General thinks appropriate, cancel the allotment of a PIC for a non-farming property to a non-farming property operator by giving written notice of the cancellation to the non-farming property operator.

12. Review

A person aggrieved by a decision of the Director General to —

- (a) refuse to register the person as a non-farming property operator; or
- (b) cancel the allotment of a PIC under regulation 11(2),

may apply to the State Administrative Tribunal for a review of the decision.

Division 3 — Beekeepers

13. Beekeepers to be registered

- (1) A person must not be or become a beekeeper unless the person is a registered beekeeper.

Penalty: a fine of \$2 000.

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- (2) Subregulation (1) does not apply to a person who becomes a beekeeper only because of the ownership, or the charge, care or possession, of bees —
- (a) kept in a device of an approved kind; and
 - (b) used for the purposes of the pollination of crops,
- if the bees and device are disposed of in accordance with subregulation (4) within 8 weeks after the person becomes a beekeeper in relation to them.
- (3) A beekeeper who owns bees, or has the charge, care or possession of bees, that are kept in a device approved for the purposes of subregulation (2)(a) must legibly and indelibly mark on the device the date when the bees are first placed in it.
- Penalty: a fine of \$2 000.
- (4) For the purposes of subregulation (2), the manner of disposing of the bees and the device is by —
- (a) destroying the bees immediately after flying has ended at night by pouring petrol into the device and immediately closing it; and
 - (b) burning the device and the dead bees in a pit in the ground; and
 - (c) burying the burnt remains under at least 30 cm of earth.
- (5) A device used and disposed of in accordance with subregulations (2) and (4) is not to be regarded as a hive for the purposes of these regulations.
- (6) A person may apply, in the approved form accompanied by the appropriate fee, to the Director General for registration as a beekeeper.
- (7) If a person makes an application under subregulation (6), the Director General may register, or refuse to register, the person as a beekeeper.

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14. Director General may allot identifiers as required

- (1) The Director General may, as and when the Director General thinks appropriate, allot to a registered beekeeper an identifier for hives for use as a registered identifier for the beekeeper's hives.
- (2) A registered identifier for hives is to consist of a combination of one or more letters and one or more numerals as allotted.

15. Review

A person aggrieved by a decision of the Director General to refuse to register a person as a beekeeper may apply to the State Administrative Tribunal for a review of the decision.

Division 4 — The register

16. Register to be kept

- (1) The Director General is to keep a register of —
 - (a) registered owners of stock; and
 - (b) registered non-farming property operators; and
 - (c) registered beekeepers; and
 - (d) any other details required under these regulations to be recorded in the register.
- (2) The register is to contain the following particulars —
 - (a) in relation to each registered owner of stock —
 - (i) a registration number;
 - (ii) the person's name, trading name (if any) and postal address;
 - (iii) the date the person first became a registered owner of stock;
 - (iv) the date the person's registration is due to expire under regulation 22;

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- (v) each identifier for stock (if any) allotted to the person, or approved under regulation 34(1), for use as a registered identifier together with the PIC (***corresponding PIC***) of each farming property on which the registered identifier may be used to identify stock;
- (vi) each PIC (if any) allotted to the person for the farming property or farming properties on which the person's stock is kept, together with a description of the land and its location;
- (vii) the BIC (if any) allotted to the person;
- (b) in relation to each registered non-farming property operator —
 - (i) a registration number;
 - (ii) the person's name, trading name (if any) and postal address;
 - (iii) the date the person first became a registered non-farming property operator;
 - (iv) the date the person's registration is due to expire under regulation 22;
 - (v) each PIC allotted to the person for a non-farming property together with —
 - (I) a description of the land and its location; and
 - (II) the date the PIC was first allotted;
- (c) in relation to each registered beekeeper —
 - (i) a registration number;
 - (ii) the person's name, trading name (if any) and postal address;
 - (iii) the street address of the person's place of residence or business;

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- (iv) the date the person first became a registered beekeeper;
 - (v) the date the person's registration is due to expire under regulation 22;
 - (vi) the identifier for hives allotted to the person.
- (3) Details must be recorded in the register so that they —
 - (a) remain in the register for not less than 10 years after being recorded; and
 - (b) are capable of being reproduced at any time in writing.
- (4) In addition to the details that must be recorded in the register under these regulations, the Director General may record in the register such other details the Director General thinks appropriate.
- (5) The Director General may amend, add to or correct the register in any manner that the Director General considers necessary to make the register an accurate record of the details it records.

17. Access to register

- (1) The register —
 - (a) is to be published on, or made accessible through, the department's electronic site; and
 - (b) may be published on, or made accessible through, any other approved public electronic system.
- (2) If a person applies to the Director General in the approved form, the Director General must give the person details recorded in, or an extract from, the register.
- (3) Despite subregulations (1) and (2), the Director General must not publish on, or make accessible through, the department's electronic site or any other public electronic system, or otherwise provide or make accessible to the public —
 - (a) details recorded in the register under regulation 16(4); or

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- (b) details of any mortgage recorded in the register under regulation 28(5).

18. Director General to be notified if owner moves stock to a farming property without relevant PIC

If —

- (a) an owner of stock moves stock to a farming property;
and
- (b) the owner of stock is not the registered owner of a relevant PIC for the property,

the owner of stock must, within 48 hours of moving the stock to the property, give written notice to the Director General of the movement of the stock to the property.

Penalty: a fine of \$2 000.

19. Director General to be notified of change of address

- (1) A registered owner of stock, registered non-farming property operator or registered beekeeper must, within 7 days of changing his or her postal address from that recorded in the register, give written notice to the Director General of the change.

Penalty: a fine of \$2 000.

- (2) A registered beekeeper must, within 7 days of changing his or her place of residence or business from that recorded in the register, give written notice to the Director General of the change.

Penalty: a fine of \$2 000.

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Division 5 — Certificates of registration

20. Certificates of registration

- (1) Upon a person's registration or renewal of registration as an owner of stock, a non-farming property operator or a beekeeper, the Director General must issue to the person a certificate of registration.
- (2) A certificate of registration must be in an approved form.
- (3) A certificate of registration of an owner of stock must specify —
 - (a) each identifier for stock (if any) of which the person is the registered owner together with a corresponding PIC for the identifier; and
 - (b) if the person is a registered owner of an identifier for application as an earmark to cattle or buffalo — the ear to which it must be applied; and
 - (c) if the person is the registered owner of an identifier for application as a brand or earmark to deer — the ear to which it must be applied; and
 - (d) the person's BIC (if any).
- (4) If more than one PIC is allotted to a person who is an owner of stock or a non-farming property operator, the Director General must issue to that person a separate certificate of registration in respect of each allotted PIC.
- (5) The Director General may, as the Director General thinks necessary, issue a fresh certificate of registration to a person.
- (6) A registered owner of stock, non-farming property operator or beekeeper may apply, in the approved form, for a duplicate certificate of registration.
- (7) If an application is made under subregulation (6), the Director General must issue the duplicate certificate of registration.

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Division 6 — Term of registration, renewals and cancellations

21. Term used: registration

In this Division —

registration means a registration as —

- (a) an owner of stock; or
- (b) a non-farming property operator; or
- (c) a beekeeper.

22. Term of registration

Unless cancelled under regulation 24, a registration expires 3 years after the day on which it is granted or renewed under these regulations.

23. Renewal of registration

- (1) At least 21 days before a person's registration expires, the person may apply to the Director General to renew the registration.
- (2) An application under subregulation (1) must be in the approved form accompanied by the appropriate fee.
- (3) If a person makes an application under subregulation (1) to renew a registration, the Director General may renew, or refuse to renew, the registration.

24. Cancellation of registration

- (1) The Director General may cancel a registration if —
 - (a) the registered person applies in the approved form to the Director General for cancellation of the registration; or
 - (b) the Director General —
 - (i) gives the registered person written notice that the registration will be cancelled unless, within 30 days after the notice is given, the person

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shows cause in writing to the Director General why the registration should not be cancelled; and

- (ii) within that period, the Director General does not receive a response to the notice or receives a response claiming to show cause for reasons that the Director General regards as unsatisfactory.
- (2) If 2 or more persons are jointly registered as an owner of stock, a non-farming property operator or a beekeeper, an application to cancel the registration under subregulation (1)(a) must be —
- (a) signed by each of them; or
 - (b) accompanied by a statutory declaration made by each of them who have not signed the application that verifies his or her agreement to the cancellation.
- (3) A notice given under subregulation (1)(b) in relation to the cancellation of a joint registration of 2 or more persons as an owner of stock, a non-farming property operator or a beekeeper must be given to each of those persons.

25. Effect of expiry or cancellation of registration

If a person's registration —

- (a) expires under regulation 22, not having been renewed under regulation 23; or
- (b) is cancelled under regulation 24,

any identifier, PIC or BIC that was, immediately before the registration expired or was cancelled, allotted to the person in relation to the cancelled registration ceases to be allotted to the person.

26. Review

A person aggrieved by a decision of the Director General to —

- (a) refuse to renew a registration; or
- (b) cancel a registration under regulation 24(1)(b),

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may apply to the State Administrative Tribunal for a review of the decision.

Division 7 — Transfer of registered identifiers and PICs

27. Transfer of registered identifiers and PICs

- (1) In this regulation —
authorised person means a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.
- (2) The registered owner of an identifier or PIC (the *transferor*) who wishes to transfer ownership of the identifier or PIC to another person (the *transferee*), may apply, with that person, to the Director General for that purpose.
- (3) An application made under subregulation (2) must be —
 - (a) in the approved form accompanied by the appropriate fee; and
 - (b) signed by the transferor in the presence of an authorised person, who must also sign the application.
- (4) In addition to the requirements in subregulation (3), if 2 or more persons are registered owners of an identifier or PIC, an application to transfer ownership of the identifier or PIC must be —
 - (a) signed by each of them in the presence of an authorised person, who must also sign the application; or
 - (b) accompanied by a statutory declaration made by each of them who have not signed the application that verifies his or her agreement to the transfer.
- (5) If —
 - (a) an application is made under subregulation (2); and

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- (b) the Director General is satisfied that —
 - (i) in the case of a transfer of an identifier for stock or a PIC for a farming property — the transferee is a registered owner of stock; and
 - (ii) in the case of a transfer of a PIC for a non-farming property — the transferee is a registered non-farming property operator; and
 - (iii) in the case of a transfer of an identifier for hives — the transferee is a registered beekeeper,

the Director General must, as the case requires —

- (c) cancel the allotment of the identifier or PIC to the transferor; and
- (d) allot the identifier or PIC to the transferee; and
- (e) amend the register accordingly.

28. Mortgagee's right to use and transfer registered identifiers

- (1) In this regulation —
 - mortgage*** means any deed, memorandum or other instrument under which security for payment of money is granted over any stock or apiary, and all charges and liens given or created by any statute as a security for payment of money;
 - stock*** includes the progeny of stock.
- (2) A registered owner of stock or a registered beekeeper may give notice to the Director General of a mortgage over his or her stock or his or her apiary.
- (3) A notice of a mortgage given under subregulation (2) —
 - (a) must be in the approved form accompanied by the appropriate fee; and
 - (b) must specify the period (of not more than 3 years) for which the notice is to have effect; and

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- (c) unless it is withdrawn or renewed, has effect, commencing when the notice is given, for the period specified in the notice.
- (4) A person who gives a notice of a mortgage under subregulation (2) may, before the notice ceases to have effect, withdraw or renew the notice (for a further period of not more than 3 years) by giving further notice, in the approved form accompanied by the appropriate fee, to the Director General.
- (5) If an owner of stock or a beekeeper gives notice of a mortgage or renews a notice of a mortgage under this regulation, the Director General must record in the register notice of the mortgage in relation to the owner of stock or beekeeper.
- (6) While a notice of a mortgage has effect —
 - (a) no transfer of ownership of a registered identifier relating to the stock or apiary over which the mortgage is granted may be given effect to or registered without the prior consent of the mortgagee; and
 - (b) the mortgagee may, upon such terms and conditions as set out in the mortgage —
 - (i) transfer, under regulation 27, ownership of a registered identifier relating to the stock or apiary over which the mortgage is granted; and
 - (ii) use a registered identifier relating to the stock or apiary over which the mortgage is granted, as if the mortgagee were the owner of the registered identifier.
- (7) If, under regulation 27, a mortgagee transfers ownership of a registered identifier to another person, such transfer will, for all purposes and as against all persons, except between the mortgagor and the mortgagee, be conclusive as to the right of the mortgagee to transfer ownership of the registered identifier to the other person.

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Part 3 — Identifiers for stock

Division 1 — Registered identifiers for stock

29. Term used: certificate of registration

In this Division —

certificate of registration means a certificate of registration as an owner of stock.

30. Registered identifiers for application as brand

- (1) A registered identifier for application as a brand to stock, except a pig, must consist of an arrangement of 2 letters and a numeral as allotted.
- (2) A registered identifier for application as a brand to a pig must consist of an arrangement of 5 numerals as allotted.

31. Registered identifiers for application as earmark

A registered identifier for application as an earmark to stock must consist of 2 symbols as allotted.

32. Limit of one brand and one earmark for each relevant PIC

- (1) The Director General must not allot to an owner of stock —
 - (a) more than one registered identifier for application as a brand; and
 - (b) more than one registered identifier for application as an earmark,

for stock kept by the owner on one or more farming properties with the same relevant PIC.

- (2) If 2 or more registered identifiers for application as a brand are allotted to an owner of stock for stock kept by the owner on one or more farming properties with the same relevant PIC, the Director General must, after giving written notice to the owner

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of stock, cancel the allotment of all but one of the registered identifiers.

- (3) If 2 or more registered identifiers for application as an earmark are allotted to an owner of stock for stock kept by the owner on one or more farming properties with the same relevant PIC, the Director General must, after giving written notice to the owner of stock, cancel the allotment of all but one of the registered identifiers.

33. Confusing or misleading identifiers

- (1) The Director General must not allot an identifier for stock to an owner of stock if, in the Director General's opinion, the identifier is likely to cause confusion or mislead.
- (2) If the Director General is of the opinion that a registered identifier for stock is likely to cause confusion or mislead, the Director General may, by written notice to the registered owner of the identifier, cancel the allotment of the identifier.
- (3) No fee may be charged in respect of the cancellation of the allotment of an identifier under subregulation (2) or the allotment of another identifier in its place.

34. Cross-border farming properties

- (1) If an owner of stock keeps stock on a farming property that is partly in the State and partly in South Australia or the Northern Territory, the Director General may, on such conditions as the Director General thinks appropriate, approve any South Australian or Northern Territory identifier for use as a registered identifier for identifying the owner's stock on that property.
- (2) The Director General must not approve an identifier under subregulation (1) if, in the Director General's opinion, the identifier is likely to cause confusion or mislead.

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35. Special identifiers

- (1) The Director General may record in the register certain identifiers for stock that may be used by persons referred to in subregulation (2) in the circumstances referred to in subregulation (3).
- (2) The persons who may use an identifier for stock recorded in the register under subregulation (1) are —
 - (a) inspectors;
 - (b) veterinary officers employed by the department;
 - (c) approved persons.
- (3) A person referred to in subregulation (2) may use an identifier recorded in the register under subregulation (1) to identify stock —
 - (a) in any circumstances relating to the monitoring, control or eradication of disease; and
 - (b) any circumstances relating to the conduct of research programmes in respect of stock.
- (4) The Director General may, by written notice given to a person referred to in subregulation (2)(c), cancel the person's approval under that subregulation.
- (5) A person, not being a person referred to in subregulation (2), must not apply to an animal an identifier recorded in the register under subregulation (1).
Penalty: a fine of \$5 000.

36. Exclusive use of registered identifiers

A person must not apply a registered identifier to an animal unless the person is, or is acting on behalf of, a person who is —

- (a) the registered owner of the identifier; and

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- (b) required or empowered by these regulations to identify the animal, or cause the animal to be identified, with the registered identifier.

Penalty: a fine of \$20 000.

37. Registered identifiers to be used to identify stock on property with corresponding PIC

- (1) A person must not apply a registered identifier to an animal unless —
 - (a) the animal is on a farming property with the registered identifier's corresponding PIC; and
 - (b) the person is, or is acting on behalf of, the registered owner of that corresponding PIC.

Penalty: a fine of \$20 000.

- (2) A person does not commit an offence under subregulation (1) if the person applies the registered identifier to the animal in accordance with a permit granted under regulation 38.

38. Permit to use registered identifier to identify stock on property without corresponding PIC

- (1) In this regulation —
 - permit holder*** means the person to whom a permit is granted under this regulation;
 - specified*** means specified in a permit granted under this regulation.
- (2) The registered owner of an identifier for stock may apply, in the approved form, to an inspector for a permit to use the registered identifier to identify stock on a property with a PIC, other than the registered identifier's corresponding PIC.

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- (3) An inspector to whom an application is made under subregulation (2) may grant the applicant a permit.
- (4) The inspector may grant the permit subject to any conditions the inspector thinks appropriate.
- (5) A permit granted under subregulation (2) must —
 - (a) be in the approved form; and
 - (b) specify any conditions imposed by the inspector.
- (6) Unless it is cancelled under subregulation (7), a permit —
 - (a) authorises the permit holder to use the specified registered identifier to identify the specified stock on the specified property; and
 - (b) expires on the specified date.
- (7) If an inspector is of the opinion that the continuance in force of a permit may lead to the spread of disease or may otherwise defeat or impede the achievement of the objects and purposes of the Act, the inspector may, at any time and whether or not the permit was granted by him or her, cancel it by giving written notice of the cancellation to the permit holder.
- (8) A permit holder must —
 - (a) comply with any specified conditions; and
 - (b) carry the permit when identifying stock on the specified property or transporting any device or identification equipment for the purposes of identifying stock on the specified property; and
 - (c) retain the permit for not less than 7 years after it is granted.

Penalty: a fine of \$2 000.

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39. When unused devices and identification equipment to be given to inspector

If, under these regulations, a registered identifier ceases to be allotted to a person, the person must, as soon as it is practicable to do so, give to an inspector any unused device or identification equipment in the person's possession or control that is capable of identifying stock with the identifier.

Penalty: a fine of \$5 000.

40. Possession of identification devices and equipment

- (1) A person must not have in his or her possession a device or identification equipment capable of identifying stock with a registered identifier unless the person is, or is acting on behalf of, the registered owner of the identifier.

Penalty: a fine of \$5 000.

- (2) A person must not have on any property a device or identification equipment capable of identifying stock with a registered identifier unless —
- (a) the property is a farming property with the registered identifier's corresponding PIC; and
 - (b) the person is, or is acting on behalf of, the registered owner of that corresponding PIC.

Penalty: a fine of \$5 000.

- (3) A person does not commit an offence under subregulation (1) or (2) if the person is in possession of the device or identification equipment solely for the purposes of —
- (a) identifying stock on a property in accordance with a permit granted under regulation 38; or
 - (b) manufacturing or supplying it in accordance with these regulations; or
 - (c) delivering it to the registered owner of the identifier.

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- (4) A person must not remove any device or identification equipment capable of identifying stock with a registered identifier from a property with the registered identifier's corresponding PIC unless the device or identification equipment —
- (a) is being moved directly to another property with the corresponding PIC and the person is in possession of a certificate of registration of the registered owner of the identifier, or a true copy; or
 - (b) is being moved directly to a property on which the registered identifier may be used to identify stock under a permit granted under regulation 38.

Penalty: a fine of \$5 000.

41. False representations relating to registered identifiers

A person must not falsely represent that something is a registered identifier for stock.

Penalty: a fine of \$5 000.

42. Unauthorised removal of registered identifier from live animal

Unless an inspector in a particular case approves otherwise, a person must not, without lawful excuse, remove a registered identifier from a live animal.

Penalty: a fine of \$20 000.

Division 2 — Approved identification systems

43. Approved identifiers and databases

- (1) The Director General may approve, for the purposes of identifying stock under these regulations, a type of identifier (an ***approved identifier***) recognised by a particular body, including a breed society, as an identifier for stock.

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- (2) An identifier may be approved under subregulation (1) generally or in respect of particular stock.
- (3) The Director General must not approve an identifier under subregulation (1) unless the Director General is satisfied that the identifier, together with adequate details of the owner of the stock to whom it is issued, are recorded on a database or other recording system (an ***approved database***) that is readily accessible by an inspector.
- (4) The Director General is to publish on, or make accessible through, the department's electronic site a list of all types of identifiers that are approved identifiers.
- (5) The Director General may, by notice published on the department's electronic site, amend or revoke the approval of an identifier given under subregulation (1).

44. Use of approved identifiers

- (1) A person must not apply an approved identifier to an animal unless the person is, or is acting on behalf of, a person who is —
 - (a) recorded in the relevant approved database as the person to whom the approved identifier is issued; and
 - (b) required or empowered by these regulations to identify the animal, or cause the animal to be identified, with the approved identifier.

Penalty: a fine of \$20 000.

- (2) A person must not apply an approved identifier to an animal unless the animal is on a farming property and the person is, or is acting on behalf of, the registered owner of a relevant PIC for the property.

Penalty: a fine of \$20 000.

- (3) A person must not apply an approved identifier to an animal unless it is applied in the approved manner.

Penalty: a fine of \$20 000.

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45. False representations relating to approved identifiers

A person must not falsely represent that something is an approved identifier.

Penalty: a fine of \$5 000.

46. Unauthorised removal of approved identifier from live animal

Unless an inspector in a particular case approves otherwise, a person must not, without lawful excuse, remove an approved identifier from a live animal.

Penalty: a fine of \$20 000.

Division 3 — NLIS identifiers

Subdivision 1 — NLIS devices

47. Meaning of NLIS device

- (1) For the purposes of these regulations, an NLIS device is an electronic device that —
 - (a) is an approved device or an accredited device; and
 - (b) is capable of identifying an animal for the whole of its life; and
 - (c) has encoded in it a unique number (the *electronic number*) that can be read electronically; and
 - (d) if the device is to be applied to an animal so that it is visible externally — has the NLIS number of the device displayed on its exterior so that it is visible to the naked eye and legible.
- (2) In addition to the requirements in subregulation (1) —
 - (a) an NLIS device for cattle or buffalo must —
 - (i) if it is an NLIS post breeder device — be orange; and

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- (ii) in each other case — be white;
- and
- (b) an NLIS device for sheep or goats must —
 - (i) if it is an NLIS post breeder device — be pink; and
 - (ii) in each other case — be of a colour approved for the year that the animal was born.

48. Applying NLIS devices to stock

- (1) Unless otherwise provided by these regulations, a person must not, without the written approval of an inspector, apply an NLIS device to an animal unless —
 - (a) the person is, or is acting on behalf of, its owner or is otherwise required or empowered by these regulations to apply the device, or cause it to be applied, to the animal; and
 - (b) the animal is on a property with the relevant PIC that is included in the NLIS number of the device; and
 - (c) in the case of an NLIS device (except an NLIS post breeder device) — the animal is on its property of birth; and
 - (d) in the case of an NLIS post breeder device — the animal is not on its property of birth; and
 - (e) it is applied in the approved manner.

Penalty: a fine of \$20 000.

- (2) A person must not apply an NLIS device to cattle or buffalo other than in the right ear of the animal.

Penalty: a fine of \$2 000.

- (3) A person must not apply an NLIS device (except an NLIS post breeder device) to a sheep or a goat other than —
 - (a) in the left ear of a male animal; or

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(b) in the right ear of a female animal.

Penalty: a fine of \$2 000.

(4) A person must not apply an NLIS post breeder device to a sheep or a goat other than —

(a) in the right ear of a male animal; or

(b) in the left ear of a female animal.

Penalty: a fine of \$2 000.

(5) A person must not apply —

(a) more than one NLIS device to an animal at any one time; or

(b) an NLIS device to an animal if an NLIS device is already applied to the animal.

Penalty: a fine of \$2 000.

49. When unused NLIS devices to be given to inspector

(1) If a person is in possession of an NLIS device that is not applied to an animal and —

(a) the person is not the registered owner of the relevant PIC that is included in the NLIS number of the device; or

(b) the person does not possess the device with the approval of the registered owner of that relevant PIC,

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

Penalty: a fine of \$5 000.

(2) If a person gives an NLIS device to an inspector under subregulation (1), the inspector may return the device to the person or give it to another person.

(3) If an inspector returns or gives an NLIS device to a person under subregulation (2), the inspector may give the person

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written approval to apply the device to the person's stock on a property with the PIC specified in the approval.

- (4) If an inspector gives an approval under subregulation (2), the inspector must update the NLIS database in relation to the NLIS device by recording the PIC specified in the approval.

50. False representations relating to NLIS devices

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

Penalty: a fine of \$5 000.

Subdivision 2 — NLIS tags

51. Meaning of NLIS tag

- (1) For the purposes of these regulations, an NLIS tag is an eartag that —
- (a) is an approved device or an accredited tag; and
 - (b) is capable of identifying an animal for the whole of its life; and
 - (c) if it is to be applied to an animal on a farming property — is clearly impressed with a registered identifier for stock or the relevant PIC of the property; and
 - (d) if it is to be applied to an animal on a non-farming property — is clearly impressed with a serial number and the relevant PIC of the property.
- (2) In addition to the requirements in subregulation (1), an NLIS tag must —
- (a) if it is an NLIS post breeder tag — be pink; and
 - (b) in each other case — be of a colour approved for the year that the animal to which it will be applied was born.

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52. Applying NLIS tags to stock

- (1) Unless otherwise provided by these regulations, a person must not, without the written approval of an inspector, apply an NLIS tag to an animal unless —
- (a) the person is, or is acting on behalf of, its owner or is otherwise required or empowered by these regulations to apply the NLIS tag, or cause it to be applied, to the animal; and
 - (b) if a relevant PIC is impressed on the NLIS tag — it is applied to the animal on a property with that PIC; and
 - (c) if a registered identifier is impressed on the NLIS tag — it is applied to the animal on a property with the registered identifier's corresponding PIC; and
 - (d) in the case of an NLIS tag (except an NLIS post breeder tag) — the animal is on its property of birth; and
 - (e) in the case of an NLIS post breeder tag — the animal is not on its property of birth; and
 - (f) it is applied in the approved manner.

Penalty: a fine of \$20 000.

- (2) A person must not apply an NLIS tag (except an NLIS post breeder tag) to an animal other than —
- (a) in the left ear of a male animal; or
 - (b) in the right ear of a female animal.

Penalty: a fine of \$2 000.

- (3) A person must not apply an NLIS post breeder tag to an animal other than —
- (a) in the right ear of a male animal; or
 - (b) in the left ear of a female animal.

Penalty: a fine of \$2 000.

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53. False representations relating to NLIS tags

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

Penalty: a fine of \$5 000.

Subdivision 3 — Removal and disposal of NLIS identifiers

54. Removal of NLIS identifiers

(1) A person must not remove an NLIS device from an animal unless —

- (a) the animal has been slaughtered at an abattoir; or
- (b) the animal has been slaughtered at or has died on a property and the person is, or is acting on behalf of, the operator of the property; or
- (c) the device has ceased to function and the person is, or is acting on behalf of, the operator of the property on which the animal is kept; or
- (d) the person is an approved person.

Penalty: a fine of \$20 000.

(2) A person must not remove an NLIS tag from an animal unless —

- (a) the animal has been slaughtered at an abattoir; or
- (b) the animal has been slaughtered at or has died on a property and the person is, or is acting on behalf of, the operator of the property; or
- (c) the animal is on its property of birth and the person is, or is acting on behalf of, the operator of the property; or
- (d) the person is an approved person.

Penalty: a fine of \$20 000.

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55. Replacing NLIS identifiers

- (1) If an NLIS device is removed from a live animal under regulation 54(1)(c), the operator of the property must apply, or cause to be applied, to the animal a replacement NLIS device.
Penalty: a fine of \$2 000.
- (2) If a replacement NLIS device is applied to an animal under subregulation (1), the operator of the property must update the NLIS database by recording —
 - (a) the electronic number or NLIS number of the replacement device; and
 - (b) the NLIS number of the NLIS device removed from the animal.Penalty: a fine of \$2 000.
- (3) If an NLIS tag is removed from a live animal under regulation 54(2)(c), the operator of the property may, if the animal is on its property of birth, apply, or caused to be applied, to the animal a replacement NLIS tag.

56. Disposal of NLIS identifiers

A person must not dispose of an NLIS identifier unless —

- (a) it has been removed from an animal under regulation 54; and
- (b) it is disposed of in an approved manner.

Penalty: a fine of \$2 000.

57. NLIS identifiers not to be damaged or defaced

A person must not damage or deface an NLIS identifier except by disposing of it under regulation 56.

Penalty: a fine of \$5 000.

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Subdivision 4 — The NLIS database

58. The NLIS database

- (1) The Director General is to ensure that an electronic database (the *NLIS database*) that meets the requirements of this Subdivision is maintained by an approved person.
- (2) The NLIS database is to contain the following —
 - (a) information prescribed under subregulation (3) in respect of each NLIS device;
 - (b) information required by these regulations in respect of the movement of animals to which an NLIS device is applied;
 - (c) information required by these regulations in respect of the movement of animals to which an NLIS tag is applied.
- (3) The information on the NLIS database in respect of an NLIS device is to include the following —
 - (a) the electronic number and NLIS number of the device;
 - (b) if the NLIS device is not applied to an animal — the relevant PIC of the property in relation to which the device was issued;
 - (c) if the NLIS device is applied to an animal —
 - (i) the date the animal was moved to a property other than its property of birth; and
 - (ii) the relevant PIC of the property on which the animal is kept for the time being by its owner; and
 - (iii) the date of the slaughter, or death in other circumstances, or export of the animal;
 - (d) any other approved information.

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- (4) The NLIS database is to be made accessible to —
 - (a) persons who are required by these regulations to update the database; and
 - (b) persons who are required by these regulations to record information in the database; and
 - (c) inspectors; and
 - (d) persons whose access to the database is approved.
- (5) For the purpose of these regulations, a person may update, or record information in, the NLIS database by —
 - (a) accessing the NLIS database; or
 - (b) sending the updated information to an approved person electronically or in another approved manner.
- (6) A copy or print-out of an entry in the NLIS database is evidence of the facts stated in the copy or print-out and, in the absence of evidence to the contrary, is proof of those facts.
- (7) An inspector or an approved person may update the NLIS database to correct any errors.

Division 4 — Manufacture and supply of identifiers

Subdivision 1 — Approved devices, approved identification equipment and approved manufacturers

59. Approved devices and approved identification equipment

- (1) The Director General may approve for use in identifying stock under these regulations —
 - (a) a particular device (an *approved device*), including a device of a particular make, model or type;
 - (b) identification equipment (*approved identification equipment*).
- (2) The Director General must publish on, or make accessible through, the department's electronic site a list of all devices that

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are approved devices and all identification equipment that is approved identification equipment.

- (3) The Director General may, by notice published on the department's electronic site, amend or revoke an approval of a device or identification equipment given under subregulation (1).

60. Approved manufacturers

- (1) The Director General may approve a person (an ***approved manufacturer***) as a manufacturer of approved devices and approved identification equipment.
- (2) The Director General is to publish on, or make accessible through, the department's electronic site a list of all persons who are approved manufacturers.
- (3) The Director General may amend or revoke an approval under subregulation (1) if —
 - (a) the Director General gives the approved person written notice that the approval will be amended or revoked (as the case requires) unless, within 30 days after the notice is given, the person shows cause in writing to the Director General why the approval should be not be amended or revoked; and
 - (b) within that period, the Director General does not receive a response to the notice or receives a response claiming to show cause for reasons that the Director General regards as unsatisfactory.

61. Review

A person aggrieved by a decision of the Director General to amend or revoke an approval under regulation 60(3) may apply to the State Administrative Tribunal for a review of the decision.

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Subdivision 2 — Registered identifiers

62. Manufacture and supply of devices and identification equipment for registered identifiers

- (1) A person must not manufacture —
- (a) a device; or
 - (b) identification equipment,

that is capable of identifying stock with a registered identifier unless the person is an approved manufacturer.

Penalty: a fine of \$5 000.

- (2) A person must not supply —
- (a) a device; or
 - (b) identification equipment,

that is capable of identifying stock with a registered identifier unless the person is an approved manufacturer.

Penalty: a fine of \$5 000.

- (3) An approved manufacturer must not supply —
- (a) a device; or
 - (b) identification equipment,

that is capable of identifying stock with a registered identifier unless —

- (c) in the case of a device — it is an approved device; or
- (d) in the case of identification equipment — it is approved identification equipment.

Penalty: a fine of \$5 000.

- (4) An approved manufacturer must not supply to a person —
- (a) a device; or
 - (b) identification equipment,

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that is capable of identifying stock with a registered identifier unless —

- (c) the person has given the approved manufacturer the person's name and postal address; and
- (d) the approved manufacturer has confirmed, by reference to the register, that the person is the registered owner of the identifier; and
- (e) the manufacturer has made a written record of that confirmation.

Penalty: a fine of \$5 000.

- (5) An approved manufacturer must retain a record made under subregulation (4)(e) for not less than 7 years after it is made.

Penalty: a fine of \$2 000.

- (6) An inspector may direct a person to give a record made under subregulation (4)(e) to an approved person.

- (7) A person must comply with a direction given under subregulation (6) as soon as practicable after the direction is given.

Penalty: a fine of \$5 000.

Subdivision 3 — NLIS identifiers

63. Term used: manufacture

In this Subdivision —

manufacture, in relation to an NLIS device, includes to recycle the NLIS device.

64. Manufacture of NLIS devices

- (1) A person must not manufacture an NLIS device, except an accredited device, unless the person is an approved manufacturer.

Penalty: a fine of \$5 000.

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- (2) A person must not manufacture an accredited device unless the person is recognised by NLIS Ltd as a manufacturer of the accredited device.

Penalty: a fine of \$5 000.

- (3) A person must not supply an NLIS device unless it is —
- (a) an approved device manufactured by an approved manufacturer; or
 - (b) an accredited device manufactured by a person who is recognised by NLIS Ltd as a manufacturer of the accredited device.

Penalty: a fine of \$5 000.

65. Supply of NLIS devices by manufacturers

- (1) A manufacturer of an NLIS device must not supply the device to a person unless —
- (a) the person has given the manufacturer —
 - (i) the person's name and postal address; and
 - (ii) the relevant PIC of the property on which the person keeps stock that will be identified with the NLIS device;
- and
- (b) the manufacturer has —
 - (i) confirmed, by reference to the register, that the person is the registered owner of the relevant PIC; and
 - (ii) made a written record of that confirmation.

Penalty: a fine of \$5 000.

- (2) A manufacturer must retain a record made under subregulation (1)(b)(ii) for not less than 7 years after it is made.
- Penalty: a fine of \$2 000.

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- (3) An inspector may direct a person to give a record made under subregulation (1)(b)(ii) to an approved person.
- (4) A person must comply with a direction given under subregulation (3) as soon as practicable after the direction is given.
Penalty: a fine of \$5 000.
- (5) A manufacturer who supplies an NLIS device to a person must, before giving the device to the person —
- (a) encode in the device an electronic number; and
 - (b) update the NLIS database in relation to the device by recording the following —
 - (i) the electronic number of the device;
 - (ii) a unique number (an ***NLIS number***) for the device that must include the relevant PIC given to the manufacturer under subregulation (1)(a);
 - (iii) the date that the device is to be given to the person;
- and
- (c) if the device is intended to be applied to an animal so that it is visible externally — display on the exterior of the device the NLIS number of the device; and
 - (d) if the device is intended to be applied to an animal so that it is not visible externally — place the device in packaging that legibly displays on its exterior the relevant PIC given to the manufacturer under subregulation (1)(a).
- Penalty: a fine of \$5 000.
- (6) If a manufacturer gives an NLIS device to a person on a date that is different to the date recorded in the NLIS database under subregulation (5)(b)(iii), the manufacturer must, as soon as

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practicable after giving the device to the person, update the database by recording the correct date.

Penalty: a fine of \$2 000.

66. Supply of NLIS devices by persons other than manufacturers

(1) In this regulation —

manufacturer means —

- (a) an approved manufacturer; or
- (b) a person recognised by NLIS Ltd as a manufacturer of an accredited device.

(2) A person, except a manufacturer, must not supply an unused NLIS device to another person unless the supply is approved in writing by an inspector.

Penalty: a fine of \$5 000.

(3) If an inspector approves the supply of an NLIS device to a person under subregulation (2), the inspector must update the NLIS database in relation to the device by recording the relevant PIC of the property on which the person keeps any animal to which the device is, or will be, applied.

(4) A person, except a manufacturer, must not supply a used NLIS device unless the device is supplied to a manufacturer.

Penalty: a fine of \$5 000.

67. Manufacture of NLIS tags

(1) A person must not manufacture an NLIS tag, except an accredited tag, unless the person is an approved manufacturer.

Penalty: a fine of \$5 000.

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- (2) A person must not manufacture an accredited tag unless the person is recognised by NLIS Ltd as a manufacturer of the accredited tag.
Penalty: a fine of \$5 000.
- (3) A person must not supply an NLIS tag unless it is —
- (a) an approved device manufactured by an approved manufacturer; or
 - (b) an accredited tag manufactured by a person who is recognised by NLIS Ltd as a manufacturer of the accredited tag.
- Penalty: a fine of \$5 000.
- (4) A manufacturer of an NLIS tag must not supply the tag to a person unless —
- (a) the person has given to the manufacturer the person's name and postal address; and
 - (b) the person has given to the manufacturer —
 - (i) the relevant PIC of the property on which the person keeps stock that will be identified with the NLIS tag; or
 - (ii) the person's registered identifier (for application as a brand) for the stock that will be identified with the NLIS tag;
- and
- (c) the manufacturer has —
 - (i) confirmed, by reference to the register, that the person is the registered owner of the relevant PIC or registered identifier, as the case may be; and
 - (ii) the manufacturer has made a written record of that confirmation;
- and

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- (d) the NLIS tag displays the relevant PIC or registered identifier for stock, as the case may be.

Penalty: a fine of \$5 000.

- (5) A manufacturer must retain a record made under subregulation (4)(c)(ii) for not less than 7 years after the record is made.

Penalty: a fine of \$2 000.

- (6) An inspector may direct a person to give a record made under subregulation (4)(c)(ii) to an approved person.

- (7) A person must comply with a direction given under subregulation (6) as soon as practicable after the direction is given.

Penalty: a fine of \$5 000.

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Part 4 — General provisions for identifying stock

68. Term used: identifier

In this Part —

identifier means —

- (a) an approved identifier; or
- (b) an NLIS identifier; or
- (c) a registered identifier.

69. Director General may exempt stock from identification requirements

(1) In this regulation —

specified means specified in a notice published under subregulation (2).

(2) In connection with the control of disease or the conduct of research programmes, the Director General may, by notice published in the *Gazette*, exempt specified stock, or the stock of a specified owner of stock, from the requirement to be identified in accordance with these regulations —

- (a) for a specified period; or
- (b) until the notice is revoked.

(3) The Director General may, by further notice published in the *Gazette*, amend or revoke a notice under subregulation (2).

70. Identification exemption certificates

(1) In this regulation —

certificate holder means the person to whom an identification exemption certificate is issued;

specified means specified in an identification exemption certificate.

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- (2) An owner of stock may apply, in the approved form, to an inspector for an identification exemption certificate.
- (3) An inspector to whom an application is made under subregulation (2) may issue the applicant an identification exemption certificate if the inspector is satisfied that it is justified —
 - (a) on the grounds that the stock are to be exported; or
 - (b) for reasons of animal welfare; or
 - (c) for any other reason the inspector thinks is relevant.
- (4) An identification exemption certificate must be in the approved form.
- (5) Unless cancelled under subregulation (6), an identification exemption certificate —
 - (a) exempts the certificate holder from the requirement to identify the specified stock in accordance with these regulations while the stock is on the property on which it is kept; and
 - (b) expires on the specified date.
- (6) If an inspector is of the opinion that the continuance in force of an identification exemption certificate may lead to the spread of disease or may otherwise defeat or impede the achievement of the objects and purposes of the Act, the inspector may, at any time and whether or not the certificate was issued by him or her, cancel the certificate by giving written notice of the cancellation to the certificate holder.
- (7) A person to whom an identification exemption certificate is issued must retain the certificate for not less than 7 years after it is issued.
Penalty: a fine of \$2 000.

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71. When stock not properly identified

If an identifier is applied to an animal other than —

- (a) where it is required to appear under these regulations; or
- (b) in the manner required by these regulations,

the animal is to be regarded as not identified with the identifier in accordance with these regulations.

72. Altered or damaged identifiers

- (1) A person must not slice, crop, blotch, deface, alter or otherwise render illegible any identifier applied to an animal.

Penalty: a fine of \$20 000.

- (2) Any animal bearing an identifier that is sliced, cropped, blotched, defaced, altered or otherwise rendered illegible is to be regarded as not identified with the identifier in accordance with these regulations.

73. Possession of unidentified stock

- (1) A person must not, without lawful excuse, be in possession or control of a live animal unless the animal is identified in accordance with these regulations.

Penalty: a fine of \$5 000.

- (2) A person does not commit an offence under subregulation (1) if the person is in possession or control of a live animal for the purpose of impounding it.

74. Things that may be confused with identifiers

A person must not apply or otherwise use upon an animal any thing that is intended or likely to be, or capable of being, confused with an identifier.

Penalty: a fine of \$5 000.

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Part 5 — Identifying cattle and buffalo

Division 1 — Terms used

75. Terms used

In this Part, unless the contrary intention appears —

animal means cattle or buffalo;

certificate of registration means a certificate of registration as an owner of stock.

Division 2 — Owners of cattle or buffalo

Subdivision 1 — Registered identifiers and approved identifiers

76. Owners to identify cattle and buffalo

- (1) An owner of cattle or buffalo kept on a property in the south-west of the State, other than —

- (a) imported cattle or buffalo; or
- (b) cattle or buffalo from a pound,

must identify each of the cattle or buffalo, or cause them to be identified, in accordance with this regulation —

- (c) if the animal is moved from the property on which it is kept before it reaches 6 months of age and before it is identified in accordance with this regulation — when it is moved; or
- (d) otherwise — before it reaches 6 months of age.

Penalty: a fine of \$2 000.

- (2) An owner of cattle or buffalo, other than —

- (a) imported cattle or buffalo; or
- (b) cattle or buffalo from a pound; or
- (c) cattle or buffalo kept on a property in the south-west of the State,

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must identify each of the cattle or buffalo, or cause them to be identified, in accordance with this regulation —

- (d) if the animal is moved from the property on which it is kept before it reaches 18 months of age and before it is identified in accordance with this regulation — when it is moved; or
- (e) otherwise — before it reaches 18 months of age.

Penalty: a fine of \$2 000.

- (3) An owner of imported cattle or buffalo must identify each of the cattle or buffalo, or cause them to be identified, in accordance with this regulation —

- (a) if the animal is moved from the property on which it is kept within 14 days of it being imported and before it is identified in accordance with this regulation — when it is moved; or
- (b) otherwise — within 14 days of it being imported.

Penalty: a fine of \$2 000.

- (4) An owner of cattle or buffalo from a pound must identify each of the cattle or buffalo, or cause them to be identified, in accordance with this regulation —

- (a) if the animal is moved from the property on which it is kept within 14 days of the owner taking possession of it from the pound and before it is identified in accordance with this regulation — when it is moved; or
- (b) otherwise — within 14 days of the owner taking possession of it from the pound.

Penalty: a fine of \$2 000.

- (5) For the purposes of this regulation, an owner of cattle or buffalo may identify the cattle or buffalo, or cause them to be identified, with all or any of the following identifiers —

- (a) a registered identifier applied as a brand in accordance with regulation 78;

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- (b) a registered identifier applied as an earmark in accordance with regulation 79;
- (c) an approved identifier for cattle or buffalo.

77. Exemption for calves

It is not necessary for cattle or buffalo to be identified in accordance with regulation 76(1)(c), (2)(d), (3)(a) or (4)(a) if the animal is being moved with its mother from the property on which it is kept to another property with the same relevant PIC.

78. Registered identifier applied as brand

- (1) A registered identifier applied as a brand to cattle or buffalo must be applied as a firebrand or a freezebrand in accordance with this regulation.
- (2) A firebrand must not be applied to the horn of cattle.
- (3) A firebrand or freezebrand must —
 - (a) if applied to cattle — be applied to the near or left rump or shoulder; or
 - (b) if applied to buffalo —
 - (i) be applied to the near or left rump or shoulder; or
 - (ii) be applied to the horn.
- (4) A firebrand or freezebrand must be applied in the approved manner.
- (5) If —
 - (a) an animal is to be branded on the near or left rump or shoulder; and
 - (b) the animal has been previously branded, or has an age mark, on that rump or shoulder,

the brand must be applied immediately below the existing brand or age mark.

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- (6) A firebrand or freezebrand must be —
 - (a) not less than 150 mm long and 50 mm in height at the time when it is applied; and
 - (b) clearly legible.

79. Registered identifier applied as earmark

- (1) A registered identifier applied as an earmark to cattle or buffalo must —
 - (a) be applied to the ear of the animal specified for that purpose in the owner's certificate of registration; and
 - (b) meet the requirements of subregulation (2).
- (2) Each symbol forming part of an earmark must be not less than 12 mm across its maximum dimension at the time when the earmark is applied.

80. Age marks, cullmarks and other markings

A person must not apply an age mark, cullmark or other marking to cattle or buffalo unless —

- (a) if it is applied to the ear — it is not in the ear specified in the owner's certificate of registration for the purpose of applying an earmark to cattle or buffalo, as the case may be; and
- (b) it is applied in such a manner, and in such a position, as to render it clearly distinguishable from an identifier applied to the animal under regulation 76.

Penalty: a fine of \$2 000.

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81. Spayed bovine females must be marked

- (1) An owner of a spayed bovine female animal must, in addition to identifying the animal under regulation 76, mark the animal, or cause it to be marked, by making a hole within its ear in accordance with subregulation (2).

Penalty: a fine of \$2 000.

- (2) A hole made to the ear of an animal under subregulation (1) must —
- (a) be circular and completely within the ear; and
 - (b) be not less than 20 mm and not more than 40 mm in diameter; and
 - (c) not be applied to the ear of the animal specified in the owner's certificate of registration for the purpose of applying an earmark to cattle or buffalo, as the case may be.

Subdivision 2 — NLIS identification

82. Responsibilities of owner before moving cattle or buffalo

Except as provided in regulation 83, an owner of cattle or buffalo must not cause or permit any of the cattle or buffalo to be moved from the farming property on which they are kept unless —

- (a) each animal being moved has an NLIS device applied to it; and
- (b) the PIC recorded on the NLIS database in relation to each animal's NLIS device is the relevant PIC of the property from which the animal is to be moved.

Penalty: a fine of \$5 000.

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83. Exemptions from NLIS identification

- (1) Regulation 82 does not apply if —
- (a) an animal is being moved with its mother from the property on which it is kept to another property with the same relevant PIC; or
 - (b) an animal is being moved to a saleyard, abattoir or export depot from a property that —
 - (i) is contiguous with the animal's property of birth; and
 - (ii) is outside the south-west of the State;
- or
- (c) an inspector approves the movement of an animal without an NLIS device being applied to it.
- (2) A person cannot rely upon an exemption in subregulation (1)(b) or (c) unless —
- (a) an identifier, approved by an inspector for the purposes of this regulation, is applied to the animal before it is moved; and
 - (b) the person has given the carrier of the animal a waybill that —
 - (i) relates to the animal and to no other animals, unless all of them are being moved under the exemption; and
 - (ii) if the animal is being moved under the exemption in subregulation (1)(b) — contains the PIC of the property of the animal's birth and the PIC of the property from which the animal is being moved; and
 - (iii) if the animal is being moved under the exemption in subregulation (1)(c) — contains the relevant PIC of the property from which the animal is being moved;
- and

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- (c) the person has taken all practicable measures to ensure that the animal, while it is being moved, is kept separate from —
 - (i) any animal to which an NLIS device is applied; and
 - (ii) any animal being moved from another property.

84. Responsibilities of owner after moving animal

- (1) Except as provided in subregulation (2), if an owner of an animal to which an NLIS device is applied causes or permits the animal to be moved to a property with a different PIC from that recorded in the NLIS database in relation to the device, the owner must, within 48 hours after the animal is moved from the property, update the database in relation to the device by recording the following —
 - (a) the relevant PIC of the property from which the animal has been moved;
 - (b) the relevant PIC of the property to which the animal has been moved;
 - (c) the serial number of the transport document relating to the movement of the animal;
 - (d) the date the animal was moved.

Penalty: a fine of \$5 000.

- (2) Subregulation (1) does not apply if —
 - (a) the owner moves the animal to a holding yard; or
 - (b) the owner moves the animal to a saleyard; or
 - (c) the owner moves the animal from a saleyard after purchasing the animal there; or
 - (d) the owner moves the animal directly to an abattoir for slaughter; or
 - (e) the owner moves the animal directly to an export depot for export; or

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- (f) an inspector has, in a particular case, given written approval for the owner to move the animal to another property without updating the NLIS database.

Division 3 — Other requirements for cattle and buffalo

Subdivision 1 — Imported animals, animals from a pound and dead stray animals

85. Imported cattle and buffalo

A person must not take possession or control of an imported animal unless the animal has an NLIS device applied to it.

Penalty: a fine of \$5 000.

86. Cattle and buffalo from a pound

A person must not take possession or control of an animal from a pound unless the animal has an NLIS device applied to it.

Penalty: a fine of \$5 000.

87. Dead stray cattle and buffalo

- (1) In this regulation —

NLIS identified animal means an animal to which an NLIS device is applied.

- (2) This regulation applies if a ranger appointed by a local government, or an employee of, or other person authorised to impound animals by, a local government, finds a dead NLIS identified animal or destroys an NLIS identified animal upon —
- (a) a street, way or place mentioned in the *Local Government (Miscellaneous Provisions) Act 1960* section 447; or
- (b) vacant Crown land.
- (3) If this regulation applies, the local government must, within 48 hours after the NLIS identified animal is found dead or is

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destroyed, update the NLIS database in relation to the animal's NLIS device by recording the following —

- (a) the PIC of the pound operated by the local government;
- (b) the date the animal was found dead or was destroyed.

Penalty: a fine of \$2 000.

Subdivision 2 — Carriers and purchasers

88. Responsibilities of carriers

- (1) A carrier moving an animal from a property to a holding yard must, as soon as practicable after arriving there, endorse on the transport document relating to the movement of the animal —
 - (a) the relevant PIC of the holding yard; and
 - (b) the relevant PIC of the property to which the animal is to be taken from the holding yard.

Penalty: a fine of \$2 000.

- (2) If a carrier moves an animal from a property and the animal does not have an NLIS device applied to it, the carrier must keep the animal separate from —
 - (a) any animal to which an NLIS device is applied; and
 - (b) any animal being moved from another property.

Penalty: a fine of \$2 000.

89. Responsibilities of purchasers

- (1) A purchaser of an animal at a property, other than a saleyard, must, when requested by the property operator, give the relevant PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the purchaser.

Penalty: a fine of \$5 000.

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- (2) A purchaser of an animal at a saleyard must, when requested by the saleyard operator, give —
- (a) the relevant PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the purchaser; or
 - (b) the purchaser's BIC.

Penalty: a fine of \$5 000.

- (3) If, in relation to the purchase of an animal at a saleyard, a purchaser does not give the saleyard operator a relevant PIC under subregulation (2), the purchaser must, within 24 hours after the animal is moved from the saleyard —
- (a) check, and if necessary update, the NLIS database to ensure that the BIC of the purchaser of the animal is recorded in relation to the animal's NLIS device; and
 - (b) update the NLIS database in relation to the animal's NLIS device by recording the following —
 - (i) the relevant PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the purchaser;
 - (ii) the serial number of the transport document relating to the movement of the animal from the saleyard;
 - (iii) the date the animal was moved from the saleyard.

Penalty: a fine of \$5 000.

- (4) A purchaser of an animal at a property must not take possession or control of the animal unless it is moved in accordance with this Part.

Penalty: a fine of \$5 000.

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Subdivision 3 — General provisions relating to property operators

90. Cattle or buffalo not to be delivered to property without relevant PIC

The operator of a property must not cause or permit an animal to be moved to the property unless the operator is the registered owner of a relevant PIC for the property.

Penalty: a fine of \$5 000.

91. Responsibilities of property operator if animal dies on or while being moved to property other than a pound

- (1) This regulation does not apply to an animal that dies at, or while being moved to, a pound.
- (2) If an animal to which an NLIS device is applied dies except by slaughter on, or while being moved to, a property with a different PIC from that recorded in the NLIS database in relation to the device, the property operator must, within 48 hours after the death, update the database in relation to the device by recording the following —
 - (a) the relevant PIC of the previous property;
 - (b) the relevant PIC of the property on which the animal died or to which it was being moved;
 - (c) the serial number of the transport document relating to the movement of the animal to the property;
 - (d) the date of death.

Penalty: a fine of \$2 000.

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Subdivision 4 — Pounds

92. Responsibilities of pound operator if no NLIS device applied to animal

- (1) The operator of a pound may, before an animal is moved there, apply, or cause to be applied, to the animal an NLIS post breeder device.
- (2) Unless an inspector in a particular case approves otherwise, if an animal to which an NLIS device is not applied is moved to a pound, the pound operator must, within the period specified in subregulation (3), apply, or cause to be applied, to the animal an NLIS post breeder device.
Penalty: a fine of \$2 000.
- (3) The pound operator must comply with subregulation (2) as soon as practicable after the animal arrives at the pound and before it is moved from the pound.

93. Responsibilities of pound operator if animal born at or while being moved to pound

If an animal is born at, or while being moved to, a pound, the pound operator must, as soon as practicable after its birth, apply, or cause to be applied, to the animal an NLIS post breeder device.

Penalty: a fine of \$2 000.

94. Responsibilities of pound operator if NLIS device applied to animal

- (1) If an animal to which an NLIS device is applied is moved to a pound, the pound operator must, within the period specified in subregulation (2), update the NLIS database in relation to the device by recording following —
 - (a) the relevant PIC of the pound;

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- (b) the serial number of the transport document relating to the movement of the animal to the pound;
- (c) the date the animal arrived at the pound.

Penalty: a fine of \$2 000.

- (2) The pound operator must comply with subregulation (1) as soon as practicable after the animal arrives at the pound and before it is moved from the pound.

95. Responsibilities of pound operator if animal moved from pound

- (1) A pound operator must not move, or permit to be moved, from the pound an animal to which an NLIS device is applied unless —
 - (a) it is moved back to the property from which it came or to another property with a relevant PIC; and
 - (b) the pound operator has obtained from the person to whom the animal is sold or otherwise supplied the relevant PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the person.

Penalty: a fine of \$2 000.

- (2) If an animal to which an NLIS device is applied is moved from a pound, the pound operator must, within 48 hours after the animal is moved, update the NLIS database in relation to the device by recording the following —
 - (a) the relevant PIC of the property to which the animal has been moved;
 - (b) the serial number of the waybill relating to the movement of the animal from the pound;
 - (c) the date the animal was moved from the pound.

Penalty: a fine of \$2 000.

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- (3) A pound operator must not, without the approval of an inspector, move or permit to be moved from the pound an animal to which an NLIS device is applied unless the device is functioning.

Penalty: a fine of \$2 000.

96. Responsibilities of pound operator if animal dies on or while being moved to pound

If an animal to which an NLIS device is applied dies at, or while being moved to, a pound, the pound operator must, within 48 hours of the death, update the NLIS database in relation to the device by recording the following —

- (a) the PIC of the pound;
- (b) the serial number of the transport document relating to the movement of the animal to the pound;
- (c) the date of death.

Penalty: a fine of \$2 000.

Subdivision 5 — Holding yards

97. Responsibilities of holding yard operator if no NLIS device applied to animal

- (1) Unless an inspector in a particular case approves otherwise, if an animal to which an NLIS device is not applied is moved to a holding yard, the holding yard operator must, within the period specified in subregulation (2) —

- (a) apply, or cause to be applied, to the animal an NLIS post breeder device; and
- (b) update the NLIS database in relation to the device by recording the following —
 - (i) the relevant PIC of the previous property;

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- (ii) the serial number of the transport document relating to the movement of the animal to the holding yard;
- (iii) the date the animal arrived at the holding yard.

Penalty: a fine of \$2 000.

- (2) The holding yard operator must comply with subregulation (1) as soon as practicable after the animal arrives at the holding yard and before it is moved from the holding yard.
- (3) If a consignment of animals is moved to a holding yard and more than 10% of the animals do not have an NLIS device applied to them, the holding yard operator must —
 - (a) hold the animals at the holding yard; and
 - (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under regulation 98.

Penalty: a fine of \$2 000.

98. Directions by inspectors

- (1) For the purposes of regulation 97(3)(b), the inspector may give any necessary or convenient direction in relation to the animals including —
 - (a) to hold the animals at the holding yard; and
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for regulation 97(1) to be complied with.

- (2) A holding yard operator must comply with a direction given by an inspector under subregulation (1).

Penalty: a fine of \$5 000.

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99. Responsibilities of holding yard operator if animal born at or while being moved to holding yard

If an animal is born at, or while being moved to, a holding yard, the holding yard operator must —

- (a) as soon as practicable after its birth apply, or cause to be applied, to the animal an NLIS post breeder device; and
- (b) within 48 hours after the device is applied and before the animal is moved from the holding yard, update the NLIS database in relation to the device by recording the following —
 - (i) the relevant PIC of the property from which the animal's mother was moved to the holding yard;
 - (ii) the serial number of the transport document relating to the movement of the animal's mother to the holding yard;
 - (iii) the date the animal was born.

Penalty: a fine of \$2 000.

100. Responsibilities of holding yard operator if consignment held for less than 48 hours and moved from holding yard in a single consignment

- (1) This regulation applies if —
 - (a) a consignment of one or more animals to which an NLIS device is applied is moved to a holding yard; and
 - (b) within 48 hours of arriving there, the consignment is moved from the holding yard in a single consignment.
- (2) If this regulation applies, the holding yard operator must, within 48 hours after the consignment is moved from the holding yard, update the NLIS database in relation to the NLIS device of each animal in the consignment by recording the following —
 - (a) the relevant PIC of the holding yard;

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- (b) the date the animal arrived at the holding yard.

Penalty: a fine of \$2 000.

101. Responsibilities of holding yard operator if animal held for less than 48 hours and moved from holding yard in different consignment

- (1) This regulation applies if —
 - (a) a consignment of one or more animals to which an NLIS device is applied is moved to a holding yard; and
 - (b) within 48 hours of arriving there, the animal or animals are moved from the holding yard but not in the same consignment.
- (2) If this regulation applies, the holding yard operator must, within 48 hours after each consignment is moved from the holding yard, update the NLIS database in relation to the NLIS device of each animal in the consignment by recording the following —
 - (a) the relevant PIC of the previous property or, if applicable, the BIC of the purchaser;
 - (b) the relevant PIC of the holding yard;
 - (c) the serial number of the transport document relating to the movement of the animal to the holding yard;
 - (d) the date the animal arrived at the holding yard.

Penalty: a fine of \$2 000.

102. Responsibilities of holding yard operator if animal held for more than 48 hours

If an animal to which an NLIS device is applied is moved to a holding yard and is to be kept there for more than 48 hours, the holding yard operator must, within 48 hours after the animal arrives at the holding yard, update the NLIS database in relation to the device by recording the following —

- (a) the relevant PIC of the previous property or, if applicable, the BIC of the purchaser;

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- (b) the relevant PIC of the holding yard;
- (c) the serial number of the transport document relating to the movement of the animal to the holding yard;
- (d) the date the animal arrived at the holding yard.

Penalty: a fine of \$2 000.

Subdivision 6 — Saleyards

103. When saleyard to be treated as holding yard

If cattle or buffalo are moved to a saleyard for purposes other than for sale, and while the cattle or buffalo are kept at the saleyard no other species of animal —

- (a) is kept there for the purposes of sale; or
- (b) is kept there after having been sold at the saleyard,

regulations 97 to 99 apply, with any necessary modifications, to the movement of the cattle or buffalo as if the saleyard were a holding yard.

104. Responsibilities of saleyard operator if no NLIS device applied to animal

- (1) Unless an inspector in a particular case approves otherwise, if an animal to which an NLIS device is not applied is moved to a saleyard, the saleyard operator must, within the period specified in subregulation (2) —
 - (a) apply, or cause to be applied, to the animal an NLIS post breeder device; and
 - (b) update the NLIS database in relation to the device by recording the following —
 - (i) the relevant PIC of the previous property;
 - (ii) the serial number of the transport document relating to the movement of the animal to the saleyard;

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(iii) the date the animal arrived at the saleyard.

Penalty: a fine of \$5 000.

- (2) The saleyard operator must comply with subregulation (1) as soon as practicable after the animal arrives at the saleyard and before it is moved from the saleyard.
- (3) Except as provided in subregulation (4), if a consignment of animals is moved to a saleyard and more than 10% of the animals do not have an NLIS device applied to them, the saleyard operator must —
- (a) hold the animals at the saleyard without causing or permitting them to be sold; and
 - (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under regulation 105.

Penalty: a fine of \$2 000.

- (4) Subregulation (3) does not apply to a consignment of animals to which an NLIS device is not applied that is moved to a saleyard under an exemption in regulation 83(1).

105. Directions by inspectors

- (1) For the purposes of regulation 104(3)(b), the inspector may make any necessary or convenient direction in relation to the animals including —
- (a) to hold the animals at the saleyard; and
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for regulation 104(1) to be complied with.
- (2) A saleyard operator must comply with a direction given by an inspector under subregulation (1).

Penalty: a fine of \$5 000.

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106. Responsibilities of saleyard operator if animal born at or while being moved to saleyard

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

- (a) as soon as practicable after its birth and before it is sold or moved from the saleyard, apply, or cause to be applied, to the animal an NLIS post breeder device; and
- (b) within 48 hours after the device is applied and before the animal is moved from the saleyard, update the NLIS database in relation to the device by recording the following —
 - (i) the relevant PIC of the property from which the animal's mother was moved to the saleyard;
 - (ii) the serial number of the transport document relating to the movement of the animal's mother to the saleyard;
 - (iii) the date the animal was born.

Penalty: a fine of \$5 000.

107. Responsibilities of saleyard operator if NLIS device applied to animal

Unless an inspector in a particular case approves otherwise, if an animal to which an NLIS device is applied is moved to a saleyard, the saleyard operator must, as soon as practicable after the animal arrives there, check, and if necessary update, the NLIS database to ensure that the PIC recorded in relation to the device is the relevant PIC of the property on which the owner of the animal kept it before it was moved to the saleyard.

Penalty: a fine of \$5 000.

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108. Responsibilities of saleyard operator if animal moved from saleyard

- (1) A saleyard operator must not move, or permit to be moved, from the saleyard an animal to which an NLIS device is applied unless —
- (a) it is moved back to the property from which it came or to another property with a relevant PIC; and
 - (b) the saleyard operator has obtained from the person to whom the animal is sold or otherwise supplied —
 - (i) the relevant PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the person; or
 - (ii) the person's BIC.

Penalty: a fine of \$5 000.

- (2) If an animal to which an NLIS device is applied is moved from a saleyard after being sold there, the saleyard operator must, within 48 hours after the animal is moved, update the NLIS database in relation to the device by recording the following —
- (a) the PIC of the property to which the animal has been moved or, if applicable, the BIC of the purchaser;
 - (b) the serial number of the transport document relating to the movement of the animal from the saleyard;
 - (c) the date the animal was sold.

Penalty: a fine of \$5 000.

- (3) A saleyard operator must not, without the approval of an inspector, cause or permit an animal to which an NLIS device is applied to be sold or moved from the saleyard unless the device is functioning.

Penalty: a fine of \$5 000.

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Subdivision 7 — Abattoirs

109. Responsibilities of abattoir operator if no NLIS device is applied to animal

(1) In this regulation —

abattoir inspector means —

- (a) an inspector; or
- (b) any other officer of an agency responsible under a written law of this State or the Commonwealth for —
 - (i) the inspection of animals before they are slaughtered; and
 - (ii) giving consent for the animals to be slaughtered after inspection,

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

(2) This regulation does not apply to a consignment of one or more animals to which an NLIS device is not applied that is moved to an abattoir under an exemption in regulation 83(1).

(3) Unless an abattoir inspector in a particular case approves otherwise, if an animal to which an NLIS device is not applied is moved to an abattoir, the abattoir operator must, within the period specified in subregulation (4) —

- (a) apply, or cause to be applied, to the animal an NLIS post breeder device; and
- (b) update the NLIS database in relation to the device by recording the following —
 - (i) the relevant PIC of the previous property or, if applicable, the BIC of the owner of the animal;
 - (ii) the serial number of the transport document relating to the movement of the animal to the abattoir;

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(iii) the date the animal arrived at the abattoir.

Penalty: a fine of \$5 000.

- (4) The abattoir operator must comply with subregulation (3) as soon as practicable after the animal arrives at the abattoir and before it is slaughtered or otherwise moved from the abattoir.
- (5) If a consignment of animals is moved to an abattoir and more than 10% of the animals do not have an NLIS device applied to them, the abattoir operator must —
- (a) hold the animals at the abattoir without slaughtering them; and
 - (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under regulation 110.

Penalty: a fine of \$2 000.

- (6) If —
- (a) a consignment of one or more animals to which an NLIS device is not applied is moved to an abattoir; and
 - (b) an abattoir inspector approves the slaughter of the consignment at the abattoir without subregulation (3) being complied with,

the abattoir operator must, within 7 days after the slaughter, update the NLIS database by recording the following —

- (c) the species of animal;
- (d) the number of animals in the consignment;
- (e) the relevant PIC of the previous property or, if applicable, the BIC of the owner of the consignment;
- (f) the relevant PIC of the abattoir;
- (g) the serial number of the transport document relating to the movement of the consignment to the abattoir;
- (h) the date of slaughter.

Penalty: a fine of \$5 000.

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110. Directions by inspectors

- (1) For the purposes of regulation 109(5)(b), the inspector may give any necessary or convenient direction in relation to the animals including —
- (a) to hold the animals at the abattoir; and
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for regulation 109(3) to be complied with.
- (2) An abattoir operator must comply with a direction given by an inspector under subregulation (1).
Penalty: a fine of \$5 000.

111. Responsibilities of abattoir operator if animal born at or while being moved to abattoir

If an animal is born at, or while being moved to, an abattoir the abattoir operator must —

- (a) as soon as practicable after its birth and before it is sold or moved from the abattoir, apply, or cause to be applied, to the animal an NLIS post breeder device; and
- (b) within 48 hours after the device is applied and before the animal is moved from the abattoir, update the NLIS database in relation to the device by recording the following —
 - (i) the relevant PIC of the property from which the animal's mother was moved to the abattoir;
 - (ii) the serial number of the transport document relating to the movement of the animal's mother to the abattoir;
 - (iii) the date the animal was born.

Penalty: a fine of \$5 000.

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112. Responsibilities of abattoir operator if NLIS device applied to animal

- (1) If an animal to which an NLIS device is applied is moved to an abattoir, except from a saleyard, the abattoir operator must, within the period specified in subregulation (2), check, and if necessary update, the NLIS database to ensure that the PIC recorded in relation to the device is the relevant PIC of the property on which the owner of the animal kept it before it was moved to the abattoir.
Penalty: a fine of \$5 000.
- (2) The abattoir operator must comply with subregulation (1) as soon as practicable after the animal is moved to the abattoir and, if it is moved from the abattoir without slaughter, before it is moved.
- (3) If an animal to which an NLIS device is applied is slaughtered at an abattoir, the abattoir operator must, within 7 days after the slaughter, update the NLIS database in relation to the device by recording the following —
 - (a) the relevant PIC of the previous property or, if applicable, the BIC of the owner of the animal;
 - (b) the relevant PIC of the abattoir;
 - (c) the body number assigned to the carcass by the abattoir;
 - (d) the date of slaughter.Penalty: a fine of \$5 000.
- (4) An abattoir operator must not move, or permit to be moved, from the abattoir a live animal to which an NLIS device is applied unless —
 - (a) it is moved back to the property from which it came or to another property with a relevant PIC; and
 - (b) the abattoir operator has obtained from the person to whom the animal is sold or otherwise supplied the relevant PIC of the property on which the animal is to be

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kept or slaughtered, or from which the animal is to be exported, by the person.

Penalty: a fine of \$5 000.

- (5) If a live animal to which an NLIS device is applied is moved from an abattoir, the abattoir operator must, within 48 hours after it is moved, update the NLIS database in relation to the device by recording the following —
- (a) the relevant PIC of the abattoir;
 - (b) the relevant PIC of the property to which the animal has been moved;
 - (c) the serial number of the transport document relating to the movement of the animal from the abattoir;
 - (d) the date the animal was moved from the abattoir.

Penalty: a fine of \$5 000.

113. Responsibilities of abattoir operator if animal exempt from NLIS identification

- (1) If —
- (a) a consignment of one or more animals to which an NLIS device is not applied is moved to an abattoir under an exemption in regulation 83(1); and
 - (b) the consignment is slaughtered at the abattoir,
- the abattoir operator must, within 7 days after the slaughter, record in the NLIS database the following —
- (c) the species of animal;
 - (d) the number of animals in the consignment;
 - (e) the relevant PIC of the previous property or, if applicable, the BIC of the owner of the consignment;
 - (f) the relevant PIC of the abattoir;
 - (g) the serial number of the transport document relating to the movement of the consignment to the abattoir;

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(h) the date of slaughter.

Penalty: a fine of \$5 000.

(2) If an animal to which an NLIS device is not applied is moved to an abattoir under an exemption in regulation 83(1) but is not slaughtered there, the abattoir operator must not cause or permit the animal to be moved from the abattoir unless —

(a) it is moved back to the property from which it came or to another property with a relevant PIC; and

(b) before the animal is moved, the abattoir operator applies, or causes to be applied, to the animal an NLIS post breeder device; and

(c) as soon as practicable after applying the device the abattoir operator updates the NLIS database in relation to the device by recording the following —

(i) the relevant PIC of the previous property or, if applicable, the BIC of the owner of the animal;

(ii) the relevant PIC of the abattoir;

(iii) the serial number of the transport document relating to the movement of the animal to the abattoir;

(iv) the date the animal arrived at the abattoir;

and

(d) within 48 hours after the animal is moved from the abattoir, the abattoir operator updates the NLIS database in relation to the device by recording the following —

(i) the relevant PIC of the property to which the animal has been moved;

(ii) the serial number of the transport document relating to the movement of the animal from the abattoir;

(iii) the date the animal was moved from the abattoir.

Penalty: a fine of \$5 000.

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114. Slaughtered animals moved to pet food processing plants

- (1) If a slaughtered animal to which an NLIS device is applied is moved to a pet food processing plant, the operator of the pet food processing plant must, within 7 days after the animal arrives there, update the NLIS database in relation to the device by recording the following —

- (a) the relevant PIC of the previous property;
- (b) the relevant PIC of the pet food processing plant;
- (c) the serial number of the transport document relating to the movement of the animal to the pet food processing plant;
- (d) the date the animal arrived at the pet food processing plant.

Penalty: a fine of \$5 000.

- (2) If a consignment of one or more slaughtered animals to which an NLIS device is not applied is moved to a pet food processing plant, the operator of the pet food processing plant must, within 7 days after the consignment arrives there, record in the NLIS database the following —

- (a) the species of animal;
- (b) the number of animals in the consignment;
- (c) the relevant PIC of the previous property;
- (d) the relevant PIC of the pet food processing plant;
- (e) the serial number of the transport document relating to the movement of the consignment to the pet food processing plant;
- (f) the date the consignment arrived at the pet food processing plant.

Penalty: a fine of \$5 000.

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Subdivision 8 — Export depots

115. Responsibilities of export depot operator if no NLIS device applied to animal

- (1) Unless an inspector in a particular case approves otherwise, if an animal to which an NLIS device is not applied is moved to an export depot, the export depot operator must, within the period specified in subregulation (2) —
- (a) apply, or cause to be applied, to the animal an NLIS post breeder device; and
 - (b) update the NLIS database in relation to the device by recording the following —
 - (i) if the animal was moved to the export depot directly from the farming property on which it was kept by its owner — the relevant PIC of that property;
 - (ii) if the animal was moved to the export depot from a saleyard —
 - (I) the relevant PIC of the last property on which the animal was kept by its previous owner before it was moved to the saleyard; and
 - (II) the BIC of the owner of the animal;
 - (iii) the serial number of the transport document relating to the movement of the animal to the export depot;
 - (iv) the date the animal arrived at the export depot.

Penalty: a fine of \$5 000.

- (2) The export depot operator must comply with subregulation (1) as soon as practicable after the animal arrives at the export depot and before it is exported or otherwise moved from the export depot.

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- (3) Except as provided in subregulation (4), if a consignment of animals is moved to an export depot and more than 10% of the animals do not have an NLIS device applied to them, the export depot operator must —
- (a) hold the animals at the export depot; and
 - (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under regulation 116.

Penalty: a fine of \$2 000.

- (4) Subregulation (3) does not apply to a consignment of animals to which an NLIS device is not applied that is moved to an export depot under an exemption in regulation 83(1).

116. Directions by inspectors

- (1) For the purposes of regulation 115(3)(b), the inspector may give any necessary or convenient direction in relation to the animals including —
- (a) to hold the animals at the export depot; and
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for regulation 115(1) to be complied with.

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

Penalty: a fine of \$5 000.

117. Responsibilities of export depot operator if animal born at or while being moved to export depot

If an animal is born at, or while being moved to, an export depot the export depot operator must —

- (a) as soon as practicable after its birth and before it is moved from the export depot, apply, or cause to be applied, to the animal an NLIS post breeder device; and

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- (b) within 48 hours after applying the device, update the NLIS database in relation to it by recording the following —
 - (i) the relevant PIC of the property from which the animal's mother was moved to the export depot;
 - (ii) the serial number of the transport document relating to the movement of the animal's mother to the export depot;
 - (iii) the date the animal was born.

Penalty: a fine of \$5 000.

118. Other responsibilities of export depot operators

- (1) If an animal to which an NLIS device is applied is moved to an export depot from a property, other than a saleyard, the export depot operator must, within the period specified in subregulation (2), update the NLIS database in relation to the device by recording the following —
 - (a) the relevant PIC of the previous property;
 - (b) the relevant PIC of the export depot;
 - (c) the serial number of the transport document relating to the movement of the animal to the export depot;
 - (d) the date the animal arrived at the export depot.

Penalty: a fine of \$5 000.

- (2) The export depot operator must comply with subregulation (1) —
 - (a) within 48 hours after the animal arrives at the export depot; or
 - (b) if the animal is exported or otherwise moved from the export depot within that period — as soon as practicable after the animal has been exported or otherwise moved from the export depot.

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- (3) If an animal to which an NLIS device is applied is exported from an export depot, the export depot operator must, within 48 hours after the export, update the NLIS database in relation to the device by recording the following —
- (a) the relevant PIC of the export depot;
 - (b) the relevant PIC of the port to which the animal has been moved;
 - (c) the serial number of the transport document relating to the movement of the animal from the export depot;
 - (d) the date the animal was moved from the export depot.
- Penalty: a fine of \$5 000.
- (4) An export depot operator must not, except by export, move or permit to be moved from the export depot an animal to which an NLIS device is applied unless —
- (a) it is moved back to the property from which it came or to another property with a relevant PIC; and
 - (b) the export depot operator has obtained from the person to whom the animal is sold or otherwise supplied the relevant PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the person.
- Penalty: a fine of \$5 000.
- (5) If an animal to which an NLIS device is applied is moved from an export depot, except by export, the export depot operator must, within 48 hours after it is moved, update the NLIS database in relation to the device by recording the following —
- (a) the relevant PIC of the export depot;
 - (b) the relevant PIC of the property to which the animal has been moved;
 - (c) the serial number of the transport document relating to the movement of the animal from the export depot;

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- (d) the date the animal was moved from the export depot.
Penalty: a fine of \$5 000.
- (6) An export depot operator must not, without the approval of an inspector, move or permit to be moved from the export depot an animal to which an NLIS device is applied unless the device is functioning.
Penalty: a fine of \$5 000.

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Part 6 — Identifying sheep and goats

Division 1 — Term used: animal

119. Term used: animal

In this Part, unless the contrary intention appears —
animal means a sheep or a goat.

Division 2 — Owners of sheep or goats

Subdivision 1 — Registered identifiers and approved identifiers for sheep

120. Owners to identify sheep

- (1) An owner of a sheep, other than an imported sheep or a sheep from a pound, that is kept on a property in the south-west of the State must identify the sheep, or cause it to be identified, in accordance with this regulation —
 - (a) if it is weaned before it reaches 6 months of age and before it is identified in accordance with this regulation — when it is weaned; or
 - (b) if it is moved from the property on which it is kept before it reaches 6 months of age and before it is identified in accordance with this regulation — when it is moved; or
 - (c) otherwise — before it reaches 6 months of age.

Penalty: a fine of \$2 000.

- (2) An owner of a sheep other than —
 - (a) an imported sheep; or
 - (b) a sheep from a pound; or
 - (c) a sheep that is kept on a property in the south-west of the State,

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must identify the sheep, or cause it to be identified, in accordance with this regulation —

- (d) if it is moved from the property on which it is kept before it is first shorn and before it is identified in accordance with this regulation — when it is moved; or
- (e) otherwise — when it is first shorn.

Penalty: a fine of \$2 000.

- (3) An owner of an imported sheep must identify the sheep, or cause it to be identified, in accordance with this regulation —
 - (a) if the sheep is moved from the property on which it is kept within 14 days of it being imported and before it is identified in accordance with this regulation — when it is moved; or
 - (b) otherwise — within 14 days of it being imported.

Penalty: a fine of \$2 000.

- (4) An owner of a sheep from a pound must identify the sheep, or cause it to be identified, in accordance with this regulation —
 - (a) if the sheep is moved from the property on which it is kept within 14 days of the owner taking possession of it from the pound and before it is identified in accordance with this regulation — when it is moved; or
 - (b) otherwise — within 14 days of the owner taking possession of it from the pound.

Penalty: a fine of \$2 000.

- (5) For the purposes of this regulation, an owner of a sheep may identify the sheep, or cause it be identified, with either or both of the following identifiers —
 - (a) a registered identifier applied as an earmark in accordance with regulation 122;
 - (b) an approved identifier for sheep.

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121. Exemption for lambs

It is not necessary for a sheep to be identified in accordance with regulation 120(1)(b), (2)(d), (3)(a) or (4)(a) if it is being moved with its mother from the property on which it is kept to another property with the same relevant PIC.

122. Registered identifier applied as earmark

- (1) A registered identifier applied as an earmark to a sheep must —
 - (a) be applied —
 - (i) in the right ear of a male animal; or
 - (ii) in the left ear of a female animal;and
 - (b) meet the requirements of subregulation (2).
- (2) Each symbol forming part of an earmark must be not less than 12 mm across its maximum dimension at the time when the earmark is applied.

123. Age marks, cullmarks and other markings

A person must not apply a marking to a sheep, other than an identifier applied under regulation 120, unless —

- (a) if it is applied to the ear, it is —
 - (i) in the left ear of a male animal; or
 - (ii) in the right ear of a female animal;and
- (b) if it is intended to identify an uncoloured sheep known to be a carrier of a gene for coloured wool — it is applied in the form of 3 circular holes in line, each being not less than 6 mm and not more than 10 mm in diameter, completely within the sheep's ear; and

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- (c) it is applied in such a manner, and in such a position, as to render it clearly distinguishable from an identifier applied to the sheep under regulation 120.

Penalty: a fine of \$2 000.

Subdivision 2 — Registered identifiers and approved identifiers for goats

124. Owners must identify goats in south-west of State

- (1) An owner of a goat, other than an imported goat or a goat from a pound, that is kept on a property in the south-west of the State must identify the goat, or cause it to be identified, in accordance with this regulation —
 - (a) if it is moved from the property before it reaches 6 months of age and before it is identified in accordance with this regulation — when it is moved; or
 - (b) otherwise — before it reaches 6 months of age.
- (2) An owner of an imported goat that is kept on a property in the south-west of the State must identify the goat, or cause it to be identified, in accordance with this regulation —
 - (a) if the goat is moved from the property on which it is kept within 14 days of it being imported and before it is identified in accordance with this regulation — when it is moved; or
 - (b) otherwise — within 14 days of it being imported.

Penalty: a fine of \$2 000.

- (3) An owner of a goat from a pound that is kept on a property in the south-west of the State must identify the goat, or cause it to be identified, in accordance with this regulation —
 - (a) if the goat is moved from the property on which it is kept within 14 days of the owner taking possession of it

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from the pound and before it is identified in accordance with this regulation — when it is moved; or

- (b) otherwise — within 14 days of the owner taking possession of it from the pound.

Penalty: a fine of \$2 000.

- (4) For the purposes of this regulation, an owner of a goat may identify the goat, or cause it be identified, with all or any of the following identifiers —
- (a) a registered identifier applied as an earmark in accordance with regulation 126;
 - (b) an NLIS tag;
 - (c) an NLIS device;
 - (d) an approved identifier for goats.

125. Exemption for kids

It is not necessary for a goat to be identified in accordance with regulation 124(1)(a), (2)(a) or (3)(a) if it is being moved with its mother from the property on which it is kept to another property with the same relevant PIC.

126. Registered identifier applied as earmark

- (1) A registered identifier applied as an earmark to a goat must —
- (a) be applied —
 - (i) in the right ear of a male animal; or
 - (ii) in the left ear of a female animal;and
 - (b) meet the requirements of subregulation (2).
- (2) Each symbol forming part of an earmark must be not less than 12 mm across its maximum dimension at the time when the earmark is applied.

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127. Age marks, cullmarks and other markings

A person must not apply a marking to a goat, other than an identifier applied under regulation 124, unless —

- (a) if it is applied to the ear, it is —
 - (i) in the left ear of a male animal; or
 - (ii) in the right ear of a female animal;and
- (b) it is applied in such a manner, and in such a position, as to render it clearly distinguishable from an identifier applied to the goat under regulation 124.

Penalty: a fine of \$2 000.

Subdivision 3 — NLIS identification for sheep and goats

128. Responsibilities of owner before moving sheep or goat

Except as provided in regulation 129, an owner of a sheep or a goat must not cause or permit the sheep or goat to be moved from the farming property on which it is kept unless —

- (a) the animal has an NLIS tag applied to it that displays —
 - (i) the relevant PIC of the property; or
 - (ii) a registered identifier for which the corresponding PIC is the relevant PIC of the property;or
- (b) the animal has an NLIS device applied to it, and the PIC recorded in the NLIS database in relation to the device is the relevant PIC of the property from which the animal is to be moved.

Penalty: a fine of \$5 000.

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129. Exemptions from NLIS identification

- (1) Regulation 128 does not apply —
 - (a) to a sheep or a goat being moved with its mother from the property on which it is kept to another property with the same relevant PIC; or
 - (b) to a goat being moved from a property outside the south-west of the State to a contiguous property; or
 - (c) to a goat being moved from a property outside the south-west of the State directly to an abattoir; or
 - (d) if an inspector approves the movement of an animal without an NLIS identifier being applied to it.
- (2) A person cannot rely upon an exemption in subregulation (1)(b), (c) or (d) unless —
 - (a) the person has given the carrier of the animal a waybill that relates to the animal and to no other animals, unless all of them are being moved under the exemption; and
 - (b) the person has taken all practicable measures to ensure that the animal, while it is being moved, is kept separate from —
 - (i) any animal to which an NLIS identifier is applied; and
 - (ii) any animal being moved from another property.

130. Responsibilities of owner after moving animal

- (1) Except as provided in subregulation (3), if an owner of a sheep or a goat causes or permits a consignment of one or more animals to be moved from a property on which the animal is, or animals are, kept to a property without the same relevant PIC, the owner must, within 48 hours after the consignment is moved, record in the NLIS database the following —
 - (a) the species of animal;
 - (b) the number of animals in the consignment;

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- (c) the relevant PIC of the property from which the consignment has been moved;
 - (d) the relevant PIC of the property to which the consignment has been moved;
 - (e) the serial number of the transport document relating to the movement of the consignment;
 - (f) the date the consignment was moved.
- Penalty: a fine of \$5 000.
- (2) It is sufficient compliance with subregulation (1), in relation to any animal in a consignment to which an NLIS device is applied, if the owner, within 48 hours after the animal is moved, updates the NLIS database in relation to the device by recording the following —
- (a) the relevant PIC of the property from which the animal has been moved;
 - (b) the relevant PIC of the property to which the animal has been moved;
 - (c) the serial number of the transport document relating to the movement of the animal;
 - (d) the date the animal was moved.
- (3) Subregulation (1) does not apply if —
- (a) the owner moves the consignment to a holding yard; or
 - (b) the owner moves the consignment to a saleyard; or
 - (c) the owner moves the consignment from a saleyard after purchasing the animal or animals there; or
 - (d) the owner moves the consignment directly to an abattoir for slaughter; or
 - (e) the owner moves the consignment directly to an export depot for export; or

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- (f) an inspector has, in a particular case, given written approval for the owner to move the consignment to another property without updating the NLIS database.

Division 3 — Other requirements for sheep and goats

Subdivision 1 — Imported animals, animals from a pound and dead stray animals

131. Imported sheep and goats

A person must not take possession or control of an imported animal unless the animal has an NLIS identifier applied to it.

Penalty: a fine of \$5 000.

132. Sheep and goats from a pound

A person must not take possession or control of an animal from a pound unless the animal has an NLIS identifier applied to it.

Penalty: a fine of \$5 000.

133. Dead stray sheep and goats

- (1) In this regulation —

NLIS identified animal means an animal to which an NLIS device is applied.

- (2) This regulation applies if a ranger appointed by a local government, or an employee of, or other person authorised to impound animals by, a local government, finds a dead NLIS identified animal or destroys an NLIS identified animal upon —

(a) a street, way or place mentioned in the *Local Government (Miscellaneous Provisions) Act 1960* section 447; or

(b) vacant Crown land.

- (3) If this regulation applies, the local government must, within 48 hours after the NLIS identified animal is found dead or is

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destroyed, update the NLIS database in relation to the animal's NLIS device by recording the following —

- (a) the PIC of the pound operated by the local government;
- (b) the date the animal was found dead or was destroyed.

Penalty: a fine of \$2 000.

Subdivision 2 — Carriers and purchasers

134. Responsibilities of carriers

- (1) A carrier moving an animal from a property to a holding yard must, as soon as practicable after arriving there, endorse on the transport document relating to the animal —
 - (a) the relevant PIC of the holding yard; and
 - (b) the relevant PIC of the property to which the animal is to be taken from the holding yard.

Penalty: a fine of \$2 000.

- (2) If a carrier moves from a property an animal to which an NLIS identifier is not applied, the carrier must keep the animal separate from —
 - (a) any animal to which an NLIS identifier is applied; and
 - (b) any animal being moved from another property.

Penalty: a fine of \$2 000.

135. Responsibilities of purchasers

- (1) A purchaser of an animal at a property, other than a saleyard, must, when requested by the property operator, give the relevant PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the purchaser.

Penalty: a fine of \$5 000.

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- (2) A purchaser of an animal at a saleyard must, when requested by the saleyard operator, give —
- (a) the relevant PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the purchaser; or
 - (b) the purchaser's BIC.

Penalty: a fine of \$5 000.

- (3) A purchaser of a consignment of one or more animals at a property, other than a saleyard, must, within 24 hours after the consignment is moved from the property, update the NLIS database by recording the following —
- (a) the species of animal;
 - (b) the number of animals in the consignment;
 - (c) the relevant PIC of the property from which the consignment has been moved;
 - (d) the relevant PIC of the property on which the consignment is to be kept or slaughtered, or from which the consignment is to be exported, by the purchaser;
 - (e) the serial number of the transport document relating to the movement of the consignment from the property;
 - (f) the date the consignment was moved from the property.

Penalty: a fine of \$5 000.

- (4) It is sufficient compliance with subregulation (3), in relation to any animal in a consignment to which an NLIS device is applied, if, within 24 hours after the animal is moved from the property, the purchaser updates the NLIS database in relation to the device by recording the following —
- (a) the relevant PIC of the property from which the animal was moved;
 - (b) the PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the purchaser;

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- (c) the serial number of the transport document relating to the movement of the animal from the property;
 - (d) the date the animal was moved from the property.
- (5) If, in relation to the purchase of a consignment of one or more animals from a saleyard, a purchaser does not give the saleyard operator a relevant PIC under subregulation (2), the purchaser must, within 24 hours after the consignment is moved from the saleyard, update the NLIS database by recording the following —
 - (a) the species of animal;
 - (b) the number of animals in the consignment;
 - (c) the purchaser's BIC;
 - (d) the relevant PIC of the property on which the consignment is to be kept or slaughtered, or from which the consignment is to be exported, by the purchaser;
 - (e) the serial number of the transport document relating to the movement of the consignment from the saleyard;
 - (f) the date the consignment was moved from the saleyard.Penalty: a fine of \$5 000.
- (6) It is sufficient compliance with subregulation (5), in relation to any animal in a consignment to which an NLIS device is applied, if, within 24 hours after the animal is moved from the saleyard, the purchaser updates the NLIS database in relation to the device by recording the following —
 - (a) the purchaser's BIC;
 - (b) the relevant PIC of the saleyard;
 - (c) the PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the purchaser;
 - (d) the serial number of the transport document relating to the movement of the animal from the saleyard;
 - (e) the date the animal was moved from the saleyard.

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- (7) A purchaser of an animal at a property must not take possession or control of the animal unless it is moved in accordance with this Part.

Penalty: a fine of \$5 000.

Subdivision 3 — General provisions relating to property operators

136. Sheep or goats not to be delivered to property without relevant PIC

The operator of a property must not cause or permit an animal to be moved to the property unless the operator is the registered owner of a relevant PIC for the property.

Penalty: a fine of \$5 000.

137. Responsibilities of property operator if animal dies on or while being moved to property

- (1) This regulation does not apply to an animal that dies on the farming property on which it is kept or while being moved from a property to another property with the same relevant PIC.
- (2) If one or more animals in a consignment die except by slaughter on, or while being moved to, a property, the property operator must, within 48 hours after the death, update the NLIS database by recording the following —
- (a) the species of animal;
 - (b) the number of animals that died;
 - (c) the relevant PIC of the previous property;
 - (d) the relevant PIC of the property on which the animal or animals died or to which the consignment was being moved;
 - (e) the serial number of the transport document relating to the movement of the consignment;
 - (f) the date of death.

Penalty: a fine of \$2 000.

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- (3) It is sufficient compliance with subregulation (2), in relation to any animal in a consignment to which an NLIS device is applied, if within 48 hours after the death of the animal, the property operator updates the NLIS database in relation to the device by recording the following —
- (a) the relevant PIC of the previous property;
 - (b) the relevant PIC of the property on which the animal died or to which it was being moved;
 - (c) the serial number of the transport document relating to the movement of the animal;
 - (d) the date of death.

Subdivision 4 — Pounds

138. Responsibilities of pound operator if no NLIS device applied to animal

- (1) This regulation does not apply to an animal to which an NLIS device is applied.
- (2) The operator of a pound may, before an animal is moved there, apply, or cause to be applied, to the animal an NLIS post breeder tag.
- (3) Unless an inspector in a particular case approves otherwise, if an animal is moved to a pound, the pound operator must, within the period specified in subregulation (4), apply, or cause to be applied, to the animal an NLIS post breeder tag.
Penalty: a fine of \$2 000.
- (4) The pound operator must comply with subregulation (3) as soon as practicable after the animal is moved to the pound and before it is moved from the pound.

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139. Responsibilities of pound operator if animal born at or while being moved to pound

If an animal is born at, or while being moved to, a pound, the pound operator must, as soon as practicable after its birth and before it is moved from the pound, apply, or cause to be applied, to the animal an NLIS post breeder tag.

Penalty: a fine of \$2 000.

140. Responsibilities of pound operator if NLIS device applied to animal

- (1) If an animal to which an NLIS device is applied is moved to a pound, the pound operator must, within the period specified in subregulation (2), update the NLIS database in relation to the device by recording the following —

- (a) the relevant PIC of the pound;
- (b) the serial number of the transport document relating to the movement of the animal to the pound;
- (c) the date the animal arrived at the pound.

Penalty: a fine of \$2 000.

- (2) The pound operator must comply with subregulation (1) as soon as practicable after the animal is moved to the pound and before it is moved from the pound.

141. Responsibilities of pound operator if animal moved from pound

- (1) A pound operator must not move, or permit to be moved, from the pound an animal unless —
- (a) it is moved back to the property from which it came or to another property with a relevant PIC; and
 - (b) the pound operator has obtained from the person to whom the animal is sold or otherwise supplied the relevant PIC of the property on which the animal is to be

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kept or slaughtered, or from which the animal is to be
exported, by the person.

Penalty: a fine of \$2 000.

- (2) If a consignment of one or more animals, to which an NLIS device is not applied, is moved from a pound, the pound operator must, within 48 hours after the consignment is moved, record in the NLIS database the following —
- (a) the relevant PIC of the pound;
 - (b) the species of animal;
 - (c) the number of animals in the consignment;
 - (d) the relevant PIC of the property to which the consignment has been moved;
 - (e) the serial number of each NLIS post breeder tag applied to the animal or animals at the pound;
 - (f) the serial number of the transport document relating to the movement of the consignment from the pound;
 - (g) the date the consignment was moved from the pound.

Penalty: a fine of \$2 000.

- (3) If an animal to which an NLIS device is applied is moved from a pound, the pound operator must, within 48 hours after the animal is moved, update the NLIS database in relation to the device by recording the following —
- (a) the relevant PIC of the property to which the animal has been moved;
 - (b) the serial number of the transport document relating to the movement of the animal from the pound;
 - (c) the date the animal was moved from the pound.

Penalty: a fine of \$2 000.

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Subdivision 5 — Holding yards

142. Responsibility of holding yard operator if no NLIS identifier applied to animal

- (1) In this regulation —

NLIS device, in relation to an animal moved to a holding yard, means an NLIS device in relation to which the NLIS database has been updated with the relevant PIC of the property from which the animal was moved to the holding yard;

NLIS tag, in relation to an animal moved to a holding yard, means an NLIS tag that displays —

- (a) the relevant PIC of the property from which the animal was moved to the holding yard; or
 - (b) a registered identifier for which the corresponding PIC is the relevant PIC of the property from which the animal was moved to the holding yard.
- (2) Unless an inspector in a particular case approves otherwise, if an animal to which neither an NLIS tag nor an NLIS device is applied is moved to a holding yard, the holding yard operator must, within the period specified in subregulation (3), apply, or cause to be applied, to the animal an NLIS post breeder tag.
Penalty: a fine of \$2 000.
- (3) The holding yard operator must comply with subregulation (2) as soon as practicable after the animal arrives at the holding yard and before it is moved from the holding yard.
- (4) If a consignment of animals is moved to a holding yard and more than 10% of the animals have neither an NLIS tag nor an NLIS device applied to them, the holding yard operator must —

- (a) hold the animals at the holding yard; and
- (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under regulation 143.

Penalty: a fine of \$2 000.

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143. Directions by inspectors

- (1) For the purposes of regulation 142(4)(b), the inspector may give any necessary or convenient direction in relation to the animals including —
 - (a) to hold the animals at the holding yard; and
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for regulation 142(2) to be complied with.
- (2) A holding yard operator must comply with a direction given by an inspector under subregulation (1).
Penalty: a fine of \$5 000.

144. Responsibilities of holding yard operator if animal born at or while being moved to holding yard

If an animal is born at, or while being moved to, a holding yard, the holding yard operator must, as soon as practicable after its birth and before it is moved from the holding yard, apply, or cause to be applied, to the animal an NLIS post breeder tag.

Penalty: a fine of \$2 000.

145. Responsibilities of holding yard operator if animal held at holding yard for more than 48 hours or moved from holding yard in different consignment

- (1) If an animal moved to a holding yard —
 - (a) is held there for more than 48 hours; or
 - (b) is to be moved from the holding yard other than in the same consignment in which it arrived,

the holding yard operator must, before the animal is moved from the holding yard, apply, or cause to be applied, to the animal an NLIS post breeder tag.

Penalty: a fine of \$2 000.

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- (2) A holding yard operator does not commit an offence under subregulation (1) if —
- (a) the holding yard operator does not comply with subregulation (1) with the approval of an inspector in the particular case; or
 - (b) the holding yard operator has already applied, or caused to be applied, to the animal an NLIS post breeder tag; or
 - (c) the animal has an NLIS device applied to it and the holding yard operator has updated the NLIS database in relation to the device by recording the information referred to in regulation 146(2)(a) to (d).

146. Other responsibilities of holding yard operators

- (1) Unless an inspector in a particular case approves otherwise, if a consignment of one or more animals is moved to a holding yard, the holding yard operator must, before the consignment is moved from the holding yard, record in the NLIS database the following —
- (a) the species of animal;
 - (b) the number of animals in the consignment;
 - (c) the relevant PIC of the previous property or, if applicable, the BIC of the owner of the consignment;
 - (d) the relevant PIC of the holding yard;
 - (e) the PIC and serial number displayed on any NLIS post breeder tag applied to the animal or animals at the holding yard;
 - (f) the serial number of the transport document relating to the movement of the consignment to the holding yard;
 - (g) the identifier or identifiers recorded on the transport document or, if no identifier is recorded, the details of each NLIS tag applied to the animal or animals;
 - (h) the date the consignment arrived at the holding yard.

Penalty: a fine of \$2 000.

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- (2) It is sufficient compliance with subregulation (1), in relation to any animal in a consignment to which an NLIS device is applied, if the holding yard operator, before the animal is moved from the holding yard, updates the NLIS database in relation to the device by recording the following —
- (a) the relevant PIC of the previous property or, if applicable, the BIC of the owner of the animal;
 - (b) the relevant PIC of the holding yard;
 - (c) the serial number of the transport document relating to the movement of the animal to the holding yard;
 - (d) the date the animal arrived at the holding yard.

Subdivision 6 — Saleyards

147. When saleyard to be treated as holding yard

If a sheep or a goat is moved to a saleyard for purposes other than for sale, and while the sheep or goat is kept at the saleyard no other species of animal —

- (a) is kept there for the purposes of sale; or
- (b) is kept there after having been sold at the property,

regulations 142 to 146 apply, with any necessary modifications, to the movement of the sheep or goat as if the saleyard were a holding yard.

148. Responsibilities of saleyard operator if no NLIS identifier applied to animal

- (1) In this regulation —
- NLIS device***, in relation to an animal moved to a saleyard, means an NLIS device in relation to which the NLIS database has been updated with the relevant PIC of the property from which the animal was moved to the saleyard;

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NLIS tag, in relation to an animal moved to a saleyard, means an NLIS tag that displays —

- (a) the relevant PIC of the property from which the animal was moved to the saleyard; or
 - (b) a registered identifier for which the corresponding PIC is the relevant PIC of the property from which the animal was moved to the saleyard.
- (2) Unless an inspector in a particular case approves otherwise, if an animal to which neither an NLIS tag nor an NLIS device is applied is moved to a saleyard, the saleyard operator must, within the period specified in subregulation (3), apply, or cause to be applied, to the animal an NLIS post breeder tag.
Penalty: a fine of \$5 000.
- (3) The saleyard operator must comply with subregulation (2) as soon as practicable after the animal arrives at the saleyard and before it is sold or moved from the saleyard.
- (4) Except as provided in subregulation (5), if a consignment of animals is moved to a saleyard and more than 10% of the animals have neither an NLIS tag nor an NLIS device applied to them, the operator of the saleyard must —
 - (a) hold the animals at the saleyard without selling them; and
 - (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under regulation 149.
Penalty: a fine of \$2 000.
- (5) Subregulation (4) does not apply to a consignment of animals to which an NLIS identifier is not applied that is moved to a saleyard under the exemption in regulation 129(1)(d).

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149. Directions by inspectors

- (1) For the purposes of regulation 148(4)(b), the inspector may give any necessary or convenient direction in relation to the animals including —
 - (a) to hold the animals at the saleyard; and
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for regulation 148(2) to be complied with.
- (2) A saleyard operator must comply with a direction given by an inspector under subregulation (1).
Penalty: a fine of \$5 000.

150. Responsibilities of saleyard operator if animal born at or while being moved to saleyard

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

Penalty: a fine of \$5 000.

151. Responsibilities of saleyard operator if animal moved from saleyard

- (1) A saleyard operator must not move, or permit to be moved, from the saleyard an animal to which an NLIS identifier is applied unless —
 - (a) it is moved back to the property from which it came or to another property with a relevant PIC; and
 - (b) the saleyard operator has obtained from the person to whom the animal is sold or otherwise supplied —
 - (i) the relevant PIC of the property on which the animal is to be kept or slaughtered, or from

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which the animal is to be exported, by the person; or

- (ii) the person's BIC.

Penalty: a fine of \$5 000.

- (2) A saleyard operator must not, without the approval of an inspector, cause or permit an animal to which an NLIS tag is applied to be sold or moved from the saleyard unless the tag is legible.

Penalty: a fine of \$5 000.

152. Other responsibilities of saleyard operators

- (1) The operator of a saleyard must, within the period specified in subregulation (3), record in the NLIS database the movement of a consignment of sheep or goats to the saleyard, and any subsequent sale or other movement of a consignment of sheep or goats from the saleyard, including the following —
- (a) the species of animal;
 - (b) the number of animals in the consignment;
 - (c) the relevant PIC of the previous property;
 - (d) the relevant PIC of the saleyard;
 - (e) the serial number of the transport document relating to the movement of the consignment to the saleyard;
 - (f) the identifier recorded on the transport document relating to the movement of the consignment to the saleyard or, if no identifier is recorded, the details of each NLIS tag applied to the animal or animals;
 - (g) the relevant PIC of the property to which the consignment was moved from the saleyard or, if applicable, the BIC of the purchaser of the consignment;
 - (h) the relevant PIC and serial number displayed of any NLIS post breeder tag applied to the animal or animals at the saleyard;

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- (i) the date the consignment was sold at the saleyard.
Penalty: a fine of \$5 000.
- (2) It is sufficient compliance with subregulation (1), in relation to any animal in a consignment to which an NLIS device is applied, if the saleyard operator, within the period specified in subregulation (3), updates the NLIS database in relation to the device by recording the following —
 - (a) the relevant PIC of the previous property;
 - (b) the relevant PIC of the saleyard;
 - (c) the serial number of the transport document relating to the movement of the animal to the saleyard;
 - (d) the date the animal arrived at the saleyard;
 - (e) the PIC of the property to which the animal has been moved from the saleyard or, if applicable, the BIC of the purchaser;
 - (f) the date the animal was sold at the saleyard.
- (3) The saleyard operator must comply with the requirements of subregulation (1) or (2) within 48 hours after the consignment is moved from the saleyard.

Subdivision 7 — Abattoirs

153. Responsibilities of abattoir operator if no NLIS identifier applied to animal

- (1) In this regulation —
abattoir inspector means —
 - (a) an inspector; or
 - (b) any other officer of an agency responsible under a written law of this State or the Commonwealth for —
 - (i) the inspection of animals before they are slaughtered; and

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- (ii) giving consent for animals to be slaughtered after inspection,
who is authorised by that agency to exercise the functions of an abattoir inspector under this regulation;
- NLIS device***, in relation to an animal moved to an abattoir, means an NLIS device in relation to which the NLIS database has been updated with the relevant PIC of the property from which the animal was moved to the abattoir;
- NLIS tag***, in relation to an animal moved to an abattoir, means an NLIS tag that displays —
 - (a) the relevant PIC of the property from which the animal was moved to the abattoir; or
 - (b) a registered identifier for which the corresponding PIC is the relevant PIC of the property from which the animal was moved to the abattoir.
- (2) This regulation does not apply to an animal to which an NLIS identifier is not applied that is moved to an abattoir under an exemption in regulation 129(1).
- (3) Unless an abattoir inspector in a particular case approves otherwise, if an animal is moved to an abattoir with neither an NLIS tag nor an NLIS device applied to it, the abattoir operator must, within the period specified in subregulation (4), apply, or cause to be applied, to the animal an NLIS post breeder tag.
Penalty: a fine of \$5 000.
- (4) The abattoir operator must comply with subregulation (3) as soon as practicable after the animal arrives at the abattoir and before it is slaughtered or otherwise moved from the abattoir.
- (5) If a consignment of animals is moved to an abattoir and more than 10% of the animals have neither an NLIS tag nor an NLIS device applied to them, the operator of the abattoir must —
 - (a) hold the animals at the abattoir without slaughtering them; and

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- (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under regulation 154.

Penalty: a fine of \$2 000.

154. Directions by inspectors

- (1) For the purposes of regulation 153(5)(b), an inspector may give any necessary or convenient direction in relation to the animals including —
 - (a) to hold the animals at the abattoir; and
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for regulation 153(3) to be complied with.
- (2) The abattoir operator must comply with a direction given by an inspector under subregulation (1).

Penalty: a fine of \$5 000.

155. Responsibilities of abattoir operator if animal born at or while being moved to abattoir

Unless an inspector in a particular case approves otherwise, if an animal is born at, or while being moved to, an abattoir, the abattoir operator must, as soon as practicable after its birth and before it is sold or moved from the abattoir, apply, or cause to be applied, to the animal an NLIS post breeder tag.

Penalty: a fine of \$5 000.

156. Responsibilities of abattoir operator if animal moved to abattoir

- (1) If a consignment of one or more animals is moved to an abattoir, the abattoir operator must, within 48 hours after the consignment arrives there, record in the NLIS database the following —
 - (a) the species of animal;

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- (b) the number of animals in the consignment;
- (c) the relevant PIC of the previous property;
- (d) the relevant PIC of the abattoir;
- (e) the PIC and serial number displayed on any NLIS post breeder tag applied to the animal or animals at the abattoir;
- (f) the serial number of the transport document relating to the movement of the consignment to the abattoir;
- (g) if the consignment was moved to the abattoir from a property other than a saleyard — the identifier recorded on the transport document relating to the movement of the consignment to the abattoir or, if no identifier is recorded, the details of each NLIS tag applied to the animal or animals;
- (h) the date the consignment arrived at the abattoir.

Penalty: a fine of \$5 000.

- (2) It is sufficient compliance with subregulation (1), in relation to any animal in a consignment to which an NLIS device is applied, if the abattoir operator, within 48 hours after the animal arrives at the abattoir, updates the NLIS database in relation to the device by recording the following —
 - (a) the relevant PIC of the previous property;
 - (b) the relevant PIC of the abattoir;
 - (c) the serial number of the transport document relating to the movement of the animal to the abattoir;
 - (d) the date the animal arrived at the abattoir.

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157. Responsibilities of abattoir operator after animal slaughtered

- (1) If a consignment of one or more animals is moved to an abattoir and is slaughtered there, the abattoir operator must, within 7 days after the slaughter, record in the NLIS database the following —
- (a) the species of animal;
 - (b) the number of animals in the consignment;
 - (c) the PIC of the previous property;
 - (d) the PIC of the abattoir;
 - (e) the PIC and the serial number displayed on any NLIS tag applied to the animal or animals at the abattoir;
 - (f) the date of slaughter.

Penalty: a fine of \$5 000.

- (2) It is sufficient compliance with subregulation (1), in relation to any animal in a consignment to which an NLIS device is applied, if the abattoir operator, within 7 days after the animal is slaughtered, updates the NLIS database in relation to the NLIS device by recording the following —
- (a) the relevant PIC of the previous property;
 - (b) the relevant PIC of the abattoir;
 - (c) the date of slaughter.

158. Responsibilities of abattoir operator if live animal moved from abattoir

- (1) Unless an inspector in a particular case approves otherwise, an abattoir operator must not move, or permit to be moved, from the abattoir a live animal unless —
- (a) the animal is moved back to the property from which it came or to another property with a relevant PIC; and

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- (b) the abattoir operator has obtained from the person to whom the animal is sold or otherwise supplied the relevant PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the person; and
- (c) the animal has —
 - (i) an NLIS post breeder tag applied to it at the abattoir; or
 - (ii) an NLIS device applied to it.

Penalty: a fine of \$5 000.

- (2) If a consignment of one or more live animals to which an NLIS post breeder tag is applied is moved from an abattoir, the abattoir operator must, within 48 hours after the consignment is moved from the abattoir, record in the NLIS database the following —
 - (a) the species of animal;
 - (b) the number of animals in the consignment;
 - (c) the relevant PIC of the abattoir;
 - (d) the relevant PIC of the property to which the consignment has been moved;
 - (e) the PIC and serial number displayed on any NLIS tag applied to the animal or animals at the abattoir;
 - (f) the serial number of the transport document relating to the movement of the consignment from the abattoir;
 - (g) the date the consignment was moved from the abattoir.

Penalty: a fine of \$5 000.

- (3) It is sufficient compliance with subregulation (2), in relation to any animal in a consignment to which an NLIS device is applied, if the abattoir operator, within 48 hours after the animal is moved from the abattoir, updates the NLIS database in relation to the device by recording the following —
 - (a) the relevant PIC of the abattoir;

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- (b) the relevant PIC of the property to which the animal has been moved;
 - (c) the serial number of the transport document relating to the movement of the animal from the abattoir;
 - (d) the date the animal was moved from the abattoir.
- (4) If a live animal to which an NLIS device, but not an NLIS post breeder tag, is applied is moved from an abattoir, the abattoir operator must, within 48 hours after the animal is moved from the abattoir, update the NLIS database in relation to the device by recording the following —
- (a) the relevant PIC of the abattoir;
 - (b) the relevant PIC of the property to which the animal has been moved;
 - (c) the serial number of the transport document relating to the movement of the animal from the abattoir;
 - (d) the date the animal was moved from the abattoir.

Penalty: a fine of \$5 000.

159. Slaughtered animals moved to pet food processing plants

- (1) If a consignment of one or more slaughtered animals to which an NLIS identifier is applied is moved to a pet food processing plant, the operator of the pet food processing plant must, within 7 days after the consignment arrives there, record in the NLIS database the following —
- (a) the species of animal;
 - (b) the number of animals in the consignment;
 - (c) the relevant PIC of the previous property;
 - (d) the relevant PIC of the pet food processing plant;
 - (e) the serial number of the transport document relating to the movement of the consignment to the pet food processing plant;

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- (f) the date the consignment arrived at the pet food processing plant.

Penalty: a fine of \$5 000.

- (2) It is sufficient compliance with subregulation (1), in relation to any animal in a consignment to which an NLIS device is applied, if the operator of the pet food processing plant, within 7 days after the animal arrives there, updates the NLIS database in relation to the device by recording the following —
 - (a) the relevant PIC of the previous property;
 - (b) the relevant PIC of the pet food processing plant;
 - (c) the serial number of the transport document relating to the movement of the animal to the pet food processing plant;
 - (d) the date the animal arrived at the pet food processing plant.

Subdivision 8 — Export depots

160. Responsibilities of export depot operator if no NLIS identifier applied to animal

- (1) In this regulation —

NLIS device, in relation to an animal moved to an export depot, means an NLIS device in relation to which the NLIS database has been updated with the relevant PIC of the property from which the animal was moved to the export depot;

NLIS tag, in relation to an animal moved to an export depot, means an NLIS tag that displays —

 - (a) the relevant PIC of the property from which the animal was moved to the export depot; or
 - (b) a registered identifier for which the corresponding PIC is the relevant PIC of the property from which the animal was moved to the export depot.

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- (2) Unless an inspector in a particular case approves otherwise, if an animal to which neither an NLIS tag nor an NLIS device is applied is moved to an export depot, the export depot operator must, within the period specified in subregulation (3) apply, or cause to be applied, to the animal an NLIS post breeder tag.
Penalty: a fine of \$5 000.
- (3) The export depot operator must comply with subregulation (2) as soon as practicable after the animal arrives at the export depot and before it is exported or otherwise moved from the export depot.
- (4) If a consignment of animals is moved to an export depot and more than 10% of the animals have neither an NLIS tag nor an NLIS device applied to them, the export depot operator must —
- (a) hold the animals at the export depot; and
 - (b) inform an inspector accordingly, and comply with any directions given to the export depot operator by the inspector under regulation 161.
- Penalty: a fine of \$2 000.

161. Directions by inspectors

- (1) For the purposes of regulation 160(4)(b), the inspector may give any necessary or convenient direction in relation to the animals including —
- (a) to hold the animals at the export depot; and
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for regulation 160(2) to be complied with.
- (2) An export depot operator must comply with a direction given by an inspector under subregulation (1).
Penalty: a fine of \$5 000.

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162. Responsibilities of export depot operator if animal born at or while being moved to export depot

If an animal is born at, or while being moved to, an export depot, the export depot operator must, as soon as practicable after its birth and before it is moved from the export depot, apply, or cause to be applied, to the animal an NLIS post breeder tag.

Penalty: a fine of \$5 000.

163. Responsibilities of export depot operator if animal moved to export depot

- (1) If a consignment of one or more animals is moved to an export depot, the export depot operator must, within 48 hours after the consignment arrives there, record in the NLIS database the following —
- (a) the species of animal;
 - (b) the number of animals in the consignment;
 - (c) the relevant PIC of the previous property;
 - (d) the relevant PIC of the export depot;
 - (e) the PIC and serial number recorded on any NLIS post breeder tag applied to the animal or animals at the export depot;
 - (f) the serial number of the transport document relating to the movement of the consignment to the export depot;
 - (g) the identifier recorded on the transport document or, if no identifier is recorded, the details of each NLIS tag applied to the animal or animals;
 - (h) the date the consignment arrived at the export depot.

Penalty: a fine of \$5 000.

- (2) It is sufficient compliance with subregulation (1), in relation to any animal in a consignment to which an NLIS device is applied, if the export depot operator, within 48 hours after the

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animal arrives at the export depot, updates the NLIS database in relation to the device by recording the following —

- (a) the relevant PIC of the previous property;
- (b) the relevant PIC of the export depot;
- (c) the serial number of the transport document relating to the movement of the animal to the export depot;
- (d) the date the animal arrived at the export depot.

164. Responsibilities of export depot operator if animal exported or otherwise moved from export depot

- (1) If a consignment of one or more animals is moved from an export depot for export, the export depot operator must, within 48 hours after the consignment is moved, record in the NLIS database the following —
 - (a) the species of animal;
 - (b) the number of animals in the consignment;
 - (c) the relevant PIC of the export depot;
 - (d) the relevant PIC of the port to which the consignment has been moved;
 - (e) the serial number of the transport document relating to the movement of the consignment from the export depot;
 - (f) the date the consignment was moved from the export depot.

Penalty: a fine of \$5 000.

- (2) It is sufficient compliance with subregulation (1), in relation to any animal in a consignment to which an NLIS device is applied, if the export depot operator, within 48 hours after the animal is moved, updates the NLIS database in relation to the device by recording the following —
 - (a) the relevant PIC of the export depot;

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- (b) the relevant PIC of the port to which the animal has been moved;
 - (c) the serial number of the transport document relating to the movement of the animal from the export depot;
 - (d) the date the animal was moved from the export depot.
 - (3) Unless an inspector in a particular case approves otherwise, an export depot operator must not, except by export, move or permit to be moved from the export depot an animal to which an NLIS identifier is applied unless —
 - (a) it is moved back to the property from which it came or to another property with a relevant PIC; and
 - (b) the export depot operator has obtained from the person to whom the animal is sold or otherwise supplied the relevant PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the person; and
 - (c) the export depot operator has applied, or caused to be applied, to the animal an NLIS post breeder tag.
- Penalty: a fine of \$5 000.
- (4) It is not necessary to apply an NLIS post breeder tag to an animal under subregulation (3)(c) if the animal is being moved directly to an abattoir.
 - (5) Unless an inspector in a particular case approves otherwise, if a consignment of one or more animals is moved from an export depot, except by export, the export depot operator must, within 48 hours after the consignment is moved, update the NLIS database by recording the following —
 - (a) the species of animal;
 - (b) the number of animals in the consignment;
 - (c) the relevant PIC of the export depot;
 - (d) the relevant PIC of the property to which the consignment has been moved;

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- (e) the PIC and serial number displayed on any NLIS post breeder tag applied to the animal or animals at the export depot;
 - (f) the serial number of the waybill relating to the movement of the consignment from the export depot;
 - (g) the date the consignment was moved from the export depot.
- Penalty: a fine of \$5 000.
- (6) It is sufficient compliance with subregulation (5), in relation to any animal in a consignment to which an NLIS device is applied, if the export depot operator, within 48 hours after the animal is moved, updates the NLIS database in relation to the device by recording the following —
- (a) the relevant PIC of the export depot;
 - (b) the relevant PIC of the property to which the animal has been moved;
 - (c) the serial number of the waybill relating to the movement of the animal from the export depot;
 - (d) the date the animal was moved from the export depot.

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Part 7 — Identifying other species of stock

Division 1 — Deer

165. Owners to identify deer

- (1) An owner of a deer, other than an imported deer or a deer from a pound, must identify the deer, or cause it to be identified, in accordance with this regulation —
 - (a) if it is first mustered before it reaches 12 months of age and before it is identified in accordance with this regulation — when it is first mustered; or
 - (b) if it is moved from the property on which it is kept before it reaches 12 months of age and before it is identified in accordance with this regulation — when it is moved; or
 - (c) otherwise — before it reaches 12 months of age.Penalty: a fine of \$2 000.
- (2) An owner of an imported deer must identify the deer, or cause it to be identified, in accordance with this regulation —
 - (a) if the deer is moved from the property on which it is kept within 14 days of it being imported and before it is identified in accordance with this regulation — when it is moved; or
 - (b) otherwise — within 14 days of it being imported.Penalty: a fine of \$2 000.
- (3) An owner of a deer from a pound must identify the deer, or cause it to be identified, in accordance with this regulation —
 - (a) if the deer is moved from the property on which it is kept within 14 days of the owner taking possession of it from the pound and before it is identified in accordance with this regulation — when it is moved; or

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- (b) otherwise — within 14 days of the owner taking possession of it from the pound.

Penalty: a fine of \$2 000.

- (4) For the purposes of this regulation, an owner of a deer may identify the deer, or cause it to be identified, with all or any of the following identifiers —
 - (a) a registered identifier applied as a brand in accordance with regulation 168;
 - (b) a registered identifier applied as an earmark in accordance with regulation 169;
 - (c) an approved identifier for deer.

166. Exemption for deer under 12 months

- (1) It is not necessary for a deer to be identified in accordance with regulation 165(1)(b) if it is being moved with its mother from the property on which it is kept to another property with the same relevant PIC.
- (2) It is not necessary for a deer to be identified in accordance with regulation 165(2)(a) or (3)(a) if it —
 - (a) has not reached 12 months of age; and
 - (b) is being moved with its mother from the property on which it is kept to another property with the same relevant PIC.

167. Deer identified by previous owner

It is not necessary for the current owner of a deer to identify the deer, or cause it be identified, in accordance with regulation 165 if —

- (a) the deer is identified with the registered identifier or an approved identifier of a previous owner; and
- (b) the current owner has in his or her possession or control documentary evidence of his or her right to possess the deer.

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168. Registered identifier applied as brand

A registered identifier applied as a brand to a deer must be legibly displayed on an eartag that is —

- (a) an approved device; and
- (b) applied to the ear of the animal specified for that purpose in the owner's certificate of registration as an owner of stock.

169. Registered identifier applied as an earmark

- (1) A registered identifier applied as an earmark to a deer must —
 - (a) be applied to the ear of the animal specified for that purpose in the owner's certificate of registration as an owner of stock; and
 - (b) meet the requirements of subregulation (2).
- (2) Each symbol forming part of an earmark must be not less than 12 mm across its maximum dimension at the time when the earmark is applied.

Division 2 — Horses

170. Owners to identify horses

- (1) An owner of a horse, other than an imported horse or a horse from a pound, that is kept on a property in the south-west of the State must identify the horse, or cause it to be identified, in accordance with this regulation —
 - (a) if it is moved from the property on which it is kept before it reaches 6 months of age and before it is identified in accordance with this regulation — when it is moved; or
 - (b) otherwise — before it reaches 6 months of age.

Penalty: a fine of \$2 000.

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- (2) An owner of a horse other than —
- (a) an imported horse; or
 - (b) a horse from a pound; or
 - (c) a horse that is kept on a property in the south-west of the State,

must identify the horse, or cause it to be identified, in accordance with this regulation —

- (d) if it is moved from the property on which it is kept before it reaches 18 months of age and before it is identified in accordance with this regulation — when it is moved; or
- (e) otherwise — before it reaches 18 months of age.

Penalty: a fine of \$2 000.

- (3) An owner of an imported horse must identify the horse, or cause it to be identified, in accordance with this regulation —
- (a) if the horse is moved from the property on which it is kept within 14 days of it being imported and before it is identified in accordance with this regulation — when it is moved; or
 - (b) otherwise — within 14 days of it being imported.

Penalty: a fine of \$2 000.

- (4) An owner of a horse from a pound must identify the horse, or cause it to be identified, in accordance with this regulation —
- (a) if the horse is moved from the property on which it is kept within 14 days of the owner taking possession of it from the pound and before it is identified in accordance with this regulation — when it is moved; or
 - (b) otherwise — within 14 days of the owner taking possession of it from the pound.

Penalty: a fine of \$2 000.

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- (5) For the purposes of this regulation, an owner of a horse may identify the horse, or cause it to be identified, with either or both of the following identifiers —
- (a) a registered identifier applied as a brand in accordance with regulation 173;
 - (b) an approved identifier for horses.

171. Exemption for foals

- (1) It is not necessary for a horse to be identified in accordance with regulation 170(1)(a) if the horse is being moved with its mother from the property on which it is kept.
- (2) It is not necessary for a horse to be identified in accordance with regulation 170(2)(d), (3)(a) or (4)(a) if it —
- (a) has not reached 6 months of age; and
 - (b) is being moved with its mother from the property on which it is kept.

172. Horses identified by previous owner

It is not necessary for the current owner of a horse to identify the horse, or cause it to be identified, in accordance with regulation 170 if —

- (a) the horse is identified with the registered identifier or an approved identifier of a previous owner; and
- (b) the current owner has in his or her possession or control documentary evidence of his or her right to possess the horse.

173. Registered identifier applied as brand

- (1) A registered identifier applied as a brand to a horse must be applied as a firebrand or freezebrand in accordance with this regulation.

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- (2) A firebrand or freezebrand must —
 - (a) if the horse has previously been branded —
 - (i) be applied to the left shoulder, if there is sufficient room; or
 - (ii) be applied on the right shoulder;
 - and
 - (b) if the horse has not previously been branded — be applied to the left shoulder.
- (3) A firebrand or freezebrand must be —
 - (a) not less than 100 mm long and 30 mm in height at the time when the brand is applied; and
 - (b) applied in the approved manner.

Division 3 — Ostriches

174. Identification of ostriches not required

Nothing in these regulations requires a person to identify an ostrich or cause it to be identified.

175. How ostriches may be identified

An owner of an ostrich may identify the ostrich, or cause it to be identified, with either or both of the following —

- (a) a registered identifier applied as a brand in accordance with regulation 176;
- (b) an approved identifier for ostriches.

176. Registered identifier applied as brand

A person must not apply a registered identifier as a brand to an ostrich unless it is legibly displayed on a neck tag or a leg band that is —

- (a) an approved device; and

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(b) if it is a neck tag — secured to the base of the neck above the feather line of the ostrich; and

(c) if it is a leg band — secured to a leg of the ostrich.

Penalty: a fine of \$2 000.

177. Other markings on neck tags and leg bands

A person must not apply to an ostrich a neck tag or leg band that displays a mark, other than an identifier referred to in regulation 175, unless the mark —

(a) is clearly distinguishable from an identifier applied to the ostrich under regulation 175; and

(b) is not displayed on the same side of the neck tag or leg band as an identifier referred to in regulation 175.

Penalty: a fine of \$2 000.

Division 4 — Pigs

178. Owners to identify pigs

(1) An owner of a pig must identify the pig, or cause it to be identified, in accordance with this regulation not more than 7 days before it is moved from the property on which it is kept.

Penalty: a fine of \$5 000.

(2) For the purposes of subregulation (1), an owner of a pig may identify the pig, or cause it to be identified, with either or both of the following identifiers —

(a) a registered identifier applied as a brand in accordance with regulation 180;

(b) an approved identifier for pigs.

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179. Exemptions for piglets and stud animals

- (1) In this regulation —
stud prefix means a stud prefix recognised by the Australian Pig Breeders Association Ltd ABN 26 905 086 209.
- (2) It is not necessary for a pig to be identified in accordance with regulation 178 if —
 - (a) the pig has not reached 10 weeks of age; or
 - (b) it is a stud animal that —
 - (i) is marked with the current owner's, or a previous owner's, stud prefix; and
 - (ii) is being moved to a property other than a saleyard or abattoir.

180. Registered identifier applied as brand

- (1) A registered identifier applied as a brand to a pig must be applied —
 - (a) using equipment that is approved identification equipment for that purpose; and
 - (b) in accordance with this regulation.
- (2) A brand must be applied using carbon black paste or such tattooing ink or dye of such colour as approved for that purpose.
- (3) A brand must be applied —
 - (a) if it is applied by, or on behalf of, the breeder of the pig — to the left shoulder of the pig; or
 - (b) in each other case — to the right shoulder of the pig.

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Division 5 — South American camelids

181. Owners to identify South American camelids

- (1) An owner of a South American camelid, other than an imported South American camelid or a South American camelid from a pound, must identify the South American camelid, or cause it to be identified, in accordance with this regulation —
- (a) if it is moved from the property on which it is kept before it reaches 6 months of age and before it is identified in accordance with this regulation — when it is moved; or
 - (b) otherwise — before it reaches 6 months of age.

Penalty: a fine of \$2 000.

- (2) An owner of an imported South American camelid must identify the South American camelid, or cause it to be identified, in accordance with this regulation —
- (a) if it is moved from the property on which it is kept within 14 days of it being imported and before it is identified in accordance with this regulation — when it is moved; or
 - (b) otherwise — within 14 days of it being imported.

Penalty: a fine of \$2 000.

- (3) An owner of a South American camelid from a pound must identify the South American camelid, or cause it to be identified, in accordance with this regulation —
- (a) if it is moved from the property on which it is kept within 14 days of the owner taking possession of it from the pound and before it is identified in accordance with this regulation — when it is moved; or
 - (b) otherwise — within 14 days of the owner taking possession of it from the pound.

Penalty: a fine of \$2 000.

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- (4) For the purposes of this regulation, an owner of a South American camelid may identify the South American camelid, or cause it be identified, with all or any of the following identifiers —
- (a) a registered identifier applied as a brand in accordance with regulation 184;
 - (b) a registered identifier applied as an earmark in accordance with regulation 185;
 - (c) an approved identifier for South American camelids.

182. Exemption for South American camelids under 6 months

- (1) It is not necessary for a South American camelid to be identified in accordance with regulation 181(1)(a) if it is being moved with its mother from the property on which it is kept to another property with the same relevant PIC.
- (2) It is not necessary for a South American camelid to be identified in accordance with regulation 181(2)(a) or (3)(a) if it —
- (a) has not reached 6 months of age; and
 - (b) is being moved with its mother from the property on which it is kept to another property with the same relevant PIC.

183. South American camelids identified by previous owner

It is not necessary for the current owner of a South American camelid to identify the South American camelid, or cause it to be identified, in accordance with regulation 181 if —

- (a) the South American camelid is identified with the registered identifier or an approved identifier of a previous owner; and
- (b) the current owner has in his or her possession or control documentary evidence of his or her right to possess the South American camelid.

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184. Registered identifier applied as brand

A registered identifier applied as a brand to a South American camelid must be legibly displayed on an eartag that is —

- (a) an approved device; and
- (b) applied —
 - (i) to the left ear of a male animal; or
 - (ii) to the right ear of a female animal.

185. Registered identifier applied as earmark

- (1) A registered identifier applied as an earmark to a South American camelid must —
 - (a) be applied —
 - (i) to the right ear of a male animal; or
 - (ii) to the left ear of a female animal;and
 - (b) meet the requirements of subregulation (2).
- (2) Each symbol forming part of an earmark must be not less than 12 mm across its maximum dimension at the time when the earmark is applied.

186. Other earmarks

A person must not apply an earmark to a South American camelid, other than an identifier applied under regulation 181, unless it is applied —

- (a) to the left ear of a male animal; or
- (b) to the right ear of a female animal,

in such a manner, and in such a position, as to render it clearly distinguishable from an identifier applied to the animal under regulation 181.

Penalty: a fine of \$2 000.

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Part 8 — Movement of animals

187. Terms used

In this Part —

identifier means —

- (a) an approved identifier; or
- (b) an NLIS identifier; or
- (c) a registered identifier for stock;

number plate means a number plate, identification tablet, special plate or name plate within the meaning of the *Road Traffic (Licensing) Regulations 1975* or a corresponding written law of another State or a Territory;

trading name, in relation to a person, means the trading name recorded in the register in relation to the person.

188. Application of Part

This Part does not apply to the movement of —

- (a) a horse unless it is being moved to an abattoir for slaughter for human consumption; or
- (b) an ostrich; or
- (c) a slaughtered animal being moved from an abattoir.

189. When waybill is required

Unless these regulations provide otherwise —

- (a) an operator of a farming property at which an animal is kept; or
- (b) an operator of a non-farming property at which an animal is kept; or
- (c) a person impounding an animal found wandering, straying, lying or trespassing on land,

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must not cause or permit the animal, whether live or dead, to be moved from the property or land, without first giving the carrier of the animal a waybill in accordance with this Part.

Penalty: a fine of \$5 000.

190. General requirements for waybills

- (1) A waybill must —
 - (a) if it is given for the movement of a consignment of one animal — relate to that animal and to no other animals; and
 - (b) if it is given for the movement of a consignment of 2 or more animals — relate to all of those animals and to no other animals.
- (2) Unless these regulations provide otherwise, a waybill must be in the form of a legible document that contains the following —
 - (a) a serial number;
 - (b) the name and signature of the person providing the waybill;
 - (c) the name and signature of the carrier;
 - (d) the details of the number plate of each vehicle in which the consignment is to be carried;
 - (e) the name, or trading name, of the owner of the animal or animals in the consignment (whether or not that person is providing the waybill) or, if the consignment is being moved to a pound and the owner is not known, words to the effect that the owner is not known;
 - (f) the name of the person to whom the animal is, or animals are, consigned;
 - (g) the species, breed, sex and age of the animal or animals in the consignment;
 - (h) the number of animals in the consignment;

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- (i) if the animal is, or animals are, being moved from a property other than a saleyard — the relevant PIC and street address of the property from which the animal is, or animals are, being moved;
 - (j) if the animal is, or animals are, being moved from a saleyard —
 - (i) the relevant PIC of the property on which the animal was, or animals were, last kept by the vendor of the animal or animals before being moved to the saleyard; and
 - (ii) the name and relevant PIC of the saleyard;
 - (k) the relevant PIC and street address of the property that is the destination of the consignment;
 - (l) the details required under regulation 194 relating to identifiers;
 - (m) if the animal is, or animals are, being moved without identification under the authority of a movement permit — the serial number of the movement permit and the date it was granted;
 - (n) the date of the movement of the consignment from the property.
- (3) Unless these regulations provide otherwise, a person who is required to give a waybill for the movement of a consignment of one or more animals must, before it is moved, give the carrier of the consignment the original and one copy of the waybill.
- (4) A person who gives a waybill relating to the movement of a consignment of animals from a property in more than one vehicle may —
- (a) give the driver of the first vehicle the original and one copy of the waybill; and

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- (b) give the driver of each other vehicle a legible document that contains the following —
 - (i) the details of the number plate of that vehicle;
 - (ii) the serial number of the waybill given to the driver of the first vehicle;
 - (iii) the name of the person to whom the animals are consigned;
 - (iv) the number of animals being carried in the vehicle;
 - (v) the relevant PIC of the property from which the consignment is being moved;
 - (vi) the date of the movement of the consignment from the property.
- (5) A person who gives a waybill, or other transport document, to a carrier under these regulations must retain a copy of the waybill, or other transport document, for not less than 7 years after it is given.
Penalty: a fine of \$5 000.

191. Movements from saleyards

- (1) If a consignment of one or more animals is to be moved from a saleyard, the saleyard operator may give the carrier of the consignment a waybill in the form of a legible document (by whatever name called) that contains the following —
 - (a) a serial number;
 - (b) the name of the carrier;
 - (c) the details of the number plate of the vehicle in which the consignment is to be carried;
 - (d) the name and relevant PIC of the saleyard;
 - (e) the relevant PIC of the property on which the animal was, or animals were, last kept by the vendor of the animal or animals before being moved to the saleyard;

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- (f) the name of the purchaser of the consignment;
 - (g) if the purchaser has given the saleyard operator the relevant PIC of the property on which the consignment is to be kept or slaughtered, or from which the consignment is to be exported, by the purchaser — that PIC;
 - (h) if the purchaser has given the saleyard operator a BIC — that BIC;
 - (i) the species of animal;
 - (j) the number of animals in the consignment;
 - (k) the serial number of each waybill relating to the movement of the animal or animals to the saleyard;
 - (l) the details of each pen in which the animal was, or animals were, kept at the saleyard;
 - (m) the details required under regulation 194 relating to identifiers;
 - (n) the date the animal was, or animals were, sold at the saleyard.
- (2) It is sufficient compliance with regulation 190(3) for a saleyard operator to give the carrier one copy of a waybill that meets the requirements of subregulation (1) if, before the consignment is moved, the saleyard operator gives, by electronic means, a copy of the waybill to the operator of the property that is the destination of the consignment.

192. When purchaser must provide waybill

- (1) If a purchaser of an animal at a saleyard does not give the saleyard operator the relevant PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the purchaser, the purchaser must, before the animal is moved from the saleyard, give the carrier of the

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consignment 2 copies of a waybill in the form of a legible document that contains the following —

- (a) a serial number;
- (b) the name and BIC of the purchaser;
- (c) the serial number of the waybill given by the saleyard operator for the movement of the animal from the saleyard;
- (d) the relevant PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the purchaser;
- (e) the date of the movement of the animal from the saleyard.

Penalty: a fine of \$5 000.

- (2) A carrier who is given a waybill by a purchaser under subregulation (1) must, before moving the animal from the saleyard, securely attach a copy of the waybill to each waybill relating to the movement of the animal given to the carrier by the saleyard operator.

Penalty: a fine of \$2 000.

193. Movements from export depots

If a consignment of one or more animals is to be moved from an export depot to a port for the purpose of export, the export depot operator may give the carrier of the consignment a waybill in the form of a legible document (by whatever name called) that contains the following —

- (a) a serial number;
- (b) the species of animal;
- (c) the number of animals in the consignment;
- (d) the name and signature of the carrier;
- (e) the details of the number plate of the vehicle in which the consignment is to be carried;

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- (f) the relevant PIC of the export depot;
- (g) the relevant PIC of the port;
- (h) the name of the ship onto which the animal is, or animals are, to be loaded for export;
- (i) the date of the movement of the consignment from the export depot.

194. Recording identifiers on waybills

- (1) Subject to subregulation (2), for the purposes of regulations 190(2)(l), 191(1)(m) and 197(b)(x) the following details in relation to identifiers must be recorded —
 - (a) the type, or types, of NLIS device applied to the animal or animals;
 - (b) the relevant PIC or registered identifier displayed on each NLIS tag applied to the animal or animals;
 - (c) if no NLIS identifier is applied to the animal or animals — the details of any registered identifier or approved identifier applied to the animal or animals;
 - (d) the details of any identifier, approved by an inspector under regulation 83(2)(a), applied to the animal or animals;
 - (e) if no identifier is applied to the animal or animals being moved — the number of animals to which an identifier is not applied (if applicable) together with the words “not identified”, or words to that effect.
- (2) It is not necessary to record all of the identifiers applied to an animal except the identifier most recently applied.

195. When waybill is not required

It is not necessary to give a waybill for the movement of an animal if the animal —

- (a) is being moved from the property on which it is kept by its owner to another property with the same relevant PIC

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and is accompanied for the whole of the movement by the owner's certificate of registration as an owner of stock, or a true copy; or

- (b) is being moved under the authority of a movement notice or permit, or in accordance with an approval, issued or given under the *Biosecurity and Agriculture Management Regulations 2013*, and is accompanied for the whole of the movement by 2 copies of the movement notice, permit or approval; or
- (c) is being exported to another State or a Territory and is accompanied for the whole of the movement by a copy of a current stock health certificate in the form required by the State or Territory where the animal is to be introduced; or
- (d) is being moved, without identification, under the authority of a movement permit and is accompanied for the whole of the movement by 2 copies of the movement permit.

196. Movement permits

- (1) In this regulation —
permit holder means the person to whom a movement permit is granted;
specified means specified in a movement permit.
- (2) An owner of stock to whom an identification exemption certificate is granted and in force may apply, in the approved form, to an inspector for a movement permit.
- (3) An inspector to whom an application is made under subregulation (2) may grant the applicant a movement permit.
- (4) The inspector may grant a movement permit subject to any conditions the inspector thinks appropriate.

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- (5) A movement permit must —
 - (a) be in the approved form; and
 - (b) have a serial number; and
 - (c) specify any conditions imposed by the inspector.
- (6) Unless it is cancelled under subregulation (7), a movement permit —
 - (a) authorises the permit holder to move the specified stock, without being identified in accordance with these regulations, to a specified property; and
 - (b) expires on the specified date.
- (7) If an inspector is of the opinion that the continuance in force of a movement permit may lead to the spread of disease or may otherwise defeat or impede the achievement of the objects and purposes of the Act, the inspector may, at any time and whether or not the permit was granted by him or her, cancel it by giving written notice of the cancellation to the permit holder.
- (8) If a movement permit is cancelled under subregulation (7), an inspector may direct a person in possession of the movement permit, or a copy of the movement permit, to give the inspector the movement permit or copy.
- (9) A person must comply with a direction given under subregulation (8) as soon as practicable after the direction is given.
Penalty: a fine of \$5 000.
- (10) If a movement permit is cancelled under subregulation (7) an inspector may at any time grant a fresh movement permit.
- (11) A permit holder must —
 - (a) comply with any specified conditions; and
 - (b) unless the permit holder has given the movement permit to an inspector under subregulation (8), retain the

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movement permit for not less than 7 years after it is granted.

Penalty: a fine of \$2 000.

197. When carrier may make out waybill

A carrier may move a consignment of one or more animals from a property without being given a waybill for the movement of the consignment if —

- (a) the carrier is directed to do so by the owner of the animal or animals, or another person having possession or control of the animal or animals; and
- (b) the carrier makes out, and is in possession of the original and a copy of, a waybill in the form of a legible document (by whatever name called) that contains the following —
 - (i) a serial number;
 - (ii) the name and signature of the carrier;
 - (iii) the details of the number plate of the vehicle in which the consignment is being carried;
 - (iv) the name, or trading name, of the owner of the animal or animals;
 - (v) the name of the person to whom the animal is, or animals are, consigned;
 - (vi) the species, breed, sex and age of the animal or animals;
 - (vii) the number of animals in the consignment;
 - (viii) the relevant PIC and street address of the property from which the consignment is being moved;
 - (ix) the relevant PIC and street address of the property that is the destination of the consignment;

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- (x) the details required under regulation 194 relating to identifiers;
- (xi) the date of the movement of the consignment from the property.

198. Movement of animals if transport documents retained by inspector

- (1) This regulation applies if —
 - (a) an inspector directs a carrier who is moving an animal to give the inspector a transport document relating to the animal; and
 - (b) the inspector retains the document.
- (2) If this regulation applies, an the inspector must —
 - (a) give the carrier written authority to complete the movement of the animal without the transport document; and
 - (b) as soon as it is practicable to do so, give the carrier, and the operator of the property that is the destination of the animal, a copy of the retained transport document.
- (3) The inspector may give a written authority under subregulation (2)(a) subject to any conditions the inspector thinks appropriate.
- (4) The written authority must specify any conditions imposed by the inspector.
- (5) A carrier who is given a written authority under subregulation (2)(a) must comply with any conditions specified in the written authority.
Penalty: a fine of \$2 000.

199. Transport document must accompany animal being moved

- (1) A person must not be in possession or control of an animal that is being moved from one place to another place unless the

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person is in possession of a transport document that relates to the movement of the animal.

Penalty: a fine of \$5 000.

- (2) A person does not commit an offence under subregulation (1) if the person is moving the animal without a transport document —
- (a) in accordance with regulation 195(a); or
 - (b) under a written authority given under regulation 198(2)(a).

200. Carrier to deliver transport document to operator of destination property

- (1) A carrier moving an animal to a property must, as soon as practicable after arriving there, give a copy of any transport document relating to the animal to the operator of the property.

Penalty: a fine of \$2 000.

- (2) A carrier does not commit an offence under subregulation (1) if —
- (a) the carrier moves the animal to the property without a transport document in accordance with regulation 195(a); or
 - (b) the carrier moves the animal to the property without a transport document under a written authority given under regulation 198(2)(a); or
 - (c) the carrier believes, on reasonable grounds, that the operator of the property to which the animal is moved has already been given a copy of a transport document relating to the movement of the animal to the property.
- (3) A carrier who moves an animal to a property must retain a copy of the transport document relating to the movement of the animal for not less than 7 years after delivering the animal to the property.

Penalty: a fine of \$2 000.

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201. Property operator to obtain transport document

- (1) If an operator of a property accepts delivery of an animal to the property, the operator must, at the time the animal is delivered, require from the person who is the carrier of the animal a copy of any transport document relating to the movement of the animal to the property.

Penalty: a fine of \$2 000.

- (2) A property operator does not commit an offence under subregulation (1) if —
- (a) the animal is moved to the property without a transport document in accordance with regulation 195(a); or
 - (b) the carrier moved the animal to the property without a transport document under a written authority given under regulation 198(2)(a), and the property operator has sighted the written authority; or
 - (c) the property operator has already been given a copy of a transport document relating to the movement of the animal to the property.

- (3) An operator of a property who is given a transport document relating to the movement of an animal to the property must retain a copy of the transport document for not less than 7 years after the animal was moved to the property.

Penalty: a fine of \$2 000.

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Part 9 — Identification and movement of apiaries

202. Beekeepers to identify hives

A beekeeper must identify every hive the beekeeper owns, or cause it to be identified, with the beekeeper's registered identifier for hives applied in accordance with regulation 203. Penalty: a fine of \$2 000.

203. Identifying hives

- (1) A registered identifier applied to a hive must —
 - (a) be burnt in, stamped, carved or scored, so that it is distinctly impressed below the level of the surface of one exterior surface of —
 - (i) each brood box of the hive; and
 - (ii) each honey super of the hive;and
 - (b) meet the requirements of subregulation (2).
- (2) Each letter and numeral forming part of a registered identifier for hives must be not less than 12 mm in height, set in alignment but not conjoined.
- (3) A beekeeper must apply the beekeeper's registered identifier to a hive within 7 days of taking possession of the hive.

204. Exclusive use of registered identifiers

A person must not apply a registered identifier for hives to a hive unless the person is, or is acting on behalf of a person who is —

- (a) the registered owner of the identifier for hives; and
- (b) required or empowered by these regulations to identify the hive, or cause it to be identified, with the registered identifier for hives.

Penalty: a fine of \$5 000.

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205. Successive owners of hives

A beekeeper who owns a hive to which an identifier of one or more previous owners is applied must —

- (a) identify the hive, or cause it be identified, with his or her registered identifier for hives applied immediately below the last preceding owner's identifier; and
- (b) cancel the last preceding owner's identifier, or cause it to be cancelled, by burning, carving or scoring a straight line through it.

Penalty: a fine of \$2 000.

206. Altered or defaced identifiers

- (1) A person must not, except to cancel an identifier under regulation 205, alter, deface or otherwise render indistinguishable an identifier on a hive.

Penalty: a fine of \$5 000.

- (2) Any hive bearing an identifier that is altered, defaced or otherwise rendered indistinguishable, except an identifier cancelled under regulation 205, is to be regarded as not identified in accordance with these regulations.

207. Possession of unidentified hives

A person must not, without lawful excuse, be in possession or control of a hive unless it is identified with a registered identifier in accordance with these regulations.

Penalty: a fine of \$5 000.

208. Notices for apiaries

- (1) A beekeeper keeping an apiary on land that the beekeeper does not own, or on land that the beekeeper does not have as his or her usual place of residence, must erect and display, or cause to

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be erected and displayed, in such a position as to be clearly visible to all persons approaching the apiary a notice bearing —

- (a) the full name; and
- (b) the telephone number; and
- (c) the registered identifier for hives; and
- (d) the street address of the place of residence or business,

of the beekeeper in letters of not less than 50 mm in height.

Penalty: a fine of \$2 000.

- (2) Nothing in subregulation (1) permits the attaching of a notice to a tree contrary to the *Conservation and Land Management Regulations 2002* or any other written law.

209. Establishment and movement of apiaries

- (1) A beekeeper who establishes a new apiary or who removes an apiary, or part of apiary, from one site to another site must, within the period specified in subregulation (2), make a written record of the establishment of the new apiary or of the removal of the apiary, or part of the apiary, to the other site.

Penalty: a fine of \$2 000.

- (2) The beekeeper must comply with subregulation (1) as soon as practicable after the establishment of the new apiary or the removal of the apiary, or part of the apiary, to the other site.
- (3) A beekeeper must retain a record made under subregulation (1) for not less than 7 years after the record is made.

Penalty: a fine of \$2 000.

210. Lease, supply or disposal of apiaries

- (1) A beekeeper must not supply, lease or otherwise dispose of an apiary, or part of an apiary, to another person unless —
 - (a) the person has given the beekeeper the person's —
 - (i) name and postal address; and

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- (ii) registered identifier for hives;
 - and
 - (b) the beekeeper has —
 - (i) confirmed, by reference to the register, that the person is the registered owner of the identifier for hives; and
 - (ii) made a written record of that confirmation.
- Penalty: a fine of \$2 000.
- (2) A beekeeper must retain a record made under regulation 210(1)(b)(ii) for not less than 7 years after the record is made.
- Penalty: a fine of \$2 000.

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Part 10 — Miscellaneous

211. False or misleading information

- (1) A person must not do any of the things set out in subregulation (2) —
- (a) in relation to an application under these regulations;
 - (b) in relation to a record required to be kept under these regulations;
 - (c) in relation to a requirement under these regulations to update, or record information in, the NLIS database;
 - (d) in relation to the compliance, or purported compliance, with any requirement under these regulations to give the Director General or an inspector advice or information.

Penalty: a fine of \$5 000.

- (2) The things to which subregulation (1) applies are —
- (a) making a statement or entry that the person knows is false or misleading in a material particular; or
 - (b) making a statement or entry that is false or misleading in a material particular, with reckless disregard as to whether or not the statement or entry is false or misleading in a material particular; or
 - (c) providing, or causing to be provided, information that the person knows is false or misleading in a material particular; or
 - (d) providing, or causing to be provided, information that is false or misleading in a material particular, with reckless disregard as to whether the information is false or misleading in a material particular.

212. Directions may be given orally or in writing

- (1) A direction given by an inspector under these regulations may be given orally or in writing.

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- (2) A direction given orally must be confirmed in writing within 5 working days after it is given, unless within that period it is complied with or revoked.
- (3) Failure to comply with subregulation (2) does not invalidate the direction.
- (4) The Director General or an inspector may, by further direction, amend or revoke a direction before effect is given to it.

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Part 11 — Repeal of regulations and transitional provisions

Division 1 — Repeals

213. Repeals

The following regulations are repealed —

- (a) *Beekeepers Regulations 1963*;
- (b) *Enzootic Diseases Regulations 1970*;
- (c) *Stock (Identification and Movement) Regulations 1972*.

Division 2 — *Enzootic Diseases Regulations 1970*: transitional provisions

214. Terms used

In this Division —

commencement day means the day on which this Division comes into operation;

repealed regulations means the *Enzootic Diseases Regulations 1970*.

215. Identification codes

- (1) Unless subregulation (2) applies, if a person, immediately before the commencement day, held an identification code issued under the repealed regulations to the person in respect of a property —
 - (a) that identification code is, for the purposes of these regulations, to be taken to be a PIC for that property; and
 - (b) that person is, for the purposes of these regulations, to be taken to be a registered non-farming property operator and the registered owner of that PIC.

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- (2) If a person, immediately before the commencement day, held an identification code issued under the repealed regulations to the person, and the third and fourth letters of the identification code were “AB”, “AG” or “EB” —
 - (a) that identification code is, for the purposes of these regulations, to be taken to be a BIC that is allotted to that person; and
 - (b) that person is, for the purposes of these regulations, to be taken to be a registered owner of stock.
- (3) A registration referred to in subregulation (1)(b) or (2)(b), unless sooner cancelled under these regulations, expires —
 - (a) if the identification code referred to in subregulation (1)(a) or (2)(a) was issued under the repealed regulations more than 5 years before the commencement day — 10 years after the day on which the identification code was issued under the repealed regulations; and
 - (b) otherwise — 5 years and 6 months after the day on which the identification code referred to in subregulation (1)(a) or (2)(a) was issued under the repealed regulations.
- (4) If the application of subregulation (3) to a particular registration as an owner of stock conflicts or is inconsistent with the application of regulation 222(2) to that registration, regulation 222(2) prevails.

216. Notices given under *Enzootic Diseases Regulations 1970* regulation 11(1)(a)

A notice given under regulation 11(1)(a) of the repealed regulations and of effect immediately before the commencement day has effect as if it were a quarantine notice given under the *Biosecurity and Agriculture Management Regulations 2013*.

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217. Notices given under *Enzootic Diseases Regulations 1970* regulation 11(1)(b)

A notice given under regulation 11(1)(b) of the repealed regulations and of effect immediately before the commencement day has effect as if it were —

- (a) a direction given under section 67(1)(1) of the Act; and
- (b) a direction given under section 76(1)(a) of the Act; and
- (c) a direction given under the *Biosecurity and Agriculture Management Regulations 2013* regulation 38(1) or (2), as the case requires.

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Part 12 — Repealed Acts: transitional provisions

Division 1 — *Beekeepers Act 1963*

218. Terms used

In this Division —

commencement day means the day on which the *Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007* section 52 comes into operation;

repealed Act means the *Beekeepers Act 1963* repealed under the *Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007* section 52.

219. Beekeepers

- (1) If a person was, immediately before the commencement day, registered as a beekeeper under the repealed Act, that person is, for the purposes of these regulations, to be taken to be a registered beekeeper.
- (2) A registration as a beekeeper referred to in subregulation (1), unless sooner cancelled under these regulations, expires on the day on which the registration would have expired under the repealed Act.
- (3) Despite regulation 22 and without limiting regulation 23, if an application is made under these regulations to renew a registration referred to in subregulation (1), the Director General may —
 - (a) renew the registration for a term of 3 years; or
 - (b) if the Director General so chooses, renew the registration for a term of one or 2 years.

220. Brands

- (1) Any hive that was, immediately before the commencement day, branded with a brand registered under the repealed Act, is, for

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the purposes of these regulations, to be taken to be identified with an identifier for hives in accordance with these regulations.

- (2) If a brand was, immediately before the commencement day, a registered brand of a particular beekeeper under the repealed Act —
- (a) that brand is, for the purpose of these regulations, to be taken to be a registered identifier for hives; and
 - (b) that beekeeper is, for the purpose of these regulations, to be taken to be a registered owner of that identifier for hives.

Division 2 — *Stock (Identification and Movement) Act 1970*

221. Terms used

In this Division —

commencement day means the day on which the *Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007* section 79 comes into operation;

repealed Act means the *Stock (Identification and Movement) Act 1970* repealed under the *Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007* section 79.

222. Owners of brands

- (1) A person who was, immediately before the commencement day, the registered owner of one or more brands under the repealed Act, is, for the purposes of these regulations, to be taken to be a registered owner of stock.
- (2) A person's registration as an owner of stock referred to in subregulation (1), unless sooner cancelled under these regulations, expires when the registration of ownership of all of the brands, of which the person was the owner, would have expired under the repealed Act.

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- (3) This regulation applies, with such modifications and adaptations as are necessary, to earmarks registered under the repealed Act.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.
