



Australian Capital Territory

Animal Diseases Amendment Act 2018

A2018-28

Contents

	Page
Part 1	Preliminary
1	Name of Act 2
2	Commencement 2
3	Legislation amended 2
4	Legislation repealed 2
Part 2	Animal Diseases Act 2005
5	Dictionary 3
	Section 4, note 1 3
6	Part 4 3
7	General powers on entry to premises 44
	Section 69 (1) (e) (iii) 44

J2017-502

	Page	
8	Regulation-making power Section 90 (2) (n)	44
9	Dictionary, definition of <i>abattoir</i>	45
10	Dictionary, definition of <i>agency</i> , par (a) (i)	45
11	Dictionary, new definition of <i>agent identification code</i>	45
12	Dictionary, definition of <i>approved tag</i>	45
13	Dictionary, new definitions	45
14	Dictionary, definition of <i>holding</i>	46
15	Dictionary, new definitions	46
16	Dictionary, definition of <i>register</i>	48
17	Dictionary, new definitions	48
18	Dictionary, definition of <i>stock</i>	49
19	Dictionary, new definitions	49
20	Dictionary, definitions of <i>tag</i> , <i>tagable stock</i> and <i>tag number</i>	50
21	Dictionary, new definition of <i>transaction information</i>	50
22	Dictionary, definition of <i>travelling stock</i>	50
Part 3	Animal Diseases Regulation 2006	
23	Dictionary Section 3, note 1	51
24	Part 2 heading etc	51
25	Miscellaneous Division 2.6 (as amended)	51
26	Reviewable decisions Schedule 1, items 10 and 11	51
27	Schedule 1, items 16 to 19	52
28	Dictionary, note 3	52
29	Dictionary	52



Australian Capital Territory

Animal Diseases Amendment Act 2018

A2018-28

An Act to amend the *Animal Diseases Act 2005* and the *Animal Diseases Regulation 2006*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Animal Diseases Amendment Act 2018*.

2 Commencement

This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see [Legislation Act](#), s 79).

3 Legislation amended

This Act amends the [Animal Diseases Act 2005](#) and the [Animal Diseases Regulation 2006](#).

4 Legislation repealed

The [Animal Diseases \(Tagable Stock\) Declaration 2005 \(No 1\)](#) (DI2005-237) is repealed.

Part 2 Animal Diseases Act 2005

5 Dictionary Section 4, note 1

substitute

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition, '*identifiable stock*, for part 4 (National livestock identification system)—see section 37.' means that the term 'identifiable stock' is defined in that section for part 4.

6 Part 4

substitute

Part 4 National livestock identification system

Division 4.1 General

37 Definitions—pt 4

In this part:

agent identification code means an agent identification code allocated to an agent under—

- (a) this part; or
- (b) a related NLIS law.

camelids means members of the family *camelidae* other than vicunas or guanacos.

Note Camelids include camels, alpacas and llamas.

cattle means the following:

- (a) a member of the genus *Bos*;
- (b) American bison or buffalo (*Bison bison*);
- (c) domestic water buffalo (*Bubalus bubalis*).

equine means a member of the family *equidae*.

Note Equines include horses, donkeys, asses, mules and zebras.

identifiable stock means cattle, pigs, goats and sheep and includes a carcass of any such animal.

identifier means a tag, label, brand, mark, implant or other means of identification of stock.

large poultry means emu and ostrich.

property means an area of land (including an area comprising 1 or more parcels of land close together) worked as a single entity.

property identification code means—

- (a) in relation to a property in the ACT—the property identification code allocated to the property or premises under this part; or
- (b) in relation to a property in another jurisdiction—the property identification code allocated to the property under a related NLIS law.

related NLIS law means a law of another jurisdiction that applies the NLIS in that jurisdiction.

responsible person means—

- (a) for leased property or premises—
 - (i) the lessee of the property or premises; or

- (ii) if the lessee of the property or premises is not the occupier of the property or premises—the occupier or manager of the property or premises; and
- (b) for an area of unleased territory land that is licensed to someone—the licensee of the land; and
- (c) for an abattoir, saleyard or stock event—the operator of the abattoir, saleyard or stock event.

small poultry means chicken, turkey, guinea fowl, duck, goose, quail, pigeon, pheasant and partridge.

Division 4.2 Identification codes

38 Allocating identification codes

- (1) The chief veterinary officer may allocate a property identification code to property or premises—
 - (a) that require a property identification code under this division; or
 - (b) that are unleased territory land.
- (2) The chief veterinary officer may allocate an agent identification code to a stock and station agent.
- (3) The identification code may be allocated—
 - (a) on application under this division; or
 - (b) on the chief veterinary officer's own initiative.

39 Applying for property identification code

- (1) A responsible person may apply to the chief veterinary officer for a property identification code.
- (2) The application must include the following:
 - (a) the name and street address of the property or premises;

(b) a description of the property or premises by reference to—

- (i) district, division, section or block number; or
- (ii) ACTmapi;

Note ACTmapi is accessible at www.actmapi.act.gov.au.

(c) the full name, street address, postal address, email address and phone number of the responsible person for the property or premises.

Note A fee may be determined under s 88 for this provision.

(3) In this section:

responsible person means—

- (a) for leased property or premises—
 - (i) the lessee of the property or premises; or
 - (ii) if the lessee of the property or premises is not the occupier of the property or premises—the occupier or manager of the property or premises; and
- (b) for an area of unleased territory land—
 - (i) the custodian of the land; or
 - (ii) if the land is licensed to someone else—the licensee of the land; and
- (c) for an abattoir, saleyard or stock event—the operator of the abattoir, saleyard or stock event.

40 Responsible person for property with property identification code must update details

- (1) A person commits an offence if—
 - (a) the person is a responsible person for a property or premises that have been allocated a property identification code; and

- (b) there is a change in any of the details mentioned in section 39 (2); and
- (c) the person does not, within 14 days of the change, tell the chief veterinary officer, in writing, about the change.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

41 Applying for agent identification code

- (1) A stock and station agent may apply to the chief veterinary officer for an agent identification code.
- (2) The application must include the following:
 - (a) the name and street address in the ACT of the registered office of the agent;
 - (b) the applicant's full name, street address, postal address, email address and phone number.

Note A fee may be determined under s 88 for this provision.

42 Stock and station agent must update details of agent identification code

- (1) A stock and station agent commits an offence if—
 - (a) the agent is allocated an agent identification code; and
 - (b) there is a change in any of the details mentioned in section 41 (2); and
 - (c) the agent does not, within 14 days of the change, tell the chief veterinary officer, in writing, about the change.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

43 Transfer of identification codes

- (1) The chief veterinary officer may transfer a property identification code to another property that comprises all or part of the property or premises to which the property identification code was first allocated.
- (2) The chief veterinary officer may transfer an agent identification code to a stock and station agent if the stock and station agent has taken over the business of the stock and station agent to whom the agent identification code was first allocated.

44 Inactivation or cancellation of identification codes

- (1) This section applies if the chief veterinary officer believes on reasonable grounds that a property identification code or an agent identification code is not needed for compliance with this Act.
- (2) The chief veterinary officer may inactivate or cancel the identification code if the officer—
 - (a) gives the person who was allocated the identification code at least 15 working days to give reasons why the code should not be inactivated or cancelled; and
 - (b) takes into account the reasons given by the person.
- (3) If the chief veterinary officer inactivates or cancels an identification code, the officer must tell—
 - (a) the person who was allocated the identification code; and
 - (b) the NLIS administrator.
- (4) If an identification code is inactivated or cancelled, the chief veterinary officer may only reallocate the code in circumstances declared by the director-general.
- (5) A declaration under subsection (4) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

45 Property identification code required if certain animals kept

- (1) A person commits an offence if—
- (a) the person is a responsible person for a property; and
 - (b) the person keeps any of the following on the property:
 - (i) identifiable stock;
 - (ii) camelids;
 - (iii) deer;
 - (iv) equines;
 - (v) 100 or more small poultry;
 - (vi) 10 or more large poultry; and
 - (c) a property identification code is not allocated for the property.
- Maximum penalty: 50 penalty units.
- (2) An offence against this section is a strict liability offence.

46 Property identification code required if certain activities happen

- (1) A person commits an offence if—
- (a) the person operates any of the following on a property or premises:
 - (i) an abattoir;
 - (ii) a saleyard;
 - (iii) a stock event; and

- (b) a property identification code is not allocated for the property or premises.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

Division 4.3 Permanent identification of identifiable stock

Subdivision 4.3.1 Identifiable stock

47 When identifiable stock is *properly identified*—pt 4

- (1) Identifiable stock is *properly identified* for this part if—
 - (a) a permanent identifier is—
 - (i) properly attached to the stock; or
 - (ii) for stock born outside the ACT—attached in accordance with a related NLIS law; and
 - (b) the property identification code on the permanent identifier is the property identification code for the property or premises where the permanent identifier is attached to the stock; and
 - (c) the permanent identifier is readable and has not stopped working.

- (2) In this section:

relevant NLIS standard, for an animal, means the standard as published from time to time by the NLIS administrator for the animal.

Note The NLIS administrator publishes standards for animals at www.nlis.com.au.

properly attached, to stock, for a permanent identifier, means—

- (a) for cattle—being the only permanent identifier attached to the cattle, attached in accordance with—
 - (i) the manufacturer’s instructions; and
 - (ii) the relevant NLIS standard; and
 - (b) for sheep or goats—attached to the ear of the sheep or goat—
 - (i) in a way that allows the property identification code on the identifier to be easily read; and
 - (ii) in accordance with the manufacturer’s instructions; and
 - (iii) in accordance with the relevant NLIS standard; and
- Note* Sheep, goats and pigs may have more than 1 permanent identifier attached to them.
- (c) for pigs—
 - (i) if the permanent identifier for the pig is an NLIS device—attached in accordance with—
 - (A) the manufacturer’s instructions; and
 - (B) the relevant NLIS standard; or
 - (ii) in any other case—attached by applying the permanent identifier for pigs to 1 or more shoulders of the pig so that the characters on the brand are impressed through the skin of the pig and can be easily read.

48 Offences—identifiable stock not properly identified

- (1) A person commits an offence if—
 - (a) the person moves identifiable stock from a property or premises; and
 - (b) the movement is not an exempt movement under section 49; and

(c) the identifiable stock is not properly identified.

Maximum penalty: 50 penalty units.

(2) A person commits an offence if—

- (a) the person operates a saleyard or abattoir; and
- (b) identifiable stock is kept at the saleyard or abattoir; and
- (c) the identifiable stock is not properly identified.

Maximum penalty: 50 penalty units.

(3) A person commits an offence if—

- (a) the person owns identifiable stock; and
- (b) the identifiable stock are delivered to a saleyard or abattoir; and
- (c) the identifiable stock is not properly identified; and
- (d) the person does not immediately tell the operator of the saleyard or abattoir that the identifiable stock is not properly identified.

Maximum penalty: 50 penalty units.

(4) A person commits an offence if—

- (a) identifiable stock is at a saleyard or abattoir; and
- (b) the person does any of the following:
 - (i) sells or otherwise disposes of the stock;
 - (ii) buys or otherwise acquires the stock;
 - (iii) slaughters the stock (unless slaughter is required for humane reasons at the direction of an authorised person); and

(c) the identifiable stock is not properly identified.

Maximum penalty: 50 penalty units.

(5) A person commits an offence if—

(a) the person is in charge of identifiable stock at a saleyard or abattoir; and

(b) the identifiable stock is not properly identified; and

(c) the person does not take all reasonable steps to ensure that another person does not do any of the following:

(i) sell or otherwise dispose of the stock;

(ii) buy or otherwise acquire the stock;

(iii) slaughter the stock (unless slaughter is required for humane reasons at the direction of an authorised person).

Maximum penalty: 50 penalty units.

(6) Despite any other provision of this section, identifiable stock is not required to be properly identified after the stock is slaughtered at an abattoir.

(7) In this section:

authorised person includes either of the following:

(a) an inspector or authorised officer under the *Animal Welfare Act 1992*, division 7.2;

(b) a veterinary surgeon.

49 Exempt movements of identifiable stock

- (1) A person does not commit an offence under section 48 (1) if the person moves identifiable stock that is not properly identified from a property or premises in any of the following circumstances:
- (a) the identifiable stock is a carcass that is moved directly to—
 - (i) a waste management facility that is authorised to accept the carcass; or
 - (ii) the National Zoo and Aquarium;
 - (b) the identifiable stock (other than a pig) is moved—
 - (i) from the property on which it is located (the *first property*) to a contiguous property and returned to the first property within 2 days; or
 - (ii) from the property on which it is located (the *first property*) to a contiguous property because the stock is grazed continuously between the first property and the contiguous property; or
 - (iii) to another part of the same property by a route that requires the stock to leave the property;
 - (c) the identifiable stock is moved for display at the National Zoo and Aquarium;
 - (d) for identifiable stock that is a dairy goat or a goat that was born without ears—the identifiable stock is moved to somewhere other than a saleyard or abattoir;
 - (e) for identifiable stock that is a feral goat that has been captured from the wild—the identifiable stock is moved from the property on which it was captured to an abattoir;
 - (f) the identifiable stock being moved is a pig that will continue to be owned by the same person following the move;

- (g) the identifiable stock is moved because of an extreme emergency.

Example—extreme emergency

imminent threat arising from a bushfire or a flood

Note 1 The person may commit an offence if the chief veterinary officer is not informed of the move within 7 days (see s 50 (1)).

Note 2 The defendant has an evidential burden in relation to the matters mentioned in s (1) (see [Criminal Code](#), s 58).

Note 3 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) A person does not commit an offence under section 48 (1) if—
- (a) the person moves identifiable stock that are cattle from a property or premises; and
 - (b) either—
 - (i) the cattle have special identifiers approved or recognised by a related NLIS law; or
 - (ii) the chief veterinary officer approves the move in writing.
- (3) A person does not commit an offence under section 48 (1) if—
- (a) the person moves identifiable stock from a property or premises; and
 - (b) the chief veterinary officer approves the move in writing.

50 Offence—required information if identifiable stock moved in extreme emergency

- (1) A person commits an offence if—
- (a) the person owns identifiable stock; and
 - (b) the person moves the identifiable stock from a property or premises because of an extreme emergency; and

- (c) the identifiable stock is not properly identified; and
- (d) the person does not give the chief veterinary officer the required information within 7 days after the day the identifiable stock is moved.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) In this section:

required information means the following information given in writing or electronically:

- (a) the property identification code of the property from which the identifiable stock is moved;
- (b) the property identification code of the property to which the identifiable stock is moved;
- (c) if identifiable stock is moved to a property that does not have a property identification code—the address of the location to which the identifiable stock is moved and the name of the person receiving the identifiable stock;
- (d) the date the identifiable stock moved;
- (e) the number and a description of the identifiable stock moved.

Subdivision 4.3.2 Permanent identifiers**51 Meaning of *supply*—sdiv 4.3.2**

In this subdivision:

supply includes sale.

52 Offences—acquisition of permanent identifiers

- (1) A person commits an offence if the person—
- (a) acquires a permanent identifier; and
 - (b) is not—
 - (i) the chief veterinary officer; or
 - (ii) a responsible person for a property or premises that have a property identification code; or
 - (iii) a stock and station agent who has an agent identification code.

Maximum penalty: 50 penalty units.

- (2) The manufacturer of an NLIS device commits an offence if—
- (a) the manufacturer supplies a permanent identifier to a person; and
 - (b) the person is not—
 - (i) the chief veterinary officer; or
 - (ii) a responsible person for a property or premises that have a property identification code; or
 - (iii) a stock and station agent who has an agent identification code.

Maximum penalty: 50 penalty units.

- (3) The manufacturer of an NLIS device commits an offence if—
- (a) the manufacturer supplies a permanent identifier to a person; and
 - (b) the permanent identifier refers to a property identification code that is not active.

Maximum penalty: 50 penalty units.

52A Directions for use of permanent identifiers in saleyard or abattoir

- (1) The chief veterinary officer may give directions for the use of a permanent identifier in a saleyard or an abattoir.
- (2) A direction under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (3) A person commits an offence if the person—
- (a) is subject to a direction under subsection (1); and
 - (b) does not comply with the direction.

Maximum penalty: 50 penalty units.

52B Request for details on use and location of permanent identifier

- (1) An authorised person may—
- (a) ask the responsible person for a property or premises that have been allocated a property identification code for details about the location and use of any permanent identifier issued in relation to the property identification code (the *requested details*); and
 - (b) state a day, at least 7 days after the day of the request (the *response day*), for the person to give the requested details.

- (2) A person commits an offence if—
- (a) the person is the responsible person for a property or premises; and
 - (b) an authorised person asks the person to give the authorised person the requested details in relation to the property or premises by the response day; and
 - (c) the person fails to give the requested details to the authorised person by the response day.

Maximum penalty: 50 penalty units.

- (3) An offence against this section is a strict liability offence.

52C Records and provision of information to NLIS administrator

- (1) The manufacturer of an NLIS device commits an offence if—
- (a) the manufacturer supplies a permanent identifier; and
 - (b) the manufacturer does not keep the required supply record for the required time.

Maximum penalty: 50 penalty units.

- (2) The manufacturer of an NLIS device commits an offence if—
- (a) the manufacturer supplies a permanent identifier for cattle; and
 - (b) the manufacturer does not give the NLIS administrator, before the close of business on the next working day after the supply, the following:
 - (i) the relevant identification particulars for the cattle;
 - (ii) the date on which the permanent identifier was supplied.

Maximum penalty: 50 penalty units.

- (3) An offence against this section is a strict liability offence.

(4) In this section:

required supply record means a record of the following information about a permanent identifier kept in writing or electronically:

- (a) the date the identifier was supplied;
- (b) the number and type of identifiers supplied;
- (c) the identification code and serial number of each identifier;
- (d) the full name and street address of the person to whom each identifier was supplied;
- (e) the full name and street address of the owner of the stock for which each identifier was supplied, and in relation to that stock—
 - (i) the species of the stock; and
 - (ii) the property identification code for the property of origin of the stock (if known);
- (f) in the case of a permanent identifier for use in a saleyard or an abattoir—the reason the identifier was supplied.

required time means—

- (a) if the permanent identifier is supplied for use in a saleyard or abattoir—at least 2 years beginning on the date of the supply; and
- (b) in any other case—at least 7 years beginning on the date of the supply.

52D Alteration or removal of permanent identifier

- (1) A person commits an offence if the person alters, or allows or directs another person to alter—
 - (a) a permanent identifier; or

- (b) equipment that is used for attaching or reading a permanent identifier.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence if the person—
 - (a) removes a permanent identifier from identifiable stock; or
 - (b) directs another person to remove a permanent identifier from identifiable stock.

Maximum penalty: 50 penalty units.

- (3) Subsection (2) does not apply if—
 - (a) the stock is slaughtered at an abattoir; or
 - (b) the person is authorised by an authorised person, in writing, to remove the permanent identifier and does so in accordance with any condition stated in the authorisation; or
 - (c) the stock is dead and there is no requirement to notify the chief veterinary officer of the death; or
 - (d) if the stock are cattle—the permanent identifier could not be read electronically, a new permanent identifier is attached to the stock immediately after the removal, and information about the replacement of the identifier is given to the NLIS administrator by the earlier of—
 - (i) the next business day; and
 - (ii) the day the cattle are removed from the property.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) A person commits an offence if the person—
 - (a) knows that a permanent identifier has been altered or removed from identifiable stock; and

- (b) buys or sells the identifiable stock, or moves the stock from a property or premises.

Maximum penalty: 50 penalty units.

- (5) A person commits an offence if the person—
 - (a) removes a permanent identifier from identifiable stock (other than a pig); and
 - (b) attaches a new permanent identifier to the identifiable stock; and
 - (c) fails to give the NLIS administrator information about the new permanent identifier.

Maximum penalty: 50 penalty units.

- (6) This section does not apply to the removal of a permanent identifier by any of the following:
 - (a) an authorised person;
 - (b) an authorised officer under the *Food Act 2001*;
 - (c) an inspector or authorised officer under the *Animal Welfare Act 1992*;
 - (d) a registered veterinary practitioner, if the removal is in relation to medical treatment of the identifiable stock.

- (7) In this section:
alter includes deface.

52E Improper use of permanent identifiers

- (1) A person commits an offence if—
 - (a) the person attaches a permanent identifier to identifiable stock; and

- (b) the permanent identifier has previously been attached to other stock.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence if—
 - (a) the person attaches a permanent identifier to identifiable stock; and
 - (b) the attachment of the permanent identifier will result in the stock not being properly identified.

Maximum penalty: 50 penalty units.

- (3) A person commits an offence if—
 - (a) the person attaches a permanent identifier to cattle; and
 - (b) the cattle are already properly identified.

Maximum penalty: 50 penalty units.

52F Destruction of permanent identifiers removed from slaughtered stock

The operator of an abattoir commits an offence if—

- (a) a permanent identifier is removed from identifiable stock slaughtered at the abattoir; and
- (b) the permanent identifier is not disposed of in a way that ensures the identifier is unable to be used or attached to identifiable stock.

Maximum penalty: 20 penalty units.

52G Manufacture, sale, supply and use of counterfeit identifiers

- (1) A person commits an offence if the person—
- (a) makes, supplies or uses anything that could reasonably be mistaken for a permanent identifier; and
 - (b) knows that the thing may be attached to identifiable stock.

Maximum penalty: 50 penalty units.

- (2) This section does not apply if the person did not know, and could not reasonably be expected to have known, that the thing the person made, supplied or used could reasonably be mistaken for a permanent identifier.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

52H Loss or theft of unattached permanent identifier for cattle

- (1) A person commits an offence if—
- (a) the person is the responsible person for a property; and
 - (b) a permanent identifier is issued for cattle on the property but is not attached to cattle; and
 - (c) the permanent identifier is lost or stolen; and
 - (d) the person does not give the NLIS administrator the following information, in writing, within 7 days after the day the person became aware of the loss or theft:
 - (i) notice that the permanent identifier is lost or stolen;
 - (ii) the date the permanent identifier was lost or stolen (or the date the person became aware of the loss);

- (iii) the relevant identification particulars contained on or in the permanent identifier.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply in relation to a person if the person knows another person has provided the information to the NLIS administrator.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

Division 4.4 Information requirements—stock transactions

Subdivision 4.4.1 Provisions applying to all identifiable stock

52I Meaning of *delivery information*—sdiv 4.4.1

In this subdivision:

delivery information, in relation to identifiable stock, means the following information:

- (a) the kind of stock and the number of each kind of stock;
- (b) the date the stock left the previous property;
- (c) the property identification code of the previous property;
- (d) the serial number of any NLIS movement document created in relation to the delivery of the stock;
- (e) for pigs, sheep or goats—
 - (i) the relevant identification particulars for the pigs, sheep or goats; and
 - (ii) whether the pigs, sheep or goats were bred on the previous property;

- (f) a completed delivery declaration that includes the following:
 - (i) the name and signature of the owner of identifiable stock who is making the declaration;
 - (ii) the day on which the declaration is made;
 - (iii) the property identification code of the property to which the stock is to be delivered (or if the code is not known or readily available, the name and address of the person to whom the stock are to be delivered).

Note A relevant NLIS movement document will contain some or all of the delivery information.

52J Owner of identifiable stock must prepare and retain delivery information etc

- (1) An owner of identifiable stock commits an offence if—
 - (a) the owner’s identifiable stock is delivered to another person; and
 - (b) the owner does not prepare the delivery information in relation to the stock before the stock is delivered.

Maximum penalty: 50 penalty units.

- (2) An owner of identifiable stock commits an offence if—
 - (a) the owner’s identifiable stock is to be delivered to another person; and
 - (b) the owner does not give the delivery information in relation to the stock to the person who is to deliver the stock when the person is given the stock to deliver.

Maximum penalty: 50 penalty units.

- (3) An owner of identifiable stock commits an offence if—
 - (a) the owner’s identifiable stock is delivered to another person; and

- (b) the owner does not keep, for at least 7 years after the delivery of the identifiable stock, the following:
 - (i) the delivery information in relation to the stock;
 - (ii) if the stock is delivered to an abattoir or to a stock and station agent for sale—the property identification code or address of the abattoir or saleyard.

Maximum penalty: 50 penalty units.

52K Delivery information—stock and station agents and saleyards

- (1) A person commits an offence if the person—
 - (a) delivers identifiable stock to a stock and station agent; and
 - (b) does not give the delivery information in relation to the stock to the stock and station agent.

Maximum penalty: 50 penalty units.

- (2) A stock and station agent commits an offence if the agent—
 - (a) sells or otherwise disposes of identifiable stock; and
 - (b) does not have the delivery information in relation to the identifiable stock.

Maximum penalty: 50 penalty units.

- (3) A person commits an offence if the person—
 - (a) takes possession of identifiable stock from a stock and station agent; and
 - (b) does not immediately give the stock and station agent the following information (the *post-sale information*):
 - (i) if the stock is to be sent to a property—the property identification code of the property;

- (ii) if another stock and station agent is to take possession of the stock—the agent identification code of the other stock and station agent.

Maximum penalty: 50 penalty units.

- (4) A stock and station agent commits an offence if the agent—
 - (a) sells or otherwise disposes of identifiable stock; and
 - (b) does not keep the following information in relation to the sale or disposal for at least 2 years:
 - (i) the delivery information in relation to the identifiable stock;
 - (ii) the property identification code or address of the saleyard at which the identifiable stock was sold or otherwise disposed of;
 - (iii) the post-sale information.

Maximum penalty: 50 penalty units.

- (5) A stock and station agent commits an offence if the agent—
 - (a) sells identifiable stock to a person; and
 - (b) does not, within 7 days after the day of the sale, give the person the following information:
 - (i) the delivery information in relation to the identifiable stock;
 - (ii) the property identification code or address of the saleyard at which the stock was sold.

Maximum penalty: 50 penalty units.

- (6) A person commits an offence if the person—
 - (a) is given the information mentioned in subsection (5); and

- (b) does not keep the information for at least 7 years after the day the information was given.

Maximum penalty: 50 penalty units.

- (7) A stock and station agent commits an offence if the agent does not, at least once in each week in which the agent transfers stock—
 - (a) reconcile the number of living stock linked to the agent's agent identification code on the NLIS database; and
 - (b) record the transfer of the stock from the agent's agent identification code to the property identification code of the property or premises to which the stock was delivered; and
 - (c) give the information to the NLIS administrator.

Maximum penalty: 50 penalty units.

- (8) A stock and station agent commits an offence if the agent—
 - (a) takes delivery of, sells or otherwise disposes of identifiable stock (other than pigs) at a saleyard; and
 - (b) does not, by close of business on the day of the delivery, sale or other disposal, give the operator of the saleyard the following information:
 - (i) the delivery information in relation to the identifiable stock;
 - (ii) the post-sale information given to the agent in relation to the stock.

Maximum penalty: 50 penalty units.

- (9) An operator of a saleyard commits an offence if the operator—
 - (a) is given the information mentioned in subsection (8); and

- (b) does not keep the information for at least 2 years after the day the information is given.

Maximum penalty: 50 penalty units.

52L Delivery information—farm properties

- (1) A person commits an offence if the person—
 - (a) delivers identifiable stock to a farm property; and
 - (b) does not give the delivery information in relation to the identifiable stock to the person taking charge of the stock at the farm property.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply if the identifiable stock—
 - (a) is delivered to the farm property because the stock is being transferred from one vehicle to another in the course of being transported; and
 - (b) is on the farm property for less than 24 hours.
- (3) A person commits an offence if the person—
 - (a) is given the information mentioned in subsection (1); and
 - (b) is not the owner of the identifiable stock; and
 - (c) does not immediately give the information to the owner of the identifiable stock.

Maximum penalty: 50 penalty units.

- (4) An owner of identifiable stock commits an offence if the owner does not keep the delivery information for at least 7 years after the day the stock is delivered.

Maximum penalty: 50 penalty units.

52M Delivery information—stock events

- (1) A person commits an offence if the person—
- (a) delivers identifiable stock to a property or premises for a stock event; and
 - (b) does not give the delivery information to the operator of the stock event.

Maximum penalty: 50 penalty units.

- (2) The operator of a stock event commits an offence if the operator does not keep the delivery information for at least 2 years after the day the identifiable stock is delivered.

Maximum penalty: 50 penalty units.

- (3) The operator of a stock event commits an offence if the operator does not, within 7 days after the end of the event—

- (a) reconcile the number of living stock linked to the operator's property identification code on the NLIS database with the number of living stock remaining on the property or premises at the end of the event; and

- (b) give the information to the NLIS administrator.

Maximum penalty: 50 penalty units.

Subdivision 4.4.2 Reporting to the NLIS administrator

52N Application—sdiv 4.4.2

This subdivision does not apply in relation to transactions involving pigs.

52O Meaning of *transaction information*—sdiv 4.4.2

In this subdivision:

transaction information, for a reportable transaction, means the following:

- (a) the kind of transaction;
- (b) the date of the transaction;
- (c) the relevant identification particulars for the stock involved in the transaction;
- (d) the serial number of any NLIS movement document created in relation to the transaction;
- (e) if the transaction is a reportable transaction at a property other than a saleyard or abattoir—the property identification code of the property;
- (f) if the transaction is a reportable transaction at a saleyard or abattoir—
 - (i) the property identification code of the saleyard or abattoir; or
 - (ii) any other unique code or number assigned to the saleyard or abattoir by the NLIS administrator;
- (g) the property identification code of the previous property;

- (h) for sheep or goats—
 - (i) the number of sheep or goats involved in the transaction; and
 - (ii) whether the sheep or goats were bred on the previous property.

52P Reportable transactions—saleyards

- (1) The operator of a saleyard commits an offence if—
 - (a) a reportable transaction happens at the saleyard; and
 - (b) the operator does not give the NLIS administrator the required information in relation to the reportable transaction in the required time.

Maximum penalty: 50 penalty units.

- (2) The operator of a saleyard commits an offence if—
 - (a) cattle, sheep or goats are sold at the saleyard; and
 - (b) by close of business on the day of the sale, the operator does not make a record of the number of cattle, sheep and goats sold at the saleyard.

Maximum penalty: 50 penalty units.

- (3) The operator of a saleyard commits an offence if the operator does not keep the information recorded under subsection (2) for at least 2 years after the day the stock is sold.

Maximum penalty: 50 penalty units.

- (4) In this section:

reportable transaction means—

- (a) the sale of identifiable stock at a saleyard; or
- (b) the movement of unsold identifiable stock from a saleyard.

required information, in relation to a reportable transaction, means the following:

- (a) the transaction information for the reportable transaction;
- (b) if the stock involved in the transaction was held by a stock and station agent before being sent to the saleyard—the agent identification code of the agent;
- (c) if a stock and station agent has taken possession of the stock involved in the transaction—the agent identification code of the agent;
- (d) if the stock involved in the transaction is to be sent to a property—the property identification code of the property;
- (e) if the identifiable stock involved in the transaction are sheep or goats—a copy of any NLIS movement document created in relation to the transaction.

required time means—

- (a) if the identifiable stock are cattle and the reportable transaction is the sale of the cattle for slaughter at an abattoir—by the close of business of the saleyard on the day of the sale; or
- (b) in any other case—by the close of business of the saleyard on the next working day after the reportable transaction happens.

52Q Reportable transactions—stock and station agents

- (1) A stock and station agent commits an offence if—
 - (a) a reportable transaction happens in relation to the agent; and
 - (b) the agent does not give the NLIS administrator the required information in relation to the reportable transaction within 2 days after the day the reportable transaction happens.

Maximum penalty: 50 penalty units.

- (2) A stock and station agent commits an offence if—
- (a) a reportable transaction happens in relation to the agent on a day; and
 - (b) by close of business on the day of the reportable transaction, the agent does not record the following in relation to the identifiable stock involved in the transaction:
 - (i) the relevant identification particulars;
 - (ii) if the stock are sheep or goats—the number of sheep and goats;
 - (iii) each movement of the stock from the time the stock left the previous property until the stock arrived at the receiving property, including the property identification code of each property at which the stock was held during that time.

Maximum penalty: 50 penalty units.

- (3) A stock and station agent commits an offence if the agent does not keep a record of the information recorded under subsection (2) for at least 2 years after the day the reportable transaction happens.

Maximum penalty: 50 penalty units.

- (4) In this section:

reportable transaction, in relation to a stock and station agent, means the delivery of identifiable stock to the agent.

required information, in relation to a reportable transaction, means the following:

- (a) the transaction information for the reportable transaction;
- (b) the stock and station agent's agent identification code;

- (c) if the stock and station agent is in possession of the stock involved in the transaction—the property identification code of the property at which the stock is held;
- (d) if the stock and station agent is not in possession of the stock involved in the transaction—
 - (i) the property identification code of the property to which the stock was moved; and
 - (ii) the date on which the stock was moved.

52R Reportable transactions—farm property

- (1) The owner of identifiable stock commits an offence if—
 - (a) the identifiable stock is involved in a reportable transaction at a farm property; and
 - (b) the owner does not give the NLIS administrator the transaction information for the reportable transaction in relation to the reportable transaction within the required time.

Maximum penalty: 50 penalty units.

- (2) In this section:

reportable transaction means the movement of identifiable stock to a farm property unless the stock is moved—

- (a) directly to the farm property from a saleyard; or
- (b) directly to the farm property from a stock and station agent; or
- (c) for a stock event being held on the farm property.

required time means the earlier of—

- (a) 2 days after the reportable transaction happens; and
- (b) the day the identifiable stock involved in the transaction is moved from the farm property.

52S Reportable transactions—stock event

- (1) The operator of a stock event involving identifiable stock (other than cattle that are at a stock event property for less than 3 days) commits an offence if—
- (a) a reportable transaction happens for the stock event; and
 - (b) the operator does not give the NLIS administrator the following information within 2 days after the reportable transaction happens:
 - (i) the transaction information for the reportable transaction;
 - (ii) if the reportable transaction is the movement of identifiable stock from the stock event property—the property identification code of the property to which the stock is moved.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence if the person—
- (a) moves identifiable stock involved in a stock event from a stock event property; and
 - (b) does not give the property identification code of the property to which the stock is moved to the operator of the stock event.

Maximum penalty: 50 penalty units.

- (3) The operator of a stock event involving cattle that are at a stock event property for less than 3 days commits an offence if—
- (a) a reportable transaction happens in relation to the cattle; and
 - (b) the operator does not give the NLIS administrator the following information within 2 days after the reportable transaction happens:
 - (i) the relevant identification particulars for the cattle;
 - (ii) the day or days the cattle are at the stock event;

- (iii) the property identification code of the property on which the stock event is held;
- (iv) the serial number of any NLIS movement document created in relation to the transaction.

Maximum penalty: 50 penalty units.

- (4) In this section each of the following is a *reportable transaction* for a stock event:
- (a) the movement of identifiable stock to the stock event property for the stock event;
 - (b) the movement of identifiable stock involved in the stock event from the stock event property.

52T Reporting to NLIS administrator about live export

The owner of identifiable stock commits an offence if—

- (a) the identifiable stock is sent for overseas export; and
- (b) the owner does not give the NLIS administrator the following information within 2 days after the identifiable stock leaves the ACT for export:
 - (i) that the stock has been sent for overseas export;
 - (ii) the date the stock was sent for overseas export;
 - (iii) the relevant identification particulars for the stock;
 - (iv) the property identification code of the property at which the stock was held immediately before being sent for overseas export.

Maximum penalty: 50 penalty units.

52U Reporting to NLIS administrator about death of cattle

- (1) The operator of a saleyard commits an offence if—
- (a) cattle at the saleyard die; and
 - (b) the operator does not give the NLIS administrator the required information by close of business on the next working day after the death of the cattle.

Maximum penalty: 50 penalty units.

- (2) A stock and station agent commits an offence if—
- (a) cattle held by the stock and station agent die; and
 - (b) the agent does not give the NLIS administrator the required information by close of business on the next working day after the death of the cattle.

Maximum penalty: 50 penalty units.

- (3) In this section:

required information means the following:

- (a) that the cattle have died;
- (b) the date of the death (or if this is not known, the date the person became aware of the death);
- (c) the relevant identification particulars for the cattle.

Division 4.5 Registers**52V Purposes of registers**

Registers under this division are kept for the following purposes:

- (a) to facilitate and assist the operation of the stock identification schemes established under this Act;
- (b) to protect public health and safety;

- (c) to assist in controlling disease and residues in stock and animal products;
- (d) to assist in ascertaining the disease and residue risk or status of stock and related animal products;
- (e) to facilitate the determination of ownership of stock and related animal products;
- (f) to assist in tracing the movement of stock and related animal products;
- (g) to assist in the investigation of the loss or theft of stock;
- (h) to facilitate the dissemination of information in relation to the production and marketing of stock or related animal products;
- (i) to assist in the assessment and management of the welfare of animals;
- (j) to assist with the management of land used by stock.

52W Territory register

- (1) The director-general must keep a register (the *territory register*) that contains the following:
 - (a) the status and particulars of each property identification code allocated to a property or premises by the chief veterinary officer including the following:
 - (i) the name and street address of the property or premises;
 - (ii) a description of the property or premises by reference to—
 - (A) district, division, section or block number; or
 - (B) ACTmapi;

Note ACTmapi is accessible at www.actmapi.act.gov.au.

- (iii) the full name, street address, postal address, email address and phone number of the responsible person for the property or premises;
 - (b) the status and particulars of each agent identification code allocated to a stock and station agent by the chief veterinary officer including the following:
 - (i) the name and street address of the registered office of the stock and station agent;
 - (ii) the full name, street address, postal address, email address and phone number of the stock and station agent;
 - (c) anything else the director-general considers relevant, having regard to section 52V.
- (2) The director-general must give the information contained in the territory register to the NLIS administrator within 7 days after the day a request for the information is received from the NLIS administrator.
- (3) The director-general may give the information contained in the territory register to a person in another jurisdiction administering a related NLIS law if satisfied that the information is to be used for the administration of the related NLIS law.
- (4) In this section:
- responsible person***, for a property or premises, means—
- (a) for leased property or premises—
 - (i) the lessee or manager of the property or premises; or
 - (ii) if the lessee of the property or premises is not the occupier of the property or premises—the occupier or manager of the property or premises; and
 - (b) for an area of unleased territory land—
 - (i) the custodian of the land; or

- (ii) if the land is licensed to someone else—the licensee of the land; and
- (c) for an abattoir, saleyard or stock event—the operator of the abattoir, saleyard or stock event.

52X NLIS register

- (1) The NLIS administrator must keep a register (the *NLIS register*) of the information that is given to the NLIS administrator under this Act.
- (2) The NLIS administrator must, if asked—
 - (a) allow an authorised person to have access at any time to the information contained in the NLIS register free of charge; and
 - (b) give the information to the authorised person in the way and time requested by the person.
- (3) In this section:
authorised person—
 - (a) means an authorised person appointed under section 64; and
 - (b) includes any of the following:
 - (i) the director-general;
 - (ii) an authorised officer under the *Food Act 2001*;
 - (iii) an inspector or authorised officer under the *Animal Welfare Act 1992*.

Division 4.6 Miscellaneous

52Y Provision of information to NLIS administrator etc

- (1) A person who is required to give information to the NLIS administrator under this Act may be required to give the information in an electronic form that allows it to be readily uploaded to the NLIS register or in any other form approved by the NLIS administrator.
- (2) A person who is required to give information under this Act to another person (not being the NLIS administrator) must give the information in a way approved by the director-general.
- (3) The operator of a business that is required to give information to the NLIS administrator under this Act must ensure that systems are in place to ensure that—
 - (a) the information given is accurate; and
 - (b) any inaccurate information is promptly corrected.
- (4) In this section:
NLIS register—see section 52X.

52Z Inspection of slaughtered stock

- (1) The chief veterinary officer may inspect the carcass of an animal that has been slaughtered at an abattoir.
- (2) Without limiting subsection (1), if the chief veterinary officer believes on reasonable grounds that appropriate health standards for the animal have not been met, the chief veterinary officer may—
 - (a) take samples or seize the carcass for testing or other investigation of the health of the animal; or
 - (b) direct the person in charge of the abattoir to do anything to the carcass to enable investigation of the health of the animal; or

- (c) dispose of the carcass; or
 - (d) direct the person in charge of the abattoir to dispose of the carcass as directed.
- (3) A person commits an offence if the person fails to take all reasonable steps to comply with a direction given to the person under subsection (2) (b) or (d).

Maximum penalty: 50 penalty units.

52ZA Evidentiary certificates

- (1) In a proceeding for an offence against this part, a certificate signed by the chief veterinary officer stating either of the following is evidence of the matters stated:
- (a) a property identification code has or has not been allocated to a property or premises;
 - (b) an agent identification code has or has not been allocated to a stock and station agent.
- (2) Without limiting subsection (1), a certificate may state a matter by reference to a date or period.

7 General powers on entry to premises Section 69 (1) (e) (iii)

substitute

- (iii) identifiable stock;

8 Regulation-making power Section 90 (2) (n)

substitute

- (n) requirements for NLIS and permanent identifiers;

9 Dictionary, definition of *abattoir*

omit

10 Dictionary, definition of *agency*, par (a) (i)

omit

an administrative unit

substitute

a department

11 Dictionary, new definition of *agent identification code*

insert

agent identification code, for part 4 (National livestock identification system)—see section 37.

12 Dictionary, definition of *approved tag*

omit

13 Dictionary, new definitions

insert

breeder device means an identifier containing the property identification code of the property on which the stock that is to carry the identifier was born.

camelids, for part 4 (National livestock identification system)—see section 37.

cattle, for part 4 (National livestock identification system)—see section 37.

delivery information, in relation to identifiable stock, for subdivision 4.4.1 (Provisions applying to all identifiable stock)—see section 52I.

equine, for part 4 (National livestock identification system)—see section 37.

farm property—

- (a) means a property for which a property identification code may be allocated; but
- (b) does not include—
 - (i) an abattoir; or
 - (ii) a saleyard; or
 - (iii) a property for which a property identification code may be allocated only because a stock event is held on the property.

14 Dictionary, definition of *holding*

omit

15 Dictionary, new definitions

insert

identifiable stock, for part 4 (National livestock identification system)—see section 37.

identifier, for part 4 (National livestock identification system)—see section 37.

large poultry, for part 4 (National livestock identification system)—see section 37.

NLIS means the national livestock identification system for identifying and tracing identifiable stock agreed to by the Commonwealth and the States under a resolution of the Primary Industries Ministerial Council of 2 October 2003.

NLIS administrator means Integrity Systems Company Limited (ACN 134 745 038).

NLIS device means a breeder device or post breeder device that is fully or conditionally accredited by the NLIS administrator as a permanent identifier for a particular species of stock.

NLIS movement document means the following:

- (a) for identifiable stock other than pigs—a national vendor declaration and waybill approved from time to time by SAFEMEAT (being the entity formed between industry and Australian governments to ensure the safety and hygiene of red meat and livestock) and Meat and Livestock Australia;
- (b) for pigs—a national vendor declaration (PigPass) approved by Australian Pork Limited;
- (c) a post-sale summary that contains the transaction information;
- (d) an exhibitor entry or registration form for an agricultural show that contains the delivery information.

permanent identifier means:

- (a) for cattle, sheep or goats—an NLIS device; or
- (b) for pigs weighing 25kg or less—an NLIS device; or
- (c) for pigs weighing more than 25kg—
 - (i) an NLIS device; or
 - (ii) a permanent identifier for pigs.

permanent identifier for pigs means a carbon based ink or paste brand—

- (a) containing the final 6 characters of the property identification code of the property on which the brand is applied—
 - (i) that is no more than 53mm wide; and
 - (ii) that has the characters set out on 2 equal rows one above the other; and

- (iii) that is applied so the characters are clearly visible and are at least 20mm high with spaces between those characters of between 2mm and 3mm; or

(b) in a form approved by the chief veterinary officer.

post breeder device means an identifier containing the property identification code of a property other than the property on which the stock that is to carry the identifier was born.

previous property, in relation to identifiable stock, means the last farm property at which the stock was held.

properly identified, for part 4 (National livestock identification system)—see section 47.

property for part 4 (National livestock identification system)—see section 47.

property identification code, for part 4 (National livestock identification system)—see section 37.

16 Dictionary, definition of *register*

omit

17 Dictionary, new definitions

insert

related NLIS law, for part 4 (National livestock identification system)—see section 37.

relevant identification particulars means—

(a) for cattle—

- (i) the property identification code of each property in relation to which the cattle have been (or are required to be) permanently identified; and

- (ii) information allowing each animal to be individually identified; and
- (b) for sheep, goats or pigs—the property identification code of each property in relation to which the sheep, goats or pigs have been (or are required to be) permanently identified.

responsible person, for part 4 (National livestock identification system)—see section 37.

saleyard means premises on which identifiable stock is sold by public auction.

small poultry, for part 4 (National livestock identification system)—see section 37.

18 Dictionary, definition of *stock*

omit

19 Dictionary, new definitions

insert

stock and station agent means a person who holds a licence as a stock and station agent under the [Agents Act 2003](#) or a corresponding law.

stock event means an event that involves identifiable stock being kept at premises for the purposes of an exhibition or competition.

Example—stock event

an agricultural show

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

supply, for subdivision 4.3.2 (Permanent identifiers)—see section 51.

20 Dictionary, definitions of *tag*, *tagable stock* and *tag number*

omit

21 Dictionary, new definition of *transaction information*

insert

transaction information, for a reportable transaction, for subdivision 4.4.2 (Reporting to the NLIS administrator)—see section 52O.

22 Dictionary, definition of *travelling stock*

omit

holding

substitute

property

Part 3 Animal Diseases Regulation 2006

23 Dictionary Section 3, note 1

substitute

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere in this regulation.

For example, the signpost definition, '*brood*, for part 4 (Honey bees)—see section 47.' means that the term 'brood' is defined in that section for part 4.

24 Part 2 heading etc

omit

- part 2 heading
- divisions 2.1 to 2.5
- sections 35 to 37

25 Miscellaneous Division 2.6 (as amended)

relocate as part 5

26 Reviewable decisions Schedule 1, items 10 and 11

substitute

10	Act, 38 (1)	fail to allocate property identification code	applicant for property identification code
11	Act, 38 (2)	fail to allocate agent identification code	applicant for agent identification code

11A	Act, 44 (2)	inactivate or cancel property identification code or agent identification code	holder of identification code
-----	-----------------------------	--	-------------------------------

27 Schedule 1, items 16 to 19

omit

28 Dictionary, note 3

omit

- approved tag
- holding
- register
- tag
- tagable stock

29 Dictionary

omit the definitions of

approved manufacturer

approved NLIS device

authorised administrator

corresponding law

identification particulars

NLIS

NLIS device

property identification code

stock and station agent

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 7 June 2018.

2 Notification

Notified under the [Legislation Act](#) on 15 August 2018.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Animal Diseases Amendment Bill 2018, which was passed by the Legislative Assembly on 2 August 2018.

Clerk of the Legislative Assembly

© Australian Capital Territory 2018