

Biosecurity (Biosecurity (National Livestock Identification System) Regulation) 2025

Subordinate law SL2025–2

made under the

Biosecurity Act 2023, section 234 (regulation-making power)

EXPLANATORY STATEMENT

This explanatory statement relates to the **Biosecurity (National Livestock Identification System) Regulation 2025** (regulation) as presented to the Legislative Assembly. It has been prepared to assist the reader of the regulation. It does not form part of the regulation and has not been endorsed by the Legislative Assembly.

The statement must be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

The regulation **is** a Significant Regulation. Significant Regulations are regulations that have been assessed as likely to have significant engagement of one or more human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

1.0 THE BIOSECURITY SYSTEM

1.1 Risks and opportunities

The Australian Capital Territory (ACT) is a small jurisdiction and covers a total area of 235,829 hectares consisting of:

- 53% conservation areas
- 21% rural areas and
- 26% urban areas.

It is geographically encircled by New South Wales (NSW) and faces unique challenges in maintaining its biosecurity programs. Enhanced inter-operability and cohesion with the NSW biosecurity system is an important feature of delivering effective and efficient biosecurity responses.

As the ACT's economy grows and diversifies, the ACT Government has invested in encouraging businesses and industries to establish and operate in the Territory. This includes promoting expansion in the agricultural, hospitality and tourism sectors. Canberra also hosts an international airport which has the potential to develop into an important regional hub for commerce and passenger travel. Being able to harness all these opportunities depends upon a reliant operating environment which fosters trust and confidence in the ACT's ability to effectively manage and respond to current and emerging biosecurity risks and threats. A modern and responsive biosecurity legislative framework needs to support the ACT biosecurity system when faced with the full spectrum of plausible biosecurity scenarios, ranging from small scale incidents with limited individual impact to industry-wide incidents with multi-billion dollar impacts.

1.2 A nationally integrated biosecurity system

Biosecurity is a critical part of Australia's efforts to prevent, respond to and recover from plant and animal pests and diseases that threaten the economy, environment and community. It plays an important role in safeguarding the health, lifestyle, culture and values of the community. Biosecurity also protects national agriculture, forestry and fisheries export industries worth \$51 billion, a tourism sector worth \$50 billion, environmental assets worth more than \$5.7 trillion, and more than 1.6 million jobs. If biosecurity is not pro-actively and effectively managed, it could pose significant economic and environmental risks to affected sectors and the broader community. As such, biosecurity is a matter of national significance.

The Australian Government, states and territories operate under an integrated national biosecurity system. This system involves biosecurity measures applied across the biosecurity continuum: offshore (pre-border), at the border, and onshore (post-border). The ACT biosecurity system is part of border (Canberra Airport) and onshore (post-border) biosecurity. The ACT Government recognises Territorians depend on and benefit from pre-border, border and post-border biosecurity risk management measures implemented as part of the national biosecurity system.

The national system is underpinned by the *Biosecurity Act 2015* (C'th).

1.3 The international biosecurity setting

The Australian Government's commitment and investment in biosecurity provides a robust policy and legislative framework to inform and support management of biosecurity risks and threats across the biosecurity continuum. This framework is underpinned by international legal instruments, agreements and their related standards, texts and definitions. They include the Sanitary and Phytosanitary Agreement (SPS Agreement), and to some extent the Agreement on Technical Barriers to Trade, the Convention on Biological Diversity and its Cartagena Protocol on Biosafety, and the International Health Regulations. This international legal

platform provides an agreed global system of risk analysis principles, notification procedures and information exchange to provide consistent safeguards in relation to food safety, human/animal/plant health, and protection of the environment and biological diversity.

Biosecurity threats to Australia, and hence to the ACT, are increasing in frequency and complexity, and are requiring more resources to manage as highlighted through issues such as the:

- detection of Japanese encephalitis virus, which also has human-health impacts;
- failure to eradicate Varroa mite;
- spreading of Red Imported Fire Ants to New South Wales;
- detection of Polyphagous shot-hole borer in Western Australia;
- ongoing, uncontrolled outbreaks of Lumpy skin disease (LSD) and Foot and mouth disease (FMD) in Indonesia;
- detection of African horse sickness in Malaysia and Thailand; and
- ongoing outbreaks of highly pathogenic avian influenza (also known as Bird flu) in Antarctica, Asia, Europe, Africa and North America.

Mitigating these and other biosecurity risks within the ACT and Australia is essential for the wellbeing of our communities, economy and environment.

1.4 Biosecurity legislation in the ACT

The ACT Legislative Assembly passed the *Biosecurity Act 2023* (Biosecurity Act) on 15 November 2023. It repeals the *Pest Plants and Animals Act 2005*, *Animal Diseases Act 2005* and *Plant Diseases Act 2002*. The Biosecurity Act updates the Territory's legislative framework in line with national standards and requirements, international obligations, and local and regional operational needs. The *Biosecurity Legislation Amendment Act 2024* was notified on 19 April 2024 to support the implementation of the Biosecurity Act.

The biosecurity regulations form part of subordinate laws to give effect to the Biosecurity Act and include the:

- *Biosecurity Regulation 2025*;
- *Biosecurity (National Livestock Identification System) Regulation 2025*; and
- *Magistrate's Court (Biosecurity Infringement Notices) Regulation 2025*.

2.0 THE NATIONAL LIVESTOCK IDENTIFICATION SYSTEM (NLIS)

2.1 What is the NLIS?

The National Livestock Identification System (NLIS) forms part of Australia's response to disease control, food safety and market access. It includes mandatory requirements for recording movements of specified animals that constitute the

livestock industry. It is a ISO9001 certified, nationally-implemented traceability scheme providing a life history of an animal's movements through the supply chain. It protects Australia's \$16 billion livestock industry and functions through an established framework which consists of three key areas:

- Individual animal/ mob-based identification – e.g. Radio frequency identification tag (RFID), visual tag or brand
- Identification of the physical location of the animal using a property identification code (PIC) and
- NLIS Database (also known as the NLIS register) – where information is stored and correlated.

Maintaining up to date records of the location and movement of identifiable stock is fundamental to the NLIS's role within the national biosecurity system. The NLIS helps ensure biosecurity and food safety risks in Australian livestock can be quickly detected and managed to minimise harm and costs, safeguard consumers, and maintain Australia's global reputation as a producer of high quality and safe livestock and livestock industry products. It contributes to the operation of Australia's Emergency Animal Disease Response Agreement (EADRA), to which all states and territories are signatories, and helps minimise international trade losses, domestic market disruptions and production losses.

Given it is a national scheme, the operation of the NLIS in the ACT must reflect the broader interests of Australians and Australian industries to ensure that the ACT does not compromise the function and effectiveness of the system. For more information about NLIS visit the NLIS administrator website: [Integrity Systems](#)

2.2 Regulating the NLIS in the ACT

The regulation mirrors and replaces provisions in Part 4 of the *Animal Diseases Act 2002*. It has been drafted to meet requirements of the national system and reflect industry expectations. It also allows for flexibility, proportionality and reasonableness based on relative biosecurity risks and impacts consistent with the ACT's biosecurity system, human rights objectives and broader legislative framework without compromising the integrity of the operation of the national system.

3.0 CONSULTATION ON THE PROPOSED APPROACH

The Australian Government Department of Agriculture, Fisheries and Forestry, NSW Department of Primary Industries and Regional Development and relevant ACT Government Environment, Planning and Sustainable Development directorate staff were consulted on the development of the regulation to ensure national obligations and standards, and regional implementation requirements were met. Meat and Livestock Australia was notified of the legislative review and the proposed regulatory framework and had no comment.

Consultation with the Parliamentary Counsel's Office and Legislation, Policy and Programs (ACT Government Justice and Community Safety Directorate) informed

the development of civil and criminal offence provisions, to ensure consistency with the ACT's civil and criminal law frameworks and guiding principles, and the requirements of the *Human Rights Act 2004*. Economic and Regulatory Policy (ACT Government Treasury) was consulted for advice on the requirements for a regulatory impact statement. Policy and Cabinet Division (ACT Government Chief Minister, Treasury and Economic Development Directorate) was consulted on the broader policy implications of the regulation.

4.0 REGULATORY IMPACT

A regulatory impact statement (RIS) is not required as the regulation does not impose any new obligations that are likely to result in appreciable costs on the community, or part of the community. The regulation gives effect to aspects of the Biosecurity Act related to operationalising a national traceability scheme which has been in operation since 2002. The *Legislation Act 2001* advises a RIS is not required in circumstances involving the adoption of a national standard.

5.0 CLIMATE IMPACT

There are no climate change impacts arising from the regulation. The regulation gives effect to an existing national traceability scheme for specified livestock.

6.0 CONSISTENCY WITH HUMAN RIGHTS

6.1 Human rights overview

During the development of the regulation, due regard was given to its compatibility with human rights as set out in the *Human Rights Act 2004* (HR Act).

An assessment of the regulation against section 28 of the HR Act is provided below. Section 28 provides that human rights are subject only to reasonable limits set by laws that can be demonstrably justified in a free and democratic society. However, the reasonable limits test may not require the adoption of the least restrictive means identified, but rather that when determining the reasonableness of the relevant limitation, it is sufficient that the means adopted falls within a range of reasonable responses to the problem confronted.

The focus of biosecurity is through preventative risk management. Its proactive and collaborative approach enables early response efforts and risk mitigation measures which can significantly reduce overall costs, harm, and losses, thereby benefitting the government, environment, economy and community. This approach, established through agreed international biosecurity laws and associated multilateral agreements, and their risk management frameworks, standards and protocols, is in place to enable and facilitate biosecure global trade and market access.

Notably, biosecurity measures are not designed in themselves to affect humans, but rather to address biosecurity risks to the environment, economy and community from pest plants, pest animals, and plant and animal diseases. However, these measures may impact the rights of people dealing with biosecurity matters which pose or are

likely to pose a biosecurity risk. Providing for adequate powers in the regulation so that it is effective in a wide spectrum of plausible biosecurity scenarios, which includes from localised small-scale incidents to multi-billion dollar industry impacts, is critical for the continued effective operation of the ACT biosecurity system within its national context.

To be fit for purpose within its geographic location inside NSW, the ACT biosecurity system relies upon inter-operability with the NSW biosecurity system. Provisions of the regulation, therefore, also take into account the impacts of the ACT being a place of least restrictive laws. Additionally, the ACT Government is party to the Intergovernmental Agreement on Biosecurity (IGAB) and related deeds and arrangements. Therefore, compliance requirements of this national framework have also informed the drafting of the regulation.

The objects of the Biosecurity Act include providing for a flexible and responsive framework for the effective management of pests, diseases and other biosecurity matters that may have an adverse effect on the environment, economy or community. The Biosecurity Act provides guidance on what is meant by 'reasonable steps' which requires consideration of a range of factors, including the nature of the biosecurity risk, the degree of impact, the availability and suitability of ways to prevent, eliminate or minimise the biosecurity risk, and the costs involved.

Given this policy context, limits that may be placed on human rights by the regulation are considered reasonable and justifiable in a free and democratic society. An assessment of the regulation's impact on relevant provisions of the HR Act is provided below for the rights engaged.

In setting offence provisions, consideration was given to the:

- *Human Rights Act 2004* (HR Act)
- ACT Guide for Framing Offences
- Compliance with ACT Government commitments and obligations under national deed agreements
- Offence provisions in other jurisdictions
- Policy and operational needs of the ACT biosecurity system, including inter-operability with the NSW biosecurity system
- Capability to be effective in current and emerging biosecurity risk situations and
- Need for adequate powers to deal with a wide range of possible biosecurity scenarios with varying risk and impact levels, including from small-scale localised incidents to multi-billion dollar industry-wide impacts.

6.2 Rights engaged

6.2.1 Rights limited

The regulation engages and may limit the following rights under the HR Act in specific circumstances when functions are carried out under the regulation:

- Section 12 – Right to privacy and reputation (limited)
- Section 22 – Minimum guarantees in criminal proceedings (limited)
- Section 27B – Right to work and rights in work (limited)

The strict liability offences in the regulation will be enforced through an infringement notice scheme detailed in the *Magistrates Court (Biosecurity Infringement Notices) Regulation 2025*. This means that the majority of offences charged under the regulation will not be resolved in court but will be dealt with through infringement notice. In assessing the impact of the strict liability offences in the regulation and the infringement notice scheme, consideration was given to whether section 21 of the HR Act, right to a fair trial, is also limited by the regulation. Section 21 of the HR Act recognises that everyone has the right to have criminal charges, and rights and obligations recognised by law, decided by a competent, independent and impartial court or tribunal after a fair and public hearing. It also requires that a judgment in a criminal or civil proceeding must be made public unless the interest of a child requires that the judgment not be made public.

However, the use of an infringement notice scheme does not engage the right to a fair trial under section 21 of the HR Act as the person does not forfeit their right to have the matter heard in court. While an infringement notice scheme offers the opportunity for a person to pay the infringement notice rather than face prosecution, it does not prevent them from choosing to challenge the notice and instead face prosecution in court, so the rights to a fair trial under section 21 of the HR Act remain available and are not undermined by the possibility of enforcement by way of an infringement notice scheme.

Section 12 Right to privacy and reputation

1. Nature of the right affected and the nature and extent of the limitation (s28(a) and (c))

Section 12 (a) of the HR Act recognises that everyone has the right not to have their privacy, family, home or correspondence interfered with unlawfully or arbitrarily; and section 12 (b) recognises the right not to have their reputation unlawfully attacked.

The following sections of the regulation require a relevant person to provide or update personal information or maintain records as required for the operation of the NLIS which limit the right to privacy and reputation:

Provision in the Biosecurity (NLIS) Regulation	Purpose of proposed provision	Rationale underpinning provision
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s 12 Property identification code – application by a relevant person	Provides for an applicant to provide name, email address, address and phone number as part of the application for a property identification code (PIC).	A PIC is a requirement of registration under the NLIS.
s 16 Offence – relevant person to update details	Provides for registered PIC holder to update the director-general when their registration details change.	Maintaining up to date PIC details is a requirement of registration under the NLIS.
s 17 Agent identification code – application by stock and station agent	Provides for stock and station agents to provide the director-general with name, email address, address and phone number as part of the application for an agent identification code.	Agent identification codes are a requirement of participation under the NLIS.
s 21 Offence - stock and station agent to update details	Provides for registered stock and station agents to update the director-general when their registration details change.	Maintaining up to date agent identification code registration information is a requirement of the NLIS.
s 29 Offences – supplier of permanent identifier to keep record	Provides for a supplier of a permanent identifier to keep a record of recipient details.	Maintaining up to date information about the supply of permanent identifiers is a requirement of the NLIS.
s 36 Offences – approved supplier to keep records	Provides for an approved supplier to keep which include name, address and phone number of the owner of identifiable stock.	Approved supplier records are required to be provided to the NLIS administrator as prescribed under the NLIS.
s 55 Offence – operator of abattoir to keep information s 56 Offences – information required on delivery to farm property s 58 Offences – information required on delivery to stock event s 60 Offences – information required on delivery to goat depot s 61 Offences – information required on delivery from goat depot s 63 Offences – information required on delivery to cattle scale operation s 64 Offences – information required on delivery from cattle scale operation	Provides for an operator of an abattoir or farm property or stock event or goat depot or cattle scale operation to keep records of delivery information for relevant stock.	Maintaining up to date information about stock at an abattoir is a requirement of the NLIS.
s 85 Territory register	Provides for the director-general to maintain PIC records and agent identification records which include details of an identifiable stock	These records are required for participation under the NLIS and the codes they relate to are needed for registration under the NLIS to obtain an NLIS account.

	owner's name, address, email address and mobile phone number.	
s 86 NLIS register	Provides for the NLIS administrator to keep a register of information under the NLIS and provide this information to a person for purposes as specified in s 84 Purpose of registers.	These records are required for maintenance of the NLIS database and implementation of the NLIS.

2. The importance of the purpose of the limitation (s28(b))

The legitimate purpose of these measures is to manage biosecurity risks arising from biosecurity matter, dealings with biosecurity matter, carriers or other activities involving biosecurity matter or carriers that may pose a biosecurity risk to the environment, economy or community as they relate to identifiable stock under the NLIS. In addition to contributing to managing risks associated with animal health, the NLIS also protects the integrity of the human food supply chain.

3. Relationship between the limitation and its purpose (s28(d))

The NLIS is a mandatory scheme for owners of identifiable stock operating within Australia. Keeping the NLIS database up to date is critical to biosecurity risk management in the livestock sector. The purpose of the registers maintained and shared by the director-general is explained in section 84 of Part 5 Registers of the regulation. Implementation of the NLIS requires that the NLIS Administrator is able to maintain current records in the NLIS register so that the location of identified stock is traceable at any time during its life. Access to current locations of relevant stock and being able to accurately trace stock movements is necessary to inform a biosecurity risk response and to ensure that risks can be appropriately managed in a timely, safe, efficient and cost-effective manner. Personal information about stock owners or operators is collected along with details of relevant stock so as to be able to contact these individuals in the case of a biosecurity event involving said stock.

4. Proportionality (s28 (e))

Only information required under the NLIS is collected and it is only shared as directed under the requirements of the NLIS. Access to the NLIS information is limited and restricted to use only as needed on a case by case basis for reasons specified in s 84 Purpose of registers where it is necessary to have the information to enable biosecurity risk management to be carried out under the Biosecurity Act.

Strict liability offences: Section 22 – Rights in criminal proceedings

1. Nature of the right affected and the nature and extent of the limitation (s28(a) and (c))

Section 22 (1) of the HR Act recognises that everyone charged with a criminal offence has the right to be presumed innocent until proven guilty according to law;

and section 22 (2) recognises that anyone charged with a criminal offence is entitled to the following minimum guarantees, equally with anyone else: (a) to be told promptly and in details, in a language that he or she understands, about the nature and reason for the charge; (b) to have adequate time and facilities to prepare their defence; and section 22 (2) (i) not to be compelled to testify against themselves or to confess guilt.

One of the key minimum guarantees under section 22 is the right to be presumed innocent until proven guilty. The regulation contains strict liability offences which may limit the right to be presumed innocent by allowing for the imposition of criminal liability without the need to prove fault.

The regulation includes provisions for serious offences committed where a person intentionally or recklessly does an act or fails to do an act in contravention of a requirement. Strict liability is also proposed for some offences notably in the following sections listed in the Table below.

Provision in the Biosecurity (NLIS) Regulation	Purpose of proposed provision	Rationale underpinning provision
s 10 Offence - property identification code required if relevant stock kept	Enforces that a relevant person for a property with relevant stock must ensure that the property has a PIC.	A PIC is a requirement of registration under the NLIS without which the proponent cannot have an NLIS account.
s 11 Offence – property identification code required for certain businesses	Enforces that a relevant person for a property where an abattoir, saleyard, stock event, goat depot or cattle scale operation is operated must ensure that the property has a PIC.	A PIC is a requirement of registration under the NLIS without which the proponent cannot have an NLIS account.
s 16 Offence – relevant person to update details	Enforces that a relevant person for a property must notify changes to PIC details.	Maintaining up to date PIC details is a requirement of registration under the NLIS and is an key component contributing to the functioning of the system.
s 21 Offence – stock and station agent to update details	Enforces that an agent must notify changes to an agent identification code details.	Maintaining up to date agent identification code details is a requirement of registration under the NLIS and is an key component contributing to the functioning of the system.
s 23 Offence – stock not properly identified on arrival in ACT	Enforces that an owner must ensure that relevant stock kept outside the ACT is properly identified.	Identifying relevant stock is specified by the NLIS and is a critical feature of the system.
s 24 Offence – stock not properly identified when moved from property	Enforces that an owner of identifiable stock that is kept on a property in the ACT must ensure that the stock is properly identified.	Identifying relevant stock is specified by the NLIS and is a critical feature of the system.
s 25 Offences –stock not properly identified at saleyard or abattoir	Enforces that an operator of a saleyard or abattoir ensure that all identifiable stock at the premises is properly identified.	Identifying relevant stock is specified by the NLIS and is a critical feature of the system.
s 26 Offences –stock not properly identified at	Enforces that an operator of a saleyard or abattoir must not sell or otherwise dispose of, buy or	Selling or otherwise disposing of, buying or otherwise acquiring and slaughtering stock that is not

saleyard or abattoir not to be sold or slaughtered	otherwise acquire, or slaughter stock that is not properly identified.	properly identified is not permitted under the NLIS. Failure to comply with this requirement can undermine the reputation of Australia's \$16 billion livestock industry and could give rise to biosecurity events.
s 28 Offences – supply of permanent identifiers	Enforces the restricted sale of permanent identifiers to persons registered under the NLIS.	The NLIS restricts the use of its permanent identifiers to persons registered under the system to maintain the integrity of the system.
s 29 Offences – supplier of permanent identifiers to keep records	Enforces the requirement to maintain records of the sale of permanent identifiers.	Maintaining records of the sale of permanent identifiers is a requirement of the NLIS. It enables tracking of, and ensures authorised use of, its permanent identifiers.
s 31 Offences – unapproved person not to supply permanent identifier	Enforces the requirement to be an authorised supplier of permanent identifiers in order to supply them.	Only approved suppliers or interstate approved suppliers are authorised to supply permanent identifiers under the NLIS.
s 33 Offences – approved supplier to comply with conditions on approval	Enforces the requirement for approved suppliers under the NLIS to comply with the conditions of approval.	Approval of suppliers of permanent identifiers is subject to conditions under the NLIS. Failure to comply with approval conditions could compromise the integrity of the system.
s 34 Offences – approved supplier to supply permanent identifiers	Enforces the requirement that an approved supplier must only supply a permanent identifier for use at a saleyard or abattoir to a relevant person for the property or to a stock and station agent with an agent identification code if the latter is acting for a relevant person for the property. In these instances, the PIC on the permanent identifier must also be the PIC for the saleyard or abattoir, and must be active (i.e. not inactive or cancelled).	Supply of permanent identifiers is specified under the NLIS and is controlled to ensure the integrity of the system.
s 35 Offences – recipient to use permanent identifier as directed by supplier	Enforces that, in the case where the supplier provides a written direction about use of the permanent identifier, the recipient must not contravene the direction.	Use of permanent identifiers is specified under the NLIS and is controlled to ensure the integrity of the system.
s 36 Offences – approved supplier to keep records	Enforces the requirement for record keeping by approved suppliers	Maintaining records of the sale of permanent identifiers is a key component of traceability under the NLIS.
s 37 Offence – certain people may acquire permanent identifiers	Enforces that the acquisition of permanent identifiers is limited to the director-general, a relevant person for a property or a stock and station agent with an agent identification code. The PIC on the	Only authorised persons may acquire permanent identifiers under the NLIS.

	permanent identifier must also be the same as the PIC for the property.	
s 38 Offences –permanent identifiers not to be altered	Enforces that permanent identifiers may not be altered and restricts the sale, purchase and movement of stock whose permanent identifiers have been altered.	The NLIS restricts the purchase, sale and movement of stock with permanent identifiers which have been tampered with.
s 39 Offences –permanent identifier not to be removed	Enforces that a permanent identifier may not be removed once attached, and restricts the purchase, sale and movement of stock whose permanent identifiers have been removed.	The NLIS restricts the purchase, sale and movement of stock whose permanent identifiers have been removed.
s 40 Offence – permanent identifier not to be improperly used	Enforces that permanent identifiers cannot be used in a way that results in the stock not being properly identified and prohibits the reuse of permanent identifiers.	The NLIS does not allow the reuse of permanent identifiers and requires that relevant stock are properly identified and specifies the methods for properly identifying stock.
s 41 Offence – permanent identifier on slaughtered stock to be destroyed	Enforces the requirement for an operator of an abattoir to remove a permanent identifier from slaughtered stock and ensure it is disposed of in a way that ensures it cannot be used nor attached to identifiable stock.	The NLIS does not allow the reuse of permanent identifiers. Properly disposing of permanent identifiers from slaughtered stock ensures that the risk of them being re-used is eliminated. Reuse of permanent identifiers will undermine and compromise the NLIS which is based on the principle of unique identifiers for each stock.
s 42 Offence – make, supply or use counterfeit permanent identifier	Enforces the use of approved permanent identifiers only by prohibiting the making of, supply and use of counterfeit permanent identifiers.	The NLIS is reliant on the use of approved permanent identifiers within the system. The introduction of counterfeit permanent identifiers would undermine the integrity of the system.
s 43 Offence – loss of unattached permanent identifier to be reported	Enforces the requirement to notify the loss of a permanent identifier.	The NLIS relies on up to date information about permanent identifiers which includes their supply, use, loss and destruction.
s 45 Offence – misuse of voluntary permanent identifier	Enforces the prohibition of the misuse of a voluntary permanent identifiers.	When a voluntary permanent identifier is approved by the director-general it is subject to explicit conditions which must be complied with. This is to ensure that these identifiers are not used in a manner that could undermine the integrity of the NLIS.
s 49 Offence – owner of stock to prepare and keep delivery information	Enforces the requirement for relevant delivery information to be maintained.	This requirement of the NLIS is necessary to enable the traceability of an animal's movements throughout its life.
s 50 Offences – information required on delivery to stock and station agent	Enforces the requirement for relevant delivery information to be provided to a stock and station agent upon delivery and authorises the	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is

	agent to sell or otherwise dispose of the stock only if the delivery information has been provided.	integral to the operation of the system.
s 51 Offences – information required on delivery from stock and station agent	Enforces the requirement for post-sale information to be provided to a stock and station agent by the buyer before stock leaves the agent's possession.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 52 Offences – information required for stock and station agent at saleyard	Enforces the requirement on the stock and station agent, by the end of the day of the sale, to provide delivery information and post-sale information to the operator of the saleyard or the person in charge of the saleyard in writing.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 53 Offences – stock and station agent information to be kept	Enforces the requirement for the stock and station agent who sells identifiable stock to retain a record of the delivery and post-sale information for a specified time.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 54 Offences –information required on delivery to abattoir	Enforces the requirement for a person delivering identifiable stock to an abattoir to provide the operator of the abattoir or person in charge of the abattoir with the delivery information for the stock in writing.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 55 Offence – operator of abattoir to keep information	Enforces the requirement for an operator of an abattoir to keep records of delivery information and to provide them for inspection on request by a food inspector.	This requirement of the NLIS is important in ensuring the food safety of abattoir stock and is an integral part of the system.
s 56 Offences –information required on delivery to farm property	Enforces the requirement for delivery information of stock delivered to a farm property to be provided to the person in charge of the stock on the farm property and to the owner of the farm property.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 57 Offence –owner of stock at farm property to keep information	Enforces the requirement to maintain records of delivery information by farm property owners for a specified period.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 58 Offences – information required on delivery to stock event	Enforces the requirement for delivery information to be provided upon delivery to the operator of a stock event or the person in charge of the event.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 59 Offence – operator of stock event to keep information	Enforces the requirement for an operator of a stock event to maintain records, for a specified time, of delivery information and the PIC of the venue of the event.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 60 Offences – information required on delivery to goat depot	Enforces the requirement for delivery information for a goat delivered to a goat depot to be	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is

	provided to the depot operator or the person in charge of the depot upon delivery. A goat must not be sold unless delivery information is received.	integral to the operation of the system.
s 61 Offences – information required on delivery from goat depot	Enforces the requirement that a buyer of a goat must provide the post-sale information to the operator or person in charge of the depot. Enforces the requirement for specified information to be provided to the buyer of the goat.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 62 Offences – goat depot information to be kept	Enforces the requirement for records to be maintained by the operator of a goat depot for a specified period.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 63 Offences – information required on delivery to cattle scale operation	Enforces the requirement for delivery information to be provided to the operator of a cattle scale operation or the person in charge of the cattle scale operation.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 64 Offences – information required on delivery from cattle scale operation	Enforces the requirement that a buyer or acquirer of cattle from a cattle scale operation must before leaving the site provide the post-sale information to the operator or person in charge of the cattle scale operation.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 65 Offences – cattle scale operation information to be kept	Enforces the requirement for records to be maintained by the operator of a cattle scale operation for a specified period.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 69 Offences – reportable saleyard transactions	Enforces the requirement for specified information about a reportable saleyard transaction to be provided to the NLIS administrator and for records to be maintained for a specified time.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 71 Offences – reportable agent transactions	Enforces the requirement for specified information about a reportable agent transaction to be provided to the NLIS administrator and for a record of the transaction to be maintained for a specified time.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 73 Offences – reportable abattoir transactions	Enforces the requirement for specified information about a reportable abattoir transaction to be provided to the NLIS administrator and for records to be maintained for a specified time.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 75 Offence – reportable farm property transactions	Enforces the requirement for specified information about a reportable farm property transaction to be provided to the NLIS	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.

	administrator and for records to be maintained for a specified time.	
s 77 Offences – reportable stock event transactions	Enforces the requirement for specified information about a reportable stock event transaction to be provided to the NLIS administrator and for records to be maintained for a specified time.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 79 Offences – reportable goat depot transactions	Enforces the requirement for specified information about a reportable goat depot transaction to be provided to the NLIS administrator and for records to be maintained for a specified time.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 81 Offences – reportable cattle scale operation transactions	Enforces the requirement for specified information about a reportable cattle scale operation transaction to be provided to the NLIS administrator and for records to be maintained for a specified time.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 82 Offence – reporting to NLIS administrator about live export	Enforces the requirement for specified information about a live overseas exports to be provided to the NLIS administrator and for records to be maintained for a specified time.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 83 Offences – reporting to NLIS administrator about death of electronically identified stock	Enforces the requirement for specified information about the death of electronically identified stock to be provided by a stock and station agent or operator of an abattoir to the NLIS administrator and for records to be maintained for a specified time.	This requirement of the NLIS is necessary to enable traceability of an animal's movements and is integral to the operation of the system.
s 94 Giving information to NLIS administrator etc	Enforces the requirement for persons required to provide information to the NLIS administrator do so in accordance with the requirements of the NLIS system.	This requirement of the NLIS is necessary to ensure the consistency, integrity and smooth operation of the system.

2. The importance of the purpose of the limitation (s28(b))

The legitimate purpose of these measures is to manage biosecurity risks arising from biosecurity matter, dealings with biosecurity matter, carriers or other activities involving biosecurity matter or carriers that may pose a biosecurity risk to the environment, economy or community as they relate to identifiable stock under the NLIS. In addition to contributing to managing risks associated with animal health, the NLIS also protects the integrity of the food supply chain.

3. Relationship between the limitation and its purpose (s28(d))

The inclusion of strict liability offences in the regulation is necessary to deter individuals from engaging in activities that are inconsistent with the objects of the

Biosecurity Act and the NLIS and to enable authorised people to carry out functions under the Biosecurity Act under time critical response operations.

The NLIS is a nationally agreed system with explicit requirements. Timely and accurate record keeping, labelling and tracking of livestock, and information sharing within the NLIS are requirements of the national system. Strict liability provisions have only been included in the regulation in instances where failure to comply would compromise the NLIS's capacity to provide access to accurate information on stock movements and locations for biosecurity risk management responses, and there is no mental or fault element to the offence.

The strict liability offences in the regulation engage the right to be presumed innocent by reversing the onus of proof from the prosecution onto a defendant. In instances in the regulation where there is a reverse onus of proof its purpose is to ensure the effective enforcement of and compliance with the requirements of the regulation by enabling the offences within it to be effectively prosecuted. At these times, the defendant would be best placed to have the information required to prove their innocence as the person responsible for dealing with the stock at the time or responsible for maintaining records. The limitation on section 22 is aimed at providing the effective promotion of responsible participation in the NLIS. Delays or failure to provide information during a biosecurity event could result in catastrophic outcomes, with risks escalating including through the avoidable spread of diseases or pests, stock losses and financial devastation to stock owners and operators.

4. Proportionality (s28 (e))

The right to presumption of innocence before the law has been recognised by the common law and is codified in section 22 of the HR Act. The courts have held, however, that the right to presumption of innocence may be subject to limits, particularly where those who might be affected by an offence would be expected to be aware of its existence.

Section 23 (1) (b) of the *Criminal Code 2002* provides a specific defence to strict liability offences of mistake of fact. Section 23 (3) of the Criminal Code provides that other defences may also be available for use for strict liability offences, which includes the defence of intervening conduct or event, as provided by section 39 of the Criminal Code.

Appropriate regulatory actions are essential to build business and community confidence in the ACT biosecurity system and its regulatory framework. To ensure the limits on human rights are proportionate, the Biosecurity Act and the regulation include appropriate safeguards and provide for an enforcement regime which has powers to apply the law with due consideration to proportionality and fairness based on biosecurity risk and impact in each case. For example, the powers of an authorised person are limited to specified actions that are needed to perform a function under the Biosecurity Act which are specific to the biosecurity risk at hand.

Any biosecurity direction given by an authorised person must be appropriate to the situation and level of risk.

Pests and diseases do not respect jurisdictional borders. To implement the national biosecurity system and reduce perverse incentives for high-risk biosecurity activities establishing in the ACT, the regulation includes offences and maximum penalties that are proportionately consistent with biosecurity legislation in other jurisdictions. Noting too that no two biosecurity cases are likely the same given the many variables, some offence provisions set higher than normal maximum penalties relative to the ACT's offences framework. These provisions provide for appropriate powers to be able to deal with a broad range of scenarios including larger scale biosecurity risks and impacts, which may involve having to make determinations for large corporations. In drafting provisions, alternative policy options available were considered through a comparison with NSW provisions, noting that NSW is not a human rights jurisdiction.

As a general safeguard, the provisions explicitly state the conduct that is required to commit the offence and the conditions that must be complied with. Notwithstanding the Guide to Framing Offences, section 234(4) of the Biosecurity Act permits the regulation to create offences and fix maximum penalties of not more than 50 penalty units.

The offences are also limited to a monetary penalty of 50 penalty units, as foreshadowed at the time of the passing of the Biosecurity Act. Most of the offences will be enforced through infringement notice which means that in practice far lower penalties (20% of maximum penalty levels) will be applied. The information collection and recording requirements proposed are consistent with the existing operational requirements of the NLIS and are carried over from the repealed legislation, with some expansion to include NLIS relevant stock and operations previously not explicitly reflected in the repealed Act. These provisions ensure the regulation is up to date for stock and operations covered under the NLIS.

The risk of inadvertent breach of these provisions is low. Persons covered by regulatory frameworks are provided with adequate information about their obligations under those frameworks. Information is publicly available from websites including those of the NLIS, Australian Government Department of Agriculture, Fisheries and Forestry, NSW Department of Primary Industries and Regional Development, ACT Government Environment, Planning and Sustainable Development Directorate, and other state and local governments. These organisations also provide information through their social media platforms and at stakeholder events and during public and stakeholder consultations.

In addition, persons who are required to comply with regulatory frameworks have access to extensive and comprehensive industry resources through industry bodies and their offices, networks and websites which promote industry biosecurity best practice requirements among stakeholders to meet industry standards and maintain

Australia's global reputation as a high quality producer. Biosecurity risks or threats are also actively reported by the media on national and local television and radio broadcasting channels. Authorised people and ACT Government veterinary officers work closely with the community and the public as part of their duties to keep communities aware of biosecurity issues, and provide advice on managing and responding to risks and threats. Emergency and control declarations are notified by the Minister. National standards and codes of practice are also publicly available on government and industry body websites.

Section 27B – Right to work and rights in work (limited)

1. Nature of the right and the limitation (s28(a) and (c))

Section 27B provides that everyone has the right to work, including the right to choose their occupation or profession freely. It also states that the practice of a trade, occupation or profession may be regulated by law.

The following section may limit a person's right to work:

Provision in the Biosecurity (NLIS) Regulation	Purpose of proposed provision	Rationale underpinning provision
s 10 Offence - property identification code required if relevant stock kept	Enforces that a relevant person for a property with relevant stock must ensure that the property has a PIC.	A PIC is a requirement of registration under the NLIS without which the proponent cannot have an NLIS account.
s 32 Director-general may approve supplier	Provides for the director-general to assess the suitability of an approved supplier.	Ensuring that approved suppliers meet NLIS requirements and standards is integral to the function of the NLIS.

2. Legitimate purpose (s28(b))

The legitimate purpose of these measures is to manage biosecurity risks and minimise their impact and costs on the environment, the economy or the community.

3. Rational connection between the limitation and the purpose (s28(d))

Operating a business with identifiable stock without a PIC is not permitted under the NLIS. An owner of identifiable stock requires a PIC as a precursor to having an NLIS account. A PIC enables the location of stock and their movements to be known during the life cycle of an animal which is a critical to biosecurity risk management responses.

Timely information about stock locations and movements helps to reduce the risk of pests and diseases persisting or spreading, which if not managed effectively could cause further harm and losses to owners or operators with detrimental impacts on their respective industry. In addition, failure to contain and effectively

manage biosecurity risks and threats could exacerbate the likely negative impacts on the environment, economy and community, as well as compromise the reputational integrity of the ACT biosecurity system, with flow on effects for the industry sector involved.

4. *Proportionality (s28 (e))*

While the requirement to have a PIC may impact the right to work, business operators can readily apply for a PIC or PIC renewal, or request that a PIC suspension or cancellation be reviewed.

CLAUSE NOTES

Clause 1 Name of Regulation

The name of the regulation is the *Biosecurity (National Livestock Identification System) Regulation 2025*.

Clause 2 Commencement

This clause specifies the commencement date for the regulation. Most of the regulation will commence on the commencement of the *Biosecurity Act 2023*, section 234 (Regulation-making power). Part 9 of the regulation will commence on 1 January 2027.

Clause 3 Dictionary

This clause provides that the dictionary at the end of the regulation is part of the regulation. The dictionary defines certain terms used in the regulation.

Clause 4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Clause 5 Offences against regulation – application of Criminal Code etc

This clause provides that other legislation, notably Criminal Code 2002, applies to offences against the regulation. This is a standard clause intended to draw the reader’s attention to the provisions of the Criminal Code, Chapter 2, General Principles of Criminal Responsibility. It also provides a reference to penalty units.

Clause 6 Specific biosecurity requirements—Act, s 23

This clause provides that references to biosecurity requirements in the regulation are specific to the biosecurity matter, carrier or dealing being referred to.

Clause 7 Meaning of *relevant person* for a property

This clause specifies the meaning of “relevant person” for the purposes of the regulation and “custodian” for the purposes of this section.

Clause 8 Director-general to determine identification codes

This clause specifies the requirement for the director-general to determine property identification codes, their use and allocation. A determination is a notifiable instrument. A property identification code is required under the NLIS to obtain an NLIS account. An agent identification code is required under the NLIS for a person to operate as a stock and station agent. This provision provides a mechanism whereby a person residing in the ACT can obtain these codes.

Clause 9 Meaning of *relevant stock*

This clause defines “relevant stock” for the purposes of this regulation, and “small poultry” and “large poultry” for the purposes of this section.

Clause 10 Offence—property identification code required if relevant stock kept

This clause requires a relevant person for a property where relevant stock is kept to ensure the property has a property identification code. The clause makes an exception for a veterinary practice where stock do not stay overnight. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 11 Offence—property identification code required for certain businesses

This clause specifies the requirement for a relevant person for properties such as an abattoir, saleyard, stock event, goat depot or cattle scale operations, to have a property identification code. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 12 Property identification code – application by relevant person

This clause provides for a relevant person to apply to the director-general for a property identification code and indicates the information required to be submitted by the applicant.

Clause 13 Property identification code – allocation to property

This clause provides for the director-general to allocate a property identification code if on application, or alternatively on the director-general's own initiative, the property is one set out in section 13 (a)-(c).

Clause 14 Property identification code –transfer

This clause provides that a property identification code is not transferable. However, it allows the director-general to transfer a property identification code to another property if the new property comprises all or part of the old property.

Clause 15 Property identification code –inactivation or cancellation

This clause allows for the director-general to inactivate or cancel a property identification code if satisfied the property no longer requires it. To carry out any inactivation or cancellation of the property identification code, the director-general must provide written notice to the relevant person(s) stating the reason and when the inactivation or cancellation takes effect. Prior to taking this action, the director-general must give written notice to the relevant person(s) of the intention to inactivate or cancel the code, stating the reason and allowing the person(s) a stated time for making a submission.

If the director-general inactivates or cancels a person's property identification code, the director-general must notify the NLIS administrator, (known as Integrity Systems, per the Dictionary) of any change in status.

Clause 16 Offence-relevant person to update details

This clause requires that if the director-general has allocated a property identification code to a property and a relevant person for the property changes their information, that the relevant person

must tell the director-general in writing within 10 working days. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 17 Agent identification code-application by stock and station agent

This clause provides for a stock and station agent to apply to the director-general for an agent identification code and indicates the information required to be submitted by the applicant.

Clause 18 Agent identification code—allocation to stock and station agent

This clause permits the director-general to allocate an agent identification code on its own initiative or if an application satisfies the agent identification code application requirements.

Clause 19 Agent identification code—transfer

This clause provides that an agent identification code is not transferable. However, it allows for the director-general to transfer the code to a new agent who has taken over the business of the old agent.

Clause 20 Agent identification code-inactivation or cancellation

This clause allows for the director-general to inactivate or cancel a stock and station agent's identification code if satisfied it is no longer required. To carry out any inactivation or cancellation of an agent identification code, the director-general must provide written notice to the agent stating the reason and when the inactivation or cancellation takes effect. Prior to taking this action, the director-general must give written notice to the agent of the intention to inactivate or cancel the code, stating the reason and allowing the agent a stated time for making a submission. The director-general is also required to notify the NLIS administrator (known as Integrity Systems, per the dictionary), of the inactivation or cancellation.

Clause 21 Offence—stock and station agent to update details

This clause requires that a stock and station agent who has been allocated an agent identification code keeps their information updated and prescribes the method for advising the director-general of any changes. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 22 Meaning of *properly identified* identifiable stock

This clause prescribes the requirements for identifiable stock born in the ACT and outside the ACT to be considered "properly identified".

Clause 23 Offence—stock not properly identified on arrival in ACT

This clause requires an owner of identifiable stock that is kept outside the ACT to ensure the stock is properly identified within 2 working days after the stock arrives in the ACT. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 24 Offences—stock not properly identified when moved from property

This clause requires an owner of identifiable stock kept on property in the ACT to ensure the stock is properly identified before it is moved from the property. Exceptions to this requirement are set out, such as if the identifiable stock is a carcass that is moved directly to a waste management facility that is authorised to accept a carcass. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 25 Offences—stock not properly identified at saleyard or abattoir

This clause requires an operator of a saleyard or abattoir to ensure that all identifiable stock at the saleyard or abattoir is properly identified. The clause requires that if the stock is not properly identified, that the person in charge of the identifiable stock tell the operator of the saleyard or abattoir, or the person in charge of the saleyard or abattoir. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Chapter 26 Offences—stock not properly identified at saleyard or abattoir not to be sold or slaughtered

This clause stipulates what certain people must not do at a saleyard or abattoir in relation to identifiable stock if the stock is not properly identified – sell or otherwise dispose of the stock, buy or otherwise acquire the stock, and slaughter the stock. The clause sets out exceptions, such as if the stock is slaughtered at an abattoir and stock is slaughtered for humane reasons at the direction of a certain person. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 27 Application—Subdivision 3.2.1

This clause sets out that Subdivision 3.2.1 applies to the supply of permanent identifiers under the NLIS, other than under Subdivision 3.2.2 (which relates to supply of permanent identifiers for temporary use on unidentified stock at saleyard or abattoir).

Clause 28 Offences—supply of permanent identifiers

This clause stipulates that a person must not supply a permanent identifier to a recipient unless certain conditions apply. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 29 Offences—supplier of permanent identifier to keep records

This clause creates record keeping requirements for a person who supplies a permanent identifier to someone else (the recipient). It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 30 Definitions—Subdivision 3.2.2

This clause defines “approved supplier” of permanent identifiers and “interstate approved supplier” of permanent identifiers for the purposes of subdivision 3.2.2.

Clause 31 Offence—unapproved person not to supply permanent identifier

This clause sets out that a person must not supply a permanent identifier for use at a saleyard or abattoir unless the person is an approved supplier or an interstate approved supplier. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 32 Director-general may approve supplier

This clause permits the director-general to approve an operator of a saleyard or abattoir as a supplier of permanent identifiers for use at the saleyard or abattoir if the saleyard or abattoir is operated at a property that has a property identification code and specifies the conditions that apply.

Clause 33 Offence—approved supplier to comply with conditions on approval

This clause requires that an approved supplier must comply with the conditions of their approval. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 34 Offences—approved supplier to supply permanent identifiers

This clause requires that an approved supplier must not supply a permanent identifier to someone else (the recipient) for use at a saleyard or abattoir unless the specified conditions that apply are met. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 35 Offence—recipient to use permanent identifier as directed by supplier

This clause requires that a recipient must not use a permanent identifier in the way that contravenes any written direction provided by the supplier about the use of the identifier. It provides for a strict liability offence with a maximum penalty of 50 penalty units.

Clause 36 Offences—approved supplier to keep records

This clause creates record-keeping requirements for an approved supplier who supplies a permanent identifier to someone else for use at a saleyard or abattoir. It also requires an approved supplier who supplies a permanent identifier for use on electronically identified stock at a saleyard or abattoir to notify the NLIS administer and specifies the conditions which apply. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 37 Offence—certain people may acquire permanent identifiers

This clause prohibits the acquisition of a permanent identifier other than by a person specified in this section. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 38 Offences- permanent identifier not to be altered

This clause prohibits the alteration of a permanent identifier or equipment used for attaching or reading a permanent identifier. It also prohibits buying, selling or moving identifiable stock from a property if the permanent identifier attached to the stock has been altered. The clause also provides for a defence to a prosecution in specified circumstances.

It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 39 Offences—permanent identifier not to be removed

This clause prohibits the removal of a permanent identifier that is attached to identifiable stock. It also prohibits buying, selling or moving stock if the permanent identifier of the stock has been removed, and specifies conditions and defences that apply.

It provides for a strict liability offence with a maximum penalty of 50 penalty units.

Clause 40 Offence—permanent identifier not to be improperly used

This clause prohibits a person from attaching a permanent identifier to identifiable stock in specified circumstances. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 41 Offence—permanent identifier on slaughtered stock to be destroyed

This clause requires an operator of an abattoir must ensure that a permanent identifier removed from identifiable stock slaughtered at the abattoir is disposed of in a way that ensures the identifier is unable to be used or attached to stock. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 42 Offence-make, supply or use counterfeit permanent identifier

This clause prohibits the making, supply or use of a thing that could be reasonably mistaken for a permanent identifier. The clause also provides a defence to a prosecution for an offence in certain circumstances. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 43 Offence—loss of unattached permanent identifier to be reported

This clause stipulates that the person in charge of a property and the person in charge of the stock must notify the NLIS administer if a permanent identifier that is not attached to stock is lost or stolen and specifies conditions that apply. This clause does not apply to a person if the person believes on reasonable grounds that someone else has given the information to the NLIS administrator. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 44 Voluntary permanent identification of equines and camelids

This clause enables the director-general to approve, by disallowable instrument, a kind of permanent identifier that may be attached to horses, other equines, alpacas and other camelids and which may specify conditions of the use of the permanent identifier.

Clause 45 Offences—misuse of voluntary permanent identifiers

This clause prohibits the misuse of voluntary permanent identifiers and specifies the conditions that apply. It provides for a strict liability offence with a maximum penalty of 50 penalty units.

Clause 46 Meaning of *buy and sell* stock -Division 4.1

This clause defines “buy” stock and “sell” stock for the purposes of Division 4.1.

Clause 47 Application—delivery not to include vehicle transfer—pt 4

This clause specifies conditions under which identifiable stock is not taken to have been delivered to a property and so delivery information is not required to be kept or given.

Clause 48 Meaning of *delivery information*

This clause defines “delivery information” for identifiable stock that is being transferred from one property (the previous property) to another property (the receiving property) and provides a list of the information types that is considered to be delivery information for the purposes of the regulation.

Clause 49 Offence—owner of stock to prepare and keep delivery information

This clause creates a requirement for an owner of identifiable stock to maintain delivery information and specifies conditions for recording and maintaining the information. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 50 Offences—information required on delivery to stock and station agent

This clause creates a requirement for the provision of delivery information when identifiable stock is delivered to a stock and station agent and prohibits the sale of identifiable stock by a stock and station agent if the agent does not have the delivery information. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 51 Offences—information required on delivery from stock and station agent

This clause creates requirement for post-sale information to be provided to a stock and station agent and specifies the conditions which apply. It also creates a requirement for a stock and station agent to provide specified information to a buyer. It creates a strict liability offence with a maximum penalty of 50 penalty units

Clause 52 Offences—information required for stock and station agents at saleyards

This clause creates specified requirements for information handling and transfer by stock and station agents, owners and operators in relation to identifiable stock at saleyards. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 53 Offences-stock and station agent information to be kept

This clause sets out the specified requirements for information transfer and maintenance of records by a stock and station agent, a buyer of identifiable stock at a saleyard, and operator of a saleyard. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 54 Offences—information required on delivery to abattoir

This clause creates requirements and conditions that apply to the provision of delivery information for identifiable stock delivered to an abattoir. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 55 Offence—operator of abattoir to keep information

This clause requires that an operator of an abattoir who is given delivery information under section 54(1) or (2) maintains records of the delivery information and specifies the conditions which apply. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 56 Offences—information required on delivery to farm property

This clause stipulates the requirement for delivery information to be provided when identifiable stock is delivered to a farm property and specifies the conditions which apply. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 57 Offence—owner of stock at farm property to keep information

This clause requires the owner of identifiable stock at a farm property to maintain records of delivery information and specifies the conditions that apply. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 58 Offences—information required on delivery to stock event

This clause creates a requirement for delivery information to be provided when identifiable stock is delivered to a stock event on a property and specifies the conditions which apply. It also sets out requirements for a person who has been given delivery information and requirements if an operator of a stock event is going to be absent from the event. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 59 Offence—operator of stock event to keep information

This clause requires an operator of a stock event who is given delivery information under section 58(1) or (2) to maintain records of delivery information and specifies the conditions which apply. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 60 Offences—information required on delivery to goat depot

This clause creates a requirement for delivery information to be given when a goat is delivered to a goat depot and specifies the conditions which apply. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 61 Offences—information required on delivery from goat depot

This clause requires that a person who buys or otherwise acquires a goat from a goat depot must provide the property identification code of the property to which the goat is being sent (“post-sale information”) to the operator or person in charge of the depot before the goat leaves the depot and specifies the conditions which apply. It also creates requirements for person in charge of a goat

depot and operators of goat depots. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 62 Offences—goat depot information to be kept

This clause requires the operator of a goat depot, and a person who buys or takes possession of a goat at a goat depot to maintain records of delivery and post-sale information as specified by the provision. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 63 Offences—information required on delivery to cattle scale operation

This clause creates a requirement for the transfer of information to an operator of a cattle scale operation when cattle is delivered to the operation and specifies the conditions which apply. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 64 Offences—information required on delivery from cattle scale operation

This clause creates a requirement for the transfer of post-sale information on sale of cattle at a cattle scale operation and specifies the conditions that apply. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 65 Offences-cattle scale operation information to be kept

This clause creates a requirement for an operator of a cattle scale operation and an operator of an abattoir to maintain records of information as stipulated by the conditions specified in the provision. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 66 Meaning of *reportable transaction*

This clause defines “transaction information” for the purposes of Division 4.2 (“Reporting to the NLIS administrator”).

Clause 67 Meaning of *transaction information*

This clause defines “transaction information” for the purposes of Division 4.2 (“Reporting to the NLIS administrator”).

Clause 68 Meaning-reportable saleyard transaction-Division 4.2

This clause defines “reportable saleyard transaction” for the purposes of Division 4.2 (“Reporting to the NLIS administrator”).

Clause 69 Offences-reportable saleyard transactions

This clause creates a requirement for an operator of a saleyard where a reportable saleyard transaction happens to give information to the NLIS administrator within the required time (defined in section 69(4)) and specifies the conditions that apply. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 70 Meaning-reportable agent transaction-Division 4.2

This clause defines “reportable agent transaction” for a stock and station agent as ‘the delivery of identifiable stock to the agent’, for the purposes of Division 4.2 (“Reporting to the NLIS administrator”).

Clause 71 Offences-reportable agent transactions

This clause creates a requirement for a stock and station agent who engages in a reportable agent transaction to give certain information to be given to the NLIS administrator (defined as Integrity Systems in the dictionary) and specifies record keeping requirements. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 72 Meaning-reportable abattoir transaction-Division 4.2

This clause defines “reportable abattoir transaction” for the purposes of Division 4.2 (“Reporting to the NLIS administrator”).

Clause 73 Offences-reportable abattoir transactions

This clause creates a requirement for an operator of an abattoir to give certain information to the NLIS administrator when a reportable abattoir transaction happens and specifies records that must be kept. It creates a strict liability offence with a maximum penalty of 50 penalty units

Clause 74 Meaning-reportable farm property transaction-Division 4.2

This clause defines “reportable farm property transaction” for the purposes of Division 4.2 (“Reporting to the NLIS administrator”).

Clause 75 Offence-reportable farm property transactions

This clause creates a requirement for an owner of identifiable stock involved in a reportable farm property transaction to give information to the NLIS administrator and specifies the conditions that apply. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 76 Meaning-reportable stock event transaction-Division 4.2

This clause defines “reportable stock event transaction” for the purposes of Division 4.2 (“Reporting to the NLIS administrator”).

Clause 77 Offences- reportable stock event transactions

This clause creates a requirement for an operator of a stock event where a reportable stock event transaction happens to give information to the NLIS administrator and specifies the conditions that apply. It creates strict liability offences with a maximum penalty of 50 penalty units.

Clause 78 Meaning-reportable goat depot transaction-Division 4.2

This clause defines “reportable goat depot transaction” for the purposes of Division 4.2 (“Reporting to the NLIS administrator”).

Clause 79 Offences-reportable goat depot transactions

This clause creates a requirement for an operator of a goat depot, where a reportable goat depot transaction happens, to give certain information to the NLIS administrator and maintain certain records. It creates strict liability offences with a maximum penalty of 50 penalty units.

Clause 80 Meaning-reportable cattle scale operation transaction-Division 4.2

This clause defines “reportable cattle scale operation transaction” for the purposes of Division 4.2 (“Reporting to the NLIS administrator”).

Clause 81 Offences-reportable cattle scale operation transactions

This clause creates a requirement that an operator of a cattle scale operation, where a reportable cattle scale operation transaction happens and in relation to the sale of cattle for slaughter, must give certain information to the NLIS administrator and maintain certain records. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 82 Offence-reporting to NLIS administrator about live export

This clause creates a requirement for an owner of identifiable stock sent for live overseas export to give the NLIS administrator certain information within 2 working day. It creates a strict liability offence with a maximum penalty of 50 penalty units.

Clause 83 Offences-reporting to NLIS administrator about death of electronically identified stock

This clause creates a requirement for stock and station agents, saleyard operators and abattoir operators to report the death of electronically identified stock to the NLIS administrator by the end of the next working day after becoming aware of the death and specifies the conditions that apply. It provides for a strict liability offence with a maximum penalty of 50 penalty units.

Clause 84 Purposes of registers

This clause outlines the purposes served by the registers required under Part 5 (“Registers”), such as assisting in tracing the movement of stock and animal products. The information from the registers is used to provide the input data for the NLIS database, which is a key element of the traceability system and its effective operation.

Clause 85 Territory register

This clause requires the director-general to keep a register, known as the “territory register” and specifies the information it must contain; to whom the information kept on the register must and may be provided to; and the conditions that apply.

Clause 86 NLIS register

This clause requires the NLIS administrator to keep a register (“the NLIS register”) of the information given to the NLIS administrator under the regulation, and specifies to whom access to information on the NLIS register must be provided and the conditions that apply.

Clause 87 NLIS register-status updates

This clause allows the director-general to allocate or change a status of identifiable stock on the NLIS register if the director-general knows or reasonably suspects that the stock is contaminated or poses a biosecurity risk. If satisfied this risk no longer exists, the director-general must change or remove the status.

Clause 88 Meaning of *reviewable decision*-Part 6

This clause defines “reviewable decision” for the purposes of Part 6 (“Notification and review of decisions”) as a decision mentioned in Schedule 1 (which sets out a table of reviewable decisions), column 3 (which lists the decision) and column 2 (which sets out the section number of the decision).

Clause 89 Reviewable decision notices

This clause requires a decision-maker of a reviewable decision to give a “reviewable decision notice” to each relevant person mentioned in Schedule 1 of the regulation. As referenced in Note 1, section 67A of the *ACT Civil and Administrative Tribunal Act 2008* also requires the decision-maker to take reasonable steps to give a “reviewable decision notice” to any other persons whose interests are affected by the decision.

Clause 90 Applications for review

This clause specifies the people who may apply to the ACT Civil and Administrative Tribunal (ACAT) for a review of a reviewable decision.

Clause 91 Offences-compliance with cattle, sheep and goat standards

This clause creates a requirement for a person who deals with cattle, sheep or goats to comply with respective NLIS standards for cattle, sheep and goats. It creates offences with a maximum penalty of 50 penalty units.

Clause 92 Incorporating, applying or adopting documents

This clause permits a statutory instrument made under the regulation to incorporate, apply or adopt a law or instrument in force from time to time. It requires the director-general to ensure that an incorporated law or instrument is accessible (such as on the ACT legislation register or through a link on an ACT government website) and provides that the law or instrument is not enforceable by or against the Territory unless it is made accessible as required. The clause sets out exceptions to these requirements.

Clause 93 Day when stock leave or arrive at a place

This clause specifies which day stock is deemed to have arrived at (or left) a place if it arrives or leaves a place over a period of multiple days.

Clause 94 Giving information to NLIS administrator etc

This clause specifies the format (such as electronic or in another approved form) in which information is to be provided to the NLIS administrator and other persons under the regulation. It also requires that specified persons who are required to give information must ensure that systems are in place to ensure that the information given is accurate and any inaccurate information is promptly corrected. It creates strict liability offences with a maximum penalty of 50 penalty units.

Clause 95 Biosecurity directions-Act, s 148 (o) (iii)

This clause provides that a biosecurity direction may require an owner of identifiable stock (or a person in charge of identifiable stock) to permanently identify the stock and give the relevant information to the director-general in writing.

Clause 96 Evidentiary certificates-identification codes

This clause permits the director-general to issue a signed certificate stating that on a stated date or during a stated period, a property identification code or an agent identification code was or was not allocated to a stated property or stock and station agent. This clause permits a certificate under this section to be used as evidence of the matters stated in the certificate.

Clause 97 Definitions-pt 8

This clause defines for Part 8 (“Transitional”) that “commencement day” means the day section 3 commences and that “repealed Act” means the *Animal Diseases Act 2005*.

Clause 98 Property identification codes-applications made before commencement day

This clause provides for undecided lodged property identification code applications under the repealed *Animal Diseases Act 2005*, section 39, to be decided by the director-general under section 12 (Property identification code-application by relevant person) of the regulation upon its commencement.

Clause 99 Property identification codes-allocated before commencement day

This clause provides for active property identification codes under the repealed *Animal Diseases Act 2005* to be deemed to be allocated under section 13 (Property identification code-allocation to property) upon commencement of the regulation.

Clause 100 Property identification codes—requirement to update details before commencement day

This clause stipulates that the requirement for “responsible persons” to update information under the repealed *Animal Diseases Act 2005*, section 40, continues to apply upon the commencement of the regulation, but with the reference to the chief veterinary officer taken to be a reference to the director-general.

Clause 101 Property identification codes-inactivated before commencement day

This clause provides for a property identification code inactivated under the repealed *Animal Diseases Act 2005*, if not cancelled or re-activated before the commencement day of the regulation, to be taken to be inactivated under section 15 (Property identification code-inactivation or cancellation).

Clause 102 Property identification codes-cancelled before commencement day

This clause provides for property identification codes which have a cancelled status under the repealed *Animal Diseases Act 2005*, on the regulation commencement day to be taken as being cancelled under section 15 ("Property identification code-inactivation or cancellation").

Clause 103 Agent identification codes-applications made before commencement day

This clause provides for undecided lodged agent identification code applications under the repealed *Animal Diseases Act 2005*, section 41, to be decided by the director-general under section 17 ("Agent identification code-application by stock and station agent") of the regulation upon its commencement.

Clause 104 Agent identification codes-allocated before commencement day

This clause provides for active agent identification codes under the repealed *Animal Diseases Act 2005* to be deemed to be allocated under section 18 ("Agent identification code-allocation to stock and station agent") upon commencement of the regulation.

Clause 105 Agent identification codes—requirement to update details before commencement day

This clause provides for the requirement to update information under the repealed *Animal Diseases Act 2005*, section 42, to continue to apply but with the reference to the chief veterinary officer taken to be a reference to the director-general under the regulation.

Clause 106 Agent identification codes-inactivated before commencement day

This clause provides for an agent identification code inactivated under the repealed *Animal Diseases Act 2005*, if not cancelled or re-activated before the commencement day of the regulation, to be taken to be inactivated under section 20 (Agent identification code-inactivation or cancellation).

Clause 107 Agent identification codes—cancelled before commencement day

This clause provides for agent identification codes which have a cancelled status under the repealed *Animal Diseases Act 2005* on the regulation commencement day, to be taken as being cancelled under section 20 (Agent identification code-inactivation or cancellation) of the regulation.

Clause 108 Information about identifiable stock moved in emergency

This clause applies if, before the commencement day, a person was required to give the chief veterinary officer information under section 50(1) of the repealed *Animal Diseases Act 2005*, and immediately before the commencement day, the person had not given the required information.

In these situations, section 50 of the repealed Act continues to apply, meaning that the obligation to provide the information still applies, but the information is to be given to the director-general rather than the chief veterinary officer.

Clause 109 Records to be kept after commencement day-manufacturer of NLIS device

This clause provides for record keeping requirements for NLIS device manufacturers under the repealed *Animal Diseases Act 2005*, where the end date for record keeping is after the commencement date of the regulation. In these situations, section 52C(1) of the repealed Act continues to apply to the manufacturer despite its repeal. This clause varies the record keeping requirements in relation to pigs.

Clause 110 Records to be kept after commencement day-owner of stock delivered to another person

This clause provides for record keeping requirements for an owner of stock who delivers stock to another person under the repealed *Animal Diseases Act 2005*, where the end date for record keeping is after the commencement date of the regulation. This clause provides that the obligations for record keeping under section 52J(3) will continue to apply to the owner, despite the repeal of the Act. The clause varies the record keeping requirements in relation to pigs.

Clause 111 Records to be kept after commencement day-buyer of stock

This clause provides for record keeping requirements for a buyer of stock under the repealed *Animal Diseases Act 2005*, where the end date for record keeping is after the commencement date of the regulation. This clause provides that the obligations for record keeping under section 52K(6) will continue to apply to the person despite the repeal of the Act. The clause varies the record keeping requirements in relation to pigs.

Clause 112 Records to be kept after commencement day-owner of stock delivered to farm property

This clause provides for record keeping requirements for an owner of stock delivered to a farm property under the repealed *Animal Diseases Act 2005*, where the end date for record keeping is after the commencement date of the regulation. This clause provides that the obligations for record keeping under section 52L(4) will continue to apply to the person despite the repeal of the Act. The clause varies the record keeping requirements in relation to pigs.

Clause 113 Requirement to do something within time period that ends after commencement day

This clause applies if before the commencement day, a person would commit an offence if they failed to do something within a period required by an old offence provision (if the stated period began before the commencement day, but would end after the commencement day) and the person had not done the things immediately before the commencement day.

This clause provides that the “old offence provision” continues to apply to the person despite its repeal. This clause lists the provisions in the repealed *Animal Diseases Act 2005* that are defined as an “old offence provision”.

Clause 114 Requirement to do something for a period that ends after commencement day

This clause applies if before the commencement day, a person would commit an offence if they failed to do something within a period required by an old offence provision (if the stated period ends after the commencement day).

This clause provides that the “old offence provision” continues to apply to the person despite its repeal. This clause lists the provisions in the repealed *Animal Diseases Act 2005* that are defined as an “old offence provision”.

Clause 115 Territory register

This clause provides that the territory register kept under the repealed *Animal Diseases Act 2005*, section 52W (Territory register) is, on the commencement of the regulation, to be taken to be the territory register under section 85 (Territory register).

Clause 116 NLIS register

This clause provides that the NLIS register kept under the repealed *Animal Diseases Act 2005*, section 52X (Territory register) is on commencement of the regulation taken to be the NLIS register under section 86 (NLIS register).

Clause 117 Expiry-Part 8

This clause specifies that Part 8 (“Transitional”) expires 12 months after the commencement of the regulation. This expiry will lead to the repeal of Part 8. The note refers to section 88 of the *Legislation Act 2001*, which provides that although a transitional provision is repealed, it will continue to have effect after its repeal.

Clause 118 Legislation amended-Part 9

This clause is in Part 9 (“Delayed amendments”) and states that Part 9 amends the regulation. As set out in section 2 (“Commencement”), Part 9 will commence on 1 January 2027. Clause 119 Table 22

Clause 119 Table 22

This clause will amend table 22 of section 22 of the regulation on 1 January 2027, which sets out the requirements for attaching permanent identifiers to stock (Table 22).

Clause 120 Dictionary, definition of *electronically identified stock*

This clause will amend the definition of “electronically identified stock” in the Dictionary, to mean identifiable stock that is cattle, sheep or goats. This broadens the original definition, which defined electronically identified stock as cattle; sheep or goats born after 1 January 2025; and any other sheep or goat that has an electronic device attached.

Schedule 1 Reviewable decisions

This schedule provides details of reviewable decisions.

Dictionary

The dictionary specifies definitions for terms used in the regulation.