

Public consultation outcomes

Stock Diseases Regulation
2009

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Industry and Investment NSW

Public consultation outcomes – Stock Diseases Regulation 2009

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Information sources

In the preparation of this regulatory impact statement information was sourced from officers of Industry and Investment NSW.

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1. Introduction

This document provides:

1. A brief overview of the public consultation process undertaken in relation to the proposed *Stock Diseases Regulation 2009* ('the draft Regulation') and the Regulatory Impact Statement ('RIS').
2. An outline of the submissions received during the public consultation process and identifies changes made to the draft Regulation as a result of these submissions.
3. Details of changes made to the draft Regulation since the public consultation.

2. Consultation process

The draft Regulation and the Regulatory Impact Statement (RIS) were released for public consultation on Friday 22 June. Notice of the public consultation process was provided in the Government Gazette on 12 June; advertisements appeared in *The Sydney Morning Herald* and the *Daily Telegraph* on the 10 June; and *The Land* on the 11 June. The public consultation period closed on Monday 13 July 2009.

A copy of the draft Regulation and the RIS were provided to the stakeholders identified in Appendix C on page 37 of the RIS.

Representatives of Industry and Investment NSW consulted directly with the following stakeholders as part of the public consultation process:

- State Management Council of the Livestock Health and Pest Authorities,
- Manufacturers of approved stock identification devices,
- The Royal Agricultural Society,
- The Agricultural Society Council, and
- other State and Territory departments responsible for primary industries.

3. Overview of submissions

Industry and Investment NSW received 13 submissions on the draft Regulation, some making comment on several issues. The table below sets out the main issues raised in the submissions and the response to them, indicating whether or not change to the draft Regulation was made.

Name of organisation	Clause	Issue	Response
NSW Farmers' Association	Mandatory permanent identification of cattle, pigs, sheep and goats. Clause 17(1)(b) The provision defines the 'relevant identification particulars' for sheep and goats to be the PIC of each property where they have been (or are required to be) permanently identified (known as 'transaction tagging').	Opposed to the multiple tagging of sheep, as appears necessary from the wording of the Regulation. Further, the Primary Industries Ministerial Council has not yet finalised the national position.	The DG Order pursuant to clause 19 sets out the manner of permanently identifying stock. Currently the DG Order does not support 'transaction tagging'. There are no current plans to change the current DG order in relation to this issue. During the development of the draft Regulation the Australian Primary Industries Ministers Council (PIMC) was considering the approval of 'transaction tagging'. As a consequence, the regulation was drafted to be flexible and to facilitate this should it be required. If PIMC supports 'transaction tagging' in the future, the DG Order may be amended at that time. No change to the draft Regulation required.
Australian Livestock Property Agents Association (ALPA)	A requirement for cattle producers to scan each animal to provide identification information on cattle arriving at saleyards, abattoirs and properties. Clauses 22(1) (d), 24 (1) (d) & 25 (1) (d).	The Association understands that the majority of producers do not have scanners.	The draft Regulation was amended so that cattle producers do not have to provide the identification particulars of each animal delivered to a saleyard, abattoir or property. This information is not essential as sufficient information is available through compliance with other requirements.
NSW Farmers' Association	Manner of permanently identifying stock. Clause 19	Would "slap branding" be included as manner for applying a permanent identifier to pigs?	Under cl. 19 the Director-General may approve the manner of identifying stock. Subject to consultation with industry this method of identifying pigs could be approved by DG order. No change to the draft Regulation required.
North Coast Livestock Health and Pest Authority (LHPA)	Requirement to identify stock. Clause 20(a)	The owners of identifiable stock must ensure the stock is identified before it leaves any property in NSW on which it is kept. There are	The enforcement of the requirements for pig movements between properties will be challenging however this issue is not unique to the North Coast. The policy on enforcement will be jointly determined by the LHPAs and I&I NSW.

		no pig saleyards in the north coast LHPA so it is difficult to regulate pig movements between properties.	No change to the draft Regulation required.
ALPA	Offence of having stock at a saleyard which are not identified. Clause 21(2).	The offence of unidentified stock may only apply to the vendor, not the agent.	Considers that the proposed clause correctly identifies who has committed an offence if unidentified stock are sold and that the offence also applies to the selling agent. No change to the draft Regulation required.
NSW Farmers' Association	Offence of having stock at a saleyard which are not identified. Clause 21(2).	No flexibility for unidentified stock when producers have taken all reasonable steps to identify stock, for example where identifiers have fallen out.	The discretion to take such factors into account will be included in the compliance and enforcement policy and procedures jointly developed by LHPAs and I&I NSW in relation to this requirement. No change to the draft Regulation required.
Saleyard Operators Australia	Information in relation to cattle at saleyards. Clause 22(1)(e) & 22 (4).	Why does the stock and station agent record the NVD serial number and keep the information for 2 years?	This provision was inserted to improve compliance monitoring and traceability. The NSW Farmers Association said this requirement will support the use of the NVD. No change to the draft Regulation required.
ALPA	Information in relation to cattle, sheep and goats at a saleyard. Clause 22 (8) (a) (ii) & Clause 32 (8) (a) (ii).	Not practical to require the person in charge of a saleyard to record the number of cattle, sheep and goats held at the saleyard at the end of each working day as stock are transported at all times of the day and night at the convenience of buyers and carriers.	It is agreed that this is not practical. Also now considered to be not essential for compliance monitoring or traceability. The draft Regulation has been amended to remove these requirements.
ALPA	Requirement to transfer information in relation to cattle, sheep and goats held by a stock and station agent to agents. Clauses 23 (1) & 33 (1)	Information could be "transferred" to agents, not just physically delivered.	The draft Regulation has been amended to include "send to a stock and station agent", as "send" is defined in the Regulation to include deliver or transfer.
NSW Farmers' Association	Information in relation to sheep and goats at abattoir. Clause 34.	Lambs and kids sold direct to slaughter should be exempt from identification tagging.	The tagging of lambs and kids sold direct to slaughter is important to ensure traceability. The decision to include this requirement for all sheep and goats was made at a national level and is supported by I&I NSW. No change to the draft Regulation required.
Cumberland LHPA Ranger.	Information in relation to pigs at saleyards. Clauses 29(1), 30(1) and 31(1)	Requirement to provide the numbers, type of pigs, the date the pigs left the previous property and the PIC should be the same as for mob-based systems for sheep and goats. No requirement for a	Traceability of pigs should generally have similar provisions to sheep and goats and this should include the serial number of an approved pig movement document. The failure to include similar provisions was an oversight. The draft Regulation has been amended to ensure consistent provisions.

