



BC&MS PROCEDURE 2005/02
Ref: INT05/1521
23 March 2005

SC Ref: 05/033/WI
DV Ref : -/ 25 /-

STOCK IDENTIFICATION – AGENT IDENTIFICATION CODES

The *Stock Diseases (General) Regulation 2004* allows a District Registrar to assign an agent identification code to a stock and station agent whose registered office is located in the district or who carries on business in the district (clause 28(3)).

Agent identification codes ('agent codes') may be used to temporarily transfer on the NLIS database cattle that have been bought by an agent and are temporarily in their possession. The agent must then transfer the cattle off their agent code and onto a property, saleyard or abattoir identification code (PIC) within 7 days.

Agent codes are being implemented to make it easier for agents to work with the NLIS when scanning and reporting the movement of cattle through saleyards becomes mandatory from 1 July 2005. An agent who buys cattle in a saleyard on behalf of a number of clients and themselves, but who doesn't yet know the final destination of the cattle, may ask the saleyard operator to transfer the cattle to their agent code. As the agent determines the final destination of the cattle (a property, abattoir or another saleyard), they then advise the NLIS database of the PIC of destination for those cattle.

While cattle are assigned to an agent code, traceability is provided by the agent's records. To ensure that the cattle are not in limbo for too long, they must be transferred off the agent code within 7 days.

The statutory requirements of the *Regulation* and the rules and procedures detailed in this circular have been developed to minimise the risk that the traceability of cattle could be compromised by being assigned to and from an agent code. The key rules that agents must adhere to are:

- An agent must keep records of the current location of all stock in their possession together with their NLIS or microchip numbers.
- Cattle must be transferred on the NLIS database from an agent code within 7 days.
- Normal identifiers (tail/ear tags or NLIS devices) cannot be obtained with an agent code.
- It is illegal to sell cattle that are not identified as required by the *Regulation*.

1. Application for an Agent Code

- 1.1 The *Regulation* defines a stock and station agent as a person who is licensed as a stock and station agent under the *Property, Stock and Business Agents Act 2002* or under a similar law of another State or Territory (cl.12). This licensing function is performed by the Office of Fair Trading (see 7). Only a person who holds a current stock and station agent licence may be issued with an agent code.
- 1.2 The licensee-in-charge of a stock and station agency should apply on behalf of their agency. Other licensed agents in that agency may also apply for their own agent code if they wish. An agent who holds a certificate of registration as a stock and station salesperson cannot apply for an agent code but may use an agent code issued to and under the supervision of a licensed stock and station agent.
- 1.3 An agent who is issued with an agent code is responsible and liable for the actions of any other agent (whether licensed or the holder of a certificate of registration), employee, contractor, associate or other person who uses their code to transfer cattle on the NLIS database. Only persons authorised by the agent to operate their NLIS account will be allowed to transfer cattle to and from their agent code.
- 1.4 Other persons who regularly buy cattle in saleyards (such as commissioned buyers and dealers) must either provide the saleyard operator with the PIC of the property of destination before the cattle leave the saleyard (cl.24(3)(a)), or form a commercial arrangement with a licensed stock and station agent who accepts responsibility for the use of their agent code.
- 1.5 An agent should apply to the Board for the district in which their office is registered with the Office of Fair Trading. An agent may apply to another Board if they carry on the bulk of their business in that Board's district, in which case the District Registrar should check with their counterpart in the other district before issuing an agent code.
- 1.6 An application fee may be payable, specified by the Board up to a maximum determined by State Council (cl.28(5)). The maximum fee is currently \$55 including GST. Refer to State Council circular 04/113/C for further information.
- 1.7 An agent code may be used in other RLPB districts and in other States (unless otherwise determined by that State's legislation). An agent should not apply for or be issued with more than one agent code in NSW. The Department of Primary Industries Victoria will cancel all Victorian codes assigned to NSW agents in due course.
- 1.8 An agent code is permanently assigned to the same person (unless cancelled – see 4) and the agent should continue to use the same code even if they move to another district.
- 1.9 A NSW agent code will not be issued to an applicant with a Victorian agent code if, at the time of application, cattle are assigned to the Victorian code for more than 7 days. Such cattle must be transferred by the agent to the correct property of destination before their application for a NSW agent code can proceed.
- 1.10 A model application form is attached. This may be modified by each District Registrar to include their contact details or amending the 'Office use only' section, but the 'Conditions' and 'Declaration' should not be altered.

2. Assigning an Agent Code

- 2.1 A valid application for an agent code is one which is correctly and fully completed and signed and is accompanied by the correct fee.
- 2.2 On receipt of a valid application, the District Registrar:
 - confirms from their own knowledge or with other staff that the agent is licensed and works in the district (if the applicant is unknown or their bona fides are otherwise in doubt, the District Registrar should check the applicant's licence details – see 7); and
 - assigns the next agent code in sequence that has been issued to their district (see 2.3); and
 - records the information in their district PIC register (as for a PIC); and
 - advises the applicant in writing of the agent code that has been assigned to them, including a copy of the application form for the applicant's records; and
 - advises the central register as soon as possible and no later than 7 days (cl.32(3)).
- 2.3 An agent code has a similar format to a PIC, comprising two letters and six numbers. The first character is N, the second character is a check letter generated by a computer algorithm, the third and fourth characters are 00 (double zero), the fifth and sixth characters are the RLP district number, and the seventh and eighth characters are numbers for individual agents from 01 to 99. This format allows agent codes to be readily distinguished from PICs while still identifying the RLP districts in which they are assigned, and provides for up to 99 agents in each district.
- 2.4 A list of 12 valid agent codes has been generated for each RLP district and is available on the State Council's and Department of Primary Industries' (DPI's) intranets (www.rlpb.org.au/intranet , wwwi.agric.nsw.gov.au/intranet/23810). Please contact DPI if additional agent codes are required (see 7).

3. Renewing an Agent Code

- 3.1 An agent code remains active for a period of time determined by the State Council. A renewal fee may be payable, specified by the Board up to a maximum determined by State Council (cl.29)). The renewal interval is currently 2 years from the date that the code was first assigned or the most recent renewal due date, and the maximum fee is currently \$55 including GST. Refer to State Council circular 04/113/C for further information.
- 3.2 The District Registrar should establish procedures to send out a renewal notice at least 28 days before the date due for renewal.
- 3.3 An agent should notify the RLPB that assigned their code of any change to their postal address to ensure that renewal notices are received. The RLPB is not responsible for tracking down agents who have changed jobs or relocated, especially to another district.
- 3.4 A valid application for renewal is one which is correctly and fully completed and signed and is accompanied by the correct fee.
- 3.5 On receipt of a valid renewal, the District Registrar:
 - checks whether any cattle currently assigned to the code have been on the NLIS database for more than 7 days (procedures for doing this will be separately advised);
 - if so, the applicant must be advised that the code cannot be renewed and will be

suspended on the renewal date, but that as soon as the agent advises that all cattle have been 'cleared off' the code and this is confirmed with the NLIS database, their application will be progressed; or

- if not, advises the applicant in writing that their agent code has been renewed for the period determined by State Council, including a copy of the renewal form for the applicant's records; and

- updates the district registrar; and

- advises the central register only if some details (e.g. postal address) have changed.

3.6 If an application for renewal has not been received within 28 days of the renewal date, or is returned undelivered to the address last advised by the agent, the code is suspended.

3.7 A model renewal form is attached, which may be partly modified (see 1.10).

4. Suspension or Cancellation of an Agent Code

4.1 An agent code may be suspended or cancelled by the District Registrar for the District in which the code was assigned or in which the agent now works and has their office (cl.30). Suspension refers to a temporary inactivation of a code – a suspended code may be reactivated by the District Registrar as soon as the reason for suspension is resolved. Cancellation refers to the permanent termination of the code assigned to that agent – a cancelled code may only be reassigned with the approval of the Director-General (cl.30(2)).

4.2 The District Registrar must suspend an agent code if:

- a valid application for renewal is not received in time (see 3.3); or

- there are cattle outstanding on the code on the renewal date (see 3.5).

4.3 The District Registrar may suspend an agent code if an audit, inspection or other compliance activity shows that conditions of use of an agent code have not been complied with. This decision should only be made after consultation with the Senior Field Veterinary Officer (SFVO) and the Senior Inspector Regulatory (SIR). The agent must be advised in writing that this decision is pending and the reasons for it, and given 28 days to correct the problem or make representations before the suspension takes effect.

4.4 The District Registrar must reactivate a suspended agent code when:

- a valid application is received; or

- all outstanding cattle are removed from the NLIS database; or

- corrective action has been undertaken to correct the problem that led to the suspension.

4.5 The District Registrar must cancel an agent code if:

- the agent to whom it is assigned requests in writing that it be cancelled; or

- the District Registrar is formally advised that the agent is no longer licensed as a stock and station agent; or

- the code has remained suspended for 6 months.

4.6 The District Registrar may cancel an agent code if:

- there have been repeated short-term suspensions due to failure to comply with conditions of use of an agent code; or

- there has been more than one infringement notice issued or successful prosecution for a breach of the *Regulation*.

This decision should only be made after consultation with the SFVO and the SIR.

The agent must be advised in writing that this decision is pending and the

reasons for it, and given 28 days to correct the problem or make representations before the cancellation takes effect.

- 4.7 The central PIC register must be advised as soon as possible and no later than 7 days of the suspension or cancellation of an agent code (cl.32(3)).
- 4.8 The Department of Fair Trading will be advised if an agent code is cancelled due to non-compliance with conditions of use or the *Regulation*.

5. Auditing, Compliance and Enforcement

- 5.1 Compliance with conditions for use of an agent code may be audited or monitored by the RLPB or NSW Department of Primary Industries.
- 5.2 Regular reports can be obtained from the NLIS database on the number of cattle and length of time that they have been assigned to agent codes.
- 5.3 An agent must make any records and other information relevant to the use of their code available to an inspector on request at any reasonable time.
- 5.4 The *Regulation* provides for a number of offences for the misuse of an agent code. The infringement notice penalty is \$550 and the maximum penalty is \$11,000.
- 5.5 Further information about audit and compliance procedures will be provided in a subsequent circular.

6. Conditions of Use of an Agent Code

- 6.1 An agent code must be used in accordance with the *Regulation*, the *National Guide to the Operation of the NLIS* including the NSW Annex (wwwi.agric.nsw.gov.au/intranet/19720), and the conditions stipulated on the application or renewal form (attached).
- 6.2 An agent who is assigned an agent code must establish an NLIS database account to make cattle transfers – see www.nlis.mla.com.au/indexnew.asp or call the MLA NLIS hotline on 1800 654 743.
- 6.3 A stock agent who has just purchased or otherwise taken temporary possession of cattle must provide the saleyard operator with the property identification code (PIC) of the destination property, abattoir or saleyard. If the final destination is not known, the agent must provide their agent code before the cattle leave the saleyard (cl.24(3)). The cattle may be temporarily transferred to the agent code by the saleyard operator, then transferred by the agent to the destination's PIC as soon as the destination is known.
- 6.4 **Cattle must be transferred on the NLIS database from an agent code within 7 days** (cl.24(6)).

This is one of the most important conditions for use of an agent code because of the risk that the traceability of cattle will be compromised or lost. The cattle are effectively in limbo while on an agent code and the longer cattle remain on an agent code the harder it will be for an agent to keep track of them and determine where they have gone. Lifetime traceability status may be lost for cattle that are on an agent code for more than 7 days.

The cattle must be transferred to the PIC for a property, abattoir or another saleyard – they cannot be transferred between agent codes.

If the cattle are moved to a holding paddock or some other temporary location while still in the possession of an agent, then the cattle should be transferred to this location's PIC on the database. This may be a commercial requirement of abattoirs and feedlots. Subsequent movements must be recorded on the database as for other movements to properties, saleyards or abattoirs.

Although agents have up to 7 days to transfer cattle on the NLIS database from an agent code, it would be good practice for an agent to transfer cattle as soon as practicable after the destination is known and before the cattle are consigned. This may be a commercial requirement of abattoirs and feedlots.

- 6.5 **An agent must keep records of the current location of all stock in their possession together with their NLIS or microchip numbers.** These records must be kept for at least 2 years and made available to an inspector on request (cl.24(5)). This is to facilitate tracing and locating those cattle if required, and for auditing compliance with the conditions of use of agent codes. The records may be in the form of note or day books, NVDs, invoices, business software, or other paper or computer based office systems that the agent normally uses.
- 6.6 If the PIC for the property of destination is not known, it may be ascertained by calling the relevant RLPB or the NSW NLIS Hotline 1300 720 405. On-line NSW look-up facilities are currently being developed and will be made available in due course to agents with an NLIS database account and a NSW agent code.
- 6.7 If an agent receives or consigns cattle from or to a property that does not have a PIC (e.g. a hobby farm), the agent must make similar records to above (see 6.5) including the address of the property. These records must be kept for at least 7 years (cl.24(9),(10)). The longer record keeping requirement reflects the fact that the agent's record might be the only record of the physical location of that animal throughout its life. Further information will be provided in a circular about trading cattle between small farms without PICs.
- 6.8 The NLIS database must be advised, by the close of business on the next working day, if any cattle on an agent code die, are lost or are stolen (cl.24(8)). Stolen cattle should also be promptly reported to the police.
- 6.9 If any cattle lose their NLIS device while assigned to an agent code, the agent must attach a special ('emergency') NLIS device before the cattle can be moved again (cl.22). **Normal identifiers (tail/ear tags or NLIS devices) cannot be obtained with an agent code.** Only special identifiers may be attached to cattle that are assigned to an agent code.
- 6.10 Under European Union Cattle Accreditation Scheme (EUCAS) rules, cattle that are transferred to an agent code lose their EU eligibility.

7. Further Information

Ian Bell, Manager, Biosecurity and Traceability Systems
NSW Department of Primary Industries, Locked Bag 21, Orange NSW 2800
Phone: 02 6391 3179, Fax: 02 6361 9976, Mobile: 0429 923654
Email: ian.bell@agric.nsw.gov.au

Michael Beer, Executive Officer, NLIS
NSW Department of Primary Industries, Locked Bag 21, Orange NSW 2800
Phone: 02 6391 3376, Fax: 02 6391 3551, Mobile: 0428 257947
Email: michael.beer@agric.nsw.gov.au

NLIS Hotline
Phone: 1300 720405
Email: enquiries.nlis@agric.nsw.gov.au

Department of Commerce, Office of Fair Trading, Property Services Licensing Unit
Licence checks:
www.fairtrading.nsw.gov.au/realestaterenting/licencecheck.html
Phone: 02 9619 8722

Stock Diseases (General) Regulation 2004
www.agric.nsw.gov.au/reader/nlis > Policy and legislation > Stock identification – Stock Diseases (General) Regulation 2004

[APPROVED]

**RENATA BROOKS
EXECUTIVE DIRECTOR
BIOSECURITY, COMPLIANCE & MINE SAFETY**

Attachments (samples only – contact RLPB for the correct form)

- Agent code application form
- Agent code renewal form

**APPLICATION FOR AN AGENT IDENTIFICATION CODE
by a Licensed Stock and Station Agent**

NSW Stock Diseases(General) Regulation 2004

To the District RegistrarRural Lands Protection Board

Office use only:	Agent code assigned	N		0	0					Fee:	\$
------------------	---------------------	---	--	---	---	--	--	--	--	------	----

*Carefully read the conditions below before completing this application and declaration.
Please clearly print or type the required information.*

Full name of applicant:	
-------------------------	--

Company or trading name:	
--------------------------	--

Stock and station agent licence number:	
---	--

Business address (registered office):	
Postcode:	

Postal address:	
Postcode:	

Office phone:		Mobile:	
---------------	--	---------	--

Facsimile:		Email:	
------------	--	--------	--

Conditions of application for an agent identification code

1. A person who holds a current stock and station agent licence may apply for an agent identification code ('agent code') to the District Registrar at the Rural Lands Protection Board (RLPB) in whose district their registered office is located or in which the agent carries on most of their business. An application fee may be payable.
2. The licensee-in-charge of a stock and station agency should apply on behalf of their agency. Other licensed agents in that agency may apply for their own agent code if they wish. The applicant is responsible and liable for the actions of any other agent (whether licensed or the holder of a certificate of registration), employee, contractor, associate or other person who uses their code to transfer cattle on the NLIS database.
3. An agent needs only one agent code, which may be used in other RLPB districts and in other States (unless otherwise determined by that State's legislation).
4. A NSW agent code will not be issued to an applicant with a Victorian agent code if, at the time of application, cattle are assigned to the Victorian code for more than 7 days. Such cattle must be transferred by the agent to the correct property of destination before their application for a NSW agent code can proceed.
5. An agent code remains valid for 2 years from the date of issue unless the agent advises that they no longer require it, or it is suspended or cancelled. A renewal fee may be payable. A code will not be renewed if any cattle are assigned on the NLIS database to the code for more than 7 days. An agent should notify the RLPB which assigned their code of any change to their postal address to ensure that renewal notices are received.

Conditions of use of an agent identification code

6. Compliance with the conditions for use of an agent code may be audited by the RLPB or NSW Department of Primary Industries. An agent must make any records and other information relevant to the use of their code available to an inspector on request at any reasonable time.
7. An agent who is assigned an agent code must establish an NLIS database account to make cattle transfers – see www.nlis.mla.com.au/indexnew.asp

Continued ...

8. Cattle that have been purchased by or are in the possession of a stock agent should be transferred on the NLIS database to the property identification code (PIC) of the destination property, abattoir or saleyard. If the final destination is not known, the cattle may be temporarily transferred to an agent code, then transferred to the destination's PIC as soon as the destination is known. If the PIC is not known, it may be ascertained by contacting the relevant RLPB or the NSW NLIS Hotline 1300 720 405.
9. Cattle must be transferred from an agent code to a property, abattoir or saleyard PIC within 7 days. Cattle must not remain on an agent code for more than 7 days and cannot be transferred between agent codes.
10. An agent must keep records of the current location of all cattle in their possession together with their NLIS or microchip numbers. These records must be kept for at least 2 years and made available to an inspector on request.
11. The NLIS database must be advised, by the close of business on the next working day, if any cattle on an agent code die, are lost or are stolen. Stolen cattle should be also promptly reported to the Police.
12. If any cattle lose their identifier while assigned to an agent code, a special NLIS device must be attached. Normal identifiers (tail/ear tags or NLIS devices) cannot be obtained with an agent code.
13. An agent code may be suspended or cancelled if any condition of use is not complied with or if the agent is no longer licensed as a stock and station agent. The Department of Fair Trading will be advised if an agent code is cancelled for reasons of non-compliance.

Declaration

I wish to apply for an agent identification code.
 I have read and understand the conditions above and I agree to comply with all of the conditions.
 I have not previously applied for or been issued with an agent code in NSW.
 If I have a Victorian agent code, I confirm that no cattle are currently assigned to that code for more than 7 days.
 I am aware that it is illegal for me to sell stock that are not identified in accordance with the Regulation.
 I acknowledge that my code may be suspended or cancelled if I fail to transfer cattle from my agent code within 7 days, or fail to meet any of the other conditions, and that I might also be prosecuted for a breach of the Regulation (penalty notice \$550, maximum penalty \$11,000).

Note: The information provided on this form is being collected for the purposes of the Stock Diseases Act 1923. It may be provided to NSW Department of Primary Industries, other Rural Lands Protection Boards, Meat and Livestock Australia and other persons for the purposes of that Act. The information has been provided because it is required by law. It will be stored securely by a district registrar or in an identification code register. You may access or correct this information by contacting the Rural Lands Protection Board.

Signed:		Date:	
---------	--	-------	--

Please send the completed form and fee to the RLPB:

For further information, please contact the RLPB on or phone the NSW NLIS Hotline 1300 720 405

Office Use Only	Agent code assigned:	N		0	0				
Fee paid:									
Checked for outstanding cattle on NLIS database:									
Entered in district register:									
Agent advised:									
Central register advised:									

**RENEWAL OF AN AGENT IDENTIFICATION CODE
by a Licensed Stock and Station Agent**

NSW Stock Diseases (General) Regulation 2004

To the District RegistrarRural Lands Protection Board

<i>Office use only:</i>	N		0	0					Fee:	\$	Date due:	
-------------------------	---	--	---	---	--	--	--	--	------	----	-----------	--

*Carefully read the conditions below before completing this application and declaration.
Please clearly print or type the required information.*

Full name of applicant:	
-------------------------	--

Company or trading name:	
--------------------------	--

Stock and station agent licence number:	
---	--

Business address (registered office):	
Postcode:	

Postal address:	
Postcode:	

Office phone:		Mobile:	
---------------	--	---------	--

Facsimile:		Email:	
------------	--	--------	--

Conditions of renewal of an agent identification code

1. A person who holds a current stock and station agent licence and an agent identification code ('agent code') may apply to renew that code to the District Registrar at the Rural Lands Protection Board (RLPB) which originally issued the code. A renewal fee may be payable.
2. An agent code will not be renewed if, at the time of application, cattle are assigned on the NLIS database to the code for more than 7 days. Such cattle must be transferred by the agent to the correct property of destination before their application for renewal can proceed.
3. An agent code remains valid for 2 years from the date of issue or last renewal due date unless the agent advises that they no longer require it, or it is suspended or cancelled. An agent should notify the RLPB which assigned their code of any change to their postal address to ensure that renewal notices are received.

Conditions of use of an agent identification code

4. Compliance with the conditions for use of an agent code may be audited by the RLPB or NSW Department of Primary Industries. An agent must make any records and other information relevant to the use of their code available to an inspector on request at any reasonable time.
5. An agent who is assigned an agent code is responsible and liable for the actions of any other agent (whether licensed or the holder of a certificate of registration), employee, contractor, associate or other person who uses their agent code to transfer cattle on the NLIS database.
6. Cattle that have been purchased by or are in the possession of a stock agent should be transferred on the NLIS database to the property identification code (PIC) of the destination property, abattoir or saleyard. If the final destination is not known, the cattle may be temporarily transferred to the agent's agent code, then transferred to the destination's PIC as soon as the destination is known. If the PIC is not known, it may be ascertained by contacting the relevant RLPB or the NSW NLIS Hotline 1300 720 405.
7. Cattle must be transferred from an agent code to a property, abattoir or saleyard PIC within 7 days. Cattle must not remain on an agent code for more than 7 days and cannot be transferred between agent codes.

Continued ...

8. An agent must keep records of the current location of all cattle in their possession together with their NLIS or microchip numbers. These records must be kept for at least 2 years and made available to an inspector on request.
9. The NLIS database must be advised, by the close of business on the next working day, if any cattle on an agent code die, are lost or are stolen. Stolen cattle should also be promptly reported to the Police.
10. If any cattle lose their identifier while assigned to an agent code, a special NLIS device must be attached. Normal identifiers (tail/ear tags or NLIS devices) cannot be obtained with an agent code.
11. An agent code may be suspended or cancelled if any condition of use is not complied with or if the agent is no longer licensed as a stock and station agent. The Department of Fair Trading will be advised if an agent code is cancelled for reasons of non-compliance.

Declaration

I wish to renew my agent identification code.
 I have read and understand the conditions above and I agree to comply with all of the conditions.
 I confirm that no cattle are currently assigned to my code for more than 7 days.
 I am aware that it is illegal for me to sell stock that are not identified in accordance with the Regulation.
 I acknowledge that my code may be suspended or cancelled if I fail to transfer cattle from my agent code within 7 days, or fail to meet any of the other conditions, and that I might also be prosecuted for a breach of the Regulation (penalty notice \$550, maximum penalty \$11,000).

Note: The information provided on this form is being collected for the purposes of the Stock Diseases Act 1923. It may be provided to NSW Department of Primary Industries, other Rural Lands Protection Boards, Meat and Livestock Australia and other persons for the purposes of that Act. The information has been provided because it is required by law. It will be stored securely by a district registrar or in an identification code register. You may access or correct this information by contacting the Rural Lands Protection Board.

Signed:		Date:	
---------	--	-------	--

Please send the completed form and fee to the RLPB:

For further information, please contact the RLPB on or phone the NSW NLIS Hotline 1300 720 405

Office Use Only	Agent code assigned:	N		0	0				
Fee paid:									
Checked for outstanding cattle on NLIS database:									
Entered in district register:									
Agent advised:									
Central register advised of any changes:									