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OVINE JOHNE'S DISEASE (OJD)

MANAGEMENT AREA

PROCEDURES

This circular replaces AI circulars: AI 2004/018 and 2004/019. It must be read with the circular on Ovine Johne's Disease (OJD) Management Area - Policy.

Animal Health Statements (Statements)

1 Authority

Stock Diseases Act 1923:

- section 14(4), power for an Inspector to order a Course of Action with regard to use of Animal Health Statements, and
- section 20J in relation to providing false and/or misleading statements on Statements.

2 Compliance

In order to comply with Statement requirements:

- a person may not send, or deliver to sale, sheep other than exempt sheep, unless a completed Statement relating to the sheep is handed to the consignee at the point of delivery, and
- a person may not sell sheep, other than exempt sheep, unless a completed Statement relating to the sheep is made available to prospective buyers to inspect, and
- a person who has sold sheep, other than exempt sheep, must provide the purchaser with a copy of a completed Statement relating to the sheep within 7 days of the sale, if requested to do so by the purchaser, and
- a person may not agist sheep unless a completed Statement relating to the sheep has first been handed to the agistee.

Note 1: the definition of a completed Animal Health Statement can be found in the Inspector's order of Course of Action for the Management Area.

Note 2: exempt sheep are:

- sheep being moved to slaughter, directly or via a slaughter-only sale,
- lambs accompanied by a National Vendor Declaration on which section 7 has been filled in with the words 'PRIME LAMBS FOR SLAUGHTER ONLY',
- Sheep being sent or delivered to an Animal Health Statement exempt sale.

Note 3: interstate sheep being offered for sale in a NSW saleyard are subject to the above requirements.

Note 4: 'T' tag lambs are subject to the above requirements.

3 Compliance checks

Compliance checks at public saleyards are undertaken by Inspectors, ideally at the point of delivery of sheep to the saleyard.

In public saleyards, compliance checks should be undertaken on:

- every saleyard at least six times per annum, and
- a significant percentage of lots that are being delivered at the time of the compliance check.

Compliance checks are undertaken at private/on-property sales at the discretion of the District Veterinarian (DV).

No compliance checks are required on slaughter-only sections of saleyards, or on Animal Health Statement exempt sales.

4 Breaches

Breaches include:

- consignment and/or sale of sheep with a Statement that contains false or misleading information,
- consignment and/or sale of sheep without a Statement,
- consignment and/or sale of sheep with a Statement that has major omissions of essential detail, - one or more sections not completed.

5 Action with regard to making a false or misleading statement

If, during a saleyard compliance check, an Inspector suspects that a Statement contains false or misleading information, the Inspector should bring this suspicion to the attention of only the seller/seller's agent.

The Inspector should also advise that the seller will commit an offence if the sheep are offered for sale without the seller first correcting the Statement.

Should the sale proceed without correction to the Statement, investigation should be undertaken.

If an Inspector suspects that a Statement contains false or misleading information in other circumstances, investigation should be undertaken.

If investigation confirms that a breach has occurred, the Inspector should consult both the DV and the Regulatory Compliance Manager regarding appropriate action.

A prosecution may be recommended for any suspected offence including a suspected first offence, unless there are extenuating circumstances

6 Action with regard to consigning sheep, other than exempt sheep, without a completed Animal Health Statement

All suspected breaches are to be investigated.

The following action should be taken or recommended, subject to DV endorsement, if investigation confirms that a breach has occurred:

- issue a warning letter,
- issue a penalty notice,
- recommend a prosecution.

7 Action with regard to selling sheep, other than exempt sheep, without a completed Animal Health Statement

All suspected breaches are to be investigated.

The following action should be taken or recommended, subject to DV endorsement, if investigation confirms that a breach has occurred:

- issue a warning letter,
- issue a penalty notice,
- recommend a prosecution.

7.1 Action with regard to sheep, other than exempt sheep, having been delivered to a saleyard without a completed Animal Health Statement

In the event that:

- sheep, other than exempt sheep, are delivered to a saleyard without a completed Statement, and
- the seller is available,

an Inspector should advise both the seller and the seller's agent, that an offence will be committed if the sheep are sold without the seller first completing a Statement and making it available to prospective buyers to inspect.

In the event that:

- sheep, other than exempt sheep, are delivered to a saleyard without a completed Statement, and
- the seller is not available, and
- an Inspector is of the opinion that the seller has not previously failed to comply with a requirement to provide an Animal Health Statement, then the Inspector may advise the seller's agent that sale of the sheep can proceed without penalty to the agent, provided the agent undertakes to:
 - announce to prospective buyers, immediately before offering the sheep for sale, that the sheep are not accompanied by a completed Statement and therefore do not have any Assurance Based Credit points allotted to them, and
 - record the same information on the invoice of sale, and
 - obtain, from the seller, a completed Statement, and
 - provide the completed Statement to an Inspector within seven days of the sale.

In the event that:

- an Inspector has advised a seller's agent that sale of the sheep can proceed without penalty to the agent, subject to the above undertaking, and

- the Inspector is subsequently of the opinion that the agent has failed to comply with his/her undertaking,
- then the Inspector should proceed with an investigation.

The following action should be taken or recommended, subject to DV endorsement, if investigation confirms that the seller's agent has committed a breach:

- issue a warning letter,
- issue a penalty notice,
- recommend a prosecution.

8 Action with regard to a complaint about a possible breach

An Inspector should investigate any possible breach that is reported to, but not detected by, the Inspector.

If the report is substantiated, 5, 6 or 7 applies.

APPROVED

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