

South Australia

LIVESTOCK REGULATIONS 1998

REGULATIONS UNDER THE LIVESTOCK ACT 1997

Livestock Regulations 1998

being

No. 11 of 1998: *Gaz.* 22 January 1998, p. 288¹

as varied by

No. 20 of 1999: *Gaz.* 25 March 1999, p. 1483²

No. 210 of 1999: *Gaz.* 28 October 1999, p. 2120³

No. 129 of 2000: *Gaz.* 15 June 2000, p. 3286⁴

No. 143 of 2000: *Gaz.* 22 June 2000, p. 3373⁵

No. 2 of 2001: *Gaz.* 18 January 2001, p. 144⁶

No. 5 of 2001: *Gaz.* 25 January 2001, p. 320⁷

No. 195 of 2001: *Gaz.* 23 August 2001, p. 3274⁸

- ¹ Came into operation 22 January 1998: reg. 2.
² Came into operation 25 March 1999: reg. 2.
³ Came into operation 28 October 1999: reg. 2.
⁴ Came into operation 1 July 2000: reg. 2.
⁵ Came into operation 1 July 2000: reg. 2.
⁶ Came into operation 31 January 2001: reg. 2.
⁷ Came into operation 25 January 2001: reg. 2.
⁸ **Came into operation 1 October 2001: reg. 2.**

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last consolidation.*
- *For the legislative history of the regulations see Appendix.*

SUMMARY OF PROVISIONS

PART 1 PRELIMINARY

1. Citation
2. Commencement
3. Revocation
4. Interpretation
5. Exemptions
- 5A. Authorisations

PART 1A BEEKEEPERS

- 5B. Interpretation
- 5C. Registration of beekeepers
- 5D. Term of registration and renewals
- 5E. Change of address
- 5F. Annual honey testing for American Foul Brood
- 5G. Bees to be kept in a frame-hive
- 5H. Hive identification
- 5I. Exposure of hive, bee products etc.
- 5J. Abandonment and neglect of hives etc.

PART 2 ARTIFICIAL BREEDING

6. Prescribed class of livestock
7. Eligibility requirements for artificial breeding centre
8. Conditions of registration of artificial breeding centre
9. Eligibility requirements—artificial breeding procedures
10. Conditions of registration—artificial breeding procedures
11. Term of registration and renewals

PART 3 VETERINARY DIAGNOSTIC LABORATORIES

12. Eligibility requirements
13. Conditions of registration
14. Term of registration and renewals

PART 4 VACCINES

15. Sale or supply of vaccines
16. Use of vaccines
17. Storage and disposal of vaccines
18. Prohibition on use of diagnostic agents

PART 5 HORMONAL GROWTH PROMOTANTS

19. Method of treatment of cattle or buffalo with hormonal growth promotants
20. HGP earmarks
21. HGP records
22. HGP free declarations
23. HGP free tags
24. HGP free invoices etc.

4.

**PART 6
LIVESTOCK IDENTIFICATION**

- 26. Interpretation
- 27. Identification of livestock
- 28. Types of tags and devices
- 29. Property identification codes
- 29A. Authorisation of manufacturers and recyclers
- 29B. Supply of tags and devices
- 29C. Animal must not have more than one permanent identification device
- 29D. Removal of permanent identification devices
- 29E. Replacement of lost devices
- 29F. Offence to alter or deface tags and devices

**PART 7
SHEEP LICE**

- 30. Offence if lice-infested sheep at market
- 31. Offence if lice-infested sheep stray

**PART 7A
VENDOR DECLARATIONS**

- 31A. Signing of vendor declarations
- 31B. False or misleading vendor declarations

**PART 8
PROVISION FOR FUNDS UNDER REPEALED ACTS**

- 32. Cattle Compensation Fund
- 33. Beekeepers Compensation Fund
- 34. Swine Compensation Fund

**SCHEDULE 1
*Fees***

**SCHEDULE 2
*Transitional Provisions***

**APPENDIX
LEGISLATIVE HISTORY**

**PART 1
PRELIMINARY**

Citation

1. These regulations may be cited as the *Livestock Regulations 1998*.

Commencement

2. These regulations will come into operation on the day on which the *Livestock Act 1997* comes into operation.

Revocation

3. All regulations previously made under the *Stock Act 1990* are revoked.

Interpretation

4. In these regulations—

"Act" means the *Livestock Act 1997*;

"**class 1 vaccine**" means a preparation or substance capable of producing immunity in livestock to the following organisms or disease syndromes:

- anthrax
- avian encephalomyelitis
- Dichelobacter nodosus
- Mareks disease
- rabies
- Shopes fibroma virus;

"**class 2 vaccine**" means a preparation or substance capable of producing immunity in livestock to the following organisms or disease syndromes:

- bovine pestivirus
- Campylobacter fetus var venerealis
- canine adenovirus
- canine distemper
- canine calicivirus
- canine parainfluenza virus
- canine parvovirus
- canine staphylococcal dermatitis
- equine staphylococcal dermatitis
- feline calicivirus
- feline herpes virus
- feline panleukopaenia
- feline viral rhinotracheitis
- feline T-lymphocytic lentivirus
- infectious bovine rhinotracheitis
- infectious canine hepatitis
- Parainfluenza 3 virus
- Staphylococcal mastitis
- Streptococcus equi;

"**HGP earmark**" means an earmark of the kind required to be made immediately after cattle or buffalo are treated with a hormonal growth promotant (*see regulation 20*);

"**HGP free declaration**" means a declaration, in a form approved by the Chief Inspector, that cattle or buffalo have not been treated with hormonal growth promotants;

"**HGP free invoice**" means an invoice issued by a stock agent in respect of cattle or buffalo sold by the agent containing an endorsement in a form approved by the Chief Inspector for the purposes of indicating that HGP free tags were attached to cattle or buffalo at the time of sale;

"**HGP free tag**" means a transaction tag of a colour, and conforming to any other requirements, specified by the Chief Inspector for the purposes of indicating that cattle or buffalo to which such tags are attached have not been treated with hormonal growth promotants;

"**hormonal growth promotant**" means a product containing one or more hormones (including but not limited to oestradiol, progesterone, trenbolone and zeranol) that increases the growth rate of, and enhances feed conversion in, cattle or buffalo;

"**lice**" means sheep body lice of the genus *Bovicola ovis*;

"**lice-infested sheep**" means sheep on which one or more live lice are present;

"**transaction tag**" means a tail or ear tag obtained from an authorised manufacturer (see Part 6);

"**vaccine**" means—

- (a) a class 1 or 2 vaccine; or
- (b) any other preparation or substance capable of producing immunity in livestock to disease;

"**vendor declaration**" means a declaration made in connection with the sale or proposed sale of livestock, using—

- (a) a form known as a "Vendor Declaration" from time to time approved by the Chief Inspector in respect of livestock of the relevant kind; or
- (b) a form to the same effect as the form referred to in paragraph (a).

Exemptions

5. (1) Section 46(1)(a) of the Act does not apply in relation to the feeding of dogs or cats.

(2) Section 46(1)(c) of the Act does not apply in relation to the following products:

- (a) tallow;
- (b) gelatine;
- (c) meat, or a meat product, sold for human consumption in accordance with the *Meat Hygiene Act 1994* that—
 - (i) has been cooked and offered for human consumption; and

7.

- (ii) has undergone further heat treatment in the process of becoming food for livestock consumption;
- (d) blood or any extract or derivative of blood.

Authorisations

5A. (1) An authorisation of the Chief Inspector under these regulations—

- (a) must be in writing; and
- (b) may be given to a particular person or to a class of persons or may apply generally; and
- (c) may be subject to conditions; and
- (d) may be varied or revoked by the Chief Inspector at any time.

(2) An authorisation of the Chief Inspector under these regulations or the variation or revocation of such an authorisation takes effect—

- (a) if the authorisation is given to a particular person—when written notice of the authorisation or of the variation or revocation (as the case may be) is served on the person; or
- (b) if the authorisation is given to a class of persons or applies generally—when notice of the authorisation or of the variation or revocation (as the case may be) is published in the *Gazette*.

**PART 1A
BEEKEEPERS**

Interpretation

5B. In this Part—

"**appliance**" means any article, apparatus or implement used in connection with the keeping of bees or the extraction or storage of honey;

"**foundation**" means material impressed with the pattern of cell bases on which bees build comb;

"**registered beekeeper**" means a person registered as a beekeeper under section 17 of the Act.

Registration of beekeepers

5C. (1) Bees for which a hive is kept are a prescribed class of livestock for the purposes of section 17 of the Act.

(2) A person who keeps bees is not required to be registered under section 17 of the Act if—

- (a) the bees are kept only in hives in respect of which another person is registered as a beekeeper; or
- (b) the bees are kept in a hive brought into the State from another State or Territory for a period of not more than 90 days in any continuous period of 12 months and the manner in which the person keeps the bees would, if those bees were being kept in that other State or Territory, comply with the requirements of the corresponding laws of that State or Territory.

Term of registration and renewals

5D. (1) Registration as a beekeeper is for a term expiring on the last day of February following registration.

(2) Registration as a beekeeper may be renewed from time to time for a further term of 12 months.

(3) An application for renewal of registration as a beekeeper must—

- (a) be made to the Chief Inspector; and
- (b) be in the form and contain or be accompanied by the information required by the Chief Inspector; and
- (c) be accompanied by the fee set out in Schedule 1.

Change of address

5E. A registered beekeeper must within 14 days after changing his or her postal address notify the Chief Inspector of the change in writing.

Maximum penalty: \$250.

Expiation fee: \$80.

Annual honey testing for American Foul Brood

5F. (1) The Chief Inspector may, by notice in writing, require a beekeeper to provide the Chief Inspector, within a period specified in the notice, with—

- (a) a copy of the results of an AFB test carried out on a composite sample of honey collected following the notice or within the preceding three months from hives kept by the beekeeper; or
- (b) a composite sample of honey collected following the notice or within the preceding three months from hives kept by the beekeeper to be subjected to an AFB test at the cost of the beekeeper.

(2) The Chief Inspector may not make a requirement under subregulation (1) of the same beekeeper more than once in each 12 month period commencing on 1 March.

(3) If a beekeeper refuses or fails to comply with a requirement under subregulation (1), the Chief Inspector may—

- (a) cause a composite sample of honey to be collected by an inspector from hives kept by the beekeeper and to be subjected to an AFB test; and
- (b) recover costs and expenses reasonably incurred in doing so as a debt owed by the person of whom the requirement was made.

(4) A beekeeper who does not comply with a requirement made under subregulation (1) is guilty of an offence.

Maximum penalty: \$1 250.

Expiation fee: \$160.

(5) This regulation does not derogate from other powers of an inspector to take samples of honey or to require honey to be tested.

(6) For the purposes of this regulation, a composite sample of honey must be collected from hives kept by a beekeeper as follows:

- (a) if the number of hives kept is 20 or less—a sample of at least ten millilitres of honey must be collected from each of the hives;
- (b) if the number of hives kept is more than 20 but less than 100—a sample of at least ten millilitres of honey must be collected from each of 20 different hives chosen randomly;
- (c) if the number of hives kept is more than 100—a sample of at least ten millilitres of honey must be collected from each of a number of different hives chosen randomly, that number being 20 per cent of the total number of hives kept (ignoring any resulting fraction).

(7) In this regulation—

"**AFB test**" means a test for the presence of American Foul Brood conducted by a laboratory approved for the purpose by the Chief Inspector.

Bees to be kept in a frame-hive

5G. A person who keeps bees, unless otherwise authorised by the Chief Inspector, must keep the bees in a hive (a frame-hive) that complies with the following requirements:

- (a) the hive must consist of a box with a lid that is removable so that the movement of bees in and out of the frame-hive can be easily controlled; and
- (b) the box must be fitted with movable frames supported inside the box so that they stand on edge in a vertical position and there is an interval of at least six millimetres, but not more than 20 millimetres, between adjacent frames; and
- (c) each movable frame must—
 - (i) have inserted at its centre a flat sheet of foundation; and
 - (ii) be separated from all inner surfaces of the box and any other movable frame placed above it by a space of at least eight millimetres; and
 - (iii) be placed inside the box so that it can be easily removed for inspection.

Maximum penalty: \$5 000.

Expiation fee: \$315.

Hive identification

5H. (1) A registered beekeeper must ensure that each hive is marked in accordance with this regulation with a hive identification code allocated to him or her in writing by the Chief Inspector.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(2) Unless otherwise directed by the Chief Inspector, the hive identification code must be marked on a hive in the following manner:

- (a) subject to subregulation (3), the code must be placed in the centre of an external vertical face of the hive; and
- (b) the code may be burned, stencilled, embossed, carved or etched directly onto the face of the hive, or it may be inscribed on a metal plate secured to the face of the hive; and
- (c) each character of the code must be 30 millimetres in height.

(3) If the face of a hive has previously been marked with a hive identification code (or a brand under the *Apiaries Act 1931*), any subsequent hive identification codes allocated to the hive must be marked on the same vertical face, the first such code being placed in the top left hand corner of that face and each subsequent code being placed in the next corner proceeding clockwise.

Exposure of hive, bee products etc.

5I. A beekeeper must not without reasonable excuse, leave a hive, part of a hive (including frames, combs, honey, foundation or beeswax) or an appliance exposed in a manner or under conditions likely to attract robber bees.

Maximum penalty: \$5 000.

Expiation fee: \$315.

Abandonment and neglect of hives etc.

5J. (1) A beekeeper must not, without reasonable excuse—

- (a) abandon a hive previously kept by the beekeeper; or
- (b) neglect the management and care of a hive kept by the beekeeper to the extent that the hive is likely to become infected with disease or to attract robber bees; or
- (c) fail to destroy or properly dispose of any unwanted bees or part of a hive (including frames, combs, honey, foundation or beeswax).

Maximum penalty: \$5 000.

Expiation fee: In the case of an offence against paragraph (b) in the circumstances set out in subregulation (2)(b)—\$315.

(2) Without limiting paragraph (b) of subregulation (1), a beekeeper will be taken to neglect the management and care of a hive to the extent referred to in that paragraph if—

- (a) the hive is not examined for the presence of disease at least once in each 6 month period; or
- (b) the hive is one of a number of hives comprising an apiary and at least three of the following conditions apply to the apiary:
 - (i) there is no source of water accessible to bees within 200 metres of a hive in the apiary;
 - (ii) the prescribed number of hives in the apiary are, or exhibit signs of having been, infested with wax moth;
 - (iii) the prescribed number of hives in the apiary are dead;
 - (iv) a hive or part of a hive in the apiary has been left exposed in a manner or under conditions likely to attract robber bees.

(3) In proceedings for an offence against this regulation, hives located on the same holding will, in the absence of proof to the contrary, be taken to comprise an apiary.

(4) In this regulation—

"**apiary**" means a number of hives managed together;

12.

"**prescribed number of hives**" in an apiary means—

- (a) if the number of hives comprising the apiary is less than 10—one;
- (b) if the number of hives comprising the apiary is 10 or more—the number that is 10 per cent of the total number of hives comprising the apiary (ignoring any resulting fraction).

(5) For the purposes of this regulation a hive is "**dead**" if a substantial number of the bees in the hive are dead.

PART 2
ARTIFICIAL BREEDING

Prescribed class of livestock

6. The following are prescribed classes of livestock for the purposes of the definition of "artificial breeding centre" in section 3 of the Act and for the purposes of section 19(1) of the Act:

- (a) cattle;
- (b) sheep;
- (c) goats;
- (d) pigs;
- (e) horses.

Eligibility requirements for artificial breeding centre

7. (1) In determining whether to grant registration under section 18 of the Act to operate an artificial breeding centre, the Chief Inspector must have regard to—

- (a) the suitability of the applicant to be granted registration; and
- (b) the arrangements that the applicant has made to fulfil the obligations that may arise under these regulations; and
- (c) the suitability of the premises for their purpose; and
- (d) the standard of construction of the premises and the standard of the facilities and equipment on the premises; and
- (e) the nature of the artificial breeding procedures to be carried out at the centre; and
- (f) any other relevant matter.

(2) If an application is made in respect of proposed premises, the Chief Inspector—

- (a) must determine whether he or she will grant registration if the premises are completed substantially in accordance with the proposal and, if so, the conditions (if any) he or she will impose on the registration; and
- (b) if he or she determines that registration will be granted in those circumstances, is bound by that decision.

Conditions of registration of artificial breeding centre

8. The following are conditions of registration under section 18 of the Act to operate an artificial breeding centre:

- (a) there must be compliance in relation to artificial breeding procedures performed by the centre with—
 - (i) the *Code of Practice for Australian Livestock Artificial Breeding Centres* published by the Australian Quarantine and Inspection Service, as in force from time to time; and
 - (ii) the *Minimum Health Standards for Stock Standing at Licensed or Approved Artificial Breeding Centres in Australia* published by the Australian Quarantine and Inspection Service, as in force from time to time;
- (b) the premises to which registration of an artificial breeding centre relates must not, without the approval of the Chief Inspector—
 - (i) be altered or extended;
 - (ii) be used for the carrying out of artificial breeding procedures not authorised by the registration;
- (c) the following records must be kept:
 - (i) records that ensure that the animal from which any semen or embryos have been collected and the place and date of collection can, at all times, be readily determined;
 - (ii) accurate records of all artificial breeding procedures carried out pursuant to the registration;
 - (iii) accurate records relating to the health of an animal from which semen or embryos have been collected pursuant to the registration.

Eligibility requirements—artificial breeding procedures

9. A person is not eligible to be registered under section 19 of the Act to perform an artificial breeding procedure unless the person—

- (a) is a fit and proper person to be registered; and
- (b) has qualifications and experience that the Chief Inspector considers appropriate having regard to the kind of procedures that the applicant would be authorised to perform if granted the registration.

Conditions of registration—artificial breeding procedures

10. (1) The following categories of registration under section 19 of the Act may be granted:

- (a) insemination of livestock—authorising the holder to carry out artificial insemination of livestock;

- (b) semen collection and processing—authorising the holder to collect semen from livestock and process it;
 - (c) embryo collection and processing—authorising the holder to collect ova or embryos from livestock and process them.
- (2) The following are conditions of registration under section 19 of the Act:
- (a) artificial breeding procedures not authorised by the registration must not be performed;
 - (b) the following records must be kept:
 - (i) records that ensure that the animal from which any semen or embryos have been collected and the place and date of collection can, at all times, be readily determined;
 - (ii) accurate records of all artificial breeding procedures carried out pursuant to the registration;
 - (iii) accurate records relating to the health of an animal from which semen or embryos have been collected pursuant to the registration.

Term of registration and renewals

11. (1) The term of registration of an artificial breeding centre or a person authorised to perform artificial breeding procedures is until 30 June in the third year after its grant.

- (2) Renewal of registration is for three years.

PART 3
VETERINARY DIAGNOSTIC LABORATORIES

Eligibility requirements

12. (1) In determining whether to grant registration under section 20 of the Act to operate a veterinary diagnostic laboratory, the Chief Inspector must have regard to—

- (a) the suitability of the applicant to be granted registration; and
- (b) the arrangements that the applicant has made to fulfil the obligations that may arise under these regulations; and
- (c) the suitability of the premises for their purpose; and
- (d) the standard of construction of the premises and the standard of the facilities and equipment on the premises; and
- (e) the nature of the examinations and tests to be carried out at the laboratory; and
- (f) any other relevant matter.

(2) If an application is made in respect of proposed premises, the Chief Inspector—

- (a) must determine whether he or she will grant registration if the premises are completed substantially in accordance with the proposal and, if so, the conditions (if any) he or she will impose on the registration; and
- (b) if he or she determines that registration will be granted in those circumstances, is bound by that decision.

Conditions of registration

13. Registration under section 20 of the Act of a veterinary diagnostic laboratory is subject to the following conditions:

- (a) the laboratory must be supervised by a person or persons approved by the Chief Inspector;
 - In respect of the supervision of animal disease diagnosis carried out at the laboratory, the person must be a veterinary surgeon.
 - In respect of the supervision of residue analysis carried out at the laboratory, the person must hold appropriate qualifications.
- (b) the methods used at the laboratory for animal disease diagnosis must conform to the *Australian Standard Techniques for Animal Diseases* published for the Australian Agricultural Council (Standing Committee on Agriculture) by CSIRO Australia, as in force from time to time;
- (c) if a result from any test or analysis carried out at the laboratory indicates that any livestock or livestock product or other property is, or is likely to be, affected with a notifiable condition the result must be reported to the Chief Inspector by the quickest practicable means, together with such further information as the Chief Inspector may reasonably require;

- (d) records of results from each test or analysis carried out at the laboratory must be kept for a period of at least seven years;
- (e) a laboratory sample or specimen affected or reasonably suspected of being affected with a notifiable condition must not, without the approval of the Chief Inspector—
 - (i) be brought into the laboratory from interstate or overseas; or
 - (ii) be sent from the laboratory out of the State;
- (f) laboratory samples or specimens or records of results from a test or analysis carried out at the laboratory, must, at the request of the Chief Inspector, be provided to the Chief Inspector or a person nominated by the Chief;
- (g) the laboratory must participate in a quality assurance program approved by the Chief Inspector.

Term of registration and renewals

14. (1) The term of registration of a veterinary diagnostic laboratory is until 30 June in the third year after registration is granted.

- (2) Renewal of registration is for 3 years.

**PART 4
VACCINES**

Sale or supply of vaccines

15. (1) A person must not sell or supply a vaccine for use on livestock unless—

- (a) in the case of a class 1 vaccine—the sale or supply is to a veterinary surgeon, or to some other person approved by the Chief Inspector, for use by that person and the sale or supply has been approved by the Chief Inspector; or
- (b) in the case of a class 2 vaccine—the sale or supply is to a veterinary surgeon, or to some other person approved by the Chief Inspector, for use by that person; or
- (c) in any other case—
 - (i) the preparation or substance is registered under the *Agricultural and Veterinary Chemicals (South Australia) Act 1994*; or
 - (ii) the approval of the Chief Inspector has been obtained.

Maximum penalty: \$5 000.

(2) A person must not sell or supply a vaccine after the date (if any) specified on any label, covering, wrapping or container as the date after which the vaccine should not or must not be used on livestock.

Maximum penalty: \$2 500.

Expiation fee: \$210.

Use of vaccines

16. A person must not, without the approval of the Chief Inspector, use a class 1 or 2 vaccine on livestock unless the person is a veterinary surgeon.

Maximum penalty: \$5 000.

Storage and disposal of vaccines

17. A person who has in his or her possession, custody or control a vaccine intended for sale or supply must—

- (a) ensure that the vaccine is at all times stored in the manner, and at the temperature (if any) specified on any label, covering or wrapping by or under any law; and
- (b) dispose of the vaccine on, or as soon as possible after, the date (if any) specified on any label, covering, wrapping or container as the date after which the vaccine should not or must not be used on livestock.

Maximum penalty: \$2 500.

Expiation fee: \$210.

19.

Prohibition on use of diagnostic agents

18. A person must not, without the approval of the Chief Inspector, use a diagnostic agent (including tuberculin, johnin, mallein or pullorum antigen).

Maximum penalty: \$2 500.

PART 5
HORMONAL GROWTH PROMOTANTS

Method of treatment of cattle or buffalo with hormonal growth promotants

19. A person must not treat cattle or buffalo with a hormonal growth promotant otherwise than by implanting the hormonal growth promotant under the skin behind the ear of the cattle or buffalo.

Maximum penalty: \$5 000.

Expiation fee: \$315.

HGP earmarks

20. (1) If cattle or buffalo are not, immediately after treatment with a hormonal growth promotant, each marked with an earmark consisting of an equilateral triangle with sides 20 millimetres in length, punched through the centre of the left or right ear of the animal (an **HGP earmark**)—

- (a) the owner of the cattle or buffalo; and
- (b) any other person responsible for the husbandry of the cattle or buffalo who treated the cattle or buffalo with the hormonal growth promotant, or caused or permitted the cattle or buffalo to be so treated,

are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(2) Subregulation (1) does not apply in respect of an animal that already has an HGP earmark at the time of treatment with a hormonal growth promotant.

HGP records

21. The owner (or former owner) of cattle or buffalo that are treated with hormonal growth promotants must ensure that records are made, and retained for a period of not less than two years after the cattle or buffalo cease to be in his or her ownership, containing the following information:

- (a) in respect of each type of hormonal growth promotant obtained or used to treat cattle or buffalo—
 - (i) the date on which it was obtained; and
 - (ii) a description of its type; and
 - (iii) the name and address of the person from whom it was obtained; and
 - (iv) the number of doses obtained; and
- (b) in respect of each treatment of cattle or buffalo with each type of hormonal growth promotant—
 - (i) the date of the treatment; and

21.

- (ii) the breed or other description of each animal treated; and
 - (iii) the number of animals treated; and
 - (iv) a description of the type of hormonal growth promotant used for the treatment; and
 - (v) the number of doses of hormonal growth promotant used, lost or wasted in the course of the treatment; and
- (c) in respect of the disposal to some other person of cattle or buffalo treated with hormonal growth promotants—
- (i) the number of animals disposed of; and
 - (ii) the breed or other description of each animal; and
 - (iii) the fact that the animals have been treated with hormonal growth promotants; and
 - (iv) the date of the disposal; and
 - (v) the name of that other person.

Maximum penalty: \$2 500.

Expiation fee: \$210.

HGP free declarations

22. (1) A person must not make an HGP free declaration in respect of cattle or buffalo unless the person is—

- (a) the owner of the cattle or buffalo; or
- (b) a person responsible for the husbandry of the cattle or buffalo authorised by the owner to do so.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(2) A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in an HGP free declaration.

Maximum penalty/expiation fee:

- (a) If the person made the statement knowing that it was false or misleading:
Maximum penalty—\$10 000.
- (b) In any other case:
Maximum penalty—\$5 000.
Expiation fee—\$315.

(3) For the purposes of subregulation (2), the statement in an HGP declaration that the cattle or buffalo have not been treated with hormonal growth promotants will be taken to be false if the cattle or buffalo have HGP earmarks.

(4) A person must not make an HGP free declaration in respect of cattle or buffalo that have not been continuously in the same ownership since birth unless the current owner of the cattle or buffalo received an HGP free declaration or an HGP free invoice in respect of the cattle or buffalo when they came into his or her ownership.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(5) In proceedings for an offence against subregulation (4), the burden of proving that the current owner received an HGP free declaration or invoice in respect of the cattle or buffalo when they came into his or her ownership lies on the defendant.

HGP free tags

23. (1) If HGP free tags are attached to cattle or buffalo that have HGP earmarks or, despite not having HGP earmarks, have been treated with hormonal growth promotants—

- (a) the owner of the cattle or buffalo; and
- (b) any other person responsible for the husbandry of the cattle or buffalo who attached the tags or caused or permitted the tags to be so attached,

are each guilty of an offence.

Maximum penalty:

If the owner or person responsible for the husbandry of the cattle or buffalo knows that the cattle or buffalo have been treated with hormonal growth promotants—\$10 000.

In any other case—\$5 000.

(2) If HGP free tags are attached to cattle or buffalo that have not been continuously in the same ownership since birth—

- (a) the owner of the cattle or buffalo; and
- (b) any other person responsible for the husbandry of the cattle or buffalo who attached or caused or permitted the tags to be so attached,

are each guilty of an offence unless the owner received an HGP free declaration or an HGP free invoice in respect of the cattle or buffalo when they came into his or her ownership.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(3) In proceedings for an offence against subregulation (2), the burden of proving that the owner received an HGP free declaration or invoice in respect of the cattle or buffalo when they came into his or her ownership lies on the defendant.

HGP free invoices etc.

24. (1) A stock agent must give to the purchaser of cattle or buffalo sold by the agent that are identified at the time of sale with HGP free tags either—

- (a) an HGP free invoice; or
- (b) if the stock agent has, in connection with the sale, received an HGP free declaration in respect of the cattle or buffalo—
 - (i) a copy of the declaration; and
 - (ii) if the declaration extends to cattle or buffalo not sold to the purchaser—an invoice that specifies the number and type of cattle or buffalo referred to in the declaration that have been sold to the purchaser (a **split lot invoice**).

Maximum penalty: \$2 500.
Expiation fee: \$210.

(2) A stock agent must ensure that each HGP free invoice issued by the agent—

- (a) specifies the number and type of cattle or buffalo that were identified at the time of sale with HGP free tags; and
- (b) identifies the land on which the cattle or buffalo were pastured before removal for sale.

Maximum penalty: \$2 500.
Expiation fee: \$210.

(3) A stock agent must retain for a period of not less than two years a copy of each HGP free invoice, HGP free declaration and split lot invoice given to a purchaser under this regulation.

Maximum penalty: \$2 500.
Expiation fee: \$210.

* * * * *

PART 6
LIVESTOCK IDENTIFICATION

Interpretation

26. In this Part—

"**authorised manufacturer**" means a person authorised by the Chief Inspector under regulation 29A to manufacture transaction tags or permanent identification devices;

"**authorised recycler**" means a person authorised by the Chief Inspector under regulation 29A to recycle permanent identification devices;

"**bobby calf**" means a calf that is of or under six weeks of age;

"**livestock**" means cattle and buffalo;

"**owner**" of land—

- (a) in relation to land alienated from the Crown in fee simple—means the owner of an estate in fee simple in the land;
- (b) in relation to land held from the Crown by lease, licence or agreement to purchase—means the lessee, licensee or purchaser;

"**permanent identification device**" means a device obtained from an authorised manufacturer or an authorised recycler for the permanent and individual identification of livestock;

"**property identification code**" means a code allotted to land by the Chief Inspector in accordance with regulation 29.

Identification of livestock

27. (1) Subject to subregulation (3), an owner of livestock must not, for the purpose of their slaughter or public sale, remove the livestock or permit the livestock to be removed from land on which they are pastured, unless—

- (a) attached to the tail or an ear of each animal is a transaction tag that bears the property identification code of the land; or
- (b) attached to or inserted in each animal is a permanent identification device that bears the property identification code of the land or otherwise enables that land to be identified; or
- (c) the livestock have been pastured on that land for not more than seven days and—
 - (i) attached to the tail or an ear of each animal is a transaction tag that bears the property identification code of the land on which they were pastured immediately before being pastured on that land; or

(ii) attached to or inserted in each animal is a permanent identification device that bears the property identification code of the land on which they were pastured immediately before being pastured on that land or that otherwise enables that land to be identified; or

(d) the prior written approval of an inspector has been obtained.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(2) For the purposes of subregulation (1), an animal will not be taken to have a permanent identification device attached to or inserted in it unless—

(a) the device is attached to an ear of the animal; or

(b) attached to an ear of the animal is a tag indicating that the animal has a permanent identification device attached to or inserted in it.

(3) Subregulation (1) does not apply in relation to—

(a) bobby calves that are accompanied by their dams; or

(b) stud animals (unless they are removed for slaughtering); or

(c) the removal of animals from land to which a property identification code applies to land to which the same code applies.

(4) If an inspector suspects on reasonable grounds that a person has removed, or is about to remove, livestock in contravention of subregulation (1), the inspector may—

(a) require the owner or person in charge of the animals to—

(i) muster them at or take them to a specified place convenient for inspecting or attaching transaction tags to the animals; and

(ii) attach transaction tags to animals found not to be tagged or otherwise identified in accordance with this regulation; and

(iii) detain the animals at a specified place, or return the animals to the place from which they have been removed, until they are tagged or otherwise identified in accordance with this regulation; and

(b) if the owner or person in charge refuses or fails to comply with such a requirement, take the action required to be taken, with or without assistance.

(5) The Minister may recover costs and expenses reasonably incurred by an inspector under subregulation (4) by action in a court of competent jurisdiction as a debt owed by the person of whom the requirement was made.

(6) In this regulation—

"**stud animal**" means an animal that is registered with a society of breeders of animals of the same breed.

Types of tags and devices

28. (1) A person must only attach to, or insert in, an animal a permanent identification device of the following kind:

- (a) if the device is to be attached to or inserted in the animal on the property on which the animal was born—a device of a kind approved by the Chief Inspector as a breeder device; or
- (b) in any other case—a device of a kind approved by the Chief Inspector as a post-breeder device.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(2) A person must only attach to a bobby calf a transaction tag of a kind approved by the Chief Inspector as a bobby calf tag.

Maximum penalty: \$5 000.

Expiation fee: \$315.

Property identification codes

29. (1) The Chief Inspector may allot a property identification code to land—

- (a) at the request of the owner of the land; or
- (b) at the request of the owner of livestock pastured on the land.

(2) The Chief Inspector may cancel a property identification code allotted to land—

- (a) at the request or with the consent of the owner of the land; or
- (b) if satisfied that no transaction tags or permanent identification devices bearing the property identification code of the land have been ordered in the preceding three years.

(3) The Chief Inspector must give notice of any cancellation of a property identification code under subregulation (2)(b) to the last known owner of the land at his or her last known address.

(4) Within 30 days after the sale of land to which a property identification code has been allotted under this regulation, the vendor must provide the Chief Inspector with the following information in writing:

- (a) the date of the sale; and

- (b) the name and address of the purchaser.

Maximum penalty: \$2 500.
Expiation fee: \$210.

Authorisation of manufacturers and recyclers

29A. The Chief Inspector may authorise a person—

- (a) to manufacture transaction tags or permanent identification devices for the purposes of this Part; or
- (b) to recycle permanent identification devices for the purposes of this Part.

Supply of tags and devices

29B. An authorised manufacturer or authorised recycler—

- (a) may only supply transaction tags or permanent identification devices to persons on receipt of an order form validated in a manner approved by the Chief Inspector; and
- (b) must—
- (i) keep records of the persons to whom the tags or devices are supplied and the number and type of tags or devices supplied in respect of each property identification code; and
- (ii) at the request of an inspector or other person authorised in writing by the Chief Inspector, produce the records for inspection.

Maximum penalty: \$5 000.
Expiation fee: \$315.

Animal must not have more than one permanent identification device

29C. A person must not, without the authorisation of the Chief Inspector, attach to or insert in an animal a permanent identification device if the animal already has a permanent identification device attached to or inserted in it.

Maximum penalty: \$2 500.
Expiation fee: \$210.

Removal of permanent identification devices

29D. (1) Subject to this regulation, a person must not remove a permanent identification device from an animal unless authorised to do so by the Chief Inspector.

Maximum penalty: \$5 000.
Expiation fee: \$315.

(2) Subregulation (1) does not apply to an inspector or a person acting in the course of his or her duties at an abattoir.

(3) The operator of an abattoir must ensure that all permanent identification devices removed from animals at the abattoir are, on a regular basis and in any event at least monthly—

- (a) destroyed; or
- (b) sent to an authorised recycler.

Maximum penalty: \$5 000.

Expiation fee: \$315.

Replacement of lost devices

29E. (1) If—

- (a) an animal has a permanent identification device attached to or inserted in it; and
- (b) the device is subsequently lost; and
- (c) a replacement permanent identification device is then attached to or inserted in the animal,

the person who attaches or inserts the replacement device must keep records which will enable the replacement device to be identified and must, at the request of an inspector, produce the records for inspection.

Maximum penalty: \$2 500.

Expiation fee: \$210.

(2) A person must keep records required under subregulation (1) in relation to an animal for not less than two years after the date on which the animal dies or is otherwise disposed of by the person.

Offence to alter or deface tags and devices

29F. A person must not, without the authorisation of the Chief Inspector, alter or deface a transaction tag or permanent identification device that is attached to or inserted in an animal.

Maximum penalty: \$5 000.

Expiation fee: \$315.

**PART 7
SHEEP LICE**

Offence if lice-infested sheep at market

30. (1) If lice-infested sheep are present at a market—

- (a) the owner of the sheep; and
- (b) any other person who consigned the sheep to the market,

are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(2) It is a defence to a charge of an offence against subregulation (1) if it is proved—

- (a) that the sheep (or an appropriate number of the sheep selected on an appropriate basis) had been properly inspected for the presence of lice by a person with suitable experience or training within 14 days before the sheep were taken to the market and no live lice were found in the course of the inspection; and
- (b) that after the inspection and before being taken to the market the sheep were kept separate from sheep other than sheep similarly inspected during that period and found to be free of live lice.

(3) In this regulation—

"**market**" means a market, fair, sale, show, parade or other gathering or competition at which sheep from different holdings are present (but does not include an abattoir or slaughterhouse).

Offence if lice-infested sheep stray

31. If lice-infested sheep stray, the owner of the sheep and any other person responsible for control of the sheep are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

PART 7A
VENDOR DECLARATIONS

Signing of vendor declarations

31A. A person must not sign a vendor declaration in connection with the sale or proposed sale of livestock unless the person is, or was immediately before the sale or consignment of the livestock for sale—

- (a) the owner of the livestock; or
- (b) a person responsible for the husbandry of the livestock authorised by the owner to do so.

Maximum penalty: \$5 000.

Expiation fee: \$315.

False or misleading vendor declarations

31B. A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in a vendor declaration.

Maximum penalty/expiation fee:

- (a) If the person made the statement knowing that it was false or misleading:
Maximum penalty—\$10 000.
- (b) In any other case:
Maximum penalty—\$5 000.
Expiation fee—\$315.

PART 8
PROVISION FOR FUNDS UNDER REPEALED ACTS

Cattle Compensation Fund

32. The amount in the Cattle Compensation Fund on the repeal of the *Cattle Compensation Act 1939* is to be paid into the South Australian Cattle Industry Fund established under the *Primary Industry Funding Schemes (Cattle Industry Fund) Regulations 2000* made under the *Primary Industry Funding Schemes Act 1998*.

Beekeepers Compensation Fund

33. The amount in the Beekeepers Compensation Fund established for the purposes of the *Apiaries Act 1931* on the repeal of that Act is to be paid into the South Australian Apiary Industry Fund established under the *Primary Industry Funding Schemes (Apiary Industry Fund) Regulations 2001* made under the *Primary Industry Funding Schemes Act 1998*.

Swine Compensation Fund

34. The amount in the Swine Compensation Fund on the repeal of the *Swine Compensation Act 1936* is to be paid into the South Australian Pig Industry Fund established under the *Primary Industry Funding Schemes (Pig Industry Fund) Regulations 2001* made under the *Primary Industry Funding Schemes Act 1998*.

SCHEDULE 1

Fees

- A1.** Application for registration or renewal of registration as a beekeeper \$15.00
- No fee is payable if the bees are kept for the purposes of instruction in an educational institution approved by the Chief Inspector.
- 1.** Application for registration or renewal of registration of artificial breeding centre \$250
- 2.** Application for registration or renewal of registration authorising artificial breeding procedure \$50
- (The same fee applies in relation to an applicant for, or for renewal of, registration authorising more than one category of artificial breeding procedure.)
- 3.** Application for registration or renewal of registration of diagnostic laboratory \$250
- 4.** Replacement certificate of registration \$20

SCHEDULE 2
Transitional Provisions

Continuation of registration of beekeepers

1. A person who was immediately before the repeal of the *Apiaries Act 1931* registered under that Act as a beekeeper will, subject to the Act and these regulations, be taken to be registered as a beekeeper under section 17 of the Act until 28 February 2001.

Hive identification codes

2. A brand allocated to a hive by the Chief Inspector under the repealed *Apiaries Act 1931* immediately before the commencement of these regulations will, on that commencement, be taken to be a hive identification code allocated to the hive under these regulations.

APPENDIX

LEGISLATIVE HISTORY

(entries in bold type indicate amendments incorporated since the last consolidation)

Regulation 4:	definitions of "HGP earmark", "HGP free declaration" and HGP free invoice" inserted by 20, 1999, reg. 3 definition of "HGP free tag" inserted by 20, 1999, reg. 3; substituted by 129, 2000, reg. 3(a) definition of "transaction tag" inserted by 129, 2000, reg. 3(b) definition of "vendor declaration" inserted by 5, 2001, reg. 3
Regulation 5:	redesignated as reg. 5(1) by 210, 1999, reg. 3
Regulation 5(2):	inserted by 210, 1999, reg. 3
Regulation 5A:	inserted by 129, 2000, reg. 4
	Part 1A comprising regs. 5B - 5J and heading inserted by 2, 2001, reg. 4
Regulations 20 - 24:	substituted by 20, 1999, reg. 4
Regulation 22(2):	substituted by 5, 2001, reg. 4
Regulation 25:	revoked by 20, 1999, reg. 4
	Part 6 comprising regs. 26 - 29 and heading varied by 20, 1999, reg. 5; revoked and regs. 26 - 29F inserted in its place by 129, 2000, reg. 5
	Part 7A comprising regs. 31A and 31B and heading inserted by 5, 2001, reg. 5
	Part 8 comprising s. 32 and heading inserted by 143, 2000, reg. 3
Regulation 33:	inserted by 2, 2001, reg. 5
Regulation 34:	inserted by 195, 2001, reg. 3
Schedule 1	
Item A1:	inserted by 2, 2001, reg. 6
Schedule 2:	inserted by 2, 2001, reg. 7