

South Australia

Livestock Regulations 1998

under the *Livestock Act 1997*

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Legislative history

Part 1—Preliminary

1—Short title

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

4—Interpretation

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;

corresponding law means—

- (a) *Animal Diseases Act 2005* of the Australian Capital Territory;
- (b) *Stock Diseases Act 1923* of New South Wales;
- (c) *Stock Diseases Act* of the Northern Territory;
- (d) *Stock Act 1915* of Queensland;
- (e) *Animals (Brands and Movement) Act 1984* of Tasmania;
- (f) *Livestock Disease Control Act 1994* of Victoria;
- (g) *Stock Diseases (Regulations) Act 1968* of Western Australia;
- (h) *Stock (Identification and Movement) Act 1970* of Western Australia;

deer means an animal of the family *Cervidae*;

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;

identification tag, in relation to a deer, means an ear tag obtained from an authorised manufacturer (see Part 6);

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) or a manufacturer authorised to manufacture tail or ear tags under a corresponding law or through an ordering system approved under a corresponding law;

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).

5—Exemptions

- (1) Section 46(1)(a) of the Act does not apply in relation to the feeding of ruminants, dogs or cats.
- (2) Section 46(1)(a) to (d) (inclusive) of the Act do not apply in relation to the following products:
 - (a) tallow;
 - (b) gelatine.

5A—Authorisations

- (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

5B—Interpretation

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.

5C—Registration of beekeepers

- (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.

5D—Term of registration and renewals

- (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.

5E—Change of address

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.

5F—Annual honey testing for American Foul Brood

- (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.

5G—Bees to be kept in a frame-hive

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.

5H—Hive identification

- (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.

5I—Exposure of hive, bee products etc

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.

5J—Abandonment and neglect of hives etc

- (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;
- 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 1B—Deer keepers

5K—Registration of deer keepers

Deer are a prescribed class of livestock for the purposes of section 17 of the Act.

5L—Term of registration and renewals

- (1) Registration as a deer keeper is for a term of 2 years.
- (2) Registration as a deer keeper may be renewed from time to time for a further term of 2 years.
- (3) An application for renewal of registration as a deer keeper 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.

Part 2—Artificial breeding

6—Prescribed class of livestock

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.

7—Eligibility requirements for artificial breeding centre

- (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.

8—Conditions of registration of artificial breeding centre

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.

9—Eligibility requirements—artificial breeding procedures

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.

10—Conditions of registration—artificial breeding procedures

- (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.

11—Term of registration and renewals

- (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

12—Eligibility requirements

- (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.

13—Conditions of registration

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.

14—Term of registration and renewals

- (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

15—Sale or supply of vaccines

- (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.

16—Use of vaccines

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.

17—Storage and disposal of vaccines

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.

18—Prohibition on use of diagnostic agents

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

19—Method of treatment of cattle or buffalo with hormonal growth promotants

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.

20—HGP earmarks

- (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.

21—HGP records

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
 - (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.

22—HGP free declarations

- (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.

23—HGP free tags

- (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.

24—HGP free invoices etc

- (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

Division 1—Preliminary

26—Interpretation

(1) In this Part—

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

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

breeder means—

- (a) an entire male animal; or
- (b) a female animal that is of or over 15 months of age;

identification code means—

- (a) an identification code allotted under regulation 29; or
- (b) a property identification code, property identifier code or other code identifying land allotted under a corresponding law;

livestock means cattle, buffalo, sheep, goats and deer;

livestock saleyard includes any place where a public sale of livestock is conducted;

national vendor declaration means a vendor declaration of a kind designated, for the time being, by the Chief Inspector by notice in the Gazette as a national vendor declaration for the purposes of these regulations;

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 for the permanent identification of livestock of a particular class obtained from an authorised manufacturer or an authorised recycler or a person authorised under a corresponding law to manufacture or recycle such devices or through an ordering system approved under a corresponding law;

prescribed database manager means the person designated, for the time being, by the Chief Inspector by notice in the Gazette as the prescribed database manager for the purposes of these regulations.

(2) The Chief Inspector may, by subsequent notice in the Gazette, vary or revoke a notice made for the purposes of a definition in subregulation (1).

Division 2—Identification of cattle and buffalo

27—Application of Division

This Division applies only in relation to cattle and buffalo.

27A—Permanent identification devices and transaction tags

- (1) Subject to this regulation, an animal must not be brought into the State or removed from land on which it has been pastured unless it is permanently identified by—
 - (a) a permanent identification device attached to the off-side ear of the animal, with the component of the device containing the electronic microchip placed on the inside of the ear; or
 - (b) a permanent identification device inserted in the animal and a tag, indicating that the animal has such a device inserted in it, attached to the off-side ear of the animal.
- (2) Until 1 July 2007, this regulation does not apply to lots of 20 or more breeders (each born before 1 January 2004) consigned direct to an abattoir for immediate slaughter from the land on which they have been pastured since birth (whether that land is in or outside the State) if each such animal is identified by a transaction tag—
 - (a) attached to the tail or an ear of the animal; and
 - (b) bearing the identification code of the land.
- (3) If, without the authorisation of the Chief Inspector, an animal is not identified in accordance with this regulation, the owner of the animal is guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (4) For the purposes of this regulation, an animal will not be regarded as being removed from land if it is moved from land to which an identification code applies to other land to which the same identification code applies.

27AB—Identification of animals presented for public sale without identification

- (1) If an animal at a livestock saleyard is not identified as required by regulation 27A, the operator of the livestock saleyard or a stock agent may cause the animal to be identified by a permanent identification device, or transaction tag, bearing the identification code of the operator.
- (2) If an animal is so identified, the operator or agent must make, and retain for at least 2 years, a written record of—
 - (a) the name of the person responsible for causing the animal to be so identified; and
 - (b) the number of the permanent identification device or tag; and
 - (c) the name of the vendor of the animal; and
 - (d) the identification code of the land on which the animal was pastured before consignment for sale; and

- (e) if a national vendor declaration has been given in connection with the sale, the serial number of the declaration; and
- (f) the total number of animals in the consignment including the animal.

Maximum penalty: \$5 000.

Expiation fee: \$315.

27AC—Offence to identify animal with device or tag bearing identification code of land on which animal not pastured or kept for sale or slaughter

- (1) If a person inserts in or attaches to an animal a permanent identification device, or a transaction tag, that bears an identification code of land other than—
 - (a) land on which the animal is then pastured; or
 - (b) a livestock saleyard at which the animal is then kept for sale,

the owner of the animal and any person who caused the device or tag to be so attached or inserted are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) If a person attaches a tag to an animal indicating that the animal has a permanent identification device inserted in it and the animal does not have such a device inserted in it, the owner of the animal and any person who caused the tag to be so attached are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

Division 3—Notification for purposes of national livestock identification system

27B—Application of Division

This Division applies only in relation to cattle or buffalo identified by permanent identification devices.

27C—Notification when cattle or buffalo sold at public sale

- (1) The operator of a livestock saleyard must, unless otherwise authorised by the Chief Inspector, notify the prescribed database manager as follows:
 - (a) by the end of each day on which livestock are offered for sale at the saleyard, the operator must provide the following details for each animal offered for sale on that day:
 - (i) the number of the animal's permanent identification device;
 - (ii) the identification code of the land on which the animal was last pastured before consignment for sale;
 - (iii) if a national vendor declaration has been given in connection with the sale, the serial number of the declaration;

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Division 3—Notification for purposes of national livestock identification system

- (b) before, or as soon as practicable (and, in any event, within 7 days) after, an animal offered for sale at the saleyard is transported from the saleyard, the operator must update the entry in the database for the animal with—
 - (i) the identification code of the abattoir or land to which the animal is to be or has been transported direct from the livestock saleyard; or
 - (ii) if the operator is not then aware of the abattoir or land to which the animal is to be or has been transported direct from the livestock saleyard—
 - (A) the identification code of the stock agent acting on behalf of the purchaser of the animal; or
 - (B) if the purchaser is not acting through a stock agent or the animal was not sold—the identification code of the stock agent acting on behalf of the vendor of the animal;
- (c) if the operator becomes aware that information provided to the prescribed database manager is inaccurate or incomplete through an omission or error made by the operator, the operator must, as soon as practicable, provide the correct or complete information.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A stock agent or other person who offers an animal for sale at a livestock saleyard must provide the saleyard operator with information necessary for the operator to comply with subregulation (1)(a).

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) A stock agent or other person who purchases an animal at a livestock saleyard must, unless otherwise authorised by the Chief Inspector, notify the saleyard operator or prescribed database manager as follows:
 - (a) if, by the end of the day on which the animal was offered for sale, the abattoir or land to which the animal is to be transported direct from the livestock saleyard has been determined—the agent or person must, by the end of that day, provide the saleyard operator with the identification code of that abattoir or land;
 - (b) in any other case—the agent or person must, before, or as soon as practicable (and, in any event, within 7 days) after, the animal is transported from the livestock saleyard, provide—
 - (i) the saleyard operator if the operator agrees to provide the information to the prescribed database manager; or
 - (ii) the prescribed database manager,with the identification code of the abattoir or land to which the animal is to be or has been transported direct from the livestock saleyard.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) It is not a defence to a charge of an offence against subregulation (3) to establish that an identification code had not previously been allotted to the land or person concerned.
- (5) A person selling or purchasing an animal through a stock agent must provide the stock agent with information necessary for the stock agent to comply with this regulation.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (6) A stock agent must, as soon as practicable after providing the operator of a livestock saleyard with the identification code of an abattoir or land to which an animal is to be or has been transported from the livestock saleyard, give written notice to the purchaser of the animal setting out details of the identification code provided.
Maximum penalty: \$5 000.
Expiation fee: \$315.

Note—

The notice may be included on an invoice.

- (7) If the purchaser of an animal becomes aware that information provided to the operator of a livestock saleyard or prescribed database manager in respect of the animal under this regulation is inaccurate or incomplete or that an animal was not transported direct to the destination contemplated at the time the information was provided, the purchaser must, as soon as practicable, notify the prescribed database manager of the correct or complete information.
Maximum penalty: \$5 000.
Expiation fee: \$315.

27D—Notification when cattle or buffalo slaughtered at abattoir

The operator of an abattoir must, unless otherwise authorised by the Chief Inspector, within 7 days after slaughtering an animal, notify the prescribed database manager of—

- (a) the date of the slaughter of the animal; and
- (b) the number of the animal's permanent identification device (if any); and
- (ba) the number of any transaction tag attached to the animal; and
- (c) the identification code of the land on which the animal was last pastured before—
 - (i) in the case of an animal consigned for slaughter following public sale—consignment for sale;
 - (ii) in any other case—consignment for slaughter.

Maximum penalty: \$5 000.

Expiation fee: \$315.

27E—Notification when cattle or buffalo moved to different property

- (1) If an animal is removed from land on which it is pastured and is pastured on other land, taken to a show, rodeo or other event, or unloaded during transit, the person who owns the animal following the removal must, unless otherwise authorised by the Chief Inspector, within 7 days after the removal, notify the prescribed database manager of—
 - (a) the date of the removal of the animal; and
 - (b) the number of the animal's permanent identification device; and
 - (c) the identification code of the land from which the animal is removed (if the land has such a code); and
 - (d) the identification code of the land to which the animal is removed.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) For the purposes of this regulation—
 - (a) an animal will not be regarded as being removed from land if it is moved from land to which an identification code applies to other land to which the same identification code applies;
 - (b) an animal will not be regarded as being pastured on land if it is pastured for a period of not more than 7 days at a livestock saleyard at which it is to be or has been offered for sale or at an abattoir at which it is to be slaughtered.
- (3) It is not a defence to a charge of an offence against subregulation (1)(d) to establish that an identification code had not previously been allotted to the land.

27F—Manner of notifying prescribed database manager

For the purposes of this Division, the prescribed database manager will only be taken to be notified if notified in a manner authorised by the prescribed database manager.

Division 3A—Identification of sheep and goats and movement documentation

27FA—Application of Division

This Division applies only in relation to sheep and goats.

27FB—Permanent identification devices

- (1) Subject to this regulation, an animal must not be brought into the State, or removed from land on which it has been pastured, unless it is identified by a permanent identification device attached to an ear of the animal.
- (2) Until 1 January 2008, this regulation does not apply to animals consigned direct to slaughter from land on which they have been pastured for a price to be determined by weight and grade after slaughter.
- (3) Until 1 January 2009, this regulation does not apply to animals born before 1 January 2006.

- (4) This regulation does not apply to a feral goat that is captured, pastured for a period not exceeding 6 weeks and consigned direct to slaughter from the land on which it has been pastured.
- (5) For the purposes of subregulation (4)—
- (a) a feral goat will be taken to have been captured and pastured if it is constrained by fences or other means and fed, watered, cared for or otherwise managed with a view to its consignment for sale or slaughter; and
 - (b) a goat will not be taken to be feral if it has been bred by the person responsible for its identification in accordance with this regulation.
- (6) If, without the authorisation of the Chief Inspector, an animal is not identified in accordance with this regulation, the owner of the animal is guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (7) If, without the authorisation of the Chief Inspector, a permanent identification device is attached to an animal and the device bears the identification code of land other than land on which the animal is or was last pastured, the owner of the animal and any person who caused the device to be so attached are each guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (8) For the purposes of this regulation, an animal will not be regarded as being removed from land if it is moved from land to which an identification code applies to other land to which the same identification code applies.

27FC—Movement documentation

- (1) The owner of an animal that is brought into this State, or removed from land on which it has been pastured (the *consignor*), is guilty of an offence unless movement documentation—
- (a) accompanies the animal during its movement; and
 - (b) is provided to a person (the *consignee*) as follows:
 - (i) if the animal is brought into this State or removed for the purposes of sale by a stock agent—to the agent; or
 - (ii) if the animal is brought into this State or removed for the purposes of direct sale to a purchaser—to the purchaser; or
 - (iii) in any other case—to the person responsible for the management of the animal following its movement.
- Maximum penalty: \$5 000.
Expiation fee: \$315.
- (2) The *movement documentation* must comprise—
- (a) a vendor declaration relating to the animal (which, in the case of sheep, includes a sheep health statement); or
 - (b) a document containing—

- (i) a statement of—
 - (A) the number and a general description of the animals being moved; and
 - (B) the identification code of the land from which the animals are being removed or, if the animals are being brought into the State, the land on which the animals were last pastured; and
 - (C) the identification codes present on the permanent identification devices attached to the animals (and, if more than 1 device is attached to an animal, on the device most recently attached to the animal); and
 - (D) the identification code of the land to which the animals are being moved or the address or a description of the location of the land; and
 - (E) the date on which the animals are being moved; and
 - (ii) in the case of sheep—a sheep health statement.
- (3) A **sheep health statement** is a declaration in connection with the health of sheep in a form approved by the Chief Inspector.
- (4) Despite subregulation (2) movement documentation need not include a sheep health statement if the animal concerned is consigned direct from a livestock saleyard outside this State to an abattoir in this State for immediate slaughter.
- (5) The consignor and the consignee must retain a copy of movement documentation prepared or received under this regulation for at least 7 years.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (6) If animals are sold by a stock agent, the stock agent must provide the purchaser with a copy of the movement documentation accompanying the animals, or a document that summarises the information set out in subregulation (2)(b), within 7 days after the sale.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (7) A purchaser to whom documentation is provided under subregulation (6) must retain the documentation for at least 7 years.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (8) For the purposes of this regulation—
- (a) an animal will not be regarded as being removed from land if it is moved from land to which an identification code applies to other land to which the same identification code applies; and

- (b) an animal will not be regarded as being pastured on land if it is pastured on the land for a period of not more than 7 days at a livestock saleyard at which it is to be or has been offered for sale or at an abattoir at which it is to be slaughtered.

Division 4—Identification of deer

27G—Identification of deer

- (1) A person who keeps deer must ensure that deer are not removed from land on which they are kept unless attached to the ear of each animal is an identification tag that bears the identification code of the land from which it is removed.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) Subregulation (1) does not apply in relation to the removal of an animal from land to which an identification code applies to land to which the same code applies.

Division 5—General

27H—Removal of livestock in contravention of this Part

- (1) If an inspector suspects on reasonable grounds that a person has removed, or is about to remove, livestock from property in contravention of this Part, 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 or identification tags to the animals;
 - (ii) attach permanent identification devices or transaction or identification tags to animals found not to be tagged or otherwise identified in accordance with this Part;
 - (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 Part; 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.
- (2) The Minister may recover costs and expenses reasonably incurred by an inspector under subregulation (1)(b) by action in a court of competent jurisdiction as a debt owed by the person of whom the requirement was made.

28—Types of tags and devices

- (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.

29—Identification codes

- (1) The Chief Inspector may, on application, allot an identification code to—
 - (a) the owner or a purchaser of land or livestock; or
 - (b) a stock agent; or
 - (c) the operator of a saleyard; or
 - (d) the operator of an abattoir.
- (2) The Chief Inspector may, on allotting an identification code, designate that it is allotted to specified land.
- (3) The Chief Inspector may cancel an identification code—
 - (a) at the request of, or with the consent of, the person to whom the code is allotted; or
 - (b) in the case of a code allotted to specified land—
 - (i) at the request of the owner of the land or the owner of livestock pastured or kept on the land; or
 - (ii) if satisfied that no transaction or identification tags or permanent identification devices bearing the identification code of the land have been ordered in the preceding 3 years.
- (4) The Chief Inspector must give notice of any cancellation of an identification code under subregulation (3)(b) to the person to whom the code is allotted at his or her last known address.
- (5) The Chief Inspector must maintain a register of identification codes, including for each code details of the name and address of the person to whom the code is allotted and the land, if any, to which the code is allotted.
- (6) The register may contain other information that the Chief Inspector considers appropriate, such as further contact details of the person to whom the code is allotted or the identity and contact details of the registered proprietor of the land.
- (7) The Chief Inspector may make the register available—
 - (a) free of charge, to the prescribed database manager, a law enforcement agency or an agency that regulates matters relating to livestock in another jurisdiction; and
 - (b) for the fee fixed in Schedule 1, to the operator of a saleyard or abattoir, a stock agent or any other person who has, in the opinion of the Chief Inspector, a legitimate interest in the information on the register.

29A—Authorisation of manufacturers and recyclers

The Chief Inspector may authorise a person—

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

29B—Supply of tags and devices

An authorised manufacturer or authorised recycler—

- (a) may only supply transaction or identification 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 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.

29C—Animal must not have more than 1 permanent identification device

- (1) 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.

- (2) This regulation does not apply to the attachment of a post-breeder device (see regulation 28(1)(b)) to a sheep or goat.

29D—Removal of permanent identification devices

- (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.

29E—Replacement of lost devices

(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.

29F—Offence to alter or deface tags and devices

A person must not, without the authorisation of the Chief Inspector, alter or deface a transaction or identification 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

30—Offence if lice-infested sheep at market

(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).

31—Offence if lice-infested sheep stray

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

31A—Signing of vendor declarations

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.

31B—False or misleading vendor declarations

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

32—Cattle Compensation Fund

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*.

33—Beekeepers Compensation Fund

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*.

34—Swine Compensation Fund

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*.

34A—Deer Keepers Compensation Fund

The amount in the Deer Keepers Compensation Fund established for the purposes of the *Deer Keepers Act 1987* on the repeal of that Act is to be paid into the South Australian Deer Industry Fund established under the *Primary Industry Funding Schemes (Deer Industry Fund) Regulations 2002* made under the *Primary Industry Funding Schemes Act 1998*.

Part 9—Stock foods

Division 1—Preliminary

35—Interpretation

In this Part—

Agvet Code of South Australia—see the *Agricultural and Veterinary Chemicals (South Australia) Act 1994*;

approved label has the same meaning as in the Agvet Code of South Australia;

manufactured stock food means anything that is manufactured or processed as food for livestock but does not include stock food comprised only of chaff, hay or wholegrains;

package means anything in or by which a stock food is cased, covered, enclosed, contained or packed;

permit has the same meaning as in the Agvet Code of South Australia;

registered veterinary product has the same meaning as in the Agvet Code of South Australia;

restricted animal material means material derived wholly or partly from a vertebrate, but does not include milk, a milk product, gelatine, tallow or an extracted oil;

stock food means—

- (a) manufactured stock food; or
- (b) chaff, hay or wholegrains; or
- (c) anything else used as food for livestock;

supply means supply through sale, gift, loan, exchange or hire and includes offer to supply.

Division 2—Feeding of livestock

36—Feeding of restricted animal material to ruminants

A person must not:

- (a) feed to ruminants, or permit ruminants to feed on, restricted animal material (whether or not the material has been rendered suitable for animal consumption); or
- (b) dispose of restricted animal material (whether or not the material has been rendered suitable for animal consumption) in a manner that ruminants may gain access to it.

Maximum penalty: \$10 000.

37—Feeding of restricted animal material from placental mammals to non-ruminants

(1) A person must not—

- (a) feed to livestock, or permit livestock to feed on, restricted animal material from a placental mammal unless the material has been rendered suitable for animal consumption by means of a process approved by the Chief Inspector; or
- (b) dispose of restricted animal material from a placental mammal that has not been rendered suitable for animal consumption as referred to in paragraph (a) in a manner that livestock may gain access to it.

Maximum penalty: \$10 000.

(2) In subregulation (1)—

livestock does not include cats, dogs or ruminants.

38—Feeding of stock foods containing faeces

A person must not feed to livestock, or permit livestock to feed on, a stock food that consists wholly or partly of faeces.

Maximum penalty: \$10 000.

39—Feeding of stock foods containing registered veterinary products

A person must not feed to livestock, or permit livestock to feed on, a stock food that contains a registered veterinary product unless—

- (a) —
 - (i) the product is registered for use on the species of animal to which the livestock belongs; and
 - (ii) the stock food is being used to treat the livestock for a disease or condition of the livestock, or infestation of the livestock by a pest, specified on the approved label for containers of that product; or

- (b) the person does so in accordance with a permit or the instructions of a veterinary surgeon responsible for treating the livestock.

Maximum penalty: \$10 000.

Division 3—Standards for stock foods

40—Offence

- (1) A person must not supply stock food unless the stock food complies with the standards prescribed by this Division.

Maximum penalty: \$10 000.

- (2) This regulation does not apply in relation to stock food supplied for consumption by cats, dogs, caged birds (other than poultry) or aquarium fish.

41—Restricted animal material in stock foods

- (1) A stock food supplied for consumption by ruminants must not contain restricted animal material.
- (2) A stock food supplied for consumption by non-ruminant livestock must not contain restricted animal material from a placental mammal unless the material has been rendered suitable for animal consumption by means of a process approved by the Chief Inspector.

42—Substances prohibited in stock foods

A stock food must not contain a substance specified in Schedule 2 Part 1 except as provided in that Part.

43—Organochlorine pesticides in stock foods

A substance specified in Schedule 2 Part 2 must not be present in stock food in a level that is more than the maximum level prescribed by that Part for that substance.

44—Antioxidants in stock foods

A substance specified in Schedule 2 Part 3 must not be present in stock food in a level that is more than the maximum level prescribed by that Part for that substance.

45—Registered veterinary products in stock foods

- (1) A stock food must not contain a registered veterinary product unless—
- (a) the stock food is supplied for consumption by a species of animal for which the product is registered for use on; and
 - (b) the stock food is supplied for the purpose of treating such an animal for a disease or condition of the animal, or infestation of the animal by a pest, specified on the approved label for containers of that product; and
 - (c) the proportion or amount of the product in the stock food is a proportion or amount determined in accordance with the directions for use of the product specified on the approved label for containers of the product.

- (2) Subregulation (1) does not prevent stock food containing a registered veterinary product being supplied to a veterinary surgeon for use in the treatment of livestock or to a person holding a permit authorising the supply or use of the registered veterinary product in stock food.

Division 4—Labelling of manufactured stock foods

46—Offences

- (1) A person must not supply manufactured stock food unless the stock food is labelled, or information is provided to the person to whom the stock food is supplied, in accordance with this Division.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A person must not, without reasonable excuse—
- (a) deface, alter or obscure a label for a package of stock food containing information required by this Division; or
 - (b) remove from a package of stock food containing restricted animal material a label for the food containing information required by this Division.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) This regulation does not apply in relation to stock food supplied for consumption by cats, dogs, caged birds (other than poultry) or aquarium fish.

47—Requirement for label or advice note

- (1) A stock food must—
- (a) if supplied in a package—have affixed to, or printed or stencilled on, the package a label that complies with this Division; or
 - (b) if supplied without a package—be supplied in accordance with this regulation with an advice note that complies with this Division.
- (2) If stock food supplied without a package is delivered to a person, the advice note for the stock food must be handed to the person or an agent of the person.
- (3) If stock food supplied without a package is delivered to premises where no person is in attendance to accept delivery of the advice note for the stock food, the advice note must, within 7 days of the delivery, be given or sent to the person to whom the stock food was supplied.

48—General information to be included on label or advice note

A label or advice note for a stock food must state—

- (a) the distinctive name of the stock food; and
- (b) the name and principal place of business of the manufacturer, producer or supplier of the stock food.

49—Information about restricted animal material content

- (1) If—
- (a) a stock food manufactured or produced before 20 December 2001 contains restricted animal material from animals other than fish or birds; and
 - (b) the stock food is not supplied for consumption by dogs or pigeons; and
 - (c) the label or advice note for the stock food does not contain a statement that the stock food is suitable for consumption by non-ruminant livestock only,
- the label or advice note for the stock food must contain—
- (d) a statement indicating whether or not the restricted animal material is from a placental mammal; and
 - (e) if the restricted animal material is from a placental mammal—a statement indicating that the stock food must not be fed to ruminants.
- (2) A label or advice note for a stock food manufactured or produced on or after 20 December 2001 must—
- (a) if the stock food contains restricted animal material—contain the following statement:

This product contains restricted animal material—DO NOT FEED TO
CATTLE, SHEEP, GOATS, DEER OR OTHER RUMINANTS.
 - (b) if the stock food does not contain restricted animal material—contain the following statement:

This product does not contain restricted animal material.

Schedule 1—Fees

1	Application for registration or renewal of registration as a beekeeper No fee is payable if the bees are kept for the purposes of instruction in an educational institution approved by the Chief Inspector.	\$18.60
2	Application for registration or renewal of registration as a deer keeper	\$20.00
3	Application for registration or renewal of registration of an artificial breeding centre	\$259.00
4	Application for registration or renewal of registration authorising an artificial breeding procedure (The same fee applies in relation to an applicant for, or for renewal of, registration authorising more than 1 category of artificial breeding procedure).	\$52.00
5	Application for registration or renewal of registration of a diagnostic laboratory	\$324.00
6	Replacement certificate of registration	\$25.75
7	For an extract from, or copy of, the register of identification codes The Chief Inspector may waive or reduce this fee if he or she considers it appropriate in the circumstances.	\$27.75 for each code extracted to a maximum of \$160.50

Schedule 2—Stock foods

Part 1—Prohibited substances

Hormones (whether a natural or synthetic product)
 Hydroquinone
 Phenothiazine
 Phthalysulfacetamide
 Piperazine and related compounds
 Promazines
 Reserpine
 Sulfacetamide
 Sulfacetamide sodium
 Sulfachloropyridazine
 Sulfafurazole
 Sulfamethoxydiazine
 Sulfamonomethoxine
 Sulfanilimide
 Sulfanitran
 Sulfapyridine
 Sulfathiazole
 Thiofurfuran (except in stock food supplied for consumption by pigs)
 Thiouracil

Part 2—Permitted levels of organochlorine pesticides

Substance	Permitted maximum level
Aldrin	0.01 ppm
Chlordane	0.01 ppm
DDT, DDD, DDE combined total	0.05 ppm
Dieldrin	0.01 ppm
Endrin	0.03 ppm
Heptachlor	0.02 ppm
Hexachlorobenzene (HCB)	0.01 ppm
Lindane (BHC)	0.10 ppm
Any combination of the above	0.10 ppm in aggregate

ppm = parts per million

Part 3—Permitted levels of certain antioxidants

Substance	Permitted maximum level
Butylated hydroxy toluene	100 ppm
Butylated hydroxy anisole	100 ppm
Ethoxyquin	150 ppm

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Schedule 2—Stock foods

Substance	Permitted maximum level
Propyl gallate	100 ppm
Any combination of the above	150 ppm in aggregate

ppm = parts per million

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Livestock Regulations 1998* revoked the following:

all regulations made under the Stock Act 1990

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1998	11	<i>Gazette 22.1.1998 p288</i>	22.1.1998: r 2
1999	20	<i>Gazette 25.3.1999 p1483</i>	25.3.1999: r 2
1999	210	<i>Gazette 28.10.1999 p2120</i>	28.10.1999: r 2
2000	129	<i>Gazette 15.6.2000 p3286</i>	1.7.2000: r 2
2000	143	<i>Gazette 22.6.2000 p3373</i>	1.7.2000: r 2
2001	2	<i>Gazette 18.1.2001 p144</i>	31.1.2001: r 2
2001	5	<i>Gazette 25.1.2001 p320</i>	25.1.2001: r 2
2001	195	<i>Gazette 23.8.2001 p3274</i>	1.10.2001: r 2
2001	271	<i>Gazette 20.12.2001 p5670</i>	20.12.2001: r 2
2002	173	<i>Gazette 29.8.2002 p3266</i>	1.9.2002: r 2
2004	8	<i>Gazette 12.2.2004 p467</i>	12.2.2004 except Pt 6 Div 3 (rr 27B—27F) as inserted by r 7—1.7.2004: r 2
2004	183	<i>Gazette 26.8.2004 p3436</i>	29.8.2004: r 2
2005	57	<i>Gazette 26.5.2005 p1410</i>	1.7.2005: r 2
2006	137	<i>Gazette 15.6.2006 p1868</i>	1.7.2006: r 2
2006	181	<i>Gazette 29.6.2006 p2137</i>	1.7.2006: r 2
2007	125	<i>Gazette 7.6.2007 p2481</i>	1.7.2007: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>12.2.2004</i>
<i>r 3</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>12.2.2004</i>
r 4		
corresponding law	inserted by 181/2006 r 4(1)	1.7.2006
deer	inserted by 173/2002 r 4(a)	1.9.2002
HGP earmark	inserted by 20/1999 r 3	25.3.1999
HGP free declaration	inserted by 20/1999 r 3	25.3.1999
HGP free invoice	inserted by 20/1999 r 3	25.3.1999
HGP free tag	inserted by 20/1999 r 3 substituted by 129/2000 r 3(a)	25.3.1999 1.7.2000
identification tag	inserted by 173/2002 r 4(b)	1.9.2002
transaction tag	inserted by 129/2000 r 3(b) varied by 181/2006 r 4(2)	1.7.2000 1.7.2006
vendor declaration	inserted by 5/2001 r 3	25.1.2001
r 5		
r 5(1)	r 5 redesignated as r 5(1) by 210/1999 r 3 varied by 271/2001 r 3(a)	28.10.1999 20.12.2001
r 5(2)	inserted by 210/1999 r 3 varied by 271/2001 r 3(b) (c), (d) deleted by 271/2001 r 3(c)	28.10.1999 20.12.2001 20.12.2001
r 5A	inserted by 129/2000 r 4	1.7.2000
Pt 1A	inserted by 2/2001 r 4	31.1.2001
Pt 1B	inserted by 173/2002 r 5	1.9.2002
Pt 5		
rr 20—24	substituted by 20/1999 r 4	25.3.1999
r 22		
r 22(2)	substituted by 5/2001 r 4	25.1.2001
<i>r 25</i>	<i>deleted by 20/1999 r 4</i>	<i>25.3.1999</i>
<i>Pt 6 before substitution by 129/2000</i>	<i>varied by 20/1999 r 5</i>	<i>25.3.1999</i>
Pt 6	substituted by 129/2000 r 5	25.3.2000
Pt 6 Div 1		
heading	inserted by 8/2004 r 5	12.2.2004
r 26		

r 26(1)	r 26 redesignated as r 26(1) by 8/2004 r 6(5)	12.2.2004
authorised manufacturer	varied by 173/2002 r 6(a)	1.9.2002
<i>bobby calf</i>	<i>deleted by 181/2006 r 5(1)</i>	1.7.2006
breeder	inserted by 8/2004 r6(1)	12.2.2004
identification code	inserted by 8/2004 r6(1)	12.2.2004
	substituted by 181/2006 r 5(2)	1.7.2006
livestock	varied by 173/2002 r 6(b)	1.9.2002
	varied by 181/2006 r 5(3)	1.7.2006
livestock saleyard	inserted by 8/2004 r 6(2)	12.2.2004
national vendor declaration	inserted by 8/2004 r 6(2)	12.2.2004
permanent identification device	varied by 173/2002 r 6(c)	1.9.2002
	substituted by 181/2006 r 5(4)	1.7.2006
prescribed database manager	inserted by 8/2004 r 6(3)	12.2.2004
<i>property identification code</i>	<i>deleted by 8/2004 r 6(4)</i>	12.2.2004
r 26(2)	inserted by 8/2004 r 6(5)	12.2.2004
r 27		
r 27(1)	varied by 173/2002 r 7(a)	1.9.2002
r 27(4) and (5)	<i>deleted by 173/2002 r 7(b)</i>	1.9.2002
	<i>deleted by 8/2004 r 7</i>	12.2.2004
r 27A—see r 27G		
r 27B—see r 27H		
Pt 6 Div 2	inserted by 8/2004 r 7	12.2.2004
r 27A	substituted by 181/2006 r 6	1.7.2006
rr 27AB and 27AC	inserted by 181/2006 r 6	1.7.2006
Pt 6 Div 3	inserted by 8/2004 r 7	1.7.2004
	heading varied by 181/2006 r 7	1.7.2006
r 27C	substituted by 181/2006 r 8	1.7.2006
r 27D	varied by 181/2006 r 9	1.7.2006
r 27E		
r 27E(1)	varied by 181/2006 r 10(1)	1.7.2006
r 27E(2)	varied by 181/2006 r 10(2)	1.7.2006
Pt 6 Div 3A	inserted by 181/2006 r 11	1.7.2006
Pt 6 Div 4		
heading	inserted by 8/2004 r 8	12.2.2004
r 27G	r 27A inserted by 173/2002 r 8	1.9.2002
	r 27A redesignated as r 27G by 8/2004 r 4(1)	12.2.2004
r 27G(1)	varied by 8/2004 r 9(1)	12.2.2004
r 27G(2)	varied by 8/2004 r 9(2)	12.2.2004

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Pt 6 Div 5		
heading	inserted by 8/2004 r 10	12.2.2004
r 27H	r 27B inserted by 173/2002 r 8	1.9.2002
	r 27B redesignated as r 27H by 8/2004 r4(2)	12.2.2004
r 28		
r 28(2)	<i>deleted by 181/2006 r 12</i>	1.7.2006
<i>r 29 before substitution by 8/2004</i>		
<i>r 29(1)</i>	<i>varied by 173/2002 r 9(a)</i>	1.9.2002
<i>r 29(2)</i>	<i>varied by 173/2002 r 9(b), (c)</i>	1.9.2002
r 29	substituted by 8/2004 r 11	12.2.2004
r 29A	varied by 173/2002 r 10	1.9.2002
r 29B	varied by 173/2002 r 11	1.9.2002
	varied by 8/2004 r 12	12.2.2004
r 29C		
r 29C(1)	r 29C redesignated as r 29C(1) by 181/2006 r 13	1.7.2006
r 29C(2)	inserted by 181/2006 r 13	1.7.2006
r 29F	varied by 173/2002 r 12	1.9.2002
Pt 7		
r 30		
r 30(3)		
market	varied by 8/2004 r 13	12.2.2004
Pt 7A	inserted by 5/2001 r 5	25.1.2001
Pt 8	inserted by 143/2000 r 3	1.7.2000
r 33	inserted by 2/2001 r 5	31.1.2001
r 34	inserted by 195/2001 r 3	1.10.2001
r 34A	inserted by 173/2002 r 13	1.9.2002
Pt 9	inserted by 271/2001 r 4	20.12.2001
	substituted by 183/2004 r 4	29.8.2004
<i>Sch 1 before substitution by 57/2005</i>		
<i>Item A1</i>	<i>inserted by 2/2001 r 6</i>	31.1.2001
<i>Item B1</i>	<i>inserted by 173/2002 r 14</i>	1.9.2002
<i>Item 5</i>	<i>inserted by 8/2004 r 14</i>	12.2.2004
Sch 1	substituted by 57/2005 r 4	1.7.2005
	substituted by 137/2006 r 4	1.7.2006
<i>Sch 2 before substitution by 183/2004</i>	<i>inserted by 2/2001 r 7</i>	31.1.2001
<i>cl 1A</i>	<i>inserted by 173/2002 r 15</i>	1.9.2002
Sch 2	substituted by 183/2004 r 5	29.8.2004

Transitional etc provisions associated with regulations or variations

Transitional provision from Livestock Variation Regulations 2004 (No 8 of 2004)

1—Register of identification codes

- (1) If, immediately before 9 February 2004, land has allotted to it a property identification code under regulation 29 of the *Livestock Regulations 1998*, the property identification code of the land will be taken to be the identification code of the land allotted under that regulation as substituted by these regulations.
- (2) In including an identification code that was formerly a property identification code in the register of identification codes maintained under regulation 29 of the *Livestock Regulations 1998* as substituted by these regulations, the Chief Inspector must specify the person to whom the code is to be taken to be allotted (and the code is to be taken to have been so allotted).

Historical versions

12.2.2004

1.7.2004

29.8.2004

1.7.2005