

South Australia

Livestock Variation Regulations 2004

under the *Livestock Act 1997*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Livestock Variation Regulations 2004*.

2—Commencement

- (1) Subject to subregulation (2), these regulations will come into operation on 12 February 2004.
- (2) Part 6 Division 3 of the *Livestock Regulations 1998* (regulations 27B to 27F) inserted by regulation 7 will come into operation on 1 July 2004.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Livestock Regulations 1998*

4—Renumbering of regulations 27A and 27B

- (1) Regulation 27A—renumber the regulation as regulation 27G
- (2) Regulation 27B—renumber the regulation as regulation 27H

5—Insertion of Divisional heading

After the heading to Part 6 insert:

Division 1—Preliminary

6—Variation of regulation 26—Interpretation

- (1) Regulation 26—after the definition of *bobby calf* insert:
breeder means—
 - (a) an entire male animal; or
 - (b) a female animal that is of or over 15 months of age;*identification code*—see regulation 29;
- (2) Regulation 26—after the definition of *livestock* insert:
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;
- (3) Regulation 26—after the definition of *permanent identification device* insert:
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;
- (4) Regulation 26, definition of *property identification code*—delete the definition

- (5) Regulation 26—after its present contents (now to be designated as subregulation (1)) insert:
- (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).

7—Substitution of regulation 27

Regulation 27—delete the regulation and substitute:

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, before an animal (other than a bobby calf) is removed from land on which it has been pastured, it must be identified by a permanent identification device.
- (2) Subject to this regulation, if—
- (a) a bobby calf is not identified by a permanent identification device before it is removed from land on which it has been pastured since birth; and
- (b) the calf is pastured on other land,
- the animal must, within 30 days after being so pastured, be identified by a permanent identification device bearing the identification code of that other land.
- (3) Until 1 July 2005, subregulations (1) and (2) do not apply to animals born before 1 January 2004.
- (4) Until 1 July 2010, subregulation (1) does not apply to lots of 20 or more breeders consigned for immediate slaughter from the land on which they have been pastured since birth.
- (5) Before an animal not identified by a permanent identification device is removed from land on which it is pastured, it must be identified by a transaction tag.
- (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 or transaction tag is attached to or inserted in an animal and the device or tag 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 or tag to be so attached or inserted are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (8) For the purposes of this regulation—
- (a) an animal will only be taken to be identified by a permanent identification device if—
 - (i) a permanent identification device is attached to an ear of the animal; or
 - (ii) a permanent identification device is inserted in the animal and a tag, indicating that the animal has such a device inserted in it, is attached to an ear of the animal; and
 - (b) an animal will only be taken to be identified by a transaction tag if—
 - (i) a transaction tag is attached to the tail or an ear of the animal; and
 - (ii) the tag bears the identification code of—
 - (A) the land on which the animal is pastured; or
 - (B) if the animal has been pastured on that land for not more than 7 days—the land on which the animal was pastured immediately before being pastured on that land; and
 - (c) 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.
- (9) For the purposes of subregulations (2) and (7), 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 while awaiting slaughter, public sale or transport following public sale.

Division 3—Notification for purposes of national livestock identification scheme

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, within 7 days after the sale of an animal at the saleyard, notify the prescribed database manager of—
- (a) the date of the sale of the animal; and
 - (b) the number of the animal's permanent identification device; and
 - (c) the identification code of the land on which the animal was last pastured before consignment for sale; and
 - (d) —
 - (i) if the identification code of land on which the animal is to be pastured following transport after sale has been provided to the operator, that identification code; or
 - (ii) if such an identification code has not been provided to the operator, the identification code or the name and address of the purchaser of the animal or the stock agent acting on behalf of the purchaser (if any); and
 - (e) if a national vendor declaration has been given in connection with the sale, the serial number of the declaration.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) If an animal purchased at a livestock saleyard is pastured on land and the identification code of the land has not been provided to the operator of the saleyard as referred to in subregulation (1)(d)(i), the owner of the animal must, within 7 days after the animal is so pastured, notify the prescribed database manager of—
- (a) the number of the animal's permanent identification device; and
 - (b) the identification code of the land.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) For the purposes of subregulation (2), 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 while awaiting slaughter or transport following public sale.
- (4) It is not a defence to a charge of an offence against subregulation (2) to establish that an identification code had not previously been allotted to the land.

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; 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, 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 on the land for a period of not more than 7 days while awaiting slaughter, public sale or transport following public sale.

- (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.

8—Insertion of Divisional heading

Before regulation 27G (formerly regulation 27A) insert:

Division 5—Identification of deer

9—Variation of regulation 27G (formerly regulation 27A)—Identification of deer

- (1) Regulation 27G(1)—delete "property"
- (2) Regulation 27G(2)—delete "a property identification code" and insert:
an identification code

10—Insertion of Divisional heading

Before regulation 27H (formerly regulation 27B) insert:

Division 6—General

11—Substitution of regulation 29

Regulation 29—delete the regulation and substitute:

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.

12—Variation of regulation 29B—Supply of tags and devices

Regulation 29B(b)(i)—delete "property"

13—Variation of regulation 30—Offence if lice-infested sheep at market

Regulation 30(3)—delete "or slaughterhouse"

14—Variation of Schedule 1—Fees

After item 4 insert:

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|---|---|--|
| 5 | 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. | \$25 for each code extracted to a maximum of \$150 |
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Schedule 1—Transitional provisions

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).

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 12 February 2004

No 8 of 2004

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