

South Australia

Livestock (Identification) Variation Regulations 2006

under the *Livestock Act 1997*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Livestock (Identification) Variation Regulations 2006*.

2—Commencement

These regulations will come into operation on 1 July 2006.

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—Variation of regulation 4—Interpretation

- (1) Regulation 4—after the definition of *class 2 vaccine* insert:

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;

- (2) Regulation 4, definition of *transaction tag*—after "(see Part 6)" insert:

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

5—Variation of regulation 26—Interpretation

- (1) Regulation 26(1), definition of *bobby calf*—delete the definition
- (2) Regulation 26(1), definition of *identification code*—delete the definition and substitute:

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;

- (3) Regulation 26(1), definition of *livestock*—after "buffalo" insert:

, sheep, goats

- (4) Regulation 26(1), definition of *permanent identification device*—delete the definition and substitute:

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;

6—Variation of regulation 27A—Permanent identification devices and transaction tags

Regulation 27A—delete the regulation and substitute:

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.

7—Variation of heading to Part 6 Division 3

Heading to Part 6 Division 3—delete "scheme" and substitute:

system

8—Variation of regulation 27C—Notification when cattle or buffalo sold at public sale

Regulation 27C—delete the regulation and substitute:

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;
 - (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.

9—Variation of regulation 27D—Notification when cattle or buffalo slaughtered at abattoir

Regulation 27D(b)—delete paragraph (b) and substitute:

- (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

10—Variation of regulation 27E—Notification when cattle or buffalo moved to different property

- (1) Regulation 27E(1)—after "and is pastured on other land" insert:

, taken to a show, rodeo or other event, or unloaded during transit

- (2) Regulation 27E(2)(b)—delete the paragraph and substitute:

- (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.

11—Insertion of Part 6 Division 3A

After regulation 27F insert:

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.

12—Variation of regulation 28—Types of tags and devices

Regulation 28(2)—delete subregulation (2)

13—Variation of regulation 29C—Animal must not have more than 1 permanent identification device

Regulation 29C—after its present contents (now to be designated as subregulation (1)) insert:

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

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 29 June 2006

No 181 of 2006

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